

DECEMBER 2016
FINDING OF NO SIGNIFICANT IMPACT
FOR A CONTRACT DETENTION FACILITY IN THE
HOUSTON, TEXAS AREA OF OPERATION

Background: United States (U.S.) Immigration and Customs Enforcement (ICE) is the principal investigative arm of the U.S. Department of Homeland Security (DHS) and the second largest investigative agency in the Federal government. ICE's primary mission is to promote homeland security and public safety through criminal and civil enforcement of Federal laws governing border control, customs, trade, and immigration. Created in 2003 through a merger of the investigative and interior enforcement elements of the U.S. Customs Service, and the Immigration and Naturalization Service, ICE now has more than 19,000 employees in offices in all 50 states and 47 foreign countries. To ensure ICE's primary mission is achieved, ICE proposes to award a contract for a Contractor-Owned/Contractor-Operated detention facility (CDF) to house detainees under the jurisdiction of ICE. This effort is critical to the effective and efficient operations associated with detention and removal in and around ICE's Houston Field Office (HFO) Area of Operations (AO).

In accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S. Code 4321-4347), ICE has prepared the *Environmental Assessment (EA) For the Proposed Contract Detention Facility in the Houston, Texas Area of Operations* to evaluate the environmental impacts of its action to award a contract for the construction, renovation, and operation of a CDF. This facility would have a minimum operational capacity of 1,000 beds, a minimum of 25 Short-Stay/Medical beds, and a maximum of 1,200 beds including all support beds (Short-Stay/Medical, Segregation, Vulnerable Population, and Processing). ICE administration, processing, and legal services would be provided at the facility. Furthermore, the facility is required to be located on a parcel of land located within a 50-mile radius of the ICE HFO at 126 Northpoint Drive, Houston, Texas, 77060. ICE is evaluating three alternatives, including the No Action Alternative, for the siting and operation of the detention facility.

Purpose and Need: The ICE contract at the Houston Processing Center (HPC) is expiring, and the bridge contract that would be in place under the No Action Alternative cannot be renewed indefinitely. In addition, ICE detention standards have been modified to include new requirements, and the existing facility does not meet ICE's new requirements. Therefore, ICE has an immediate need for detention space that provides the required capacity and is in accordance with current ICE standards. The purpose of the Proposed Action is for the timely and immediate award of a contract to provide a CDF in the HFO AO. The CDF would provide sufficient detention services, armed transportation services, on-call guard services, administrative and office space services, and parking spaces at the CDF to effectively and

efficiently accomplish ICE's primary mission. There is a need for a timely and immediate award of a contract for a CDF because the capacity to support the effective detention of persons within ICE-owned facilities or other leased space in the area has been reached. Therefore, an immediate need exists for a facility that can provide for a minimum of 1,000 beds, a minimum of 25 Short-Stay/Medical beds, and a maximum of 1,200 beds including all support beds (Short-Stay/Medical, Segregation, Vulnerable Population, and Processing).

The detention facility would be designed and operated to process and house adult male and female detainees, including the full range of criminal and non-criminal cases. The facility would also provide both transportation and guard services in a manner consistent with the 2011 Performance Based National Detention Standards (PBNDS) and civil detention reform initiatives. The detention facility would provide minimum, medium, and maximum security case beds for low, medium, and high risk detainees. ICE has the ultimate responsibility to comply with the full range of environmental laws regarding implementation.

It would take a substantial amount of time to design and construct an ICE-owned facility because ICE does not have construction authority, and there is not an existing design contract in place for such a facility. In addition, ICE does not have adequate staff to operate an owned facility in the HFO AO. Therefore, construction of an ICE-owned facility is not a viable option. This EA serves to evaluate the potential impacts of the Proposed Action and alternatives, including the No Action Alternative, as stipulated by NEPA.

Proposed Action: The Proposed Action consists of awarding a new contract to construct/renovate and operate a CDF with a minimum operational capacity of 1,000 beds, a minimum of 25 Short-Stay/Medical beds, and a maximum of 1,200 beds including all support beds (Short-Stay/Medical, Segregation, Vulnerable Population, and Processing) to support ICE administration, processing, and court rooms on a parcel of land located within a 50-mile radius of the HFO. Under the Proposed Action, the contractor selected would be responsible for ensuring that the facility is operated in a manner consistent with the mission of ICE and state and federal laws and regulations.

