

State Parks General Provisions and Visitor Provisions Regulations

(19 NMAC 5.1-5.2)

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 5 STATE PARKS AND RECREATION
PART 1 GENERAL PROVISIONS

19.5.1.1 **ISSUING AGENCY:** Energy, Minerals and Natural Resources Department, State Parks Division.

[12-31-96; 19.5.1.1 NMAC - Rn, 19 NMAC 5.1.1, 12/31/02; A, 1/1/08]

19.5.1.2 **SCOPE:** 19.5.1 NMAC applies to persons using the New Mexico state parks system.

[12-31-96, A, 12-31-98; 19.5.1.2 NMAC - Rn, 19 NMAC 5.1.2, 12/31/02; A, 1/1/08]

19.5.1.3 **STATUTORY AUTHORITY:** 19.5.1 NMAC is authorized pursuant to NMSA 1978, Section 9-1-5(E) and Sections 16-2-2 *et seq.*

[12-31-96; 19.5.1.3 NMAC - Rn, 19 NMAC 5.1.3, 12/31/02; A, 1/1/08]

19.5.1.4 **DURATION:** Permanent.

[12-31-96; 19.5.1.4 NMAC - Rn, 19 NMAC 5.1.4, 12/31/2002]

19.5.1.5 **EFFECTIVE DATE:** December 31, 1996, unless a later date is cited at the end of a section.

[12-31-96; 19.5.1.5 NMAC - Rn & A, 19 NMAC 5.1.5, 12/31/02]

19.5.1.6 **OBJECTIVE:** 19.5.1 NMAC's objective is to identify general provisions and definitions, which apply to parts in Title 19, Chapter 5.

[12-31-96; 19.5.1.6 NMAC - Rn, 19 NMAC 5.1.6, 12/31/02; A, 1/1/08]

19.5.1.7 **DEFINITIONS:**

A. "Boating and rafting excursions" means a guiding service for boating or rafting trips offered to the general public.

B. "Capital improvement" means a construction project by a concessionaire to the concession premises that is not maintenance or repair and that costs at least \$1000.

C. "Commercial activity" means for-profit sales or services but does not include the operation of vending machines unless the vending machine is operated as part of a larger concession operation.

D. "Commercial filming" means the use of motion picture, videotaping, sound recording or other moving image or audio recording equipment that involves the advertisement of an event, product or service; the creation of a product for sale including film, videotape, television broadcast or documentary of participants in commercial sporting or recreation events for the purpose of generating income; or the use of actors, models, sets, or props.

E. "Commercial photography" means still images taken with a camera that the photographer intends to sell.

F. "Concession" means commercial activity conducted within a park the department has authorized in writing.

G. "Concessionaire" means the owner or operator of a concession who operates pursuant to a department-issued concession contract.

H. "Concessions administrator" means a division employee who maintains records and documentation concerning concession contracts and concession permits.

I. "Concession contract" means an agreement between the department and a person, or business entity, which allows the concessionaire to provide services, merchandise, accommodations or

facilities within a park. The concessionaire shall occupy a permanent structure or location within the park. The concession contract's term shall not exceed 30 years pursuant to NMSA 1978, Section 16-2-9.

J. "Concession permit" means a permit the department issues to a person or business entity to provide services in a park for a time period of up to one year. The fee for a concession permit is established in 19.5.6 NMAC. Services the division may authorize under a concession permit include guiding and outfitting services for fishing, boating and rafting excursions; educational and park resource protection services; and other services, including commercial services, that enhance visitors' experience and enjoyment, such as sales of firewood, propane, ice, food or refreshments.

K. "Concession permittee" means the holder of a department-issued concession permit.

L. "Cultural property" means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance.

M. "Department" means the energy, minerals and natural resources department.

N. "Developed site" means a park camping site with at least one shelter, table or grill or a combination of two or more such facilities at the site. Sites with recreational vehicle utility hookups are considered developed regardless of the presence of shelters, tables or grills.

O. "Director" means the director of the energy, minerals and natural resources department, state parks division.

P. "Director designee" means persons the director appoints including deputy directors, bureau chiefs, regional managers and park superintendents.

Q. "Division" means the energy, minerals and natural resources department, state parks division.

R. "Flotation assist device" means a wet suit or wearable flotation device in good condition capable of providing flotation to the wearer on the water's surface.

S. "Geocaching" means an outdoor treasure-hunting activity in which the participants use a global positioning system receiver or other navigational means to hide or find containers called "geocaches" or "caches".

