

*FINAL*

**FINDING OF NO SIGNIFICANT IMPACT**

**Addressing the Proposed Construction, Operation, and Maintenance of a New Joint Processing Center in Laredo, Webb 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 the acquisition of approximately 100 acres of land, and the construction, operation, and maintenance of a new Joint Processing Center (JPC) in Laredo, Webb County, Texas. The JPC would be a permanent, multi-agency facility and would be used by DHS, DHS Components, and potentially other applicable federal agencies.

This SEA supplements and incorporates by reference the *Final Environmental Assessment (EA) for the New Laredo Sector Headquarters U.S. Border Patrol, Laredo Sector, Texas* published by U.S. Customs and Border Protection (CBP) in October 2022 (hereinafter referred to as the “2022 Laredo HQ EA”). The 2022 Laredo HQ EA was prepared to evaluate the potential impacts of land acquisition and construction, operation, and maintenance of a new headquarters facility for Laredo Sector. The purpose of the new headquarters was to increase personnel and facility capacity and to meet the needs of U.S. Border Patrol (USBP) operations in the area. The proposed Laredo Headquarters (HQ) and associated supporting infrastructure was designed for continuous operations in support of the USBP Strategic Plan to gain and maintain effective control of the borders of the United States.

Although a NEPA analysis was previously completed for the same 100 acres under the 2022 Laredo HQ EA, the scope of the Proposed Action has changed, triggering a need for additional environmental impact evaluation. Therefore, this SEA has been prepared to describe and assess the potential environmental and socioeconomic impacts of the Proposed Action and Alternatives for a new JPC and ancillary facilities. The SEA complies with the NEPA of 1969, as amended (42 United States Code [U.S.C.] Section 4321 et seq.); the Council on Environmental Quality’s (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 Code of Federal Regulations [CFR] Parts 1500-1508); and DHS Directive 023-01, Rev. 01, and Instruction Manual 023-01-001-01, Rev. 01, Implementation of NEPA.

**Purpose and Need**

The purpose of the Proposed Action is to acquire land and to construct, operate, and maintain a new JPC to relieve crowding in existing DHS facilities, and to aid the humanitarian efforts along the 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.

Existing Soft-sided Facilities (SSFs) along the border that currently process undocumented non-citizens entering the country are costly and inadequately equipped to accommodate the increasing numbers of migrants seeking asylum in the U.S. The inefficiency of these SSFs could also adversely affect the health, safety, work efficiency, and morale of DHS personnel and migrants and refugees being processed, which could impede execution of the mission and operations of those facilities. Existing SSFs in Laredo Sector and other areas along the southwestern border were built as a temporary solution to overcrowding at processing facilities along the border. These tents are overly expensive to maintain and are not sustainable for long-term use. The Proposed Action would allow multiple agencies to operate out of a permanent facility. By offering services and operating at a joint location, this would result in increased efficiency, improved quality of operations, and reduced transportation costs. The proposed JPC would be in one of the highest areas of apprehension and migrant encounter rates along the southwestern border.

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

**Alternative 1: Proposed Action.** The Proposed Action would include the acquisition of approximately 100 acres of privately owned land and the construction, operation, and maintenance of a JPC along State Highway (SH) 20, just south of Laredo, Webb County, Texas. This site consists of undeveloped grazing land with access close by to city water/sewer, three phase electricity, and fiber optics. Easy ingress/egress access is available via SH 20. The JPC would be approximately 200,000 ft<sup>2</sup> of useable floor space and would accommodate 200 staff and 500 non-citizens in processing, with the possibility of expanding to accommodate a capacity of 1,000 non-citizens in processing. 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

Because site design would occur following completion of this SEA, the analysis assumes that most of 100-acre parcel would consist of the proposed JPC and ancillary support facilities, and most of the acquired land would be disturbed as a result of construction activities and future expansion. The exception would be areas containing streams, wetlands, and/or floodplain areas. These areas would have a riparian buffer set-aside to minimize and avoid impacts. Construction of the JPC is anticipated to begin in May 2024 and would be completed by June 2026. The JPC would be operated and staffed 24 hours a day, 7 days a week. Maintenance would include routine repair and normal facility landscaping.

**Alternative 2: 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 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 other existing processing facilities. The use of existing processing facilities would not facilitate inter-agency coordination. Additionally, the existing processing facilities would remain undersized and would not be able to be expanded nor renovated to meet demand. Continued use of the existing processing facilities could adversely affect the health, safety, work efficiency, and morale of DHS personnel and undocumented non-citizens, which could impede execution of the mission and operations of those facilities.

