

This is an amendment to 19.5.2 NMAC, Sections 3, 12, 13, 16, 28, 29, and 32, effective _____.

19.5.2.3 STATUTORY AUTHORITY: 19.5.2 NMAC is authorized pursuant to [~~NMSA 1978, Sections 9-1-5(E)~~] Subsection E of 9-1-5 NMSA 1978 and Sections 16-2-2 *et seq.* NMSA 1978. [19.5.2.3 NMAC - Rp, 19.5.2.3 NMAC, 1/1/2008; A, XX/XX/201X]

19.5.2.12 CAMPING:

A. Visitors may camp in parks in designated areas, provided that they obtain a valid camping permit. Visitors shall obtain permits upon entry by paying appropriate fees. See 19.5.6 NMAC. Use of park properties and facilities between the hours of 9:00 p.m. and 6:00 a.m., or as posted by the superintendent, is camping. Check out time, the time the campsite is to be vacated, is 2:00 p.m.; however, the camping permit allows day use of the park until 9:00 p.m. or as posted by the superintendent, on the day the camping permit expires. Camping is not available at Living Desert Zoo and Gardens state park, [~~Vietnam Veterans Memorial state park,~~] Rio Grande Nature Center state park, Mesilla Valley state park or Smokey Bear historical park.

B. Campers shall not leave unoccupied any type of vehicle, motorized camper, trailer, tent or other sleeping unit or facility or otherwise leave a campsite unoccupied for more than 24 hours without the superintendent's prior approval. Unoccupied means the camper is not present at the campsite for more than 24 hours.

C. Campers shall maintain campsites in a clean and sanitary condition at all times. Campers shall clean campsites and place litter only in appropriate disposal containers.

D. Campers in areas or parks designated and posted by the superintendent as pack-in, pack-out, shall carry out supplies and solid waste or other refuse, including human bioproducts, and properly dispose of these items in appropriate waste receptacles outside of the designated area or park.

E. Campers may reside in a park for a maximum of 14 calendar days during any 20-calendar day period unless the director extends, decreases or waives this limit. Campers shall completely remove camping equipment and gear from the park for six calendar days during the 20-calendar day period.

F. The division shall charge fees according to the facilities provided at each campsite, as provided in 19.5.6 NMAC, regardless of whether the camper uses the facilities at the campsite. For example, camping at a site with electricity requires payment of the fee for a developed site with electrical hookup even if the camper uses no electricity.

G. Vehicles in a park between the hours of 9:00 p.m. and 6:00 a.m., or as posted by the superintendent, are individually subject to the appropriate camping fees. The division considers motor homes towing a vehicle or vehicles towing a camper a single vehicle for 19.5.2.12 NMAC's purposes.

H. The division may require visitors to pay fees for their entire stay in advance (rather than ~~on a daily basis~~ daily) for weekends, holidays or special events.

I. Anchoring a boat or vessel overnight within a park constitutes camping and requires a valid camping permit for the anchored boat or vessel unless the visitor has paid camping fees for the towing vehicle.

(1) Visitors may not leave anchored boats or vessels vacant for more than 24 hours without the superintendent's permission. Anchored boats or vessels may remain within a park for a maximum of 14 calendar days during any 20-calendar day period unless the director extends, decreases or waives this limit. Visitors shall completely remove boats or vessels from the park for six calendar days during the 20 calendar-day period.

(2) Subsection I of 19.5.2.12 NMAC does not apply to boats or vessels only while they are moored overnight at concession operated facilities such as marinas or buoy lines. Boats or vessels are subject to division camping permits and camping fees when moored overnight at any other location in the park. Time limits do not apply while boats or vessels are moored at the concession facilities.

J. Reserved campsites shall become available to other visitors if the visitor holding the reservation does not occupy the reserved site or contact the reservations contractor or the park by 4 p.m. the day after the scheduled arrival date. At that time the site will be available to other visitors and reservations. The visitor holding the reservation who failed to file a cancellation is not eligible for a refund.

[19.5.2.12 NMAC - Rp, 19.5.2.12 NMAC, 1/1/2008; A, 1/1/2013; A, XX/XX/201X]

19.5.2.13 USE OF FACILITIES:

A. Facilities are available on a first come, first served basis [~~with the exception of~~] except at parks where the division has established a reservation program and a visitor has reserved the facility. Campers shall not save or reserve camping spaces for other individuals even by purchasing additional permits.

B. Visitors using a park facility shall keep it in a clean and sanitary manner and shall leave it in a clean and sanitary condition.

C. Glass containers are prohibited outside vehicles, motor homes, campers, trailers and tents within the state parks system except on established commercial premises.

