



**FINAL**

**Programmatic Environmental Assessment  
for Actions Related to the  
Migrant Protection Protocols (MPP) Program**

**DEPARTMENT OF HOMELAND SECURITY  
June 2025**



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**Acronyms and Abbreviations**

AADT	Average Annual Daily Traffic
ACHP	Advisory Council on Historic Preservation
AOI	Area of Interest
ARPA	Archaeological Resources Protection Act
BCC	Birds of Conservation Concern
BCR	Bird Conservation Region
BGEPA	Bald and Golden Eagle Protection Act
BMP	Best Management Practice
CAA	Clean Air Act
CATEX	Categorical Exclusion
CBP	U.S. Customs and Border Protection
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CZMA	Coastal Zone Management Act
dB	Decibel
dBA	A-weighted Decibel
DHS	Department of Homeland Security
ECOS	Environmental Conservation Online System
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EO	Executive Order
EOIR	Executive Office for Immigration Review
ESA	Endangered Species Act
FMC	Fisheries Management Council
FONSI	Finding of No Significant Impact
HAP	Hazardous Air Pollutant
HAPC	Habitat Area of Particular Concern
ICE	Immigration and Customs Enforcement
IHF	Immigration Hearing Facility
INA	Immigration and Nationality Act
MBTA	Migratory Bird Treaty Act



MPP	Migrant Protection Protocols
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NH <sub>3</sub>	Ammonia
NHPA	National Historic Preservation Act
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Oxides of Nitrogen
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NRHP	National Register of Historic Places
NSPS	New Source Performance Standards
NTA	Notice to Appear
O <sub>3</sub>	Ozone
OSHA	Occupational Safety and Health Administration
Pb	Lead
PEA	Programmatic Environmental Assessment
PM <sub>2.5</sub>	Particulate Matter Less Than 2.5 Micrometers in Diameter
PM <sub>10</sub>	Particulate Matter Less than 10 Micrometers in Diameter
POE	Port-of-Entry
SHPO	State Historic Preservation Officer
SO <sub>2</sub>	Sulfur Dioxide
THPO	Tribal Historic Preservation Officer
U.S.	United States
U.S.C.	U.S. Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
VOC	Volatile Organic Compound

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## 1.0 Purpose of and Need for the Proposed Action

### 1.1 Introduction

This Programmatic Environmental Assessment (PEA) evaluates the United States (U.S.) Department of Homeland Security's (DHS) proposal to resume the Migrant Protection Protocols (MPP) program along the U.S. southern border as directed by Executive Order 14165, *Securing Our Borders*, issued on January 20, 2025 (Proposed Action).

The assessment of environmental impacts is an integral part of DHS's decision-making process. As such, DHS prepared this PEA to programmatically evaluate reasonably foreseeable environmental impacts that may occur because of the Proposed Action and identify any standard best management practices (BMPs) by which DHS can reduce such impacts. This PEA complies with the National Environmental Policy Act of 1969 (NEPA; 42 U.S. Code [U.S.C.] §§ 4321 et seq.), as amended, DHS Management Directive 023-01, rev. 01, *Implementation of the NEPA*; and DHS Instruction Manual 023-01-001-01, rev. 01, *Implementation of the NEPA*. Due to the location of the Proposed Action along the U.S. border with Mexico, this PEA also evaluates the applicability of Executive Order (EO) 12114, *Environmental Effects Abroad of Major Federal Actions* (see **Section 1.4.1**).

This PEA evaluates the full lifecycle of the MPP program, including its implementation and future temporary or permanent cessation. In accordance with Section 111 of NEPA, a PEA is appropriate when analyzing all or some of the environmental effects of a program. DHS is therefore using this PEA to streamline the environmental analysis by broadly analyzing the potential impacts of the MPP program.

### 1.2 Background

#### 1.2.1 History of the MPP Program

During the first Trump Administration, on December 20, 2018, the DHS Secretary announced the implementation of the MPP program (also known as the "Remain in Mexico" program) along the southern border under authority granted to DHS pursuant to Section 235(b)(2)(C) of the Immigration and Nationality Act (INA) (8 U.S.C. §§ 1101 et seq.) to address the migration crisis. Under this authority, DHS developed the MPP program, a processing method which allowed DHS to return certain applicants for admission to the U.S. (e.g., those who entered illegally or without proper documentation) to Mexico while their removal proceedings were pending (DHS, 2019a). These aliens were required to remain in Mexico for the duration of their proceedings, except for reentry to the U.S. to attend immigration hearings. The MPP program applied to those citizens and nationals of countries other than Mexico who arrived in the U.S. from Mexico by land illegally or without proper documentation (DHS, 2019b). Aliens subject to removal could still return to the U.S. as needed to attend their immigration hearings (DHS, 2019a). Unaccompanied children, citizens or nationals of Mexico, aliens with known physical or mental health conditions, aliens processed for expedited removal, criminal aliens,

and those likely to face persecution or torture in Mexico were not subject to the MPP program (DHS, 2019b).

In response to the MPP program, the Government of Mexico agreed to authorize the temporary entrance of those individuals who were interviewed by U.S. immigration authorities and given notice to return to the U.S. at a later date to be interviewed by an immigration judge. These aliens were allowed into Mexico for humanitarian reasons and could travel between the two countries as needed and authorized (U.S. Department of State, 2019). Guidance on implementing the MPP program as described was issued by the DHS Secretary on January 25, 2019 (DHS, 2019a).

On February 2, 2021, President Biden issued EO 14010, *Creating a Comprehensive Regional Framework to Address the Causes of Migration to Manage Migration Throughout North and Central America and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border*, directing DHS to assess whether the MPP program should be modified or terminated. As a result, the DHS Secretary announced the termination of the MPP on June 1, 2021 (DHS, 2023). Following a series of attempts to rescind the program, litigation regarding these efforts, and court-ordered reimplementing of MPP program, on August 8, 2022, a court injunction that required DHS to reimplement the MPP program was lifted. As of that date, aliens ceased being enrolled in the MPP program and those aliens who were disenrolled were able to continue their removal proceedings in the U.S. (DHS, 2024a).

Section 6 of EO 14165 directs the DHS Secretary, along with the Secretary of State and Attorney General, to resume the MPP program in all sectors along the southern border of the U.S. Following issuance of this EO, DHS announced that the situation at the southern border has changed, and the facts are favorable to resuming the MPP program (DHS, 2025b). DHS intends to implement the MPP program in the same manner as prior to its termination, wherein aliens may be returned to Mexico to await their immigration proceedings.

### **1.2.2 Prior MPP Program Implementation**

Under the initial MPP program, aliens encountered at the southern border by U.S. Customs and Border Protection (CBP) were evaluated to determine if they were subject to, or exempt from, processing under the MPP program in accordance with DHS policy. Aliens could enter the U.S. through any of 26 border ports-of-entry (POE) along the border or otherwise present themselves to CBP if not near a POE. Aliens determined eligible for the MPP program were transported by CBP to be processed, issued a Notice to Appear (NTA), placed into INA Section 240 removal proceedings, and transferred back to Mexico. These aliens received the following information: a specific immigration court hearing and time, an NTA, other information about the process, and a list of free or low-cost legal service providers (CBP, 2019). These aliens were then returned to Mexico through the San Ysidro or Calexico, California; Nogales, Arizona; or El Paso, Eagle Pass, Laredo, or Brownsville, Texas POEs to await their immigration hearing, regardless of the location where they entered the U.S. Aliens in the MPP program were required to reenter the U.S. through the San Ysidro, El Paso, Laredo, or

Brownsville POE to attend their court hearings, where they were then taken to a local immigration court by Immigration and Customs Enforcement (ICE) (DHS, 2021b; American Immigration Council, 2025). The Government of Mexico agreed to provide appropriate humanitarian protections and other benefits to those aliens enrolled in the MPP program, until such time that their immigration hearings were adjudicated (U.S. Department of State, 2019).

In order to address physical limitations at the POEs, such as capacity constraints and lack of infrastructure to handle the influx of cases, DHS erected temporary structures to serve as MPP-only immigration hearing facilities (IHF). The construction of these structures allowed the DHS Executive Office for Immigration Review (EOIR), which had a dedicated docket for aliens processed under the MPP program, to focus on these cases and complete hearings more efficiently. In addition, the temporary structures were more cost-effective than building permanent immigration courts, as these temporary facilities could be built and decommissioned quickly and could also be adapted to meet current docket sizes (DHS, 2019b). The IHFs were also publicly accessible, to allow access to interested members of the public, approved media, and legal counsel (DHS, 2024b). Construction of these facilities has been previously analyzed under existing DHS Categorical Exclusions (CATEX), including DHS CATEX \*E2. Over the course of the MPP program, prior to the initial termination attempt under the Biden Administration, approximately 68,000 aliens were enrolled in the MPP program and returned to Mexico (between January 25, 2019, and January 21, 2021) (DHS, 2021a). An additional approximately 12,500 aliens were enrolled in the MPP program between a court-ordered reimplementations of the MPP program and the cessation of the program (between December 6, 2021, and August 8, 2022) (DHS, 2022).

### **1.3 Purpose and Need**

The purpose of the Proposed Action is to resume the MPP program, in accordance with EO 14165, as DHS enforces immigration laws and responds to changing security and humanitarian conditions along the southern border. The Proposed Action is needed to provide DHS the ability to return certain aliens to Mexico pending the completion of removal proceedings pursuant to Section 240 of the INA (8 U.S.C. § 1229a). This PEA evaluates the full lifecycle of the MPP program including its resumption and potential future cessation, whether temporary or permanent.

As described in EO 14165, the increasing influx of aliens into the U.S. has overwhelmed the U.S. immigration system, making it easier for illegal aliens to enter and remain in the U.S. This influx has also resulted in other consequences, including an increase in human smugglers, traffickers, and illegal drugs and other contraband that have been able to cross the border and remain in the U.S., endangering national security. The Proposed Action would provide a safe and orderly immigration process, decrease illegal activities and illicit contraband, and reduce threats to national security and public safety.

## 1.4 Scope of the PEA

This PEA analyzes, at a programmatic level, the potential environmental, cultural, and socioeconomic consequences associated with resumption of the MPP program at the southern border across its full lifecycle. It considers the various types of activities that could be performed during implementation of the program, and potential outcomes from temporary or permanent cessation of the program. The purpose of this PEA is to:

1. Streamline the NEPA process by broadly analyzing the direct and indirect impacts that may occur as a result of the Proposed Action; and
2. Provide programmatic-level recommendations for BMPs to continue avoidance of significant impacts, if necessary.

DHS is using this PEA to streamline the review process and avoid duplicative, lengthy reviews for repetitive actions that would occur under the MPP program and that could be broadly analyzed given their similar scopes. As discussed in **Section 2.1.4**, the programmatic BMPs, if followed, would ensure activities are minimized to the greatest extent practicable. However, individual project implementation actions may still require additional review under other environmental and historic preservation statutes, regulations, and EOs. MPP program activities that could occur during the operational phases of the program, such as new construction of IHFs or other temporary facilities, would still require review on a project-specific basis.

The general study area evaluated for potential impacts to the human and natural environment from the MPP program is defined as the area where MPP-associated activities would occur. While this programmatic analysis is generally limited to the geographic region along the southern border of the U.S., no specific study area or project sites have yet been identified.

Resource areas determined by DHS to require evaluation in this PEA are identified in **Section 2.3** and described in **Section 3.0**. Resource areas not expected to experience meaningful effects, and which are therefore not evaluated in this PEA, are also identified in **Section 2.3** along with DHS's rationale for dismissing them from further consideration.

In developing this PEA, DHS cannot, with reasonable certainty, establish a firm future cessation date for the MPP program, or rule out the possibility of a temporary cessation of the program. Therefore, to provide as full of a lifecycle analysis as possible, this PEA considers potential impacts arising from temporary or permanent MPP cessation (see **Section 2.1**). Evaluation of all potential impacts that could result from program cessation, whether temporary or permanent, is not possible given the program's unknown duration and the likelihood for changes in current environmental conditions and circumstances over time. DHS has made a good faith effort to identify any reasonably foreseeable environmental effects in accordance with Section 102 of NEPA, but reevaluation of these effects would likely be required in accordance with Section 108 of NEPA.

Section 108 of NEPA states that programmatic environmental documents, such as this PEA, are valid for five years following the decision. DHS may therefore continue to rely on this PEA for actions related to the MPP program for five years without conducting additional environmental review, unless substantial new circumstances arise that could bear on the analysis contained within this PEA. For actions related to the MPP program that would occur after five years, such as continuing operational activities or the potential temporary or permanent cessation of the program, DHS would be required to reevaluate the analysis in this PEA to ensure its validity. Since the Proposed Action includes the full lifecycle of the MPP program, its duration may limit the continued applicability of this PEA.

Upon the cessation of the MPP program, aliens who would have otherwise been enrolled in the program and returned to Mexico may still attempt enter the U.S., resulting in an increase in illegal border crossings. These crossings may occur anywhere along the southern border and may not be limited to existing POEs. While DHS would continue to be responsible for securing the border in accordance with its various other programs, procedures, and policies, any actions taken by aliens to cross the border illegally would not be conducted under DHS direction. DHS would not have substantial federal control and responsibility over these activities; thus, they are not considered federal actions and are beyond the scope of this analysis.

