

*FINAL*

**FINDING OF NO SIGNIFICANT IMPACT**

**Construction, Operation, and Maintenance  
of a New Joint Processing Center in El Paso, El Paso County, Texas**

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**Introduction**

Pursuant to the National Environmental Policy Act (NEPA), the Department of Homeland Security (DHS) has prepared a Supplemental Environmental Analysis (SEA), to document considerations of the potential environmental impacts of construction, operation, and maintenance of a Joint Processing Center (JPC) and demobilization of an existing Central Processing Center (CPC) on a 59-acre parcel of land owned by the United States (U.S.) Customs and Border Protection (CBP), located in El Paso, El Paso County, Texas. The JPC would be a permanent, multi-agency facility. The construction of a modern, permanent, high-capacity processing JPC would support humanitarian efforts along the U.S. southwestern border by ensuring the security, placement, and successful transition of undocumented non-citizens, including migrants and refugees. An undocumented individual is a non-citizen who does not possess a document valid for admission into the U.S. Undocumented citizens may or may not possess a passport or other acceptable document that denotes identity and citizenship when entering the U.S. Under the Proposed Action, the JPC would be used by DHS, DHS Components, and other applicable federal agencies.

This SEA supplements and incorporates by reference the *Final Environmental Assessment for a New Central Processing Facility, U.S. Border Patrol, El Paso Sector, Texas* published by CBP in July 2020 (hereinafter referred to as the “2020 CPC EA”). DHS also prepared a Record of Environmental Consideration (REC) for the deployment and operation of soft-sided facilities (SSFs) at the El Paso site in 2023 (hereinafter referred to as the “2023 El Paso REC”).

The 2020 CPC EA was prepared to evaluate the potential impacts of construction, operation, and maintenance of a permanent CPC within CBP’s El Paso Sector. The purpose of the proposed permanent CPC was to provide additional space to hold and process incoming migrants. Previously, the El Paso Sector did not have sufficient holding facilities to comply with national standards for holding and processing migrants of all demographics, and the new CPC was needed to address the inadequacy of existing facilities. Due to the immediate need and surge in migrant and refugees that required expeditious processing and the expedited buildouts, CBP installed two temporary SSFs. SSFs are temporary processing facilities comprised of tents that support DHS efforts to process, care for, and transfer migrants and refugees. One SSF was constructed in 2022 with the capacity to hold 1,000 migrants. The second was built in 2023 with the capacity to hold 2,500 migrants. Existing SSFs operated by CBP along the border, including the two El Paso SSFs, are costly and inadequately equipped for the increasing number of undocumented non-citizens entering the country. The entire 59-acre parcel would be used for the Proposed Action to construct the permanent JPC and demobilize the existing 2,500-migrant capacity SSF. DHS would operate the existing 1,000-migrant capacity SSF in the short term with potential consideration for removal at a later point. DHS is preparing this SEA for the proposed

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permanent JPC as a supplement to the 2020 CPC EA because it (and the 2023 El Paso REC) includes a recent and relevant environmental review for a similar proposed action at the same project location.

### **Purpose and Need**

The purpose of the Proposed Action is to construct, operate, and maintain a permanent JPC and demobilize the existing 2,500-migrant capacity SSF to relieve crowding in existing DHS facilities. The Proposed Action would support humanitarian efforts along the southwestern U.S./Mexico international border and ensure the security, placement, and successful transition of undocumented non-citizens.

The Proposed Action is needed to efficiently process migrants and ease overcrowding at existing, temporary SSFs not sustainable for continued use. The SSFs have limited capacity, are costly, and are inadequately equipped for the increasing number of undocumented non-citizens entering the country. Current SSFs are overcrowded and the health and safety of DHS personnel, contractors, and those being processed is being affected. The SSFs affect work efficiency, morale, and execution of missions and operations during processing. The Proposed Action would allow multiple agencies to offer services and operate at the same building location and would allow better processing efficiency and reduced transportation costs. The JPC would be located in one of the highest areas of undocumented non-citizen apprehension encounter rates along the U.S. southwestern border and would replace operations at one of the existing SSFs at the El Paso site.

