September
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Final

Supplemental Environmental Assessment

Construction, Operation, and Maintenance of a New Joint Processing Center in El Paso, El Paso County, Texas

Department of Homeland Security

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Cover Sheet

Final Supplemental Environmental Assessment
Construction, Operation, and Maintenance
of a New Joint Processing Center in El Paso, El Paso County, Texas

Responsible Agency: Department of Homeland Security (DHS)

Affected Location: El Paso, El Paso County, Texas

Report Designation: Final Supplemental Environmental Assessment (SEA)

Abstract: DHS proposes to construct, operate, and maintain a new Joint Processing Center (JPC) and demobilize an existing Central Processing Center (CPC) on a 59-acre parcel of land owned by U.S. Customs and Border Protection (CBP) to support humanitarian efforts along the southwestern U.S./Mexico international border. The proposed site is within El Paso, Texas, on land currently owned and operated by CBP for the existing El Paso soft-sided CPC. DHS would demobilize an existing 360,000-square foot soft-sided facility at the CPC and potential ancillary facilities within the parcel. In its place, DHS would construct an approximately 200,000-square foot JPC capable of accommodating 200 staff and 500 undocumented non-citizens, including migrants and refugees, for processing. Ancillary facilities and structures would also be constructed to support operations at the proposed JPC. CBP previously analyzed the construction, operation, and maintenance of a permanent CPC at this site within its 2020 CPC Environmental Assessment (EA). The 2,500 square foot CPC and potentially other ancillary facilities within the existing land parcel would be demobilized to build the new JPC.

The Proposed Action is needed to relieve over-crowding within existing facilities and to aid humanitarian efforts along the southwestern border by ensuring the security, placement, and successful transition of migrants and refugees. This multi-agency facility would be used by DHS, DHS Components, and potentially other federal agencies, as appropriate. This Supplemental Environmental Assessment (SEA) is being prepared to describe and assess the potential environmental, cultural, socioeconomic, and physical impacts of two action alternatives and the No Action Alternative. Alternative 1 would implement the Proposed Action, as planned at the El Paso site. Alternative 2 is a net-zero alternative that would incorporate net-zero technologies into the Proposed Action.

This SEA analyzes and documents potential environmental consequences associated with Alternative 1, Alternative 2, and the No Action Alternative. The analysis presented in this SEA will allow decision makers to determine if the Proposed Action would have effects on the natural, cultural, social, economic, and physical environment, as well as whether the action can proceed to the next phase of project development or if an Environmental Impact Statement is required.

The Final SEA is available on the DHS NEPA website at www.dhs.gov/nepa.

Privacy Advisory

This SEA was prepared according to the National Environmental Policy Act of 1969 (42 United States Code [U.S.C.] 4321 et seq.); the Council on Environmental Quality (CEQ), Regulations Implementing the Procedural Provisions of NEPA (40 CFR §§ 1500-1508); DHS Directive 023-01 Revision 01, Implementation of the National Environmental Policy Act; and other pertinent environmental statutes, regulations, and compliance requirements. We are no longer seeking comments on this document. No substantive comments were received during the 30 day public comment period. Any personal information provided was used only to fulfill requests for copies of the SEA or associated documents. Private addresses were compiled to develop a mailing list for those requesting copies of the SEA. However, personal home addresses and telephone numbers are not included in the SEA.

EXECUTIVE SUMMARY

INTRODUCTION

Pursuant to the National Environmental Policy Act (NEPA), the Department of Homeland Security (DHS) has prepared a Supplemental Environmental Analysis (SEA) to document considerations of the potential environmental impacts of construction, operation, and maintenance of a Joint Processing Center (JPC) and demobilization of an existing Central Processing Center (CPC) on an approximately 59-acre parcel of land owned by the United States (U.S.) Customs and Border Protection (CBP) in El Paso, El Paso County, Texas. The JPC would be a permanent, multi-agency facility that would support humanitarian efforts along the U.S. southwestern border. Under the Proposed Action, the JPC would be used by DHS, DHS Components, and other applicable federal agencies.

This SEA supplements and incorporates by reference the *Final Environmental Assessment for a New Central Processing Facility, U.S. Border Patrol, El Paso Sector, Texas* published by CBP in July 2020 (hereinafter referred to as the "2020 CPC EA"). DHS also prepared a Record of Environmental Consideration (REC) for the deployment and operation of soft-sided facilities at the El Paso site in 2023 (hereinafter referred to as the "2023 El Paso REC") (DHS, 2023b).

The 2020 CPC EA was prepared to evaluate the potential impacts of construction, operation, and maintenance of a permanent CPC within CBP's El Paso Sector. The purpose of the proposed permanent CPC was to provide additional space to hold and process incoming migrants. Previously, the El Paso Sector did not have sufficient holding facilities to comply with national standards for holding and processing migrants of all demographics, and the new CPC was needed to address the inadequacy of existing facilities. Due to the immediate need and surge in migrant and refugees that required expeditious processing, DHS installed two temporary soft-sided facilities (SSFs). SSFs are temporary processing facilities comprised of tents that support DHS efforts to process, care for, and transfer migrants and refugees. One SSF was constructed in 2022 with the capacity to hold 1,000 migrants. The second was built in 2023 with the capacity to hold 2,500 migrants. The entire approximately 59-acre parcel would be used for the Proposed Action to construct the permanent JPC and demobilize the existing 2,500-migrant capacity SSF. DHS would operate the existing 1,000-capacity SSF in the short term with the potential to remove it in the future. DHS is preparing this SEA for the proposed permanent JPC as a supplement to the 2020 CPC EA because it (and the 2023 El Paso REC) includes a recent and relevant environmental review for a similar proposed action at the same project location.

PURPOSE AND NEED

The purpose of the Proposed Action is to construct, operate, and maintain a permanent JPC and demobilize the existing 2,500-migrant capacity SSF to relieve crowding in existing DHS facilities and support humanitarian efforts along the U.S. southwestern border, such as ensuring the security, placement, and successful transition of undocumented non-citizens, including migrants and refugees. An undocumented individual is a non-citizen who does not possess a document valid for admission into the U.S. Undocumented citizens may or may not possess a

passport or other acceptable document that denotes identity and citizenship when entering the U.S.

The Proposed Action is needed to efficiently process migrants and ease overcrowding at existing processing centers. The existing SSFs, including the El Paso SSFs, are costly and inadequately equipped to accommodate the increasing number of undocumented non-citizens entering the country, which could adversely affect the health, safety, work efficiency, and morale of DHS personnel and impede execution of the mission and operations of those facilities along with the migrants and refugees being processed. Additionally, the SSFs were constructed as temporary structures and consist of tents and facilities that would not be sustainable for continued use. Unlike the current SSFs, the Proposed Action would allow multiple agencies to offer services and operate at the same location, resulting in better efficiency and reduced transportation costs. The location of the proposed JPC is in one of the highest areas of apprehension and migrant encounter rates along the U.S. southwestern border and would replace operations at one of the existing SSFs at the El Paso site.

PUBLIC INVOLVEMENT

DHS made the Draft SEA and Finding of No Significant Impact (FONSI) available for a 30-day public review and comment period between August 25, 2023, and September 24, 2023. DHS posted a Notice of Availability (NOA) on the DHS website and in the *El Paso Times* and *El Paso Herald-Post* on August 25, 2023. DHS also notified relevant federal, state, and local agencies, and appropriate Native American tribes and nations as identified in **Appendix A**, and requested input regarding any environmental concerns they might have. A hard copy of the Draft SEA was made available at the El Paso Public Library Richard Burges Branch. An online copy of the Draft SEA was available on DHS's website at: www.dhs.gov/nepa.

No comments were received on the Draft SEA or FONSI during the public comment period.

PROPOSED ACTION AND ALTERNATIVES

Alternative 1: Proposed Action. The Proposed Action would include constructing, operating, and maintaining a JPC and demobilizing the 2,500-migrant capacity existing SSF at the 59-acre parcel currently owned by CBP. The JPC would have approximately 200,000 square feet of useable floor space and would accommodate 200 support staff and 500 non-citizens in processing, as well as all reasonably foreseeable growth. The proposed JPC would also include the following ancillary support facilities and structures:

- Vehicle storage facility
- Loading facilities
- Outdoor tactical support areas
- Public and private vehicle parking areas
- Vehicle wash rack
- Temporary fuel island with above-ground tanks
- Canine kennel
- Stormwater management system

- Helipad
- Roadways
- Emergency generators
- Utilities

Some of these facilities are already available at the site, as they were constructed alongside the SSFs and would not need to be rebuilt, although they may be upgraded or expanded if necessary. Existing facilities at the El Paso site include vehicle parking areas, roadways, emergency generators, and utility connections. The existing SSFs and support facilities occupy the majority of the parcel. Site design would occur following completion of this SEA and this analysis assumes that the entirety of the parcel would be used for the proposed JPC and ancillary support facilities due to its currently developed condition.

The smaller, 1,000-migrant capacity SSF constructed in 2022 would remain operational for the possibility of future use; however, the second SSF built in 2023 with a 2,500-migrant capacity would need to be demobilized to accommodate construction of the JPC. Demobilization of the 2,500-migrant capacity SSF would take about 60 days to complete and is anticipated to begin in December 2023. Construction of the JPC is anticipated to begin in February 2024 and would be completed by January 2025. The JPC would be operated and staffed 24 hours a day, 7 days a week. Maintenance would include routine repair and normal facility landscaping.

Alternative 2: Net-Zero Alternative. Alternative 2, the Net-Zero Alternative, would be the same as Alternative 1 but would incorporate the use of net-zero technologies for some utilities rather than using nonrenewable resources. The net-zero technologies proposed in this alternative include solar technology, a vermifiltration (VF) wastewater filtration system, and an atmospheric water generator (AWG). The use of these net-zero resource applications would aid the proposed JPC in achieving close to net-zero emissions, waste, and water conservation efforts.

No Action Alternative. As required by NEPA and the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations Parts 1500-1508), the No Action Alternative reflects conditions within the project site should the Proposed Action not be implemented. Under the No Action Alternative, DHS personnel would continue to use the existing SSFs at the site in El Paso. The use of the SSFs would not facilitate interagency coordination. Additionally, the SSFs would remain inadequately equipped and would not be able to be expanded or renovated to meet demand. Continued use of the existing SSFs could adversely affect the health, safety, work efficiency, and morale of DHS personnel along with the migrants and refugees being processed, which could impede execution of the mission and operations of the facility.

SUMMARY OF ENVIRONMENTAL IMPACTS

Table ES-1 provides a summary of potential impacts anticipated under the two action alternatives and the No Action Alternative. The impacts are shown by resource area. **Section 3** of this SEA addresses these impacts in more detail. The Proposed Action has the potential to result in adverse environmental impacts and, as such, includes best management practices (BMPs) and

design concepts identified in **Appendix B** of this SEA to avoid adverse impacts to the extent practicable.

Table ES-1: Summary of Potential Environmental Impacts by Alternative

Resource Area	Alternative 1: Proposed Action	Alternative 2: Net-Zero Alternative	No Action Alternative
Soils	*Short-term, minor adverse impacts* from erosion during construction. *Long-term, negligible adverse impacts* during operation from runoff.	*Short-term, minor adverse impacts* during construction from erosion and ground disturbance. *Long-term, negligible adverse impacts* during operation.	No impacts.
Biological Resources	*Short-term, negligible adverse impacts* to wildlife from construction noise. *No effect* on federally listed species except for the northern aplomado falcon, which *may be, but is not likely to be, adversely affected* during operation. *No impacts* on state-listed species except for the Texas horned lizard and mountain short-horned lizard, which may have *short-term, negligible adverse impacts*. *Long-term, negligible adverse impacts* to migratory birds from construction or operation.	Impacts would be the same as described for Alternative 1.	No impacts.
Water Resources	*Long-term, negligible adverse impacts* on groundwater quality from the potential for contamination. *Long-term, minor beneficial impacts* to groundwater availability from decreased demand. *Short-term, minor adverse impacts* to stormwater flow during construction. *Long-term, negligible beneficial impacts* on	Impacts to groundwater quality and stormwater would be the same as described for Alternative 1. *Long-term, moderate beneficial impacts* to groundwater availability from decreased demand and use of an AWG.	*No impact* to groundwater resources. *Long-term, minor adverse impacts* on stormwater from operations without a management system.

Resource Area	Alternative 1: Proposed Action	Alternative 2: Net-Zero Alternative	No Action Alternative
	stormwater from installation of a management system.		
Air Quality	*Short-term, minor adverse impacts* from construction. *Long-term, minor adverse impacts* during operation and maintenance. Emissions would meet the *de minimis* thresholds.	Impacts would be the same as, or potentially less than, described for Alternative 1.	No impacts.
Noise	*Short-term, minor adverse impacts* to noise environment during construction. *Long-term, minor adverse impacts* during operation.	Impacts would be the same as described for Alternative 1.	No impacts.
Cultural Resources	No impacts.	No impacts.	No impacts.
Utilities and Infrastructure	*Long-term, minor adverse impacts* on electric utilities from connection to the regional grid. *Long-term, minor beneficial impacts* to water and wastewater utilities from decreased demand. *No impacts* to public infrastructure. *Short-term, minor adverse impacts* to solid waste during construction. *Long-term, minor beneficial impacts* to solid waste during operation.	*Long-term, minor adverse impacts* on electric utilities from connection to the regional grid, but potentially reduced demand due to use of solar energy. *Long-term, moderate beneficial impacts* on water and wastewater utilities from use of net-zero technologies. *No impacts* to public infrastructure. *Long-term, minor beneficial impacts* to solid waste during operation.	No impacts.
Hazardous Materials	*Short-term, minor adverse impacts* from the use of hazardous materials during construction. *Long-term, minor adverse impacts* from the use and generation of hazardous materials and wastes during operation and maintenance.	Impacts would be the same as described for Alternative 1.	No impacts.

Resource Area	Alternative 1: Proposed Action	Alternative 2: Net-Zero Alternative	No Action Alternative
Socioeconomic Resources, Environmental Justice, and Protection of Children	*Short-term, minor beneficial impacts* to local socioeconomic conditions during construction. *No or negligible impact* on socioeconomic conditions during operation. *No disproportionate adverse impacts* on EJ communities. *Minor safety risks* that could disproportionately affect children during construction.	Impacts would be the same as described for Alternative 1.	No impacts.
Human Health and Safety	*Short-term, minor adverse impacts* to construction contractor safety. *Long-term, moderate beneficial impacts* to public and DHS health and safety during operation.	Impacts would be the same as described for Alternative 1.	*Long-term, moderate adverse impacts* from continued use of temporary SSFs.
Sustainability and Greening	*Long-term, minor beneficial impacts* on sustainability and greening from incorporation of some sustainable features.	*Long-term, moderate beneficial impacts* on sustainability and greening from incorporation of all three net-zero technologies (i.e., solar PV system, AWG, and VF system).	*Long-term, minor adverse impacts* from continued use of inefficient SSFs.

Final

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

CONSTRUCTION, OPERATION, AND MAINTENANCE OF A NEW JOINT PROCESSING CENTER IN EL PASO, EL PASO COUNTY, TEXAS

DEPARTMENT OF HOMELAND SECURITY

2707 Martin Luther King Jr Avenue SE
Washington, DC 20528

SEPTEMBER 2023

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ACRONYMS AND ABBREVIATIONS

°F	degrees Fahrenheit
APE	Area of Potential Effect
AWG	Atmospheric Water Generator
BCC	Birds of Conservation Concern
BESS	Battery Energy Storage System
BMP	Best Management Practice
CAA	Clean Air Act
CBP	Customs and Border Protection
CEJST	Climate and Economic Justice Screening Tool
CEQ	Council on Environmental Quality
CFE	Carbon Pollution-free Electricity
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalent
CPC	Central Processing Center
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted Decibel
DHS	Department of Homeland Security
EIS	Environmental Impact Statement
EISA	Energy Independence and Security Act
EJ	Environmental Justice
EPACT	Energy Policy Act
EPE	El Paso Electric Company
ESA	Endangered Species Act
EO	Executive Order
FAA	Federal Aviation Administration
FONSI	Finding of No Significant Impact
GHG	Greenhouse Gas
IPaC	Information for Planning and Consultation
JPC	Joint Processing Facility
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NO_x	Nitrous Oxides
NOA	Notice of Availability
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O_3	Ozone
OSHA	Occupational Safety and Hazard Administration
pCi/L	picocuries per liter
$PM_{2.5}$	Particulate Matter, with a diameter of 2.5 microns or less
PM_{10}	Particulate Matter, with a diameter of 10 microns or less

PSD	Prevention of Significant Deterioration
PV	Photovoltaic
REC	Record of Environmental Consideration
SEA	Supplemental Environmental Assessment
SHPO	State Historic Preservation Officer
SO_x	Sulfur Oxides
SPCCP	Spill Prevention, Control, and Countermeasure Plan
SSF	Soft-sided Processing Facility
SWPPP	Stormwater Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
THC	Texas Historical Commission
TPWD	Texas Parks and Wildlife Department
tpy	tons per year
TxDOT	Texas Department of Transportation
U.S.	United States
USACE	U.S. Army Corps of Engineers
U.S.C.	U.S. Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USRP	U.S. Refugee Resettlement Program
VF	Vermifiltration

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1. INTRODUCTION

The Department of Homeland Security (DHS) proposes to construct, operate, and maintain a Joint Processing Center (JPC) and to demobilize an existing Central Processing Center (CPC) on an approximately 59-acre parcel of land owned by the United States (U.S.) Customs and Border Protection (CBP) located in El Paso, El Paso County, Texas (Proposed Action). The JPC would be a permanent, multi-agency facility that would support humanitarian efforts along the U.S. southwestern border. The JPC would be used by DHS, DHS Components, and potentially other applicable federal agencies, as appropriate.

This Supplemental Environmental Assessment (SEA) is being prepared to describe and assess the potential environmental and socioeconomic impacts of the Proposed Action. This SEA complies with the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [U.S.C.] Section 4321 et seq.); the Council on Environmental Quality's (CEQ) *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (40 Code of Federal Regulations [CFR] Parts 1500-1508); and DHS Directive 023-01, Rev. 01, and Instruction Manual 023-01-001-01, Rev. 01, *Implementation of NEPA*. This SEA supplements and incorporates by reference the *Final Environmental Assessment for a New Central Processing Facility, U.S. Border Patrol, El Paso Sector, Texas* published by CBP in July 2020 (hereinafter referred to as the "2020 CPC EA") (CBP, 2020). DHS also prepared a Record of Environmental Consideration (REC) for the deployment and operation of SSFs at the El Paso site in 2023 (hereinafter referred to as the "2023 El Paso REC") (DHS, 2023b).

The 2020 CPC EA was prepared to evaluate the potential impacts of construction, operation, and maintenance of a permanent CPC within CBP's El Paso Sector. The purpose of the new permanent CPC was to provide additional space to hold and process incoming migrants and refugees. Previously, the El Paso Sector did not have sufficient holding facilities to comply with national standards for holding and processing migrants of all demographics, and the new CPC was needed to address the inadequacy of existing facilities. Due to the immediate need and surge in migrants and refugees that required expeditious processing and the expedited buildouts, CBP installed two temporary soft-sided facilities (SSFs). One SSF was constructed in 2022 and is approximately 153,000 square feet in size with a capacity to hold 1,000 migrants. The second was built in 2023 to relieve overcrowding and is 360,000 square feet with the capacity to hold 2,500 migrants. The entire parcel is currently in use with the SSFs, parking areas, and ancillary support structures. DHS prepared the 2023 El Paso REC to analyze potential impacts of establishing the second SSF within that parcel, which was determined to be categorically excluded in accordance with DHS Directive 023-01 (DHS, 2023b). The permanent CPC was never constructed.

DHS is preparing this SEA for the proposed permanent JPC as a supplement to the 2020 CPC EA because it (and the 2023 El Paso REC) includes a recent and relevant NEPA analysis for a similar proposed action at the same project location. The entire 59-acre parcel would be used for the Proposed Action to construct the JPC and demobilize the existing 2,500-migrant capacity SSF. DHS would continue to operate the existing 1,000-migrant capacity SSF in the short term with potential consideration for removal at a later point under a separate proposed action.

DHS has developed and incorporated measures into this SEA that would appropriately and reasonably avoid, minimize, or mitigate environmental impacts associated with activities under the Proposed Action. This SEA is organized into six sections plus appendices. **Section 1** provides background information on the existing processing facilities, identifies the purpose and need for the Proposed Action, describes the area in which the Proposed Action would occur, and explains the public involvement process. **Section 2** provides a detailed description of the Proposed Action and alternatives including the No Action Alternative. **Section 3** describes existing environmental conditions in the area where the Proposed Action would occur and identifies potential environmental impacts that could occur within each resource area. **Section 4** contains an analysis of the cumulative and other impacts that the Proposed Action combined with other projects in the area could have on the environment. **Sections 5** and **6** provide a list of references used to develop the SEA, and a list of preparers who developed the SEA, respectively. Finally, the appendices include other information pertinent to the development of the SEA.

1.1 BACKGROUND

The mission of DHS is to safeguard the American people, homeland, and values. As part of this mission, DHS and other DHS components work together to uphold America's humanitarian response to refugees through the U.S. Refugee Resettlement Program (USRP). The USRP has three main objectives: security, placement, and transition. DHS provides security through pre-screening, on-site interview, security clearances, and fingerprinting.

1.2 LOCATION

The Proposed Action is in El Paso, El Paso County, Texas (see **Figure 1-1**). The approximate location of the existing CBP-owned parcel and proposed location for the JPC is along the northern side of Patriot Freeway (U.S. Highway 54) at 12501 Gateway South Boulevard, El Paso, Texas 79934. The majority of the parcel is highly disturbed, developed land that accommodates the two SSFs and other support infrastructure such as parking, roadways, emergency generators, utility connection points, laydown areas, and driveways (see **Figure 1-2** and **Figure 1-3**).

1.3 PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the Proposed Action is to construct, operate, and maintain a permanent JPC and demobilize the existing 2,500-migrant capacity SSF (and potentially existing appurtenant utilities) to relieve crowding in existing DHS facilities and support humanitarian efforts along the U.S. southwestern border, such as ensuring the security, placement, and successful transition of undocumented non-citizens, including migrants and refugees. An undocumented individual is a non-citizen who does not possess a document valid for admission into the U.S. Undocumented citizens may or may not possess a passport or other acceptable document that denotes identity and citizenship when entering the U.S.

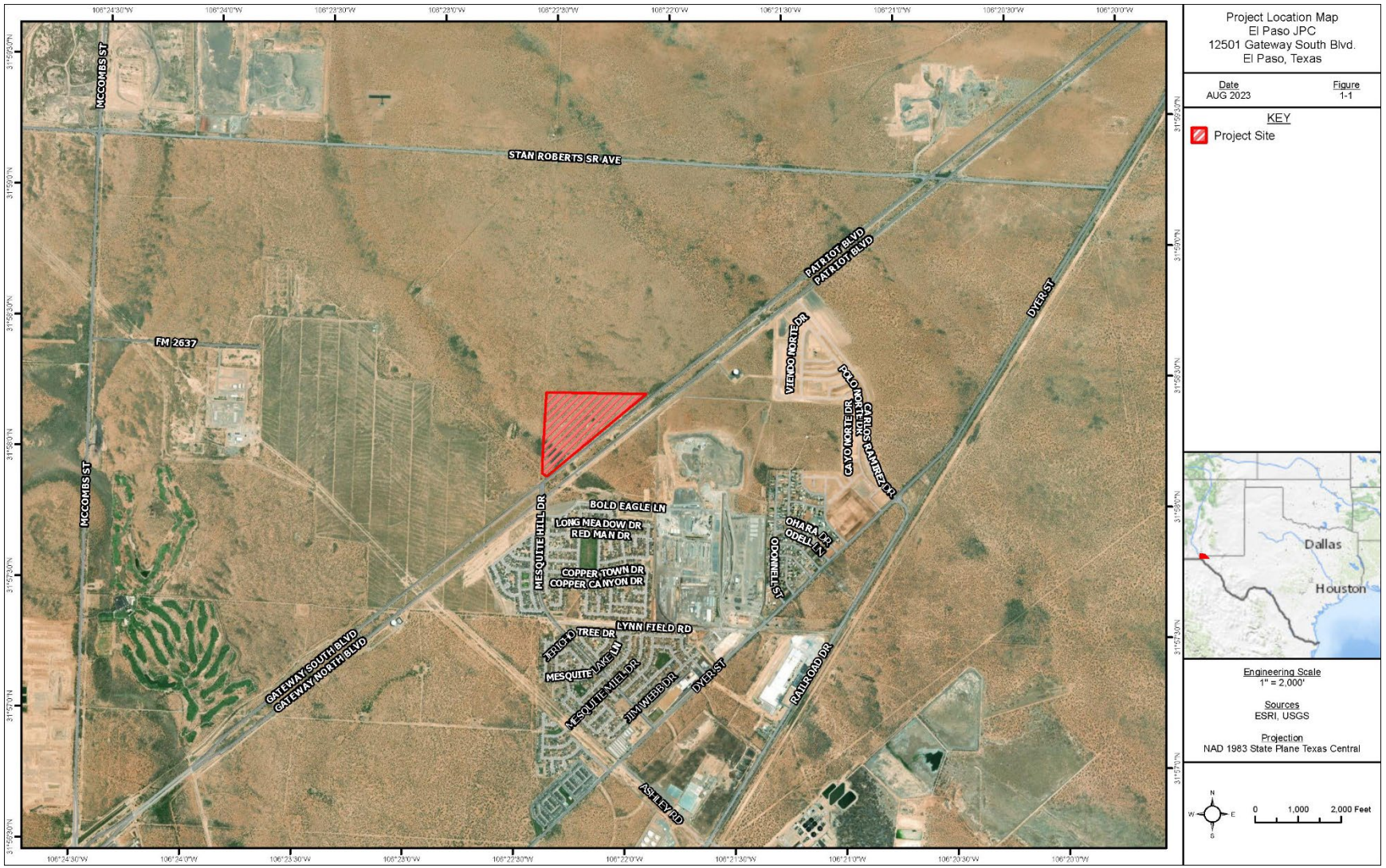

Figure 1-1: General Location Map

Figure 1-2: View of Project Site, Facing Northeast

Figure 1-3: View of Project Site, Facing South

The Proposed Action is needed to efficiently process migrants and ease overcrowding at existing processing centers. The existing SSFs along the border, including the El Paso SSFs, are costly and inadequately equipped to accommodate the increasing number of undocumented non-citizens entering the country, which could adversely affect the health, safety, work efficiency, and morale of DHS personnel and impede execution of the mission and operations of those facilities along with the migrants and refugees being processed. The El Paso SSFs were built as a temporary solution to overcrowding at processing facilities along the border. These tents are overly expensive to maintain and are not sustainable for long-term use. The Proposed Action would allow multiple agencies to offer services and provide necessary varied services at one location – resulting in better efficiency and reduced transportation costs between agencies involved in migrant care. The location of the proposed JPC is in one of the highest areas of apprehension and migrant encounter rates along the U.S. southwestern border and would replace operations at one of the existing SSFs at the El Paso site.

1.4 PUBLIC INVOLVEMENT

Public participation opportunities during this NEPA process are guided by DHS NEPA implementing procedures, the requirements of NEPA, and the CEQ regulations (40 CFR 1506.6). Agency and public involvement in the NEPA process promotes open communication between the public and the government and enhances the decision-making process. The NEPA process encourages public involvement in decisions affecting the quality of the human environment and includes the identification and evaluation of reasonable alternatives to proposed actions that would avoid or minimize adverse environmental impacts. 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 Executive Order (EO) 12372, *Intergovernmental Review of Federal Programs* (superseded by EO 12416, and subsequently supplemented by EO 13132), which requires federal agencies to cooperate with and consider state and local views in implementing a federal proposal.

Additionally, EO 13175, *Consultation and Coordination with Indian Tribal Governments* (2000), 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 meaningful and timely input by tribal officials for federal actions that may have tribal implications.

A Notice of Availability (NOA) for the Draft SEA and Finding of No Significant Impact (FONSI) were published on the DHS website and in the *El Paso Times* and *El Paso Herald-Post* on August 25, 2023, to initiate the public comment period. The Draft SEA and FONSI were available for review and comment during a 30-day public comment period from August 25, 2023, to September 24, 2023, to receive comments from the public; federal, state, and local agencies; and federally recognized Native American tribes. The Draft SEA and FONSI were available on the DHS website at www.dhs.gov/nepa, and a hard copy was made available at the El Paso Public Library Richard Burges Branch, 9600 Dyer Street, El Paso, Texas, 79924. No comments were received on the Draft SEA and FONSI. Agency coordination and public

involvement materials, including a list of stakeholders contacted during the review period, are included in **Appendix A**.

1.5 FRAMEWORK FOR ANALYSIS

NEPA is a federal statute requiring the identification and analysis of potential environmental impacts of proposed federal actions before those actions are taken. CEQ is the principal federal agency responsible for the administration of NEPA. CEQ regulations mandate that all federal agencies use a systematic, interdisciplinary approach to environmental planning and the evaluation of actions that might affect the environment. This process evaluates potential environmental consequences associated with a proposed action and considers alternative courses of action. The intent of NEPA is to protect, restore, or enhance the environment through well-informed federal decisions.

The process for implementing NEPA is codified in 40 CFR Parts 1500-1508, *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*. CEQ was established under NEPA to implement and oversee federal policy in this process. CEQ regulations establish criteria for when an EA may be prepared, but do not provide guidance on preparing an SEA, unless that analysis is intended as a supplement for an Environmental Impact Statement (EIS). Instead, guidance on preparing SEAs is provided in DHS Instruction Manual 023-01-001-01, Rev. 01, *Implementation of the NEPA*. The DHS guidance states that an SEA may be prepared for a proposed action when:

- A NEPA analysis was previously completed;
- A NEPA analysis is ongoing when there are substantial changes to the proposal that are relevant to environmental concerns; or
- If there are new circumstances or information relevant to environmental concerns and bearing on the proposal or its impacts.

The 2020 CPC EA and 2023 El Paso REC analyzed the same parcel under consideration in this SEA for the originally intended construction of a permanent CPC and the actual construction of the existing SSFs (see **Section 1.2**). The proposed CPC would have been a permanent processing facility with a slightly larger migrant capacity than the proposed JPC, but would have only been designed to accommodate CBP activities and would not have been available for use by other DHS Components. Thus, due to the similarity and relevance of those NEPA analyses to the current Proposed Action, an SEA is the appropriate form of analysis to account for the change in scope of the Proposed Action (i.e., from CPC/SSFs to a permanent JPC).