D. The division has developed and designated special accessible facilities for the use of individuals with disabilities. Individuals with disabilities shall have preferential use of these facilities over other persons.

E. Visitors shall not remove water from the park for use outside the park or deposit trash generated outside the park within a park.

F. Advance reservations are required for the use of meeting rooms. Meeting rooms are not available at all parks. A person who reserves a meeting room is responsible for setting up the room, cleaning the room after use and leaving the room in the same condition it was in before use. See 19.5.6 NMAC for meeting room fees.

G. The director may designate areas within the state parks system including campsites, group shelters, group areas, cabins, yurts and lodges for use by reservation.

H. Advance reservations are required for the use of group shelters, group areas or reservation campsites. ~~[Users]~~ Visitors shall pay the appropriate day use or camping fees in addition to the ~~[reservation fee]~~ fees for use of the facility or area. If visitors make reservations through the division's reservation system contractor, visitors shall pay the reservation processing and cancellation fees the contractor charges. The division may accept annual permits at reservation campsites if posted. See 19.5.6 NMAC for group shelter fees.

I. The superintendent may restrict the number or size of tents, shade or screen shelters occupying a campsite or day use site by posting the restriction or restrictions in the affected area or areas. [19.5.2.13 NMAC - Rp, 19.5.2.13 NMAC, 1/1/2008; A, 12/30/2010; A, 1/1/2013; A, XX/XX/201X]

19.5.2.16 OFF-HIGHWAY MOTOR VEHICLES AND GOLF CARS:

A. Visitors shall not operate off-highway motor vehicles or golf cars in the state parks system, with the exception of persons with mobility disabilities as provided in Subsection D of 19.5.2.16 NMAC or as provided in Subsection F of 19.5.2.16 NMAC for ice fishing.

B. State park officials may use off-highway motor vehicles or golf cars for park operations and maintenance.

C. The park superintendent may approve the use of golf cars by concessionaires within certain areas of a park for concession operations and maintenance.

D. Other ~~[power-driven]~~ power-driven mobility devices may only be used by visitors with mobility disabilities on established roads, pathways, trails and other areas open to pedestrian use. The use of other ~~[power driven]~~ power-driven mobility devices is subject to more stringent laws or rules or regulations of a landowner (*e.g.* United States department of the interior, bureau of reclamation; New Mexico department of game and fish; United States army corps of engineers, New Mexico state land office, etc.) from which the division leases the land or reservoir. Visitors and state park officials shall comply with laws or regulations or rules of the landowner (*e.g.* United States department of the interior, bureau of reclamation) where applicable. Visitors shall consult park information provided at the park office and on the division's official website to determine limitations on park pathways, trails and other areas open to pedestrian use. To ensure protection of park resources, visitor safety and enjoyment:

(1) only other ~~[power-driven]~~ power-driven mobility devices not exceeding 36 inches in width and 62 inches in length are permitted on park pathways, trails and other areas open to pedestrian use;

(2) certain park pathways, trails and other areas open to pedestrian use may have other size limitations, or use of other ~~[power-driven]~~ power-driven mobility devices on certain park pathways, trails and other areas open to pedestrian use may be prohibited, as designated at the park office and on the division's official website;

(3) internal combustion engine devices are prohibited on park pathways, trails and other areas open to pedestrian use;

(4) maximum speed on park pathways, trails and other areas open to pedestrian use shall not exceed 10 miles per hour;

(5) the use of other ~~[power-driven]~~ power-driven mobility devices on park pathways, trails and other areas open to pedestrian use that produces noise that exceeds 96 decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J1287 is prohibited.

E. Persons using an other power-driven mobility device may be required to provide verification that the mobility device is required because of the person's disability. Acceptable forms of verification are:

(1) a valid, state-issued, disability parking placard or card;

(2) other state-issued proof of disability; or
(3) in lieu of Paragraphs (1) and (2) of Subsection E of 19.5.2.16 NMAC, a person may provide a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability.

F. Persons may use off-highway motor vehicles for ice fishing on the surface of the ice and in designated boat launch areas when the lake is open to ice fishing and designated for off-highway motor vehicle use. [19.5.2.16 NMAC - Rp, 19.5.2.16 NMAC, 1/1/2008; A, 1/1/2013; A, XX/XX/201X]

19.5.2.28 ANIMALS:

A. Visitors with dogs, cats or other domestic animals in areas of the state parks system shall control their animals, so as not to cause a nuisance to others. Visitors shall ensure their animals are vaccinated in accordance with applicable municipal or county ordinances and state laws.