Lastly, since the MPP program involves the return of aliens to a foreign nation, DHS has evaluated whether compliance with EO 12114, *Environmental Effects Abroad of Major Federal Actions*, would be required. DHS would not undertake activities within Mexican territory for implementation and cessation of the MPP program. The Government of Mexico would participate with the U.S. to implement this program similar to prior MPP program implementation (U.S. Department of State, 2019). Actions taken by migrants in Mexico are not under DHS control or responsibility and would not be conducted under the direction of DHS. Thus, actions taken by aliens returned to Mexico are beyond the scope of this analysis and are not considered federal actions. Therefore, DHS has determined that EO 12114 does not apply to the Proposed Action evaluated in this PEA (see **Appendix A**).

## 1.5 Public Involvement

Public participation opportunities with respect to this NEPA process are guided by DHS NEPA implementing procedures. In addition to public participation, interagency and intergovernmental coordination is a federally mandated process for informing and coordinating with other governmental agencies regarding federal proposed actions. This coordination also fulfills requirements under EO 12146, *Intergovernmental Review of Federal Programs* (subsequently supplemented by EO 13132), which requires federal agencies to coordinate with state and local officials and consider their views in implementing a federal proposal.

Additionally, EO 13175, *Consultation and Coordination with Indian Tribal Governments*, Presidential Memorandum of January 26, 2021, *Tribal Consultation and Strengthening Nation to Nation Relationships*, and DHS Tribal Affairs Policy at 071-04 and 071-04-001 require



government-to-government notification and consultation to ensure timely and meaningful input from tribal officials for actions that may have tribal implications. DHS initiated consultation with federally recognized Tribal Nations on April 23, 2025, and hosted a virtual consultation meeting with tribes on May 8, 2025. A summary of the tribal consultation process, including comments received, is included in **Appendix C**.

A Notice of Availability (NOA) for the Draft PEA and Draft Finding of No Significant Impact (FONSI) were published in the Federal Register and on the DHS website on April 25, 2025, to initiate the public comment period. The NOA was also sent to interested stakeholders including federal agencies. The Draft PEA and Draft FONSI were available during a 32-day public comment period from April 25, 2025, to May 27, 2025, to receive comments from the public; federal, state, and local agencies; and federally recognized Tribal Nations. Two public comments were received during this comment period. One comment included a personal research paper that discussed potential harms to those seeking asylum within the U.S. and an alleged violation of the non-refoulment principle of international refugee law. However, given that the MPP program does not pertain to citizens of Mexico and that those eligible for the MPP program receive fear screenings, DHS has determined that this comment does not warrant revision to the PEA or changes to the Proposed Action. The second comment more generally expressed opposition to the MPP program, referring to experiences of those seeking asylum. DHS has also determined that this comment does not warrant revision to the PEA.

A list of agencies consulted during preparation of this PEA is included in **Section 6.0**. Copies of correspondence with the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries Service are included in **Appendix B**. A record of consultation with federally recognized Tribal Nations is included in **Appendix C**.



## 2.0 Description of the Proposed Action and Alternatives

### 2.1 Proposed Action

DHS, as the federal Department responsible for managing border control and immigration, has the authority to administer programs that further these missions and protect national security. The Proposed Action evaluated in this PEA is the resumption of the MPP program, in accordance with EO 14165, to address changing security and humanitarian conditions along the southern border. The Proposed Action includes all elements related to the implementation and temporary or permanent cessation of the MPP program throughout its lifecycle.

#### 2.1.1 Resumption of the MPP Program

Resumption of the MPP program commences with reenrollment of aliens encountered at the southern border. DHS would work with the U.S. Department of State, as needed, to coordinate with the Government of Mexico to resume the MPP program and ensure that Mexico would be willing to accept those enrolled in the program and provide necessary humanitarian protections, as under the prior MPP program implementation.

#### 2.1.2 Implementation and Operation of the MPP Program

This element constitutes the bulk of the Proposed Action and is where the majority of analysis in this PEA will be focused. Operation of the MPP program is expected to occur similarly to its prior implementation, as described in **Section 1.2.2**. Aliens who are encountered along the southern border would be processed at a border POE; assigned a hearing date, time, and location; provided with an NTA and other documentation explaining the MPP program process; and returned to Mexico through designated POEs within the states of Texas, California, Arizona, and New Mexico. These POEs are currently used by CBP as regulated gateways into the U.S., facilitating the movement of people and goods into and out of the U.S., and providing a space for CBP to enforce customs, immigration, and agricultural laws, while also allowing for legitimate trade and travel (see **Photo 1**). CBP performs a variety of functions at these POEs, including screening individuals, examining baggage and cargo, inspecting agricultural products to avoid the introduction of infectious disease or invasive species, assessing duties and taxes, and taking measures to counter illegal immigration.

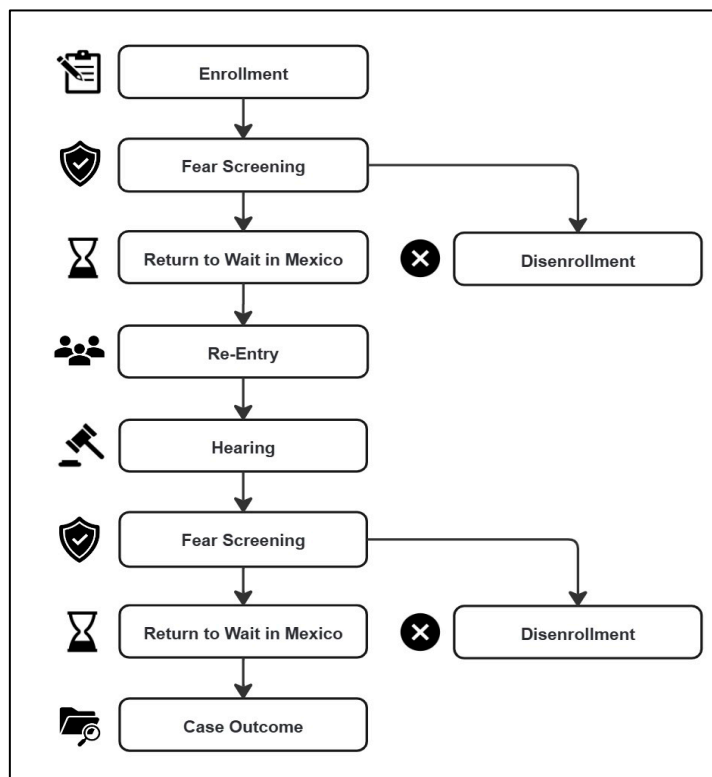
Resumption of the MPP program would constitute an additional duty to be performed at the designated POEs; no POEs would be solely dedicated to implementing the program. Aliens enrolled in the MPP program and with an NTA would be allowed to reenter the U.S. through designated POEs on the appropriate date to attend their court hearings. MPP program processing procedures may include enrollment, fear screening, disenrollment or return to Mexico, EOIR hearings, re-entry, continued fear and vulnerability consideration, and case outcomes (see **Figure 1**).



Source: (CBP Photography, 2024)

**Photo 1. El Paso-Bridge of the Americas POE**

Aliens subject to MPP for enrollment include aliens who are not clearly admissible and who are placed in removal proceedings under Section 240 of the INA. After enrollment, aliens are screened for fear of return to Mexico. If an enrollee asserts fear of return, enrollees are provided with a consultation period to consult with a legal representative, but may choose to waive this right. If an enrollee is found to have reasonable possibility of persecution in Mexico, or if an enrollee is found to have a particular vulnerability that makes them ineligible for MPP, the alien could be disenrolled from the MPP program. Aliens disenrolled from the MPP program would be referred to ICE for custody determinations. If not disenrolled, aliens would continue processing and would be returned to Mexico through a designated POE. Aliens returned to Mexico under the MPP program are placed on an EOIR docket specific to the MPP program and given an NTA with a specific court date, upon which they present themselves at a designated POE to be taken to their hearing. Enrollees could go



**Figure 1. MPP Program Process**

through several iterations of re-entry into the U.S., court hearings, fear screenings, and returns to Mexico until EOIR makes a final determination.

Depending on the number of aliens encountered at the border and processed through a particular POE, DHS may need to construct temporary holding facilities at one or more POEs while CBP and immigration officials work to process the aliens and assign a return date and time. These temporary holding facilities would be constructed on previously disturbed land within the boundary of the POE site. The size of the facilities can vary based on immigration and processing needs, but previously erected facilities, on average, ranged in size between 33,000 square feet and 65,000 square feet. These facilities would be able to accommodate between 500 and 1,625 aliens (see **Photo 2**). Following the placement of aliens into INA Section 240 removal proceedings, DHS would transfer these aliens back to Mexico via van or bus. All vehicle transfers would occur on existing and currently used roadways at and surrounding POEs; no new roads would be constructed. Upon reaching the border, custody of these aliens would be transferred to the Government of Mexico. Upon the reentry of aliens to the U.S., ICE would facilitate vehicle transfers to court facilities as needed. DHS will not undertake any operational activities within the sovereign territory of Mexico.



Source: (CBP Photography, 2022)

**Photo 2. Aerial View of Temporary Facility at Eagle Pass POE**

To facilitate processing of aliens upon their reentry to the U.S., DHS would construct temporary IHFs. These IHFs would be used to hold group and individual hearings for those program enrollees who were instructed to return to the U.S. at their designated date and time. IHF sites may include multiple temporary facilities at a single location to host administrative functions, interview rooms, juvenile monitoring, and waiting areas, in addition to the immigration courtrooms. IHFs may also contain temporary holding for overnight stays; any detainees would be provided with snacks and meals, access to drinking water, bathrooms,

hygienic items, and medical attention, if necessary. DHS has used IHFs in the past and is currently using similar temporary facilities to support immigration and customs activities. These structures would not be new or unusual when placed at a POE. DHS would consider several criteria when determining where to erect new temporary facilities; these criteria would serve as site selection or screening criteria to support DHS decision-making for project-specific activities occurring under the MPP program. These criteria may include, but would not be limited to, the following:

1. Adequate parcel size for erection of a temporary facility, with consideration for the potential expansion of the facility if needed, and including all associated infrastructure, such as parking, access to utilities, ancillary equipment, and security fencing.
2. Accessibility of the IHF to approved members of the public, such as immigration attorneys.
3. Proximity of the IHF to an approved POE for reentry to the U.S., to minimize travel distances.
4. Avoidance of extraordinary circumstances that may render erection of the IHF ineligible for coverage under DHS CATEX \*E2, as well as adherence to the conditions that may make a project eligible for DHS CATEX \*E2. Eligibility for other DHS CATEXs as applicable, such as A2, A5, A6, B2, \*B9, C3, C9, D1, or D3, should also be considered. These CATEXs are provided in **Appendix D**.

As discussed in **Section 1.4**, specific activities or projects that would be undertaken by DHS to support operation of the MPP program would be evaluated on a site-specific basis.

### **2.1.3 Temporary or Permanent Cessation of the MPP Program**

In developing this PEA, DHS has not established a temporary or permanent cessation date for the MPP program. It can be reasonably expected, however, that the MPP program would not continue in perpetuity and that DHS could pause the program temporarily or would eventually pursue permanent cessation of this program. Program cessation would involve the disenrollment of aliens from the MPP program, potentially allowing these aliens to remain in or enter the U.S. Any temporary facilities erected during MPP program operation may be temporarily repurposed to support other ongoing immigration and law enforcement efforts or would be removed and those sites restored or returned to empty pavement or gravel pads. Additionally, cross-border transportation by DHS officials to transfer aliens to Mexico under the MPP program would cease. Since program cessation would represent the final stage of the MPP program lifecycle, this element is included as the endpoint of the Proposed Action.

As described in **Section 1.4**, the analysis in this PEA of the cessation of the MPP program is limited to those activities that are within DHS's control or responsibility (e.g., deconstruction of temporary facilities). While DHS would continue to be responsible for securing the border in accordance with its various programs, procedures, and policies, any actions taken by

individual aliens to cross the border illegally would not be conducted under DHS direction and is outside of DHS's control. Moreover, the specific location and magnitude of any such impacts would be unknown. Subsequent analysis would be completed as needed if conditions surrounding cessation of the MPP program change in the future.

#### 2.1.4 Standard Best Management Practices

To avoid or minimize adverse environmental impacts to the extent practicable that may result from the Proposed Action, DHS adopts the BMPs listed in **Table 1** as standard procedure throughout the lifecycle of the MPP program. These BMPs are considered to be part of the Proposed Action; the impact analysis in **Section 3.0** assumes implementation of these BMPs. Should these BMPs not be feasible for future related DHS proposed actions, project-specific tiering of appropriate NEPA documentation would be required.

