

## NOTICE OF PROPOSED RULEMAKING

The New Mexico Energy, Minerals and Natural Resources Department (EMNRD), State Parks Division hereby gives notice of the following proposed rulemaking.

The State Parks Division proposes to amend its rules 19.5.1 NMAC, General Provisions; 19.5.2 NMAC, Park Visitor Provisions; and 19.5.6 NMAC, Park Fees as follows.

19.5.1.7 NMAC – Definitions. The State Parks Division proposes to amend or add the following definitions: “commercial charter bus”, “concession permit”, “special event facility”, “special use permit”, “vehicle”, and “visitor”.

19.5.2.12 NMAC – Camping. The State Parks Divisions proposes to add Subsection J to make available reserved campsites to other visitors if the visitor holding the reservation does not occupy the reserved site or contact the reservation contractor or the park by 4:00 p.m. the day after the scheduled arrival date.

19.5.2.13 NMAC – Use of Facilities. The State Parks Division proposes to amend Subsection G to clarify that campsites, group shelters, group areas, cabins, yurts, and lodges are included in the areas that the State Parks Division Director may designate for use by reservation. The State Parks Division proposes to amend Subsection H to clarify that the State Parks Division itself does not charge a fee for reservations or cancellations. The State Parks Division contracts with a private entity to operate the reservation system and the contractor charges visitors directly for reservation processing and cancellation services.

19.5.2.16 NMAC – Off-Highway Motor Vehicles and Golf Cars. The State Parks Division proposes to amend Subsection F to clarify that visitors may use off-highway motor vehicles for ice fishing if the lake is open to ice fishing *and* the area is designated for off-highway motor vehicles use.

19.5.2.28 NMAC – Animals. The State Parks Division proposes to add Subsection F to allow the State Parks Division Director to designate or post areas within a park where visitors’ animals do not have to be leashed or restrained.

19.5.2.29 NMAC – Littering. The State Parks Division proposes to add a new Subsection A to prohibit visitors from disposing commercial or construction waste, appliances, or furnishings within a state park.

19.5.2.32 NMAC – Fees and Charges. The State Parks Division proposes to amend Subsection A to remove the administrative fee as it is proposed to be removed from 19.5.6 NMAC. The State Parks Division proposes to amend Subsection F to clarify that facilities, sites, and day use are items for which visitors must pay fees in addition to any reservation processing fee the division’s reservation systems contractor charges.

19.5.6.8 NMAC – Day Use Permit. The State Parks Division proposes to amend Subsection A to charge different fees for school buses and commercial charter buses. The State Parks Division proposes to amend Subsection B to remove Vietnam Veterans Memorial State Park from the fee schedule as the Department of Veterans Services now operates the memorial.

19.5.6.13 NMAC – Division-Operated Pumpout Facility. The State Parks Division proposes to repeal the service charge for division-operated pump out facilities as it no longer provides pump out services.

19.5.6.14 NMAC – Group Shelter. The Division proposes to increase fees for group shelters beginning December 1, 2018.

19.5.6.18 NMAC – Meeting, Event and Lodging Facilities. The State Parks Division proposes to amend Subsection A to include meeting rooms and classrooms in addition to conference rooms and establish a new fee schedule. The State Parks Division proposes to amend Subsection B to apply to all State Parks Division special event facilities and establish a new fee schedule. The State Parks Division proposes to amend Subsection C to establish fees for the rental of yurts, add Subsection D to establish fees for the rental of cabins, and add Subsection E to establish fees for the rental of corrals.

19.5.6.19 NMAC – Administrative Fee: The State Parks Division proposes to repeal 19.5.6.19 NMAC to remove the \$25.00 administrative fee.

**Purpose of Amendments.** The proposed amendments are based on identified needs for changes to definitions, rules governing activities within state parks, and park fees.

**Legal Authority.** The Energy, Minerals and Natural Resources Department, State Parks Division proposes these rule amendments under the authority of NMSA 1978, Section 16-2-7 and NMSA 1978, Section 9-1-5(E).

**The full text of the proposed rule amendments is available** from Financial Specialist, Amanda Calderon at (505) 476-3377 or may be viewed on the Rules page at the State Park Division's website at

<http://www.emnrd.state.nm.us/spd/>, or at State Parks Division's regional offices and park offices.

**Public Hearing and Comment.** The State Parks Division will hold a public hearing on proposed rule changes at 9:00 a.m. on Tuesday, April 10, 2018 in Porter Hall, Wendell Chino Building, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505.

**Written comments** on the proposed rule may be hand delivered or mailed to the Financial Specialist, Amanda Calderon, 2nd floor, 1220 South St. Francis Drive, Santa Fe, NM 87505, or e-mailed to [amanda.calderon@state.nm.us](mailto:amanda.calderon@state.nm.us). All written comments must be received by Mrs. Calderon no later than 9:00 A.M. on April 10, 2018, unless the Hearings Officer extends this deadline.

**Technical Information** that served as a basis for the proposed rule amendments includes:

- Fees: <http://cpw.state.co.us/placestogo/parks/CherryCreek/Pages/Fees.aspx>
- Special Event Facility: [www.nhccnm.org](http://www.nhccnm.org)
- Special Event Facility: <http://www.internationalfolkart.org/about/facility-rental/>
- Yurts: [www.redriverrvpark.net/rv-park-yurts-rates](http://www.redriverrvpark.net/rv-park-yurts-rates)  
<http://cpw.state.co.us/placestogo/parks/SylvanLake/Pages/Fees.aspx>
- Equestrian & Cabins: <http://cpw.state.co.us/placestogo/parks/Muller/Pages/Fees.aspx>
- Blind Rental: [www.minturnanglers.com/guided-hunting-colorado/blind-decoy-rental/](http://www.minturnanglers.com/guided-hunting-colorado/blind-decoy-rental/)

These materials may be viewed on the Rules page at the State Park Division's website at <http://www.emnrd.state.nm.us/spd/>.

**If you are an individual with a disability** who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Mrs. Calderon at (505) 476-3377 or through the New Mexico Relay Network at 1-800-659-1779 by April 10, 2018. Public documents can be provided in various accessible forms. Please contact Mrs. Calderon if a summary or other type of accessible form is needed. A party who plans to use projection equipment at a hearing must contact Mrs. Calderon seven business days prior to the hearing requesting the use of the projection equipment. Wireless internet is available; however, the person requesting to use the wireless connection must provide a laptop computer.