

## **EXHIBIT 23**

Final Finding of No Significant Impact: For the Proposed U.S.  
Immigration and Customs Enforcement South Texas Family Residential  
Center

**August 2014**  
**FINAL**  
**FINDING OF NO SIGNIFICANT IMPACT**  
FOR THE PROPOSED U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
SOUTH TEXAS FAMILY RESIDENTIAL CENTER  
DILLEY, TEXAS

**Background:** On August 12, 2014, Dr. Teresa Pohlman, Director of Sustainability and Environmental Programs (SEP) for the Department of Homeland Security (DHS) signed a Finding of No Significant Impact (DHS FONSI) for the Department's actions to address an increased influx of unaccompanied children and family units across the southwest border of the United States. Pursuant to the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ) regulations found at 40 C.F.R. Parts 1500-1508, and DHS NEPA implementing procedures (DHS Directive 023-01, Environmental Planning Program), DHS conducted a Programmatic Environmental Assessment (PEA) of the range of Departmental actions intended to handle this increased influx. The PEA covers transportation of family units and the rapid provision of adequate housing facilities for family units pending disposition of their respective immigration proceedings by U.S. Immigration and Customs Enforcement (ICE), an operational component of DHS. The PEA is available at <https://www.federalregister.gov/articles/2014/08/14/2014-19209/environmental-planning-and-historic-preservation-program> and at <http://www.dhs.gov/nepa>.

ICE proposes to enter into an intergovernmental service agreement (IGSA) with a municipality for the provision of family unit housing services for 2,400 persons at the proposed South Texas Family Residential Center (STFRC) near the city of Dilley, Texas. The municipality would subcontract with a private services provider, which would in turn construct and operate the facility. DHS, including ICE, has determined that the PEA covers significant areas of analysis for this sort of activity and has found that there would be either no or only minor impacts to the quality of the human environment. However, because certain site-specific considerations for the STFRC warrant a closer examination under NEPA, DHS and ICE have prepared a Supplemental Environmental Assessment (SEA) and analyzed potential impacts on the human and natural environment from the construction, operation, and maintenance of the STFRC.

**Purpose and Need:** The SEA adopts the description of the purpose and need set out in the PEA, as applicable. Specifically, the purpose of the proposed STFRC is for ICE to meet its mission requirements to house family units pending the disposition of their immigration proceedings. The proposed STFRC is on an expedited implementation schedule as determined by ICE leadership to rapidly provide appropriate housing requirements for family units as part of the Department's overall response to the influx of unaccompanied children (Presidential Memorandum of June 2, 2014) and family units across the southwest border. ICE has determined that in order to fulfill this requirement, it needs to rapidly obtain appropriate housing, support services, and support staff for 2,400 women and children. ICE's family residential center must be able to immediately house some family units. The

evaluation criteria for this site specific action included being located on or near a major highway, not farther than a one and one-half hours' drive from a major metropolitan center, and within one and one-half hours' drive from the Southwest Border in the Rio Grande Valley. The siting of the STFRC near the city of Dilley, Texas meets these criteria.

**Proposed Action:** The Proposed Action consists of the construction, operation, and maintenance of a facility to house family units in conformance with appropriate standards, and transportation of family unit members as necessary. The facility would be located on a parcel of land leased from a private landowner and would be accessed from State Highway 85, west of Dilley, Texas. The facility would encompass a total of approximately 51.5 acres and would consist of dormitories and support facilities (e.g., recreation, dining, medical, educational, courtrooms) for 2,400 persons at full operational capacity (FOC). FOC would also necessitate a support staff of 600 persons, split among shifts. A secure vehicular access entrance would be provided from State Highway 85 into the facility.

