

February 2019
FINDING OF NO SIGNIFICANT IMPACT
FOR IMPROVEMENTS AT THE PORT ISABEL SERVICE PROCESSING CENTER
PORT ISABEL, TEXAS

Background: United States (U.S.) Immigration and Customs Enforcement (ICE) is the principal investigative arm of the U.S. Department of Homeland Security (DHS) and the second largest investigative agency in the Federal government. ICE's primary mission is to promote homeland security and public safety through criminal and civil enforcement of Federal laws governing border control, customs, trade, and immigration. To ensure ICE's primary mission is achieved, ICE proposes to implement facility improvement projects at its Port Isabel Service Processing Center (SPC). The projects would ensure that adequate facilities and infrastructure resources are available for the efficient and lawful operation of the Port Isabel SPC. This effort is critical to the effective and efficient operations associated with detention and removal in and around ICE's San Antonio Field Office Area of Operations (AO).

In accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S. Code 4321-4347), ICE has prepared an Environmental Assessment (EA) of its action to implement a variety of improvements related to modernization of the existing Port Isabel Service Processing Center (SPC).

Purpose and Need: The project will further the ability of ICE to process, detain, and deport unlawfully present aliens in accordance with federal law, through the improvement and modernization of the Port Isabel SPC. The Port Isabel SPC operates in accordance with Performance-Based National Detention Standards (PBNDS) and American Correctional Association (ACA) standards that detail the conditions of confinement, quality of life, access to a range of services including legal representation for detainees, and overall safe and secure operations. The Port Isabel SPC facilities and infrastructure are aging and will require improvements to serve the continuing demand for processing and detainee services at this location. The action is needed to maintain compliance with the 2011 PBNDS and 2016 ACA standards. The purpose of the action is to ensure that adequate facilities and infrastructure resources are available for the efficient and lawful operation of the Port Isabel SPC.

Proposed Action: The Proposed Action consists of the implementation of a variety of improvements related to the modernization of the existing Port Isabel SPC. The Proposed Action would involve new construction and building improvements (development of a new Secure Housing Unit (SHU); a new warehouse facility; and a kitchen/dining building expansion), infrastructure repair and rehabilitation (improvements to the wastewater treatment plant (WWTP); to the electrical and communication conduits, fiber optics system and fire alarm system; to facility fencing and roadways; and to the SPC firing ranges), demolition (Building 100; four single-family houses; and the former shoot house), and potential future site improvements (full renovation of the existing laundry facility; replacement of the medicine dispensing modular building; renovation of areas within the Medical Building; full interior renovation of Building 55 and Building 77).

Alternatives Considered: The No Action Alternative assumes that no construction, improvement of infrastructure, or demolition would occur at the Port Isabel SPC. Minor repairs would occur as needed and maintenance and operation of the existing facilities would continue. The No Action Alternative would make it increasingly difficult for the SPC to efficiently meet all adequate conditions for confinement, quality of life, access to a range of services for detainees, and overall safe and secure operations detailed in the current PBNDS and ACA standards. Thus, the No Action Alternative does not meet the Purpose and Need of the Project as the construction, modernization, rehabilitation and demolition of existing facilities needed to ensure the facility infrastructure upkeep and the continued use of the Port Isabel SPC would not occur.

Alternatives Considered and Dismissed from Detailed Analysis: Relocation of part of the services provided at the Port Isabel SPC to multiple existing facilities in the ICE system is an alternative that was considered and dismissed from detailed analysis. This alternative is not considered to be feasible due to size constraints and the distance at which these services would then be located from the Port Isabel SPC.

