

FINDING OF NO SIGNIFICANT IMPACT
for
ENVIRONMENTAL ASSESSMENT
for
EL PASO SERVICE PROCESSING CENTER

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

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 mission is to protect America from cross-border crime and illegal immigration that threatens national security and public safety. The Office of Enforcement and Removal Operations (ERO), one of three operational divisions that make up ICE, enforces the nation's immigration laws through identification, apprehension, and removal of unlawfully present noncitizens from the U.S. To conduct its mission, ICE's responsibilities include fulfilling federal orders for the securing and departure of detainees that have been designated in removal proceedings and arranging the detention of noncitizens when necessary and prescribed by law.

The current ICE detention system consists of ICE-owned service processing centers (SPCs), which are considered mission-critical. Whereas most other detention options offer flexibility during surges of illegal immigration, the SPCs provide ICE an assured base of detention capacity in conformance with applicable detention standards in secure and efficient settings for detention and removal operations. The El Paso SPC in El Paso, Texas, currently has the capacity to hold 840 detainees. Six of the eight detainee dormitories at the El Paso SPC were built in 1965 and have experienced declining functionality due to their age and high rate of use. Four of the dormitories built in 1965 are proposed to be demolished and replaced with an updated dormitory building.

In accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S. Code 4321-4347), Council on Environmental Quality NEPA Implementing Regulations, and DHS Directive 023-01, Revision 01 and DHS Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act, ICE has prepared an Environmental Assessment (EA) of its Proposed Action to demolish these four undersized and outdated dormitories, construct one new detainee dormitory building, and develop a secure recreation area at the El Paso SPC.

PURPOSE AND NEED

The Project's purpose is to enhance ICE's ability to process, detain, and deport unlawfully present noncitizens in accordance with federal law through the modernization and expansion of outdated and undersized detainee dormitories at the El Paso SPC. The detainee dormitory buildings constructed in 1965 have exceeded their useful lives and can no longer meet the continuing demand for processing and detainee services onsite. The proposed Project would ensure that adequate facility and infrastructure resources are available for the efficient and lawful operation of the El Paso SPC.

The need for the Proposed Action is to fulfill ICE's mission in the El Paso area of responsibility (AOR) by allowing the continued and uninterrupted operation and provision of detention capacity at the El Paso SPC in accordance with applicable detention and facility standards.

ALTERNATIVES CONSIDERED

Alternative 1 – Demolition of Existing Dormitories and Construction of One Detainee Dormitory Building in Existing Dormitory Location

Under Alternative 1, ICE would demolish four of the dormitories built in 1965 and construct a new dormitory building on the disturbed area occupied by the demolished dormitories at the El Paso SPC. The proposed new dormitory building would hold up to 600 detainees, thereby increasing the facility's total capacity from 840 to up to 1,200 detainees. Under this alternative, there would not be sufficient space to develop a secure outdoor recreational area for detainees. This alternative would require a partial shutdown of the facility during the construction phase. This shutdown would require many detainees to be transported to other ERO AORs due to the lack of available bed space within the El Paso AOR. The new dormitory building would be one story tall and meet current detention standards. Following completion of the design phase, the construction phase of the Project would take approximately 12 months. Work would involve grading and excavation, demolition, framing and finishing, and paving. A staging area near the new dormitory building would be designated for construction materials. A temporary security fence would be erected around the construction site and staging area. Construction of the new detainee dormitory building would require connections to existing underground utilities for potable water, sanitary sewer, electricity, and natural gas.

Alternative 2 – Construction of One Detainee Dormitory Building on Land Acquired from El Paso Water Authority

Under Alternative 2, ICE would acquire 1.98 acres of land for the construction of a new dormitory building. This land is currently owned by the El Paso Water Authority owned by the City of El Paso and is located east of the El Paso SPC. This alternative would result in the same amount of additional dormitory space as Alternative 1 while avoiding the need to relocate detainees because the new facilities would be completed six months prior to the demolition of the old dormitory buildings. A secure outdoor recreation area would be developed within the footprint of the demolished dormitories. This alternative would also not require the partial shutdown of the facility during the construction phase, but everything else would be the same to Alternative 1. Construction of the new detainee dormitory building would require connections to existing underground utilities for potable water, sanitary sewer, electricity, and natural gas. Additionally, the City of El Paso owns an existing groundwater well, currently located just outside the proposed construction footprint, and a control building, currently located within the construction footprint. The groundwater well and control building would be relocated to the east, outside of the property to be acquired. ICE would grant an easement to the El Paso Water Authority to access the land ICE would be buying in order for them to move the well.