T. "Gross receipts from sales and services" means the total amount of receipts from sales and services.

U. "Guide" means an individual or an employee of an outfitter who is hired to escort or accompany clients in fishing, rafting or boating.

V. "Letter boxing" means an outdoor hobby that combines elements of orienteering, art and puzzle solving. Letter boxers hide small, weatherproof boxes in publicly-accessible places and distribute clues to finding the boxes in printed catalogs, on websites or by word of mouth. The activity is characterized by the boxes containing a logbook and a rubber stamp. Letter boxers stamp the box's logbook with personal rubber stamps and use the box's stamp to imprint their personal logbooks as proof they found the box.

W. "Net receipts from sales and services" means the total amount of receipts from sales and services, less the amount of gross receipts taxes.

X. "Off highway motor vehicle" means a motor vehicle operated or used exclusively off New Mexico's highways and that is not legally equipped for operation on the highway; this includes all terrain vehicles.

Y. "Outfitter" means a person or company who employs guides.

Z. "Park" means an area designated as a state park within the state parks system and that the division manages or owns.

AA. "Park management and development plan" means a plan used as a guide for expansion, services, programs and development for the park.

BB. "Park support group" means an organization as defined in NMSA 1978, Section 6-5A-1 or an organized group of individuals that volunteers time, services or funds to promote and support the division or an individual park and whose principal purpose as authorized by the division is to complement, contribute to and support, aid the function of or forward the division's or park's purposes.

CC. "Person" means an individual, partnership, firm, corporation, association, joint venture or other entity.

DD. "Personal flotation device" means a coast guard approved life preserver, buoyant vest, hybrid device, ring buoy or buoyant cushion.

EE. "Primitive site" means a camping site that offers no facilities except a cleared area for camping. Primitive sites may have trash receptacles, chemical toilets or parking.

- FF.** “Rally” means a parking area or facility designated for group functions.
- GG.** “Receipts” means consideration in money and in trade received from sales and charges for services.
- HH.** “Regional manager” means a division employee responsible for several parks within a region.
- II.** “Sales and services” means transactions by a concessionaire, or a concessionaire’s agents or employees, for which the concessionaire receives consideration in money or money's worth in connection with the concession business operated pursuant to the concession contract.
- JJ.** “Secretary” means the secretary of the department.
- KK.** “Special use permit” means a permit the division has issued to a person, business entity, park support group or organized group to provide an event or activity within a park. Examples of special use events and activities include regattas, boat races, parades, races, fishing tournaments, exhibitions and educational activities. The term of a special use permit shall be for the duration of the approved event or activity but shall not be issued for a period of more than five consecutive calendar days.
- LL.** “State park official” means a division employee.
- MM.** “State parks system” means land and water in a park.
- NN.** “Superintendent” means a division employee who is in charge of a specific park; which includes a park superintendent or park manager.
- OO.** “Vending machine” means a coin-operated beverage, snack or service machine subject to division approval.
- PP.** “Working days” means Monday through Friday, excluding state holidays.
[7-17-67, 7-25-72, 7-31-79, 12-21-89, 12-31-89, 5-20-92, 12-31-96, 12-31-98, 7-1-99; 19.5.1.7 NMAC - Rn & A, 19 NMAC 5.1.7, 12/31/02; A, 5/1/04; A, 1/1/08]

History of 19.5.1 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives.

SPRD 67-1, Rules and Regulations, 07-17-67;
 SPRD 68-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 10-17-68;
 SPRD 69-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 09-11-69;
 SPRD 71-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 11-10-71;
 SPRD 72-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 06-05-72;
 SPRD 73-3, New Mexico Pleasure Boating Requirements and State Park Regulations, 09-14-73;
 SPRD 74-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 02-19-74;
 SPRD 75-1, New Mexico State Park and Recreation Commission Regulations, New Mexico Boating Law, 1975 Edition, 02-24-75;
 SPRD 77-1, New Mexico State Park and Recreation Commission Regulations, New Mexico Boating Law, 1977 Edition, 04-15-77;
 SPRD 79-1, New Mexico Park Regulations and Boating Laws, 07-31-79;
 SPRD 82-1, New Mexico Park Regulations and Boating Laws Revised in 1981, 05-17-82;
 SPRD 87-1, New Mexico State Park Regulations and Boating Laws, Revised in 1987, 05-06-87;
 EMNRD PRD 87-3, Rules Governing Motorboat Registration and Numbering, Boat Titling and Excise Tax Collections, Security Participation under The Boat Act, 08-06-87;
 EMNRD PRD 89-1, Boat Act Regulations, 12-21-89;
 EMNRD PRD 89-2, New Mexico State Park Regulations, 12-21-89;
 EMNRD PRD 92.1, Boat Act Regulations, 05-20-92.