Another alternative that was considered and dismissed from detailed analysis is a “partial build” alternative. Such an alternative would analyze certain project activities as proposed under the Proposed Action, but would leave out those activities that would likely occur later in time or are able to be covered under a Categorical Exclusion (or CATEX). The partial build alternative was determined to be inappropriate under NEPA regulations (i.e., segmentation). Segmentation can occur when an action is broken down into small parts in order to avoid the appearance of significance for the total action. Although the various project activities proposed under the Proposed Action may be implemented at separate times over the next several years based on the availability of funding, they are reasonably foreseeable improvements that would occur at the same site and, therefore, are analyzed together under one alternative to avoid segmentation.

The Proposed Action meets the Purpose and Need, and was selected as the Preferred Alternative.

Affected Environment and Consequences: The Preferred Alternative (Proposed Action) would not significantly impact any of the resource categories analyzed in the EA. A summary of the resource categories analyzed and the consequences of the implementation of the Preferred Alternative is presented below.

- Soil Resources: No significant impact. A total of approximately three acres of soils would be impacted during construction. However, these actions would occur in areas where soils have been predominantly previously disturbed. Overall, impacts on soils would be adverse, short- and long-term to permanent, minor to moderate, of medium extent (localized), with a high likelihood of occurrence where soils would be substantially altered or covered by impervious surfaces.
- Water Resources: No significant impact. There are no major aquifers underlying the site, the project will not use groundwater, and the groundwater that does underlie is unsuitable as a drinking water source. The Preferred Alternative would result in overall direct and adverse impacts on groundwater resources that would have minor magnitude, short-term duration, localized extent and high likelihood. Short-term impacts would be construction related and are expected to be minor in magnitude due to indirect effects from restrictions placed on surface water quality in the National Pollution Discharge Elimination System (NPDES) permit. Long-term impacts would be beneficial to the extent they would include groundwater quality improvements from any cleanup of lead contamination at the ranges that occurred prior to proposed project activities and the use of runoff storage areas that would allow for some level of biological treatment of stormwater runoff.

The action would result in overall direct and adverse impacts on surface water resources that have minor magnitude, short-term duration, localized extent and high likelihood. Short-term impacts would be construction related and are expected to be minor in magnitude due to restrictions placed on surface water quality in the TPDES permit and because BMPs routinely used as preventive measures for firing ranges would be implemented. Long-term impacts would be beneficial to the extent they would include surface water quality improvements from any cleanup of lead contamination at the ranges that occurred prior to proposed project activities and the use of runoff storage areas that would allow for some level of biological treatment of stormwater runoff.

The action would result in overall direct and adverse impacts on wetland resources that would have minor magnitude, short-term duration, localized extent and high likelihood. Short-term impacts would be construction related and are expected to be minor in magnitude due to indirect effects. Long-term impacts would be beneficial to the extent they would include water quality improvements from any cleanup of lead contamination at the ranges that occurred prior to proposed project activities.

The action would result in overall direct and adverse impacts on floodplain resources that would have minor magnitude, short-term duration, localized extent, and high likelihood. Both long-term and short-term impacts are expected to be minor in magnitude due to the limited obtrusive nature of the proposed project improvements in the area affected by the 500-year floodplain and the fact that the National Flood Insurance Program has no minimum design and construction requirements for buildings in the 500-year floodplain.

- Biological Resources: No significant impact. Vegetation in the area of analysis consists primarily of non-native species on land that has been previously disturbed. No native vegetation communities would be impacted. The construction action would have adverse short- and long-term, negligible, small (limited) extent impacts on vegetation with a high likelihood of occurrence due to loss and disturbance of vegetation in the project area. Impacts during operation of the SPC would be beneficial, long-term, negligible, and small (limited) with a high likelihood of occurrence due to revegetation/landscaping of disturbed areas with native plant species.

Overall, the action would have adverse short- and long-term, minor, medium (localized) extent impacts on wildlife with a high likelihood of occurrence due to disturbance of animals and loss of habitat in the Project area. However, since the presence of wildlife is likely sparse at sites where construction and demolition would occur, and the Project site includes mainly non-native habitat on land that has been previously disturbed, such impacts would not be considered significant. ICE has made a no effect determination for threatened or endangered species in accordance with Section 7 of the ESA; there will be no direct take of migratory bird species. With the implementation of avoidance and mitigation strategies, adverse impacts on special status species would likely be even more reduced in magnitude than on general wildlife.