### **Description of the Proposed Action**

Alternative 1, the Proposed Action, would include constructing, operating, and maintaining a JPC and demobilizing the 2,500-migrant capacity existing SSF at the 59-acre parcel currently owned by CBP. The JPC would have approximately 200,000 square feet of useable floor space and would accommodate 200 support staff and 500 non-citizens in processing, as well as all reasonably foreseeable growth. The proposed JPC would also include the following ancillary support facilities and structures:

- Vehicle storage facility
- Loading facilities
- Outdoor tactical support areas
- Public and private vehicle parking areas
- Vehicle wash rack
- Temporary fuel island with above-ground tanks
- Canine kennel
- Stormwater management system
- Helipad
- Roadways
- Emergency generators
- Utilities

Some of these facilities are already available at the site, as they were constructed alongside the SSFs and would not need to be rebuilt, although they may be upgraded or expanded if necessary. Existing facilities at the El Paso site include vehicle parking areas, roadways, emergency generators, and utility connections. The existing SSFs and support facilities occupy the majority of the parcel. Site design would occur following completion of this NEPA process and this analysis assumes that the entirety of the parcel would be used for the proposed JPC and ancillary support facilities due to its currently developed condition.

The smaller, 1,000-migrant capacity SSF constructed in 2022 would remain operational for the possibility of future use; however, the second SSF built in 2023 with a 2,500-migrant capacity would need to be demobilized to accommodate construction of the JPC. Demobilization of the 2,500-migrant capacity SSF would take about 60 days to complete and is anticipated to begin in December 2023. Construction of the JPC is anticipated to begin in February 2024 and would be completed by January 2025. The JPC would be operated and staffed 24 hours a day, 7 days a week. Maintenance would include routine repair and normal facility landscaping.

### **Net-Zero Alternative**

Alternative 2, the Net-Zero Alternative, would be the same as Alternative 1 but would incorporate the use of net-zero technologies for some utilities rather than using nonrenewable resources. The net-zero technologies proposed in this alternative include solar technology, a vermifiltration (VF) wastewater filtration system, and an atmospheric water generator (AWG). The use of these net-zero resource applications would aid the proposed JPC in achieving close to net-zero emissions, waste, and water conservation efforts.

### **No Action Alternative**

As required by NEPA and Council on Environmental Quality (CEQ) regulations, the No Action Alternative reflects conditions within the project site should the Proposed Action not be implemented. Under the No Action Alternative, DHS personnel would continue to use the existing SSFs at the site in El Paso. The use of the SSFs would not facilitate interagency coordination. Additionally, the SSFs would remain inadequately equipped and would not be able to be expanded or renovated to meet demand. Continued use of the existing SSFs could adversely affect the health, safety, work efficiency, and morale of DHS personnel along with the migrants and refugees being processed, which could impede execution of the mission and operations of the facility.

### **Public Involvement**

The Notice of Availability (NOA) for the Draft SEA and Draft Finding of No Significant Impact (FONSI) was published in the *El Paso Times* and *El Paso Herald-Post* and on the DHS website and made available for review and comment. The 30-day public comment period was used to solicit comments on the Proposed Action and alternatives and involve the local community, agencies, and other stakeholders, in the decision-making process. The public comment period was from August 25, 2023, to September 23, 2023. No comments were received during the 30-day public comment period.

## Environmental Consequences and Best Management Practices

Impacts on environmental resources under each alternative are listed below in **Table 1**. DHS would implement best management practices (BMPs) as detailed in the SEA and summarized in **Table 2**, and would adhere to all applicable federal, state, and local regulatory requirements, including obtaining necessary permits, in order to avoid or minimize potential adverse impacts resulting from the Proposed Action.