History of Repealed Material: [RESERVED]

Other History:

Those portions of EMNRD PRD 89-2, New Mexico State Park Regulations, filed 12-21-89 and EMNRD PRD 92.1, Boat Act Regulations, filed 05-20-92 were renumbered, reformatted and replaced by 19 NMAC 5.1, General Provisions, filed 12-17-96.
 19 NMAC 5.1, General Provisions, filed 12-17-96 renumbered, reformatted, amended and replaced by 19.5.1 NMAC, General Provisions; effective 12/31/02.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 5 STATE PARKS AND RECREATION
PART 2 PARK VISITOR PROVISIONS

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19.5.2.1 ISSUING AGENCY: Energy, Minerals and Natural Resources Department, State Parks Division.
[19.5.2.1 NMAC - Rp, 19.5.2.1 NMAC, 1/1/2008]

19.5.2.2 SCOPE: 19.5.2 NMAC applies to persons using the New Mexico state parks system.
[19.5.2.2 NMAC - Rp, 19.5.2.2 NMAC, 1/1/2008]

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

19.5.2.4 DURATION: Permanent.
[19.5.2.4 NMAC - Rp, 19.5.2.4 NMAC, 1/1/2008]

19.5.2.5 EFFECTIVE DATE: January 1, 2008, unless a later date is cited at the end of a section.
[19.5.2.5 NMAC - Rp, 19.5.2.5 NMAC, 1/1/2008]

19.5.2.6 OBJECTIVE: 19.5.2 NMAC's objective is to provide standards for visitor use of the New Mexico state parks system in a manner that promotes public health, safety and welfare and preserves park facilities and the environment.
[19.5.2.6 NMAC - Rp, 19.5.2.6 NMAC, 1/1/2008]

19.5.2.7 DEFINITIONS: [RESERVED]
[See 19.5.1.7 NMAC for definitions.]
[19.5.2.7 NMAC - Rp, 19.5.2.7 NMAC, 1/1/2008]

19.5.2.8 DELEGATION: The secretary delegates concurrent authority to the director as contained in NMSA 1978, Section 16-2-32(B), (E) and (F).
[19.5.2.8 NMAC - Rp, 19.5.2.8 NMAC, 1/1/2008]

19.5.2.9 RESTRICTED AREAS:

A. Access to parks, both land and water, shall be open to the public, except that each superintendent may close an area or facility by posting or otherwise designating the area as closed to entry. A superintendent may close an area for no more than five consecutive days without the director's approval. The superintendent shall ensure areas designated for seasonal closure are posted indicating the closure period.

B. The superintendent may set a visitor capacity limit for a park or areas within a park. State park officials shall enforce each park's visitor capacity to protect visitors and to prevent damage to the park's natural or cultural resources. Once capacity is reached, state park officials shall not admit additional visitors until some of the visitors already there have left.

C. The superintendent may restrict or prohibit activities in certain areas of a park by posting or otherwise designating the prohibition or restriction.
[19.5.2.9 NMAC - Rp, 19.5.2.9 NMAC, 1/1/2008]

19.5.2.10 HOURS: The director or the director designee establishes opening and closing times for every area and facility of the state parks system. Hours are posted at the established park entrances, offices or pay stations.

[19.5.2.10 NMAC - Rp, 19.5.2.10 NMAC, 1/1/2008]

19.5.2.11 DAY USE:

A. Day use of a park area is from 6:00 a.m. to 9:00 p.m. unless the superintendent posts different hours or extends hours for special programs or events. Visitors shall pay day-use fees upon entering the park. See 19.5.6 NMAC.

B. Visitors may picnic in parks. The division may close areas designated for picnicking to camping.

C. Visitors shall maintain sites in parks in a clean and sanitary condition at all times. Visitors shall clean the site after use and dispose of trash and litter in appropriate waste receptacles.

[19.5.2.11 NMAC - Rp, 19.5.2.11 NMAC, 1/1/2008]

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. 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 may not retain and leave vacant a campsite for more than 24 hours without the superintendent's permission.

C. Campers shall maintain campsites in a clean and sanitary condition at all times. Campers shall clean campsites after use and place litter only in appropriate disposal containers. Campers in remote areas shall carry out supplies and refuse, including human bioproducts, and dispose of these items properly in appropriate waste receptacles.