**Table 1. Standard Best Management Practices for MPP Program Implementation**

Resource Area	Best Management Practices
Air Quality	<ul style="list-style-type: none"> <li>• Prevent visible emissions such as dust or wind-blown soil by applying water or other stabilization measures on unpaved surfaces or soil piles and covering dump trucks that transport materials that could become airborne</li> <li>• Ensure construction equipment is certified in accordance with U.S. Environmental Protection Agency (USEPA) regulations for non-road engines</li> <li>• Maintain construction equipment in accordance with manufacturer specifications</li> <li>• Coordinate with state and/or local air quality agencies to determine if air quality operating permits are required for generators</li> </ul>
Noise	<ul style="list-style-type: none"> <li>• Use mufflers on construction equipment and vehicles</li> <li>• Turn off equipment when not in use</li> </ul>
Water Resources	<ul style="list-style-type: none"> <li>• Install erosion control measures as needed during construction</li> <li>• Perform routine vehicle inspections to minimize spills</li> <li>• Maintain spill containment materials on-site</li> <li>• Use and store vehicle fluids correctly and in accordance with manufacturer labels</li> </ul>
Biological Resources	<ul style="list-style-type: none"> <li>• Conduct site-specific analyses to determine the potential presence of federally listed species and coordinate with USFWS under Section 7 of the Endangered Species Act, as necessary</li> <li>• Obtain a General Permit for Bald Eagle Disturbances if activities would disturb bald eagles or nesting sites and adhere to those conditions</li> </ul>



Resource Area	Best Management Practices
Cultural Resources	<ul style="list-style-type: none"> <li>• Conduct site-specific analyses to determine the potential presence of above-ground and archaeological resources and coordinate with SHPO and Tribal Nations for all undertakings subject to Section 106 of the National Historic Preservation Act</li> <li>• Cease work if unanticipated cultural materials or deposits are encountered during construction or deconstruction and notify the SHPO/THPO</li> </ul>
Infrastructure and Transportation	<ul style="list-style-type: none"> <li>• Install diesel generators at temporary facilities until they can be connected to the electric grid to minimize disruptions</li> <li>• Truck in potable water and remove wastewater from temporary facilities to reduce stress on existing utilities</li> </ul>
Human Health and Safety	<ul style="list-style-type: none"> <li>• Conduct all construction activities in accordance with applicable federal and state safety and health regulations</li> <li>• Perform construction work only during daytime hours</li> <li>• Fence off active construction sites and post warning signs in both English and Spanish</li> <li>• Administer first aid immediately in the event of an accident or injury and contact emergency services, if needed</li> <li>• Keep children inside and away from airborne construction dust</li> <li>• Provide earplugs as needed to children and adults</li> <li>• Ensure all children present at a POE are accompanied by an adult</li> </ul>

## 2.2 Alternatives Considered

NEPA requires all reasonable alternatives to be explored and objectively evaluated. Alternatives that are eliminated from detailed study must be identified along with a brief summary of the reasons for their dismissal. For the purpose of this analysis, an alternative is considered “reasonable” if it is technically and economically feasible and would meet the Proposed Action’s purpose and need. “Unreasonable” alternatives that would not meet the Proposed Action’s purpose and need were dismissed from further consideration and evaluation in this PEA.

### 2.2.1 Alternatives Development

To be carried forward for analysis, alternatives must be considered “reasonable” and meet specific screening criteria set forth by DHS. Since the resumption of the MPP program was directed by President Trump under EO 14165, the ability to fulfill this mandate was the only criterion considered by DHS. Therefore, DHS determined that only one reasonable alternative (i.e., resumption of the MPP program) would achieve this criterion and meet the Proposed Action’s purpose and need. The No Action Alternative is also evaluated. Therefore, this PEA carries forward two alternatives for further analysis.

### 2.2.2 Alternative 1: Proposed Action Alternative

Under the Proposed Action Alternative, DHS would resume the MPP program, allowing eligible aliens encountered at the border to be returned to Mexico to await their immigration hearings. The MPP program would resume in three stages, as described in **Sections 2.1.1, 2.1.2, and 2.1.3**, to enable DHS to address the immigration crisis, and would adhere to the BMPs identified in **Section 2.1.4**. The Proposed Action Alternative covers broad agency implementation of the MPP program throughout its full lifecycle, including temporary or permanent cessation. DHS would not conduct any activities in Mexico aside from transferring enrolled aliens across the border.

The Proposed Action Alternative is the only alternative that would meet the mandate of EO 14165 to resume the MPP program. It also supports DHS mission requirements related to border security and immigration.

### 2.2.3 Alternative 2: No Action Alternative

Under the No Action Alternative, DHS would not pursue resumption of the MPP program along the southern border. DHS would not be in compliance with EO 14165 which would limit the capability of DHS to respond to the immigration crisis and address the flow of illegal aliens and contraband coming across the border. As such, the No Action Alternative does not meet the purpose and need of the Proposed Action. It should be noted that DHS would still employ other methods to enforce immigration laws, which may include applicable emergency authorizations, in support of its national security mission.

The No Action Alternative is carried forward for analysis in this PEA to provide a comparison of baseline conditions to the Proposed Action. The No Action Alternative reflects the status quo and serves as a benchmark against which effects of the Proposed Action can be evaluated.

## 2.3 Level of Environmental Analysis

In compliance with NEPA, this PEA focuses on the resource areas that the Proposed Action could potentially impact. **Table 2** presents each resource area, its corresponding area of interest (AOI), and the rationale for whether the resource area has been retained for detailed analysis or dismissed from further consideration.

Potential impacts for this Proposed Action would be primarily associated with the operation and temporary or permanent cessation of the MPP program. No environmental impacts are expected to occur from resumption of the program and beginning to reenroll aliens. Most of the aspects of MPP program operation, including erection of temporary facilities and the transfer of aliens across the border, would have no potential to result in significant impacts, and would be covered under existing DHS CATExs. However, additional site-specific analysis may be necessary, as needed, depending on the need for the project. Additionally, at this time, the cessation of the MPP program is also expected to have no potential to result in significant

impacts; however, as described in **Section 1.4**, determinations made in this PEA related to program termination would need to be reevaluated after five years.



**Table 2. Resource Areas Considered in this PEA**

<b>Resource Area</b>	<b>Area of Interest</b>	<b>Thresholds of Significance</b>	<b>Further Analysis?</b>	<b>Rationale for Level of Assessment</b>
Land Use	Areas where temporary holding facilities or IHFs would be erected.	Significant impacts would occur if MPP program implementation led to incompatible alteration of property characteristics; or if existing land uses would be converted beyond minor changes.	No	The proposed erection of temporary facilities at POEs along the southern border would be compatible with existing land uses or characteristics at those locations. These sites are currently used by DHS to facilitate immigration processes and temporary facilities would be constructed on previously disturbed land. No existing land uses would be converted. Therefore, this resource was dismissed from further analysis.
Air Quality	Areas where MPP program operational activities are occurring, including where temporary facilities are constructed and where vehicle transfer of aliens to Mexico is occurring.	Significant impacts would occur if there would be a change in the attainment status of the National Ambient Air Quality Standards (NAAQS); or if emissions exceed regulatory thresholds.	Yes	Proposed operational activities of the MPP program would generate emissions from the construction and use of temporary facilities, as well as the vehicular transfer of aliens across the U.S. border to Mexico. This resource is evaluated further in <b>Section 3.1</b> .

Resource Area	Area of Interest	Thresholds of Significance	Further Analysis?	Rationale for Level of Assessment
Noise	Areas surrounding sites used for the MPP program and roadways used for the transfer of aliens, from which these activities could be heard.	Significant impacts would occur if generated noise is permanently intrusive to nearby sensitive receptors; if it exceeds applicable noise limit thresholds; or if it causes harm or injury to people or communities.	Yes	Operation of the MPP program, including construction and cross-border vehicle trips, would generate noise which could be bothersome or intrusive to nearby communities or people present at the POEs, including immigration officials and aliens. This resource is evaluated further in <b>Section 3.2</b> .
Soils	Soils that may be disturbed within sites selected for erection of temporary holding facilities or IHFs.	Significant impacts would occur if MPP program implementation would disturb substantial tracts of previously undisturbed soils or violate laws related to farmland soils.	No	The erection of temporary facilities would occur only on previously disturbed land or within an existing developed area. No active farmland soils would be impacted nor removed from agricultural production. Therefore, this resource was dismissed from further analysis.

Resource Area	Area of Interest	Thresholds of Significance	Further Analysis?	Rationale for Level of Assessment
Water Resources	Surface waters, wetlands, and watersheds, particularly the Rio Grande Basin, near proposed activities.	Significant impacts would occur if proposed activities result in an exceedance of water quality thresholds; substantially increase the amount of stormwater flow; impede navigability of surface waters; do not comply with wetland protection regulations; substantially affect groundwater quantity or quality; induce flooding in occupied areas; or are inconsistent with coastal zone policies.	Yes	No activities under the MPP program would result in the fill or dredging of surface waters or wetlands, and no in-water activities would occur. No activities with the potential to alter the floodplain or increase the amount of impervious surfaces within a floodplain would occur. However, activities associated with the MPP program have the potential to occur in areas adjacent to or in the vicinity of water resources, including the Gulf of America and the Rio Grande, potentially resulting in stormwater discharges or impacts to the coastal zone. This resource is evaluated further in <b>Section 3.3</b> .
Biological Resources	Vegetation, federally and state-listed threatened and endangered species, migratory birds, fisheries, and associated habitat within or near proposed activities.	Significant impacts would occur if proposed activities result in substantial permanent loss or degradation of terrestrial or aquatic habitat; result in unpermitted “take” of federally listed species; or violate regulations on special status species.	Yes	The Proposed Action may result in impacts on terrestrial and aquatic habitat from operational activities. However, the implementation of the MPP program would not interfere with avian or bat activity. Additionally, no disturbance of previously undisturbed ground or tree clearing would occur from the Proposed Action. This resource is evaluated further in <b>Section 3.4</b> .

Resource Area	Area of Interest	Thresholds of Significance	Further Analysis?	Rationale for Level of Assessment
Cultural Resources	Historic places, landscapes, archaeological sites, sacred sites, or traditional cultural properties within or near proposed activities.	Significant impacts would occur if the integrity of a historic property is diminished such that it would no longer be eligible for listing in the National Register of Historic Places; if a historic viewshed would be substantially altered; or if significant tribal resources are permanently compromised.	Yes	Activities associated with the MPP program implementation would not be expected to affect the eligibility criteria of any above-ground historic resources nor result in new below-ground disturbances since construction would be temporary and would occur in previously disturbed areas. However, MPP program activities could occur in the vicinity of Tribal sites along the southern border. This resource is evaluated further in <b>Section 3.5</b> .
Infrastructure and Transportation	Sites that are selected for the erection of temporary MPP program facilities; roadways used to transfer aliens from U.S. POEs to Mexico.	Significant impacts would occur if there are substantial impacts to existing facilities; permanent disruption of traffic patterns and congestion; or permanent impairment or loss of utility services.	Yes	The Proposed Action would involve the construction of temporary facilities to support immigration proceedings and would also result in increased vehicle trips across the U.S.-Mexico border to return aliens to Mexico. This resource is evaluated further in <b>Section 3.6</b> .

Resource Area	Area of Interest	Thresholds of Significance	Further Analysis?	Rationale for Level of Assessment
Human Health and Safety	Areas in which MPP program activities may be conducted.	Significant impacts would occur if there is the potential to cause serious injury or create new or substantial human health risks.	Yes	Implementation of the MPP program would not directly introduce new risks to health and safety not already present. However, there is the potential for aliens to face indirect effects from program implementation. This resource is evaluated further in <b>Section 3.7</b> .
Hazardous and Toxic Materials and Wastes	Solid or hazardous waste sites near MPP program activities.	Significant impacts would occur if the total amount of hazardous or toxic materials and waste or solid waste exceed regulatory thresholds; or there is a permanent increased risk of contamination.	No	The Proposed Action would not require the use of hazardous materials and would not generate or store hazardous or toxic wastes. There is no potential for hazardous pollution to land or water. Therefore, this resource was dismissed from further analysis.

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### 3.0 Affected Environment and Environmental Consequences

This section describes the natural and human environment that exists within the area of interest (AOI) and the potential impacts (environmental consequences) associated with implementing the Proposed Action.

The specific criteria for evaluating the potential environmental impacts of the Proposed Action Alternative and No Action Alternative are described in the following sections. In accordance with the NEPA statute, impacts should be reasonably foreseeable. The significance of an action is also measured in terms of its context and intensity. The context and intensity of potential environmental impacts are described in terms of their duration, magnitude, and whether they are adverse or beneficial, as summarized in the following paragraphs:

- **Short-term or long-term.** In general, short-term impacts are those that would occur only for a limited, finite time with respect to a particular activity of the Proposed Action. Long-term impacts are those that would be more likely to be persistent and chronic throughout the life of the Proposed Action or would last years after an impact-producing activity occurred.
- **Less-than-significant (negligible, minor, moderate).** These relative terms are used to characterize the magnitude or intensity of an impact. Negligible impacts would generally be non-detectable, but if detected, would have slight and localized effects. A minor impact would be slight, but detectable. A moderate impact would be readily apparent, measurable, and would have localized or regional impacts.
- **Significant.** This relative term describes changes to the resource that would be readily measurable and would be those that have a context and intensity that meets the thresholds for significance (see **Table 2**). These impacts warrant heightened attention and mitigation measures to offset adverse effects would be required to reduce impacts, although long-term changes to the resource would still be expected.
- **Adverse or beneficial.** An adverse impact would cause unfavorable or undesirable outcomes on the human-made or natural environment. A beneficial impact would cause positive outcomes on the human-made or natural environment.

The Proposed Action has no mechanism to impact several of the environmental resources discussed in **Table 2**; therefore, these resources are not carried forward for further analysis.

#### 3.1 Air Quality

##### 3.1.1 Affected Environment

Under the Clean Air Act (CAA) and its amendments, the U.S. Environmental Protection Agency (USEPA) identifies air pollutants that cause or contribute to the endangerment of human health and environmental welfare and defines air quality “criteria” that guide the establishment of air quality standards to regulate these pollutants (42 U.S.C. §§ 7408 – 7409).