To comply with NEPA, the planning and decision-making process for actions proposed by federal agencies involves a study of other relevant environmental statutes and regulations. However, the NEPA process does not replace procedural or substantive requirements of other environmental statutes and regulations. It addresses them collectively in the form of an EA or EIS, which enables the decision maker to have a comprehensive view of major environmental issues and requirements associated with the Proposed Action. According to CEQ regulations, the requirements of NEPA "are intended to ensure that federal agencies conduct environmental

reviews in a coordinated, consistent, predictable, and timely manner, and to reduce unnecessary burdens and delays" (40 CFR 1500.1).

Within the framework of environmental impact analysis under NEPA, additional authorities that might be applicable include, but are not limited to, the Clean Air Act (CAA), Clean Water Act (CWA) (including a National Pollutant Discharge Elimination System [NPDES] stormwater discharge permit and Section 404 permit), Noise Control Act, Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), National Historic Preservation Act (NHPA), Archaeological Resources Protection Act, Resource Conservation and Recovery Act, Toxic Substances Control Act, and various Executive Orders (EOs).

Table 1-1 lists major federal and state permits, approvals, and interagency coordination that could be required to implement the Proposed Action.

Table 1-1: Key Permits and Approvals (as applicable) and Interagency Coordination

Agency	Permit/Approval/Coordination	Status
U.S. Fish and Wildlife Service (USFWS)	- ESA Section 7 coordination/consultation - MBTA coordination - Bald and Golden Eagle Protection Act - Fish and Wildlife Coordination Act (16 U.S.C. Section 661 et seq.)	- Complete
Federally Recognized Native American Tribes and Nations	- Consultation regarding potential effects on cultural resources or sacred sites - Consultation for Section 106 potential effects on historic properties (ground disturbance)	- Ongoing - Response from White Mountain Apache Tribe indicating no adverse effects
Texas State Historic Preservation Officer	- Consultation for Section 106 potential effects on historic properties (ground disturbance)	- Complete
Texas Parks and Wildlife	- Consultation regarding potential effects on state-listed species	- Ongoing
Texas Commission on Environmental Quality	- CWA NPDES permit - Domestic Water Supply Permit (for applicable non-transient, non-community water system) - Permit to Operate (for emergency generators) - CAA permit consultation - On-site Wastewater Treatment System permit (for septic system and leach field)	- Ongoing
Texas Department of Transportation	- State Heliport Permit	- Ongoing

2. PROPOSED ACTION AND ALTERNATIVES

2.1 INTRODUCTION

This section provides detailed information on DHS's proposal to use the CBP-owned parcel to construct, operate, and maintain a JPC and demobilize the 2,500-migrant capacity SSF in El Paso, El Paso County, Texas. As discussed in **Section 1.5**, the NEPA process evaluates potential environmental consequences associated with a Proposed Action and considers alternative courses of action.

Reasonable alternatives must satisfy the purpose of and need for a proposed action (see **Section 1.3**). The purpose of the Proposed Action is to support humanitarian efforts along the southwestern border. The Proposed Action is needed to efficiently process migrants and ease overcrowding at existing processing centers. The JPC would be unique as it would allow multiple agencies to potentially utilize the facilities to provide migrant care and support at one location.

CEQ regulations require the inclusion of a No Action Alternative against which potential effects can be compared. While the No Action Alternative would not satisfy the purpose of or need for the Proposed Action, it is analyzed in detail in this SEA.

2.2 SCREENING CRITERIA FOR ALTERNATIVES

The range of reasonable alternatives considered in this SEA is constrained to those that would meet the purpose of and need for the Proposed Action as described in **Section 1.3**, which is to support humanitarian efforts along the southwestern border by constructing a fully functional interagency JPC to replace an existing SSF and potential appurtenant utilities at the El Paso site. Such alternatives must also meet essential technical, engineering, and economic threshold requirements to ensure that each is environmentally sound and economically viable and complies with governing standards and regulations. DHS considered various selection criteria during the development of the 2020 CPC EA while evaluating potential sites for the location of the proposed permanent CPC in El Paso; out of 10 sites considered, the current parcel was the only one determined suitable for the CPC and carried forward for analysis (CBP, 2020). For this Proposed Action, DHS developed screening criteria to confirm the suitability of the parcel for construction and operation of the proposed JPC:

- ***Adequate Size***. The parcel should be of adequate size to provide for the initial and expected future programmed functions, to allow for expansion of parking, and to allow for necessary buffer zones for special initiatives and for future facility expansion. DHS has determined that the minimum acreage required for the Proposed Action is approximately 50 to 60 acres.
- ***Proper Location***. The JPC should be located and situated in such a way as to not compromise the security and safety of the facility, personnel, and individuals. A proper location would ensure full coverage of an area of responsibility, it would allow appropriate amenities for the community, and it would ensure the JPC is in close

proximity (less than 30 minutes of driving) to major infrastructure and support, such as highways, airports, and other U.S. Border Patrol facilities.

- ***Ease of Access***. The JPC should have ease of access, which includes access from more than one entry point for emergency egress purposes, good access for emergency response services, proximity to highways, and not being located on or near heavily congested roadways or other obstructions.
- ***Acquisition Likelihood.*** The JPC should be sited on property that could be purchased or is already owned.
- ***Minimize Potential Negative Environmental Impacts***. The JPC should not have any obvious detrimental cultural or environmental impacts that could not be mitigated.
- ***Utilities***. The JPC should have access to public utilities.

Evaluation of the parcel against the above criteria confirmed its suitability for the placement of the proposed JPC. Moreover, since CBP currently owns the 59-acre parcel described in **Section 1.2**, no alternative locations were considered for construction of the JPC while preparing this SEA. The following sections present the two action alternatives, as well as the No Action Alternative, analyzed throughout this SEA.

2.3 ALTERNATIVE 1: PROPOSED ACTION

Alternative 1, the Proposed Action, would include constructing, operating, and maintaining a JPC and demobilizing the existing 2,500-migrant capacity SSF at the 59-acre parcel currently owned by CBP (see **Section 1.2**). The JPC would have approximately 200,000 square feet of useable floor space and would accommodate 200 support staff and 500 non-citizens in processing, as well as all reasonably foreseeable growth. The proposed JPC would also include the following ancillary support facilities and structures:

- Vehicle storage facility
- Loading facilities
- Outdoor tactical support areas
- Public and private vehicle parking areas
- Vehicle wash rack
- Temporary fuel island with above-ground tanks
- Canine kennel
- Stormwater management system
- Helipad
- Roadways
- Emergency generators
- Utilities

Some of these facilities are already available at the site, as they were constructed alongside the SSFs and would not need to be rebuilt, although they may be upgraded or expanded if necessary. Existing facilities at the El Paso site include vehicle parking areas, roadways, emergency generators, utility connections, laydown areas, and driveways. The existing SSFs and support facilities occupy the majority of the parcel (**Figure 1-2** and **Figure 1-3**). Site design would occur

following completion of this SEA and this analysis assumes that the entirety of the parcel would be used for the proposed JPC and ancillary support facilities due to its currently developed condition.

The smaller, 1,000-migrant capacity SSF constructed in 2022 would remain operational for the possibility of future use; however, the second SSF built in 2023 with a 2,500-migrant capacity would need to be demobilized to accommodate construction of the JPC. Demobilization of the 2,500-migrant capacity SSF would take about 60 days to complete and is anticipated to begin in December 2023. Construction of the JPC is anticipated to begin in February 2024 and would be completed by January 2025. The JPC would be operated and staffed 24 hours a day, 7 days a week. Maintenance would include routine repair and normal facility landscaping.

2.4 ALTERNATIVE 2: NET-ZERO ALTERNATIVE

Alternative 2, the Net-Zero Alternative, would be the same as Alternative 1 but would incorporate the use of net-zero technologies for some utilities rather than using nonrenewable resources that do not meet the goals of EO 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability* (see **Sections 3.8** and **3.12**). Net-zero refers to a building or facility that has net-zero emissions in addition to conserving water and/or waste. A net-zero emissions building is designed and operated so that it is fully serviced by carbon pollution-free electricity (CFE) when it is connected to a regional electrical grid. A net-zero building would have zero greenhouse gas (GHG) emissions from operations based on an annual cycle. Net-zero goals are sometimes referred to as being achieved at 0 percent, 70 percent, 90 percent, and 100 percent. For example, if a facility was to meet the net-zero 100 percent electricity goal, that facility would be 100 percent off-grid. If it relied on solar power only 70 percent of the time, it would have achieved 70 percent of the goal. In accordance with EO 14057, DHS is considering three models for using CFE to transition to net-zero emissions: 1) achieve a 100 percent match of CFE to annual facility consumption, including matching use on an hourly basis so CFE provides 50 percent of the facility load every hour of the day, week, and year (i.e., 24/7); 2) achieve a 45 percent net-zero goal and match use on an hourly basis so CFE provides 25 percent of the facility load 24/7; and 3) achieve a 45 percent net-zero goal.

The net-zero technologies proposed in this alternative include solar technology, a vermifiltration (VF) wastewater filtration system, and an atmospheric water generator (AWG). Under the guidance of EO 14057 and in consideration of federal sustainability efforts, the use of these net-zero resource applications would aid the proposed JPC facility in achieving close to net-zero emissions, waste, and water conservation efforts.

Energy generation is the largest source of GHG emissions, and renewable resources such as solar offer potential GHG emissions savings compared to the use of fossil fuels (carbon) to derive electricity. For the El Paso JPC, net-zero emissions goals would be achieved using a solar photovoltaic (PV) system with battery backups, as feasible. Solar technologies, which capture and generate electricity from sunlight, would use any of three solar array options depending on spatial locations and feasibility: ground mounted, rooftop, and parking canopies. These include flat panel, axis tracking, or integrated solar PV products, all of which could be various sizes and include Battery Energy Storage Systems (BESS), if reasonable for the site. BESS requires

significant cooling in order to prevent degradation of the system and placing the BESS inside the proposed JPC would be more energy efficient than placing it outside, as it would not require the installation of additional cooling systems. Depending on the CFE model that DHS selects, the size of the PV system could range from 51,720 to 99,720 square feet, and the size of the BESS could range from 57 to 3,975 square feet. These options would result in an estimated annual facility CFE consumption of between 36 and 77 percent, depending on the selected option. The JPC facility would install the PV as an integrated, shared network or grid of power, known as a solar microgrid.

Under this alternative, DHS would install a VF system to reduce and efficiently process sewage waste generation at the El Paso JPC, which would be able to remove up to 99 percent of contaminants from wastewater. A VF system is a type of wastewater treatment that uses soil filtration with earthworms to speed up the decomposition process. It would consist of treatment beds containing earthworms, microbial bacteria, wood shavings, and/or river cobble, through which wastewater would flow via gravity. Solids would be separated out prior to entering the VF system and collected, hauled, and disposed of separately. Treated wastewater from the VF system would be discharged into an evaporation pond or could be re-used for purposes such as irrigation and landscaping. The system would be located in place of a septic field, in a prepared area of the JPC site. A VF system exemplifies a nature-based solution by integrating natural processes to treat wastewater. Through the symbiotic action of earthworms and microorganisms, VF systems effectively purify water, reducing pollutants, and promoting sustainable water management. This approach harnesses natural processes to enhance water quality, making it a nature-based solution for water treatment and pollution reduction. Compared to a standard septic system that requires the septic tanks to be drained and hauled away by a sewage disposal company, the use of VF could result in annual savings of over 1 million dollars depending on the capacity of the system.

This alternative would also consider the use of an AWG, also referred to as an atmospheric water system, which is a sustainable water technology that generates potable water from humidity in the surrounding air and can thus expand water availability. As such, water production rates are highly dependent upon the air temperature and the amount of water vapor (i.e., humidity) in the air. Not only does an AWG reduce the need to use local drinking water resources, it can also expand water availability during shortages, contamination events, or even natural disasters that could interrupt drinking water services. Commercial AWGs employ condenser and cooling coil technology, and although significant quantities of energy can be required to operate the AWG, recent technological advancements have substantially improved the energy-water ratio. Some large-scale AWGs can produce over 1,300 gallons of water per day; at the El Paso JPC, the size of the AWG would depend on its cost and feasibility given climate conditions at the site and need for potable water. Ultimately, the AWG would trap water vapor through passive condensation, treat the water with minerals for taste as needed, and distribute the potable water throughout the facility. The use of an AWG could increase energy needs, and thus the proposed solar power system could be designed to compensate for this in order to make the AWG technology self-sustaining.

2.5 NO ACTION ALTERNATIVE

As required by NEPA and CEQ regulations, the No Action Alternative reflects conditions within the Project Area should the Proposed Action not be implemented. Under the No Action Alternative, DHS personnel would continue to use the existing SSFs at the site in El Paso. The use of the SSFs would not facilitate interagency coordination. Additionally, although the existing SSF proposed for demobilization has an initial higher capacity (2,500 migrants) than the proposed JPC, the SSFs are temporary structures, and would remain inadequately equipped and would not be able to be expanded or renovated to meet demand. Continued use of the existing SSFs could adversely affect the health, safety, work efficiency, and morale of DHS personnel along with the migrants and refugees being processed, which could impede execution of the mission and operations of the facility.

The No Action Alternative does not satisfy CBP's purpose and need for the Proposed Action, as identified in **Section 1.3**. The No Action Alternative is carried forward for analysis in the SEA to provide a comparison of baseline conditions to the Proposed Action, as required by the CEQ NEPA implementing regulations (40 CFR 1502.14). The No Action Alternative reflects the status quo and serves as a benchmark against which effects of the Proposed Action can be evaluated.

2.6 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER DETAILED ANALYSIS

DHS evaluated potential alternative locations in El Paso for the proposed permanent CPC in the 2020 CPC EA and determined that none would meet the purpose and need for the Proposed Action. Ten total sites were compared and evaluated for suitability, including the 59-acre parcel, two privately owned parcels, and seven parcels owned by the City of El Paso. Only the 59-acre parcel was carried forward for analysis; the other nine were considered but eliminated as they did not meet the purpose and need nor satisfy the site selection criteria.

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3. AFFECTED ENVIRONMENT AND CONSEQUENCES

3.1 SCOPE OF THE ANALYSIS

This section provides a discussion of the affected environment, as well as an analysis of the potential direct and indirect impacts that the alternatives could have on the affected environment. Cumulative and other impacts are discussed in **Section 4**. All potentially relevant resources areas were initially considered in this SEA. In accordance with NEPA, CEQ regulations, and DHS Instruction Manual 023-01-001-01, Rev. 01, this evaluation focuses on those resources and conditions potentially subject to effects, and on potentially significant environmental issues deserving of study. It does not go into detail on insignificant issues.

The analysis presented in this SEA incorporates and supplements the evaluation of potential impacts conducted in the 2020 CPC EA. Detailed resource analysis was not conducted in the 2023 El Paso REC since the proposed action was determined to be categorically excluded. The resources analyzed and dismissed from analysis in the 2020 CPC EA and this SEA are presented in **Table 3-1**. This SEA evaluates most of the same resources as in the 2020 CPC EA due to the potential for new impacts resulting from construction and operation of the proposed JPC and demobilization of the 2,500-migrant capacity SSF, but it incorporates the original analysis as applicable. Some resources previously analyzed have been eliminated from consideration in this SEA since new baseline conditions have been established following completion and operation of the El Paso SSFs and development of the CBP-owned parcel that would not be affected under this Proposed Action. Resources previously dismissed in the 2020 CPC EA have been dismissed from analysis in this SEA as there would be no potential for adverse impacts.

Table 3-1: Resources Analyzed in Initial and Supplemental Environmental Impact Analysis Process

Resource	Analyzed in 2020 CPC EA	Analyzed in this SEA	Rationale for Elimination
Land Use	Yes	No	The project site is fully developed and is currently used for CBP operations and migrant processing. Land use would not change with construction of the JPC.
Geology	No	No	No geologic resources would be affected. No deep excavation would occur to construct the proposed JPC.
Soils	Yes	Yes	--
Prime Farmlands	No	No	No prime farmlands would be affected. The project site is previously disturbed.
Vegetative Habitat	Yes	No	The entirety of the project site is developed and used for the existing SSFs. No vegetative habitat is present within the parcel that would have the potential to be disturbed.
Wildlife Resources	Yes	Yes	--

Resource	Analyzed in 2020 CPC EA	Analyzed in this SEA	Rationale for Elimination
Threatened and Endangered Species	Yes	Yes	--
Water Resources	Yes	Yes	--
Wild and Scenic Rivers	No	No	No rivers designated as Wild and Scenic Rivers (16 U.S.C.551, 1278[c], 1281[d]) are located within or near the project site.
Floodplains	No	No	The Proposed Action is not located in a floodplain.
Air Quality	Yes	Yes	--
Noise	Yes	Yes	--
Cultural, Archaeological, and Historical Resources	Yes	Yes	--
Aesthetic and Visual Resources	Yes	No	The proposed JPC would constitute a built feature similar to the El Paso SSFs. The JPC would not create a new interruption within the visual landscape.
Utilities and Infrastructure	Yes	Yes	--
Radio Frequency Environment	Yes	No	A communications tower exists in sufficient proximity to the project site that the proposed JPC would not require its own. No new equipment that would emit notable radio frequency energy would be installed.
Roadways and Traffic	Yes	No	Roadways and parking areas were constructed within the project site for the existing El Paso SSFs. The number of personnel accessing the proposed JPC is not anticipated to meaningfully change.
Hazardous Materials	Yes	Yes	--
Unique and Sensitive Areas	No	No	No unique or sensitive areas are located within or near the project site.
Socioeconomics	Yes	Yes	--
Environmental Justice and Protection of Children	Yes	Yes	--
Human Health and Safety	No	Yes	--
Sustainability and Greening	No	Yes	--

The following categories describe various types of impacts that could potentially result from the Proposed Action:

- *Short-term or long-term.* These characteristics are determined on a case-by-case basis and do not refer to any rigid time period. In general, short-term effects are those that would occur only with respect to a particular activity or for a finite period. Long-term effects are those that are more likely to be persistent and chronic.
- *Direct or indirect*. A direct effect is caused by, and occurs contemporaneously, at or near the location of the action. An indirect effect is caused by a proposed action and might occur later in time or be farther removed in distance, but still be a reasonably foreseeable outcome of the action.
- *Negligible, minor, moderate, or major*. These relative terms are used to characterize the magnitude or intensity of an impact. Negligible effects are generally those that might be perceptible but are at the lower level of detection. A minor effect is slight, but detectable. A moderate effect is readily apparent. A major effect is one that is severely adverse or exceptionally beneficial.
- *Adverse or beneficial*. An adverse effect is one having unfavorable or undesirable outcomes on the manmade or natural environment. A beneficial effect is one having positive outcomes on the manmade or natural environment. A single act might result in adverse effects on one environmental resources and beneficial effects on another resource.

3.2 SOILS

3.2.1 DEFINITION OF THE RESOURCE

Soils are the unconsolidated materials overlying bedrock or other parent material. Soils typically are described in terms of their complex type, slope, and physical characteristics. Differences among soil types in terms of their structure, elasticity, strength, shrink-swell potential, and erosion potential affect their ability to support certain applications or uses. In appropriate cases, soil properties must be examined for their compatibility with particular construction activities or types of land use.

3.2.2 AFFECTED ENVIRONMENT

The only soil type mapped within the project site is Turney-Berino association, undulating (NRCS, 2023). This soil type consists of nearly level to gently sloping soils that have a clay subsoil and are moderately deep over soft caliche. This soil type is not classified as a farmland soil or as a hydric soil. Additional details on the soil type at the project site are provided in the 2020 CPC EA (CBP, 2020). Since the publication of the 2020 CPC EA, the entire project site has been disturbed, and the majority has been bladed, leveled, compacted, and covered in partially or fully impervious surfaces. The existing SSFs and related building infrastructure take up approximately 50 percent of the parcel, while the remaining ground surfaces are covered in a

compacted stone material. Exposed soils are only present in the northern corner of the parcel, which is used for heavy equipment staging and as a scrap and dirt pile.

3.2.3 ENVIRONMENTAL CONSEQUENCES

Impacts on soils would be considered adverse if they would change the soil composition, structure, or function within the environment.

3.2.3.1 Alternative 1: Proposed Action

Under the Proposed Action, the 2,500-migrant capacity SSF would be demobilized and the JPC would be constructed on the 59-acre parcel. The majority of the acreage within the parcel has been previously disturbed and is developed; therefore, no undisturbed soils would be permanently removed or disturbed from the project site under the Proposed Action. Demobilization of the SSF would minimally impact soils as it is a temporary facility with no underground foundation; while demobilization may generate dust, the SSF would essentially be dismantled entirely on top of existing compacted surfaces.

Construction of the proposed JPC would result in some earthmoving activities, grading, and minor excavation to place building foundations and establish utility connections. These activities would expose subsoils under the existing compacted surface, which would then be at risk of erosion. Since the native soils have previously been disturbed and compacted, construction activities would not change soil structure or soil productivity. Erosion would be minimized by employing appropriate construction and stabilization techniques and implementing best management practices (BMPs). BMPs would include the installation of silt fencing and sediment traps, application of water to disturbed soil to reduce dust, and recovering disturbed areas in the same compacted stone material following ground disturbance, as appropriate (see **Appendix B**). In addition, since the Proposed Action would disturb more than one acre, DHS would obtain a Stormwater General Permit for Construction Activities from the Texas Commission on Environmental Quality (TCEQ) and would adhere to permit requirements to manage erosion and stormwater discharge from the construction site, including development of a Stormwater Pollution Prevention Plan (SWPPP) (TCEQ, 2023c). Alternative 1 would result in *short-term, minor adverse impacts* to soils during construction of the proposed JPC.

An increase in impervious surfaces at the project site is anticipated under the Proposed Action due to the construction of the permanent proposed JPC and other hardened infrastructure and ancillary facilities, such as paved vehicle parking and a helipad. Although the compacted stone material that would be used elsewhere throughout the site may allow some soil infiltration, reduced infiltration and increased runoff from the addition of impervious surfaces would occur during operation of the proposed JPC. Permanent runoff control measures would be implemented as part of the stormwater management design to reduce erosion and potential impacts to surrounding areas. Alternative 1 would result in *long-term, negligible adverse impacts* to soils.

3.2.3.2 Alternative 2: Net-Zero Alternative

Impacts to soils at the project site would be similar to, but potentially greater than, those under Alternative 1. The net-zero technologies would be constructed within the existing disturbed parcel; however, there is the potential for the solar PV system and VF system to increase the overall footprint of disturbance within the project site. Installation of a ground-mounted solar array would result in additional soil disturbance to install the PV system, and development of treatment beds for the VF system would also result in additional disturbance. Installation of net-zero technologies under Alternative 2 would result in *short-term, minor adverse impacts* to soils. Alternative 2 would not result in a larger increase in impervious surfaces than Alternative 1; the operation of net-zero technologies under Alternative 2 would result in *long-term, negligible adverse impacts* to soils.

3.2.3.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. Soils would remain as described in **Section 3.2.2**. There would be *no impact* to soils under the No Action Alternative.

3.3 BIOLOGICAL RESOURCES

3.3.1 DEFINITION OF THE RESOURCE

Biological resources include native or naturalized plants and animals and the habitats in which they occur, and native or introduced species found in landscaped or disturbed areas. Protected species are defined as those listed as threatened, endangered, or proposed or candidate for listing by the USFWS or Texas Parks and Wildlife Department (TPWD). Federal species of concern are not protected by the ESA; however, these species could become listed, and therefore are given consideration when addressing impacts of an action on biological resources. Certain avian species are protected by the MBTA and Bald and Golden Eagle Protection Act.

Sensitive habitats include those areas designated by USFWS as critical habitat protected by the ESA and sensitive ecological areas as designated by state or federal rulings. Sensitive habitats also include wetlands, plant communities that are unusual or of limited distribution, and important seasonal use areas for wildlife (e.g., migration routes, breeding areas, and crucial summer/winter habitats). Habitat conditions observed at the project site were used to evaluate the potential for occurrence of special status species based on a combination of publicly available data and biological surveys.

3.3.2 AFFECTED ENVIRONMENT

This section includes a description of biological resources, including vegetation, wildlife, and special status species, occurring within the project site. A biological resources survey was prepared in April 2020 in support of the 2020 CPC EA (Gulf South Research Corporation, 2020a). The results of that survey, including prior consultation conducted with USFWS, as described in the 2020 CPC EA are incorporated into this SEA by reference.

Vegetation

The proposed project site is located within the Chihuahuan Basins and Playas ecoregion of west Texas. This ecoregion historically contained flora adapted to large ranges in seasonal and daily temperatures, low moisture availability, and extreme evapotranspiration rates, as well as highly saline soil conditions (Griffith, et al., 2004). Most vegetation surrounding the project site consists of woody perennial plant species, cactus, and desert scrub. The 2020 biological resources survey identified 10 flora species that originally occurred within the project site (Gulf South Research Corporation, 2020a).

No vegetative communities are currently present at the project site because it is fully disturbed. Therefore, the Proposed Action has no potential to impact vegetation and this resource is eliminated from detailed analysis in this SEA.

Terrestrial and Aquatic Wildlife Resources

Terrestrial and aquatic wildlife resources include native or naturalized terrestrial and aquatic animals and the habitats in which they exist. This section includes a description of terrestrial wildlife species and their habitats that are likely to be found near the project site; there are no surface water resources within or adjacent to the project site (see **Section 3.4.2**), so no aquatic wildlife would be present.

The Chihuahuan Desert ecoregion, which extends across the border into Mexico, as well as into the state of New Mexico, is estimated to support 3,500 plant species, over 170 amphibians and reptiles, over 130 mammals, and around 400 bird species. The Chihuahuan Desert is therefore considered one of the most diverse desert ecosystems in the country and in the world (NPS, 2022). Additional information on the wildlife species that may be present within this ecoregion, and specifically within Texas, is provided in the 2020 CPC EA (CBP, 2020). While the project site is now fully developed and provides no natural habitat for wildlife, the biological resources survey conducted in 2020 observed six terrestrial species, or signs of their presence, including three mammals and three birds (see **Table 3-2**) (Gulf South Research Corporation, 2020a), which may be present in the areas surrounding the project site.

Table 3-2: Wildlife Observed During Site Surveys

Common Name	Scientific Name	Observation
Bewick's wren	*Thryomanes bewickii*	Visual
Black-tailed jackrabbit	*Lepus californicus*	Visual
Coyote	*Canis latrans*	Sign
Desert cottontail	*Sylvilagus audubonii*	Visual
House finch	*Haemorhous mexicanus*	Visual
Verdin	*Auriparus flaviceps*	Sign

Source: (Gulf South Research Corporation, 2020a)

Special Status Species

Threatened and endangered species are commonly protected because their historic range and habitat have been reduced and will only support a small number of individuals. Some species

have declined for natural reasons, but declines are commonly exacerbated or accelerated by man-made influences. DHS consulted USFWS' Information for Planning and Consultation (IPaC) database in August 2023 to identify federally listed threatened and endangered species; IPaC listed four threatened species, three endangered species, one candidate species, and one proposed endangered species with potential to occur at the project site (see **Table 3-3**). The project site does not overlap with any designated critical habitat (USFWS, 2023a).

Table 3-3: Federally Listed Species and Potential to Occur at the Project Site

Common Name	Scientific Name	Federal Status	Habitat Description	Suitable Habitat in/near Project Area?
Mexican spotted owl	*Strix occidentalis lucida*	T	Mature, old growth forests, steep slopes, canyons, and rocky cliffs	No
Monarch butterfly	*Danaus plexippus*	C	Fields, roadside areas, urban gardens with milkweed and flowering plants	No
Northern aplomado falcon	*Falco femoralis septentrionalis*	E	Open savanna and woodland, grassy plains and valleys with scattered mesquite, yucca, and cactus	Yes
Piping plover	*Charadrius melodus*	T	Sandy beaches, sand flats, and mudflats along coastal areas	No
Red knot	*Calidris canutus rufa*	T	Muddy or sandy coastal areas, bays and estuaries, and tidal flats	No
Sneed's pincushion cactus	*Coryphantha sneedii* var. *sneedii*	E	Exposed areas of steep, sloping limestone in shrublands or grasslands of the Chihuahuan Desert	No
Southwestern willow flycatcher	*Empidonax traillii extimus*	E	Dense riparian vegetation near surface water or saturated soil	No
Tricolored bat	*Perimyotis subflavus*	PE	Deciduous hardwood forests in spring, summer, and fall; roadside culverts in southern U.S. in winter	No
Yellow-billed cuckoo	*Coccyzus americanus*	T	Woodlands with low, scrubby, vegetation, abandoned farmland and dense thickets along streams and marshes	No

Key: C = Candidate, E = Endangered, PE = Proposed Endangered, T = Threatened
Source: (USFWS, 2023a; USFWS, 2023b; USFWS, 2023c; CBP, 2020)

Since prior consultation was conducted with USFWS for the 2020 CPC EA, the proposed endangered tricolored bat (*Perimyotis subflavus*) and candidate monarch butterfly (*Danaus plexippus*) have been added to the list of potentially present species. The endangered least tern (*Sterna antillarum*) has been removed from the species list for this location.

Migratory birds are protected under the MBTA, which prohibits the take of migratory bird species without prior authorization. USFWS has identified three migratory birds of conservation concern (BCCs) with potential presence at the project site: Cassin's sparrow (*Aimophila cassinii*), long-billed curlew (*Numenius americanus*), and Virginia's warbler (*Vermivora virginiae*) (USFWS, 2023a).

The biological resources survey conducted in 2020 did not observe any federally listed species at the project site. In addition, no observations of tricolored bat, monarch butterfly, or migratory BCCs were recorded during the survey (see **Table 3-2**) (Gulf South Research Corporation, 2020a). Additional detail about federally listed species at the project site and their habitat, with the exception of the tricolored bat and monarch butterfly, is included in the 2020 CPC EA (CBP, 2020).

In addition to federally listed species, TPWD maintains a list of state-listed threatened and endangered species, and has identified six state-listed species with the potential to occur in El Paso County (see **Table 3-4**) (TPWD, 2023). Potentially suitable habitat is available in the vicinity of the project site for two state-listed species, the Texas horned lizard (*Phrynosoma cornutum*) and mountain short-horned lizard (*Phrynosoma hernandesi*). These species inhabit open, arid, and semi-arid regions with sparse and shrubby vegetation typical of the Chihuahuan Desert and burrow into loose soils (CBP, 2020). This type of habitat surrounds the project site, but is not present within the 59-acre parcel. No state-listed species were observed during the biological resources survey conducted in 2020 (see **Table 3-2**) (Gulf South Research Corporation, 2020a).