No Action Alternative

The No Action Alternative assumes that no construction, improvement of infrastructure, or demolition would occur at the El Paso SPC. Minor repairs would occur as needed, and operation of the existing facilities would continue. No new land parcels would be acquired under the No Action Alternative. This alternative would not meet the purpose and need of the Project as the facility infrastructure improvements needed to ensure the continued use of the El Paso SPC in

compliance with applicable detention and facility standards would not occur. The No Action Alternative would make it difficult for the SPC to efficiently meet all adequate conditions for confinement, quality of life, and access to a range of services for detainees, and overall safe and secure operations.

Alternatives Considered but Dismissed from Detailed Analysis

Three alternatives to the action alternatives were considered and dismissed from detailed analysis. Two of the options involved the purchase or use of existing facilities:

- ICE considered the purchase of an existing prison, jail, detention center, or another comparable facility that meets current detention standards to provide the capacity needed to replace the outdated detainee dormitories with larger, modernized dormitories.
- ICE also considered the development of an agreement to use an existing prison, jail, detention center, or another comparable facility that meets current detention standards to provide the capacity needed to replace the outdated detainee dormitories with larger, modernized dormitories.

These two alternatives were determined to be inadequate to support ICE's mission due to lack of available facilities in the El Paso AOR that would meet ICE's current detention standards and the lack of facility capacity to maintain 1,200 bed spaces for ICE detainees.

A third alternative was also considered but dismissed:

- ICE considered acquiring 10.24 acres of land owned by the El Paso International Airport southwest of the El Paso SPC for the construction of the new detainee dormitory building.

The Department of Aviation requested that this option be dropped from further consideration.

REASONS FOR THE DECISION

Alternative 2 was selected because it best satisfies the purpose and need, minimizes environmental impact, and protects human health and safety. The No Action Alternative was not selected because it fails to satisfy the purpose and need of the Proposed Action. Alternative 2 is the Preferred Alternative.

ISSUES STUDIED IN DETAIL

Land Use: No significant impacts. The proposed development would not require any changes to land use, would not substantially change the height or size of any buildings or structures within the property, and would be consistent with the local zoning ordinance; therefore, impacts on land use be direct, beneficial, minor, long-term to permanent, and localized, with a high likelihood of occurring.

Geology, Topography, and Soils: No significant impacts. Impacts to geology, topography, and soils within the El Paso SPC project area and vicinity would be minor, adverse, localized, and permanent, with a high likelihood of occurrence mainly due to disturbance of previously disturbed soils. Soil erosion, soil compaction, and increased impervious surface coverage would occur but would be minimized with Best Management Practices (BMPs) and a Stormwater Pollution Prevention Plan (SWPPP). Topography would not noticeably change from current conditions.

Geology could potentially be disturbed with the relocation and drilling of the groundwater well on the Water Authority property.

Water Quality: No significant impacts. Impacts on water quality would be minor, adverse, localized, and permanent, with a high likelihood of occurrence as pollutants could enter stormwater following construction activities and with increased impervious surface coverage and be carried to nearby surface waters. However, BMPs and erosion and sediment controls would be implemented to minimize the discharge of pollutants.

Biological Resources: No significant impacts. Impacts would be primarily limited to temporary disturbance of animals in the areas immediately surrounding the project site due to noise and activity. Construction of the new dormitory is not likely to injure or kill any individual animals or impact habitat availability. Impacts to biological resources would be adverse, localized, short-term, and of negligible intensity. There would be a high likelihood of occurrence if species are present onsite, otherwise there would be no likelihood for impacts to occur. There would be no effect to federally listed species and no further consultation with the USFWS would be required.