To date, the USEPA has established such criteria for six air pollutants: Carbon Monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), Ozone (O<sub>3</sub>), particulate matter less than 2.5 micrometers in diameter (PM<sub>2.5</sub>), particulate matter less than ten micrometers in diameter (PM<sub>10</sub>), and sulfur dioxide (SO<sub>2</sub>). As a result, the USEPA created National Ambient Air Quality Standards (NAAQS) meant to safeguard public health (i.e., primary NAAQS) and environmental welfare (i.e., secondary NAAQS).

USEPA and state/local air quality control agencies monitor and evaluate outdoor air quality for compliance with the NAAQS. Areas where monitored outdoor air concentrations are within an applicable NAAQS are considered in attainment of that NAAQS. If sufficient ambient air monitoring data are not available to decide NAAQS compliance, the area is instead deemed attainment/unclassifiable. Areas where monitored outdoor air concentrations exceed the NAAQS are designated by the USEPA as nonattainment areas. Nonattainment designations for some pollutants (e.g., O<sub>3</sub>) can be further classified based on the severity of the NAAQS exceedances. Lastly, areas that have historically exceeded the NAAQS, but have since instituted controls and programs that have successfully remedied these exceedances, are known as maintenance areas.

As previously discussed, this PEA does not identify a specific study area or any specific project sites. Proposed Action activities and the resulting emissions would be concentrated within the 23 U.S. counties that border Mexico. Therefore, the air quality impacts analysis is limited to these counties.

Various state and local agencies in California, Arizona, New Mexico, and Texas operate air quality management programs, including ambient air monitoring and air quality permitting, to carry out their regulatory duties under state and federal law in their respective states. Based on ambient air monitoring, eight of the U.S. counties that border Mexico are currently in nonattainment or maintenance for one or more NAAQS. **Table 3** identifies the counties with NAAQS that are not in attainment and the current status of each (i.e., nonattainment, maintenance).



**Table 3. Nonattainment and Maintenance Areas Within the Study Area**

NAAQS (Year)	Status	County (State)	De Minimis Emissions Rate(s) (Tons Per Year)
Carbon Monoxide (1971)	Maintenance (Redesignated October 3, 2008)	El Paso (Texas)	CO: 100
Ozone (2008)	Nonattainment (Moderate)	Imperial (California)	VOC:100 NO <sub>x</sub> : 100
Ozone (2008)	Nonattainment (Severe 15)	San Diego (California)	VOC: 25 NO <sub>x</sub> : 25
Ozone (2015)	Nonattainment (Marginal)	Imperial (California), Yuma (Arizona), Doña Ana (New Mexico), El Paso (Texas)	VOC:100 NO <sub>x</sub> : 100
Ozone (2015)	Nonattainment (Severe 15)	San Diego (California)	VOC: 25 NO <sub>x</sub> : 25
Particulate Matter - PM <sub>10</sub> (1987)	Maintenance (Redesignated October 19, 2020)	Imperial County (California)	PM <sub>10</sub> : 100
Particulate Matter - PM <sub>10</sub> (1987)	Nonattainment (Moderate)	Cochise (Arizona), Pima (Arizona), Santa Cruz (Arizona), Yuma (Arizona), Doña Ana (New Mexico), El Paso (Texas)	PM <sub>10</sub> : 100
Particulate Matter - PM <sub>2.5</sub> (2006)	Maintenance (Redesignated September 14, 2022)	Santa Cruz (Arizona)	Direct PM <sub>2.5</sub> : 100 Precursors (SO <sub>2</sub> , NO <sub>x</sub> , VOC, NH <sub>3</sub> ): 100 each
Particulate Matter - PM <sub>2.5</sub> (2006, 2012)	Nonattainment (Moderate)	Imperial (California)	Direct PM <sub>2.5</sub> : 100 Precursors (SO <sub>2</sub> , NO <sub>x</sub> , VOC, NH <sub>3</sub> ): 100 each
Sulfur Dioxide (1971)	Maintenance (Redesignated May 1, 2006)	Cochise (Arizona)	SO <sub>2</sub> : 100

Notes: CO = carbon monoxide; NH<sub>3</sub> = ammonia; NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = particulate matter less than 10 microns diameter; PM<sub>2.5</sub> = particulate matter less than 2.5 microns diameter; SO<sub>2</sub> = sulfur dioxide; VOC = volatile organic compounds. San Diego, Imperial, Doña Ana, and El Paso Counties were historically in nonattainment of now-revoked ozone NAAQS. Sources: (USEPA, 2025a; USEPA, 2025b; USEPA, 2025c; USEPA, 2025d)

### 3.1.1.1 Clean Air Act Conformity

The General Conformity Rule (40 Code of Federal Regulations [CFR] Part 51, Subpart W) mandates that federal actions abide by requirements contained in approved State Implementation Plans (i.e., air quality control plans) in or affecting NAAQS in nonattainment or maintenance areas, except when the action is exempt because the total increase in emissions is insignificant, or *de minimis*. If annual emissions resulting from a federal action are below applicable *de minimis* rates, the emissions are assumed not to contribute to new or existing

violations of the NAAQS, and no further analysis is required under the General Conformity Rule. *De minimis* emission rates for each of the pollutants for the border counties currently in nonattainment or maintenance are provided in **Table 3**.<sup>1</sup>

The Proposed Action is subject to General Conformity Rule considerations for activities that would occur in one or more of the eight border counties currently in nonattainment or maintenance for one or more NAAQS. Of those border counties, San Diego has the most stringent *de minimis* emission rates for O<sub>3</sub> precursors emitted within the county: 25 tons per year each of VOC and NO<sub>x</sub>. *De minimis* emissions rates for CO, O<sub>3</sub> precursors, PM<sub>10</sub>, PM<sub>2.5</sub>, PM<sub>2.5</sub> precursors, and SO<sub>2</sub>, in Imperial, Cochise, Pima, Santa Cruz, Yuma, Doña Ana, and El Paso Counties are 100 tons per year each, as applicable.

### 3.1.1.2 Other Air Quality Considerations

Under the CAA, USEPA established New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) to minimize emissions of criteria pollutants and hazardous air pollutants (HAPs) from man-made emission sources. Although typically present in minimal quantities in the ambient air, HAPs have high toxicity which may pose a threat even at low concentrations. NESHAPs primarily apply to “stationary sources,” which are emission sources that have a fixed location (e.g., fuel-burning boilers and generators, entire facilities/plants, etc.), as opposed to “mobile sources,” which are emission sources that have the ability to move from one location to another (e.g., motor vehicles, ships, airplanes, etc.). These standards are generally included as requirements in air quality permits for stationary sources that require permitting.

Major source facilities are required to obtain a Title V operating permit. The USEPA defines a “major source” as stationary sources, or groups of stationary sources, with a potential to emit more than 100 tons per year of any criteria pollutant, 10 tons per year of any HAP, or 25 tons per year of any combination of HAPs. Stationary sources, or groups of stationary sources that would emit criteria pollutants and HAPs below the major source thresholds may still be subject to air quality permitting requirements prior to installation and operation, subject to applicable state/local air quality control agency requirements. These requirements vary across the 23 border counties. For example, in San Diego County, the San Diego County Air Pollution Control District requires permits for generators that are 50 horsepower and greater (San Diego County Air Pollution Control District, 2025). By contrast, the New Mexico Environment Department does not require permits for sources with calculated potential annual and daily

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<sup>1</sup> O<sub>3</sub> is generally formed in the lower atmosphere by chemical processes that occur where volatile organic compounds (VOC), and oxides of nitrogen (NO<sub>x</sub>) are present. Therefore, *de minimis* thresholds for O<sub>3</sub> are applied only to these O<sub>3</sub> precursors. Conversely, PM<sub>2.5</sub> can be directly emitted and can also form from a variety of precursor pollutants in the lower atmosphere including SO<sub>2</sub>, NO<sub>x</sub>, VOC, and ammonia (NH<sub>3</sub>). Therefore, *de minimis* thresholds for PM<sub>2.5</sub> include individual emission rates for directly emitted PM<sub>2.5</sub> and for each of the precursor pollutants.

emissions rates below certain numeric thresholds (New Mexico Environment Department, 2025).

### 3.1.2 Environmental Consequences

A significant adverse effect to air quality would occur if there would be a change in the attainment status of the NAAQS, or if emissions exceed regulatory thresholds.

#### 3.1.2.1 Proposed Action Alternative

##### **Criteria Pollutants**

The Proposed Action would have *short-term, less-than-significant adverse impacts* to the existing air quality environment within the vicinity of any temporary facilities constructed under the Proposed Action. These short-term emissions would occur both during the construction of temporary facilities and during the decommissioning and removal of facilities should the MPP program be terminated and would be limited to these time periods. Construction and decommissioning emissions would result from exhaust emissions from fuel burned in construction equipment used for site preparation and temporary building or structure construction and equipment installation. Fuel combustion in construction material delivery vehicles and construction employee commute vehicles would further contribute to the short-term increase of construction-related criteria pollutant emissions. Site preparation activities would generate particulate matter (e.g., windblown dust) during temporary facility construction. No open burning would occur during proposed construction or decommissioning activities.

The magnitude of short-term emissions increases resulting from temporary facility construction and decommissioning is expected to be small at any location where a facility is constructed. Due to the small scale of MPP program activities within the existing POE, particulate matter emissions from site preparation, and criteria pollutant emissions from fuel combustion in construction equipment and on-road vehicles would be limited. As discussed in **Section 2.1.2**, the limited magnitude of these activities included in the Proposed Action would ensure that projects would be eligible for coverage under DHS CATEX \*E2 or similar CATEXs.

The Proposed Action would have *long-term, less-than-significant adverse impacts* to the existing air quality environment for the duration of MPP program operation. Operational emissions would include fuel combustion in transport vans and buses, facility staff commute vehicles, vehicles transporting water and wastewater, and any generators installed at temporary facilities erected under the Proposed Action. Emissions from transport bus and van activity associated with the MPP program would be concentrated in border counties where processing would occur under the program. Emissions from facility staff commute vehicles, vehicles transporting water and wastewater, and generator use would be limited to border counties with facilities erected and operating under the program. As discussed in **Section 3.6.2**, the number of vehicles expected to be added to nearby roadways would be minor in comparison to existing

traffic. Therefore, the magnitude of the resulting increase in vehicular emissions would be limited.

Construction and decommissioning emissions resulting from the Proposed Action are expected to create only localized air quality impacts to the areas surrounding any temporary facility construction sites within their respective border counties. BMPs would be implemented during construction and decommissioning to reduce potential impacts on air quality, including having no visible emissions such as dust or wind-blown soil. These control measures could include applying water or using other stabilization measures on unpaved surfaces or soil piles and covering dump trucks that transport materials that could become airborne. Additionally, construction equipment would be certified in accordance with USEPA regulations for non-road engines (40 CFR Parts 89 and 1039). Contractors would be required to maintain construction equipment in accordance with manufacturers' specifications and USEPA regulations for non-road engines to reduce exhaust emissions.

### **General Conformity**

Any actions implemented under the Proposed Action in San Diego and Imperial Counties in California; Cochise, Pima, Santa Cruz, and Yuma Counties in Arizona; Doña Ana County in New Mexico; and El Paso County in Texas would be subject to General Conformity considerations for any NAAQS for which the respective county is either in nonattainment or maintenance (see **Table 3**). Fuel combustion in construction equipment, construction material delivery vehicles, and construction employee and facility staff commute vehicles would account for most criteria pollutant emissions under the Proposed Action. The primary pollutants associated with these mobile sources are NO<sub>x</sub> and CO, with lower rates of VOC, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions, and negligible NH<sub>3</sub> and SO<sub>2</sub> emissions (USEPA, 2024). Any stationary diesel generators installed and operated under the Proposed Action would emit NO<sub>x</sub> as the primary pollutant, with lower emission rates of VOC and CO, substantially lower emission rates of PM<sub>10</sub> and PM<sub>2.5</sub>, and negligible SO<sub>2</sub> emissions (USEPA, 1996).

The most stringent *de minimis* annual emissions thresholds applicable in any of the border counties are for O<sub>3</sub> precursors in San Diego County, California, at 25 tons per year each of NO<sub>x</sub> and VOC. Given the magnitude of activities that would be allowed under the Proposed Action, NO<sub>x</sub> and VOC emissions from construction, decommissioning, and operation of the Proposed Action would be well below these *de minimis* thresholds. Therefore, annual NO<sub>x</sub> and VOC emissions associated with the Proposed Action would inherently be below the 100 tons per year *de minimis* thresholds for NO<sub>x</sub> and VOC in other border counties in less severe nonattainment of the O<sub>3</sub> NAAQs.

Annual *de minimis* emission rates for all other border counties in nonattainment or maintenance for one or more NAAQS are 100 tons per year of their respective direct or precursor emissions (see **Table 3**). These other pollutants are emitted at lower rates than NO<sub>x</sub> when fuel is combusted in the types of vehicles and equipment that would be operated for construction, operation, and decommissioning of the Proposed Action. Therefore, the Proposed Action

would inherently result in annual emissions of these pollutants that are well below the 100 tons per year *de minimis* thresholds for each. Therefore, the General Conformity Rule does not apply to the Proposed Action, regardless of the phase (e.g., construction, operation) and regardless of the county in which temporary facilities would be erected and operated. A General Conformity Determination is not required for the Proposed Action, and no further analysis is warranted.