Table 3-4: Texas State-Listed Species with the Potential to Occur in El Paso County

Common Name	Scientific Name	State Status
Mountain short-horned lizard	*Phrynosoma hernandesi*	T
Sneed's pincushion cactus	*Escobaria sneedii* var. *sneedii*	E
Speckled chub	*Macrhybopsis aestivalis*	T
Southwestern willow flycatcher	*Empidonax traillii extimus*	E
Texas horned lizard	*Phrynosoma cornutum*	T
White-faced ibis	*Plegadis chihi*	T

Key: E = Endangered, T = Threatened
Source: (TPWD, 2023)

Given the highly developed nature of the project site and lack of natural, vegetated areas that may provide habitat, it is unlikely that any federally or state-listed species or migratory BCCs are present within the project site.

3.3.3 ENVIRONMENTAL CONSEQUENCES

Impacts on wildlife resources would be considered adverse if the impacts substantially reduce ecological processes or populations. A substantial reduction is one that threatens the long-term viability of a sensitive species, or results in the substantial loss of a sensitive species' habitat that could not be offset or otherwise compensated.

Effects to threatened and endangered species would be adverse if the species or their habitats are adversely affected over relatively large areas, or if any of the following occur:

- Permanent loss of occupied, critical, or another suitable habitat.
- Temporary loss of critical habitat that adversely affects recolonization by threatened or endangered resources.
- Take (as defined under the ESA) of a threatened or endangered species.

3.3.3.1 Alternative 1: Proposed Action

Wildlife

The Proposed Action would not result in habitat loss or degradation that could impact terrestrial wildlife species in the vicinity of the project site, as the 59-acre parcel is already developed. No habitat areas outside of the parcel would be impacted, and no natural habitat is present within the project site. Wildlife in the vicinity of the project site may be affected by project-related noise during demobilization of the 2,500-migrant capacity SSF and construction of the JPC. Since no wildlife species are anticipated to be present at the project site due to its highly developed condition, wildlife species living in surrounding habitat areas would already be removed from the loudest sources of construction noise and would be able to disperse to similar habitat further away from the site. Additionally, project-specific noise-reducing BMPs would be implemented to decrease impacts during construction, such as construction occurring only during daylight hours and properly maintaining all motor vehicles (see **Appendix B**). Noise levels at the project site would return to pre-construction levels immediately following completion of construction activities. Noise from traffic and operations of the JPC would have negligible effects on wildlife in the surrounding vicinity since the El Paso site is already being used, and noise levels would be anticipated to be consistent with existing operations (see **Section 3.6.3**). Alternative 1 would result in *short-term, negligible adverse impacts* to wildlife species from construction of the Proposed Action.

Special Status Species

Prior consultation with USFWS during the 2020 CPC EA concluded that there would be no effect on federally listed species, with the exception of the northern aplomado falcon (*Falco femoralis septentrionalis*) (CBP, 2020). DHS maintains its prior determinations that the Proposed Action would have *no effect* on Sneed's pincushion cactus (*Escobaria sneedii* var. *sneedii*), Mexican spotted owl (*Strix occidentalis lucida*), southwestern willow flycatcher (*Empidonax traillii extimus*), yellow-billed cuckoo (*Coccyzus americanus*), piping plover (*Charadrius melodus*), and red knot (*Calidris canutus rufa*). In addition, DHS has concluded that the Proposed Action would have *no effect* on the tricolored bat and monarch butterfly. No impacts to these eight species are anticipated as they have not been observed within the project site, and due to the absence of suitable habitat near the vicinity of the project site.

The northern aplomado falcon is the only species with potential to occur in the vicinity of the project site due to the presence of potentially suitable foraging and nesting habitat near the project site. No suitable habitat is present within the project site due to its developed nature;

however, this species may fly over the project site to access suitable habitat and while foraging. Therefore, DHS has determined that the Proposed Action *may affect, but is not likely to adversely affect*, the northern aplomado falcon.

DHS re-initiated consultation with USFWS to receive concurrence on the above determinations for federally listed threatened and endangered species on August 16, 2023 (see **Appendix A**). USFWS responded on August 17, 2023, stating that re-initiating consultation for this action is unnecessary and they maintain their original concurrence with the previous determinations. No additional consultation with USFWS is required for the Proposed Action.

Due to the absence of suitable habitat on the developed project site, *no impacts* to the Texas state-listed Sneed's pincushion cactus, speckled chub (*Macrhybopsis aestivalis*), southwestern willow flycatcher, or white-faced ibis (*Plegadis chihi*) are anticipated. Although no suitable habitat is present for the Texas horned lizard or mountain short-horned lizard within the project site, suitable habitat for these state-listed species is present in the surrounding vicinity. Implementation of the Proposed Action would result in construction and operational noise which could affect the state-listed reptiles, similar to other terrestrial wildlife that may be in the surrounding area. Noise reducing BMPs would be implemented, and if a state-listed reptile is encountered on-site, additional BMPs would be implemented to minimize the potential for adverse impacts (see **Appendix B**). The Proposed Action may have *short-term, negligible adverse impacts* on the Texas state-listed Texas horned lizard and mountain short-horned lizard.

Migratory birds are not likely to be present at the project site, due to the lack of suitable habitat for nesting, breeding, or foraging. However, similar to the northern aplomado falcon, migratory birds may fly over the project site to reach other suitable locations while foraging, or while migrating. No tall structures would be built at the project site that would pose a hazard to the flight path of migratory birds; however, overnight lighting of the proposed JPC may interfere with nesting or breeding activities occurring in the vicinity. DHS would adhere to compliance measures of the MBTA to minimize and avoid impacts to migratory birds (see **Appendix B**). There would be *long-term, negligible adverse impacts* to migratory birds under Alternative 1.

3.3.3.2 Alternative 2: Net-Zero Alternative

Impacts to biological resources at the project site would be similar to those under Alternative 1. The installation and use of net-zero technologies would not result in habitat disturbance nor would constitute a significant source of noise that could disturb wildlife and special status species living in the vicinity of the project site. There would be *short- and long-term, negligible adverse impacts* to biological resources under Alternative 2.

3.3.3.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. Biological resources would remain as described in **Section 3.3.2**. There would be *no impact* to biological resources under the No Action Alternative.

3.4 WATER RESOURCES

3.4.1 DEFINITION OF THE RESOURCE

Water resources are natural and man-made sources of water that are available for use by, and for the benefit of, humans and the environment. Water resources relevant to the location of the Proposed Action are limited to groundwater and stormwater. No surface waters, wetlands, or floodplains are located within the project site and have been eliminated from detailed analysis within this SEA.

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. Groundwater typically can be described in terms of depth from the surface, aquifer or well capacity, water quality, and recharge rates.

Stormwater is an important component of water systems because of its potential to introduce sediments and other contaminants that could degrade surface waters, such as lakes, rivers, or streams. Section 438 of the Energy Independence and Security Act (EISA) establishes into law stormwater design requirements for federal development projects that disturb a footprint of greater than 5,000 square feet. Under these requirements, pre-development site hydrology must be maintained or restored to the maximum extent technically feasible with respect to temperature, rate, volume, and duration of flow.

3.4.2 AFFECTED ENVIRONMENT

The Hueco-Mesilla Bolsons Aquifer is the principal groundwater source for the project site. The Hueco Bolson and Mesilla Bolson aquifers together cover most of El Paso County and the neighboring Hudspeth County to the southwest. The volume of recoverable groundwater in the Hueco-Mesilla Bolsons Aquifer is estimated to be approximately 11 million acre-feet, with a recharge rate of approximately 24,000 acre-feet per year (Charbeneau, 1982). Annual availability from the aquifer is estimated to be just less than 500,000 acre-feet (Texas Water Development Board, 2022a). Most of the water drawn from the aquifer in El Paso County is split between municipal and irrigation use. In 2020, the City of El Paso had a demand of 110,572 acre-feet from the Hueco-Mesilla Bolsons Aquifer (TWDB, 2022b). Additional details on the geology, recharge, and groundwater availability of the Hueco-Mesilla Bolsons Aquifer are provided in the 2020 CPC EA (CBP, 2020).

Surveys of the 59-acre parcel were completed in 2020 to identify physical conditions at the site. They identified a low-lying swale in the southwestern corner of the parcel which likely served as site drainage during storm events, although no well-defined channels were identified. Surficial and stormwater drainage likely occurred in broad sheet flow moving toward the swale, with some concentrated sheet flow runoff through a shallow runnel along the western property boundary. Neither the identified swale nor runnel had evidence of hydrologic connectivity to a larger drainage system (GSRC, 2020b; Gulf South Research Corporation, 2020a). Due to the disturbance and development of the project site, the swale and runnel are no longer present to

assist with stormwater drainage; stormwater flow continues to occur as broad sheet flow across the project site.

3.4.3 ENVIRONMENTAL CONSEQUENCES

Impacts to water resources would be considered adverse if they would substantially reduce water availability or interfere with the water supply to existing uses, contribute to exceedances of annual yields of water supply sources or overdraft groundwater basins, substantially adversely affect water quality, or violate water resource laws and regulation.

3.4.3.1 Alternative 1: Proposed Action

Construction and operation of the Proposed Action may result in the inadvertent release of oils, grease, and hazardous materials which could eventually enter the groundwater system at aquifer recharge areas. There would be minimal potential for infiltration, however, given the heavily compacted, developed surface conditions at the project site. Implementation of BMPs to manage potential releases, such as development of a site-specific spill response plan (see **Section 3.9.3**), proper housekeeping, equipment maintenance, and containment of fuels and other hazardous materials would minimize the potential for inadvertent releases and groundwater contamination during construction (see **Appendix B**). During operation of the proposed JPC, water would be needed to accommodate up to 500 migrants and a staff of 200 DHS personnel. Operation of the JPC would represent a decrease in water demand from current conditions, since the 2,500-migrant capacity SSF would also be demobilized under the Proposed Action, and there would be fewer people requiring potable water. Alternative 1 would result in *long-term, negligible adverse impacts* on groundwater quality, and *long-term, minor beneficial impacts* to groundwater availability.

Construction of the proposed JPC and demobilization of the 2,500-migrant capacity SSF would not change the existing hydrology of the project site, as the entire parcel has been previously disturbed and is almost completely covered in a mix of impervious surfaces and compacted stone surfaces. Natural stormwater drainage features are no longer present at the project site due to the extensive development, and stormwater drains from the project site in sheet flow. Some soil disturbance is anticipated during construction of the proposed JPC which may result in soil erosion and increased runoff (see **Section 3.2.3**). DHS would obtain a Stormwater General Permit from TCEQ and would develop and implement a SWPPP to address potential stormwater impacts from construction. Alternative 1 would result in *short-term, minor adverse impacts* to stormwater flow during construction.

The proposed JPC site development would include a stormwater management system that would reduce adverse impacts of unmanaged stormwater flow during operation and would minimize potential impacts of stormwater on downstream water quality. Inclusion of the stormwater management system would ensure the hydrology of project site is consistent with the pre-development condition to the maximum extent technically feasible, in accordance with the requirements of the EISA. With installation of a stormwater management system, Alternative 1 would have *long-term, negligible beneficial impacts* on stormwater, since the system would address and prevent unmanaged sheet flow that is currently occurring at the project site.

3.4.3.2 Alternative 2: Net-Zero Alternative

Similar to Alternative 1, the potential for inadvertent spills of petroleum or hazardous materials and subsequent groundwater contamination would remain and would not change with the installation and operation of net-zero technologies. Implementation of BMPs during construction and operation would minimize the potential for accidental contamination (see **Appendix B**). Implementation of an AWG system would allow water resources to be extracted and utilized to expand the amount of water available at the project site and result in a decrease in reliance on groundwater resources during operations to a larger extent than under Alternative 1. In addition to diminished demand from fewer migrants and personnel on-site, an AWG system would generate potable water from humidity in the surrounding air, subsequently reducing the need to use local drinking water resources and taking stress off groundwater resources. Alternative 2 would result in *long-term, negligible adverse impacts* on groundwater quality, and *long-term, moderate beneficial impacts* to groundwater availability.

Impacts to stormwater at the project site would be similar to those under Alternative 1. Installation of net-zero technologies such as a ground-mounted solar PV system and development of VF system treatment beds may result in additional ground disturbance and runoff. Alternative 2 would result in *short-term, minor adverse impacts* to stormwater during construction, and *long-term, negligible beneficial impacts* to stormwater with installation of a stormwater management system.

3.4.3.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. A potential stormwater management system would not be installed as an ancillary feature for the JPC, and stormwater runoff would continue to occur as sheet flow across the project site, potentially picking up debris and other materials located on the site, affecting the quality of the stormwater runoff and potential downstream water quality. The No Action Alternative would have *long-term, minor adverse impacts* on stormwater. There would be *no impact* to groundwater resources as use of the aquifer or potential for contamination would not change.

3.5 AIR QUALITY

3.5.1 DEFINITION OF THE RESOURCE

Air quality is defined by the concentration of various pollutants in the atmosphere. Under the CAA (42 U.S.C.), the six pollutants defining air quality, called "criteria pollutants," include carbon monoxide (CO), sulfur dioxide, nitrogen dioxide, ozone (O_3), suspended particulate matter (measured less than or equal to 10 microns in diameter [PM_{10}] and less than or equal to 2.5 microns in diameter [$PM_{2.5}$]), and lead. CO, sulfur oxides (SO_X), and some particulates are emitted directly into the atmosphere from emissions sources. Nitrogen dioxide, O_3, and some particulates are formed through atmospheric and chemical reactions that are influenced by

weather, ultraviolet light, and other atmospheric processes. Volatile organic compounds (VOC) and nitrogen oxides (NO_X) are precursors of O_3 and are used to represent O_3 generation.

Under the CAA, the U.S. Environmental Protection Agency (USEPA) has established National Ambient Air Quality Standards (NAAQS) (40 CFR Part 50) for criteria pollutants. Areas that are and have historically been in compliance with the NAAQS or have not been evaluated for NAAQS compliance are designated as attainment areas. Areas that violate a NAAQS are designated as nonattainment areas. Areas that have transitioned from nonattainment to attainment are designated as maintenance areas and are required to adhere to maintenance plans to ensure continued attainment. The CAA gives states the authority to establish their own air quality rules and regulations. Texas enforces the federal NAAQS.

The USEPA General Conformity Rule applies to federal actions occurring in nonattainment or maintenance areas and a general conformity determination is required when the total direct and indirect emissions of nonattainment and maintenance criteria pollutants (or their precursors) exceed specified thresholds. The emissions thresholds that trigger requirements for a conformity analysis are called *de minimis* levels. *De minimis* levels (in tons per year [tpy]) vary by pollutant and also depend on the severity of the nonattainment status for the area in question (40 CFR Part 93.153). The General Conformity Rule does not apply to federal actions occurring in attainment areas.

Climate Change and GHGs

Global climate change refers to long-term fluctuations in temperature, precipitation, wind, sea level, and other elements of Earth's climate system. Of particular interest, GHGs are gaseous emissions that trap heat in the atmosphere. GHGs include water vapor, carbon dioxide (CO_2), methane, nitrous oxide, O_3, and several fluorinated and chlorinated gaseous compounds. To estimate global warming potential, all GHGs are expressed relative to a reference gas, CO_2, which is assigned a global warming potential equal to one (1). All GHGs are multiplied by their global warming potential, and the results are added to calculate the total CO_2 equivalent (CO_2e) emissions. The dominant GHG emitted is CO_2, accounting for 79 percent of all U.S. GHG emissions as of 2020, the most recent year for which data are available (USEPA, 2023c).

EO 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, signed January 20, 2021, reinstated the *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*, issued on August 5, 2016, by CEQ that required federal agencies to consider GHG emissions and the effects of climate change in NEPA reviews (CEQ, 2016). CEQ's *National Environmental Policy Act Interim Guidance on Consideration of Greenhouse Gas Emissions and Climate Change*, issued on January 9, 2023, recommends determining the social cost of GHG emissions from a proposed action where feasible as a means of comparing the GHG impacts of the alternatives (CEQ, 2023b).

The "social cost of GHG" is an estimate of the monetized damages associated with incremental increases in GHG emissions, such as reduced agricultural productivity, human health effects, property damage from increased flood risk, and the value of ecosystem services (CEQ, 2023b). Accordingly, estimated CO_2e emissions and associated social cost are provided in this SEA for

informative purposes. The interim social cost, as established by the Interagency Working Group for the year 2025, is estimated at 56 dollars per metric ton of CO_2 (in 2020 dollars) (IWG-SCGHG, 2021).

EO 14008, *Tackling the Climate Crisis at Home and Abroad*, further strengthens EO 13990 by implementing objectives, including requiring federal agencies to develop and implement climate action plans, to reduce GHG emissions and bolster resilience to the impacts of climate change. The DHS *Climate Action Plan* recognizes the effects of climate change to DHS's mission and aims to implement strategies to address the risks posed by climate change including incorporating climate adaptation planning and processes into DHS mission areas, ensuring climate resilient facilities and infrastructure, ensuring climate-ready services and supplies, and increasing climate literacy (DHS, 2021). *The Long-term Strategy of the United States: Pathways to Net-Zero Greenhouse Gas Emissions by 2050* sets target benchmarks to achieve net-zero GHG emissions by no later than 2050 through emission-reducing investments such as carbon-free power generation, zero-emission vehicles, energy-efficient buildings, and expansion and protection of forest areas (DOS & EOP, 2021).

USEPA implements the GHG Reporting Program, requiring certain facilities to report GHG emissions from stationary sources, if such emissions exceed 25,000 metric tons of CO_2e per year (40 CFR Part 98). Major source permitting requirements for GHGs are triggered when a facility exceeds the major threshold of 100,000 tpy for CO_2e emissions.

3.5.2 AFFECTED ENVIRONMENT

USEPA Region 6 and the TCEQ regulate air quality in Texas. The project site is in El Paso County, Texas, which is in marginal nonattainment for 8-hour O_3 (2015) and moderate nonattainment for PM_{10}. El Paso County is a maintenance area for CO (USEPA, 2023d). Therefore, the General Conformity Rule is potentially applicable to emissions of O_3 precursors (NO_x and VOC), PM_{10}, and CO. As outlined in 40 CFR Part 93.153, the applicable *de minimis* level threshold is 100 tpy each for NO_x, VOC, PM_{10}, and CO.

Climate Change and GHGs

El Paso has an average high temperature of 94.5 degrees Fahrenheit (°F) in the hottest month (July) and an average low temperature of 32.9°F in the coldest month (January), with an average annual temperature of 64.7°F. The annual average precipitation of the region is 9.43 inches. August is the wettest month of the year, with an average rainfall of 1.75 inches (Idcide, 2022).

Ongoing climate change in Texas has contributed to rising temperatures, increased storm intensity, increased severity of flooding and droughts, disruption of natural ecosystems, and human health effects. Despite increases in storms and flooding, warmer temperatures increase evaporation rates and water use by plants, which causes soils to become drier and increases the need for irrigation. In turn, ground and surface water supplies are being consumed at faster rates, which leads to declines in recharge rates and the future availability of water supplies. Higher temperatures in Texas also have led to increased severity, frequency, and extent of wildfires, which expand deserts and change landscapes. High air temperatures can cause adverse health effects such as heat stroke and dehydration, especially in vulnerable populations (i.e., children,

elderly, sick, and low-income populations), which can affect cardiovascular and nervous systems (USEPA, 2016).

According to the 2020 National Emissions Inventory, the state of Texas produces approximately 583,166,667 metric tons of CO_2e and El Paso County produces approximately 4,020,906 metric tons of CO_2e annually (USEPA, 2020).

3.5.3 ENVIRONMENTAL CONSEQUENCES

For this SEA, a comparative air quality analysis was performed to estimate the effects on air quality and climate change that would result from the Proposed Action based on the previously analyzed effects of similar CBP actions. Effects on air quality are evaluated by comparing the annual net change in emissions for each criteria pollutant against the General Conformity Rule *de minimis* thresholds for nonattainment pollutants (i.e., 100 tpy for VOC, NOx, PM_{10}) and maintenance pollutants (i.e., 100 tpy for CO), or the 250 tpy Prevention of Significant Deterioration (PSD) major source threshold, as defined by USEPA, for attainment pollutants except for lead. The PSD threshold for lead is 25 tpy. The PSD thresholds do not denote a significant impact; however, they do provide a threshold to identify actions that have insignificant impacts on air quality. For actual operations and regulatory purposes, the PSD major source thresholds only apply to stationary sources; however, they are applied in this SEA to both stationary and mobile sources as a surrogate indicator of significance for attainment pollutant impacts. If a proposed action's emissions are below these threshold levels, the action's impacts on air quality are presumed to be negligible to minor. Impacts on air quality would be significant if a proposed action were to exceed the General Conformity Rule *de minimis* level for nonattainment and maintenance pollutants.

Consistent with EO 14008 and the 2016 CEQ Final Guidance, this SEA examines GHGs as a category of air emissions. Per the 2023 CEQ Interim Guidance, the social cost of GHG was calculated for the estimated total emissions of CO_2e during the construction period and the foreseeable annual CO_2e emissions from operational activities under the Proposed Action. It also examines potential future climate scenarios to determine whether elements of the Proposed Action would be affected by climate change. This analysis does not attempt to measure the actual incremental impacts of GHG emissions from the Proposed Action, as there is a lack of consensus on how to measure such impacts. Global and regional climate models have substantial variation in output and do not have the ability to measure the actual incremental impacts of a project on the environment.

3.5.3.1 Alternative 1: Proposed Action

Short-term, minor, adverse impacts on air quality would occur from demobilization of the existing SSF and construction of the JPC and the ancillary support facilities. During the construction period, emissions of criteria pollutants and GHGs would be directly produced from operation of heavy construction equipment, heavy duty diesel vehicles hauling debris and construction materials to and from the project site, workers commuting daily to and from the project site, existing facility demobilization, and ground disturbance. All such emissions would be temporary in nature and produced only when construction activities are occurring. *Long-term,*

minor, adverse impacts on air quality would occur from operation of the new JPC and ancillary support facilities. Air emissions would be directly produced from operation of emergency generators, fuel-dispensing activities, and the 200 personnel commuting to and from the JPC daily. Additionally, limited helicopter operations may occasionally occur at the proposed JPC.

The potential impacts to air quality expected to result from construction and operation of the Proposed Action were evaluated for this SEA by comparing the Proposed Action to other similar CBP projects whose emissions have been recently quantified under other NEPA actions, including the proposed JPCs in Yuma, Arizona (DHS, 2023a) and Eagle Pass, Texas (DHS, 2023c). **Table 3-5** depicts the proposed size of site development and facility construction, as well as the initial support staff and daily undocumented non-citizen processing capacity, for each location.

Table 3-5: Project Comparisons for Proposed JPCs

	Site Development Size (acres)	Facility Size (square feet)	Support Staff Capacity (persons)	Processing Capacity (persons per day)
Yuma JPC (each alternative)	40.00	180,000	200	500
Eagle Pass JPC	37.06	200,000	200	500
Proposed Action (each alternative)	59.00	200,000	200	500

Source: (DHS, 2023c; DHS, 2023a)

The CBP-owned parcel at El Paso, Texas is 59 acres, which is larger than the parcels at the proposed Yuma, Arizona and Eagle Pass, Texas locations. However, the existing 1,000-migrant SSF at the El Paso site would remain operational throughout construction, so this portion of the site would not be further disturbed under this Proposed Action. The size of the proposed facility construction at El Paso, Texas is 20,000 square feet larger than the proposed facility at Yuma, Arizona, and the same size as the proposed facility at Eagle Pass, Texas. Other project components, such as SSF and utilities demobilization, vehicle parking, helipad, loading facilities, stormwater management, onsite roadways, and emergency generators are expected to be similar for the Yuma, Arizona and Eagle Pass, Texas projects and the Proposed Action. Therefore, emissions estimates from construction of the Proposed Action are expected to be of a similar magnitude compared to the other two proposed facilities. Initial support staff and undocumented non-citizen processing capacity is identical for each proposed location. Therefore, emissions estimates from operation of the Proposed Action are expected to be similar to operational emissions at the other proposed locations.

Table 3-6 provides the estimated annual net change in emissions that would result from construction (including construction of the JPC and site development for the project areas) and operation and personnel levels for each alternative of the proposed Yuma, Arizona and Eagle Pass, Texas JPCs. Detailed emissions calculations were performed for each of these proposed projects and their alternatives under separate NEPA actions. Under these other NEPA actions, it was assumed that construction would occur over the course of six years. For this SEA air quality analysis, total emissions for all six construction years were conservatively combined into a single

year to determine a worst-case emissions scenario if all construction and resulting emissions for the Proposed Action occurred in a single year. Under this worst-case scenario, the annual net change in emissions for these projects would not exceed the applicable *de minimis* thresholds for nonattainment and maintenance pollutants (100 tpy) or the PSD thresholds for attainment criteria pollutants (25 tpy for lead, 250 tpy for others). Because the construction and operational emissions from the Proposed Action would be similar to those of the other proposed JPC developments, the Proposed Action would not result in significant impacts on air quality.

Table 3-6: Emissions Comparisons for Proposed JPCs

	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$	Lead	CO_2e
Construction Emissions (tpy)								
Yuma JPC Alternative 1	15.04	10.95	15.74	0.04	94.35	0.39	0.00	3,856.90
Yuma JPC Alternative 2	15.03	10.84	15.60	0.04	94.02	0.39	0.00	3,816.50
Yuma JPC Alternative 3	15.04	10.95	15.74	0.04	94.35	0.39	0.00	3,856.90
Eagle Pass JPC	14.07	10.64	15.42	0.04	80.06	0.39	0.00	3,767.00
Operational Emissions (tpy)								
Yuma JPC Alternative 1	2.06	0.28	4.31	0.02	0.03	0.03	<0.001	431.40
Yuma JPC Alternative 2	2.06	0.28	4.31	0.02	0.03	0.03	<0.001	431.40
Yuma JPC Alternative 3	2.03	0.18	4.24	0.00	0.01	0.01	<0.001	420.60
Eagle Pass JPC	2.03	0.29	4.16	0.03	0.03	0.03	<0.001	430.30
***De minimis*/PSD Threshold (tpy)**	100	100	100	250	100	250	25	N/A
***De minimis*/PSD Exceeded?**	No	No	No	No	No	No	No	N/A

Sources: (DHS, 2023a; DHS, 2023c)

The air pollutant of greatest concern for the Proposed Action is particulate matter, such as fugitive dust, which is generated from ground-disturbing activities, demobilization activities, and combustion of fuels in construction equipment. Fugitive dust emissions would be greatest during initial site preparation and site grading activities and would vary from day to day depending on the work phase, level of activity, and prevailing weather conditions. Under a worst-case scenario in which all site preparation and construction work occurred within one year and no dust-suppression or other dust/particulate matter control measures are implemented, these uncontrolled PM_{10} emissions are expected to be similar to the approximately 94.35 tons estimated for the proposed Yuma, Arizona JPC. Under this worst-case scenario, uncontrolled particulate matter emissions would be below the General Conformity *de minimis* threshold, and therefore, not a significant impact to air quality.

While the Proposed Action would occur on a larger parcel than the Yuma or Eagle Pass JPCs, the area occupied by the existing 1,000-migrant capacity SSF would remain undisturbed, and most of the existing ground surfaces are covered in a compacted stone material. Exposed soils are only present in the northern corner of the parcel, which is used for heavy equipment staging and as a scrap and dirt pile. Therefore, full development of the JPC would largely occur on already developed surfaces, and is unlikely to result in uncontrolled particulate matter emissions

substantially higher than the worst-case emissions for the Yuma, Arizona site of 94.35 tons. Notably, the emission estimates for particulate matter developed for the Yuma, Arizona and Eagle Pass, Texas locations conservatively assume, as a function of the model, that the entire site would be disturbed every day for the duration of construction activities and that no particulate matter control measures would be implemented. However, construction activities would incorporate BMPs and environmental control measures to control and minimize fugitive dust emissions, in accordance with Texas Administrative Code Rule §111.143 and Rule §111.145. The BMPs include such measures as wetting stockpiles and cleared areas and covering stockpiles when not in use (see **Appendix B**). Additionally, Rule §111.143 specifically requires complete covering of open-bodied trucks and trailers transporting materials which can create airborne particulate matter in areas where the general public has access (e.g., public roadways). Further, work vehicles would be well-maintained and use diesel particulate filters to reduce emissions of criteria pollutants. These BMPs and environmental control measures could reduce particulate matter emissions from a construction site by approximately 50 percent. Project phasing (e.g., clearing and grading specific areas prior to construction) may further reduce particulate matter emissions.

For the quantitative air analyses referenced in this SEA, it was assumed all new personnel would commute to and from the JPC five days per week. In addition, helicopter flights using the proposed helipad would be infrequent and were estimated at 1 flight per week (52 flights per year). Helicopter flights would be conducted using light helicopters within the local area. A helicopter would not be stationed at the JPC. Emissions produced from transient helicopter operations have the potential to affect air quality up to 3,000 feet above ground level (or the mixing zone). At or higher than 3,000 feet above ground level, emissions would be adequately dispersed through the atmosphere to the point where they would not result in ground-level impacts on a localized area. The proposed helipad would be of a sufficient size to capture the downdraft from helicopter takeoffs and landings and minimize the potential for localized particulate matter emissions from dust generation during helicopter operations. Considering the infrequency of helicopter operations at the JPC, emissions from such operations would have negligible impacts on air quality and, when added to the estimated emissions from operation of the JPC, would not exceed the applicable *de minimis* or PSD threshold for any criteria pollutant. Therefore, the Proposed Action would not be expected to result in a long-term, significant impact on air quality.

Climate Change and GHGs

As shown in **Table 3-6**, based on similar projects, the Proposed Action is expected to produce approximately 3,860 tons (3,500 metric tons) of CO_2e during the construction period. In accordance with the 2023 CEQ Interim Guidance, comparisons were calculated to equate GHG emissions in familiar terms using the USEPA GHG equivalencies calculator. By comparison, 3,500 metric tons of CO_2e is equivalent to the GHG footprint of 779 passenger vehicles driven for one year or 441 homes' energy use for one year (USEPA, 2023b). Over the construction period, the social cost of GHG under the Proposed Action would equal $196,000 (3,500 metric tons CO_2e x $56 per metric ton CO_2e = $196,000).

Emissions from construction would represent less than 0.0006 percent of the CO_2e emissions in the state and less than 0.09 percent of the CO_2e emissions in El Paso County. As such, air emissions produced during construction would not meaningfully contribute to the potential effects of global climate change and would not considerably increase the total CO_2e emissions produced by the state of Texas or El Paso County. Therefore, GHG emissions during construction would result in *short-term, negligible, adverse impacts* on air quality.