B. Visitors shall pick up after their animals and shall maintain the area in a clean and sanitary condition.

C. Visitors shall restrain dogs on leashes that are not more than 10 feet in length, except in areas the superintendent designates. Subsection C of 19.5.2.28 NMAC does not apply to dogs being used in authorized activities such as field trials, retriever training or hunting. Visitors shall otherwise restrain their animals other than dogs to keep them from roaming freely within the parks.

D. Visitors shall prevent their animals from excessive barking, howling and making loud noises. Visitors shall prevent their animals from biting or attacking any person or destroying property. Visitors shall not leave their animals unattended in vehicles or campsites.

E. Animals are prohibited, except service animals, within visitor centers and at the following parks:

- (1) Rio Grande Nature Center state park;
- (2) Living Desert Zoo and Gardens state park; and
- (3) Smokey Bear historical park.

F. The director may designate and post areas within a park where visitors' animals do not have to be restrained.

[19.5.2.28 NMAC - Rp, 19.5.2.26 NMAC, 1/1/2008; 19.5.2.28 NMAC - Rn & A, 19.5.2.26 NMAC, 1/1/2013; A, XX/XX/201X]

19.5.2.29 LITTERING:

A. Visitors shall not dispose of commercial or construction waste, appliances or furnishings within a park.

~~A.] B.~~ Visitors shall not dispose of solid or liquid waste in the state parks system, except in receptacles provided for that purpose.

~~B.] C.~~ The superintendent may designate and post an area or an entire park as pack-in, pack-out, where visitors are responsible for properly disposing their solid waste outside of the designated area or park.

[19.5.2.29 NMAC - Rp, 19.5.2.29 NMAC, 1/1/2008; 19.5.2.29 NMAC - Rn & A, 19.5.2.27 NMAC, 1/1/2013; A, XX/XX/201X]

19.5.2.32 FEES AND CHARGES:

A. Upon entering a park, visitors shall pay fees and charges in accordance with 19.5.6 NMAC. The visitor shall display applicable permits in accordance with instructions provided with the permit. If a visitor fails to obtain a permit, state park officials may field collect fees ~~[and may include an administrative fee in addition to the required fee. See 19.5.6 NMAC. The visitor's failure to pay the administrative fee may result in civil damages, criminal action or eviction from the park].~~

B. Fees, charges and permit display requirements do not apply to:

- (1) government agencies or government officials or employees, including law enforcement and emergency service personnel, who are performing official duties (official duties do not include activities that do not have to occur in a park such as conferences, retreats or training);
- (2) non-governmental emergency service personnel, such as private ambulance companies, who are performing their official duties;
- (3) persons traveling nonstop through a park on a state or federal highway, county road, federal road or municipal road or street;
- (4) on duty news media personnel who are reporting on events or activities within a park and are only in the park to report on those events or activities; or

(5) individuals or groups who are entering the park to provide volunteer services and have signed a volunteer agreement with the division or have made arrangements with the division to provide volunteer services.

C. Fees and charges do not apply to:

(1) division contractors, suppliers or agents or other persons providing services to a park who are not using the park or its facilities for purposes other than providing services to the park;

(2) concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents who are only traveling to and from the concession and are not using the park or its facilities for personal use;

(3) persons needing to pass through a park to access private property who are only passing through the park and are not using the park or its facilities;

(4) park support group members or volunteers who have a park pass issued pursuant to Subsection D of 19.5.2.36 NMAC; or

(5) persons who are only entering the Conchas Lake state park to access the concessionaire store, restaurant or bar at the north area of Conchas Lake state park and are not using the park or its facilities, provided they park in the designated concessionaire parking area at the north area.

D. Visitors not subject to Subsection B of 19.5.2.32 NMAC shall display permits at all times inside a park.

E. The superintendent or director may waive or reduce park fees for primary or secondary school groups or college or university groups that are involved with a division educational program or have made arrangements with the division to conduct research within a park or for governmental entities holding such activities as trainings or other educational activities or projects, retreats or conferences at a park.

F. State park officials may issue rain checks for unused, prepaid daily camping activities or the cancellation of a group shelter reservation.

G. The division or its contractors may charge fees in addition to the appropriate use fee for reservation processing and cancellation. The contractor or state park officials shall collect the reservation fee for those park sites where the division has established a reservation program. See 19.5.6 NMAC. Visitors shall pay the reservation fee in advance with applicable fees for facilities, sites, day use, camping, electricity or other service for the total reservation period.

H. In addition to the appropriate use fees, the division may charge additional fees for special events such as concerts, festivals, etc. The additional fees shall not exceed the value of admission to the special events. [19.5.2.32 NMAC - N, 1/1/2008; 19.5.2.32 NMAC - Rn & A, 19.5.2.30 NMAC, 1/1/2013; A, XX/XX/201X]