Utilities and Infrastructure: No significant impacts. Impacts to utilities and infrastructure would be minor, long-term, beneficial, and localized, with a high likelihood of occurrence. The additional load from the greater number of detainees that would be accommodated at the new dormitory building would not exceed the capacity of the municipal infrastructure/utility systems. Proposed utility and facility expansions have been designed to meet current Performance-Based National Detention Standards (PBNDS) and American Correctional Association (ACA) standards.

Cultural Resources: No significant impacts. It is not anticipated that there would be any effects on cultural resources because no cultural resources were determined to be present at the project site. However, if cultural materials are discovered during project activities, all earth-moving activity within and around the immediate discovery area would be stopped until a qualified archeologist could assess the nature and significance of the find.

Air Quality and Climate Change: No significant impacts. Impacts on air quality and climate change would be short-term, localized, minor, and adverse, with a high likelihood of occurrence due to emissions of criteria air pollutants during construction and the small amount of GHGs generated during construction. However, the total annual emissions associated with the construction phase would not exceed the *de minimis* threshold rate for any criteria pollutants. There would also be long-term, localized, negligible, beneficial impacts to air quality with a high likelihood of occurrence since the new dormitory building would be equipped with up-to-date systems that would be more energy efficient and with fewer emissions. Long-term impacts on climate change would be localized, negligible, and adverse as emissions would only minimally exceed the current GHGs levels, both at the El Paso SPC and offsite at power generation facilities.

Transportation and Traffic: No significant impacts. Although any impacts on transportation and traffic would be adverse, they would also be minor and only of a small extent, and short-term. There is a medium likelihood of occurrence due to increased traffic during construction, the need for construction traffic to pass through a controlled access point, and transportation of detainees for relocation and access to services.

Noise: No significant impacts. Impacts from noise would be minor, adverse, localized, and permanent, with a high likelihood of occurrence. Increased capacity and use of the new dormitory building could result in increasing noise from vehicle traffic to the El Paso SPC and from facility operations; however, such noise would not be distinguished from the existing noise already occurring at the project site. Increased noise during construction would not persist beyond completion of the project.

Aesthetics and Visual Resources: No significant impacts. Impacts on aesthetics and visual resources would be minor and adverse in the short term, as the viewsheds of travelers on Hawkins Boulevard and visitors to/employees of the facilities to the west of the boulevard, and the viewsheds of the detainees and employees at the SPC, would be affected by construction activities. There would also be a negligible and beneficial impact in the long term as the viewshed of observers would improve due to the new dormitory building. These impacts would be localized and have a high likelihood of occurrence.

Socioeconomics: No significant impacts. Impacts on socioeconomics would be beneficial, negligible to minor in magnitude, short- and long-term in duration, with a high likelihood of occurrence. Construction of one new dormitory building would marginally increase revenues and expenditures which could potentially result in the creation of a small number of construction jobs and increase revenues at local retail stores and restaurants during the construction period. In the long-term, the increased capacity of the El Paso SPC would create additional jobs, and these workers would indirectly contribute to the local economy.

Environmental Justice: No significant impacts. The use of heavy equipment would cause negligible to minor adverse noise and air quality impacts to minority and low-income communities, and to children in the region of influence in the short term. The short- and long-term creation of direct, indirect, and induced jobs from demolition, construction, and increased facility capacity would create minor benefits for environmental justice communities; however, the majority of these benefits would only persist for the duration of the demolition and construction phases with only a small number of permanent jobs created. Overall, impacts on environmental justice communities in the region of influence would not be disproportionately high and adverse in either the short or long term.

Waste Management and Hazardous Materials: No significant impacts. Impacts from hazardous waste and materials would be adverse, short-term, and minor, with a localized extent and a low likelihood of occurrence. There would be an increased risk of accidental spills or releases of hazardous materials, pollutants, contaminants, or petroleum products during construction; however, following appropriate BMPs would result in a low likelihood of adverse impacts occurring. The storage, containment, or disposal of any trash, debris, soils, universal waste, and potentially hazardous waste generated during construction would be addressed in accordance with applicable regulations.

