



U.S. Customs and
Border Protection

March 13, 2023

1300 Pennsylvania Avenue NW
Washington, D.C. 20229

The Honorable Bernard F Barcena Jr.
Lipan Apache Tribe of Texas
PO Box 5218,
McAllen, TX 78502
cc: Tom Castillo tcastillo@lipanapache.org

SUBJECT: Notification of CBP Proposed Undertaking – Installation and Maintenance of Fiber Optic Power Cables and Attributes in Val Verde County, Texas (*CBP Fiber Del Rio 14*)

Dear Chairman Barcena:

Pursuant to Section 106 of the National Historic Preservation Act (54 United States Code [U.S.C.] § 306108) and its implementing regulations (36 Code of Federal Regulations [C.F.R.] Part 800), U.S. Customs and Border Protection (CBP) is transmitting this letter and accompanying enclosures to initiate consultation for the installation of 2 miles of underground fiber, power cables, and attributes such as cameras, light poles, and associated shelters along the patrol road in the Del Rio 14 project area in Val Verde County, Texas.

The proponent of the undertaking is the Department of Homeland Security (DHS), U.S. Border Patrol Headquarters. The strategy and actual placement of the system is designated **Law Enforcement Sensitive (LES) Information**; therefore, no precise locational coordinates will be provided (see **Figure 1** in the enclosure). The unauthorized disclosure of this information could adversely impact a person's privacy or welfare, the conduct of Federal programs, or other programs or operations essential to the national interest.

The undertaking is needed to detect and track illegal border activities and provide an increased level of situational awareness of Items of Interest illegally entering the United States.

Description of Undertaking

The Proposed Undertaking consists of installing approximately 2 miles of fiber below ground, power cables, cameras, light poles, handholes, and two 30-foot x 30-foot x 9-foot (length x width x height) shelter along the United States (U.S.)/Mexico border. Light poles and surveillance cameras would be placed every 50 feet in previously disturbed areas. The shelters would be located near the Del Rio Port of Entry (POE). Cables would be installed within the existing roadway, approximately 7 feet from border barrier and approximately 3 feet deep. Staging of

equipment and parking would be located within the active footprint of the barrier. No existing above-ground structures would be modified.

Area of Potential Effects

Pursuant to National Historic Preservation Act regulations (36 C.F.R §§ 800.4(a)(1) and 800.16(d)), CBP has determined that the Area of Potential Effects (APE) for both above-ground and below-ground and historic or cultural resources is along the international border between United States and Mexico. The APE will follow the contours of the previously disturbed area, which is approximately 60 feet. Additionally, the APE covers a 750-foot radius around each shelter. Ground disturbance would be required as part of the Proposed Undertaking.

Identification and Evaluation of Historic Resources

The project area was examined for cultural resources in the past as part of the 2008 *Archaeological Investigation for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure for Customs and Border Protection, Del Rio Sector, Texas*. Based on this survey the Del Rio 14 segment is passes through one previously recorded archaeological site (41VV1714). This finding is shown in **Table 1**.

Table 1. Cultural Resource Sites near the Project Area

Project Section	Year Recorded	Site Type	Site Number	NRHP Eligibility Status	Impact
Del Rio 14	1994	No Information available in the TX Archaeological Site Atlas	41VV1714	None	Site not relocated, no effect

Site 41VV1714 was recorded in 1994 by the Texas Department of Transportation. However, no site forms were submitted to the Texas Archaeological Research Laboratory and no information is available in the online database regarding artifact assemblages, temporal affiliation, or National Register of Historic Places (NRHP) eligibility. Access was not granted to the survey archaeologists and therefore the site’s location could not be confirmed. No artifacts were found in the survey corridor adjacent to the plotted location.

Inadvertent Discoveries

A monitor would be present during these activities to ensure that no unanticipated cultural resources are disturbed. An Unanticipated Discovery Plan would be part of the monitoring plan developed prior to construction activities.

If human remains are inadvertently discovered at any time during fiber installation CBP field personnel would immediately contact their Environmental Lead for specific instructions. Construction may not resume until directed to proceed by a CBP Manager. Law enforcement agencies as well as THC will be notified and will follow the provisions of the Native American Graves and Repatriation Act (25 USC § 3001) and Chapter 711 of the Texas Health and Safety Code (including Section 711.011).

Effect Determination

Pursuant to 36 C.F.R. 800.4(d)(1), CBP has made the determination there would be no adverse effect on Historic Properties located in, or near, the APE. No National Register-eligible cultural resources would be affected by the fiber installation since the existing features have continued to be avoided throughout the extensive development of the border infrastructure. A monitor would be present during these activities to ensure that no unanticipated cultural resources are disturbed. An Unanticipated Discovery Plan would be part of the monitoring plan developed prior to construction activities.

Conclusion

We respectfully request your comments within 30 days. Please use the phrase **CBP Fiber Del Rio 14** in your response. If no response is received by CBP within 30 days, your concurrence will be presumed. If you have any questions, please contact me at 202-425-1669, michelle.l.barnes@cbp.dhs.gov; U.S. Customs and Border Protection, Border Patrol HQ, 1300 Pennsylvania Ave NW 6.5E Mail Stop 1039, Washington, DC 20229, Attn: *Michelle Barnes*. We also request you provide an electronic copy of your response to Ms. Barnes at michelle.l.barnes@cbp.dhs.gov and copy Ms. Johna Hutira at jhutira@dawsonohana.com.

We appreciate your feedback and help with evaluating the potential impacts of this project.

Sincerely,

A handwritten signature in black ink that reads "Shelly Barnes". The signature is written in a cursive style with a long horizontal stroke at the end.

Shelly Barnes on behalf of
Paul Enriquez
Director, Infrastructure Program
Program Management Directorate Office
U.S. Border Patrol

Enclosed: Map of Project Area

Enclosure

Figure 1: Map of the Project Area