### **Other Air Quality Considerations**

Prior to the installation and operation of any generators under the Proposed Action, DHS would coordinate with the appropriate state/local air quality control agency to determine if an air quality operating permit is required for the proposed equipment. As previously discussed, permitting thresholds and requirements vary across jurisdictions, and the need for permitting would be determined on a case-by-case basis, depending on the location and the requirements of the air quality control agency with jurisdiction over each location. DHS would coordinate air quality permitting requirements regardless of the county and the NAAQS attainments status of the county in which any generator would be installed under the Proposed Action.

#### **3.1.2.2 No Action Alternative**

Under the No Action Alternative, DHS would not resume the MPP program. As such, no construction of associated temporary facilities at border POEs would occur, no generators would be operated, and no aliens would be transferred across the border. However, DHS would still employ other methods to enforce immigration laws, which may include applicable emergency authorizations, in support of its national security mission. There would be *no short-term or long-term impact* to air quality. The ambient air quality environment would remain in its current existing conditions.

## **3.2 Noise**

### **3.2.1 Affected Environment**

Noise is defined as undesirable sound that interferes with communication, is intense enough to damage hearing, or is otherwise intrusive. Sound intensity is quantified using a logarithmic measure of sound pressure levels called decibels (dB). The human ear does not hear all frequencies equally; the A-weighted decibel (dBA) is a measurement scale used to reflect the selective sensitivity of human hearing and deemphasizes the higher and lower frequencies that the human ear does not perceive well. Normal speech has a sound level of approximately 60 dBA. Sound levels above 120 dBA begin to be perceived as uncomfortable, while sound levels between 130 and 140 dBA are considered painful (Cowan, 1994; Egan, 1988).

Sensitive noise receptors could include specific locations (e.g., schools, churches, hospitals) or an expansive area (e.g., nature preserves, conservation areas, historic preservation districts) in which occasional or persistent sensitivity exists to noise above ambient levels. Noise is often

generated by activities essential to a community's quality of life, such as construction or vehicular traffic.

The Noise Control Act of 1972 established a national policy to promote an environment free from noise that jeopardizes human health and welfare. It directs federal agencies to comply with applicable federal, state, and local noise control regulations. The Occupational Safety and Health Administration (OSHA) sets legal limits on noise exposure levels. The minimum requirement states that exposure for workers must not exceed 90 dBA over an 8-hour period. The highest allowable sound level to which workers can be exposed is 115 dBA, and exposure to this level must not exceed 15 minutes within an 8-hour period (29 CFR 1910.95).

Border POEs are often located in developed areas with varying levels of urban density, both on the U.S. side and Mexican side of the border. The ambient noise environment at existing POEs is also generally elevated, on par with typical urban environments, due to the industrial activity and trade, immigration activity, and cross-border traffic that occurs at POEs. Noise sensitive receptors such as residences, schools, hospitals, religious institutions, or immigration holding facilities may be present surrounding POE locations.

### 3.2.2 Environmental Consequences

A significant adverse effect to noise would occur if generated noise would be permanently intrusive to nearby sensitive receptors; if it would exceed applicable noise limit thresholds; or if it would cause harm or injury to people or communities.

#### 3.2.2.1 Proposed Action Alternative

Activities associated with the resumption, operation, temporary cessation, or future cessation, of the MPP program may result in a temporary increase in noise levels surrounding the applicable POEs. Construction of temporary facilities may involve the use of heavy equipment such as loaders and trucks. This equipment would be the primary source of noise during operation of the Proposed Action. At the cessation of the MPP program, heavy trucks and other equipment used to deconstruct the temporary facilities would be the primary source of noise. Noise impacts during both phases of the Proposed Action would be greatest at the construction site at the border POE and would decrease with distance. **Table 4** provides sound levels typical of construction equipment up to a distance of 1,000 feet. These noise levels would continue to attenuate at further distances from the POE sites.

Although impacts to the surrounding noise environment and any sensitive receptors would vary depending on the location and would require site-specific analysis, overall noise generation resulting from the Proposed Action would be consistent at all border POEs. Noise generated from the construction – or removal, depending on the phase of the MPP program – of the temporary facilities would be temporary. Noise reduction BMPs, such as the use of mufflers on construction equipment and vehicles, and turning off equipment when not in use, would minimize noise impacts during MPP program implementation. Further, some of this noise may be masked by other ongoing activities with elevated noise at the POEs, making it less distinct.



Therefore, activities related to the construction and removal of temporary facilities at border POEs would result in *short-term, negligible adverse impacts* to the surrounding noise environment.

**Table 4. Average Noise Levels for Common Construction and Demolition Equipment**

Construction Category and Equipment	Predicted Noise Level at 50 feet (dBA)	Predicted Noise Level at 250 feet (dBA)	Predicted Noise Level at 500 feet (dBA)	Predicted Noise Level at 1,000 feet (dBA)
<b>Site Preparation</b>				
Grader	80 to 93	66 to 79	60 to 73	54 to 67
Truck	83 to 94	69 to 80	63 to 74	57 to 68
Backhoe	72 to 93	58 to 79	52 to 73	46 to 67
<b>Construction</b>				
Concrete Mixer	74 to 88	60 to 74	54 to 68	48 to 62
Crane	63 to 88	49 to 74	43 to 68	37 to 62
Paver	86 to 88	72 to 74	66 to 88	60 to 62
Dozer/Tractor	60 to 89	46 to 75	40 to 69	34 to 63
Front Loader	70 to 90	56 to 76	50 to 70	44 to 64
Compressor	63 to 84	49 to 70	43 to 64	37 to 58

Source: (FHWA, 2017; USEPA, 1971)

The transfer of aliens back to Mexico during the operational phase of the MPP program would generate some vehicle noise from vehicle trips to and from the border POEs. The transfer vehicles would stay on main roadways and would only make a few trips per day; additionally, the locations containing the border POEs already contain consistent traffic. The transfer vehicles would not constitute a novel source of noise. Operational activities occurring at the temporary facilities would not be expected to generate any exterior noise, as these activities would be limited to administrative, processing, and legal functions. This element of the Proposed Action would have *no impact* on the existing noise environment.

### 3.2.2.2 No Action Alternative

Under the No Action Alternative, DHS would not resume the MPP program, but would still employ other methods to enforce immigration laws, which may include applicable emergency authorizations, in support of its national security mission. As such, no construction of associated temporary facilities at border POEs would occur, nor would aliens be transferred across the border. There would be *no impact* to the existing noise levels from existing immigration and other activities occurring at the POEs.

### **3.3 Water Resources**

#### **3.3.1 Affected Environment**

Water resources are natural sources of water that are available for use by, and for the benefit of, humans and the environment. Surface waters comprise streams, lakes, rivers, or reservoirs. Wetlands are areas where water covers the soil or is present either at or near the surface of the soil at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions (USACE, 1987). Floodplains are areas of relatively flat and normally dry land alongside a stream, river, or lake that are subject to either periodic or frequent inundation by floodwater. A 100-year floodplain has a 1 percent annual chance of inundation. Groundwater is water that exists in the saturated zone beneath the Earth's surface that collects and flows through aquifers and is used for drinking, irrigation, and industrial purposes. Stormwater generally consists of water flowing off-site and into a nearby receiving waterbody following a precipitation event. The coastal zone is a state-designated area within which federal activities are regulated by the Coastal Zone Management Act of 1972 (CZMA).

The border POEs of San Ysidro, California; and Brownsville, Texas; are located near the Pacific Ocean and Gulf of America, respectively. Other POEs may be located near the Tijuana River in California, the Colorado and Gila Rivers in Arizona, and the Rio Grande in Texas. Surface canal systems or other, smaller surface water bodies are also likely present in southern border towns where the MPP program may be implemented. Wetlands and floodplains may be present in the vicinity of border POEs, particularly when a POE is located near surface waters.

Hydrogeologic studies conducted along the southern border have identified 72 transboundary aquifers that cross the U.S.-Mexico border, with 33 of these aquifers located in Texas alone (Sanchez & Rodriguez, 2021). Approximately 50 to 55 percent of the total area across these aquifers are estimated to contain good to moderate potential as well as good to moderate water quality (Sanchez & Rodriguez, 2021). Groundwater resources at the border are strained, both due to overuse from both countries and contamination from agricultural pollution and untreated waste. An estimated 10 million people living in border cities rely on these aquifers for their freshwater uses (Eckstein & Sanchez, 2025).

Both California and Texas have state-designated coastal zones as they border the Pacific Ocean and Gulf of America, respectively. The coastal zone in California generally extends 1,000 yards inland from the mean high tide line (CCC, 2019). The coastal zone in Texas is generally the area seaward of the Texas coastal facility designation line, and also includes wetlands landward of this line within one mile from the shoreline, along the reach of certain tidal rivers and streams (TXGLO, 2025). The San Ysidro, California POE, and the Brownsville, Texas POE on University Boulevard potentially proposed for use under the MPP program are located within their states' coastal zones. Under the CZMA, projects within a coastal zone (i.e., projects occurring at San Ysidro or Brownsville POEs) must demonstrate consistency with the enforceable policies of the state to address potential impacts to coastal resources. The CZMA regulations at 15 CFR Part 930 identify different categories of activities under which the effects



of a project must be evaluated for their potential impacts on coastal resources and the state's enforceable policies.

### 3.3.2 Environmental Consequences

A significant adverse effect to water resources would occur if proposed activities would result in an exceedance of water quality thresholds; substantially increase the amount of stormwater flow; impede navigability of surface waters; not comply with wetland protection regulations; substantially affect groundwater quantity or quality; induce flooding in occupied areas; or be inconsistent with coastal zone policies.

#### 3.3.2.1 Proposed Action Alternative

Implementation of the MPP program, particularly the construction of temporary facilities, could result in impacts to surface waters, wetlands, and floodplains, if present near the project area, and groundwater. Although construction of the temporary facilities would not result in disturbance of previously undisturbed soils, some soil disturbance may occur that could result in stormwater runoff and erosion, potentially leading to sedimentation in nearby surface waters and wetlands. Contractors would install erosion control measures, such as sediment traps, as necessary. No direct fill of surface waters or wetlands would occur under the Proposed Action. Additionally, no impervious surfaces would be placed within a floodplain that could affect its function, as temporary facilities would be placed within previously developed POEs. Construction of the temporary facilities could result in *short-term, negligible adverse impacts* on stormwater, surface water, and wetland quality, and would have *no impacts* on floodplains or groundwater. The evaluation of specific impacts to nearby water resources would occur on a site-specific basis.

Operation of the MPP program, including use of the temporary facilities and cross-border transfers, could affect stormwater, surface water quality, and groundwater. Although ground disturbance would be limited to existing disturbed areas, and facility construction would not increase impervious surfaces at the POEs, stormwater would still flow across the POEs via sheet flow and could enter nearby surface waters. No stormwater management features would be installed with the temporary facilities; however, the POEs were previously designed with stormwater management redundancy in anticipation of potential expansion. Therefore, the Proposed Action would have *long-term, negligible adverse impacts* on stormwater.

The use of vehicles to transfer aliens would require the use of diesel fuels, hydraulic fluids, or other fluids for vehicle maintenance, that could have the potential for small spills and releases which could enter nearby surface waters or groundwater. Any such spills would be minimized in accordance with applicable regulations and through adherence to BMPs, such as performing routine vehicle inspections, maintaining spill containment materials on-site, and correctly storing necessary fluids. Additionally, increases in the number of people present at the POEs as aliens are temporarily held and processed would result in a higher demand for potable water at the POE sites (see **Section 3.6**), which could result in increased groundwater withdrawals

and further stress already strained groundwater resources along the southern border, although this increase would be negligible relative to existing demand. Operation of the MPP program would have the potential for *long-term, less-than-significant adverse impacts* on surface water quality and groundwater quality and availability.

Any activities under the MPP program that would occur at border POEs located within California or Texas's coastal zone would need to demonstrate consistency with the state's enforceable policies. The Proposed Action is not expected to involve any activities that would be inconsistent with existing enforceable policies, resulting in *no impacts* to the coastal zone; however, DHS would evaluate consistency on a site-specific basis.

### 3.3.2.2 No Action Alternative

Under the No Action Alternative, DHS would not resume the MPP program. As such, no construction of associated temporary facilities at border POEs would occur, nor would aliens be transferred across the border. DHS would still employ other methods to enforce immigration laws, which may include applicable emergency authorizations, in support of its national security mission. There would be *no impact* to stormwater, wetlands, floodplains, groundwater, or the coastal zone.

## 3.4 Biological Resources

### 3.4.1 Affected Environment

Biological resources include vegetation, fish, wildlife, and the habitats in which they occur. The proposed resumption of the MPP program would not result in the disturbance of any previously undisturbed areas, removal of natural vegetation communities, or in-water work. No impacts on vegetation, waterbodies, wetlands, wildlife habitat, or fisheries would occur; therefore, these resources are dismissed from further analysis.