D. Campers may reside in a park for a maximum of 14 calendar days during any 20-calendar day period unless the director otherwise 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.

E. 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.

F. 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.

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

H. 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. 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 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. Subsection H of 19.5.2.12 NMAC does not apply to boats or vessels moored at concession operated facilities such as marinas or buoy lines. Such boats or vessels are not subject to division camping permits and fees or time limits while they are moored at the concession facilities.

[19.5.2.12 NMAC - Rp, 19.5.2.12 NMAC, 1/1/2008]

19.5.2.13 USE OF FACILITIES:

A. Facilities are available on a first come, first served basis with the exception of 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.

Campers shall not have sole and continuing possession of a picnic or shade shelter or other park facility to the exclusion of other visitors except as provided in 19.5.2.11 or 19.5.2.12 NMAC unless the superintendent has granted permission.

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

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

E. 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.

F. The director may designate areas within the state parks system for use by reservation.

G. Advance reservations are required for the use of group shelters, group areas or reservation campsites. Users shall pay the appropriate day use or camping fees in addition to the reservation fee. The division may accept annual permits at reservation campsites if posted. See 19.5.6 NMAC for group shelter fees.

[19.5.2.13 NMAC - Rp, 19.5.2.13 NMAC, 1/1/2008]

19.5.2.14 PARKING:

A. Visitors shall park vehicles only in established parking areas or parking turnouts where provided. It is illegal to park any vehicle in a manner that blocks access, restricts traffic or inhibits the free movement of other vehicles, persons or wheelchairs. At the superintendent's discretion, the division may remove vehicles so parked at the owner's expense.

B. Visitors shall not park a vehicle in a designated disabled parking space unless the vehicle has registration plates or a state-issued placard indicating disability.

[19.5.2.14 NMAC - Rp, 19.5.2.14 NMAC, 1/1/2008]

19.5.2.15 VEHICLE TRAFFIC:

A. Visitors shall drive vehicles within the state parks system only on established roads or areas authorized for vehicle traffic, provided that vehicle operation is at speeds at or below the posted limit and in a manner that is reasonable and prudent, with due regard for traffic, pedestrians and road surface conditions and width.

(1) Visitors shall not operate vehicles in a manner that endangers the safety of persons, property or wildlife.

(2) Visitors shall not operate vehicles at speeds greater than the posted limit and shall not exceed 30 miles per hour where no limit is posted.

B. Vehicles operating within a park shall be registered and operated according to New Mexico motor vehicle laws.

C. It is unlawful to ride or to allow anyone to ride in a boat loaded on a trailer, except when launching or loading a boat at an established boat ramp.

[19.5.2.15 NMAC - Rp, 19.5.2.15 NMAC, 1/1/2008]

19.5.2.16 OFF-HIGHWAY MOTOR VEHICLES:

A. Visitors shall not operate off-highway motor vehicles in the state parks system.

B. Visitors with disabilities who rely on off-highway motor vehicles to launch or dock boats or to transport themselves from the dock area or other specifically designated area to their vehicle or campsite may submit a written request for an exception to use an off-highway motor vehicle in specific areas to the director. The director may grant a written exception to use an off-highway motor vehicle, which shall specifically designate the areas to which the exception applies and conditions of use, so long as such use complies with other applicable laws and will not adversely affect park resources. In determining whether to grant an exception to Subsection A of 19.5.2.16 NMAC, the director shall consider the nature and extent of the individual's disability and available alternatives. Visitors the director authorizes to

operate off-highway motor vehicles within the state parks system shall comply with federal, state and local laws governing off-highway motor vehicle use.

C. State park officials may use off-highway motor vehicles for park operations and maintenance.

D. Visitors' use of an off-highway motor vehicle pursuant to Subsections B of 19.5.2.16 NMAC is limited to established and customarily used roads, parking areas, boat ramps and approaches. Off-highway motor vehicle use is also subject to more stringent laws of a landowner (e.g. United States department of the interior, bureau of reclamation) from which the division leases the land or reservoir. Visitors and state park officials shall comply with laws of the 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.) when applicable.
[19.5.2.16 NMAC - Rp, 19.5.2.16 NMAC, 1/1/2008]

19.5.2.17 SWIMMING: Swimming shall be at the swimmer's own risk. Swimming is prohibited within 150 feet of public or concession boat docks, launching ramps, above or below dams or where otherwise posted. Visitors using air mattresses, inner tubes, surfboards, sail or wind, styrofoam flotation devices or other similar articles shall wear a United States coast guard approved personal flotation device or a flotation assist device.

