FINAL

FINDING OF NO SIGNIFICANT IMPACT

Addressing the Proposed Land Purchase, and Construction, Operation, and Maintenance of a Joint Processing Center in Eagle Pass, Maverick County, Texas

---

Introduction

Pursuant to the National Environmental Policy Act (NEPA), the Department of Homeland Security (DHS) has prepared an Environmental Assessment (EA), which is attached hereto and incorporated herein by reference, to document its consideration of the potential environmental impacts of a proposal to purchase 62.76 acres of land in Eagle Pass, Maverick County, Texas, and to construct, operate, and maintain a permanent, multi-agency facility to support humanitarian efforts along the southwestern border. The new Joint Processing Center (JPC) would have a larger capacity than existing facilities and would ensure the security, placement, and successful transition of undocumented noncitizens, including migrants and refugees, by DHS. An undocumented individual is a noncitizen who does not possess a document valid for admission into the United States. Undocumented individuals may or may not possess a passport or other acceptable document that denotes identity and citizenship when entering the United States. Under the Proposed Action, the JPC would be used by DHS, DHS Components, and other applicable Federal agencies.

The proposed 62.76-acre site (Project Area) includes 25.70 acres of land currently leased by U.S. Customs and Border Protection (CBP) for the North Eagle Pass soft-sided processing facility (SSF). These SSFs are temporary and comprised of portable tents that support DHS and CBP efforts to process, care for, and transfer undocumented noncitizens. The entire 62.76-acre Project Area would be purchased for the Proposed Action to construct, operate, and maintain the JPC. The existing SSF structures would remain until no longer needed and the SSF pad area would remain unless replaced by other uses.

Purpose and Need

The purpose of the Proposed Action is to purchase land to construct, operate, and maintain a JPC to relieve overcrowding in existing DHS facilities. The Proposed Action would support humanitarian efforts along the southwestern United States/Mexico international border and ensure the security, placement, and successful transition of undocumented noncitizens.

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, smaller than the proposed JPC, and inadequately equipped for the increasing number of undocumented noncitizens entering the country. Current SSFs are overcrowded and the health and safety of DHS personnel, contractors, and those being processed is being affected. The overcrowding affects work efficiency, morale, and impedes 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 noncitizen apprehension encounter rates along the southwestern border.

Description of the Proposed Action

The Proposed Action would include the purchase of 62.76 acres of land from Maverick County and constructing, operating, and maintaining a JPC. Of those 62.76 acres, 25.70 acres are currently leased by CBP and serve as the North Eagle Pass SSF at 223 Fire Fly Lane, Eagle Pass, Texas. Upon purchasing the 62.76 acres of land, the lease for the SSF would be discontinued. The JPC would have approximately 200,000 square feet (ft^2) of useable floor space, would accommodate 200 support staff, and would have the capacity to process approximately 500 undocumented noncitizens per day. The purchase of land would be suitable for all reasonably foreseeable JPC growth. The JPC would also include the following potential ancillary support facilities and structures:

- Vehicle storage and maintenance facility including vehicle wash rack(s)
- Loading facilities such as service and delivery docks
- Outdoor tactical support areas
- Public and private vehicle parking areas as well as overflow parking
- Fuel island with above-ground storage tanks and secondary containment system
- K9 kennels
- Communications tower
- Stormwater management system and stormwater detention ponds
- Helipad
- Roadways
- Emergency generators
- Utilities
- On-site sewage treatment (vermifiltration or septic fields)
- Trash disposal
- Fire-safe dispersal areas
- Chillers and mechanical room
- Outdoor tactical support areas

Construction of the JPC would disturb about 62.76 acres. Within those 62.76 acres, 25.70 acres consists of the existing SSF and 37.06 acres are currently undeveloped. Most of the land would be permanently impacted by the construction of the JPC and ancillary facilities.

The Proposed Action also includes demolition of temporary facilities after completion of the JPC, subject to the availability of funds. The JPC would be operated and staffed 24 hours a day, 7 days a week. Maintenance of the JPC would include routine upgrade, repair, and maintenance of the buildings, roofs, parking areas, grounds, or other facilities that would not result in a change in their function or use. Some examples of maintenance activities include landscaping, mowing, janitorial cleaning, trash removal, fencing repairs, replacing door locks or windows, painting interior or exterior walls, resurfacing a road or parking lot, grounds maintenance, or replacing essential facility components such as an air conditioning unit. Vehicle maintenance and washing would occur in a vehicle maintenance garage or appropriate area.