#### 3.4.1.1 Wildlife

The U.S.-Mexico border region is recognized as a highly biodiverse area and contains numerous biodiversity hotspots. The border area contains four ecoregions: North American deserts, Mediterranean California, southern semiarid highlands, and the Great Plains (CEC, n.d.). An estimated 1,077 native wildlife species have geographic ranges that intersect the U.S.-Mexico border, with important habitat contained within those ecoregions (Harrity, et al., 2024). Native terrestrial mammals found throughout this region include American black bear (*Ursus americanus*), mountain lion (*Puma concolor*), desert bighorn sheep (*Ovis canadensis nelsoni*), mule deer (*Odocoileus hemionus*), white-tailed deer (*Odocoileus virginianus*), jaguar (*Panthera onca*), Sonoran pronghorn (*Antilocarpa americana sonoriensis*), Mexican gray wolf (*Canis lupus baileyi*), javelina (*Pecari tajacu*), bobcat (*Lynx rufus*), American badger (*Taxidea taxus*), and antelope jackrabbit (*Lepus alleni*) (Harrity, et al., 2024).

Other terrestrial non-mammalian wildlife species include the Quino checkerspot butterfly (*Euphydryas Editha quino*), malachite butterfly (*Siproeta stelenes*), flat-tailed horned lizard

(*Phrynosoma mcalli*), desert tortoise (*Gopherus agassizii*), fringe-toed lizard (*Uma inornata*), Gila monster (*Heloderma suspectum*), Sonoran desert toad (*Incilius alvarius*), wild turkey (*Meleagris gallopavo mexicana*), burrowing owl (*Athene cunicularia*), Costa's hummingbird (*Calypte costae*), cactus wren (*Campylorhynchus brunneicapillus*), tropical green jay (*Cyanocorax yncas*), golden-fronted woodpecker (*Melanerpes aurifrons*), and black-tufted titmouse (*Baeolophus atricristatus*). Many of these species are endemic to the region and face numerous risks from changing environmental conditions, habitat fragmentation and destruction, interruption of migration patterns, and disturbances from human activities and construction along the southern border (Schlyer, 2016).

### 3.4.1.2 Special Status Species

The Endangered Species Act (ESA) provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The law requires federal agencies, in consultation with the USFWS and/or the NOAA Fisheries Service, to ensure that the actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat. Certain avian species are protected under the Migratory Bird Treaty Act (MBTA), and the Bald and Golden Eagle Protection Act (BGEPA).

DHS queried the USFWS Environmental Conservation Online System (ECOS) database to identify federally listed plant and animal species that are known to occur within the states of Texas, New Mexico, Arizona, and California. **Table 5** contains a summary of the number of federally listed species within these states, broken out by taxa. Listed species that only have distinct population segments that are not present near the southern border were eliminated from this analysis. Suitable habitat is likely present for a number of these species along the southern border and near (but off-site of) existing POEs. No federally listed marine species have been identified, since the Proposed Action would not occur in offshore waters.

Migratory birds are protected under the MBTA, which prohibits the take of migratory bird species without prior authorization. In addition to protections for birds provided by the ESA and MBTA, the USFWS identifies birds of conservation concern (BCC), which are migratory and non-migratory species that represent the highest avian conservation priorities. USFWS published a BCC report in 2021 that identifies BCCs based on identified bird conservation regions (BCRs) throughout the U.S. Based on this report, a total of six BCRs have been identified along the southern border, as well as one marine BCR along the Pacific coast, and one marine BCR in the Gulf of America (USFWS, 2021). **Table 6** contains a summary of the number of BCCs within each BCR along the border; some species may be counted multiple times if they are present in more than one BCR.

**Table 5. Federally Listed Species Potentially Present by Taxa**

Taxa	Texas	Texas	New Mexico	New Mexico	Arizona	Arizona	California	California
	Threatened	Endangered	Threatened	Endangered	Threatened	Endangered	Threatened	Endangered
Amphibians	4	4	1	1	1	1	2	4
Arachnids	0	9	0	0	0	0	0	0
Birds	7	6	4	1	3	4	6	10
Clams	1	7	0	1	0	0	0	0
Conifers and Cycads	0	0	0	0	0	0	3	0
Crustaceans	0	3	0	2	0	0	1	7
Ferns and Allies	0	0	1	0	0	0	0	0
Fishes	1	10	4	10	6	12	6	12
Flowering Plants	11	25	9	8	10	16	43	129
Insects	1	8	1	1	0	0	6	19
Mammals	1	5	1	6	0	7	6	15
Reptiles	3	4	3	1	4	1	6	3
Snails	0	5	0	6	1	1	1	0
<b>Total</b>	29	86	24	37	25	42	80	199

Source: (USFWS, 2025)

**Table 6. Birds of Conservation Concern Along the Southern Border**

BCR Number	Number of BCCs
BCR 32	49
BCR 33	27
BCR 34	30
BCR 35	30
BCR 36	20
BCR 37	36
Marine BCR 17	13
Marine BCR 20	5

Source: (USFWS, 2021)

The BGEPA, as amended, prohibits taking or harming bald and golden eagles or their eggs, nests, or young without a permit. Any actions that are likely to cause injury to an eagle, decrease its productivity, or cause nest abandonment are prohibited under the BGEPA. USFWS issues General Permits for Bald Eagle Disturbance that may involve incidental take but which generally pose low risks to bald eagles. The USFWS Southwest Region, which covers Arizona, New Mexico, Oklahoma, and Texas, has developed a Bald Eagle Take Determination Key to help determine if a project would disturb bald eagles and if a General Permit would be required (USFWS, 2024). Additional guidance from USFWS, such as the National Bald Eagle Management Guidelines (USFWS, 2007), identify measures to protect eagles and their nests.

### **Essential Fish Habitat**

Essential fish habitat (EFH) is managed under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and is defined as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” The MSA requires agencies to consult with NOAA Fisheries when proposing activities that may adversely affect EFH. Although no in-water work would occur under the Proposed Action, DHS queried NOAA Fisheries’ online EFH Mapper to identify designated EFH species and life stages potentially occurring near the project area. Two bodies of water with designated EFH are included in the project area: the Pacific Ocean and Gulf of America near POEs in California and Texas, respectively, along the southern border. Species with designated EFH that are managed by the ‘Pacific’ Fisheries Management Council (FMC) and ‘Gulf of Mexico’ FMC are presented in **Table 7**. Habitat Areas of Particular Concern (HAPC) are present within the Pacific Ocean and Gulf of America at-large, but no HAPC was identified along the coastlines near border POEs. The coastal waters off the southwestern tip of California contain two EFH Areas Protected from Fishing: a

groundfish EFH in the Pacific Coast exclusive economic zone (EEZ) and groundfish EFH in the Pacific Coast EEZ shoreward of the 100 fathom depth contour (i.e., 100-fathom line).

**Table 7. Species and Life Stages with Designated EFH in Waters Near Border POEs**

Species	Eggs	Larvae/Neonate	Juvenile	Adult
<b>Pacific FMC</b>	<b>Pacific</b>	<b>Pacific</b>	<b>Pacific</b>	<b>Pacific</b>
Coastal Pelagic Species	X	X	X	X
Common thresher shark ( <i>Alopias vulpinus</i> )	X	X	X	X
Dorado ( <i>Coryphaena hippurus</i> )	X	X	X	X
Finfish	X	X	X	X
Groundfish	X	X	X	X
Krill ( <i>Euphausia pacifica</i> )	X	X	X	X
Krill ( <i>Thysanoessa spinifera</i> )	X	X	X	X
Other krill species	X	X	X	X
<b>Gulf of Mexico FMC</b>	<b>Gulf</b>	<b>Gulf</b>	<b>Gulf</b>	<b>Gulf</b>
Atlantic sharpnose shark ( <i>Rhizoprionodon terraenovae</i> )		X	X	X
Blacknose shark ( <i>Carcharhinus acronotus</i> )			X	X
Blacktip shark ( <i>Carcharhinus limbatus</i> )		X	X	X
Bonnethead shark ( <i>Sphyrna tiburo</i> )		X	X	X
Bull shark ( <i>Carcharhinus leucas</i> )			X	X
Coastal Migratory Pelagics	X	X	X	X
Lemon shark ( <i>Negaprion brevirostris</i> )		X		
Reef fish (43 species)	X	X	X	X
Sailfish ( <i>Istiophorus</i> )				X
Scalloped hammerhead shark ( <i>Sphyrna lewini</i> )		X		
Shrimp (4 species)	X	X	X	X

Note: An “X” indicates that EFH has been designated within the project area for that species and life stage.

Source: (NOAA Fisheries, 2025)

Since the Proposed Action would include no in-water work, or other activities that could result in chemical or biological alterations to waters or EFH, DHS has determined that the Proposed Action would have *no effect* on designated EFH. DHS contacted NOAA Fisheries regarding the lack of potential for adverse impacts to EFH species on April 22, 2025. NOAA Fisheries responded on April 29, 2025, stating that no consultation is required. Because DHS has

determined the Proposed Action would have *no effect* on designated EFH, this resource is dismissed from further analysis. Copies of this correspondence are available in **Appendix B**.

### 3.4.2 Environmental Consequences

A significant adverse effect to biological resources would occur if proposed activities would result in substantial permanent loss or degradation of terrestrial or aquatic habitat; result in unpermitted “take” of federally listed species; or violate regulations on special status species.

#### 3.4.2.1 Proposed Action Alternative

##### **Wildlife**

Implementation of the MPP program may disturb terrestrial wildlife species potentially present within or in the vicinity of the border POEs. Although no wildlife is expected to be present on-site, since the POEs are already developed and do not contain suitable wildlife habitat, wildlife in the surrounding areas or that may be passing through the POE could be disturbed by construction noise and an increase in human activity. Wildlife would be expected to continue to stay away from the POE throughout the duration of construction activities, and any disturbances or inadvertent wildlife mortality would occur at the individual level, rather than the population or species level, and would not inhibit the continued presence of common wildlife populations in the areas around the POEs. Operation of the temporary facilities, including any nighttime activities and nighttime lighting, and an increase in vehicle transfers may increase the level of human activity occurring at the POEs; however, wildlife is likely already accustomed to similar disturbances from ongoing immigration and other cross-border activities at the POEs, which are already heavily utilized. Following temporary or permanent cessation of the MPP program, modular facilities may be temporarily repurposed to support other ongoing immigration and law enforcement efforts or the sites containing the temporary facilities would be restored or returned to empty pavement or gravel pads. Therefore, temporary or permanent cessation of the MPP program would result in no net increase in available wildlife habitat. The Proposed Action would have *short- and long-term, negligible adverse impacts* on terrestrial wildlife.

##### **Special Status Species**

Although suitable habitat may be present for a number of federally listed species along the southern border, including in the vicinity of existing POEs, listed species are not expected to be present at any POE locations that may be used for the MPP program. These locations are already developed and have a large human presence, from DHS personnel, aliens, and other members of the public. Their proximity to urban centers and major roadways, and noise and nighttime lighting at the sites, are continuous disturbances that limit habitat suitability for federally listed species, although such species may be present if habitat is available adjacent to the POEs.



The proposed implementation of the MPP program would not result in the disturbance of any previously undisturbed ground or tree removal. The erection of any temporary facilities would occur on previously developed or disturbed land, such as paved or gravel surfaces. No activities would occur that would remove nesting or roosting habitat for birds, including BCCs and eagles, and no structures would be built that would be substantially taller than other surrounding infrastructure which could pose a strike hazard for avian species. Following the temporary or permanent cessation of the MPP program, modular facilities may be temporarily repurposed to support other ongoing immigration and law enforcement efforts or would be removed and the sites restored or returned to an empty pavement or gravel pad. Site-specific analysis would be conducted for any construction or removal activities at the POEs. This site-specific analysis would also include consideration of potential disturbances to bald eagles and whether a General Permit would be required. If a bald eagle General Permit is needed, DHS would adhere to the standard conditions in order to minimize or avoid disturbances.

Operation of MPP program activities at the POEs would result in slight increases in noise, human presence, and nighttime lighting above existing conditions. However, any additional disturbances would be at similar levels to those already occurring at the POE, and any nighttime activities would be kept to the minimum levels required for safety. Therefore, the Proposed Action *may affect but is not likely to adversely affect* federally listed terrestrial species potentially present at the POEs, and would have *short-term, negligible adverse impacts* on BCCs, including eagles. Since no in-water work or vegetation removal would occur, the Proposed Action would have *no effect* on federally listed aquatic species and vegetation.

Pursuant to Section 7 of the ESA, DHS has consulted with the USFWS and NOAA Fisheries regarding potential impacts on federally listed species via letters submitted on April 25, 2025. NOAA Fisheries responded on April 28, 2025, acknowledging DHS's 'no effect' determination. DHS contacted five regional USFWS offices: Austin, New Mexico, Texas Coastal and Central Plains, Tucson, and Ventura. The Carlsbad and Palm Springs Fish and Wildlife Offices (in lieu of Ventura) responded on May 23, 2025; the Tucson Office responded on May 27, 2025; the Austin Office responded on May 29, 2025; the Texas Coastal and Central Plains Office responded on June 5, 2025; and the New Mexico Office responded on June 10, 2025; all of which concurred with DHS's determinations. Copies of this correspondence are provided in **Appendix B**.

#### **3.4.2.2 No Action Alternative**

Under the No Action Alternative, DHS would not resume the MPP program. As such, no construction of associated temporary facilities at border POEs would occur, nor would aliens be transferred across the border. DHS would still employ other methods to enforce immigration laws, which may include applicable emergency authorizations, in support of its national security mission. Individual site-specific analysis may occur as needed on a case-by-case basis. Wildlife and special status species would continue to experience disturbances from ongoing immigration and customs activities at POEs, including human presence, noise, and lighting,



but these conditions would not change. The No Action Alternative would have *no impact* on biological resources.