- Hazardous Waste and Materials: No significant impact. The storage, containment, or disposal of any municipal trash, construction debris, soil stockpiles, universal waste, and potentially hazardous waste generated during the project would be addressed in accordance with the applicable regulations. Potential impacts from construction activities would be minor and adverse with a low likelihood and small extent. Impacts would occur in the short term and would end once construction activities were completed.

The removal of lead from the berms or the implementation of additional BMPs at the firing ranges would have a high likelihood of short term, minor beneficial impacts with a small extent. Once target practice resumed at the firing ranges, lead would continue to accumulate at the berms and after several years, testing and possible removal of lead would be required.

All locations containing lead-based paints and/ or asbestos would be evaluated before starting construction activities to determine if any abatement measures would be required. Abatement/removal of these materials as a result of implementing the Proposed Action would have

a high likelihood of long-term, moderate beneficial impacts with small extent (any impacts would only occur in areas surrounding the renovated/demolished building).

- Utilities and Infrastructure: No significant impacts. Numerous construction, demolition and rehabilitation activities would occur over the phased implementation period, including upgrades to utility services at the site (such as the WWTP and the site's system of conduits, fiber optics, and fire alarms). The proposed upgrades to the WWTP would allow for better sludge drying methods, more efficient disposal of dried sludge, fewer mechanical breakdowns and a more resilient wastewater treatment system overall; these upgrades could prevent unauthorized discharges of untreated sewage to the environment. Impacts to utilities at the SPC would be long-term, beneficial, and localized.
- Cultural and Historic Resources: No significant impacts. No cultural resources were identified as being present at the Port Isabel SPC. The Texas State Historic Preservation Officer concurred with ICE's finding that no historic properties would be affected by the Proposed Action.
- Air Quality: No significant impact. The construction/demolition activities would cause short-term, minor adverse impacts with a medium extent and high likelihood on air quality and could affect individuals near the SPC. These impacts would occur during construction and demolition activities and would end once these activities are completed. Once construction activities are completed, operations at the SPC would return to their current levels. However, due to the increased fuel/energy efficiency of the appliances installed during construction (e.g., dishwashers, HVAC units, ovens and dryers), the overall emissions of criteria pollutants generated directly by the SPC and indirectly by the power generation facilities would decrease slightly. Overall, the implementation of the Proposed Action would cause long-term, minor beneficial impacts with a medium extent and high likelihood on air quality.
- Climate Change: No significant impact. Overall, the GHG emissions generated during construction and demolition activities would represent an incremental, but overall negligible, contribution to climate change. Once construction activities are completed, operations at the SPC would return to their current levels. However, due to the increased fuel/energy efficiency of the appliances installed during construction (e.g., dishwashers, ovens, HVAC units and dryers), the overall emissions of GHGs generated directly by the SPC and indirectly by the power generation facilities would decrease slightly. However, due to the relatively small amount of GHGs generated at the facility, overall, the operation of the SPC would have a negligible impact on climate change.
- Noise: No significant impact. As per the sound effects established in scientific literature, it is projected that construction and demolition activities under the Proposed Action would result in short-term, moderate, and adverse impacts with a high likelihood and small extent. Short-term moderate noise impacts would cease when construction is complete.