Alternatives Considered: Multiple alternatives were analyzed during the planning stages of the project; however, after alternatives were eliminated, only three alternatives were carried forward. The three alternatives include the following:

- The No Action Alternative;
- Proposed Action Alternative 1 – renovation, new construction, and continued operation of the HPC; and
- Proposed Action Alternative 2 – construction and operation of a facility to be located on an undeveloped parcel of land in Conroe, Montgomery County, Texas.

The No Action Alternative would preclude the awarding of a contract for the construction, renovation, and operation of a CDF. Operations in the HFO would continue in their current state at the HPC under a bridge contract. The bridge contract cannot be renewed indefinitely, and the No Action Alternative would eventually result in a lapse of contract service. Thus, under the No Action Alternative, the HFO would be unable to fulfill the necessary requirements in accordance with ICE detention standards. The HFO would not have the needed Short-Stay/Medical bed capacity, nor have the appropriate processing and courtroom space. For these reasons, HFO operations would be ineffective and inefficient under the No Action Alternative.

Both the Proposed Action Alternative 1 and 2 met the Purpose and Need, but the Proposed Action Alternative 2 was selected as the Preferred Alternative because it met additional contractual requirements of ICE.

Affected Environment and Consequences: The Preferred Alternative (Proposed Action Alternative 2) would not significantly impact any of the resource categories analyzed in the EA. Implementation of the Preferred Alternative would have minor and/or temporary impacts on hydrology and water resources (i.e. stormwater runoff), hazardous materials and waste (from construction related equipment), social environment and environmental justice (benefits on the region's economy), air quality, and noise. A summary of the resource categories analyzed and the consequences of the implementation of the Preferred Alternative is presented below.

- **Geology, Soils & Seismicity:** No significant impact, although 24.9 acres of land would be permanently developed. Although these impacts are long-term, they would be negligible on a regional scale due to the small amount of soils lost relative to the large quantity of the same soils in the area. Best Management Practices (BMPs) to reduce the impacts from soil erosion would be utilized during construction, renovation, and expansion activities, and the contractor would prepare a Stormwater Pollution Prevention Plan (SWPPP) for the site.
- **Hydrology and Water Resources:** No significant impact. Stewarts Creek and the associated floodplain bottomland forests would be maintained in an undeveloped condition; therefore negligible impacts to water resources are expected. BMPs would include compliance with the Houston Stormwater Quality Management Permit. The Stormwater Quality Management Plan and SWPPPs would be prepared by the contractor as applicable in accordance with the City's requirements and the Texas Pollutant Discharge Elimination System regulations (TPDES).
- **Biological Resources:** No significant impact. No threatened or endangered species are known to occur on the site; therefore negligible adverse impacts to threatened and endangered species are expected. BMPs identified by the Texas Parks and Wildlife Department (TPWD) as part of the consultation response received on April 26, 2016 would be followed as appropriate with site conditions and as is feasible within the confines of facility construction in accordance with the PBNDS and site security requirements.