### **3.5 Cultural Resources**

#### **3.5.1 Affected Environment**

The term “cultural resources” refers to a broad range of resources including prehistoric or historic structures, buildings, objects, sites, districts, landscapes, natural features, and cemeteries. These are typically grouped into two categories: above-ground historic resources and archaeological resources. Several federal laws and EOs, including the National Historic Preservation Act (NHPA), Archaeological and Historic Preservation Act, American Indian Religious Freedom Act, Archaeological Resources Protection Act (ARPA), Native American Graves Protection and Repatriation Act (NAGPRA), and EO 13007, *Indian Sacred Sites*, address cultural resources.

The NHPA defines historic properties as those prehistoric or historic districts, sites, buildings, structures, or objects that are eligible for or listed in the National Register of Historic Places (NRHP). Resources that are determined to meet one or more significance criteria established in the NHPA are considered eligible for listing in the NRHP, and are referred to as “historic properties.” Section 106 of the NHPA requires federal agencies to consider the effect of an undertaking on NRHP-eligible or listed historic properties. Section 106 of the NHPA requires federal agencies to consult with the appropriate State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) of federally recognized Tribes in order to avoid, minimize, or mitigate potential adverse effects to historic properties.

Archaeological resources are defined as physical remnants of human occupation and can include sites, structures, artifacts, middens, and other evidence of past human activity. Laws related to archaeological resources, including ARPA, direct federal agencies to grant permits to remove archaeological resources on federal or Tribal lands, and to protect and preserve significant archaeological materials that might be discovered. Other cultural items, as defined by NAGPRA, include human remains, funerary objects, sacred objects, and objects of cultural patrimony or objects that have an ongoing historical, traditional, or cultural importance to a Native American group or culture. EO 13175 requires federal agencies to notify and consult with federally recognized Tribes that have cultural ties to an affected area. These consultation procedures are intended to ensure that the potential impacts from the undertaking on sites of traditional religious and cultural significance are adequately considered.

Tribal resources may be included given the scale of the Proposed Action across border states. Consistent with Section 106 and EO 13175, DHS initiated nationwide consultation with all 574 federally recognized Tribes on April 23, 2025.

### 3.5.2 Environmental Consequences

A significant adverse effect to cultural resources would occur if the integrity of a historic property is diminished such that it would no longer be eligible for listing in the NRHP; if a historic viewshed would be substantially altered; or if significant tribal resources are permanently compromised.

#### 3.5.2.1 Proposed Action Alternative

All POE sites that would be used to support operation of the MPP program, including the construction of temporary facilities, would be owned by DHS or the General Services Administration and would already contain federal facilities. These sites would be previously disturbed and would contain paved areas or gravel pads upon which temporary facilities could be erected.

Historic above-ground resources may be present in the vicinity of the border POEs, and some POEs may contain buildings with sufficient age (i.e., 45 years or older) to be evaluated for inclusion on the NRHP. Any construction of temporary facilities, however, would be consistent with current land uses and would not be anticipated to generate new visual impacts that could affect the integrity of any above-ground resources. Following the temporary or permanent cessation of the MPP program, modular facilities may be temporarily repurposed to support other ongoing immigration and law enforcement efforts. Further, the viewshed would return to its baseline conditions following cessation of the MPP program and deconstruction of the temporary facilities, and restored or returned to an empty pavement or gravel pad. Since operation of the MPP program would use previously developed sites, archaeological sites or deposits are not expected to be present at the POEs due to extensive prior disturbance but would also be evaluated on a project-by-project basis.

As discussed in **Section 1.4**, any construction or operational activities occurring at a POE would require site-specific analysis to comply with Section 106 of the NHPA. Existing site-specific, regional, or national programmatic agreements may be applied for Section 106 compliance. Site-specific analysis may include archaeological surveys, above-ground surveys, and consultation with the SHPO, THPO, Tribal Nations, and interested consulting parties for undertakings at that location. Should cultural resources be identified within an individual area of potential effects, DHS would coordinate with the SHPO, THPO, and Tribal Nations as appropriate to avoid, minimize, or mitigate adverse impacts. Additionally, if any unanticipated cultural materials or deposits are encountered during construction or deconstruction, DHS would cease work and contact the SHPO, THPO, Tribal Nations, and any identified consulting parties.

In accordance with 36 CFR 800.3, DHS has evaluated whether the MPP program constitutes an undertaking subject to Section 106 of the NHPA. As individual MPP projects would be evaluated on a case-by-case basis, DHS has determined that the MPP program would have no potential to cause effects, and no further Section 106 review of the program is warranted.

On April 23, 2025, DHS initiated formal Tribal consultation through a Dear Tribal Leader Letter sent to all Federally Recognized Tribes utilizing the Bureau of Indian Affairs Tribal Leader List, the NPS THPO List, and the Department of Homeland Security Tribal Affairs Listserv in accordance with Section 106 and EO 13175. Tribal Nations were invited to participate in a virtual Tribal consultation meeting held on May 8, 2025. One Tribal Nation, the Quapaw Nation, provided comments during this meeting, which inquired about how historic properties would be evaluated and requested that DHS also consult with the Advisory Council on Historic Preservation (ACHP). DHS has confirmed that additional consultation under Section 106 would occur for site-specific actions under the MPP program, and contacted the ACHP on May 12, 2025. A summary of comments received during this meeting are provided in **Appendix C**.

### 3.5.2.2 No Action Alternative

Under the No Action Alternative, DHS would not resume the MPP program. DHS would still employ other methods to enforce immigration laws, which may include applicable emergency authorizations, in support of its national security mission. As such, no construction of associated temporary facilities at border POEs would occur, nor would aliens be transferred across the border. Ongoing immigration and customs activities at the POEs would continue, and individual undertakings subject to Section 106 would occur on a case-by-case basis. There would be no potential to cause effects to cultural resources under the No Action Alternative.

## 3.6 Infrastructure and Transportation

### 3.6.1 Affected Environment

Infrastructure consists of the interrelated systems and physical structures within society. Infrastructure components typically include utilities, solid waste management, hardened public infrastructure, and transportation systems. Utilities include electrical supply, natural gas, water supply, sanitary sewer and wastewater, and communication systems. Transportation systems include developed features such as roadways and sidewalks, and overarching transportation networks, such as for mass public transit or bicycles.

All border POEs where the MPP program could occur are already developed and contain facilities for processing and holding aliens, as well as for other border operations unrelated to immigration (e.g., customs, vehicle inspections, agricultural inspections). Infrastructure at the POEs includes permanent and temporary buildings, parking, and all utilities. Given their proximity to the border, they are also surrounded by roadways, including arterial roadways that cross into Mexico, and are located either within or just outside of urban centers.

The border POEs that were previously utilized for the MPP program annually process millions of passenger vehicles (i.e., conveyances) and millions of pedestrians crossing the border. **Table 8** presents the number of conveyances and pedestrians processed during FY 2024 at the seven POEs previously used for the MPP program. **Table 9** presents the average annual daily traffic (AADT), which measures the average number of vehicles that travel on any given roadway per

day, along the roadways that cross the U.S.-Mexico border at the POEs. Although DHS may not use these same POEs when resuming the MPP program, these statistics provide a general idea of the capacity of POEs along the southern border and the infrastructure, including transportation infrastructure, that is required and available to handle the number of inbound arrivals and transfers.

### 3.6.1 Environmental Consequences

A significant adverse effect to infrastructure and transportation would occur if there would be substantial impacts to existing facilities; permanent disruption of traffic patterns and congestion; or permanent impairment or loss of utility services.

**Table 8. Number of Arrivals Processed in Fiscal Year 2024**

<b>Land Port-of-Entry</b>	<b>Number of Conveyances (millions)</b>	<b>Average Daily Conveyances</b>	<b>Number of Pedestrians (millions)</b>	<b>Average Daily Pedestrians</b>
San Ysidro, California	15.1	41,369	8.0	21,917
Calexico, California	8.9	24,383	3.1	8,493
Nogales, Arizona	3.7	10,136	3.3	9,041
El Paso, Texas	7.6	20,821	5.0	13,698
Eagle Pass, Texas	2.8	7,671	1.4	3,835
Laredo, Texas	5.1	13,972	4.4	12,054
Brownsville, Texas	9.2	25,205	2.8	7,671

Source: (CBP, 2025b)

**Table 9. Average Annual Daily Traffic at POE Border Crossings**

<b>Land Port-of-Entry</b>	<b>AADT Count (vehicles)</b>
San Ysidro, California	56,000
Calexico, California	31,000
Nogales, Arizona	10,546
El Paso, Texas	30,635
Eagle Pass, Texas	4,078
Laredo, Texas	N/A
Brownsville, Texas	16,791

Source: (Caltrans, 2022; ADOT, 2023; TxDOT, 2023)

#### 3.6.1.1 Proposed Action Alternative

Implementation of the MPP program would involve the construction of temporary facilities at existing border POEs to hold and process aliens upon their entry into the U.S. These facilities would range in size depending on the immigration needs at the time of their construction, but

previously erected facilities, on average, ranged in size between 33,000 square feet and 65,000 square feet. These facilities would also have varied processing capacity, estimated to range between 500 and 1,625 aliens per day. Similarly, temporary IHFs may also be constructed at POEs, to facilitate processing and immigration hearings upon the reentry of aliens to the U.S. These facilities would constitute new infrastructure at the POEs, as existing infrastructure would be insufficient to handle the additional processing method. Any temporary facilities would be flexible, and their size could be adjusted to respond to changing immigration needs, eliminating the need for additional new permanent facilities. Construction of the temporary facilities would not disturb ongoing operations at the POEs, nor would it interfere with other offsite public infrastructure. There would be *long-term, negligible beneficial impacts* to infrastructure at the POEs from the development of additional immigration space, where existing infrastructure is insufficient to address MPP program needs.

All temporary facilities constructed, including IHFs, would be connected to existing operational utility systems at the POEs. These facilities would require connections to electric, natural gas, water, sanitary sewer, wastewater, and communication systems. Diesel generators would be installed at the temporary facilities following construction, until the facilities can be completely connected to the surrounding electric grid, in order to avoid interruptions. In situations where connecting to water utilities may be untenable, given existing demand for potable water and the limited capacity at existing POEs, DHS may truck in potable water from outside the immediate area. Wastewater would be removed from the POE and transported to a treatment facility offsite. Due to the potential increases in electric and water demand, and additional trips to transport wastewater offsite, there would be *long-term, negligible adverse impacts* to utilities.

Implementation of the Proposed Action would involve an increase in the number of vehicle trips conducted by DHS, both to transfer aliens from the POE to the Mexican border and to take returning aliens to the IHFs for their immigration hearings. Transfers would be conducted using a van or bus, so multiple people could be taken to the border or an IHF at one time. Daily vehicle trips would occur to and from multiple POEs along the southern border to accommodate MPP program needs. The size of vehicles used, and the number of trips conducted daily, would vary based on immigration needs; however, no more than a few dozen trips would be expected to occur per day, per POE, although the actual number is likely to be smaller. Regardless of the number of daily trips, these vehicle transfers are not expected to interfere with existing traffic conditions. The roads at the POEs are major, arterial border crossings with thousands of vehicles traveling those roads daily. The addition of DHS transfer vehicles at multiple POE locations would not affect current traffic conditions. Further, since the POEs are located within 1 mile of the U.S-Mexico border, vehicle transfer trips would be short and the vehicles would not remain on the roadways for a prolonged period of time. Since the vehicles would be official DHS vehicles, they would not contribute to congestion at the border stations where other conveyances may be waiting to enter or exit the U.S. No new roadways would be constructed under the Proposed Action Alternative. Therefore, the MPP

program is expected to have *long-term, negligible adverse impacts* on traffic conditions or transportation infrastructure.

#### **3.6.1.2 No Action Alternative**

Under the No Action Alternative, DHS would not resume the MPP program. As such, no construction of associated temporary facilities at border POEs would occur, nor would aliens be transferred across the border. DHS would still employ other methods to enforce immigration laws, which may include applicable emergency authorizations, in support of its national security mission. Existing immigration facilities would continue to be updated and expanded as needed to support other immigration and customs activities, and no additional traffic would be added to nearby roadways. There would be *no impact* on infrastructure and transportation under the No Action Alternative.

### **3.7 Human Health and Safety**

#### **3.7.1 Affected Environment**

Human health and safety includes potential impacts to people living in the surrounding environment and the ways in which they may be affected. It addresses the possibilities of adverse health outcomes, including illness and injury, that could result from the Proposed Action. Operation of the MPP program could have health and safety implications for both DHS personnel (including contractors) and enrolled aliens.

OSHA is responsible for issuing regulations to safeguard the health and safety of construction workers. OSHA standards specify the amount and type of safety training required for workers, the use of protective equipment and clothing, engineering controls, and maximum exposure limits with respect to workplace stressors (29 CFR Parts 1910 and 1926). DHS Directive 066-01, *Safety and Health Programs*, also establishes DHS-specific safety and health programs to prevent or minimize the loss of DHS resources and to protect employees, contractors, and the public from accidental death, injury, or illness.

Aliens may face a suite of unique health and safety concerns related to their immigration status. Upon entering the U.S., they may suffer from health issues associated with crossing the border, such as injuries, heat stroke, and dehydration (DHS, 2025c; American Immigration Council, 2025). However, aliens with known physical or mental health conditions are not eligible for the MPP program (see **Section 1.2.1**). However, aliens with known physical or mental health conditions are not eligible for enrollment in the MPP program.

