



U.S. Customs and Border Protection

January 20, 2022

The Honorable Bernard Barcena, Jr.
Lipan Apache Tribe of Texas
P.O. Box 5218
McAllen, TX 78502
VIA EMAIL: bbarcena@lipanapache.org

SUBJECT: Notification of CBP Proposed Undertaking – Construction of Border Barrier and Related System Elements in Rio Grande Valley, Texas

Dear Chairman Barcena:

U.S. Customs and Border Protection (CBP) is writing to notify you of a proposed undertaking involving the construction, operation, and maintenance of border barrier and related system elements in the United States Border Patrol (USBP) Rio Grande Valley Sector in Starr, Cameron, and Hidalgo counties, Texas.

In fiscal years 2018 and 2019, Congress appropriated funds for the construction of border barrier in the USBP Rio Grande Valley Sector. Pub. L. 115-141, Div. F, Tit. II, § 230 (March 23, 2018); Pub. L. 116-6, Div. A, Tit. II, § 230 (February 15, 2019). The Biden-Harris Administration has requested that Congress permanently cancel this funding. While the funds remain appropriated, and consistent with the *DHS Border Wall Plan Pursuant to Presidential Proclamation 10142* (June 11, 2021), CBP is conducting environmental planning concerning the proposed construction. The development of the EA will not involve any construction of new border barrier or permanent land acquisition.

Description of Undertaking

The proposed undertaking would involve the construction, operation, and maintenance of up to approximately 86 miles of new border barrier and related system elements in the USBP Rio Grande Valley Sector in Starr, Cameron, and Hidalgo counties, Texas. Maps of the areas of proposed undertaking are included in an attachment to this letter. The design of the border barrier could include up to 30-foot high, six-inch square steel bollards spaced approximately four inches apart and fitted with a five-foot anti-climb plate. Other system elements of the proposed border barrier system could include the following:

- Up to 150-foot-wide enforcement zone
- Up to 50-foot-wide maintenance road
- Lighting
- Linear Ground Detection System (LGDS)
- Remote Video Surveillance System (RVSS) towers

- Gates
- Cameras
- Shelters
- Levee (in areas where earthen levee exists)
- Erosion control and drainage
- Access Roads

Area of Potential Effects

Pursuant to National Historic Preservation Act regulations, 36 C.F.R §§ 800.4(a)(1) and 800.16(d), the proposed Area of Potential Effects (APE) for both above-ground and below-ground and historic or cultural resources is approximately 86 miles long and 200 feet wide. Ground disturbance would be required along the entire length of the barrier for installation of the barrier, communications fiber and electrical systems, linear ground detection systems, and underground conduit for the lighting.

Identification and Evaluation of Historic Resources

Through prior cultural resources surveys and a review of cultural resource studies, there are 14 historic or cultural resources or potentially eligible sites for inclusion on the National Register of Historic Places (NRHP) that have been identified in the proposed APE:

Site Number ¹	Field ID	Site Type	Eligibility Recommendation
41CF96	Old Fort Brown	Historic Fortifications (mid-19th century)	NRHP Listed
41CF208	Old Military Highway – Cameron Section	Prehistoric/Historic Old Military Rd.	Undetermined within Cameron County ²
41HG169 ³	Cantu House Site	1880 to 1900-era historic scatter	Undetermined within the border barrier Right of Way (ROW) ²
41HG230	Old Military Rd—Hidalgo Co. Section	Historic Road	Eligible
41HG283	02F-1	Former location of the pump station for the area, and part of the Old Rio Rico Rd. & Bridge Foundation	Undetermined within the border barrier ROW ²
41SR270	RGV-08-17	Prehistoric lithic scatter	Eligible within the border barrier ROW ²
41SR272	IBWC 7/8, RGV-08-018/RGV-08-19	Prehistoric campsite with chipping/quarrying, lithic scatter, and shell midden	Eligible within the border barrier ROW ² ; Undetermined within the Rio Grande City Roads Chapeno USIBWC Gate to Salineno

Site Number ¹	Field ID	Site Type	Eligibility Recommendation
41SR281/ 41SR283	RGV-08-23 IBWC-2	Repeated short-term prehistoric campsite with extensive surface scatter	Undetermined in Rio Grande City Roads USIBWC to Salineno Gate ROW; Eligible in the border barrier ROWs ²
41SR293	RGV-08-11	Prehistoric campsite and lithic scatter	Eligible
41SR373	RGV-09-18	Prehistoric artifact scatter	Undetermined within the border barrier ROW ²
	RGV-08-16	Prehistoric campsite	Eligible within the border barrier ROW ²
	Antonio M. Diaz Cemetery	Single-grave cemetery	Not eligible; Protected by State law ²
	TS-KIF036	Prehistoric food-processing station	Eligible within the border barrier ROW ²
	TS-ACS021	Prehistoric midden, Mid- to Late 20th century trash deposit	Undetermined within the border barrier ROW ²

1 Rows with a blank site number indicate sites which have not been submitted officially to the State of Texas and assigned official State trinomial numbers.

2 Recommendations only, have not undergone the Section 106 review process to establish determinations.

3 Not field verified as there was no Right of Entry for the property at the time of survey.

Request for Input

CBP is planning to conduct additional cultural resource surveys in the proposed APE. Additionally, CBP is requesting your assistance in identifying any resources or sites of sacred or spiritual significance to the Lipan Apache Tribe of Texas to ensure they are considered as part of CBP’s review of the undertaking. CBP welcomes your input and comments and looks forward to hearing any concerns you may have regarding cultural resources, traditional cultural properties, and sacred sites within the proposed APE. Please respond by March 7, 2022.

If you have any questions, please contact Shelly Barnes 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: *Paul Enriquez*. We also request you provide an electronic copy of your response to Ms. Barnes at michelle.l.barnes@cbp.dhs.gov.

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

Sincerely,



Chairman Bernard Barcena

Page 4

Paul Enriquez

Real Estate and Environmental Director

Infrastructure Portfolio

Program Management Office Directorate

U.S. Border Patrol

Enclosure: Rio Grande Valley Border Barrier Description of the Proposed Action

cc: Robert Soto, Vice Chairman Council Officer, Lipan Apache Tribe of Texas,
robsoto49@lipanapache.org