

1 SENATE MEMORIAL 116

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 A MEMORIAL

11 REQUESTING THE NEW MEXICO CONGRESSIONAL DELEGATION TO WORK WITH
12 THE UNITED STATES DEPARTMENT OF THE INTERIOR AND ITS SUBSIDIARY
13 AGENCIES, THE UNITED STATES DEPARTMENT OF AGRICULTURE AND ITS
14 SUBSIDIARY AGENCIES, THE UNITED STATES DEPARTMENT OF
15 TRANSPORTATION AND THE FEDERAL COMMUNICATIONS COMMISSION TO
16 ESTABLISH UNIFORM REGULATIONS AND PROCEDURES ACROSS FEDERAL
17 JURISDICTIONS TO FACILITATE THE DEVELOPMENT OF BROADBAND
18 INFRASTRUCTURE AND SERVICE IN INDIAN AND NON-INDIAN RURAL
19 COMMUNITIES IN NEW MEXICO.

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21 WHEREAS, many rural areas in New Mexico lack adequate
22 broadband service; and

23 WHEREAS, the deployment of broadband service contributes
24 significantly to a community's economic welfare and to its
25 residents' professional, academic and personal growth; and

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1 WHEREAS, approximately thirty-five percent of the land in
2 New Mexico is federally managed; and

3 WHEREAS, it is the expressed intent of the state of New
4 Mexico to have greater broadband coverage accessible to all of
5 its residents whether they live in rural or urban areas or in
6 Indian or non-Indian communities; and

7 WHEREAS, on April 26, 2004, President George W. Bush
8 established a national goal for America to achieve "universal,
9 affordable access for broadband technology by the year 2007";
10 and

11 WHEREAS, on June 14, 2012, President Barack H. Obama
12 issued an executive order that stated that "Broadband access is
13 essential to the Nation's global competitiveness in the twenty-
14 first century" and established a broadband deployment on
15 federal lands working group to address rights of way and other
16 issues that contribute to the slow deployment of broadband
17 services on tribal and Indian trust lands; and

18 WHEREAS, on January 8, 2018, President Donald J. Trump
19 issued an executive order establishing the "policy of the
20 executive branch to use all viable tools to accelerate the
21 deployment and adoption of affordable, reliable, modern high-
22 speed broadband connectivity in rural America, including . . .
23 tribal communities"; and

24 WHEREAS, many rural communities, particularly rural Indian
25 communities, in New Mexico continue to lack adequate access to

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1 high-speed broadband service; and

2 WHEREAS, land use permitting regulations and
3 archaeological review requirements currently vary between the
4 federal land management agencies, including the bureau of land
5 management, the United States forest service, the bureau of
6 Indian affairs and the federal highway administration; and

7 WHEREAS, the federal requirements for regulations
8 regarding consultation with tribal governments vary widely; and

9 WHEREAS, the United States department of agriculture's
10 rural utilities service and the bureau of Indian affairs
11 require consultation with and agreement from a tribal
12 government for the installation of a telecommunications tower
13 on that tribe's land; however, the federal communications
14 commission may require consultation with up to thirty separate
15 tribal governments, including every tribe in the state and
16 those that have migrated through New Mexico or have traded with
17 New Mexican tribes in the past, prior to installing a
18 telecommunications tower; and

19 WHEREAS, the lack of a coherent and efficient set of
20 regulations and rights of way procedures for the placement of
21 broadband infrastructure on federally managed lands is the
22 single greatest impediment to the deployment of broadband
23 service in many areas of New Mexico;

24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
25 OF NEW MEXICO that the New Mexico congressional delegation be

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1 requested to work with the federal land management and
2 telecommunications service development agencies and the bureau
3 of Indian affairs to expedite the establishment of uniform
4 regulations and requirements to facilitate the development of
5 broadband infrastructure on and across federally managed and
6 tribal lands in New Mexico; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the members of the New Mexico congressional
9 delegation, the United States secretary of the interior, the
10 United States secretary of agriculture, the United States
11 secretary of transportation, the chair of the federal
12 communications commission, the United States assistant
13 secretary – Indian affairs and the chief technology officer of
14 the United States.