**Table 1. Summary of Anticipated Environmental Impacts by Alternative**

Resource Area	Alternative 1: Proposed Action	Alternative 2: Net-Zero Alternative	No Action Alternative
Soils	<p><i>Short-term, minor adverse impacts</i> from erosion during construction.</p> <p><i>Long-term, negligible adverse impacts</i> during operation from runoff.</p>	<p><i>Short-term, minor adverse impacts</i> during construction from erosion and ground disturbance.</p> <p><i>Long-term, negligible adverse impacts</i> during operation.</p>	No impacts.
Biological Resources	<p><i>Short-term, negligible adverse impacts</i> to wildlife from construction noise.</p> <p><i>No effect</i> on federally listed species except for the northern aplomado falcon, which <i>may be, but is not likely to be, adversely affected</i> during operation.</p> <p><i>No impacts</i> on state-listed species except for the Texas horned lizard and mountain short-horned lizard, which may have <i>short-term, negligible adverse impacts</i>.</p> <p><i>Long-term, negligible adverse impacts</i> to migratory birds from construction or operation.</p>	Impacts would be the same as described for Alternative 1.	No impacts.
Water Resources	<p><i>Long-term, negligible adverse impacts</i> on groundwater quality from the potential for contamination.</p> <p><i>Long-term, minor beneficial impacts</i> to groundwater availability from decreased demand.</p>	<p>Impacts to groundwater quality and stormwater would be the same as described for Alternative 1.</p> <p><i>Long-term, moderate beneficial impacts</i> to groundwater availability from decreased demand and use of an AWG.</p>	<p><i>No impact</i> to groundwater resources.</p> <p><i>Long-term, minor adverse impacts</i> on stormwater from operations without a management system.</p>

Resource Area	Alternative 1: Proposed Action	Alternative 2: Net-Zero Alternative	No Action Alternative
	<p><i>Short-term, minor adverse impacts</i> to stormwater flow during construction.</p> <p><i>Long-term, negligible beneficial impacts</i> on stormwater from installation of a management system.</p>		
Air Quality	<p><i>Short-term, minor adverse impacts</i> from construction.</p> <p><i>Long-term, minor adverse impacts</i> during operation and maintenance.</p> <p>Emissions would meet the <i>de minimis</i> thresholds.</p>	Impacts would be the same as, or potentially less than, described for Alternative 1.	No impacts.
Noise	<p><i>Short-term, minor adverse impacts</i> to noise environment during construction.</p> <p><i>Long-term, minor adverse impacts</i> during operation.</p>	Impacts would be the same as described for Alternative 1.	No impacts.
Cultural Resources	No impacts.	No impacts.	No impacts.
Utilities and Infrastructure	<p><i>Long-term, minor adverse impacts</i> on electric utilities from connection to the regional grid.</p> <p><i>Long-term, minor beneficial impacts</i> to water and wastewater utilities from decreased demand.</p> <p><i>No impacts</i> to public infrastructure.</p> <p><i>Short-term, minor adverse impacts</i> to solid waste during construction.</p> <p><i>Long-term, minor beneficial impacts</i> to solid waste during operation.</p>	<p><i>Long-term, minor adverse impacts</i> on electric utilities from connection to the regional grid, but potentially reduced demand due to use of solar energy.</p> <p><i>Long-term, moderate beneficial impacts</i> on water and wastewater utilities from use of net-zero technologies.</p> <p><i>No impacts</i> to public infrastructure.</p> <p><i>Long-term, minor beneficial impacts</i> to solid waste during operation.</p>	No impacts.
Hazardous Materials	<p><i>Short-term, minor adverse impacts</i> from the use of hazardous materials during construction.</p> <p><i>Long-term, minor adverse impacts</i> from the use and</p>	Impacts would be the same as described for Alternative 1.	No impacts.

Resource Area	Alternative 1: Proposed Action	Alternative 2: Net-Zero Alternative	No Action Alternative
	generation of hazardous materials and wastes during operation and maintenance.		
Socioeconomic Resources, Environmental Justice, and Protection of Children	<p><i>Short-term, minor beneficial impacts</i> to local socioeconomic conditions during construction.</p> <p><i>No or negligible impact</i> on socioeconomic conditions during operation.</p> <p><i>No disproportionate adverse impacts</i> on EJ communities.</p> <p><i>Minor safety risks</i> that could disproportionately affect children during construction.</p>	Impacts would be the same as described for Alternative 1.	No impacts.
Human Health and Safety	<p><i>Short-term, minor adverse impacts</i> to construction contractor safety.</p> <p><i>Long-term, moderate beneficial impacts</i> to public and DHS health and safety during operation.</p>	Impacts would be the same as described for Alternative 1.	<i>Long-term, moderate adverse impacts</i> from continued use of temporary SSFs.
Sustainability and Greening	<i>Long-term, minor beneficial impacts</i> on sustainability and greening from incorporation of some sustainable features.	<i>Long-term, moderate beneficial impacts</i> on sustainability and greening from incorporation of all three net-zero technologies (i.e., solar PV system, AWG, and VF system).	<i>Long-term, minor adverse impacts</i> from continued use of inefficient SSFs.