Long-term operational CO_2e emissions would start upon completion of facility construction and continue indefinitely, with approximately 431 tons of CO_2e produced per year. By comparison, 431 tons (391 metric tons) of CO_2e is equivalent to the GHG footprint of 87 passenger vehicles driven for one year or 49 homes' energy use for one year (USEPA, 2023b). The annual social cost of GHG from operations would be $21,896 per year (391 metric tons CO_2e x $56 per metric ton CO_2e = $21,896 in 2020 dollars). Total annual operational CO_2e emissions would represent less than 0.00006 percent of the total CO_2e emissions in the state and approximately 0.01 percent of CO_2e emissions in El Paso County. As such, air emissions produced during operations would not meaningfully contribute to the potential effects of global climate change and would not considerably increase the total CO_2e emissions produced by the state or county. Therefore, GHG emissions from operations would result in *long-term, minor adverse impacts* on air quality. Annual emissions of CO_2e from stationary sources (i.e., emergency generators and fuel storage tanks) would not exceed the USEPA's annual 25,000 metric tpy reporting threshold; therefore, DHS would not be required to report annual GHG emissions.

Ongoing changes to climate patterns in Texas are described in **Section 3.5.2**. These climate changes are unlikely to affect the ability of DHS to implement the Proposed Action. The project site is flat, developed land that is outside of the floodplain. Rising temperatures, increased storm intensity, increased severity of flooding and droughts, disruption of natural ecosystems, and other results from ongoing climate change would not affect the Proposed Action, nor would the Proposed Action meaningfully contribute to the occurrence of such events.

3.5.3.2 Alternative 2: Net-Zero Alternative

Short-term, minor, adverse impacts to air quality at the project site under Alternative 2 would be similar to those under Alternative 1 during construction of the proposed JPC and demobilization of the SSF.

Criteria pollutant and GHG emissions and the resulting impacts on air quality and social costs from operation and maintenance of the new JPC and ancillary facilities would be incrementally less than those under Alternative 1, as demonstrated by the comparison between the Yuma, Arizona JPC Alternatives 1 and 3 (Net-Zero Alternative). Like the Yuma, Arizona JPC Alternative 3, Alternative 2 of the El Paso Proposed Action would not include operation of emergency generators. Instead, backup power would be provided by solar battery systems. Like the Proposed Action, Alternative 2 operational air emissions would be directly produced from fuel dispensing activities and the 200 personnel commuting to and from the JPC daily. **Table 3-6** summarizes these operational emissions, which are expected to be similar to those resulting from the proposed Yuma, Arizona JPC, Alternative 3. In addition, emissions would be produced from transient helicopter operations, as described for the Proposed Action. The estimated annual

operational emissions from Alternative 2 would not exceed the *de minimis* or PSD thresholds for any criteria pollutant. Therefore, Alternative 2 would have *long-term, minor adverse impacts* on air quality from operation and maintenance activities.

The 382 metric tons of CO_2e that would result annually from operation of Alternative 2 is the approximate GHG footprint of 85 passenger vehicles driven for one year or 48 homes' energy use for one year (USEPA 2022b). The annual social cost of carbon from operations under Alternative 2 would be $21,392 per year (382 metric tons CO_2e x $56 per metric ton CO_2e = $21,392). Like Alternative 1, total annual operational CO_2e emissions would represent 0.00006 percent of the total CO_2e emissions in the state and approximately 0.01 percent of CO_2e emissions in El Paso County. As such, air emissions produced during operations under Alternative 2 would not meaningfully contribute to the potential effects of global climate change and would not considerably increase the total CO_2e emissions produced by the state or county. Therefore, GHG emissions from operations under Alternative 2 would result in *long-term, minor, adverse impacts* on air quality, but slightly less than Alternative 1. As with Alternative 1, annual emissions from stationary sources (i.e., fuel storage tanks) for Alternative 2 would not exceed the USEPA's annual 25,000 metric tpy reporting threshold; therefore, DHS would not be required to report annual GHG emissions.

According to the Lawrence Berkeley National Laboratory, utility-scale solar power produces 447 megawatt hours per acre per year for fixed-tilt solar PV systems (Bolinger and Bolinger 2022). In 2021, the CO_2 total output emissions rate for all nonrenewable fuels in the WECC Southwest Emissions & Generation Resource Integrated Database (eGRID) region, which includes El Paso, was 724.81 pounds per megawatt hour (USEPA 2023b). Thus, an acre of solar panels producing zero-emissions electricity in El Paso would save approximately 323,990 pounds, or 162 tons (147 metric tons), of CO_2 per year. Each acre of solar panel array potentially installed under Alternative 2 would reduce the annual social cost of GHG by approximately $8,232 (147 metric tons CO_2 x $56 per metric ton of CO_2 = $8,232). The annual CO_2 savings from each acre of solar PV system (147 metric tons) would be equal to the GHG footprint of 33 passenger vehicles driven for one year or 19 homes' energy use for one year (USEPA 2022b). The CO_2e emissions savings from a solar PV system could offset a portion of the estimated CO_2e emissions from JPC construction. The annual CO_2e emissions savings from solar power generation would continue into the future and also offset the annual CO_2e emissions from operation of the JPC (i.e., fuel dispensing activities and the 200 personnel commuting to and from the JPC daily).

Ongoing changes to climate patterns in Texas are described in **Section 3.5.2**. These climate changes are unlikely to affect the ability of DHS to implement the Proposed Action. The project site is flat, developed land that is outside of the floodplain. Rising temperatures, increased storm intensity, increased severity of flooding and droughts, disruption of natural ecosystems, and other results from ongoing climate change would not affect the Proposed Action under Alternative 2, nor would Alternative 2 meaningfully contribute to the occurrence of such events. Alternative 2 would contribute to global climate change slightly less than Alternative 1 if solar energy is incorporated.

3.5.3.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. Air quality conditions would remain as described in **Section 3.5.2**. There would be *no impact* to air quality or climate change under the No Action Alternative.

3.6 NOISE

3.6.1 DEFINITION OF THE RESOURCE

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 measure of sound pressure level called decibels (dB). The A-weighted decibel (dBA) is a measurement in which "A-weighting" is applied to the dB to approximate a frequency response expressing the perception of sound by the human ear and deemphasizes the higher and lower frequencies that the human ear does not perceive well. The range of audible sound levels for humans is considered to be 1 to 130 dBA, and the threshold of audibility is generally within the range of 5 to 25 dBA (USEPA, 1981a; USEPA, 1981b).

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 to noise above ambient levels exist. 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 City of El Paso maintains a noise ordinance, which restricts sound levels above 70 dBA between 10:00 p.m. and 7:00 a.m. (City of El Paso, 2023b). According to the Federal Aviation Administration and the U.S. Department of Housing and Urban Development, residential units and other noise-sensitive land uses are "clearly unacceptable" in areas where noise exposure exceeds 75 dBA, and "normally acceptable" in areas where noise exposure is 65 dBA or less (24 CFR Part 51).

3.6.2 AFFECTED ENVIRONMENT

Noise within the general project site and surrounding area is elevated due to the proximity of the parcel to Patriot Freeway (U.S. Highway 54) and an existing gravel and sand mining operation. Current operations of the two SSFs, including traffic to and from the site, contribute to the existing ambient noise environment. Further, no noise-sensitive receptors, such as residences, schools, hotels, libraries, religious institutions, hospitals, or similar uses, are located within 2,000 feet of the project site (CBP, 2020).

Construction noise can cause an increase in sound that is well above ambient levels. Noise levels associated with common types of construction equipment are listed in **Table 3-7**. 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 constantly exposed is 115 dBA, and exposure to this level must not exceed 15 minutes within an 8-hour period (29 CFR Part 1910.95).

Table 3-7: Average Noise Levels for Common Construction 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)
Clearing and Grading				
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
Construction				
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

Sources: (USEPA, 1971; FHWA, 2017)

3.6.3 ENVIRONMENTAL CONSEQUENCES

Impacts to the noise environment would be considered adverse if they would result in substantial changes to ambient noise, exceedances of applicable noise regulations, or intrusive noise for sensitive receptors.

3.6.3.1 Alternative 1: Proposed Action

During demobilization of the 2,500-migrant capacity SSF and construction of the JPC, the use of heavy construction equipment, such as those identified in **Table 3-7**, would generate intermittent, temporary increases in ambient noise levels during the demobilization and construction periods. Noise from construction would vary depending on the type of equipment being used, the area in which the activity would occur, and the distance of the receptor to the noise source; however, noise levels generated by construction equipment typically exceed ambient levels by 20 to 30 dBA. The use of multiple pieces of equipment with identical or similar noise levels would result in additive noise that would increase the overall noise environment by a few dB over the noisiest equipment (USEPA, 1971).

Construction noise levels would mostly be limited to the immediate vicinity of the project site where the primary receptors would be construction workers and personnel and migrants present at the remaining operational SSF. Noise heard by DHS personnel and migrants would be a nuisance, but would not be damaging since there would be some, although minimal, separation

between the construction site and the remaining SSF. Further, migrants would be processed quickly and would not remain on-site for an extended period of time. DHS would comply with applicable OSHA standards for occupational noise exposure to protect DHS personnel at the remaining SSF from unacceptable levels of noise throughout the duration of construction.

Construction noise would decrease with increasing distance from the construction activities, and would generally attenuate to below 65 dBA between 500 to 1,500 feet from the source. Implementing noise reduction BMPs, such as turning off equipment when not in use, the use of exhaust mufflers and other noise dampening equipment, could reduce the sound level by up to 10 dBA (USEPA, 1971). Construction contractors would adhere to appropriate OSHA standards to protect the workforce from excessive noise and would use personal hearing protection to limit exposure. Construction noise would occur for the duration of the construction period and would be confined to normal workdays and working hours (e.g., 7:00 a.m. to 5:00 p.m.) (see **Appendix B**). Noise beyond ambient levels would cease following the construction period. All applicable noise laws and guidelines would be followed to reduce the effects from noise produced by construction. Alternative 1 would result in *short-term, minor adverse impacts* to the noise environment during construction of the JPC.

Operation and maintenance of the proposed JPC would generally entail noise consistent with pre-construction ambient noise levels. Operational activities and traffic patterns would be similar to those currently occurring at the El Paso site and along Patriot Freeway (U.S. Highway 54). Installation of the proposed helipad to accommodate helicopter flights would introduce a novel, but infrequent, source of noise. DHS estimates that one helicopter flight per week (i.e., 52 flights per year) would occur to the project site. A helicopter would not be stationed at the project site. Helicopter overflights at 1,000 feet above ground level can generate noise up to 82 dBA (FAA, 1977). This noise would generate distinct events that have the potential to periodically, but briefly, annoy individuals directly under the flight path. These disruptions would be temporary and intermittent, but would occur on a routine basis. Therefore, Alternative 1 would result in *long-term, minor adverse impacts* on the noise environment during operation of the JPC.

3.6.3.2 Alternative 2: Net-Zero Alternative

Impacts to the noise environment at the project site would be similar to those under Alternative 1. The installation and operation of net-zero technologies would not result in additional changes to the ambient noise environment. There would be *short-term, minor adverse impacts* during construction, and *long-term, minor adverse impacts* during operation under Alternative 2.

3.6.3.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. The noise environment would remain as described in **Section 3.6.2**. There would be *no impact* to the noise environment under the No Action Alternative.

3.7 CULTURAL RESOURCES

3.7.1 DEFINITION OF THE RESOURCE

The term "cultural resources" refers to a broad range of properties relating to history, prehistory, or places important in traditional religious practices. Several federal laws and EOs, including the NHPA, the Archaeological and Historic Preservation Act, the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, and the Native American Graves Protection and Repatriation Act (NAGPRA), refer to cultural resources.

The NHPA focuses on property types such as pre-contact and historic-age sites, buildings and structures, districts, and other places that have physical evidence of human activity considered important to a culture or a community for scientific, traditional, religious, or other reasons. These resources can prove useful in understanding and describing the cultural practices of past peoples or retain cultural and religious significance to modern groups. Resources judged significant under criteria established in the NHPA are considered eligible for listing in the National Register of Historic Places (NRHP). The NRHP refers to those places as "historic properties" and the NHPA requires federal agencies to consider the effects of their activities and programs on NRHP-eligible or listed properties.

The regulations for Protection of Historic Properties (36 CFR Part 800) present a process for federal agencies to consult with the appropriate State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer, federally recognized tribes, other interested parties, and, when appropriate, the Advisory Council on Historic Preservation. This is to ensure that the impacts from the undertaking on historic properties are adequately considered.

NAGPRA is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items – human remains, funerary objects, sacred objects, or objects of cultural patrimony – to lineal descendants, and culturally affiliated Native American tribes.

3.7.2 AFFECTED ENVIRONMENT

In accordance with EO 13175, *Consultation and Coordination with Indian Tribal Governments*, DHS has identified 11 federally recognized tribes and nations that have a demonstrated interest in El Paso County, Texas: Alabama-Coushatta Tribe of Texas, Apache Tribe of Oklahoma, Comanche Nation, Fort Still Apache Tribe of Oklahoma, Kiowa Tribe of Oklahoma, Mescalero Apache Tribe, Pueblo of Isleta, Tonkawa Tribe of Oklahoma, White Mountain Apache Tribe, Wichita and Affiliated Tribes, and Tigua of Ysleta del Sur Pueblo. Each of these tribes was previously contacted during preparation of the 2020 CPC EA. CBP received a response from one tribe, Ysleta del Sur Pueblo, which did not identify any concerns with the proposed project but requested that they be consulted if human remains or artifacts were discovered (CBP, 2020). DHS notified all 11 of these tribes on August 17, 2023, of the preparation of this SEA and will pursue additional consultation as needed to address potential concerns relating to implementing the Proposed Action. Copies of tribal correspondence are provided in **Appendix A**.

A cultural resources inventory was finalized in June 2020 in support of the 2020 CPC EA (GSRC, 2020c). The Area of Potential Effect (APE) for this Proposed Action is consistent with the APE used previously. The APE for archaeological resources consists of the entire 59-acre parcel, while the APE for above-ground resources also includes a 0.5-mile radius buffer to assess potential visual effects.

The cultural resources inventory did not identify any archaeological sites within the APE. A total of 27 isolated occurrences of prehistoric and historic material at the surface were identified, but none were considered archaeological sites and all were recommended not eligible for the NRHP (GSRC, 2020c). DHS consulted with the Texas Historical Commission (THC) on April 27, 2020, during preparation of the 2020 CPC EA, regarding these findings; THC responded on May 19, 2020, concurring with the eligibility recommendations and determination of no effect. Given the extensive disturbance and development of the project site, none of these 27 isolated occurrences are presumed to be extant.

No above-ground historic resources, including NRHP-listed properties, Recorded Texas Historic Landmarks, Official Texas Historical Markers, or Historic Texas Cemeteries, were identified within the APE. Additionally, there is no potential for historic age above-ground resources within the visual APE due to the modern nature of surrounding infrastructure (post-dating 1996) (GSRC, 2020c). The detailed results of the cultural resources inventory, as well as prior consultation conducted with the THC, are included in the 2020 CPC EA (CBP, 2020) and incorporated herein by reference.

3.7.3 ENVIRONMENTAL CONSEQUENCES

Adverse effects on cultural resources can include physically altering, damaging, or destroying all or part of a resource; altering characteristics of the surrounding environment that contribute to the resource's significance; introducing visual or audible elements that are out of character with the property or that alter its setting; neglecting the resource to the extent that it deteriorates or is destroyed; or selling, transferring, or leasing the property out of agency ownership without adequate legally enforceable restrictions or conditions to ensure preservation of the property's historic significance. Ground-disturbing activities constitute the most relevant potential impacts on archaeological resources. Visual effects constitute the most relevant impacts on above-ground resources.

3.7.3.1 Alternative 1: Proposed Action

Based on the results of the cultural resources inventory from 2020 and prior consultation with THC, DHS maintains no historic properties are present and the Proposed Action would continue to have no effect on historic properties. Additionally, no religious, sacred, or other sites of tribal significance have been identified. In the event of an unanticipated discovery during proposed construction activities, work would cease in the immediate area and the THC and interested tribal nations would be consulted on actions necessary to protect the cultural materials (see **Appendix B**). Therefore, Alternative 1 would have *no impact* on cultural resources.

DHS has notified THC on August 16, 2023, and tribal nations on August 17, 2023, of the preparation of this SEA and that the Proposed Action would continue to have no effect on historic properties. The White Mountain Apache Tribe responded on August 21, 2023, noting no concerns to the tribe's cultural and historic properties. No other responses have been received to date (see **Appendix A**).

3.7.3.2 Alternative 2: Net-Zero Alternative

Impacts to cultural resources at the project site would be similar to those under Alternative 1. The installation and operation of net-zero technologies would result in a change in the visual aesthetics of the project site from existing conditions if an elevated solar PV system is installed (i.e., mounted on a rooftop or parking canopy), but this would not affect historic properties since none have been identified. There would be *no impact* to cultural resources under Alternative 2.

3.7.3.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. Cultural resources would remain as described in **Section 3.7.2**. There would be *no impact* to cultural resources under the No Action Alternative.

3.8 UTILITIES AND INFRASTRUCTURE

3.8.1 DEFINITION OF THE RESOURCE

Infrastructure consists of the interrelated systems and physical structures that enable a population in a specified area to function. The infrastructure components to be discussed in this section include utilities, solid waste management, and hardened public infrastructure. Utilities generally include electrical supply, natural gas or propane supply, water supply, sanitary sewer and wastewater, communications systems, and stormwater drainage infrastructure. Solid waste management primarily relates to the availability of landfills to support a population's residential, commercial, and industrial needs. Public infrastructure relates to built features that are publicly accessible, such as sidewalks and roadways.

The intent of EO 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, is to transform how the federal government builds, buys, and manages its assets and operations, by supporting the growth of America's clean energy and clean technology industries and accelerating progress toward achieving a net-zero, carbon pollution-free electricity sector by 2035. Net-zero refers to a building or facility that has net-zero emissions and conserves water and/or waste. A net-zero emissions building is designed and operated so that when it's connected to a regional electrical grid it is fully serviced by carbon pollution-free electricity.

3.8.2 AFFECTED ENVIRONMENT

Electrical power for the project site is currently provided by various generators on-site, although connections are being developed that would tie the El Paso site into the regional power grid. The

electrical utility in the area is the El Paso Electric Company (EPE), which provides electricity to an area of approximately 10,000 square miles in west Texas and southern New Mexico (EPE, 2023). The project site is tied into municipal utilities for water and sewer, both of which are provided by El Paso Water (CBP, 2020). Hardened infrastructure surrounding the project site consists of Patriot Freeway (U.S. Highway 54), and the parcel also contains driveways and parking areas in addition to the two SSFs.

Solid waste for the project site is managed by the City of El Paso. The Greater El Paso Landfill is the only landfill that services the City of El Paso and it is located approximately 27 miles southeast of the project site and approximately 18.5 miles southeast of downtown El Paso, off of Interstate 10. It does not accept Class 1 industrial waste, any type of hazardous waste, automotive products, or liquid waste. In order to deliver waste directly to the Greater El Paso Landfill, a hauler permit must be obtained from the City of El Paso, Environmental Services Department (City of El Paso, 2022).

3.8.3 ENVIRONMENTAL CONSEQUENCES

Effects on utilities and infrastructure are evaluated for their potential to disrupt or improve existing levels of service and create additional needs for electricity, water, sanitary sewer and wastewater service, stormwater drainage, and solid waste management.

3.8.3.1 Alternative 1: Proposed Action

Construction of the Proposed Action may result in temporary service disruptions to the existing SSF located at the project site, while electric, water, and wastewater utility services are installed. Operation of the JPC would result in a slight increase in electric demand at the project site, as the existing SSFs are currently reliant on generators for electricity. Electric utility connections would be installed as part of the Proposed Action, and although the large, inefficient SSF would be demobilized, electric supply at the project site would switch from on-site generators to the regional power grid. Energy-saving sustainable design features may be incorporated into the proposed JPC and ancillary facilities, which could help reduce potential increases in electrical demand and may reduce energy consumption by 20 percent compared to a scenario where energy efficiency upgrades are not installed. Therefore, Alternative 1 is expected to have *long-term, minor adverse impacts* on electric utilities. The electricity requirements of the proposed JPC would likely be similar to those of the permanent CPC facility originally proposed in 2020 that was never constructed.

As described in **Section 3.4.3**, operation of the proposed JPC may result in a decrease in demand for potable water at the project site, since the 2,500-migrant capacity SSF would be replaced with the JPC, which has a combined estimated capacity of 700 people. Similarly, due to the fewer number of migrants and personnel who would be present on-site under the Proposed Action, demands on sanitary sewer and wastewater utilities would be anticipated to decrease. DHS would not install any water wells nor would require any permits for water usage or sanitary waste since the proposed JPC would be connected to the municipal water and sewer utilities. No new public infrastructure, such as roadways, would be built in support of the proposed JPC.

Alternative 1 would result in *long-term, minor beneficial impacts* to water and wastewater utilities, and *no impact* to public infrastructure.

Construction of the proposed JPC and demobilization of the 2,500-migrant capacity SSF would generate solid waste. The tent-like structure of the SSF would be collapsed and returned to storage for future reuse. Construction debris from the proposed JPC would primarily consist of building materials such as concrete and metals (e.g., conduit, piping, wiring). All materials that could be recycled or reused would be diverted from landfills wherever possible, reducing the amount of waste disposed. During operation, solid waste would be generated from daily operations. DHS's contractors would obtain a hauler permit from the City of El Paso in order to take and dispose of these wastes at the Greater El Paso Landfill. The total amount of solid waste generated from operation of the proposed JPC would likely be lower than that from the 2,500-migrant capacity SSF, since it would be a smaller size and capacity. Alternative 1 would have *short-term, minor adverse impacts* on solid waste during construction, and *long-term, minor beneficial impacts* on solid waste during operation.

3.8.3.2 Alternative 2: Net-Zero Alternative

Implementation of Alternative 2 would result in the same construction impacts and similar but fewer operational impacts to utilities and infrastructure as Alternative 1, due to the installation and operation of net-zero technologies to conserve energy, potable water, and/or wastewater instead of relying on nonrenewable resources. Installation and use of solar PV panels and a BESS would result in a decrease of consumption of electricity from the power grid relative to Alternative 1. The use of an AWG could produce up to approximately 1,300 gallons of water per day, although the size of AWG installed would depend on cost and feasibility given site conditions. Although operation of an AWG could result in increased energy needs, the proposed solar PV system could be designed to compensate for and offset this potential increase. Lastly, while solid sanitary waste would still need to be hauled off-site and disposed, the proposed VF system would be able to handle all wastewater requirements and would be able to remove up to 99 percent of contaminants. Prior to installing the VF system, DHS would obtain a permit for an on-site sewage facility from TCEQ (TCEQ, 2023a). The treated wastewater could be reused for irrigation and landscaping where feasible. The TCEQ has defined two different categories of reclaimed water; depending on the proposed reuse of wastewater, DHS may need to notify and coordinate with TCEQ prior to using reclaimed water (TCEQ, 2023b). Overall, Alternative 2 would be anticipated to have *long-term, minor adverse impacts* on electric utilities due to the new facility being added to the regional grid, although potential use of a solar PV system reduces electrical requirements compared to Alternative 1. Alternative 2 would also have *long-term, moderate beneficial impacts* on water and wastewater utilities by eliminating or reducing reliance on municipal, nonrenewable utilities. There would be *no impact* to public infrastructure, and *long-term, minor beneficial impacts* on solid waste.

3.8.3.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. Utilities and infrastructure would

remain as described in **Section 3.8.2**. There would be *no impact* to utilities and infrastructure under the No Action Alternative.

3.9 HAZARDOUS MATERIALS

3.9.1 DEFINITION OF THE RESOURCE

Hazardous materials are defined by 49 CFR Part 171.8 as hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (49 CFR Part 172.101), and materials that meet the defining criteria for hazard classes and divisions in 49 CFR Part 173. Hazardous wastes are defined in the Resource Conservation and Recovery Act at 42 U.S.C. 6903(5), as amended by the Hazardous and Solid Waste Amendments.

Certain types of hazardous wastes are subject to special management provisions intended to ease management burden and facilitate the recycling of such materials. These materials are called universal wastes and requirements for managing them are established in 40 CFR Part 273, Standards for Universal Waste Management. Wastes covered under the universal waste regulations include batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans.

Petroleum products include crude oil or any derivative thereof, such as gasoline, diesel, or propane. They are considered hazardous materials because they present health hazards to users in the event of incidental releases or extended exposure to their vapors.

Evaluation of hazardous materials and wastes focuses on the storage, transportation, handling, and use of hazardous materials, as well as the generation, storage, transportation, handling, and disposal of hazardous wastes. In addition to being a threat to humans, the improper release or storage of hazardous materials, hazardous wastes, and petroleum products can threaten the health and well-being of wildlife species, habitats, soil systems, and water resources. Environmental contamination sites are also considered during the evaluation of hazardous materials and wastes. A site-specific Phase I Environmental Site Assessment is a comprehensive investigation of environmental contamination threats on a specific property.

Radon is a naturally occurring odorless and colorless radioactive gas found in soils and rocks that can lead to the development of lung cancer. Radon tends to accumulate in enclosed spaces, usually those that are below ground and poorly ventilated (e.g., basements). The USEPA established a guidance radon level of 4 picocuries per liter (pCi/L) in indoor air for residences, and radon levels above this amount are considered a health risk to occupants (USEPA, 1993).

Other hazardous substances that can pose a risk to human health include asbestos-containing materials, lead-based paint, and polychlorinated biphenyls, which are typically found in building materials and infrastructure. Since the project site does not contain any permanent structures, there is no potential for these substances to be present.

3.9.2 AFFECTED ENVIRONMENT

A Phase I Environmental Site Assessment was conducted in 2020 to evaluate any potential environmental risk in support of the 2020 CPC EA (GSRC, 2020b). It included site reconnaissance, interviews, and a records search of known hazardous waste sites and remediation activities. The assessment did not identify any recognized environmental conditions on the project site or on any adjacent or nearby properties (GSRC, 2020b).

Current operation of the two SSFs and support facilities may involve the use of some hazardous materials during maintenance and cleaning, as well as use (and potential minor releases) of petroleum products in the on-site generators, vehicles, and heavy equipment. Large quantities of hazardous materials, however, are not being used or generated. Current use of hazardous materials is consistent with applicable federal, state, and local regulations, and is typical of operations of many commercial or industrial facilities.

The USEPA rates El Paso County, Texas, as Radon Zone 3. Counties in Zone 3 have a predicted average indoor radon screening level that is less than 2 pCi/L, which is below the USEPA established guidance radon level of 4 pCi/L (USEPA, 1993).

3.9.3 ENVIRONMENTAL CONSEQUENCES

Impacts from the use of hazardous materials would be considered adverse if they would be managed, handled, or disposed of in a way that would result in hazardous releases and site contamination.

3.9.3.1 Alternative 1: Proposed Action

Construction of the proposed JPC and demobilization of the 2,500-migrant capacity SSF would involve the use of heavy construction equipment, which has the potential for inadvertent release of hazardous materials such as fuel, lubricant, hydraulic fluid, and other chemicals during construction activities. Hazardous materials such as paints, solvents, preservatives, and sealants may be used while constructing the physical JPC structure. Any spills or releases that might occur during construction activities would be minimized through the implementation of BMPs, such as fueling only in controlled areas, maintaining emergency spill cleanup kits, maintaining all equipment in good operating condition to prevent leaks, and storing hazardous materials in appropriate containers (see **Appendix B**). Construction contractors would also be required to develop a project-specific Spill Prevention, Control, and Countermeasure Plan (SPCCP). Construction activities are not anticipated to generate large quantities of hazardous wastes. Additionally, no hazardous wastes are anticipated to be generated from demobilization of the 2,500-migrant capacity SSF; given it is a tent-like structure, it would be disassembled on-site and the materials would be returned to CBP storage facilities for future reuse. Alternative 1 would have *short-term, minor adverse impacts* from the use of hazardous materials during construction activities.

Negligible amounts of hazardous materials may be used during operation of the proposed JPC and ancillary facilities as part of normal operations and for maintenance and facility cleaning.

Hazardous materials used during normal operations would include petroleum products stored on-site and used for vehicle fueling. Gasoline and diesel would be stored in aboveground storage tanks at the proposed fuel island. These tanks would be inspected regularly to ensure they are operating properly and meet all applicable regulatory standards. The tanks would be double-walled and would include leak detection infrastructure. Other materials such as paints, adhesives, and cleaners would also be used during operation and maintenance activities. Any hazardous materials used or stored would be done so in accordance with manufacturer recommendations and applicable regulations to minimize the potential for releases or leaks (see **Appendix B**). Operation of the proposed JPC would generate negligible amounts of hazardous wastes; any such wastes would be collected, characterized, labeled, stored, transported, and disposed of in accordance with all federal, state, and local regulations. DHS would develop and implement a site-specific SPCCP that would outline procedures in the event of a spill or release of hazardous materials or waste. No impacts from radon would occur; based on the USEPA rating of Radon Zone 3 for El Paso County, it is unlikely that indoor radon screening levels greater than 2 pCi/L would be identified in new construction. The use and generation of hazardous materials and wastes during operation and maintenance of the proposed JPC would result in *long-term, minor adverse impacts* under the Proposed Action.

3.9.3.2 Alternative 2: Net-Zero Alternative

Impacts from hazardous materials at the project site would be similar to those under Alternative 1. The installation and operation of net-zero technologies would not result in additional changes to the use or generation of hazardous materials. There would be *short-term, minor adverse impacts* during construction, and *long-term, minor adverse impacts* during operation under Alternative 2.

3.9.3.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. Hazardous materials would remain as described in **Section 3.9.2**. There would be *no impact* from hazardous materials under the No Action Alternative.

3.10 SOCIOECONOMIC RESOURCES, ENVIRONMENTAL JUSTICE, AND PROTECTION OF CHILDREN

3.10.1 DEFINITION OF THE RESOURCE

Socioeconomics

Socioeconomics is defined as the basic attributes and resources associated with the human environment, particularly characteristics of population and economic activity. Regional birth and death rates and immigration and emigration affect population levels. Economic activity typically encompasses employment, personal income, and industrial or commercial growth. Changes in these fundamental socioeconomic indicators typically result in changes to additional

socioeconomic indicators, such as housing availability and the provision of public services. Socioeconomic data at local, county, regional, and state levels permit characterization of baseline conditions in the context of regional and state trends.

Environmental Justice

EO 12898, *Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations*, directs agencies to identify and address the environmental effects of their actions on minority and low-income populations. The EO was enacted to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with the respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. CEQ defines that minority populations exist if (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis (CEQ, 1997b). CEQ also defines that low-income populations exist where there is a substantial discrepancy between a community and surrounding communities with regard to income and poverty status (CEQ, 1997b). Poverty status is determined based on the U.S. Census Bureau's annual poverty measure (USEPA, 2023a).

EO 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, affirms that EJ is central to the implementation of our civil rights and environmental laws. It directs agencies to consider measures to address and prevent disproportionate and adverse environmental and health impacts on communities, including the cumulative impacts on pollution and other burdens like climate change. The EO establishes the White House Office of Environmental Justice and tasks it with coordinating the implementation of EJ policy across the federal government, ensuring that federal efforts evolve alongside our understanding of EJ.

EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, states that each federal agency "(a) shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and (b) shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks." Children might be more susceptible than adults to certain environmental effects and risks. Therefore, activities occurring near areas that could have higher concentrations of children during any given time, such as schools and childcare facilities, might further intensify potential impacts on children.

Considerations of concerns related to EJ and protection of children include race, ethnicity, and the poverty status of populations in the vicinity of a proposed action.

3.10.2 AFFECTED ENVIRONMENT

Socioeconomics

Socioeconomic data, including population numbers, median household income, and unemployment rates are provided in **Table 3-8** for the City of El Paso, El Paso County, and the state of Texas. All proposed construction would occur within the city limits of El Paso, and this is the geographic area where most impacts would be expected to occur; the data presented in

Table 3-8 encompasses the specific populations associated with this area. This data provides a snapshot of demographic and economic conditions in the area surrounding the project site, and compares them to a larger unit of analysis (i.e., the state of Texas).

Table 3-8: Socioeconomic Data for the City of El Paso, El Paso County, and the State of Texas

Categories	City of El Paso	El Paso County	Texas
2022 Population	677,456	868,763	30,029,572
Change in Population, 2020-2022	-0.2%	+0.4%	+3.0%
Median household income	$51,325	$50,919	$67,321
Unemployment rate	7.9%	8.3%	6.2%

Source: (U.S. Census Bureau, 2023b; U.S. Census Bureau, 2021)

Public services include fire protection, emergency medical services, law enforcement, schools, libraries, and parks. The project site is located within the city limits of El Paso, and while the immediate vicinity is largely undeveloped and has a low population density, its overall location enables access to the numerous services offered by the City of El Paso. None of these services are located within 1,000 feet of the project site, although hospitals and fire stations are located within 3 miles.

Environmental Justice and the Protection of Children

Demographic data for minority populations, poverty rates, and percent of children under 18 years of age are presented in **Table 3-9** for the City of El Paso, El Paso County, and the state of Texas. **Table 3-9** also includes data for Census tract 102.24, which is the specific area where the project site is located. Smaller levels of geographic analysis, such as Census tracts, are used for EJ analyses to present a focused picture of demographic conditions immediately surrounding the project site, as they contain the communities most likely to be directly impacted.

Table 3-9: Environmental Justice Data for Geographic Units Containing the Project Site

Categories	Census Tract 102.24	City of El Paso	El Paso County	Texas
2022 Population	5,755	677,456	868,763	30,029,572
Minority Population	80.3%	87.7%	88.7%	60.3%
Poverty Rate	14.5%	18.3%	20.1%	14.2%
Children under 18 years of age	43.3%	26.1%	25.9%	24.8%

Source: (U.S. Census Bureau, 2023b; U.S. Census Bureau, 2023a; U.S. Census Bureau, 2020)

Based on the data provided in **Table 3-9**, the project site would be considered an EJ community of concern with regard to minority populations. A majority of people living within Census tract 102.24 are of Hispanic or Latino ethnicity. While the minority population in Census tract 102.24 is lower than that of the City of El Paso or El Paso County, it is higher than the state of Texas and also exceeds the 50 percent threshold established by CEQ. An estimated 43.3 percent of the population within Census tract 102.24 consists of children under 18 years of age, which is

substantially higher than the remaining geographies. Residential neighborhoods are located within 1 mile of the project site to the southeast, and IDEA Mesquite Hills, a public charter school, is located 1.1 mile southeast. In addition to resident children, migrant children are routinely present within the project site for processing, and they would not be accounted for in the demographic data, suggesting that the actual number of children may be higher than indicated in **Table 3-9**. Therefore, there are above average concentrations of children in the vicinity of the project site.

In addition to Census data, DHS also utilized the CEQ's Climate and Economic Justice Screening Tool (CEJST) to determine if Census tract 102.24 (identified in CEJST as tract 102.27) is considered disadvantaged. Communities identified as disadvantaged are those that face one or more environmental or socioeconomic burdens. The Census tract containing the project site is considered a disadvantaged community; it meets the burden threshold for linguistic isolation (above 90th percentile) and the associated socioeconomic threshold for high school education (above 10 percent). Linguistic isolation refers to the share of households where no one over age 14 speaks English very well, and high school education refers to the percent of people over age 25 without a high school diploma (CEQ, 2023a).

3.10.3 ENVIRONMENTAL CONSEQUENCES

Impacts on socioeconomics, EJ, and protection of children were assessed to determine whether the Proposed Action and alternatives could result in any of the following major, adverse impacts:

- Substantial change in the local or regional population and in housing or public services from the increased or decreased demands of the population change
- Substantial change in the local or regional economy, employment, or business volume
- Disproportionately adverse human health and environmental impacts on minority, low-income, or child populations.

3.10.3.1 Alternative 1: Proposed Action

Socioeconomics

During construction, local construction contractors would be hired to demobilize the SSF and construct the proposed JPC. Building materials may also be purchased locally. These actions would generate jobs, income, and revenue for the City of El Paso, resulting in *short-term, minor beneficial impacts* to local socioeconomic conditions during construction.

Implementation of the Proposed Action is not expected to result in substantial changes to existing socioeconomic conditions in the area surrounding the project site. While some new personnel would likely be hired to staff the proposed JPC, many would likely transition to the JPC from the demobilized SSF. These personnel already live in or near El Paso and are already utilizing public resources available to them, such as emergency services and schools. New personnel that may be hired would either already live in the surrounding area, or would be expected to move to El Paso. The City of El Paso is a major metropolitan area that would readily be able to accommodate a slight increase in population. Thus, the Proposed Action would have

no or negligible impact on socioeconomic conditions such as population, housing availability, or use of public services during operation.

Environmental Justice and the Protection of Children

Construction of the Proposed Action would occur at the existing 59-acre parcel, which is located in a relatively undeveloped area within the city limits of El Paso, but outside of the major downtown area. The closest residences to the project site are located approximately 2,000 feet to the southeast of the project site, on the opposite side of Patriot Freeway (U.S. Highway 54). Nearby communities include the Mesquite Hills Subdivision, Futureland, and the Van Horne Estates Apartments. These communities are likely to be temporarily affected during the construction phase with increases in noise and emissions, but these effects would be minimal and short-term. Therefore, the Proposed Action is expected to have *no disproportionate adverse effects* on nearby EJ communities with respect to race and ethnicity.

A high percentage of children lives within Census tract 102.24. However, the minimal, temporary impacts from noise and air emissions during construction are not anticipated to result in adverse impacts to children within this Census tract. Additionally, given the location of the project site across the highway from residences where children may be living and the IDEA Mesquite Hills school, they would be highly unlikely to access the construction site and be harmed by activities occurring under the Proposed Action.

Although resident children may not be affected by construction activities, a high number of migrant non-citizen children would likely be present at the project site while being processed at the remaining SSF. 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 migrants are typically kept for processing for less than 24 hours, DHS would implement BMPs to protect children from these risks, such as ensuring children are supervised at all times while at the SSF, keeping children inside and protected from airborne dust, providing ear plugs as appropriate, and posting warning signs at the construction sites in both English and Spanish (see **Appendix B**). With implementation of these protective measures, the Proposed Action would have *minor safety risks* that could disproportionately impact children.

3.10.3.2 Alternative 2: Net-Zero Alternative

Impacts to socioeconomics and EJ communities around the project site would be similar to those under Alternative 1. The installation and operation of net-zero technologies would not result in additional impacts to socioeconomic conditions nor would disproportionately adversely affect EJ populations. There would be *short-term, minor beneficial impacts* to socioeconomic conditions during construction, and *no or negligible impacts* to socioeconomic conditions during operation. Alternative 2 would have *no disproportionate adverse effects* on EJ communities and would pose *minor safety risks* to migrant children being processed at the remaining SSF with implementation of BMPs.

3.10.3.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. Socioeconomic and EJ conditions would remain as described in **Section 3.10.2**. There would be *no impact* to socioeconomic conditions or EJ communities under the No Action Alternative.

3.11 HUMAN HEALTH AND SAFETY

3.11.1 DEFINITION OF THE RESOURCE

A safe environment is one in which there is no, or an optimally reduced, potential for death, serious bodily injury or illness, or property damage. Safety addresses workers' and public health and safety during any construction, demolition, or project activities.

Construction safety is largely a matter of adhering to regulatory requirements imposed for the benefit of employees and implementation of operational practices to reduce risks of illness, injury, death, and property damage. The health and safety of on-site construction workers are safeguarded by OSHA and USEPA standards, which specify the amount and type of training required for industrial workers, the use of personal protective equipment and clothing, engineering controls, and maximum exposure limits for workplace stressors.

Safety and accident hazards can often be identified and reduced or eliminated. Necessary elements for an accident-prone situation or environment include the presence of the hazard itself together with the exposed (and possibly susceptible) population. The degree of exposure depends primarily on the proximity of the hazard to the population. Activities that can be hazardous include transportation, maintenance and repair activities, and the creation of extremely noisy environments. The proper operation, maintenance, and repair of vehicles and equipment carry important safety implications.

3.11.2 AFFECTED ENVIRONMENT

The Proposed Action may involve exposing construction workers to hazards that pose a health or safety risk. Construction site safety is largely a matter of planning, training, and adherence to regulatory requirements, which implement operational practices to reduce the risks of illness, injury, death, and property damage. OSHA issues standards that specify the amount and type of safety training required for industrial 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 personnel who work at the project site are also responsible for complying with applicable OSHA safety and health requirements, as well as DHS-specific requirements. DHS Directive 066-10, *Safety and Health Programs*, establishes DHS's policies, responsibilities, and requirements regarding safety and health programs. The purpose of DHS safety and health programs is to prevent or minimize the loss of DHS resources and to protect employees,

contractors, and the visiting public from accidental death, injury, or illness by managing risks through implementation of operational risk management and response plans.

The project site is located within the city limits of El Paso, a major metropolitan area with various facilities to support public safety. Hospitals, police stations, and fire departments are all located within 10 miles of the project site. Easy access to the project site in the event of an emergency is provided by its location adjacent to Patriot Freeway (U.S. Highway 54) which runs south through the center of downtown El Paso.

3.11.3 ENVIRONMENTAL CONSEQUENCES

Any increase in safety risks would be considered an adverse impact on health and safety. An impact would be considered major and adverse if a proposed action would do the following:

- Substantially increase risks associated with the safety of construction personnel, DHS personnel, or the local community.
- Substantially hinder the ability to respond to an emergency.
- Introduce a new health or safety risk for which DHS does not have adequate management and response plans in place.

3.11.3.1 Alternative 1: Proposed Action

Construction of the proposed JPC and demobilization of the 2,500-migrant capacity SSF would be performed by qualified, trained, and fully equipped (including personal protective equipment) contractors with applicable licenses and certifications. Construction activities would be performed in accordance with applicable federal and state occupational safety and health regulations and requirements. Proposed construction activities would occur during daytime working hours in conditions with ample lighting and would not occur during inclement weather. All construction activities would occur within a fenced or marked perimeter and would only be accessible to authorized personnel; all migrants and DHS personnel operating the remaining SSF would be excluded from active construction areas by physical barriers and clear signage (see **Appendix B**). Any solid or hazardous wastes generated during construction would be handled and disposed of in accordance with applicable requirements (see **Section 3.9.2**).

Adherence to applicable health and 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. A project-specific health and safety plan would also be prepared to further minimize health and safety risks. Such risks from construction work would be limited to on-site construction personnel, and would not extend to the general public. Although construction would only be performed by qualified personnel, due to the inherent risks, Alternative 1 would result in *short-term, minor adverse impacts* to contractor safety during construction.

Operation of the proposed JPC would result in a more efficient use of space for DHS personnel and migrants being processed at the El Paso site than with the existing SSFs. Further, the purpose of the JPC is to aid in humanitarian efforts, including ensuring the security of undocumented non-citizens. The efficient use of space afforded by the proposed JPC would result in *long-term, moderate beneficial impacts* to public and DHS health and safety.

3.11.3.2 Alternative 2: Net-Zero Alternative

Impacts to human health and safety at the project site would be similar to those under Alternative 1. The installation and operation of net-zero technologies would not result in an increased potential for risks to health or safety. There would be *short-term, minor adverse impacts* to construction contractor safety, and *long-term, moderate beneficial impacts* to public safety during operation under Alternative 2.

3.11.3.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. The SSFs currently at the project site were designed to be temporary structures. Keeping the existing facilities in place long-term could negatively affect the health and safety of detainees, as the facilities are inadequate to safely or efficiently accommodate and process them. The No Action Alternative would result in *long-term, moderate adverse impacts* to human health and safety.

3.12 SUSTAINABILITY AND GREENING

Sustainability is defined as the means to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling social, economic, and other requirements of present and future generations of Americans (42 U.S.C. 4321 et seq.). Under 40 CFR Part 1502, agencies are directed to consider the energy requirements and conservation potential of various alternatives and mitigation measures.

Regulations shaping Federal Government sustainable planning and management practices include the Energy Policy Act (EPACT) of 2005, the EISA of 2007, CEQ's 2020 *Guiding Principles for Sustainable Federal Buildings and Associated Instructions*, and EO 14057.

The EPACT focused on developing and maintaining reliable and cost-effective energy infrastructure and includes renewable energy requirements for federal agencies. EISA sets targets to reduce fossil fuel-generated energy consumption in new federal construction and major renovation projects. The Guiding Principles for High Performance Sustainable Federal Buildings integrate sustainable building practices and principles to ensure federal buildings (1) Employ Integrated Design Principles, (2) Optimize Energy Performance, (3) Protect and Conserve Water, (4) Enhance the Indoor Environmental Quality, (5) Reduce the Environmental Impact of Materials, and (6) Assess and Consider Building Resilience.

EO 14057 sets government-wide sustainability goals, which include 100 percent carbon pollution-free electricity by 2030, 100 percent zero-emission vehicle acquisitions by 2035, a net-

zero emissions building portfolio by 2045, a 65 percent reduction in scope 1 and 2 GHG emissions from federal operations by 2030 from 2008 levels, net-zero emissions from federal procurement, climate resilient infrastructure and operations, and a climate- and sustainability-focused federal workforce.

DHS Directive 025-01, Rev. 01, *Sustainable Practices for Environmental, Energy and Economic Performance*, establishes a policy to develop and implement sustainable practices programs to help ensure that operations and actions are carried out in an environmentally, economically, and fiscally sound manner.

3.12.1 AFFECTED ENVIRONMENT

It is the practice of DHS to apply sustainable development concepts to the planning, design, construction, and major alteration of facilities and infrastructure projects, consistent with budget and mission requirements. A sustainable facility achieves optimum resource efficiency and constructability while minimizing adverse impacts to the built and natural environments throughout its life cycle. Sustainable buildings can save energy and protect the environment while providing a more inviting and productive work environment for employees. This can be achieved with little or no adverse impact on the traditional project goals of cost, quality, and schedule. DHS is committed to responsible environmental stewardship by incorporating principles of sustainable facility design and energy efficiency into its projects. DHS's progress toward meeting its sustainability targets for reduced GHG emissions, reduced energy and water consumption, reduced waste generation, and efficient building performance is reported in the DHS Sustainability Plan (DHS, 2022).

The proposed JPC design and construction would meet U.S. Border Patrol facilities guidelines and security standards. The new facilities would be designed to comply with the CEQ's 2020 *Guiding Principles for Sustainable Federal Buildings and Associated Instructions*. In accordance with EO 14057, new construction and modernization projects greater than 25,000 gross square feet entering the design phase in Fiscal Year 2022 and beyond would be designed to be net-zero emissions by 2030, and where feasible, net-zero for potable water and wastewater.

3.12.2 ENVIRONMENTAL CONSEQUENCES

Impacts to sustainability and greening efforts would be considered adverse if they did not comply with the planning, design, and construction guidelines established in federal and agency regulations, and did not embrace suggestions and guidance to apply sustainable development principles.

3.12.2.1 Alternative 1: Proposed Action

The proposed new JPC facility would meet mission requirements while incorporating sustainability by reducing consumption of energy, water, and raw materials. It would also replace a temporary, large, inefficient SSF that does not incorporate sustainable or energy-efficient features. Compliance with the Guiding Principles, NEPA, EISA, EPACT, EOs 13834 and 14057, and DHS's sustainability and performance policies would be met through incorporation of

sustainable development strategies and technologies into the design, construction, operation, and maintenance of the proposed JPC. Alternative 1 would have *long-term, minor beneficial impacts* on sustainability and greening.

3.12.2.2 Alternative 2: Net-Zero Alternative

Impacts to sustainability and greening under Alternative 2 would be similar to, but greater than, those under Alternative 1. The addition of specific net-zero technologies such as a solar PV system, AWG, and VF system, would further reduce the extent to which DHS relies on traditional, nonrenewable utilities and resources. Specifically, the use of PV and BESS may allow CFE to provide between 36 and 77 percent of annual energy consumed at the JPC. Installation of these technologies under Alternative 2 would help meet the goals established in EO 14057 by allowing the proposed JPC to be net-zero for emissions, potable water, and/or wastewater. Alternative 2 would have *long-term, moderate beneficial impacts* on sustainability and greening.

3.12.2.3 No Action Alternative

Under the No Action Alternative, DHS would not construct the JPC and ancillary support facilities, and both SSFs would remain at the El Paso site. DHS would continue to incorporate environmentally sustainable practices (e.g., solid waste recycling, energy and water conservation practices) where possible into the daily operation and maintenance of the existing SSFs. However, these SSFs do not incorporate the same green building features that a permanent building would, and the temporary infrastructure would limit the capacity for expanding sustainable practices and compliance with sustainability regulations. The No Action Alternative would have *long-term, minor adverse impacts* on sustainability and greening.

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4. CUMULATIVE IMPACTS

4.1 CUMULATIVE IMPACTS

CEQ defines cumulative impacts as the "effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 CFR Part 1508.1(g)(3)). Cumulative impacts can result from individually minor but collectively significant past, present, and foreseeable future actions. Informed decision-making is served by consideration of cumulative impacts resulting from projects that are proposed, under construction, recently completed, or anticipated to be implemented in the reasonably foreseeable future.

This cumulative impacts analysis summarizes expected environmental impacts from the combined impacts of past, present, and reasonably foreseeable future projects in accordance with CEQ regulations implementing NEPA and CEQ guidance on cumulative effects (CEQ, 1997a). The geographic scope of the analysis varies by resource area. For example, the geographic scope of cumulative impacts on resources such as soils are narrow and focused on the location of the resource. The geographic scope of air quality and wildlife and sensitive species is broader and considers more off-site activities. Projects that were considered for this analysis were identified by reviewing DHS documents; news releases and published media reports; and publicly available information and reports from federal, state, and local agencies. Projects that do not occur in proximity (i.e., within several miles) of the project site would not contribute to a cumulative impact and are generally not evaluated further.

4.1.1 PAST, PRESENT, AND REASONABLY FORESEEABLE FUTURE ACTIONS

Past actions are those within the cumulative impacts analysis areas that have occurred prior to the development of this SEA. The impacts of these past actions are generally described in **Section 3**. Present actions include current or funded construction projects, DHS or other agency operations near the proposed site, and current resource management programs and land use activities within the cumulative impacts analysis areas. Reasonably foreseeable future actions consist of activities that have been approved and can be evaluated with respect to their effects. The following activities are present or reasonably foreseeable future actions:

- Proposed Texas Department of Transportation (TxDOT) Borderland Expressway Project, which would construct a new divided roadway in northeast El Paso with exit and entrance ramps onto Patriot Freeway (U.S. Highway 54) (TxDOT, 2022).
- Proposed TxDOT Reimagine I-10 project to make improvements to the roadway corridor alongside the U.S./Mexico border (TxDOT, 2020).
- Implementation of the 2023-2032 EPE transmission expansion plan which would install electric facility additions and perform upgrades on electric infrastructure (EPE, 2022).
- Construction of the EPE Eastside Loop Expansion, a 115 kilovolt electric transmission line, which would connect to new substations in El Paso County (EPE, 2020).

- Proposed improvements by El Paso Water to water and wastewater lines, and installation of stormwater and drainage structures (El Paso Water, 2023).
- Redevelopment of the Cohen Stadium site at 9700 Gateway North Boulevard, El Paso, into a new entertainment district (City of El Paso, 2018).
- Various other capital improvement projects proposed, approved, and funded by the City of El Paso, such as fire station renovations, animal shelter expansion, and public park improvements (City of El Paso, 2023a).

Neither DHS nor CBP are currently planning or constructing any other projects at the El Paso site. A summary of the anticipated cumulative impacts relative to the Proposed Action is presented below. The discussion is presented for each of the resources described previously.

4.1.2 CUMULATIVE ANALYSIS BY RESOURCE AREA

A cumulative impacts analysis must be conducted within the context of the resource areas. The magnitude and context of the impact on a resource area depends on whether the cumulative effects exceed the capacity of a resource to sustain itself and remain productive (CEQ, 1997a). The following discusses potential cumulative impacts that could occur from implementing the Proposed Action and other present and reasonably foreseeable future actions. No major, adverse, cumulative impacts were identified in the cumulative impacts analysis. Similar results would be expected with the implementation of the Proposed Action and No Action Alternative. Impacts resulting from the implementation of the Proposed Action would be expected to be greater than the No Action Alternative; however, the difference would not be significant.

4.1.2.1 Soils

Cumulative impacts would include impacts on soils from other nearby projects involving vegetation clearing and soil disturbance from construction activities, such as grading, contouring, trenching, and the increase of impervious surfaces. However, since the Proposed Action is occurring on a developed site and would not result in new loss of native soils, the implementation of either Alternative would not contribute to additive effects on soils. While Alternative 2 may result in the disturbance of a larger area of soils, no previously undisturbed soils would be affected. Minor effects from erosion may occur, although these would be minimized with BMPs and have minimal potential to combine with soil impacts from present and reasonably foreseeable future actions.

4.1.2.2 Biological Resources

Although no suitable habitat for terrestrial wildlife is present at the project site due to its developed condition, construction noise and activities could disturb wildlife species in the surrounding vicinity. These species may seek shelter further away from the project site. Other present and reasonably foreseeable future actions may result in similar noise conditions and loss or disturbance of available habitat nearby. Cumulative impacts, therefore, would primarily result from the disturbance of wildlife species. Minor impacts to terrestrial wildlife would be expected

from either Alternative 1 or Alternative 2 in combination with present and reasonably foreseeable future actions.

Due to the absence of suitable habitat at the project site for both federally and state-listed threatened and endangered species, it is not expected that the long-term viability of special status species would be adversely affected through cumulative effects. The northern aplomado falcon and migratory birds that may fly over the project site and through other project sites in the surrounding area may be disturbed by construction activities, but the Proposed Action would not contribute to additive effects on nesting or foraging habitat, since the project site is fully disturbed. Suitable habitat for the state-listed Texas horned lizard and mountain short-horned lizard may be disturbed by reasonably foreseeable future actions. Removal of vegetation and development of areas within the Chihuahuan Desert would reduce the total amount of available suitable habitat for these state-listed species. Most proposed activities, however, would occur in previously disturbed areas and large swaths of suitable habitat would still remain. The installation of net-zero technologies under Alternative 2 would not result in additional habitat disturbance. Negligible impacts to special status species would be expected from either Alternative 1 or Alternative 2 in combination with present and reasonably foreseeable future actions.

4.1.2.3 Water Resources

The Proposed Action would result in a slight increase in impervious surfaces, less indirect demand for groundwater (i.e., via El Paso Water), and an on-site stormwater management system. The use of groundwater for potable water would still be required under Alternative 1, however, and if stormwater flow is not adequately contained or managed, it could convey pollutants from impervious surfaces into downstream waters. Implementation of Alternative 2 would install an AWG system that could result in an additional decrease in reliance on groundwater resources, thereby increasing availability for other uses. Present and reasonably foreseeable future actions would contribute to changes in water availability, although any increases would be partially offset by decreases under Alternative 1 and to a larger extent under Alternative 2. Any increase in impervious surfaces from present and reasonably foreseeable future actions would prevent stormwater infiltration; however, infrastructure improvements by El Paso Water would alleviate stormwater concerns in some areas of El Paso. Negligible impacts to water resources would be expected from present and reasonably foreseeable future actions when considered in conjunction with the Proposed Action.

4.1.2.4 Air Quality

The Proposed Action would involve construction and demobilization activities that would result primarily in emissions of PM_{10}, although emissions of other criteria pollutants would also occur, both during construction and operation of the proposed JPC. No emissions would exceed established *de minimis* thresholds, either under Alternative 1 or Alternative 2, although operational emissions would be slightly lower under Alternative 2 due to the use of a net-zero solar PV system. Other present and reasonably foreseeable future actions would also contribute to polluting emissions but would not be required to complete a General Conformity analysis

since they are not federal projects. Therefore, cumulative effects on air quality would not be significant, but the Proposed Action in combination with construction of present and reasonably foreseeable future actions may result in moderate adverse impacts to air quality.

4.1.2.5 Noise

Noise occurring during construction and demobilization activities under both Alternative 1 and Alternative 2 would be temporary and would largely attenuate below 65 dBA between 500 to 1,500 feet from the source. Noise occurring during operation generally would be similar to the existing ambient noise environment, except for infrequent helicopter operations. Other proposed projects in the area would also be expected to generate noise during construction and operation activities, but most are not located sufficiently close to the project site to generate additive effects on the existing noise environment.

The proposed TxDOT Borderland Expressway project is the only reasonably foreseeable future project that could contribute to cumulative adverse impacts on the noise environment; the proposed roadway would run approximately 0.5 mile south of the project site (TxDOT, 2022). Should construction of either Alternative 1 or Alternative 2 and the Borderland Expressway overlap, adverse additive noise effects may occur, but these would not be expected to be significant due to sufficient distance between the sites for noise attenuation. Operation of the proposed expressway, in combination with helicopter operations to and from the project site, would also result in adverse effects. The Proposed Action, in combination with the reasonably foreseeable Borderland Expressway project, would result in long-term, minor adverse impacts to the ambient noise environment.

4.1.2.6 Cultural Resources

No cultural resources were identified within the APE for the Proposed Action. Since there are no cultural resources within the APE, there would likely be no cumulative effects on cultural resources from the other present and reasonably foreseeable future actions when considered in conjunction with Alternative 1 or Alternative 2. There is potential for the inadvertent discovery of cultural resources and human remains during construction; however, discoveries would be mitigated through the implementation of BMPs, including appropriate notification to the SHPO and interested tribal nations and monitoring of construction activities.

4.1.2.7 Utilities and Infrastructure

Public utilities connections would be installed under the Proposed Action, and present and reasonably foreseeable future development actions may also require new utility connections and waste disposal, representing an increase in demand. Demand on utilities and public infrastructure would be offset by projects proposed by EPE and El Paso Water to improve access, availability, and reliability of electric, water, and wastewater systems. Additionally, the Proposed Action would result in improved water conservation and energy efficiency from the implementation of sustainable building features. The use of net-zero technologies such as a solar PV system, an AWG system, and a VF system under Alternative 2 would reduce the demand of the Proposed

Action for electric, water, and wastewater utilities, respectively, but would not likely offset impacts from other projects. Negligible impacts to utilities and infrastructure would be expected from Alternative 1 or Alternative 2 in combination with present and reasonably foreseeable future actions.

4.1.2.8 Hazardous Materials

The Proposed Action would use some hazardous materials in daily operations and maintenance activities and would not generate substantial quantities of hazardous wastes. Other proposed projects would also not be expected to generate large quantities of hazardous wastes and would only use hazardous materials as needed. All projects would be expected to incorporate BMPs and environmental protection measures to limit and control hazardous materials. Implementation of either Alternative 1 or Alternative 2 would result in minor adverse cumulative effects on hazardous materials when considered in conjunction with present and reasonably foreseeable future actions.

4.1.2.9 Socioeconomic Resources, Environmental Justice, and Protection of Children

Implementation of the Proposed Action would be expected to have some beneficial impacts on socioeconomic conditions from revenue flows to the local economy. Other present and reasonably foreseeable future actions would likely contribute similar effects from creating jobs, hiring local contractors, and the purchase of goods and services. Beneficial impacts to socioeconomic resources would be expected from Alternative 1 or Alternative 2 in combination with present and reasonably foreseeable future actions.

Due to the large presence of minority communities and children within the City of El Paso, potential adverse impacts to these groups may occur under either alternative and other projects. Additive effects from noise, air emissions, and traffic may affect EJ populations and children; however, given the similar demographic characteristics throughout the City of El Paso, none of these groups would likely be disproportionately affected. Minor adverse impacts to EJ communities and children would be expected from the Alternative 1 or Alternative 2 in combination with present and reasonably foreseeable future actions.

4.1.2.10 Human Health and Safety

Construction and demobilization activities occurring under the Proposed Action may pose risks to contractor health and safety. Similar risks would be faced by contractors hired to work on other present and reasonably foreseeable future actions. These risks would be limited to personnel who have been trained and licensed to perform such work, and would not extend to the general public. Contractors would comply with all safety regulations and requirements to minimize the potential for adverse effects. Minor adverse impacts to human health and safety would be expected from Alternative 1 or Alternative 2 in combination with present and reasonably foreseeable future actions.

4.1.2.11 Sustainability and Greening

The Proposed Action would incorporate sustainable design with the goal of reducing water usage and improving energy efficiency. Other present and reasonably foreseeable future projects would not be expected to incorporate sustainable design elements, given the public infrastructure-focused nature of the proposals (as opposed to the construction of buildings). Although implementation of either Alternative 1 or Alternative 2 may benefit sustainability and greening by incorporating those principles in construction and operation, and the use of net-zero technologies under Alternative 2 would increase the availability of electric, water, and wastewater utilities for other uses, it would not likely offset impacts from other projects. While the Proposed Action would contribute beneficial effects to sustainability and greening, potential effects from present and reasonably foreseeably future actions would likely be adverse and minor.

4.2 RELATIONSHIP BETWEEN THE SHORT-TERM USE OF THE ENVIRONMENT AND LONG-TERM PRODUCTIVITY

Short-term uses of the biophysical components of the human environment include direct construction-related disturbances and direct impacts associated with an increase in population and activity that occurs over a period of less than five years. Long-term uses of the human environment include those impacts that occur over a period of more than five years, including permanent resource loss.

Proposed construction activities occurring under the Proposed Action would not alter the long-term productivity of the project site or surrounding environment. The 59-acre parcel has previously been fully disturbed, bladed, leveled, and compacted, and is covered in a mix of impervious surfaces and compacted stone material. Construction and operation of the proposed JPC on the project site would not result in the loss of productivity of any previously undeveloped land.