- **Cultural Resources and Historic Properties:** No significant impact. ICE would coordinate with the Texas Historic Commission (THC) State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officer (THPOs) during the course of the project to ensure compliance with Section 106 of the NHPA. In the event any cultural, archaeological, or historic resources are uncovered (e.g. human remains, funerary objects, or other evidence of historical or cultural significance) construction work would cease and both the THC SHPO and applicable THPOs would be contacted, consulted, and coordinated with.
- **Aesthetics/Visual Impacts:** No significant impact. The design includes heavy trees at the back of the facility (Stewarts Creek) and Hilbig which will block a view of the facility from the surrounding neighborhoods. No additional BMPs are warranted.
- **Hazardous Materials and Waste:** No significant impact. There is a potential for minor, adverse temporary impacts during construction related to the fuel and construction equipment that would be present at the site. There are no known hazardous materials located on the site. BMPs will be implemented as standard operating procedures during all construction activities to minimize impacts.
- **Social Environment and Environmental Justice:** No significant impact. There would be minor, beneficial long-term impacts to the local economy from increases in employment, taxes, and expenditures as a result of the construction and operation of the new detention facility. No BMPs would be warranted.
- **Human Health and Public Safety:** No significant impact. The public service personnel interviewed during the evaluation process indicated that the operation and construction of the detention facility would not hinder their ability to provide services to the detention facility and the community. No BMPs would be warranted.
- **Land Use:** No significant impact. Land use is compatible with the city's comprehensive plan and the land use of the surrounding area; therefore, there would be negligible adverse impacts on land use in the area. No BMPs would be warranted.
- **Utilities and Infrastructure:** No significant impacts. The increase in demand on utilities in the area where the site would be located is within present capacity; therefore, there would be only minor, adverse long-term impacts. No BMPs would be warranted.
- **Traffic and Transportation Systems:** No significant impact. Adverse impacts on roads and traffic would be minor and long-term. The capacity exists in the current transportation system to accommodate the demand created. No BMPs would be warranted.
- **Air Quality:** No significant impact. No significant impact. Temporary minor adverse impacts on air quality (dust) would occur during construction and there would be intermittent temporary minor adverse impacts post development in association with back-up generator testing. All emissions would be below the Federal *de minimis* standard. The contractor would obtain a determination of general conformity from the Texas Commission on Environmental Quality (TCEQ) prior to construction.

- **Greenhouse Gas and Climate Change:** No significant impact. Minor, beneficial long-term impacts would likely be realized from the incorporation of sustainable practices, materials, and design of the detention facility. BMPs would include operation of the boilers that would be installed in accordance with TCEQ air permits that would be obtained. In addition, implementation of energy conservation measures would be completed for the facility.
- **Noise:** No significant impact. Minor, adverse temporary increases in noise would occur during construction – due to lack of sensitive receptors within 500 feet of the construction area, negligible adverse noise impacts are anticipated from construction or operation of the facility. BMPs would include compliance with the City of Conroe’s noise ordinances for construction and operations.

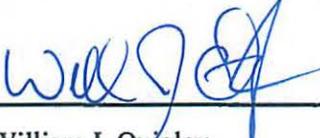
Best Management Practices (BMPs): This FONSI and the EA are premised on adoption of site specific BMPs identified above that would be implemented during the construction/renovation/expansion and operation of the CDF under the Preferred Alternative. In addition to those identified above for specific resource categories, the following additional BMPs would be implemented:

1. Preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce soil erosion, control stormwater runoff, and prevent sedimentation during construction. The SWPPP will outline procedures for minimizing the length of time soil is exposed to wind and rain, provide provisions for establishing vegetation as quickly as possible on disturbed areas following construction activities, and contain eroded material as practicable.
2. Implementation of wildlife conservation measures such as limiting vehicular traffic to/from the facility between the hours of 7:00 PM and 7:00 AM daily as practicable, briefing construction crews on the possibility of threatened or endangered species sightings (e.g., timber rattlesnake and Rafinesque’s big-eared bat), and conducting orientation training on identifying characteristics of any listed species.
3. Continued implementation of the facility Spill Prevention, Control, and Countermeasure Plan to prevent and manage accidental spills and prohibited discharges which may occur during construction or operations of the facility.

Public Involvement and Review: Consistent with DHS Directive 023-01 Rev 01, *Implementation of the National Environmental Policy Act*, and Instruction 023-01-001-01 Rev 01, the *Environmental Assessment (EA) For the Proposed Contract Detention Facility in the Houston, Texas Area of Operations* was made available for public review and comment for a period of thirty days. No comments were received.

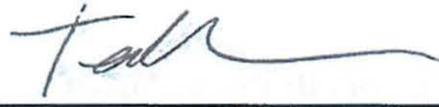
Findings and Conclusions: Implementation of the Preferred Alternative would not result in significant impacts on any of the resources analyzed within the EA and no further analysis or documentation, such

as the preparation of an Environmental Impact Statement, is required. ICE does not anticipate receiving further information which would change its assessment of no significant impact to any resource area. In the event unexpected issues arise, ICE may issue follow up NEPA documentation as appropriate. All practicable and reasonable means will be employed by ICE to minimize the potential adverse impacts on the human and natural environment. Therefore, a Finding of No Significant Impact (FONSI) is warranted.

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