**Table 2. Summary of Best Management Practices**

Resource Area	Best Management Practices
General Project Considerations	<ul style="list-style-type: none"> <li>• Use minimum wattage and number of flashes per minute for night-vision-friendly strobe lights, if necessary.</li> <li>• Store concrete wash water, and water contaminated with construction materials, in closed containers on-site until removed for disposal.</li> <li>• Conduct construction and maintenance activities during daylight hours only.</li> <li>• Clean heavy equipment prior to delivery on-site.</li> <li>• Use fill and gravel materials from a clean source, obtained from developed or previously used sources.</li> <li>• Ensure construction follows DHS Direction 025-01, <i>Sustainable Practices for Environmental, Energy, and Transportation Management</i>.</li> <li>• Place drip pans under parked equipment and establish refueling containment zones.</li> </ul>
Soils	<ul style="list-style-type: none"> <li>• Demarcate the perimeter of all areas to be disturbed and do not allow disturbance outside that perimeter.</li> <li>• Minimize area of disturbance by limiting deliveries of materials and equipment.</li> <li>• Limit grading or soil removal to areas where needed to provide the necessary ground conditions for construction.</li> <li>• Employ techniques such as silt fencing, sediment traps, and watering disturbed soils to reduce dust. Implement a Stormwater Pollution Prevention Plan (SWPPP) to manage erosion and stormwater discharge.</li> <li>• Recover disturbed areas with compacted stone material.</li> </ul>
Biological Resources	<ul style="list-style-type: none"> <li>• Use materials such as gravel, topsoil, or fill from existing developed or previously used sources.</li> <li>• Check visible space beneath heavy equipment for wildlife prior to moving.</li> <li>• Provide environmental awareness training to contractors, work crews, and DHS personnel in the field.</li> <li>• Train construction and site personnel for encounters with protected species. Notify and consult with a qualified biologist if a sighting occurs.</li> <li>• Comply with requirements of the Migratory Bird Treaty Act. Coordinate with the U.S. Fish and Wildlife Service and Texas Parks and Wildlife Department (TPWD) if take of a migratory bird would occur.</li> <li>• Consult with a TPWD-authorized individual to translocate rare species that will not readily leave the work area.</li> <li>• Prohibit pets within the project area or adjacent habitats.</li> <li>• Implement a “No Kill Wildlife Policy” to prevent inadvertently killing protected species that may be mistaken for common species.</li> </ul>
Water Resources	<ul style="list-style-type: none"> <li>• Store wastewater in closed containers on-site until removed for disposal.</li> <li>• Avoid contamination of ground and surface waters by collecting concrete wash water in open containers and disposing of it off-site.</li> <li>• Cease work during heavy rains and do not resume work until conditions are suitable for the movement of equipment and materials.</li> <li>• Review and implement the DHS-approved spill protection plan during construction and maintenance activities.</li> <li>• Develop and implement a project-specific SWPPP to manage erosion and stormwater discharge.</li> <li>• Collect wastewater from pressure washing.</li> </ul>