- Human Health and Safety: No significant impact. Potential impacts could be largely minimized with BMPs. Prior to demolition of any building, workplace assessment and monitoring would be conducted to determine if asbestos and lead exposure is at or above the permissible exposure limit (PEL) for workers. If the exposure potential exceeds the PEL, appropriate engineering controls and work practices would be established to ensure worker protection. A licensed contractor would be retained to remove and properly dispose of asbestos containing material (ACM) and lead based paint (LBP). If the appropriate BMPs are followed, the adverse impacts to workers during the construction/demolition portion of the project would be short-term and minor with a high likelihood and small extent. The removal of asbestos and/or lead based paint materials as a result of implementing the Proposed Action would have a permanent, moderate beneficial impact with a small extent. The cleaning of contaminated soils at the firing ranges and its reuse, or disposing of such soil in accordance with RCRA regulations, would have a high likelihood of short and long-term, moderate, beneficial impacts with medium extent.
- Socioeconomics: No significant impact. The Proposed Action would create direct, indirect, and induced jobs in the short term, and economic benefits from the associated slight increase in earnings and the slight decrease in unemployment would be negligible to minor. No adverse or beneficial impacts would occur in the long term once construction activities were completed. Both short- and long-term impacts would be large in extent, affecting Cameron County's or the surrounding counties' labor forces, per capita personal income and unemployment figures. While the number of jobs that would be created as a result of the construction activities under the Proposed Action is not known, the likelihood of the negligible to minor beneficial impacts occurring is nonetheless high (the magnitude of effects is conservative).
- Environmental Justice: No significant impact. The use of heavy equipment during construction and demolition activities would cause negligible to minor adverse noise and air quality impacts in the short term. Both adverse noise and air quality impacts would have a high likelihood of occurring and a medium or large extent, potentially affecting residents directly south and west of the facility; however, higher population areas (i.e., local neighborhoods) are located approximately 2.1 miles away, and therefore, would not be impacted. In the long term, traffic would return to current conditions and therefore no impacts from the Proposed Action would occur. Potential economic and health benefits associated with jobs could disproportionately benefit minorities in search of a job. Beneficial impacts due to the creation of direct, indirect and induced jobs associated with the Proposed Action would be minor. The likelihood of these beneficial impacts is high because the link between jobs and income and beneficial health outcomes mentioned above is well-established. The extent of impacts would be large because all minority populations in search of a job in Cameron County and the surrounding counties could benefit. The social and economic benefits of job creation would not be permanent and would largely revert to currently existing levels in the long term, after construction is complete.

Best Management Practices (BMPs): This FONSI and the EA are premised on adoption of site-specific BMPs that would be implemented during construction/renovation/demolition/facility improvements under the Preferred Alternative. The BMPs that would be implemented are described below:

1. The following BMPs developed by the USFWS would be implemented to avoid and/or minimize impacts to the federally-listed ocelot and jaguarundi and are required to reduce the significance of potential adverse effects on the ocelot, jaguarundi, and other listed species:
 - a. Individual federally-listed animals found in the Project area would not be harassed and would be allowed to leave of their own volition. An individual with the authority to stop construction activities would be on site during construction activities and would halt all activities immediately upon report of an ocelot or jaguarundi sighting.
 - b. During construction activities, an environmental monitor with authority to temporarily suspend construction at any time if the appropriate BMPs are not being properly implemented would be present on site. Duties of the monitor would include ensuring that activities stay within designated project areas, evaluating the response of individuals that come near the Project site, and implementing the appropriate BMP.
 - c. Vegetation clearing beyond the design parameters needed for construction, maintenance and use would be avoided. The perimeter of all construction or maintenance areas would be clearly demarcated using flagging or temporary construction fence, and no disturbance outside of that perimeter would be authorized.
 - d. Materials such as sand would be obtained from existing developed or previously used sources, not from undisturbed areas adjacent to the project area.
 - e. If new or improved access is needed, plans would be coordinated with the USFWS.
 - f. Tree and brush removal should be minimized, and permanent loss would be restored with native vegetation.
 - g. All food-related trash items would be disposed of and removed daily from the project site to eliminate attraction of predators.
 - h. All equipment, materials, and vehicles would be staged in designated areas that are currently cleared and covered with aggregate.
 - i. Construction and maintenance activities would be conducted only during daylight hours to avoid noise and lighting issues at night. Noise levels should be minimized, and all generators should be in baffle boxes (a sound-resistant box that is placed over or around a generator), have an attached muffler, or use other noise-abatement methods in accordance with industry standard.
 - j. Vehicle traffic associated with the project would remain on established roads and speeds would be reduced to the maximum extent practicable.
 - k. No fences or barriers should bisect or fragment jaguarundi or ocelot dispersal corridors or prevent access to fresh water.
 - l. Waste water (water used for project purposes that is contaminated with construction materials or water that is used for cleaning equipment and thus carrying oils, other toxic