[19.5.2.17 NMAC - Rp, 19.5.2.17 NMAC, 1/1/2008]

19.5.2.18 SKIN OR SCUBA DIVING:

A. Skin or scuba diving is at the diver's own risk and is prohibited within 150 feet of marinas, docks and ramps except for official activities and in other areas the superintendent designates.

B. The division permits scuba diving only in groups of two or more divers. An additional scuba diver or competent diver-tender shall remain above water at all times.

C. Equipment such as tanks, weight belts, etc. shall be equipped with quick-release fasteners.

D. Scuba divers shall be equipped with a buoyancy compensator. Scuba divers shall only use self-inflated, air supplied canister, or tank inflated, direct connection to the tank supplied air.

E. Divers shall use a diver's flag to mark the point of submergence. Divers shall fly the diver's flag from a boat or flotation device while diving. The flag shall be red with a white diagonal stripe running from the upper left corner to the lower right corner. Boats shall stay at least 150 feet away from a diver's flag and shall exercise special care in the diver's flags' vicinity.

[19.5.2.18 NMAC - Rp, 19.5.2.18 NMAC, 1/1/2008]

19.5.2.19 HORSEBACK RIDING: Visitors may ride horses only in designated areas within the state parks system. Visitors wishing to bring or ride horses in parks shall check with the superintendent in advance for approval, restrictions and area designations as some parks prohibit horses and horseback riding.

[19.5.2.19 NMAC - Rp, 19.5.2.19 NMAC, 1/1/2008]

19.5.2.20 FIREARMS AND BOWS: Visitors shall not possess firearms, including concealed firearms, with a cartridge in any portion of the mechanism or discharge firearms, including concealed firearms, arrows and air or gas fired projectiles, weapons and other devices capable of causing injury to persons or animals or damage or destruction of property in the state parks system, except during designated hunting seasons or in authorized areas. No such activity is allowed within 300 yards of a developed park area or occupied campsite. 19.5.2.20 NMAC does not apply to on duty law enforcement officials.

[19.5.2.20 NMAC - Rp, 19.5.2.20 NMAC, 1/1/2008]

19.5.2.21 ICE-SKATING AND ICE-FISHING: Visitors may ice-skate or ice-fish within parks at their own risk. Superintendents may prohibit or limit these activities as conditions require. Ice-fishing is permitted as regulated by the state game commission. Visitors shall not cut holes in the ice for ice-fishing larger than 12 inches in diameter.

[19.5.2.21 NMAC - Rp, 19.5.2.21 NMAC, 1/1/2008]

19.5.2.22 LETTER BOXING AND GEOCACHING: Visitors shall not conduct letter boxing or geocaching activities in parks without the superintendent's written permission.
[19.15.2.22 NMAC - N, 1/1/2008]

19.5.2.23 METAL DETECTING: Metal detecting within a state park is prohibited unless a visitor obtains the superintendent's permission to use metal detectors for scientific activities such as projects permitted through the New Mexico cultural properties review committee or to retrieve lost items.
[19.5.2.23 NMAC -Rp, 19.5.2.30 NMAC, 1/1/2008]

19.5.2.24 NOISE LIMITATIONS:

- A.** Park "quiet hours" begin at 10:00 p.m. and end at 7:00 a.m. Visitors shall not operate generators, radios or unmuffled vehicles or engage in other loud activity disturbing others during this time period.
- B.** Except in case of an emergency, creation of loud noise through the use of a loudspeaker requires the superintendent's advance written approval. Visitors shall operate radios, tape players or other sound producing devices at a reasonable level during non-quiet hours so as not to disturb other visitors.
- C.** Visitors shall not use fireworks within parks without the superintendent's advance written approval.

[19.5.2.24 NMAC - Rp, 19.5.2.22 NMAC, 1/1/2008]

19.5.2.25 CONDUCT:

- A.** Visitors are encouraged to enjoy park experiences without infringing upon other visitors' ability to enjoy the same experiences. Threatening, abusive, boisterous, insulting or indecent language or behavior are prohibited. Solicitation, gambling and illegal discrimination are prohibited.
- B.** Visitors shall not evade, disobey or resist a state park official's lawful order.
- C.** Parents, guardians or other adults in charge shall exercise constant direct supervision of minor children or adults who do not possess the intelligence or awareness to recognize possible danger.
- D.** Law enforcement officers may forcibly eject a person who violates a state law or a department rule or a person who evades, disobeys or resists a state park official's lawful order from a park. Based on the severity of conduct or reported incident, *i.e.*, threatening or intimidating conduct toward visitors or park staff, the ejection may be permanent.