Resource Area	Best Management Practices
	<ul style="list-style-type: none"> <li>• Pump or clean out wastewater containing soaps or detergents and dispose of in an approved facility. If no soaps or detergents are used, filter or screen wastewater to remove solids before allowing to flow off-site.</li> </ul>
Air Quality	<ul style="list-style-type: none"> <li>• Utilize soil watering to minimize airborne particulate matter created during construction activities. Cover bare ground with hay or straw to lessen wind erosion and maintain construction equipment and vehicles in good operating condition to minimize exhaust emissions.</li> <li>• Comply with Texas Administrative Code Rule §111.143 and Rule §111.145 to control and minimize fugitive dust emissions.</li> <li>• Incorporate mitigation measures to ensure that particulate matter emission levels do not rise above the <i>de minimis</i> threshold. Measures shall include dust suppression methods, standard construction BMPs, and maintenance of construction equipment.</li> </ul>
Noise	<ul style="list-style-type: none"> <li>• Use noise-abatement methods for generators and heavy construction equipment, such as an attached muffler and turning off idling equipment when not in use.</li> <li>• Conduct construction and maintenance activities during daylight working hours only.</li> <li>• Follow Occupational Safety and Health Administration (OSHA) requirements and standards to reduce noise exposure.</li> </ul>
Cultural Resources	<ul style="list-style-type: none"> <li>• Cease work and contact the Texas Historical Commission and interested tribal nations in the event of an unanticipated discovery during construction activities.</li> </ul>
Hazardous Materials	<ul style="list-style-type: none"> <li>• Implement BMPs as standard operating procedures during construction, including proper handling, storage, and/or disposal of hazardous and/or regulated materials. Collect and store fuels, waste oils, and solvents in tanks or drums with a secondary containment system. Refuel machinery in accordance with accepted industry and regulatory guidelines and use drip pans during vehicle storage. Contain any major spills and apply absorbent.</li> <li>• Store gasoline and diesel in aboveground storage tanks that are regularly inspected and that are double-walled and include leak detection systems.</li> <li>• Contain non-hazardous waste materials until removed from the construction site.</li> <li>• Remove waste materials, wrappers, and debris from the site.</li> <li>• Recycle waste oil and solvents, and collect and dispose of non-recyclable hazardous and regulated wastes in accordance with all federal, state, and local regulations.</li> <li>• Maintain solid waste receptacles at the project site. Solid waste will be collected and disposed of by a local waste disposal contractor.</li> <li>• Dispose of used batteries and other small quantities of hazardous wastes in accordance with federal and state regulations.</li> <li>• Collect and pump out rainwater collected in secondary containment.</li> <li>• Use a licensed and certified hazardous waste disposal contractor and trace manifests to final destinations.</li> <li>• Develop a project-specific Spill Prevention, Control, and Countermeasure Plan to establish procedures for cleaning up inadvertent releases of hazardous materials.</li> </ul>
Protection of Children	<ul style="list-style-type: none"> <li>• Protect migrant children who may be present on-site during construction by ensuring they are supervised, keeping children inside, providing ear plugs as appropriate, and posting warning signs in both English and Spanish.</li> </ul>
Human Health and Safety	<ul style="list-style-type: none"> <li>• Use trained, qualified, and fully certified contractors for construction.</li> </ul>



Resource Area	Best Management Practices
	<ul style="list-style-type: none"> <li>• Assess potential hazardous workplace conditions; monitor exposure to chemical, physical, and biological agents, and ergonomic stressors; recommend controls to ensure exposure is eliminated or controlled; implement a health and safety program to perform occupational health physicals.</li> <li>• Ensure workers are provided with and are utilizing personal protective equipment.</li> <li>• Prepare a project-specific Health and Safety Plan to minimize potential safety risks.</li> <li>• Contain active construction sites within a fenced or clearly marked perimeter that is only accessible to authorized personnel</li> </ul>

**Finding of No Significant Impact and Conclusion**

The SEA for this Proposed Action was prepared according to the National Environmental Policy Act of 1969 (42 United States Code [U.S.C.] 4321 et seq.); the Council on Environmental Quality, Regulations Implementing the Procedural Provisions of NEPA (40 CFR §§1500-1508); DHS Directive 023-01 Revision 01, Implementation of the NEPA; and other pertinent environmental statutes, regulations, and compliance requirements. The analyses described in the SEA demonstrate that the Proposed Action would result in no significant impact on the environment. As a result, no additional analysis or documentation (i.e., Environmental Impact Statement) is required under NEPA or CEQ’s Regulations Implementing the Procedural Provisions of NEPA. DHS would continue to utilize all practical means to minimize or avoid the potential for adverse impacts to the human and natural environment.

September 27, 2023

Date

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September 27, 2023

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