4.3 UNAVOIDABLE ADVERSE IMPACTS

Unavoidable adverse impacts are related to the use of non-renewable resources and the impacts that the use of these resources would have on future generations. Unavoidable adverse impacts primarily result from the use or destruction of a specific resource that cannot be replaced within a reasonable timeframe (e.g., energy and minerals). The irreversible and irretrievable commitments of resources that would result from implementation of the Proposed Action involve the consumption of material resources used for construction, energy resources, biological resources, and human labor resources. The use of these resources is considered to be permanent.

Material Resources. The Proposed Action would result in short-term, minor, adverse impacts on material resources. Material resources used for the construction of Proposed Action would potentially include building materials, concrete and asphalt, and various construction materials and supplies. Materials that would be consumed are not in short supply, would not limit other unrelated construction activities, and would not be considered significant.

Energy Resources. The Proposed Action would result in short- and long-term, minor, adverse impacts on energy resources. Energy resources, including petroleum-based products (e.g., gasoline and diesel), used for the Proposed Action would be irretrievably lost. During construction and maintenance activities, gasoline and diesel would be used for the operation of vehicles and construction equipment. However, consumption of these energy resources would not place a significant demand on their availability in the region. Therefore, less-than-significant impacts would be expected.

Human Resources. The use of human resources for construction and maintenance activities is considered an irretrievable loss only in that it would preclude such personnel from engaging in other work activities. However, the use of human resources for the Proposed Action represents employment opportunities and is considered beneficial.

Health and Safety. The Proposed Action would result in short-term, minor, adverse impacts on contractor safety as construction would expose contractors to safety and health risks. However, workers would take the necessary precautions to limit hazard risks.

Water Resources. The Proposed Action would cause unavoidable impacts to water resources and availability because water would be required during construction of the JPC and eventual operation. Adverse impacts would be minimized to the greatest extent possible through the implementation of BMPs and water conservation practices.

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APPENDIX A

Public Involvement and Agency Coordination

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APPENDIX B

Best Management Practices and Mitigation Measures

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APPENDIX B: BEST MANAGEMENT PRACTICES

This appendix describes those measures that will be implemented to reduce or eliminate potential adverse impacts on the human and natural environments. Many of these measures have been incorporated as standard operating procedures by the Department of Homeland Security (DHS) on past projects. Best management practices (BMPs) will be presented for each resource category that would be potentially affected. It should be emphasized that these are general BMPs and the development of specific BMPs will be required for certain activities implemented under the action alternatives. The proposed BMPs will be coordinated through the appropriate agencies as required.

It is federal policy to reduce adverse impacts through the sequence of avoidance, minimization, and finally, compensation. Compensation varies and includes activities such as restoration in other areas, acquisition of lands, etc., and is typically coordinated with the appropriate federal and state resource agencies.

GENERAL PROJECT PLANNING CONSIDERATIONS

1. If required, night-vision-friendly strobe lights necessary for DHS operational needs will use the minimum wattage and number of flashes per minute necessary to ensure operational safety.
2. Avoid contamination of ground and surface waters by storing concrete wash water, and any water that has been contaminated with construction materials, oils, equipment residue, etc., in closed containers on-site until removed for disposal. This wash water is toxic to wildlife. Storage tanks must have proper air space (to avoid rainfall-induced overtopping), be on-ground containers, and be located in upland areas instead of washes.
3. Avoid lighting impacts during the night by conducting construction and maintenance activities during daylight hours only. If night lighting is unavoidable, 1) use special bulbs designed to ensure no increase in ambient light conditions, 2) minimize the number of lights used, 3) place lights on poles pointed down toward the ground, with shields on lights to prevent light from going up into sky, or out laterally into landscape, and 4) selectively place lights so they are directed away from all native vegetative communities.
4. All heavy equipment will be cleaned/power-washed prior to delivery onsite to ensure that invasive plant seeds are not brought into the project area.
5. Imported materials such as fill and gravel must be from a clean source, obtained from existing developed or previously used sources, and not from undisturbed areas adjacent to the project area. Materials will be weed free.
6. DHS will ensure that all construction will follow DHS Directive 025-01 for *Sustainable Practices for Environmental, Energy, and Transportation Management*.
7. DHS will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

SOILS

1. Clearly demarcate the perimeter of all areas to be disturbed using flagging or temporary construction fencing. Do not allow any disturbance outside that perimeter.
2. The area of disturbance will be minimized by limiting deliveries of materials and equipment to only those needed for effective project implementation.
3. Within the designated disturbance area, grading or soil removal will be limited to areas where this activity is needed to provide the ground conditions necessary for construction or maintenance activities.
4. Employ appropriate construction and stabilization techniques, such as installation of silt fencing, sediment traps, and application of water to disturbed soils to reduce dust. DHS and its construction contractors would develop and implement a Stormwater Pollution Prevention Plan (SWPPP) to further manage erosion and stormwater discharge.
5. Rehabilitation will include recovering disturbed areas with compacted stone material (i.e., rocks) to reduce erosion.

BIOLOGICAL RESOURCES

1. Obtain materials such as gravel, topsoil, or fill from existing developed or previously used sources that are compatible with the project area and are from legally permitted sites. Do not use materials from undisturbed areas adjacent to the project area.
2. Visible space beneath all heavy equipment must be checked for wildlife prior to moving the equipment.
3. All contractors, work crews, and DHS personnel in the field performing construction and maintenance activities will receive environmental awareness training. Photographs of potentially affected special status species will be incorporated into the environmental awareness training and posted in the contractor and resident engineer's offices where they will remain through the duration of the project, and copies will be made available that can be carried while conducting proposed activities.
4. Construction and site personnel will be trained for encounters with protected species. If a sighting occurs, a qualified biologist will be notified and consulted on the appropriate action.
5. The Migratory Bird Treaty Act (MBTA) (16 U.S.C. §§ 703-712, [1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1998]) requires that federal agencies coordinate with the United States (U.S.) Fish and Wildlife Service (USFWS) if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during the nesting season (March 15 through September 15), potential nesting habitats will be surveyed no more than five days prior to planned clearing or construction to identify birds, active nests, and eggs. If active nests are located during surveys, a 150-foot buffer of vegetation will remain around songbird nests until young have fledged or the nest is abandoned. A larger vegetation buffer of 500 feet will

remain around the nest sites of other species such as water birds and raptors. If construction activities will result in the take of a migratory bird, then coordination with the USFWS and the Texas Parks and Wildlife Department (TPWD) will be required and applicable permits would be obtained prior to construction or clearing activities.

6. For encounters with rare species (including state-listed species) that will not readily leave the work area, TPWD recommends an authorized individual translocate the animal. Translocations of reptiles should be the minimum distance possible from the work area. Ideally, individuals to be relocated should be transported to the closest suitable habitat outside of the active construction area; preferably within 100 to 200 yards and not greater than one mile from the capture site. State-listed species may only be handled by persons with appropriate authorization from the TPWD Wildlife Permits Office.
7. DHS will not, for any length of time, permit any pets inside the project area or adjacent native habitats. This BMP does not pertain to law enforcement animals.
8. A "No Kill Wildlife Policy" will be implemented during construction and operation of the project site to prevent inadvertently killing protected species that may be mistaken for common species.

WATER RESOURCES

1. Wastewater is to be stored in closed containers on-site until removed for disposal. Wastewater is water used for project purposes that is contaminated with construction materials or from cleaning equipment and thus carries oils or other toxic materials or other contaminants as defined by federal or state regulations.
2. Avoid contamination of ground and surface waters by collecting concrete wash water in open containers and disposing of it off-site.
3. Cease work during heavy rains and do not resume work until conditions are suitable for the movement of equipment and materials.
4. All construction and maintenance contractors and personnel will review the DHS-approved spill protection plan and implement it during construction and maintenance activities.
5. Construction contractors will develop and implement a project-specific SWPPP to manage erosion and stormwater discharge.
6. Wastewater from pressure washing must be collected. A ground pit or sump can be used to collect the wastewater. Wastewater from pressure washing must not be discharged into any surface water.
7. If soaps or detergents are used, the wastewater and solids must be pumped or cleaned out and disposed of in an approved facility. If no soaps or detergents are used, the wastewater must first be filtered or screened to remove solids before being allowed to flow off-site. Detergents and cleaning solutions must not be sprayed over or discharged into surface waters.

AIR QUALITY

1. Soil watering will be utilized to minimize airborne particulate matter created during construction activities. Bare ground may be covered with hay or straw to lessen wind erosion during the time between construction and the re-covering of temporary impact areas with compacted stone material. All construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.
2. Construction activities will comply with Texas Administrative Code Rule §111.143 and Rule §111.145 to control and minimize fugitive dust emissions.
3. Mitigation measures will be incorporated to ensure that PM_{10} emission levels do not rise above the *de minimis* threshold as required per 40 CFR 51.853(b)(1). Measures shall include dust suppression methods to minimize airborne particulate matter that will be created during construction activities. Standard construction BMPs, such as routine watering of the access roads, shall be used to control fugitive dust during the construction phases of the proposed project. Additionally, all construction equipment and vehicles shall be required to be kept in good operating condition to minimize exhaust emissions. Equipment and vehicles used on the project site must be well-maintained and use diesel particulate filters to reduce particulate matter emissions. If a contractor expects significant dust/emissions on their specific site, they must provide methods to reduce airborne particulate matter for their site.

NOISE

1. All generators and heavy construction equipment will have an attached muffler or use other noise-abatement methods, such as turning off idling equipment when not in use, in accordance with industry standards.
2. Avoid noise impacts during the night by conducting construction and maintenance activities during daylight working hours only (e.g., 7:00 a.m. to 5:00 p.m.).
3. All Occupational Safety and Health Administration (OSHA) requirements and standards will be followed to reduce noise exposure for construction contractors, DHS personnel, and migrants on-site. To lessen noise impacts on the local wildlife communities, construction will only occur during daylight hours. All motor vehicles will be properly maintained to reduce the potential for vehicle-related noise.

CULTURAL RESOURCES

1. In the event of an unanticipated discovery during proposed construction activities, work would cease in the immediate area and the Texas Historical Commission and interested tribal nations would be consulted on actions necessary to protect the cultural materials.

HAZARDOUS MATERIALS

1. BMPs will be implemented as standard operating procedures during all construction activities, and will include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated

materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed in accordance with accepted industry and regulatory guidelines, will be completed only in controlled areas, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it is unlikely that a major spill would occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock) will be used to absorb and contain the spill.

2. DHS will store gasoline and diesel in aboveground storage tanks that are regularly inspected to ensure proper operation and compliance with regulatory standards. These tanks will be double-walled and will include leak detection infrastructure.

3. DHS will contain non-hazardous waste materials and other discarded materials, such as construction waste, until removed from the construction and maintenance sites. This will assist in keeping the project area and surroundings free of litter and reduce the amount of disturbed area needed for waste storage.

4. DHS will minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste that must remain more than 12 hours should be properly stored until disposal.

5. All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all applicable federal, state, and local regulations, including proper waste manifesting procedures.

6. Solid waste receptacles will be maintained at the project site. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of by a local waste disposal contractor.

7. Disposal of used batteries or other small quantities of hazardous waste will be handled, managed, maintained, stored, and disposed of in accordance with applicable Federal and state rules and regulations for the management, storage, and disposal of hazardous materials, hazardous waste, and universal waste. Additionally, to the extent practicable, all batteries will be recycled locally.

8. All rainwater collected in secondary containment will be pumped out, and secondary containment will have netting to minimize exposure to wildlife.

9. A properly licensed and certified hazardous waste disposal contractor will be used for hazardous waste disposal, and manifests will be traced to final destinations to ensure proper disposal is accomplished.

10. Develop a project-specific Spill Prevention, Control, and Countermeasure Plan to address impacts and establish procedures for cleaning up inadvertent releases or spills of hazardous materials.

PROTECTION OF CHILDREN

1. Protect migrant children who may be present on-site while being processed from active construction work by ensuring they are supervised, keeping children inside and protected from airborne dust, providing ear plugs as appropriate, and posting warning signs at construction sites in both English and Spanish.

HUMAN HEALTH AND SAFETY

1. All construction work will be performed by trained, qualified, and fully equipped contractors with appropriate licenses and certifications.
2. DHS and its contractors will be responsible for assessing potential hazardous workplace conditions; monitoring employee exposure to workplace chemical, physical, and biological agents, and ergonomic stressors; recommending and evaluating controls to ensure exposure to personnel is eliminated or adequately controlled; and ensuring a health and safety program is in place to perform occupational health physicals for those workers subject to the use of respiratory protection, or engaged in hazardous waste, or other work requiring medical monitoring.
3. Ensure workers are provided with and are utilizing personal protective equipment (PPE) such as ear protection, steel-toed boots, hard hats, gloves, and other appropriate safety products. All OSHA requirements for worker safety will be followed.
4. A project-specific Health and Safety Plan will be prepared detailing all potential hazards and site-specific guidance to ensure potential safety risks are minimized. The plan would include emergency response and evacuation procedures; operating manuals; PPE recommendations; procedures for handling, storing, and disposing of hazardous materials and wastes, to include universal wastes; information on the effects and symptoms of potential exposures; and guidance with respect to hazardous identification.
5. Active construction sites will be contained within a fenced or clearly marked perimeter that would only be accessible to authorized personnel.

APPENDIX A

Public Involvement and Agency Coordination

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APPENDIX A: PUBLIC INVOLVEMENT AND AGENCY COORDINATION

INTERESTED PARTY LIST

Federal Agencies

Natural Resources Conservation Service
Mr. Francisco Molinar
Natural Resources Manager
USDA
El Paso Service Center
11940 Don Haskins Avenue
El Paso, TX 79936
Email: francisco.molinar@tx.usda.gov

U.S. Army Corps of Engineers
Mr. Justin Riggs
Regulator
Las Cruces Regulatory Office
200 E. Griggs Avenue
Las Cruces, New Mexico 88001
Email: Justin.C.Riggs@usace.army.mil

U.S. Environmental Protection Agency
Mr. Robert Houston
Staff Director
Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270
Email: Houston.robert@Epa.gov

U.S. Fish and Wildlife Service
Ms. Christina Williams
Division Supervisor
Austin Ecological Services Field Office
17011 Burnet Road, Suite 200
Austin, TX 78758
Email: Christina_Williams@fws.gov

State Agencies

Texas Commission on Environmental Quality
Mr. Ryan Slocum
Regional Director
Region 6, El Paso
401 E Franklin Avenue, Suite 560
El Paso, TX 79901
Email: ryan.slocum@tceq.texas.gov

Texas Department of Transportation
Mr. Tomas Trevino
District Engineer
El Paso District
13301 Gateway West
El Paso, TX 79928

Texas General Land Office
Mr. Mark Havens
Deputy Commissioner
P.O. Box 12873
Austin, TX 78711
Email: Mark.Havens@glo.texas.gov

Texas Historical Commission
Mr. Drew Sitters
Terrestrial Reviewer for El Paso County
PO Box 12276
Austin, Texas 78711-2276
Email: Drew.Sitters@thc.texas.gov

Texas Parks and Wildlife Department
Ms. Jessica Schmerler
Habitat Assessment Biologist
Wildlife Division: Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, TX 78744
Email: jessica.schmerler@tpwd.texas.gov

Local Agencies

City of El Paso
Mr. Daniel Chavira
Chief Plans Examiner
Planning and Inspection Department
811 Texas Ave.
El Paso, Texas 79901
Email: ChaviraD1@elpasotexas.gov

El Paso County Judge
The Honorable Ricardo A. Samaniego
500 E. San Antonio Avenue, Suite 301
El Paso, Texas 79901
Email: CountyJudge@epcounty.com

Native American Tribes

Alabama-Coushatta Tribe of Texas
Mr. Rick Sylestine, Chairman
571 State Park Road 56
Livingston, TX 77351
Email: tcrsylestine@actribe.org

Apache Tribe of Oklahoma
Mr. Durell Cooper, Chairman
P.O. Box 1330
Anadarko, OK 73005
Email: durellcooper05@gmail.com

Comanche Nation
Mr. Mark Woommavovah, Chairman
PO Box 908
Lawton, OK 73502
Email: administration@comanchenation.com

Fort Sill Apache Tribe of Oklahoma
Mrs. Lori Gooday Ware, Chairwoman
43187 US Highway 281
Apache, OK 73006
Email: lori.ware@fortsillapache-nsn.gov

Kiowa Tribe of Oklahoma
Mr. Lawrence SpottedBird, Chairman
PO Box 369
Carnegie, OK 73015
Email: lspottedbird@kiowatribe.org

Mescalero Apache Tribe
Mr. Eddie Martinez, President
PO Box 227
Mescalero, NM 88340
Email: elmartinez@mescaleroapachetribe.com

Pueblo of Isleta
Mr. Max Zuni, Governor
P.O. Box 1270
Isleta, NM 87022
Email: Max.Zuni@isletapueblo.com

Tonkawa Tribe of Oklahoma
Mr. Russell Martin, President
1 Rush Buffalo Road
Tonkawa, OK 74653
Email: rmartin@tonkawatribe.com

White Mountain Apache Tribe
Mr. Kasey Velasquez, Chairman
PO Box 700
Whiteriver, AZ 85941
Email: KaseyVelasquez@wmat.us

Wichita and Affiliated Tribes
Primary Contact:
Mr. Gary McAdams, THPO
P.O. Box 729
Anadarko, OK 73005
Email: gary.mcadams@wichitatribe.com

Secondary Contact:
Ms. Terri Parton, President
P.O. Box 729
Anadarko, OK 73005
Email: terri.parton@wichitatribe.com

Tigua of Ysleta Del Sur Pueblo
Primary Contact:
Mr. E. Michael Silvas, Governor
119 S. Old Pueblo Drive
El Paso, TX 79907
Email: michael.silvas@ydsp-nsn.gov

Secondary Contact:
Mr. Omar Villanueva
Tribal Council Assistant
Ysleta Del Sur Pueblo
Email: ovillanueva@ydsp-nsn.gov

Library

El Paso Public Library Main Branch
Attn: Librarian
501 North Oregon Street
El Paso, Texas, 79901

U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

August 16, 2023

Christina Williams
Division Supervisor
Austin Ecological Services Field Office
17011 Burnet Road, Suite 200
Austin, Texas 78758
Email: Christina_Williams@fws.gov

RE: Section 7 Consultation, Supplemental Environmental Assessment for Proposed New Joint Processing Center, El Paso, Texas, Department of Homeland Security

Dear Ms. Williams:

The United States (U.S.) Department of Homeland Security (DHS) would like to initiate Section 7(a 2 Consultation of the Endangered Species Act (ESA) of 1973, as amended, with the U.S. Fish and Wildlife Service (USFWS) for the proposed construction, operation, and maintenance of a new Joint Processing Center (JPC) and deconstruction of an existing Central Processing Center (CPC) in El Paso, El Paso County, Texas (Proposed Action). U.S. Customs and Border Protection (CBP), a DHS Component, currently owns an approximately 59-acre parcel in El Paso which contains two existing temporary soft-sided processing facilities (SSFs) which are costly and inadequately equipped for the increasing number of undocumented non-citizens entering the country. Therefore, the purpose of the proposed JPC would be to relieve crowding in existing DHS facilities and ensure the security, placement, and successful transition of migrants and refugees.

In accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality's Regulations (40 Code of Federal Regulations Parts 1500-1508); and DHS Directive 023-01, Rev. 01, *Implementation of NEPA*; DHS is preparing a Supplemental Environmental Assessment (SEA) to analyze the impacts of the Proposed Action. The SEA supplements and incorporates by reference the *Final Environmental Assessment for a New Central Processing Facility, U.S. Border Patrol, El Paso Sector, Texas*, published by CBP in July 2020 (hereinafter referred to as the "2020 CPC EA"). DHS is preparing an SEA since NEPA analysis was previously completed for the same project site in 2020, but the scope of the Proposed Action has changed, triggering a need for additional environmental impact evaluation.

The proposed JPC would be located within the existing 59-acre parcel owned by CBP. This parcel is located along the northern side of Patriot Freeway (U.S. Highway 54) at 12501 Gateway South Boulevard, El Paso, Texas **Figure 1**). This location is in one of the highest areas of apprehension and migrant encounter rates along the southwestern border. The site has

previously been fully disturbed by development of the existing SSFs and other infrastructure **Figures 2** and **3** analyzed in the 202 CPC EA; similarly, the entire parcel would be expected to be used for the new proposed JPC. One of the two existing SSFs would remain operational while the second would be decommissioned and replaced with the proposed JPC. The proposed JPC would be a traditional hard-sided facility of approximately 200,000 square feet in size and capable of accommodating 200 support staff and 500 non-citizens in processing, as well as all reasonably foreseeable growth. The proposed JPC would also include a variety of ancillary facilities, such as loading facilities, outdoor tactical support areas, vehicle wash rack, and a canine kennel, to support operations. The proposed JPC and ancillary facilities would be located within the boundary of land previously disturbed by the CPCs as analyzed in the 2020 CPC EA.

Section 7 consultation with this USFWS office was previously completed during preparation of the 2020 CPC EA. CBP provided its conclusions and a biological resources survey to USFWS in a letter dated April 27, 2020. No federally listed threatened or endangered species were observed during the biological resources survey (see attachment). CBP found that the Proposed Action analyzed in the 2020 CPC EA occurring at the approximately 59-acre parcel would have no effect on federally listed species, with the exception of the northern aplomado falcon *Falco femoralis septentrionalis*). CBP determined the Proposed Action *may affect, but was not likely to adversely affect*, due to the absence of high-quality habitat. On May 21, 2020, USFWS concurred with these determinations and provided recommendations for avoiding impacts to migratory birds (see attachment).

Given the supplemental nature of this analysis, DHS is re-initiating consultation to account for updates in federally listed species potentially present at the project site. On August 8, 2023, DHS consulted USFWS' Information for Planning and Consultation (IPaC) database to identify federally listed threatened and endangered species; the official species list generated by IPaC identified four threatened species, three endangered species, one candidate species, and one proposed endangered species at this location **Table 1**). Since prior consultation was conducted for the 2020 CPC EA, the proposed endangered tricolored bat *Perimyotis subflavus* and candidate monarch butterfly *Danaus plexippus* have been added, and the endangered least tern *Sterna antillarum* has been removed from the species list for this location.

Table 1: Federally Listed Species Potentially Present

Common Name	Scientific Name	Habitat	Federal Status
Mexican spotted owl	*Strix occidentalis lucida*	Mature, old growth forests of southwestern white pine, Douglas fir, and ponderosa pine. Generally associated with steep slopes, canyons and rocky cliffs.	T
Monarch butterfly	*Danaus plexippus*	Mainly in prairies, meadows, grasslands and along roadsides across most of North America. Monarch caterpillars feed exclusively on leaves of milkweed.	C
Northern aplomado falcon	*Falco femoralis septentrionalis*	Open country, especially savanna and open woodland, and sometimes in barren areas; grassy plains and valleys with scattered mesquite, yucca, and cactus. Nests in old stick nests of other bird species.	E
Piping plover	*Charadrius melodus*	Three distinct breeding populations exist in the U.S.: Northern Great Plains, Great Lakes, and Atlantic Coast populations. Nests on coastal beaches, sandflats, barrier islands, sparsely vegetated dunes, and wash over areas in coastal areas, and on gravel beaches adjacent to alkali wetlands, and riverine sandbars in inland populations. Overwinters along the northern Gulf Coast, in Mexico and Central America.	T
Red knot	*Calidris canutus rufa*	Breeds in dry tundra and grassland. Outside of the breeding period, primarily associated with intertidal marine habitats such as inlets, bays, and estuaries. A rare migratory visitor to El Paso County.	T
Sneed's pincushion cactus	*Coryphantha sneedii* var. *sneedii*	Occurs on exposed areas of steep, sloping limestone in shrublands or grasslands of the Chihuahuan Desert. Grows in cracks on vertical cliffs or ledges.	E
Southwestern willow flycatcher	*Empidonax traillii extimus*	Inhabits dense riparian habitats along streams, reservoirs, or other wetlands containing tree and shrub species such as willow (*Salix* spp.), baccharis (*Baccharis* spp.), boxelder (*Acer negundo*), stinging nettle (*Urtica dioca*), blackberry (*Rubus* spp.), cottonwood (*Populus* spp.), arrowweed (*Pluchea sericea*), saltcedar (*Tamarix* spp.), and Russian olive (*Elaeagnus angustifolia*).	E
Tricolored bat	*Perimyotis subflavus*	Forested deciduous hardwood trees during spring, fall, and summer. Have been known to winter in the southern U.S. in culverts adjacent to roadways.	PE
Yellow-billed cuckoo	*Coccyzus americanus*	Associated with large tracts of deciduous, broad-leafed woodland with thick, scrubby undergrowth usually along water courses, as well as dense riparian thickets, marshes, and stands of successional hardwood forest. In the west, it will also utilize mesquite scrubland adjacent to riparian woodlands.	T

Key: C = Candidate, E = Endangered, PE = Proposed Endangered, T = Threatened

On September 13, 2022, the USFWS proposed to list the tricolored bat as an endangered species throughout its range; a final decision on this proposal is still pending. Tricolored bats are typically found in forested areas, where they roost in the leaves of deciduous hardwood trees, during spring, summer, and fall. In the winter in the southern U.S., tricolored bats roost in culverts adjacent to roadways. No forested areas or suitable habitat are present within or in the vicinity of the project site, and no roadside culverts have been identified. Therefore, DHS has determined that the Proposed Action would have *no effect* on the tricolored bat. No consultation requirements exist for the monarch butterfly as it is a candidate species.

DHS maintains the prior determinations of *no effect* for Sneed's pincushion cactus *Escobaria sneedii* var. *sneedii*), Mexican spotted owl *Strix occidentalis lucida*), southwestern willow flycatcher *Empidonax traillii extimus*), yellow-billed cuckoo *Coccyzus americanus*), piping plover *Charadrius melodus*), and red knot *Calidris canutus rufa*). No effects to these species are anticipated as they have not been observed within the project site, and due to the absence of suitable habitat near the vicinity of the project area and resulting from the developed nature of the project site.

Similar to the 2020 CPC EA Section 7 consultation, the northern aplomado falcon is the only species that could still have potential to occur in the vicinity of the project site due to the presence of potentially suitable foraging and nesting habitat near the project site. Due to the developed nature of the parcel, no suitable habitat is present within the project site; however, this species may fly over the project site to access suitable habitat nearby and while foraging. Therefore, DHS maintains its prior conclusion that the Proposed Action *may affect, but is not likely to adversely affect*, northern aplomado falcon.

Per Section 7(a)(2) of the ESA we request USFWS' concurrence within 30 days of the above determinations. Your prompt attention to this request is appreciated. If you have any questions, please contact me at (202)316-8050 or via email at Kimberly.Poli@hq.dhs.gov. Thank you in advance for your assistance.

Sincerely,

KIMBERLY J POLI

Digitally signed by KIMBERLY J POLI
Date: 2023.08.16 17:03:16 -04'00'

Kimberly Poli
Environmental Protection Specialist | Environmental Biologist
Environmental Planning Historic Preservation Program
Office of the Chief Readiness Support Officer
Department of Homeland Security

Enclosure(s):

1. Figures
2. IPaC Official Species List
3. Section 7 Consultation for 2020 CPC EA
4. Final Biological Resources Survey, April 2020

Figure 1: Project Location Map

Figure 2: Existing Project Site Location, Facing North

Figure 3: Existing Project Site Location, Facing East

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Austin Ecological Services Field Office
1505 Ferguson Lane
Austin, TX 78754-4501
Phone: (512) 937-7371

In Reply Refer To: August 08, 2023
Project Code: 2023-0114173
Project Name: Supplemental EA for Proposed New Joint Processing Center, El Paso, Texas

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Austin Ecological Services Field Office
1505 Ferguson Lane
Austin, TX 78754-4501
(512) 937-7371

PROJECT SUMMARY

Project Code: 2023-0114173

Project Name: Supplemental EA for Proposed New Joint Processing Center, El Paso, Texas

Project Type: Border Security

Project Description: The Department of Homeland Security (DHS) is proposing to use an existing owned parcel for the construction, operation, and maintenance of a new Joint Processing Center (JPC) in El Paso, Texas. U.S. Customs and Border Protection (CBP) currently owns an approximately 59-acre parcel which contains two temporary soft-sided processing facilities (SSFs) which are costly, undersized, and inadequately equipped for the increasing number of undocumented non-citizens entering the country. Previous environmental analysis was completed for this parcel in 2020; the site has previously been fully disturbed by development of the existing SSFs and other infrastructure. The entire parcel would be expected to be used for the proposed JPC. Construction is expected to begin in February 2024 and last for 12 months.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@31.96926775,-106.37240916441552,14z

Counties: El Paso County, Texas

ENDANGERED SPECIES ACT SPECIES

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Mexican Spotted Owl *Strix occidentalis lucida*	Threatened
There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8196	
Northern Aplomado Falcon *Falco femoralis septentrionalis*	Endangered
Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1923	
Piping Plover *Charadrius melodus*	Threatened
Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is **final** critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: ▪ Wind Energy Projects Species profile: https://ecos.fws.gov/ecp/species/6039	
Red Knot *Calidris canutus rufa*	Threatened
There is **proposed** critical habitat for this species. This species only needs to be considered under the following conditions: ▪ Wind Energy Projects Species profile: https://ecos.fws.gov/ecp/species/1864	
Southwestern Willow Flycatcher *Empidonax traillii extimus*	Endangered
There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749	
Yellow-billed Cuckoo *Coccyzus americanus*	Threatened
Population: Western U.S. DPS There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus*	Candidate
No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	

FLOWERING PLANTS

NAME	STATUS
Sneed Pincushion Cactus *Coryphantha sneedii var. sneedii*	Endangered
No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4706	

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: AECOM
Name: Natalie Kisak
Address: 12420 Milestone Center Drive
City: Germantown
State: MD
Zip: 20876
Email natalie.kisak@aecom.com
Phone: 3019441516

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

April 27, 2020

Tanya Sommer
Branch Chief
U.S. Fish and Wildlife Service
Southwest Region, Ecological Services
10711 Burnet Road, Suite 200
Austin, Texas 78758

RE: Section 7 Consultation, Proposed New Central Processing Center Project, U.S. Border Patrol, El Paso Sector, El Paso, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Ms. Sommer:

U.S. Customs and Border Protection (CBP) would like to initiate Section 7 Consultation with the U.S. Fish and Wildlife Service (USFWS) for the proposed construction and operation of a new U.S. Border Patrol (USBP) Central Processing Center (CPC) in the USBP El Paso Sector, El Paso, Texas. Currently, the USBP El Paso Sector does not have the processing space to hold and process the influx of migrants that enter the U.S. on a daily basis. Therefore, the purpose of the proposed CPC would be to provide an immediate processing solution to accommodate the number of migrants without overcrowding and provide the necessary separation of males, females, adults, and unaccompanied children being held.