## **Public Involvement**

As part of the NEPA process, DHS initiated public scoping for the Proposed Action by providing a 30-day review period from December 8<sup>th</sup>, 2023 to January 8<sup>th</sup>, 2024. A letter was distributed to 30 potentially interested federal, state, and local agencies; Indian Tribes; and other stakeholder groups or individuals. All scoping comments received were considered during preparation of the Draft EA.

DHS received two substantive comments during the 30-day scoping period that began December 8, 2023. The Texas Department of Transportation (TxDOT) noted that the site will be part of the future Interstate (I)-2 corridor and requested a 75-foot setback from the existing property line to accommodate the expansion. The Proposed Action will include the requested setback. USACE Fort Worth District commented on the use of Section 404 permitting and consultation for Section 106 and Section 7 regarding the streams within the Site. Section 106 consultation concluded on April 10, 2024 with concurrence from Texas Historic Commission (THC). During the public review period for the Draft SEA and Draft FONSI, USFWS concurred with DHS' "*not likely to adversely affect*" determination. No direct impacts on wetlands or surface waterbodies would be anticipated under the Proposed Action as DHS would avoid potential jurisdictional surface waterbodies and wetlands identified at the project site during construction.

DHS posted a Notice of Availability (NOA) on the DHS website and in the *Laredo Morning Times* and the *San Antonio Express-News* on February 16<sup>th</sup>, 2024, to initiate the public comment period. The Draft SEA and FONSI were available for review and comment during a 30-day public comment period from February 16, 2024, to March 18, 2024, to receive comments from the public, federal, state, and local agencies, and appropriate Native American tribes and nations. A hard copy of the Draft SEA was made available to the public for a 30-day review at the Senator Judith Zaffirini Library (LC South Library) at 5500 Zapata Highway, Laredo, Texas, 78046. The Draft SEA was also made available for download from the DHS internet web page at the following URL address: [www.dhs.gov/nepa](http://www.dhs.gov/nepa).

Two substantive comments on the Draft SEA or FONSI were received during the public comment period:

- The Comanche Nation confirmed that “No Properties” were identified within the Project Area.
- On March 15, 2024, the U.S. Fish and Wildlife Service (USFWS) concurred with DHS’ determinations for the tricolored bat (*Perimyotis subjlavus*) and the candidate monarch butterfly (*Danaus plexippus*). For DHS’ “no effect” determination for the Mexican fawnsfoot, (*Truncilla cognata*), and Salina mucket (*Potamilus metnecktaylori*), USFWS believes DHS has complied with Section 7(a)(2) of the Endangered Species Act of 1973, as amended. See **Section 3.4** for additional information.

Additionally, DHS consulted with THC and Federally recognized tribes to determine the National Register of Historic Places eligibility for the 100-acre parcel. DHS has determined that site 41WB624 is not eligible for the NRHP and that no historic properties will be affected by the proposed action. THC concurred with DHS’ determination on April 10, 2024.

### **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 Potential Environmental Impacts by Alternative**

Resource Area	Alternative 1: Proposed Action	Alternative 2: Net-Zero Alternative	No Action Alternative
Land Use	Long-term, minor, adverse impacts on land use within the limits of disturbance.	Impacts would be the same as described for Alternative 1.	No impacts.
Soils	Short-term, minor adverse impacts to soils during construction.  Long-term, negligible adverse impacts during operation to soils.	Impacts would be similar to those described for Alternative 1.	No impacts.
Biological Resources	Long-term, minor adverse impacts to vegetation from construction.  Short-term, negligible adverse impacts to wildlife from construction.  Long-term, negligible adverse impacts to wildlife from operational activities.  The Proposed Action would have <i>no effect</i> on federally listed species except for the ashy dogwood which <i>may affect but is not likely to be adversely affected</i> . Short- and long-term, negligible adverse impacts on state-listed species.  Short- and long-term, negligible adverse impacts to migratory birds from construction and operational activities.	Impacts would be similar to those described for Alternative 1.	No impacts.
Water Resources	Long-term, negligible adverse impacts on groundwater.	Impacts to groundwater, surface water and wetlands, floodplains and stormwater	No Impacts.