(1) Permanent ejection requires the regional manager to issue written notification to the person being permanently ejected.

(2) To request review of a permanent ejection a regional manager issues, an individual ejected from a park or parks shall submit a written request including the reasons for requesting review to the director within 15 calendar days of issuance and provide written notice to the regional manager.

(3) The regional manager and the ejected individual shall submit written statements to the director within 10 working days of the submission of the request for review.

(4) The director shall base his or her decision on the written statements unless the ejected individual or the regional manager requests the opportunity to call witnesses or make oral arguments within 10 working days of the request for review.

(5) A request for hearing shall explain the need for any witness testimony or oral argument. If the ejected individual or regional manager asks to make oral arguments or call witnesses, the director may set a hearing to be held within 10 working days after receiving that request and provide notice of the hearing date, time and location to the regional manager and the ejected individual. Oral testimony shall be made under oath. A tape or stenographic record shall be made of any oral argument or witness testimony.

(6) The director shall issue a written final decision, including findings of fact within 10 working days after the date for submission of written statements, or a hearing if any, and send copies to the ejected individual and the regional manager.

[19.5.2.25 NMAC - Rp, 19.5.2.23 NMAC, 1/1/2008]

19.5.2.26 PETS:

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

B. Pet owners shall pick up after their pets and shall maintain the area in a clean and sanitary condition.

C. Pet owners shall restrain pets on leashes that are not more than 10 feet in length, except in areas the superintendent designates. Subsection C of 19.5.2.26 NMAC does not apply to pets being used in authorized activities such as field trials, retriever training or hunting.

D. Pet owners shall prevent their pets from excessive barking, howling and making loud noises, so as not to disturb others. Pet owners shall prevent their pets from biting or attacking any person or destroying property. Pet owners shall not leave their pets unattended in vehicles or campsites.

E. Pets are prohibited, except disability assistance dogs with valid document that verifies the dog is an assistance dog that can be presented to the state park official at time of use, 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.

[19.5.2.26 NMAC - Rp, 19.5.2.24 NMAC, 1/1/2008]

19.5.2.27 LITTERING:

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

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

[19.5.2.27 NMAC - Rp, 19.5.2.25 NMAC, 1/1/2008]

19.5.2.28 ABANDONED PROPERTY: Unless the visitor has obtained the superintendent's prior written permission, personal property left in any park for longer than 14 calendar days shall be deemed abandoned. State park officials shall remove property deemed abandoned at the owner's expense and dispose of it as provided by law.

[19.5.2.28 NMAC - Rp, 19.5.2.26 NMAC, 1/1/2008]

19.5.2.29 PROHIBITION OF ALCOHOLIC BEVERAGES: The director may prohibit alcohol consumption or possession within a park or a designated area within a park and the superintendent shall post notice of the prohibition.

[19.5.2.29 NMAC - Rp, 19.5.2.29 NMAC, 1/1/2008]

19.5.2.30 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. Visitors shall display permits at all times inside a park. Nonstop highway travel through a park on numbered state highways does not require a park use permit.

C. The superintendent may waive or reduce park fees for government agencies. The superintendent or director may waive or reduce park fees for organized youth groups or special events and the director may waive or reduce park fees for special circumstances where the consideration for the reduced or waived fees is to the equal benefit of the division or the park through advertising, promotion, volunteer hours, etc.

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

E. 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 camping, electricity or other service for the total reservation period.

F. The division may charge fees in addition to the appropriate use fees for special events such as concerts, festivals, etc. The fee shall not exceed the value of admission to such event.

[19.5.2.30 NMAC - Rp, 19.5.2.27 NMAC, 1/1/2008]

19.5.2.31 PERMITS AND CONCESSIONS: Concession-operated camp grounds do not accept division-issued permits.

[19.5.2.31 NMAC- Rp, 19.5.2.28 NMAC, 1/1/2008]

19.5.2.32 DAY USE AND CAMPING PERMITS:

A. Day use permits.

(1) Day use permits authorize visitors to use park facilities that do not require other fees, such as meeting rooms or group shelters, from 6:00 a.m. to 9:00 p.m.; unless the superintendent has posted different hours.

(2) When purchasing the day use permit visitors shall comply with the instructions on the permit and provide, as requested, their name, address and vehicle license number as well as the date of purchase and the amount enclosed and, if applicable, their site number. Visitors shall indicate that they are only paying for day use.

B. Camping permits.

(1) Subject to the availability of a campsite, camping permits authorize visitors to camp in a park.

