



U.S. Customs and
Border Protection

1300 Pennsylvania Avenue NW
Washington, D.C. 20229

August 30, 2023

Chairman Bernard Barcena Jr., Chairman
Lipan Apache Tribe of Texas
PO Box 5218
McAllen, TX 78502
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SUBJECT: Notification of CBP Proposed Undertaking – Deployment of Linear Ground Detection System (LGDS) in Hidalgo County, Texas (CBP LGDS RGV, Segments 1A and 2C)

Dear Chairman Barcena Jr.:

Pursuant to Section 106 of the National Historic Preservation Act (54 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 and maintenance of underground fiber optic cables, power cables, and other attributes such as cameras and light poles along existing access roads in the RGV project area, Segments 1A and 2C in Hidalgo 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 as **Law Enforcement Sensitive Information (LES)**; therefore, no precise locational coordinates will be provided (see Figures 1 and 2 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 Proposed Undertaking

CBP is proposing to deploy Linear Ground Detection System (LGDS) technology which includes installation and maintenance of approximately 1.64 miles (Segment 1A: 0.62 miles and Segment 2C: 1.02 miles) of underground fiber optic and power cables and attributes such as light poles with surveillance cameras near the United States (U.S.)/Mexico border. Fiber optic and power cables will be installed approximately seven feet within existing access roads at a depth of three feet in both Segment 1A and Segment 2C. Light poles and surveillance cameras will be placed every 50 feet in previously disturbed areas within Segment 2C. Equipment staging and parking will be

located within the active footprint of the project area. No existing above-ground structures will 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 the U.S. and Mexico. The APE is located completely within the previously disturbed area and is approximately 60 feet extending to a depth of 3 feet (see Figures 1 and 2 in the enclosure). Ground disturbance will be required as part of the Proposed Undertaking adjacent to the man-made levee.

Identification and Evaluation of Historic Resources

The Project Area defined for **Segment 1A** has been the subject of extensive database research and pedestrian surveys for cultural resources in the past. Most recently the project area was subjected to an intensive cultural resources survey by Golf South Research Corporation (GSRC) for CBP (Lindemuth et al. 2020). The 2020 cultural resources survey report *Cultural Resources Survey of 633.9 Acres for the Proposed Levee Wall and Associated Infrastructure Corridor Project, U.S. Customs and Border Protection, Hidalgo County, Texas* by Golf South Research Corporation identified one cultural resources site (41HG284) near the proposed action area. 41HG284 consists of a historic artifact scatter. This site has been recommended ineligible for inclusion on the National Register of Historic Places (NHRP). Therefore, CBP has determined that there are no adverse effects to historic properties.

The proposed activities within the Project Area defined for **Segment 2C** will take place in a man-made feature (a levee). All ground disturbance will be contained in non-native soil deposits and will not extend to previous undisturbed soil. No archaeological resources will be impacted by this activity.

Given the presence of a border barrier, the levee, roads, and other infrastructure, the fiber optic, power cables and attributes will have no added effect on the visual setting of historic properties in the area. CBP has determined that there are no adverse effects to historic properties.

Inadvertent Discoveries

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

If human remains are inadvertently discovered at any time during the implementation of the proposed action, CBP field personnel will 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 the Texas Historical Commission will be notified and will follow the provisions of the Native American Graves and Repatriation Act (NAGPRA; 25 U.S.C. § 3001) and Chapter 711 of the Texas Health and Safety Code (including Section 711.011).

All construction contractors or operators will cease construction activities and prevent the destruction or damage of these discovered resources. CBP field personnel will immediately contact

their Environmental Lead for specific instructions. Construction may not resume until directed to proceed by a CBP Manager. The Texas Office of Historic Preservation's office will be contacted immediately in either case, should any discoveries be made during construction.

Effect Determination

Pursuant to 36 C.F.R. 800.4(d)(1), CBP has made the determination there will be no adverse effect on Historic Properties by the Proposed Action. National Register-eligible cultural resources will not be affected by the LGDS deployment because the ground into which the fiber line and attributes are going is a man-made, raised levee. There will be no visual impacts as the deployment is adjacent to an existing border barrier. A monitor will be present during these activities to ensure that no unanticipated cultural resources are disturbed. An Unanticipated Discovery Plan will be a part of the monitoring plan developed prior to construction activities.

Conclusion

We respectfully request your comments within 30 business days. Please use the phrase ***CBP LGDS RGV, Segments 1A and 2C*** when responding. If no response is received by CBP within 30 business 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,



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

Enclosed: Maps of Project Area

Enclosure
Figure 1: LGDS Segment 1A



Figure 2: LGDS Segment 2C