	<p>Long-term, negligible impacts to groundwater availability.</p> <p>Short- and long-term, minor indirect adverse impacts on surface water resources flow and wetlands during construction and operation.</p> <p>Long-term, negligible beneficial impacts on stormwater.</p> <p>Long-term, negligible adverse impacts on floodplains.</p>	would be the same as described for Alternative 1.	
Air Quality	<p>Short-term, minor adverse impacts from construction.</p> <p>Long-term, minor adverse impacts during operation and maintenance.</p> <p>Emissions would meet the de minimis thresholds.</p>	Impacts would be the same as, or potentially less than, described for Alternative 1.	No impacts.
Noise	<p>Short-term, minor adverse impacts to noise environment during construction.</p> <p>Long-term, minor adverse impacts during operation.</p>	Impacts would be the same as described for Alternative 1.	No impacts.
Cultural Resources	DHS has determined that site 41WB624 is not eligible for the NRHP and that no historic properties will be affected by the proposed action. THC concurred with DHS' determinization on April 10, 2024 and received no comments from Federally recognized tribes during Section 106 consultation.	Impacts would be the same as described for Alternative 1.	No impacts.
Utilities and Infrastructure	Long-term, negligible adverse impacts on electric	Long-term, minor adverse impacts on electric utilities	No impacts.

	<p>utilities from connection to the regional grid.</p> <p>Long-term, negligible impacts to water and wastewater utilities from increased demand.</p> <p>No impacts to public infrastructure.</p> <p>Short-term, minor adverse impacts to solid waste during construction.</p> <p>Long-term, minor beneficial impacts to solid waste during operation.</p>	<p>from connection to the regional grid, but potentially reduced demand due to use of solar energy.</p> <p>Long-term, moderate beneficial impacts on water and wastewater utilities from use of net-zero technologies.</p> <p>No impacts to public infrastructure.</p> <p>Long-term, minor beneficial impacts to solid waste during operation.</p>	
Roadways and Traffic	<p>Short-term, negligible to minor adverse impacts during construction.</p> <p>Long-term, negligible to minor adverse impacts during operations.</p>	<p>Impacts would be the same as described for Alternative 1.</p>	No impacts.
Hazardous Materials	<p>Short-term, minor adverse impacts from the use of hazardous materials during construction.</p> <p>Long-term, minor adverse impacts from the use and generation of hazardous materials and wastes during operation and maintenance.</p>	<p>Impacts would be the same as described for Alternative 1.</p>	No impacts.
Socioeconomic Resources, Environmental Justice, and Protection of Children	<p>Short-term, minor beneficial impacts to local socioeconomic conditions during construction.</p> <p>No or negligible impact on socioeconomic conditions during operation.</p> <p>No disproportionate adverse impacts on communities with environmental justice concerns or children.</p>	<p>Impacts would be the same as described for Alternative 1.</p>	No impacts.

Human Health and Safety	Short-term, minor adverse impacts to construction contractor safety.  Long-term, moderate beneficial impacts to public and DHS health and safety during operation.	Impacts would be the same as described for Alternative 1.	No impacts.
Sustainability and Greening	Long-term, minor beneficial and adverse impacts on sustainability and greening from incorporation of some sustainable features.	Long-term, moderate beneficial and minor adverse impacts on sustainability and greening from incorporation of all three net-zero technologies (i.e., solar technology, AWG, and VF system).	Long-term, minor adverse impacts.

**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>



<p style="text-align: center;">Biological Resources</p>	<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> <li>• BMPs for Special Status Species, Tricolored Bat: When feasible, (1) If nighttime work is required, aim lighting at work zone and turn off when not needed, as possible. All permanent lighting should be pointed away from potential habitat, down shielded, and follow the International Dark-Sky Association (<a href="https://www.darksky.org/">https://www.darksky.org/</a>). (2) Establish a 50 to 100’ buffer adjacent to the riparian area on the upper northeast and northwest corner inside of the property line between the riparian habitat and proposed infrastructure construction to avoid and minimize any potential tricolored bat habitat along this (arroyo).</li> </ul>
<p style="text-align: center;">Water Resources</p>	<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> <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>

<p style="text-align: center;">Air Quality</p>	<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 de minimis threshold. Measures shall include dust suppression methods, standard construction BMPs, and maintenance of construction equipment.</li> </ul>
<p style="text-align: center;">Noise</p>	<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>
<p style="text-align: center;">Cultural Resources</p>	<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>
<p style="text-align: center;">Hazardous Materials</p>	<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. • 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> </ul>

	<ul style="list-style-type: none"> <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> <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 4321 *et seq.*); CEQ, Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations §§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.

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Date

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