The proposed CPC would be located along Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas. The proposed location is a 60-acre undeveloped parcel that is owned by the City of El Paso (Property ID: 411468; Geographic ID: X58099911601000; Latitude/Longitude: 31.970744°N, -106.371550°W). The CPC would be located in the north center of the parcel, providing a buffer from adjacent land use activities.

The proposed CPC facility would accommodate 965 migrants and a staff of 200 for the processing and temporary holding of migrant families and unaccompanied children who have crossed into the U.S. The CPC would be a 113,000 square-foot, one-story facility with 200,000 square feet of parking that includes 350 parking spaces adjacent to the facility. Construction would be expected to last 18 months and include earthwork, installation of a stormwater detention basin, paving, connection to utilities, concrete placement, installation of a communication tower, installation of perimeter fencing and security lighting, installation of signage, installation of emergency backup power with diesel-fueled generators, installation of fuel storage containment, and other general improvements. The total project area would be approximately 10 acres in size.

CBP completed a biological resources survey to examine the potential effects of the proposed project on sensitive biological resources including federally protected species. The report detailing the results of this survey is provided in the enclosure.

The only species that could have potential to occur in the project area is the northern aplomado falcon *Falco femoralis septentrionalis*). The proposed project area contains low-quality, marginal habitat with little potential to support northern aplomado falcon due to the lack of grassland vegetation, suitable nesting structure, and low prey species diversity. Therefore, CBP is requesting concurrence from USFWS that the proposed project *may affect, but* is *not likely to adversely affect*, northern aplomado falcon.

CBP concludes that the proposed project will have *no effect* on Sneed's pincushion cactus *Escobaria sneedii* var. *sneedii*), least tern *Sterna antillarum*), Mexican spotted owl *Strix occidentalis lucida*), southwestern willow flycatcher *Empidonax traillii extimus*), western yellow-billed cuckoo *Coccyzus americanus*), piping plover *Charadrius melodus*), and red knot *Calidris canutus rufa*). No effects to these species are anticipated because these species do not occur within the project area.

Your prompt attention to this request is appreciated. If you have any questions, please contact me at (949) 643-6392 or via email at joseph.zidron@cbp.dhs.gov. Thank you in advance for your assistance.

Sincerely,

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol and Air and Marine
Program Management Office
U.S. Customs and Border Protection

Enclosure(s): Final Biological Resources Report

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office
3325 Green Jay Road
Alamo, Texas 78516
956/784-7560 (Fax) 956/787-8338

In Reply Refer To:
02ETTX00-
2020-I-2128

May 21, 2020

Mr. Joseph Zidron
Real Estate, and Environmental Branch Chief
Border Patrol and Air & Marine PMO
U.S. Customs and Border Protection
U.S. Department of Homeland Security
Washington, DC 20229

Dear Mr. Zidron:

We received your May 5, 2020, letter regarding effects of a proposed central processing facility on federally listed species in El Paso County, Texas. This action also was evaluated for impacts to wetlands and other federal trust fish and wildlife resources.

The U.S. Customs and Border Protection (CBP) proposes to construct and operate a new U.S. Border Patrol (USBP) Central Processing Center (CPC) in the USBP El Paso Sector, El Paso, Texas. The proposed El Paso CPC would be located along Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas. The proposed location is an approximately 60-acre undeveloped parcel owned by the City of El Paso. Elevations within the proposed project area range from 4,019 to 4,035 feet above mean sea level. The landscape within the proposed project area is generally undisturbed. Topography of the proposed project area ranges from level to gently sloping. The soil is composed primarily of sandy alluvium with gravel evenly distributed over much of the area.

To avoid impacts to migratory birds, the U.S. Fish and Wildlife Service (Service) recommend migratory bird surveys be conducted prior to mechanical clearing of brush and trees between March 15 and September 15. Surveys should look for birds, nests and eggs. The Service recommends leaving a buffer of vegetation (≥100 feet) around songbird nests detected until young have fledged or the nest is abandoned. Other species such as water birds or raptors require larger buffer distances of 500 feet or more.

CBP has made the determination of "may affect but not likely to adversely affect" for the northern aplomado falcon. Based on the biological survey information and project description provided, the Service concurs with your determination. CBP also made a "no effect" determination for the Sneed's pincushion cactus, interior least tern, Mexican spotted owl,

southwestern willow flycatcher, western yellow-billed cuckoo, piping plover, and red knot. The Service does not provide concurrence for "no effect" determinations, but by making a determination we believe CBP has complied with Section 7(a)(2) of the Endangered Species Act of 1973, as amended. We appreciate the opportunity to provide pre-planning information. If we can be of further assistance, please contact Ernesto Reyes at (956) 784-7560.

Sincerely,

Charles Ardizzone
Field Supervisor

cc: Assistant Field Supervisor, U.S. Fish and Wildlife Service, Corpus Christi, TX

FINAL

BIOLOGICAL RESOURCES SURVEY REPORT FOR A NEW CENTRAL PROCESSING FACILITY, U.S. BORDER PATROL, EL PASO SECTOR, TEXAS U.S. CUSTOMS AND BORDER PROTECTION DEPARTMENT OF HOMELAND SECURITY WASHINGTON, D.C.

April 2020

FINAL

BIOLOGICAL RESOURCES SURVEY REPORT FOR A NEW CENTRAL PROCESSING FACILITY, U.S. BORDER PATROL, EL PASO SECTOR, TEXAS U.S. CUSTOMS AND BORDER PROTECTION DEPARTMENT OF HOMELAND SECURITY WASHINGTON, D.C.

Prepared for

U.S. Customs and Border Protection
Border Patrol and Air and Marine Program Management Office
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677
Contract No.: 47QRAA19D006W
Task Order: 70B01C20F00000041
Project Number: 10-01

Prepared by

Gulf South Research Corporation
8081 Innovation Park Drive
Baton Rouge, Louisiana 70820

April 2020

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1.0 INTRODUCTION

United States (U.S.) Customs and Border Protection (CBP) contracted Gulf South Research Corporation (GSRC), under Contract Number 47QRAA19D006W, Task Order 70B01C20F00000041, Project Number 10-01, to conduct biological resources surveys for the presence of sensitive and protected species, their suitable habitats, and general floral and faunal species occurrences within the proposed project area located within El Paso County, Texas (Figure 1). CBP proposes the construction and operation of a new U.S. Border Patrol (USBP) Central Processing Center (CPC) in the USBP El Paso Sector, El Paso, Texas. The proposed new CPC would be a permanent processing facility constructed to accommodate 965 migrants and a staff of 200 for the processing and temporary holding of migrants who have crossed into the U.S. The CPC would be a 113,000 square-foot, one-story facility with 200,000 square feet of parking that includes 350 parking spaces adjacent to the facility. The facility would be located on an undeveloped parcel of land located in northeast El Paso, Texas. Currently, the USBP El Paso Sector does not have the processing space to hold and process the influx of migrants that currently enter the U.S. on a daily basis. Therefore, the purpose of the proposed CPC is to provide an immediate processing solution for incoming migrants. CBP uses the National Standards for the Transport, Escort, Detention, and Search (TEDS), which govern CBP's interaction with migrants. These standards state that migrants should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities and every effort must be made to hold migrants for the least amount of time. The Proposed Action would help minimize the potential for TEDS not to be met and for CBP to be able to process migrants in an efficient manner.

2.0 LOCATION

The proposed El Paso CPC would be located along Patriot Freeway (Highway 54) in northeast El Paso, Texas (Figure 1). The proposed location is an approximately 60-acre undeveloped parcel that is owned by the City of El Paso (Property ID: 411468; Geographic ID: X58099911601000; Latitude/Longitude: 31.970744°N, -106.371550°W). The CPC facility would be located in the north center of the parcel, providing a buffer from adjacent land use activities (Figure 2).

3.0 SURVEY AREA

Biological resources surveys were conducted throughout the approximately 60-acre proposed project area. Elevations within the proposed project area range from 4,019 feet to 4,035 feet above mean sea level (amsl). The landscape within the proposed project area was generally undisturbed (Photograph 1); however, evidence of past excavation activities and more recent underground utilities installation were observed (Photographs 2 and 3).

Figure 1. Project Location Map

GSRC

February 2020

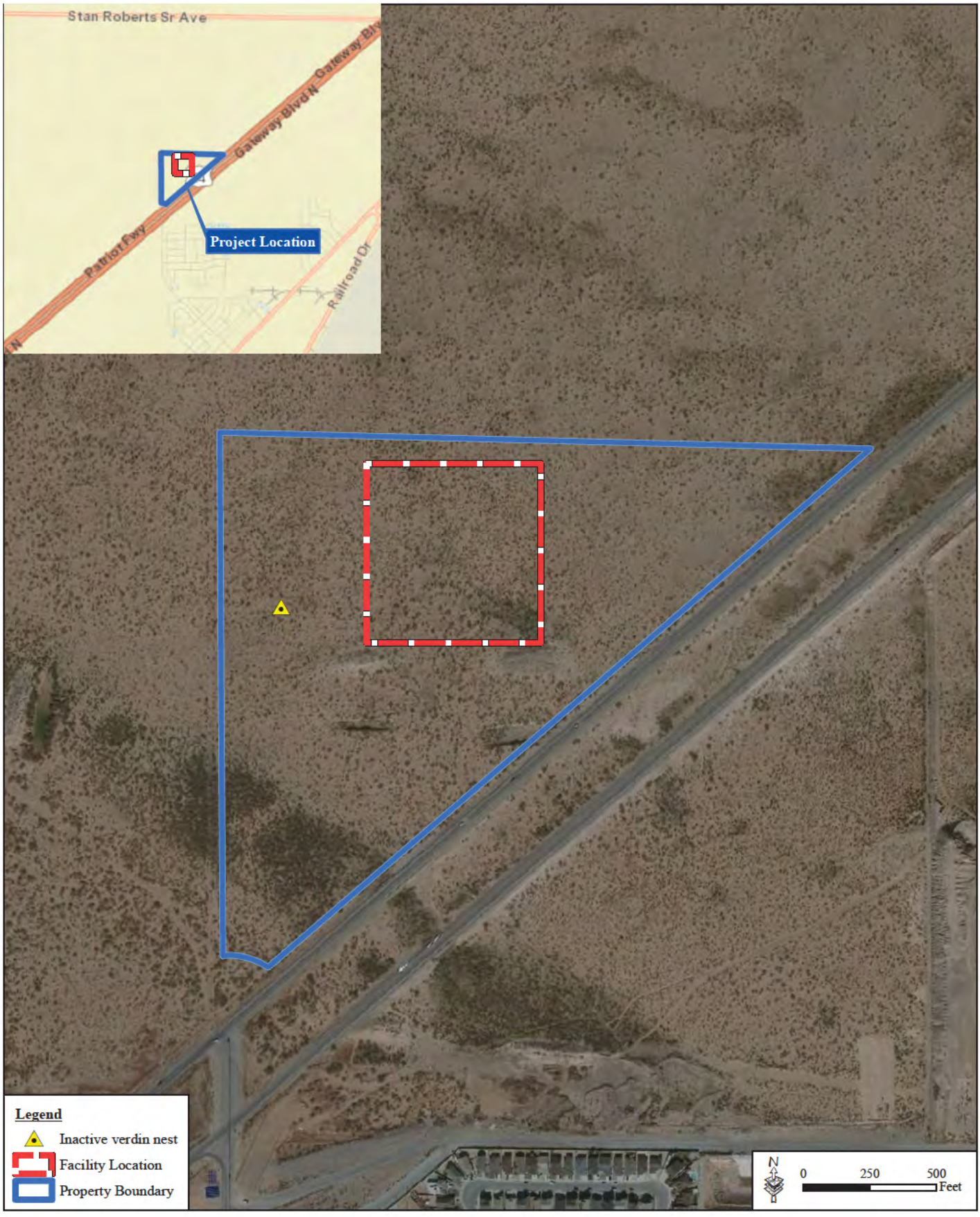

Figure 2. El Paso CPC Project Area

GSRC

February 2020

Photograph 1. Overview of the proposed project area illustrating the undisturbed nature of the site.

Photograph 2. Evidence of past excavation activity.

Photograph 3. Underground utilities installation located along the southern boundary of the proposed project area.

4.0 SURVEY METHODS

On January 23, 2020, GSRC Biologist Rob Nixon surveyed the approximately 60-acre proposed project area. The GSRC Biologist conducted a series of pedestrian transect surveys throughout the proposed project area and recorded all wildlife and plant species observed.

The GSRC Biologist utilized a handheld global positioning system (GPS) to obtain coordinates of all sensitive natural resources encountered. The locations of sensitive natural resources (i.e., special status species) are shown in Figure 2. The GSRC Biologist maintained field notes during the biological surveys to document all findings and observations. Photographs were taken with a digital camera to show conditions within the project area and to document sensitive natural resources and other natural resources findings (Appendix A). GSRC did not conduct species-specific protocol surveys for any threatened or endangered species within the proposed project area.

5.0 RESULTS

5.1 Site-Wide Pedestrian Surveys

5.1.1 Site Conditions

Topography of the proposed project area ranges from level to gently sloping. The soil is composed primarily of sandy alluvium with gravel evenly distributed on the surface over much of the area. The proposed project area occurs within Chihuahuan Desertscrub as described by Brown and Lowe (1994) (Photograph 4). The dominant woody perennial plant species observed was honey mesquite (*Prosopis glandulosa*). A low-lying swale supporting dense honey mesquite is present in the southwestern corner of the proposed project area (Photograph 5). The surficial drainage patterns observed throughout the proposed project area indicate broad sheet flows. No well-defined channels or ordinary high watermark features were noted. A small shallow runnel approximately 2 feet wide was observed along the western property boundary. This feature appeared to have generated on site, resulting from concentrated sheet flow runoff following an old trail that parallels an existing barbed wire fence line (Photograph 6). The runnel showed no evidence of hydrologic connectivity to a larger drainage system.

Photograph 4. Example of typical Chihuahuan Desertscrub located within the proposed project area.

Photograph 5. Swale supporting dense honey mesquite located in the southwestern corner of the proposed project area.

Photograph 6. A shallow runnel present along the western boundary of the proposed project area.

5.1.2 General Wildlife and Botanical Observations

The GSRC Biologist recorded 10 species of plants within and immediately adjacent to the project area during the site surveys (Table 1). The GSRC Biologist identified six species of mammals and birds (Table 2), either through direct observations or through observations of signs such as vocalizations, tracks, scat, and bmrnws. The timing of the survey (mid-winter) is likely the influencing factor for the low species diversity recorded. No federally listed or state-listed species were obse1ved. The GSRC Biologist obse1ved one inactive bird nest (verdin *[Auriparus flaviceps])* within the proposed project area (see Figure 2) (Photograph 7). Numerous burrows of various sizes were obse1ved throughout the proposed project area. No bmTowing owl *(Athene cunicularia)* signs (e.g., whitewash, feathers, and pellets) were obse1ved in association with any of the burrows present.

Table 1. Vegetation Observed During the El Paso CPC Project Biological Resources Surveys

Common Name	Scientific Name	Common Name	Scientific Name
Broom snakeweed	*Gu.tierre=ia sarothrae*	Four-winged saltbush	*Atriplex canescens*
Creosote bush	*Larrea t'identata*	Honey mesquite	*Prosopis glandu.losa*
Desel t holly	*Acourtia nano*	Monnontea	*Ephedra trifurca*
Desel t zinnia	*Zinnia acerosa*	Pale woltbeny	*Lycium pallidum*
Flaxseed tansymustard	*Descurainia sophia*	Soaptree yucca	*Yucca elata*

Table 2. Wildlife Observed During the El Paso CPC Project Biological Resources Surveys

Common Name	Scientific Name	Observation *
Black-tailed jackrabbit	*Lepus californicus*	V
Desel t cottontail	*Sylvilagus audubonii*	V
Coyote	*Canis la t'ans*	S
Bewick's wren	*Thryomanes bewickii*	V
House finch	*Haemorhous mexicanus*	V
Verdin	*Auriparus flaviceps*	S

* V = visual, S = sign

Photograph 7. Inactive verdin nest.

5.1.3 Sensitive Natural Resources

During the biological surveys, GSRC did not observe any federally protected species listed under the Endangered Species Act (ESA) that have the potential to occur within El Paso County (U.S. Fish and Wildlife Service [USFWS] 2020) (Table 3). Of the eight federally protected species listed with the potential to occur in El Paso County, only one (northern aplomado falcon [*Falco femoralis serpentrionalis*]) has the potential to occur within the proposed project area. The northern aplomado falcon and its potential to occur within the proposed project area are discussed in the following section.

5.1.3.1 Northern Aplomado Falcon

The northern aplomado falcon is a mid-sized falcon ranging between 14 to 18 inches in total length, with a wingspan of 31-40 inches (Keddy-Hector 1998). The distribution of northern aplomado falcon extends from the southern U.S., through Mexico, to Nicaragua (Howell 1972, Keddy-Hector et al. 2017). Two additional subspecies of aplomado falcon are found further south into Central and South America. They are predominantly a grassland species. In Texas and New Mexico, northern aplomado falcon typically inhabits semidesert grasslands at elevations of 3,300 to 4,900 feet amsl. Primary components for the suitable habitat of northern aplomado include foraging habitat structure, nest site availability, and prey availability.

Agricultural practices and overgrazing that promote the proliferation of woody perennial shrubs and trees have altered much of the grassland habitat in the U.S. once occupied by northern aplomado falcon. Channelization of desert streams and groundwater pumping has destroyed wetland communities and riparian areas that may have been important sources of the northern

Table 3. Federally Listed Threatened and Endangered Species with Potential to Occur Within the Project Area, Their Status, and Critical Habitat Designation.

Common Name	Scientific Name	Status	Critical Habitat	Potential to Occur in Project Area	Effect Determination
Plants					
Sneed's pincushion cactus	*Escobaria sneedii* variety *sneedii*	Endangered	None	None; the proposed project area does not contain suitable habitat for this species.	No effect
Birds					
Least tern	*Sterna antillarum*	Endangered	None	None; the proposed project area does not contain suitable habitat for this species.	No effect
Mexican spotted owl	*Strix occidentalis lucida*	Threatened	Yes (outside proposed project area)	None; the proposed project area does not contain suitable habitat for this species.	No effect
Northern aplomado falcon	*Falco femoralis septentrionalis*	Endangered	None	Low; the proposed project area represents low quality, marginal habitat for this species.	May affect, but not likely to adversely affect
Southwestern willow flycatcher	*Empidonax traillii extimus*	Endangered	Yes (outside proposed project area)	None; the proposed project area does not contain suitable habitat for this species.	No effect
Western yellow-billed cuckoo	*Coccyzus americanus*	Threatened	Proposed (outside proposed project area)	None; the proposed project area does not contain suitable habitat for this species.	No effect
Piping plover	*Charadrius melodus*	Endangered	Yes (outside proposed project area)	None; the proposed project area does not contain suitable habitat for this species.	No effect
Red knot	*Calidris canutus rufa*	Threatened	None	None; the proposed project area does not contain suitable habitat for this species.	No effect

Source: USFWS (2020)

aplomado falcon's prey base. Pesticide contamination also likely contributed to population declines. No Critical Habitat for northern aplomado falcon has been designated.

The last naturally occurring pair of northern aplomado falcon to breed in the U.S. was recorded in New Mexico in 1952 (USFWS 1990). A successful northern aplomado falcon reintroduction program was conducted in south Texas beginning in the 1980s and the program expanded into west Texas and New Mexico from 2002 to 2012. There was an increased presence of aplomado falcons in New Mexico and west Texas during this time. However, the reintroduction effort was terminated following the releases in 2012, and a population was never successfully established. There have been limited observations of northern aplomado falcon in the southwestern U.S. since the termination of the release program in 2012.

The proposed project area contains low-quality, marginal habitat with little potential to support foraging northern aplomado falcon. Considering the lack of grassland vegetation, suitable nesting structure, and low prey species diversity, the likelihood of the proposed project having a negative effect on northern aplomado falcon is very low. Thus, the proposed project may affect, but is not likely to adversely affect the northern aplomado falcon.

5.1.3.2 State-Listed Species

Texas Parks and Wildlife Department (TPWD) lists several state-listed species that may also occur within or near the proposed project area in El Paso County. The TPWD list is provided in Appendix B. These species are not necessarily the same as those protected under the ESA. The project area could be considered suitable habitat for various state-sensitive reptile, bird, mammal, and plant species. No state-listed species were observed during surveys.

6.0 CONCLUSION

After conducting the January 2020 pedestrian surveys of the proposed project area, GSRC concludes that:

- A total of six species of wildlife and 10 species of vascular plants were identified within the project area.
- No federally listed or state-listed species were observed during the survey effort.
- Of the eight federally protected species listed with the potential to occur in El Paso County, only one (northern aplomado falcon) has the potential to occur within the proposed project area.
- The proposed project area contains low-quality, marginal habitat with little potential to support foraging northern aplomado falcon. Considering the lack of grassland vegetation, suitable nesting structure, and low prey species diversity, it is determined that the proposed project may affect, but is not likely to adversely affect the northern aplomado falcon.

7.0 REFERENCES

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Keddy-Hector, D.P., P. Pyle, and M. A. Patten. 2017. Aplomado Falcon (*Falco femoralis*), The birds of North America online. P. G. Rodewald, editor. Cornell Lab of Ornithology; https://doi.org/10.2173/bna.aplfal.03. Accessed: Feebruary 2020.

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USFWS. 2020. Information for Planning and Consultation (IPaC) Website. https://ecos.fws.gov/ipac/. Accessed: January 2020.

Appendix A
Survey Photographs

EL PASO CPC BIOLOGICAL RESOURCES SURVEYS PHOTOGRAPHS (JANUARY 23, 2020)

Overview from southwest corner of property; looking north.

Overview from southwest corner of property; looking north-northeast.

Overview from southwest corner of property; looking northeast.

Overview from swale area in southwest corner of property; looking northwest.

Overview from swale area in southwest corner of property; looking northeast.

Previous excavation activity.

Evidence of erosion along the northern edge of excavation.

Overview from top of spoil pile mound associated with excavation; looking north.

Overview from top of spoil pile mound associated with excavation; looking northeast.

Overview from top of spoil pile mound associated with excavation; looking east.

Overview from top of spoil pile mound associated with excavation; looking southeast.

Overview from top of spoil pile mound associated with excavation; looking south.

Overview from top of spoil pile mound associated with excavation; looking southwest.

Overview from top of spoil pile mound associated with excavation; looking west.

Underground utilities located along southern property boundary, adjacent to Highway 54.

Overview from northeast corner of property; looking southwest.

Overview from northeast corner of property; looking west.

Overview from northeast corner of property; looking northwest.

Overview from the northern property boundary; looking southeast.

Overview from the northern property boundary; looking southwest.

Overview from the northern property boundary; looking west.

Stand of soaptree yucca.

Inactive verdin nest.

Overview looking towards northwest corner of property.

Overview from northwest corner of property; looking east.

Overview from northwest corner of property; looking southeast.

Overview from northwest corner of property; looking south.

Shallow runnel (2 feet wide) present along western property boundary.

Overview of swale, densely vegetated with mesquite; looking south.

Overview of swale, densely vegetated with mesquite; looking northeast.

Appendix B
Texas Parks and Wildlife Department Special Status Species List

Last Update: 7/17/2019

EL PASO COUNTY

AMPHIBIANS

Woodhouse's toad *Anaxyrus woodhousii*

Extremely catholic up to 5000 feet, does very well (except for traffic) in association with man.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: SU

BIRDS

American peregrine falcon *Falco peregrinus anatum*

Year-round resident and local breeder in west Texas, nests in tall cliff eyries; also, migrant across state from more northern breeding areas in US and Canada, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4T4	State Rank: S2B

Franklin's gull *Leucophaeus pipixcan*

Habitat description is not available at this time.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4G5	State Rank: S2N

gray hawk *Buteo plagiatus*

Locally and irregularly along U.S.-Mexico border; mature riparian woodlands and nearby semiarid mesquite and scrub grasslands; breeding range formerly extended north to southernmost Rio Grande floodplain of Texas

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: GNR	State Rank: S2B

Mexican spotted owl *Strix occidentalis lucida*

Remote, shaded canyons of coniferous mountain woodlands (pine and fir); nocturnal predator of mostly small rodents and insects; day roosts in densely vegetated trees, rocky areas, or caves

Federal Status: LT	State Status: T	SGCN: Y
Endemic: N	Global Rank: G3G4T3T4	State Rank: S1B

southwestern willow flycatcher *Empidonax traillii extimus*

Thickets of willow, cottonwood, mesquite, and other species along desert streams

Federal Status: LE	State Status: E	SGCN: N
Endemic: N	Global Rank: G5T2	State Rank: S1B

EL PASO COUNTY

BIRDS

western burrowing owl *Athene cunicularia hypugaea*

Open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4T4	State Rank: S2

western yellow-billed cuckoo *Coccyzus americanus occidentalis*

Status applies only to western population beyond the Pecos River Drainage; breeds in riparian habitat and associated drainages; springs, developed wells, and earthen ponds supporting mesic vegetation; deciduous woodlands with cottonwoods and willows; dense understory foliage is important for nest site selection; nests in willow, mesquite, cottonwood, and hackberry; forages in similar riparian woodlands; breeding season mid-May-late Sept.

Federal Status: LT	State Status:	SGCN: Y
Endemic: N	Global Rank: G5T2T3	State Rank: S4S5B

white-faced ibis *Plegadis chihi*

Prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; currently confined to near-coastal rookeries in so-called hog-wallow prairies. Nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats.

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4B

FISH

Chihuahua catfish *Ictalurus sp. 1*

Native to the Rio Grande and Davis Mountains in west Texas; it inhabits the middle to upper parts of moderate to large rivers and also occurs in small, headwater creeks and springs over gravel, rubble, rocks, boulders and mud substrates.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G1G2	State Rank: S1

longnose dace *Rhinichthys cataractae*

Can only be found in the Big Bend portion of the Rio Grande. Occasionally taken in lakes and clear pools of rivers but prefers clear, flowing water in gravelly riffles.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S2

speckled chub *Macrhybopsis aestivalis*

Found throughout the Rio Grande and lower Pecos River but occurs most frequently between the Río Conchos confluence and the Pecos River. Flowing water over coarse sand and fine gravel substrates in streams; typically found in raceways and runs.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3G4	State Rank: S3S4

EL PASO COUNTY

INSECTS

American bumblebee *Bombus pensylvanicus*

Habitat description is not available at this time.

Federal Status:	State Status:	SGCN: Y
Endemic:	Global Rank: G3G4	State Rank: SNR

No accepted common name *Isoperla jewetti*

Habitat description is not available at this time.

Federal Status:	State Status:	SGCN: Y
Endemic:	Global Rank: G1	State Rank: S1

No accepted common name *Cibolacris samalayucae*

Habitat description is not available at this time.

Federal Status:	State Status:	SGCN: Y
Endemic:	Global Rank: G2?	State Rank: S2?

MAMMALS

American badger *Taxidea taxus*

Habitat description is not available at this time.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

big brown bat *Eptesicus fuscus*

Any wooded areas or woodlands except south Texas. Riparian areas in west Texas.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

big free-tailed bat *Nyctinomops macrotis*

Habitat data sparse but records indicate that species prefers to roost in crevices and cracks in high canyon walls, but will use buildings, as well; reproduction data sparse, gives birth to single offspring late June-early July; females gather in nursery colonies; winter habits undetermined, but may hibernate in the Trans-Pecos; opportunistic insectivore

Federal Status:	State Status:	SGCN: Y
Endemic:	Global Rank: G5	State Rank: S3

black-tailed prairie dog *Cynomys ludovicianus*

Dry, flat, short grasslands with low, relatively sparse vegetation, including areas overgrazed by cattle; live in large family groups

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S3

EL PASO COUNTY

MAMMALS

cave myotis bat *Myotis velifer*

Colonial and cave-dwelling; also roosts in rock crevices, old buildings, carports, under bridges, and even in abandoned Cliff Swallow (Hirundo pyrrhonota) nests; roosts in clusters of up to thousands of individuals; hibernates in limestone caves of Edwards Plateau and gypsum cave of Panhandle during winter; opportunistic insectivore.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G4G5 State Rank: S4

desert pocket gopher *Geomys arenarius*

Cottonwood-willow association along the Rio Grande in El Paso and Hudspeth counties; does not tolerate clayey or gravelly soils characteristic of the other Geomys species; common along irrigation ditches in the sandy river bottom area.Lives underground, but build large and conspicuous mounds; life history not well documented, but presumed to eat mostly vegetation, be active year round, and bear more than one litter per year.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G3G4 State Rank: S2

eastern red bat *Lasiurus borealis*

Found in a variety of habitats in Texas. Usually associated with wooded areas. Found in towns especially during migration.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G3G4 State Rank: S4

hoary bat *Lasiurus cinereus*

Known from montane and riparian woodland in Trans-Pecos, forests and woods in east and central Texas.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G3G4 State Rank: S4

kit fox *Vulpes macrotis*

Open desert grassland; avoids rugged, rocky terrain and wooded areas.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G4 State Rank: S1S2

long-legged myotis bat *Myotis volans*

Found in pine-oak woodland to grassland ecotone, higher elevations of Trans-Pecos.High, open woods and mountainous terrain; nursery colonies (which may contain several hundred individuals) form in summer in buildings, crevices, and hollow trees; apparently does not use caves as day roosts, but may use such sites at night; single offspring born June-July.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G4G5 State Rank: S4

long-tailed weasel *Mustela frenata*

Includes brushlands, fence rows, upland woods and bottomland hardwoods, forest edges & rocky desert scrub. Usually live close to water.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: S5

EL PASO COUNTY

MAMMALS

Mexican free-tailed bat *Tadarida brasiliensis*

Roosts in buildings in east Texas. Largest maternity roosts are in limestone caves on the Edwards Plateau. Found in all habitats, forest to desert.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: S5

Mexican long-tongued bat *Choeronycteris mexicana*

Only Texas record is from riparian forest; in general--neotropical nectivorous species roosting in caves, mines, and large crevices found in deep canyons along the Rio Grande ; also found in buildings and often associated with big-eared bats (Plecotus spp.); single TX record from Santa Ana NWR

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G3G4 State Rank: S1

mountain lion *Puma concolor*

Rugged mountains & riparian zones.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: S2S3

Pecos River muskrat *Ondatra zibethicus ripensis*

Creeks, rivers, lakes, drainage ditches, and canals; prefer shallow, fresh water with clumps of marshy vegetation, such as cattails, bulrushes, and sedges; live in dome-shaped lodges constructed of vegetation; diet is mainly vegetation; breed year round

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5T3T4 State Rank: S2S3

pronghorn *Antilocapra americana*

Prefers hilly & plateau areas of open grassland, desert-grassland, & desert-scrub, where it frequents south-facing slopes & other sheltered areas.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: S5

rock mouse *Peromyscus nasutus*

Rocky areas and talus slopes above 6000 feet. General vegetation associations include madrone, oak, maple, juniper, pinyon and ponderosa pine.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: S4

Townsend's big-eared bat *Corynorhinus townsendii*

Habitat description is not available at this time.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G4 State Rank: S3?

western hog-nosed skunk *Conepatus leuconotus*

EL PASO COUNTY

MAMMALS

Habitats include woodlands, grasslands & deserts, to 7200 feet, most common in rugged, rocky canyon country; little is known about the habitat of the ssp. telmalestes

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S4

western small-footed myotis bat *Myotis ciliolabrum*

Mountainous regions of the Trans-Pecos, usually in wooded areas, also found in grassland and desert scrub habitats; roosts beneath slabs of rock, behind loose tree bark, and in buildings; maternity colonies often small and located in abandoned houses, barns, and other similar structures; apparently occurs in Texas only during spring and summer months; insectivorous

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

western spotted skunk *Spilogale gracilis*

Habitat description is not available at this time.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

western yellow bat *Lasiurus xanthinus*

Forages over water both perennial and intermittent sources, found at low elevations (< 6,000 feet), roosts in vegetation (yucca, hackberry, sycamore, cypress, and especially palm); also hibernates in palm; locally common in residential areas landscaped with palms in Tuscon and Phoenix, Arizona; young born in June; insectivore

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4G5	State Rank: S1

MOLLUSKS

Franklin Mountain talus snail *Sonorella metcalfi*

Terrestrial; bare rock, talus, scree; inhabits igneous talus most commonly of rhyolitic origin

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G2	State Rank: S1

Franklin Mountain wood snail *Ashmunella pasonis*

Terrestrial; bare rock, talus, scree; talus slopes, usually of limestone, but also of rhyolite, sandstone, and siltstone, in arid mountain ranges

Federal Status:	State Status:	SGCN: Y
Endemic:	Global Rank: G2G3	State Rank: S1?