Alternative

As required by NEPA and CEQ regulations, the No Action Alternative reflects conditions within the Project Area should the Proposed Action not be implemented. Under the No Action Alternative, DHS personnel would continue to use the existing temporary SSFs and the North Eagle Pass SSF. The use of these SSFs would not facilitate inter-agency coordination. Additionally, the existing SSFs would remain undersized and would not be able to be expanded or renovated to meet demand. The existing SSFs would continue to be undersized and inadequately equipped for the increasing number of undocumented noncitizens crossing the border. The facilities would be overcrowded and the health and safety of DHS personnel, contractors, and those being processed would be affected. In addition, the overcrowding would continue to affect work efficiency, morale, and impede the execution of the missions and operations. DHS may consider options to include net-zero technologies that may alter the Proposed Action. Should this be the case additional environmental analysis may be warranted.

Public Involvement

DHS coordinated with appropriate stakeholders, including federal, state, and local agencies and Native American Tribes and nations, having an interest in the Proposed Action. DHS initiated public scoping for the Proposed action during a 30-day scoping period from February 23, 2023 to March 25, 2023. All scoping comments were incorporated into the Draft and later Final EA.

The Notice of Availability (NOA) for the EA and draft FONSI was published in the *Del Rio & Eagle Pass News Leader* and *San Antonio Express-News* 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 in the decision-making process. The public comment period was from June 15, 2023, to July 18, 2023. Two (2) comments were received; however, they were outside the scope and therefore not relevant to the Proposed Action. No substantive comments were received during the 30-day public comment period.

Environmental Consequences

Impacts on environmental resources under each alternative are listed below in **Table 1**. To avoid or minimize adverse environmental impacts to the extent practicable, DHS has identified best management practices (BMPs) and mitigation measures in the EA that would be applied as applicable to ensure the avoidance of significant impacts on resources. Appendix D of the EA identifies measures that DHS will adopt to reduce or eliminate potential adverse impacts on the human and natural environment. Some of these BMPs include, but are not limited to, utilizing erosion control measures, grading or topsoil removal limited to areas where activity is needed to provide the ground conditions necessary for construction or maintenance, and cleaning equipment to ensure invasive plant seeds are not brought into the Project area.

Table 1. Summary of Anticipated Environmental Impacts by Alternative

Resource Area	Alternative 1: Proposed Action	Alternative 2: No Action Alternative
Land Use	Long-term, minor adverse impacts on land use from 100 percent development of the site. Development is consistent with current use of adjacent land. Viability of adjacent land use not affected. No known conflicts with objectives of federal, state, regional, or local land use plans, policies, or controls. Approximately 35.6 acres designated as NRCS farmland – however, it cannot be used as such without irrigation.	No impacts
Geology and Soils	Short- and long-term, minor, negligible adverse impacts on topography from earthmoving and grading activities during construction. Short-term, minor, adverse impacts on soils from temporary disturbance of ground surfaces, earthmoving activities, and grading within the Project Area during construction. Minor adverse impacts on 35.6 acres of potential important farmland soils due to compaction during construction. Long-term, minor, negligible, adverse impacts from geological hazards. No impacts on regional geology.	No impacts
Biological Resources (Vegetation)	Short- and long-term, negligible to minor, direct adverse impacts on vegetation. No impacts on special status vegetation. Disturbance of 37 acres of undeveloped land with vegetation characterized as Chihuahuan desert scrub (26 acres is within the footprint of the existing facility and is already disturbed). Increased potential for invasive species spread/fire regime, accidental spills and increased fugitive dust emissions may impact vegetation. BMPs would be implemented to reduce or avoid impacts.	No impacts
Biological Resources (Terrestrial and Aquatic Wildlife)	Short-term, direct and indirect, negligible to minor, adverse effects on wildlife. Potential impacts on wildlife include habitat removal, construction-related ground disturbance, and noise. Approximately 37 acres of native habitat within the Project Area would be impacted. Mobile wildlife would likely relocate to other nearby suitable habitat and avoid the Project Area once construction activities commence. Impacts on wildlife due to noise during construction should be short-term in nature and negligible as there is sufficient habitat for wildlife relocate to away from construction noise. Impacts on migratory bird species would be avoided by conducting pre-construction surveys and avoiding construction at nesting locations until nesting activities are complete. BMPs listed in **Appendix E** would minimize or avoid impacts on wildlife.	No impacts