(2) When purchasing the camping permit visitors shall comply with the instructions on the permit and provide, as requested, their name, address and vehicle license number as well as their site number, the date of purchase, the amount enclosed and length of stay and, if applicable, their annual permit number. Visitors shall also indicate that they are camping.

[19.5.2.32 NMAC - N, 1/1/2008]

19.5.2.33 ANNUAL PERMITS AND PASSES:

A. Annual day use passes.

(1) Annual day use passes authorize the vehicle owner or individual to access and use the park at no additional charge during the times indicated in 19.5.2.11 NMAC. Visitors may use annual day use passes at all parks, except at the living desert zoo and gardens state park and Smokey Bear historical park.

(2) When purchasing an annual day use pass visitors shall comply with the instructions on the pass and provide their name and address.

(3) The division does not issue extra vehicle passes for annual day use passes.

B. Annual camping permits.

(1) Annual camping permits authorize the vehicle owner or individual to access and use the park at no additional charge except for utility hookups during the times indicated in 19.5.2.12 NMAC. The annual camping permit allows the visitor one sleeping unit. A motor home towing a vehicle or a vehicle towing a camping trailer is considered a sleeping unit. The visitor shall pay the per night camping fee for additional vehicles.

(2) Annual camping permits are available for:

(a) New Mexico residents as documented with a current New Mexico driver's license or other state of New Mexico issued photo identification;

(b) New Mexico residents 62 years of age or older as documented with a current New Mexico driver's license or other state of New Mexico issued photo identification;

(c) New Mexico residents with physical disabilities who present a New Mexico handicap motor vehicle license plate or a blue handicap placard with a placard holder identification card the New Mexico taxation and revenue department, motor vehicle division issues containing their name and placard number to verify disability; a New Mexico game and fish department lifetime hunting and fishing card containing their name; or a photocopy of the award letter the United States department of veterans affairs issues indicating the veteran has a 100% service-connected disability; and

(d) all-out-of-state-residents including senior citizens and persons with disabilities.

(3) When purchasing an annual camping permit, visitors shall comply with the instructions on the permit and provide their name; address; if applicable, proof of age or residency; and the license plate number of the vehicle for which the visitor is purchasing the permit.

(4) Visitors may use annual camping permits at all parks, except at the living desert zoo and gardens state park and Smokey Bear historical park.

C. Annual day use passes and annual camping permits expire 12 months after the date the division issues them. The division shall not make refunds or prorations for permits or passes that remain in effect for less than 12 months.

D. Visitors may obtain replacement annual camping permits and stickers by submitting a signed affidavit describing the facts of the purchase and the permit's loss or destruction and, if available, the original permit or proof of purchase. The division does not issue replacements for annual day use passes.

E. The division may sell gift certificates for annual day use passes and annual camping permits.

[19.5.2.33 NMAC - Rp, 19.5.2.28 NMAC, 1/1/2008]

19.5.2.34 DISABLED VETERANS PASSES:

A. Disabled veterans camping passes.

(1) A disabled veterans camping pass authorizes New Mexico resident veterans with a 50% or greater service-connected disability to camp at a park at no charge for three nights, consecutive or non-consecutive, within a 12-month period.

(2) To obtain the three one-night passes, an eligible veteran shall apply with the New Mexico department of veterans services for certification that verifies the veteran's disability and residency (current address) and that the New Mexico department of veterans services forwards to the division.

(3) Disabled veterans may obtain replacement camping passes and stickers by submitting a signed affidavit describing the facts of the issuance and loss or destruction of the pass and, if available, the original pass or proof of issuance.

B. Disabled veterans annual day use passes.

(1) Disabled veterans annual day uses passes authorize New Mexico resident veterans with a permanent 50% or greater service-connected disability to obtain one annual day use pass at no charge for personal use only. An eligible veteran desiring more than one annual day use pass shall purchase additional annual day use passes at full price.

(2) To obtain an annual day use pass, an eligible veteran shall apply with the New Mexico department of veterans services for certification that verifies the veteran's disability and residency (current address) and that the New Mexico department of veterans services forwards to the division.

(3) The division does not issue replacements for disabled veterans annual day use passes.

[19.5.2.34 NMAC - N, 1/1/2008]

19.5.2.35 VETERANS' DAY: On the federally designated legal holiday known as Veterans' Day any New Mexico resident who provides satisfactory proof that the resident is currently serving or has served in the United States armed forces, and the resident's spouse and dependent children are entitled to free use of any park including the waiving of all day use, camping or other fees.