- materials or other contaminants) should be stored in closed containers in accordance with state regulations on site until removed for disposal. All personnel involved with the on-the-ground construction or maintenance for the proposed action would receive training in the affected species, the agreed upon BMPs and the role of the construction monitor.
- m. All personnel involved with the on-the-ground construction or maintenance for the Proposed Action would receive training in the affected species, the agreed upon BMPs and the role of the construction monitor.
 - n. Documentation of observed ocelots and jaguarundi in project and activity areas would be reported to the USFWS.
 - o. No restoration activities, including monitoring, would occur in November and December to avoid the peak reproductive season of Gulf Coast jaguarundi.
 - p. Lighting would be down-shielded to illuminate facility or parking areas and would not shine on surrounding vegetated areas, as the ocelot and jaguarundi are usually active at night, dawn, and dusk.
 - q. Riparian areas or canals would be protected from construction and/or use, as these are areas that are used as travel corridors for cats, and a vegetative buffer would be maintained.
2. If applicable, preparation and implementation of a Texas National Pollution Discharge Elimination System permit and Stormwater Pollution Prevention Plan (SWPPP) to reduce soil erosion, control stormwater runoff, and prevent sedimentation during construction would be required. The SWPPP will outline procedures for minimizing the length of time soil is exposed to wind and rain, and will provide provisions for establishing vegetation as quickly as possible on disturbed areas following construction activities and for containing eroded material as practicable. BMPs could include installing silt fencing and sediment traps; applying water to soil to reduce dust; and reestablishing vegetation to minimize erosion and sedimentation. Areas around the buildings, parking lots and other infrastructure where soils remain exposed after construction is completed could be revegetated with grass or regionally appropriate native plant species.
 3. Continued implementation of the facility Spill Prevention, Control, and Countermeasure Plan to prevent and manage accidental spills and prohibited discharges which may occur during construction or operations of the facility would be required.

Public Involvement: A letter regarding the Purpose and Need, Proposed Action, No Action Alternative and decision to be made was sent to interested parties on August 20, 2018. A total of four comments were received during this scoping period. Comments focused on support from local government, cultural resource studies, coastal consistency and USFWS review of effects of the Proposed Action on federally listed species in Cameron County, wetlands and other Federal trust fish and wildlife resources.

A notice of availability of the draft environmental assessment was published on November 29, 2018. The notice was published in the English language in the San Antonio Express-News, and in the English and Spanish languages in the Valley Morning Star. The draft environmental assessment was made available at the Laguna Vista Public Library located at 1300 Palm Blvd., Laguna Vista, Texas 78578 and the Central Library located at 600 Soledad St., San Antonio, Texas 78205. The draft environmental assessment was also made available online on the Department of Homeland Security website (<https://www.dhs.gov/national-environmental-policy-act>). No comments were received.

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

Project Proponent:



John Lynch

2/21/19
Date

Unit Chief, Owned Facilities
Office of Asset and Facilities Administration
U.S. Immigration and Customs Enforcement

Approved:



Elizabeth Kennett

2/21/2019
Date

Division Chief, Safety and Sustainability
Office of Asset and Facilities Administration
U.S. Immigration and Customs Enforcement

Approved:



Dr. Teresa R. Pohlman

2/21/19
Date

Director, Sustainability and Environmental Programs
Department of Homeland Security