

# Guidance for Proposed Fiber Optic Construction Projects

This document provides guidance to state agencies, project proponents, and cultural resource management firms on the laws and regulations that apply to proposed fiber optic projects when the project is funded by a state or federal agency or federal funding is administered by a state agency.

## Federal Funding

Fiber optic projects funded by a federal agency, such as USDA Rural Development (RD) or National Telecommunications and Information Administration (NTIA), must comply with Section 106 of the National Historic Preservation Act. Under Section 106, the federal agency must consult with the New Mexico State Historic Preservation Office (SHPO) and other interested parties, including federal and state land managing agencies and New Mexico's Nations, Tribes, and Pueblos.

## State Funding

State agencies should consult with the SHPO when projects utilize state funding and when projects will be constructed on state land or when projects may have an effect on historic properties listed in the State Register of Cultural Properties or the National Register of Historic Places.

## Consultation Process

Fiber optic projects often cross multiple land jurisdictions. The agency/proponent is encouraged to organize a virtual meeting with SHPO and all land managing agencies in attendance as early in the project as possible and prior to any cultural resource work. This meeting will assist in determining a lead agency for the project, cultural resource survey and report requirements specific to each federal and state agency and expedite project reviews.

To initiate consultation, please submit the following information via NM SHPO's online portal. To access the portal, visit the [NM SHPO Portal Website to Submit Review Projects](#).

Consultation letter. The federal or state agency will usually initiate consultation with a formal letter; however, contractors can assist.

Description of the fiber project. Describe the scope of work including related activities (for example, staging areas, equipment parks, access roads, etc.). Include a description of the project area or Area of Potential Effects (APE).

Project location map. Provide a Google Earth (kmz file) or other aerial map with the project area clearly marked and provide UTM's, latitude/longitude, Township, Range, and Section, or street address as necessary. Areas of aerial fiber installation on existing poles and buried installation should be described and clearly presented in a Google Earth file.

1. Land ownership. Identify the owner(s) of the land (private, state agency, federal agency).. Generally, when the highway ROW is surrounded by Bureau of Land Management or other federal agency then that agency will have jurisdiction regarding management decisions and cultural resources. Include a table presenting how many feet/miles of the type of installation are in each jurisdiction..Please note that NM Department of Transportation (NMDOT) right-of-way (ROW) adjacent to private land is owned by the NMDOT and is therefore state land not private.

2. Funding, permitting, or licensing. Identify the source of funding and the agency that is providing the funding. Identify any permits or rights-of-way easements that may be required by state or federal agencies.
3. Class I Documentation (not required). Providing the results of a records search (Class I report) from a cultural resource consultant will help expedite SHPO review. If prepared, the Class I report should follow the standards in 4.10.15.9 New Mexico Administrative Code (NMAC) and highlight the following information:
  - surveys older than 10 years - SHPO will determine if new surveys are necessary
  - historic properties that intersect or may intersect the APE
  - historic buildings, structures and objects within 20' of the project centerline, as well as those resources that intersect the ROW buffer for buried fiber projects.

When appropriate, use Google Earth Street View, county tax assessor's websites, or other digital resources to supplement Class I results. This type of electronic reconnaissance may be more suitable than pedestrian survey in developed areas to assist in identifying the presence of any buildings/ structures in areas that are developed/paved and have not been documented or located in an area surveyed prior to 10 years ago that may now be considered historic (over 50 years old).

## SHPO Review

Upon receipt of the information, the project will be assigned to SHPO staff, who will have 30 days to review and provide a response. SHPO staff will conduct a records review (if a Class I report is not provided) to determine whether:

- A cultural resources survey of the area has been previously conducted and if archaeological sites, historic buildings or structures were identified.
- The project has the potential to affect properties listed in the State Register of Cultural Properties and/or the National Register of Historic Places.
- There is a potential for unknown archaeological sites or historic buildings/structures to exist within the project area.

SHPO will respond with a letter summarizing the information from the records review or report and recommend next steps.

## Questions? More Information?

Please call (505) 827-6320 if you have any questions regarding your submittal or email us at [nm.shpo@dca.nm.gov](mailto:nm.shpo@dca.nm.gov).