[19.5.2.35 NMAC - N, 1/1/2008]

19.5.2.36 PARK PASSES:

A. Concessionaires. The director or director designee (see Subsection P of 19.5.7 NMAC) may issue park passes to concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents for access to and from the concession. Concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents using the park, lake or facilities away from the concession premise shall pay the appropriate fees.

B. Contractors. The director or director designee (see Subsection P of 19.5.1.7 NMAC) may issue park passes to division contractors, suppliers or agents or other persons providing services to a park for access to the park.

C. Complimentary park passes. The director or director designee (see Subsection P of 19.5.1.7 NMAC) may issue complimentary passes to legislators so that they may learn about park operations; to park advisory board members, volunteers or individuals who significantly contribute to the division; or in exchange for promotion of the division or advertising. The director or director designee may issue complimentary passes as rainchecks to visitors for unused services or to resolve visitor complaints.

[19.5.2.36 NMAC - Rp, 19.5.2.28 NMAC, 1/1/2008]

19.5.2.37 SPECIAL USE PERMITS:

A. The division shall authorize short term events and activities within the state parks system, such as regattas, boat races, parades, races, fishing tournaments, exhibitions and educational activities only by a special use permit and only after payment of associated fees. See 19.5.6 NMAC. State park officials shall only issue special use permits for events and activities that provide a needed service to the park and that benefit the park. Persons shall submit applications for special use permits to the park where the event is proposed at least 15 calendar days prior to the event, or at least 30 calendar days prior to the event if the event is a regatta, motorboat or boat race, marine parade, tournament or exhibition. State park officials shall not issue a special use permit for a period of more than five consecutive calendar days. The park may charge fees in addition to the special use fee to cover costs of additional staff, facilities, etc. needed for the event.

B. Persons shall complete the division-provided special use permit, which may include the park where the event or activity is proposed; the location of the proposed event or activity within the park; the date of the proposed event or activity; start and end times for the proposed event or activity; the number of people expected to attend; a detailed description of the proposed event or activity; the applicant's name, address and phone number; a hold harmless requirement, insurance coverage; and designation of the type of the proposed event or activity (*i.e.* special use, marine event, park event, etc.).

C. No person shall violate a condition or restriction attached to or indicated on the special use permit. The division may cancel a permit if the permit holder violates 19.5.2 NMAC. [19.5.2.37 NMAC - Rp, 19.5.2.28 NMAC, 1/1/2008]

History of 19.5.2 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives.

SPRD 67-1, Rules and Regulations, 07/17/67;

SPRD 68-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 10/17/68;

SPRD 69-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 09/11/69;

SPRD 71-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 11/10/71;

SPRD 72-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 06/05/72;

SPRD 73-3, New Mexico Pleasure Boating Requirements and State Park Regulations, 09/14/73;

SPRD 74-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 02/19/74;

SPRD 75-1, New Mexico State Park and Recreation Commission Regulations, New Mexico Boating Law, 1975 Edition, 02/24/75;

SPRD 77-1, New Mexico State Park and Recreation Commission Regulations, New Mexico Boating Law, 1977 Edition, 04/15/77;

SPRD 79-1, New Mexico Park Regulations and Boating Laws, 07/31/79;

SPRD 82-1, New Mexico Park Regulations and Boating Laws Revised in 1981, 05/17/82;

NRD 86-1, Prohibition of Alcoholic Beverages Within Designated Areas of Bottomless Lakes State Park, 06/30/86;

SPRD 87-1, New Mexico State Park Regulations and Boating Laws, Revised in 1987, 05/06/87;

EMNRD PRD 89-2, New Mexico State Park Regulations, 12/21/89.

History of Repealed Material:

19.5.2 NMAC, Park Visitor Provisions (filed 12/12/02) repealed 1/1/08.

Other History:

NRD 86-1, Prohibition of Alcoholic Beverages Within Designated Areas of Bottomless Lakes State Park, filed 06/30/86 and EMNRD PRD 89-2, New Mexico State Park Regulations, filed 12/21/89 were **renumbered, reformatted** and **replaced** by 19 NMAC 5.2, Park Visitor Provisions, filed 12/17/96.

19 NMAC 5.2, Park Visitor Provisions (filed 12/17/96) **renumbered, reformatted, amended and replaced** by 19.5.2 NMAC, Park Visitor Provisions; effective 12/31/02.

19.5.2 NMAC, Park Visitor Provisions (filed 12/12/02) replaced by 19.5.2 NMAC, Park Visitor Provisions, effective 1/1/08.