Huecos Mountains talus snail *Sonorella huecoensis*

Habitat description is not available at this time.

Federal Status:	State Status:	SGCN: Y
Endemic: Y	Global Rank: G1G2	State Rank: S1?

EL PASO COUNTY

REPTILES

Big Bend slider *Trachemys gaigeae*

Almost exclusively aquatic, sliders (Trachemys spp.) prefer quiet bodies of fresh water with muddy bottoms and abundant aquatic vegetation, which is their main food source; will bask on logs, rocks or banks of water bodies; breeding March-July

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S2

Chihuahuan Desert lyre snake *Trimorphodon vilkinsonii*

Rocky areas with plenty of crevices and fissures. Desert flats, succulent and scrub, and mountain canyons to about 6000 feet. Mostly crevice-dwelling in predominantly limestone-surfaced desert northwest of the Rio Grande from Big Bend to the Franklin Mountains, especially in areas with jumbled boulders and rock faults/fissures; secretive; egg-bearing; eats mostly lizards.

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4	State Rank: S4

common garter snake *Thamnophis sirtalis*

Irrigation canals and riparian-corridor farmlands in west; marshy, flooded pastureland, grassy or brushy borders of permanent bodies of water; coastal salt marshes.

Federal Status:	State Status:	SGCN: N
Endemic:	Global Rank: G5	State Rank: S2

gray-checkered whiptail *Aspidoscelis dixoni*

Habitat description is not available at this time.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3G4	State Rank: S2

massasauga *Sistrurus tergeminus*

Quite common in gently rolling prairie occasionally broken by creek valley or rocky hillside.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3G4	State Rank: S3S4

mountain short-horned lizard *Phrynosoma hernandesi*

Diurnal, usually in open, shrubby, or openly wooded areas with sparse vegetation at ground level; soil may vary from rocky to sandy; burrows into soil or occupies rodent burrow when inactive; eats ants, spiders, snails, sowbugs, and other invertebrates; inactive during cold weather; breeds March-September

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S2

EL PASO COUNTY

REPTILES

Texas horned lizard *Phrynosoma cornutum*

Occurs to 6000 feet, but largely limited below the pinyon-juniper zone on mountains in the Big Bend area. Open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September.

Federal Status:	State Status: T	SGCN: Y
Endemic: N	Global Rank: G4G5	State Rank: S3

western box turtle *Terrapene ornata*

Ornate or western box trutles inhabit prairie grassland, pasture, fields, sandhills, and open woodland. They are essentially terrestrial but sometimes enter slow, shallow streams and creek pools. For shelter, they burrow into soil (e.g., under plants such as yucca) (Converse et al. 2002) or enter burrows made by other species; winter burrow depth was 0.5-1.8 meters in Wisconsin (Doroff and Keith 1990), 7-120 cm (average depth 54 cm) in Nebraska (Converse et al. 2002). Eggs are laid in nests dug in soft well-drained soil in open area (Legler 1960, Converse et al. 2002). Very partial to sandy soil.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S3

western hognose snake *Heterodon nasicus*

Habitat consists of areas with sandy or gravelly soils, including prairies, sandhills, wide valleys, river floodplains, bajadas, semiagricultural areas (but not intensively cultivated land), and margins of irrigation ditches (Degenhardt et al. 1996, Hammerson 1999, Werler and Dixon 2000, Stebbins 2003). Also thornscrub woodlands and chaparral thickets. Seems to prefer sandy and loamy soils, not necessarily flat. Periods of inactivity are spent burrowed in the soil or in existing burrows. Eggs are laid in nests a few inches below the ground surface (Platt 1969).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S4

western rattlesnake *Crotalus viridis*

Grassland, both desert and prairie; shrub desert rocky hillsides; edges of arid and semi-arid river breaks.

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G5	State Rank: S5

PLANTS

Alamo beardtongue *Penstemon alamosensis*

Rocky soils derived from limestone (in Texas), usually in sheltered sites, often on north facing slopes and in mesic canyon bottoms, occasionally in rock crevices or among unbrowsed shrubs; flowering late April-June

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S1

Bigelow's desert grass *Blepharidachne bigelovii*

Restricted to xeric limestone or various gypsum-influenced habitats; Perennial; Flowering March-Dec; Fruiting March-Dec

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S3

EL PASO COUNTY

PLANTS

Comal snakewood *Colubrina stricta*

In El Paso County, found in a patch of thorny shrubs in colluvial deposits and sandy soils at the base of an igneous rock outcrop; the historic Comal County record does not describe the habitat; in Mexico ,found in shrublands on calcareous, gravelly, clay soils with woody associates; flowering late spring or early summer

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G2	State Rank: S1

dense cory cactus *Escobaria dasyacantha var. dasyacantha*

Lechuguilla-sotol or creosote bush shrublands, grasslands, and oak-juniper woodlands on gravelly, rocky, and/or loamy soils over igneous or limestone substrates at moderate elevations 750-1800 m (2450-5900 ft) in the Chihuahuan Desert; flowering March-May (-July), fruiting (May-) June-August

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3T3	State Rank: S3

desert night-blooming cereus *Peniocereus greggii var. greggii*

Chihuahuan Desert shrublands or shrub invaded grasslands in alluvial or gravelly soils at lower elevations, 1200-1500 m (3900-4900 ft), on slopes, benches, arroyos, flats, and washes; flowering synchronized over a few nights in early May to late June when almost all mature plants bloom, flowers last only one day and open just after dark, may flower as early as April

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3G4T2	State Rank: S2

fleshy tidestromia *Tidestromia carnosa*

Occurs in saline or gypseous soils in open situations; Annual; Flowering March-Nov; Fruiting April-Nov

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S2

great sage *Salvia summa*

Limestone cliffs and slopes in the Guadalupe and Franklin Mountains; Perennial; Flowering April-June; Fruiting May-Oct

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3?	State Rank: S2

Hueco rock-daisy *Perityle huecoensis*

North-facing or otherwise mostly shaded limestone cliff faces within relatively mesic canyon system; flowering spring-fall

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G1	State Rank: S1

lyreleaf twistflower *Streptanthus carinatus ssp. carinatus*

Occurs on igneous and limestone slopes and alluvial fans (Carr 2015).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4T3T4	State Rank: S3

EL PASO COUNTY

PLANTS

Mt. Davis brickellbush *Brickellia parvula*

Occurs on rocky slopes and ridges in the mountains of the southwestern U.S. at elevations between 1200 and 2100 m; Perennial; Flowering Aug-Sept; Fruiting Sept-Oct

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S1

Payson's hiddenflower *Cryptantha paysonii*

Rocky limestone slopes in mountains; Perennial; Flowering May; Fruiting May-June

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S1

Pima pineapple cactus *Coryphantha scheeri var. robustispina*

Habitat description is not available at this time.

Federal Status: LE	State Status:	SGCN: N
Endemic: N	Global Rank: G4T2Q	State Rank: SNA

Plank's catchfly *Silene plankii*

Franklin Mountains of El Paso County, occurring in crevices on shaded igneous cliff faces above ca. 5000 ft.; Perennial; Flowering summer-early autumn

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G2	State Rank: S1

resin-leaf brickellbush *Brickellia baccharidea*

Mixed desert shrublands on bajada slopes and in arroyos on sandy or gravelly soils derived from limestone, but also known from igneous substrates; flowering September-April

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G3	State Rank: S1

sand prickly-pear *Opuntia arenaria*

Deep, loose or semi-stabilized sands in sparsely vegetated dune or sandhill areas, or sandy floodplains in arroyos; flowering May-June

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G2	State Rank: S2

Scheer's cory cactus *Coryphantha scheeri var. uncinata*

Rocky hillsides (Carr 2015).

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4TUQ	State Rank: S2

EL PASO COUNTY

PLANTS

smooth bur-cucumber *Sicyos glaber*

Mesic canyons in the Chisos and Guadalupe Mountains (Carr 2015).

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G3 State Rank: S1

Sneed's pincushion cactus *Escobaria sneedii var. sneedii*

Xeric limestone outcrops on rocky, usually steep slopes in desert mountains, in the Chihuahuan Desert succulent shrublands or grasslands; flowering April-September (peak usually in April, sometimes opportunistically after summer rains; fruiting August - November

Federal Status: LE State Status: E SGCN: Y
Endemic: N Global Rank: G2G3QT2Q State Rank: S2

Stebbin's desert dandelion *Malacothrix stebbinsii*

Habitat description is not available at this time.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G3? State Rank: S1

Texas false saltgrass *Allolepis texana*

Sandy to silty soils of valley bottoms and river floodplains, not generally on alkaline or saline sites; Perennial; Flowering (May-) July-October depending on rainfall

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G2 State Rank: S1

Vasey's bitterweed *Hymenoxys vaseyi*

Occurs on xeric limestone cliffs and slopes at mid- to high elevations in desert shrublands.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G2 State Rank: S1

Waterfall's milkvetch *Astragalus waterfallii*

Rocky limestone slopes; Perennial; Flowering Feb-May; Fruiting April- May

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G3? State Rank: S3

Wheeler's spurge *Euphorbia geyeri var. wheeleriana*

Sparingly vegetated, loose eolian quartz sand on reddish sand dunes or coppice mounds; flowering and fruiting at least August-September, probably earlier and later, as well

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5T2 State Rank: S1

EL PASO COUNTY

PLANTS

Wright's fishhook cactus *Mammillaria wrightii var. wrightii*

Franklin Mountains (Carr 2015)

Federal Status:	State Status:	SGCN: Y
Endemic: N	Global Rank: G4T3	State Rank: S1

Kisak, Natalie

From: Williams, Christina [redacted]
Sent: Thursday, August 17, 2023 3:32 PM
To: Poli, Kimberly
Cc: Hass, Jennifer; Warf, Jen; BROWN, MICHELLE L; PETRILLA, JOHN; Busam, Michael; Kyzar, Carrie; Kisak, Natalie; DEYOUNG, DONNA J. (CTR); McDuff, Heather; [redacted]
Subject: RE: Project Code: 2023-0114173 DHS/CBP El Paso JPC USFWS Section 7 Concurrence Request

Hi Kim,

Because the change is happening within the previously consulted on footprint, the Service does not consider this minor change necessary for reinitiation of the original consultation. We still concur with that call. Additionally, the Service does not provide concurrence for "no effect" determinations, but by making a determination for recently added species, we believe CBP has complied with section 7(a)(2) of the Endangered Species At of 1973, as amended.

Thank you,

Christina

Christina Williams
Division Supervisor
Consultations and HCPs
U.S. Fish and Wildlife Service
1505 Ferguson Lane
Austin, Texas 78754
Cell [redacted]

Our mission is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.

From: Poli, Kimberly [redacted] >
Sent: Wednesday, August 16, 2023 5:00 PM
To: Williams, Christina [redacted] >
Cc: Hass, Jennifer [redacted] Warf, Jen [redacted]; BROWN, MICHELLE L [redacted]; PETRILLA, JOHN [redacted]; Busam, Michael [redacted]; Kyzar, Carrie [redacted]; Kisak, Natalie [redacted]; DEYOUNG, DONNA J. (CTR) [redacted]; McDuff, Heather [redacted]; Koeppel, Sarah [redacted]
Subject: [EXTERNAL] Project Code: 2023-0114173 DHS/CBP El Paso JPC USFWS Section 7 Concurrence Request

Hi Ms. Williams,

Please find attached a request for concurrence under Section 7(a)(2) of the Endangered Species Act (ESA) for the Department of Homeland Security (DHS) proposed action. DHS intends to prepare a supplemental environmental assessment (SEA) for the proposed construction, operation, and maintenance of a new Joint Processing Center (JPC) and deconstruction of one of two existing Central Processing Center (CPC) soft-sided processing facilities in El Paso, El Paso County, Texas. The entire project area (property boundary) was previously surveyed in 2020, analyzed in the 2020 CPC environmental assessment, and the U.S. Customs and Border Protection received a *may affect, but not likely to adversely affect* USFWS concurrence (02TTX00-2020-I-2128) on the northern aplomado falcon (*Falco femoralis septentrionalis*). Our proposed project would supplement this analysis and would require the removal of one of the existing temporary CPC and construction of a new permanent JPC. All work and ground disturbing activities would be conducted within the boundary of the originally surveyed location and highly developed parcel of land. Due to the developed nature of the parcel, no suitable habitat is present within the project site for federally listed species or newly listed species. No suitable habitat is present within the Project site for the northern aplomado falcon; however, this species is the only species with the potential to occur in the vicinity of the project site due to the presence of potentially suitable foraging and nesting habitat near the project site. Given the supplemental nature of this analysis and considering no suitable habitat is present within the Project site, DHS maintains its determination of a *may affect, but not likely to adversely affect* on the northern aplomado falcon and requests the USFWS concurrence per Section 7 of the ESA on this determination. DHS maintains the prior determinations of *no effect* on the other federally listed species identified in the letter. Should you need additional information, please let me know. Enclosed you will find the Section 7 letter request for concurrence, figures, IPaC Species List, the USFWS 2020 Concurrence letter, and final biological resource surveys.

Thank you,
Kim

Kimberly Poli
Senior Environmental Protection Specialist | Environmental Biologist
Environmental Planning & Historic Preservation Program
Office of the Chief Readiness Support Officer
Department of Homeland Security
[redacted]
Phone: [redacted]

U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

August 16, 2023

Drew Sitters
Terrestrial Reviewer for El Paso County
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

RE: THC Tracking #202012197
Section 106 Consultation, Supplemental Environmental Assessment for Proposed New Joint Processing Center, El Paso, Texas, Department of Homeland Security

Dear Mr. Sitters:

The United States (U.S.) Department of Homeland Security (DHS) would like to notify the Texas Historical Commission (THC) of the proposed construction, operation, and maintenance of a new Joint Processing Center (JPC) and deconstruction of an existing Central Processing Center (CPC) in El Paso, El Paso County, Texas (Proposed Action).

In accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality's Regulations (40 Code of Federal Regulations Parts 1500-1508); and DHS Directive 023-01, Rev. 01, *Implementation of NEPA*; DHS is preparing a Supplemental Environmental Assessment (SEA) to analyze the impacts of the Proposed Action. The SEA supplements and incorporates by reference the *Final Environmental Assessment for a New Central Processing Facility, U.S. Border Patrol, El Paso Sector, Texas*, published by U.S. Customs and Border Protection (CBP) in July 2020 (hereinafter referred to as the "2020 CPC EA"). DHS is preparing an SEA since NEPA analysis was previously completed for the same project site in 2020, but the scope of the Proposed Action has changed, triggering a need for additional environmental impact evaluation.

As DHS previously received a *no effect* consensus during consultation pursuant to Section 106 of the National Historic Preservation Act for the original undertaking analyzed in the 2020 CPC EA under **THC Tracking #202012197**, we are not proposing to re-initiate Section 106 consultation as the proposed undertaking is within the original undertaking footprint.

Description of the Undertaking

CBP, a DHS Component, currently owns an approximately 59-acre parcel in El Paso, on which it has implemented a central processing facility consisting of two temporary soft-sided processing facilities (SSFs), which are costly and inadequately equipped for the increasing number of undocumented non-citizens entering the country. Therefore, the purpose of the proposed JPC

would be to relieve crowding in existing DHS facilities and ensure the security, placement, and successful transition of migrants and refugees. One of the two existing SSFs would remain operational while the second would be decommissioned and replaced with the proposed JPC. The proposed JPC would be a traditional hard-sided facility of approximately 200,000 square feet and capable of accommodating 200 support staff and 500 non-citizens in processing, as well as all reasonably foreseeable growth. The proposed JPC would also include a variety of ancillary facilities, such as loading facilities, outdoor tactical support areas, vehicle wash rack, and a canine kennel, to support operations. Construction of the JPC is anticipated to begin in February 2024 and would be completed by January 2025. The JPC would be operated and staffed 24 hours a day, 7 days a week.

Area of Potential Effect

The proposed JPC would be located at the existing approximately 59-acre parcel owned by CBP. This parcel is located along the northern side of Patriot Freeway (U.S. Highway 54) at 12501 Gateway South Boulevard, El Paso, Texas (**Figure 1**). This location is in one of the highest areas of apprehension and migrant encounter rates along the southwestern border. The entire site has been previously disturbed for the development of the existing SSFs and other on-site infrastructure (**Figures 2** and **3**); similarly, the entire parcel would be expected to be used for the proposed JPC. The Area of Potential Effect (APE) for archaeological resources would consist of the entire approximately 59-acre parcel. The APE for above-ground resources would also include a 0.5-mile radius to assess potential visual effects. This matches the APE as defined in the 2020 consultation.

Identification and Evaluation of Historic Properties

During the prior Section 106 consultation, CBP determined that no historic properties would be affected, initiated consultation with the THC on April 27, 2020, and provided a Draft Cultural Resources Inventory for the project site. The THC responded on May 19, 2020, concurring that no above-ground or archaeological historic properties were present or would be affected by the Proposed Action, and provided comments to be addressed in the cultural report. CBP provided the revised, Final Cultural Resources Inventory to THC on June 4, 2020.

Given the supplemental nature of this analysis, DHS is notifying THC of the new Proposed Action at the previously assessed parcel. DHS is incorporating the results of the Final Cultural Resources Inventory from 2020. However, the 27 isolated occurrences originally identified within the APE (none of which were eligible for the National Register of Historic Places) are assumed to be no longer extant, as the entire parcel has been disturbed. No other archaeological sites were present. No above-ground resources were recorded within the project site, and there is no potential for historic age above-ground resources within the visual APE due to the modern nature of surrounding infrastructure (post-dating 1996). Additionally, no new sites eligible for, or listed in, the National Register of Historic Places have been identified within the APE over the past three years.

Conclusion

Based on the results of the Final Cultural Resources Inventory from 2020 and prior consultation with THC, DHS maintains no historic properties are present and the proposed undertaking of the construction, operation, and maintenance of the proposed JPC would continue to have no effect on historic properties. As a result, no new survey work is recommended. DHS would continue to adhere to recommendations provided by THC during prior consultation in order to minimize potential effects should any unanticipated discoveries occur during implementation of the Proposed Action.

If you have any questions, please contact me at 202-868-2759 or via email at Sarah.Koeppel@hq.dhs.gov. Thank you in advance for your assistance.

Sincerely,

SARAH N KOEPPEL

Digitally signed by SARAH N KOEPPEL
Date: 2023.08.16 15:37:51 -04'00'

Sarah Koeppel, MA, RPA
DHS Deputy Federal Preservation Officer

Enclosure:

1. Figures

Figure 1: Project Location Map

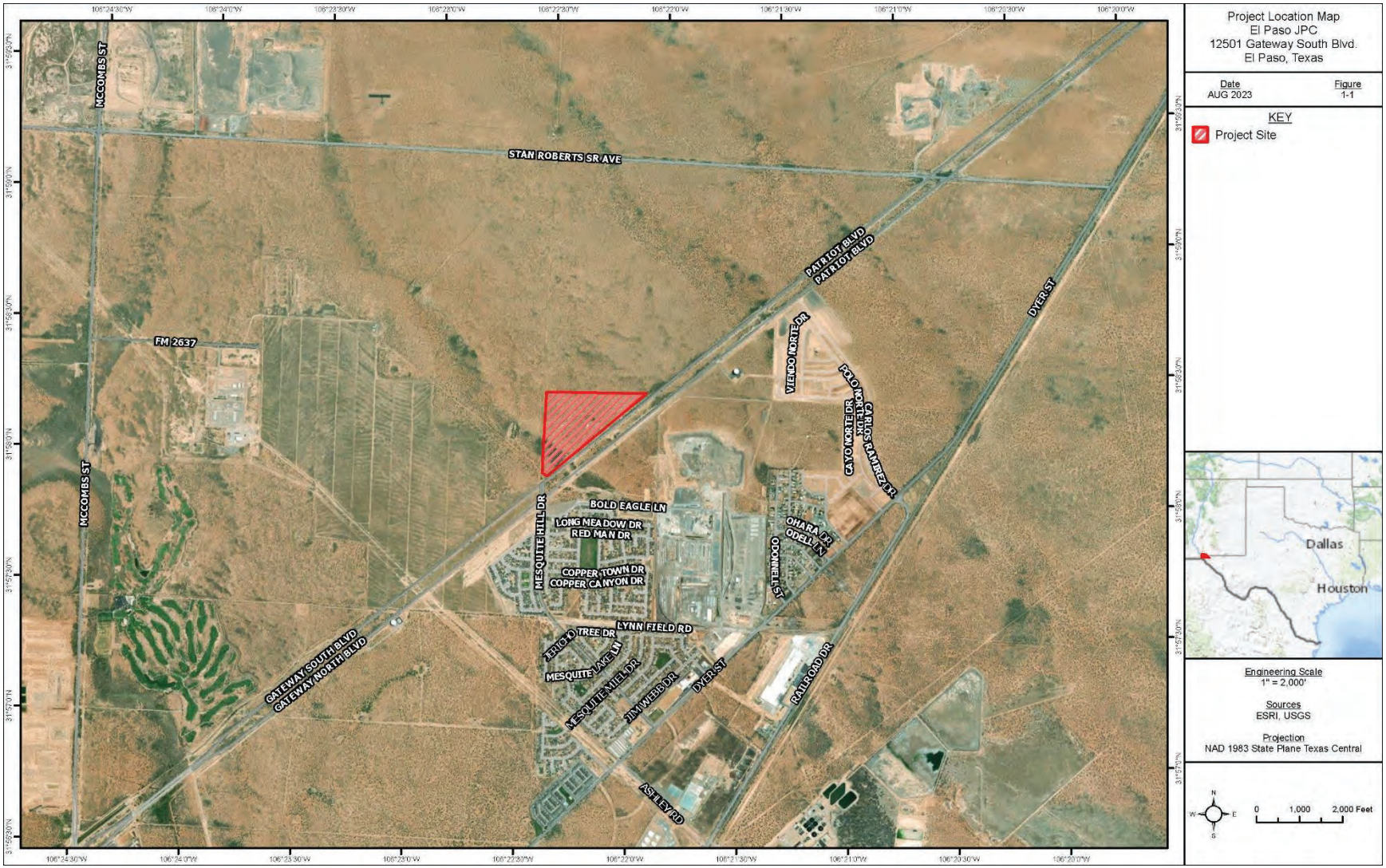

Figure 2: Project Site, Facing North

Figure 3: Project Site, Facing East

SAMPLE

U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

August 17, 2023

White Mountain Apache Tribe
Mr. Kasey Velasquez, Chairman
PO Box 700
Whiteriver, AZ 85941

RE: Consultation for the Supplemental Environmental Assessment for Proposed New Joint Processing Center, El Paso, Texas, by the Department of Homeland Security

Dear Chairman Velasquez:

The United States (U.S.) Department of Homeland Security (DHS) would like to notify you of the proposed construction, operation, and maintenance of a new Joint Processing Center (JPC) and deconstruction of an existing Central Processing Center (CPC) in El Paso, El Paso County, Texas (Proposed Action). The proposed JPC would be located at an existing approximately 59-acre parcel owned by DHS Component, U.S. Customs and Border Protection (CBP). This parcel is located along the northern side of Patriot Freeway (U.S. Highway 54) at 12501 Gateway South Boulevard, El Paso, Texas (**Figure 1**). This location is in one of the highest areas of apprehension and migrant encounter rates along the U.S. southwestern border.

In accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality's Regulations (40 Code of Federal Regulations Parts 1500-1508); and DHS Directive 023-01, Rev. 01, *Implementation of NEPA*; DHS is preparing a Supplemental Environmental Assessment (SEA) to analyze the impacts of the Proposed Action. The SEA supplements and incorporates by reference the *Final Environmental Assessment for a New Central Processing Facility, U.S. Border Patrol, El Paso Sector, Texas*, published by U.S. Customs and Border Protection (CBP) in July 2020 (hereinafter referred to as the "2020 CPC EA"). DHS is preparing an SEA since NEPA analysis was previously completed for the same project site in 2020, but the scope of the Proposed Action has changed, triggering a need for additional environmental impact evaluation. A summary of DHS's current Proposed Action is provided below.

CBP currently owns an approximately 59-acre parcel in El Paso, on which it has implemented a central processing facility consisting of two temporary soft-sided processing facilities (SSFs), which are costly and inadequately equipped for the increasing number of undocumented non-citizens entering the country. The entire site has been previously disturbed for the development of the existing SSFs and other on-site infrastructure (**Figures 2** and **3**). The purpose of the proposed JPC would be to relieve crowding in existing DHS facilities and ensure the security, placement, and successful transition of migrants and refugees. One of the two existing SSFs would remain operational while the second would be decommissioned and replaced with the

proposed JPC. The proposed JPC would be a traditional hard-sided facility of approximately 200,000 square feet and capable of accommodating 200 support staff and 500 non-citizens in processing, as well as all reasonably foreseeable growth. The proposed JPC would also include a variety of ancillary facilities, such as loading facilities, outdoor tactical support areas, vehicle wash rack, and a canine kennel, to support operations. Construction of the JPC on the entire 59-acre parcel is anticipated to begin in February 2024 and would be completed by January 2025. The JPC would be operated and staffed 24 hours a day, 7 days a week.

Given the supplemental nature of this analysis, DHS is notifying you of the new Proposed Action at the previously assessed parcel. DHS is incorporating the survey results of the Final Cultural Resources Inventory from 2020. The Area of Potential Effect (APE) for archaeological resources consisted of the entire approximately 59-acre parcel. The APE for above-ground resources included a 0.5-mile radius to assess potential visual effects. The current Proposed Action would maintain these APE delineations from the 2020 consultation efforts. During the 2020 survey, 27 isolated occurrences/historic artifacts were identified, and none were determined to be eligible for the National Register of Historic Places. As the entire parcel was disturbed during the CPC construction from 2020-2023, it is assumed those isolated occurrences are no longer extant.

No other archaeological sites were present or identified during the 2020 survey. No above-ground resources were recorded within the project site, and there is no potential for historic age above-ground resources within the visual APE due to the modern nature of surrounding infrastructure (post-dating 1996). Additionally, no new sites eligible for, or listed in, the National Register of Historic Places have been identified within the APE over the past three years.

During the prior Section 106 of the National Historic Preservation Act (NHPA) consultation, CBP determined that no historic properties would be affected. The Texas Historical Commission (THC) concurred with the no effect determination on May 19, 2020, under THC Tracking #202012197. Based on the results of the Final Cultural Resources Inventory from 2020 and prior consultation with THC, DHS maintains no historic properties are present.

On April 28, 2020, CBP previously consulted with 11 Native American Tribes for the 2020 CPC EA and undertaking. These Tribes included: Alabama-Coushatta Tribe of Texas, Apache Tribe of Oklahoma, Comanche Nation, Fort Still Apache Tribe of Oklahoma, Kiowa Tribe of Oklahoma, Mescalero Apache Tribe, Pueblo of Isleta, Tonkawa Tribe of Oklahoma, White Mountain Apache Tribe, Wichita and Affiliated Tribes, and Tigua of Ysleta del Sur Pueblo. CBP received a response from one tribe, the Ysleta del Sur Pueblo, which did not identify any concerns with the proposed project but requested that they be consulted if human remains or artifacts were discovered.

We are seeking input from your Tribe regarding any new information or potential environmental concerns associated with the Proposed Action. Please provide any comments, concerns, information, studies, or other data you may have regarding the Proposed Action within **thirty (30) days** of receipt of this letter.

If you have any questions or would like to request formal consultation for this Proposed Action, please contact Sarah Koeppel at 202-868-2759 or via email at Sarah.Koeppel@hq.dhs.gov.

Sincerely,

JENNIFER D HASS

Digitally signed by JENNIFER D HASS
Date: 2023.08.17 16:18:03 -04'00'

Jennifer Hass
Director, Environmental Planning and Historic Preservation
DHS Federal Preservation Officer

Enclosure:

1. Figures

Cc: Mark Altaha, Tribal Historic Preservation Officer, White Mountain Apache Tribe

White Mountain Apache Tribe

Office of Historic Preservation
PO Box 1032
Fort Apache, AZ 85926
Ph: (928) 338-3033 Fax: (928) 338-6055

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To: Jennifer D. Hass – DHS Federal Preservation Officer

Date: August 21, 2023

Re: *Supplemental EA for New DHS Joint Processing Center*

The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the project dated; August 17, 2023. In regards to this, please refer to the following statement(s) below.

Thank you for allowing the White Mountain Apache tribe the opportunity to review and respond to the above proposed Environmental Assessment for the proposed construction of a new Joint Processing Center and deconstruction of an existing Central Processing Center, in El Paso, El Paso County, Texas.

Please be advised, we have reviewed the consultation letter and the information provided, we have reviewed the information provided and determined the proposed project will have a ***"No Adverse Effect"*** to the tribe's traditional cultural properties and/or historic properties.

Thank you for the continued tribal engagement and consultation, and collaborations in protecting and preserving places of cultural and historical importance.

Sincerely,

Mark Altaha

White Mountain Apache Tribe – THPO
Historic Preservation Office