BEST MANAGEMENT PRACTICES (BMPs)

This Finding of No Significant Impact (FONSI) and the EA describe BMPs that would be implemented during demolition of existing dormitories and construction of one new dormitory building under the Preferred Alternative. The BMPs that would be implemented are described below:

- Erosion and sediment control measures would be implemented at the project sites to minimize adverse effects. These measures may include the installation of silt fencing and sediment traps and the application of water to soil to reduce dust.
- A SWPPP would be developed and implemented and would include BMPs to minimize the discharge of pollutants and erosion and sediment controls to minimize erosion.
- In the event of an accidental leak or spill of fuel, cleaning chemicals, surfactants, oils or lubricants, or other materials, a spill kit would be used to clean up the spilled material to prevent contamination of soils within the project area.
- The project area would be surveyed for special status species prior to construction and demolition.
- Precautions would be taken to not harm, remove, damage, or adversely alter habitat conditions for any special status species even though the site is not likely to support any special status species given its low habitat value.
- Precautions would include the employment of a permitted biological monitor during site clearing or trenching and contractor training for the avoidance of protected species. Any special status reptiles encountered during surveys would be allowed to leave the project area on their own or be translocated prior to clearing, and wildlife exclusion fences would be erected around the project area to exclude special status reptiles from the project area during the construction period.
- Any nests or burrows encountered during surveys (including burrows for the Western burrowing owl) would be avoided until their occupants have left the project area, and harvester ant mounds would be avoided to the extent possible to prevent impacts to Texas horned lizard.
- Dark-sky lighting practices (e.g., focusing light downward, using only the minimum amount of night-time lighting possible for safety and security purposes, and minimizing blue-light emissions) would also be implemented at the new dormitory building to prevent prolonged visual disturbance from facility lighting.
- To avoid adverse impacts to air quality, reasonable precautions would be implemented, including the use of water for dust control, covering open equipment when conveying or transporting material likely to create objectionable air pollution when airborne, promptly removing spilled or tracked dirt or other materials from paved streets, and turning off vehicles and equipment when not in use.
- Potential contact with hazardous waste and materials during implementation of the Proposed Action would be largely minimized or avoided by conducting regular vehicle inspections and maintenance, and usage of drop cloths, proper storage, and maintaining a clean working environment.

PUBLIC INVOLVEMENT

A letter regarding the purpose and need, Proposed Action, action alternatives, No Action Alternative, and decision to be made was sent to interested parties on January 26, 2021. A total of three comments were received during this scoping period. Comments were received from the El Paso International Airport, U.S. Fish and Wildlife Service (USFWS), and the Texas Parks and Wildlife Department (TPWD). Comments focused on the nonviability of ICE purchasing land from the airport, the lack of federally-listed threatened and endangered species occurring in the project

area, and proposed BMPs and mitigation measures to reduce impacts on biological resources occurring onsite.

A notice of availability (NOA) of the Draft EA was published on August 3, 2021 in the El Paso Times and El Diario de El Paso. The NOA was also emailed to 23 stakeholders. The NOA provided instructions as to where the public and other interested parties could review the Draft EA, and it provided instructions for submitting comments. The Draft EA was made available on the DHS website (<https://www.dhs.gov/national-environmental-policy-act>), and it was also made available at two El Paso Public Library locations, the Judge Edward S. Marquez Branch and the Irving Schwartz Branch. Comments were accepted through September 1, 2021. Two public comments were received. Neither comment required revisions to the EA.

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 that 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 potential adverse impacts on the human and natural environment. Therefore, a FONSI is warranted.

Project Proponent: **JOSHUA B MALKIN**  Digitally signed by JOSHUA B MALKIN
Date: 2021.09.29 16:33:54 -04'00'

Josh Malkin Date
Acting Chief, Office of Asset and Facilities Management
U.S. Immigration and Customs Enforcement

Approved: **TERESA R POHLMAN**  Digitally signed by TERESA R POHLMAN
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Dr. Teresa R. Pohlman Date
Director, Sustainability and Environmental Programs
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