**Alternatives Considered:** Four alternatives were identified and considered during the planning stages of the proposed project. Two of these alternatives (Carrizo Springs and the Port Isabel Detention Center (PIDC)) were eliminated from further consideration because they did not meet the Purpose and Need for the Proposed Action. The Carrizo Springs alternative was eliminated because of its distance to the nearest major metropolitan area and increased logistical requirements for ICE. The PIDC alternative was eliminated because of immediate housing concerns and potential impacts and/or protection of habitat for the Federally-listed endangered Ocelot. Subsequently, the No Action Alternative and the Proposed Action Alternative were carried forward for further analysis. Under the No Action Alternative, the STFRC would not be constructed. The Purpose and Need would not be met under the No Action Alternative, leading to increased processing and transportation inefficiencies, and potentially housing family unit members in overcrowded and substandard facilities that could pose health and safety risks to both residents and staff. The Proposed Action Alternative would satisfy the Purpose and Need by providing the necessary added capacity to accomplish ICE's mission in conformance with appropriate standards as well as yielding increased operational efficiency.

**Affected Environment and Consequences:** The Proposed Action Alternative would not significantly impact any of the resources analyzed in the SEA. Implementation of the Proposed Action would have minor and temporary impacts on land use, biological resources, air quality, and noise. A summary of the resources analyzed and the consequences of the implementation of the Proposed Action is presented below.

- **Land Use:** No significant impact. Minor impacts include the loss of 51.5 acres of relatively low-grade agricultural land well suited for rangeland and some cropland. The proposed conversion is consistent with the Farmland Protection Policy Act (FPPA). Temporary impact to soil erosion may occur during the land clearing and/or disturbance phase of construction. Appropriate construction Best Management Practices (BMPs) would be

maintained to reduce soil erosion until permanent stabilization is achieved.

- Water Resources: No significant impact. Sufficient capacity exists within local utility suppliers to accommodate increases in demand for potable water and wastewater treatment.
- Biological Resources: No significant impact. No critical wildlife habitat occurs at the site. There would be no impact to Federally and State-listed endangered species and only minor impacts to State listed threatened species are expected to occur.
- Utilities and Infrastructure: No significant impact. Sufficient capacity exists within local utility suppliers to accommodate increases in demand.
- Historic Properties: No impacts are anticipated to historic properties, including archaeological resources. No significant historic properties were identified in the Area of Potential Effect (APE).
- Air Quality: No significant impact. Minor and temporary impacts will result from equipment and fugitive dust emissions during construction. Emissions are not estimated to exceed Federal *de minimis* thresholds.
- Noise: No significant impact. Minor and temporary impacts will result from construction activities.
- Greenhouse Gas & Climate Change: No significant impact. Direct GHG emissions are anticipated to be minimal.
- Social Environment & Environmental Justice: No significant impact. Minority and low-income communities would not experience a disproportionately high and adverse environmental impact. Minor positive impacts may be realized through an increase in local employment.
- Cumulative Impacts: The impacts of the Proposed Action, when combined with impacts from other present or planned development in the surrounding area, will not result in significant adverse cumulative impacts.

**Best Management Practices:** This FONSI and the SEA are premised on adoption of all mitigation measures as described in the DHS PEA, as applicable. Additional site specific BMPs will be implemented during the construction and operation of the STFRC, and are described throughout the SEA. These BMPs include:

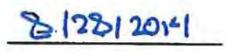
1. Preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce soil erosion, control stormwater runoff, and prevent sedimentation during construction. The SWPPP will outline procedures for minimizing the length of time soil is exposed to wind and rain, provide provisions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

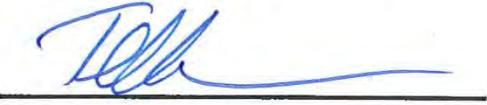
Plan to prevent and manage accidental spills and prohibited discharges which may occur during construction of the facility.

- 4. Preparation and implementation of measures to mitigate particulate matter generated by construction and operations, and minimize the emission of regulated air pollutants by vehicles (e.g., development of a Construction Emissions Mitigation Plan).

**Findings and Conclusions:** Implementation of the Proposed Action Alternative would not result in significant impacts on any of the resources analyzed within the SEA 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 point towards conclusions that differ from its assessment of no significant impact to any resource area. In the event unexpected issues are raised, ICE may issue follow up NEPA documentation as appropriate. All practical and reasonable means will be employed by ICE to minimize the potential adverse impacts on the human and natural environment. Therefore, a Finding of No Significant Impact (FONSI) is warranted.

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