##### **3.7.1.1 Protection of Children**

EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, directs federal agencies to consider the potential adverse impacts of their activities on children. There is no site-specific area in which to analyze communities for populations with substantial numbers of children, given the broad scale of the Proposed Action and the potential for DHS to utilize any border POEs to support MPP program operation in the future. The percentage of



resident children (i.e., the population under 18 years of age) in each of the four states along the southern border (Texas, New Mexico, Arizona, and California) is presented in **Table 10**. The percentage of children in the U.S. is also included for comparison. Texas has the highest percent of children out of the four states where the Proposed Action would be implemented.

CBP maintains data on the total number of southwest border encounters for individuals in a family unit and unaccompanied alien children. These encounters are limited to those aliens whom CBP apprehended outside of a POE or those who traveled to a POE but were determined to be inadmissible to the U.S. In FY 2024, CBP encountered 804,456 individuals in a family unit, and 109,998 unaccompanied minors across the entire southern border (CBP, 2025a). Age data on individuals in a family unit is not available, so although some number of these individuals are children, the exact proportion is not readily available. CBP does not maintain age data for other types of entry to the U.S. or that is specific to the MPP program. Once children are encountered, either as part of a family or as unaccompanied individuals, they would be detained and taken to a nearby POE for processing. Unaccompanied children are not eligible for enrollment in the MPP program.

**Table 10. Population Under 18 Years of Age along the Southern Border**

<b>Location</b>	<b>Population Under 18 Years of Age</b>
Arizona	21.3%
California	21.7%
New Mexico	21.3%
Texas	24.8%
United States	21.7%

Source: (U.S. Census Bureau, 2024)

### **3.7.2 Environmental Consequences**

A significant adverse effect to human health and safety would occur if the Proposed Action would have the potential to cause serious injury or create new or substantial human health risks.

#### **3.7.2.1 Proposed Action Alternative**

Construction of any temporary facilities at border POEs would be performed by qualified, trained, and fully equipped contractors with applicable licenses and certifications. Construction activities would be performed in accordance with applicable federal and state safety and health regulations and requirements. Proposed activities would occur during daytime hours and would occur within a fenced or marked perimeter only accessible to authorized personnel. DHS personnel and aliens who may be present at the border POE, regardless of their involvement with the MPP program, would be excluded from active construction areas by physical barriers and clear signage, to be posted in both English and Spanish, although they may still face

exposure to noise, dust, and general safety hazards. Adherence to applicable safety regulations and requirements during construction would minimize the potential for accidents and human injury; however, some inherent risk would remain due to the nature of the work and exposure to heavy equipment and machinery. In the event of an accident or injury, trained personnel would administer first-aid immediately, and emergency services would be contacted if necessary. These risks would be limited to on-site construction personnel. This component of the Proposed Action would result in *short-term, negligible adverse impacts* to health and safety of DHS personnel and contractors and aliens present at the POE.

Aliens at border POEs for initial processing, and upon their reentry for immigration hearings, would be provided with humanitarian accommodations within the U.S. Aliens would have access to potable drinking water, snacks and meals, bathrooms, and any necessary medical attention. Aliens who are held at a POE for longer than 72 hours would be given the opportunity to shower. Additionally, aliens who have physical or mental health conditions, or those likely to face persecution or torture in Mexico, would not be enrolled in the MPP program in order to protect their health and safety. Implementation of the MPP program would have *no impacts* on the health and safety of aliens.

### **Protection of Children**

U.S. resident children are not likely to access the border POEs and temporary facilities, nor would they be likely to access construction sites during the erection of the temporary facilities. Although resident children are not likely to be affected by operation of the Proposed Action, non-resident children would likely be present at the border POEs while being processed and enrolled in the MPP program, or upon their return to the U.S. to attend immigration hearings. These children, in addition to other children present at the POE for other immigration purposes, may therefore be exposed to construction activities ongoing at border POEs. Due to the proximity of these children to an active construction site, they would have an elevated risk of exposure to noise, fugitive dust, and construction hazards. Although processing and immigration hearings typically last for less than 24 hours, DHS would implement BMPs to protect children from these risks, such as keeping children inside and protected from airborne dust, providing ear plugs as appropriate, and posting warning signs in both English and Spanish. Any children who are enrolled in the MPP program would be accompanied by an adult who could provide supervision; no unaccompanied children would be enrolled in the MPP program. With implementation of these safety measures, the Proposed Action would have *short-term, negligible adverse safety risks* that could disproportionately impact children.

#### **3.7.2.2 No Action Alternative**

Under the No Action Alternative, DHS would not resume the MPP program. As such, no construction of associated temporary facilities at border POEs would occur, nor would aliens be transferred across the border. DHS would still employ other methods to enforce immigration laws, which may include applicable emergency authorizations, in support of its national



security mission. Therefore, there would be *no impact* to health and safety risks to DHS personnel and contractors or aliens and children.

### 3.8 Environmental Trends and Reasonably Foreseeable Actions

An assessment of environmental trends and reasonably foreseeable actions takes into consideration the potential effects that future projects may have on the natural and human environment. These potential effects are considered in conjunction with effects resulting from the Proposed Action to identify any additive impacts or future trends that could influence potential impacts from implementation of the Proposed Action. Future impacts would be considered significant if they rise to the level of significance as defined by the resource-specific thresholds of significance (see **Table 2**).

Reasonably foreseeable actions that could occur along the southern border of the U.S. include the continuation of existing immigration programs, the potential implementation of new immigration programs, and the resumption of prior immigration activities, such as construction of a border wall. DHS Components of CBP, ICE, and the U.S. Coast Guard continually conduct border security operations in order to apprehend illegal aliens and identify and mitigate other illicit activities occurring in the border region. DHS is also responsible for facilitating lawful travel and trade, and providing customs and immigration services at POEs (DHS, 2025a). While implementation of the Proposed Action would be limited to previously disturbed or developed areas at border POEs and surrounding roadways, immigration activities related to apprehension and addressing illegal activities may occur on undeveloped or undisturbed lands. DHS activities could include vehicle trips, short flights, offshore patrols, and the use of radars and drones in any location along the southern border. These activities would occur in dispersed and varied locations and would be expected to be short in duration, although they may result in effects such as ground disturbance, visual changes, effects to airspace, and radiofrequency radiation. Any services provided by DHS to facilitate legal immigration would occur at established POEs and would not result in novel disturbances.

Reasonably foreseeable immigration activities that would result in the construction of permanent infrastructure, such as the resumption of building a border wall, would result in permanent impacts to environmental resources. Potential impacts could include ground disturbance, soil erosion and sedimentation, discharges to surface water, visual changes, impacts to cultural resources, and adverse effects to species, including mortality and habitat loss or fragmentation. Any temporary or permanent impacts associated with hardened infrastructure would be analyzed independently if appropriate; however, given the type and magnitude of effects analyzed in this PEA, there is no potential for these reasonably foreseeable actions to have impacts that would be collectively significant in combination with the Proposed Action.

Additionally, the MPP program coupled with these reasonably foreseeable immigration activities would be expected to reduce the number of aliens residing in the U.S. while they

await their immigration hearings. These efforts would conserve DHS resources used to apprehend and process aliens and would provide benefits to the states along the southern border by reducing the number of aliens using resources in U.S. communities. Thus, these reasonably foreseeable actions may also contribute to beneficial impacts in conjunction with the Proposed Action.

## 4.0 Conclusions

Pursuant to NEPA, the analysis presented in this PEA finds that no significant adverse impact on the environment is anticipated from the Proposed Action. Implementation of the Proposed Action would allow DHS to resume implementation of the MPP program along the southern U.S. border to respond to the growing immigration crisis and address national security and public safety concerns. Throughout the lifecycle of the MPP program, construction of temporary facilities at border POEs and additional vehicle trips to transfer aliens to and from the southern border would occur that could cause environmental disturbances. However, these activities would not result in permanent changes, as the temporary facilities would be deconstructed and the vehicle trips would be eliminated following the eventual cessation of the MPP program.

As described in **Section 1.4**, the analysis in this PEA of the cessation of the MPP program is limited to those activities that are within DHS's control. While DHS would continue to be responsible for securing the border in accordance with its various programs, procedures, and policies, any actions taken by individual aliens to cross the border illegally would not be conducted under DHS direction and is outside of DHS's control.

As no potentially significant adverse environmental impacts were identified, no mitigation measures would be required for the Proposed Action. DHS would, however, adhere to BMPs and satisfy all applicable regulatory requirements associated with the Proposed Action. This includes the use of CATEXs and the completion of site-specific analysis as needed prior to constructing temporary facilities at POEs to address any potential site-specific impacts and ensure regulatory compliance, as well as the completion of subsequent analysis on cessation of the MPP program if current conditions change in the future. These considerations would further ensure that potential adverse impacts resulting from the Proposed Action would be minimized or avoided to the maximum extent practicable.

Selection of the No Action Alternative would not allow DHS to resume implementation of the MPP program along the southern border. DHS would not be in compliance with EO 14165, which would limit the capability of DHS to respond to the immigration crisis and address the flow of illegal aliens and contraband coming across the border. Therefore, the No Action Alternative would limit the capability of DHS and its agencies to carry out mission requirements and DHS would employ other approved immigration and customs activities and programs, which may include applicable emergency authorizations, in support of its national security mission.

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## 6.0 Agencies Contacted

### **Federal Agencies**

#### **NOAA Fisheries**

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**Appendix A:**  
**Applicability of Executive Order 12114**

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**Appendix B:**  
**Endangered Species Act Section 7, and Essential Fish Habitat**  
**Consultation**

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**Appendix C:**  
**National Historic Preservation Act Section 106 and Tribal Nation  
Consultation**

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## **Appendix D:**

### **Relevant Categorical Exclusions**

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As described in **Section 2.1.2**, DHS may use a variety of categorical exclusions (CATEXs) for the construction of temporary facilities under the Migrant Protection Protocols (MPP) program. These may include CATEX A2, A5, A6, B2, \*B9, C3, C9, D1, D3, or \*E2. These approved DHS CATEXs are located in the DHS Instruction Manual 023-01-001-01, Rev. 01, *Implementation of the National Environmental Policy Act*, and are copied here for reference. The asterisked CATEXs (\*B9 and \*E2) are classes of actions that have a higher possibility of involving extraordinary circumstances and require additional review. If DHS uses an asterisked CATEX, DHS would also complete a Record of Environmental Consideration.

- **A2:** Reductions, realignments, or relocation of personnel that do not result in exceeding the infrastructure capacity or changing the use of space. An example of a substantial change in use of the supporting infrastructure would be an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase.
- **A5:** Awarding of contracts for technical support services, ongoing management and operation of government facilities, and professional services that do not involve unresolved conflicts concerning alternative uses of available resources.
- **A6:** Procurement of non-hazardous goods and services, and storage, recycling, and disposal of non-hazardous materials and wastes, that complies with applicable requirements and is in support of routine administrative, operational, or maintenance activities. Storage activities must occur on previously disturbed land or in existing facilities. Examples include but are not limited to: (a) Office supplies, (b) Equipment, (c) Mobile assets, (d) Utility services, (e) Chemicals and low level radio nuclides for laboratory use, (f) Deployable emergency response supplies and equipment, and (g) Waste disposal and contracts for waste disposal in established permitted landfills and facilities.
- **B2:** Transportation of personnel, detainees, equipment, and evidentiary materials in wheeled vehicles over existing roads or jeep trails established by Federal, Tribal, State, or local governments, including access to permanent and temporary observation posts.
- **\*B9:** Acquisition, installation, operation, or evaluation of physical security devices, or controls to enhance the physical security of existing critical assets and the eventual removal and disposal of that equipment in compliance with applicable requirements to protect the environment. Examples include, but are not limited to: (a) Motion detection systems, (b) Use of temporary barriers, fences, and jersey walls on or adjacent to existing facilities or on land that has already been disturbed or built upon, (c) Impact resistant doors and gates, (d) X-ray units, (e) Remote video surveillance systems, (f) Diver/swimmer detection systems, except sonar, (g) Blast/shock impact-

resistant systems for land based and waterfront facilities, (h) Column and surface wraps, and (i) Breakage/shatter-resistant glass.

- **C3:** Reassignment of real property, including related personal property within the Department (e.g., from one Departmental element to another) that does not result in a change in the functional use of the property.
- **C9:** Allowing another Federal agency to use DHS-controlled real property under a permit, use agreement, or similar arrangement or the amendment, renewal, or termination of such permit or agreement where the proposed type and intensity of real property use is similar to existing uses.
- **D1:** Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of the real property (e.g. realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an EA or EIS for the installation).
- **D3:** Repair and maintenance of Department-managed buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use or an impact on a historically significant element or setting (e.g. replacing a roof, painting a building, resurfacing a road or runway, pest control activities, restoration of trails and firebreaks, culvert maintenance, grounds maintenance, existing security systems, and maintenance of waterfront facilities that does not require individual regulatory permits).
- **\*E2:** New construction upon or improvement of land where all of the following conditions are met: (a) The structure and proposed use are compatible with applicable Federal, Tribal, State, and local planning and zoning standards and consistent with Federally-approved State coastal management programs, (b) The site is in a developed area and/or a previously-disturbed site, (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area, (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and, (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).

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