Resource Area	Alternative 1: Proposed Action	Alternative 2: No Action Alternative
Biological Resources (Special Status Species)	No impacts on federally threatened and endangered species are anticipated due to lack of suitable habitat. Minor impacts on existing nectar plants, potential foraging habitat for the candidate species monarch butterfly (*Danaus plexippus*) may occur; these impacts would be mitigated by planting native milkweed and other nectar plants in post-construction landscaping. Habitat removal, construction-related ground disturbance, and noise may cause minor impacts on seven state and special-status species (these seven species include the American black bear (*Ursus americanus*), Texas horned lizard (*Phrynosoma cornutum*), Texas tortoise (*Gopherus berlandieri*), Reticulate collared lizard (*Crotaphytus reticulatus*), Tamaulipan spot tailed earless lizard (*Holbrookia subcaudalis*), and Texas indigo snake (*Drymarchon melanurus erebennus*)). Species-specific BMPs listed in **Appendix E** have been incorporated into the Proposed Action to avoid or minimize impacts.	No impacts
Water Resources (Groundwater)	Short- and long-term, negligible, adverse impacts on groundwater quality from construction-related erosion and increased sediment transportation that could enter groundwater through recharge points. No impacts on groundwater quantity are expected. Compliance with design measures, BMPs, and permitting requirements would be implemented to reduce or eliminate impacts.	No impacts. Potential negative impacts from unmanaged stormwater.
Water Resources (Surface Waters and Wetlands)	Short- and long-term, minor, adverse impacts on surface waters during construction and maintenance from the potential for unmanaged stormwater flows and erosion. Unmanaged stormwater flow could impact the Rio Grande and other downstream surface waters. Erosion-control BMPs and stormwater management system would avoid or minimize adverse impacts. Minor impacts to domestic water supply (surface water supply) would occur. Domestic water use is estimated at 6.4 million gallons per year and is less than 0.0001 percent of the existing annual water supply provided by the Rio Grande. Only one potentially jurisdictional Waters of the U.S. (WOTUS) feature exists in the Project Area; a 50-foot-long drainage ditch is located outside the existing SSF that flows toward the Maverick County Water Treatment Plant. No construction would occur in the immediate area. No impacts on wetlands or WOTUS features are expected.	No impacts
Water Resources (Floodplains)	Negligible to minimal impacts, due to increased impervious surfaces and stormwater discharge into nearby floodplains, some of which are located less than a mile away.	No impacts

Resource Area	Alternative 1: Proposed Action	Alternative 2: No Action Alternative
Air Quality	Short- and long-term, minor, adverse impacts on air quality from use of equipment, infrastructure, and vehicles during both construction and operation. Helicopter flights using the proposed helipad would be infrequent and are estimated at 1 flight per week (52 flights per year). Emissions produced from transient helicopter operations have the potential to affect air quality up to 3,000 feet above ground level (or the mixing zone). Considering the infrequency of helicopter operations at the JPC, emissions from such operations would have negligible impacts on air quality. Impacts on air quality from release of criteria pollutants are determined to be negligible to minor, as they would not exceed the USEPA's Prevention of Significant Deterioration major source threshold of 250 tons per year (tpy) (25 tpy for lead). Fugitive dust emissions as a result of construction would peak during the 2025 year at 79 tons of particulate matter measured less than or equal to 10 microns in diameter. Greenhouse gas (GHG) emissions measured as CO_2 equivalent (CO_{2e}) would total of 3,767 tons (3,417 metric tons) during the construction period (i.e., 2024 through 2029). BMPs and environmental control measures would minimize fugitive dust emissions and the release of GHGs.	No impacts
Noise	Short- and long-term, minor, adverse effects on the ambient noise environment from construction, operation (including intermittent helicopter use), and maintenance. Residences approximately 100 feet southwest of boundary would be impacted by noise during construction and temporary and intermittent noise during operation and maintenance. Construction would generally occur between 250 and 1,000 feet from the adjacent residences, minimizing noise exposure during construction. Use of the proposed helipad would be infrequent, and no helicopter would be stationed at the JPC. BMPs would be implemented to limit exposure on sensitive noise receptors.	No impacts
Cultural Resources	Potential adverse impacts on unknown archaeological resources due to ground-disturbing activities. No known archaeological sites are present, and no impacts are anticipated for these resources. With implementation of BMPs, including DHS's established standard operating procedures for inadvertent discoveries, impacts on unknown cultural resources would be avoided. There would be no impacts on cultural resources from operation and maintenance of the JPC. The State Historic Preservation Officer concurred with the finding of 'No Historic Properties Affected' for the Proposed Action.	No impacts

Resource Area	Alternative 1: Proposed Action	Alternative 2: No Action Alternative
Utilities and Infrastructure	Short- and long-term, negligible to minor, adverse impacts on electrical supply, natural gas/propane supply, water supply, wastewater systems, stormwater drainage, communications, and solid waste management. Construction would generate approximately 434 tons of solid waste and temporarily disturb natural stormwater drainage. Operations would result in minor increase in electrical load, natural gas/propane supply, domestic water demand, and minor reduction in communications bandwidth over current operations. A domestic well would be established for water supply, and an on-site wastewater treatment system would be installed. BMPs would minimize or avoid impacts, where possible.	No impacts
Roadways and Traffic	Short- and long-term, minor, adverse impacts from increases in daily and peak hour traffic levels to support construction and operations. An additional 200 staff would be traveling to and from to work at the JPC; the JPC would have the capacity to process up to 500 undocumented noncitizens per day. Changes in traffic levels associated with the JPC would not be expected to exceed current capacity.	No impacts
Hazardous Materials and Wastes	Short-term, minor, and long-term, negligible, adverse impacts from the storage and use of larger quantities of hazardous materials and petroleum products during operations, and the generation of hazardous wastes during construction. No impacts from special hazards (asbestos-containing material, lead-based paint, and polychlorinated biphenyls), environmental contamination, and radon. The presence of a historical skeet range was investigated. Contamination was delineated to an area of approximately 4 acres. This area would be capped, use restricted, and/or the soil properly removed and disposed of to meet or exceed recommended residential soil protective concentrations levels. BMPs would be implemented to reduce or avoid impacts.	No impacts
Socioeconomic Resources, Environmental Justice, and Protection of Children	Short-term, minor, and long-term, negligible, beneficial impacts on the local economy and employment from construction expenditures and additional personnel. No changes to population or demographics as construction and operations workforce would likely be supplied from within Maverick County. Long-term, indirect, minor, adverse impacts on fire protection and emergency medical services. Minor impacts from increased noise and traffic during construction and operation. No disproportionately high and adverse human health and environmental impacts on minority and low-income populations or children.	No impacts

Resource Area	Alternative 1: Proposed Action	Alternative 2: No Action Alternative
Human Health and Safety	Short-term, negligible, adverse impacts on contractor safety from increased risk of accidents, but no impacts on the general public during construction. Impacts on health and safety from operation of the JPC could be long-term, minor, and beneficial.	Long-term, minor, adverse impacts on personnel and public safety from continued use of the existing, inadequate SSFs/tents and facilities.
Sustainability and Greening	Long-term, minor, beneficial impacts through implementation of sustainable design strategies to reduce consumption of energy, water, and raw materials, while meeting mission requirements. Long-term, minor, adverse impacts from disturbance of green and open spaces.	Long-term, minor to moderate, adverse impacts on resource sustainability from continued operation of existing SSF. No impacts on green and open spaces.

Finding of No Significant Impact

The EA 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 (CEQ), Regulations Implementing the Procedural Provisions of NEPA (40 CFR §§1500-1508); DHS Directive 023-01 Revision 01, Implementation of the National Environmental Policy Act; and other pertinent environmental statutes, regulations, and compliance requirements. DHS may consider options to include net-zero technologies that may alter the Proposed Action. Should this be the case additional environmental analysis may be warranted. The analyses described in the EA 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.

Conclusion

Based on the analysis of the EA, the undersigned finds that the Proposed Federal Action is consistent with the existing national environmental policies and objectives as set forth in NEPA, and implementation of the Eagle Pass JPC would not result in a significant effect on the human or natural environment. Applicable Federal, state, and local laws and regulations will be followed.

JENNIFER D HASS Digitally signed by JENNIFER D HASS
Date: 2023.09.29 23:31:44 -04'00'

Jennifer Hass Date
Director, Environmental Planning and Historic Preservation
Sustainability and Environmental Programs
Office of the Chief Readiness Support Officer
U.S. Department of Homeland Security

Digitally signed by TRACEY L WATKINS
Date: 2023.10.02 16:27:28 -04'00'

Trae Watkins Date
Deputy Chief Readiness Support Officer
Office of the Chief Readiness Support Officer
U.S. Department of Homeland Security