

**FINAL**



**ENVIRONMENTAL ASSESSMENT  
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.**

**JULY 2020**



**FINAL**

**ENVIRONMENTAL ASSESSMENT  
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.**

**JULY 2020**



**U.S. Customs and  
Border Protection**

**Point of Contact**

Mr. Joseph Zidron  
U.S. Customs and Border Protection  
Border Patrol and Air and Marine  
Program Management Office  
24000 Avila Road, Suite 5020  
Laguna Niguel, CA 92677

**FINDING OF NO SIGNIFICANT IMPACT  
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.**

**INTRODUCTION:** United States (U.S.) Customs and Border Protection (CBP) prepared an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from 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.

The proposed new CPC would be a permanent processing facility constructed to accommodate 965 detainees and a staff of 200 for the processing and temporary holding of migrants who have crossed into the U.S. The facility would be located on an undeveloped parcel of land 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 enter the U.S. on a daily basis. Therefore, the purpose of the proposed CPC would be 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 support CBP's effort to comply with TEDS and process migrants in an efficient manner.

**PROJECT LOCATION:** The proposed El Paso 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.

**PURPOSE AND NEED:** CBP proposes the construction, operation, and maintenance of a new CPC in El Paso (the Proposed Action) for the purpose of providing immediate, safe, and secure processing and detention space for migrant families and unaccompanied children in the USBP El Paso Sector. The need for the Proposed Action is the inadequacy of existing CBP and USBP facilities to accommodate the number of migrants without overcrowding and provide the necessary separation of males, females, adults, and unaccompanied children being held. Further, this CPC would allow for a sustainable humanitarian processing and holding facility.

**ALTERNATIVES:** The Proposed Action and one alternative (No Action Alternative) were identified and considered during the planning stages of the proposed project. The Proposed Action would construct a new CPC on a 60-acre parcel of undeveloped land located along Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas. The proposed CPC would provide a permanent facility to accommodate 965 detainees 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.

Operation of the El Paso CPC would be expected to begin upon completion of construction. The CPC would operate 24 hours per day and 7 days per week. Operational activities would consist primarily of the transportation of migrants to and from the CPC using buses or other motor vehicles on established public roadways and facility driveways; transfer of migrants from buses into the CPC using a sally port or similar building for processing; utilization of public utilities for power, heating, ventilation, air conditioning, potable water, and waste disposal to run the CPC; and transportation by CBP, USBP, and contractor personnel in three shifts per day to the CPC for staffing.

**ENVIRONMENTAL CONSEQUENCES:** The Proposed Action would have a permanent, negligible impact on land use. Approximately 10 acres would be converted from undeveloped land to CPC facilities. The Proposed Action would have long-term, minor impacts on surface water and groundwater resources resulting from usage during construction and operation of the CPC. Temporary, negligible impacts would be expected on surface water quality as a result of erosion and sedimentation during construction activities. Best management practices (BMPs) and standard construction procedures would be implemented to minimize the potential for erosion and sedimentation during construction. No jurisdictional wetlands or waters of the United States would be impacted by construction of the CPC.

Permanent, although minor, impacts would occur on soils and vegetative habitat as a result of disturbing approximately 10 acres for the construction of the new CPC. The permanent loss of approximately 10 acres to the new CPC would have a negligible impact on local wildlife. The Proposed Action may affect, but is not likely to adversely affect, one federally listed species: northern aplomado falcon (*Falco femoralis septentrionalis*). No designated critical habitat occurs within the project area. Endangered Species Act (ESA), Section 7 consultation with U.S. Fish and Wildlife Service (USFWS) has been completed for this project.

No archaeological sites were recorded during surveys of the CPC site location. An archival records check identified five previously recorded archaeological sites within 1-mile of the proposed CPC facility, none of which overlap with the project area. Therefore, no historic properties would be impacted by implementation of the Proposed Action. National Historic Preservation Act (NHPA), Section 106 consultation with the Texas Historical Commission (THC) has been completed for this project.

Temporary and minor increases in air pollution would occur during construction activities. Air emissions would be below the Federal de minimis thresholds during construction, operation, and maintenance activities. Noise level increases associated with construction equipment would

result in temporary, negligible impacts within the vicinity of the construction area. The Proposed Action would not result in exposure of the environment or public to any hazardous materials. The impacts from spills of hazardous materials such as fuel, lubricant, hydraulic fluid, and other chemicals during construction would be minimized by utilizing BMPs.

Negligible increases in demands on electric power, water supply, and wastewater treatment utilities would be expected as a result of the new CPC. Installation of new communications equipment would have a negligible impact on the radio frequency (RF) environment within the project area. No RF energy emissions would be outside Occupational Safety and Health Administration (OSHA) safety standards.

The Proposed Action would have a long-term, minor impact on aesthetic qualities within 5 miles or less of the project area. Construction of the CPC would create long-term, minor impacts on roadways and traffic within the region. Vehicular traffic would increase near the proposed site to transport materials and work crews during construction activities. An increase in the number of personnel traveling to the new CPC would also occur after construction has completed.

The Proposed Action would have minor to negligible impacts on socioeconomics through increased taxes, salaries, and purchase of supplies during construction and operation of the CPC. Further, the Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations or low-income populations; therefore, no effect relative to environmental justice or protection of children issues would occur.

**BEST MANAGEMENT PRACTICES:** BMPs were identified for each resource category that could be potentially affected. Many of these measures have been incorporated as standard operating procedures by CBP in similar past projects. The BMPs to be implemented are found below and in Section 5.0 of the EA.

## **GENERAL PROJECT PLANNING CONSIDERATIONS**

1. If required, night-vision-friendly strobe lights necessary for CBP 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 bulbs designed to minimize increases 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. CBP will avoid the spread of non-native plants by not using natural materials (e.g., straw) for on-site erosion control. If natural materials must be used, the natural material would be certified weed and weed-seed free. Herbicides not toxic to listed species that may be in the area can be used for non-native vegetation control. Application of herbicides will follow Federal guidelines and be in accordance with label directions.
5. CBP will ensure that all construction follows DHS Directive 025-01, *Sustainable Practices for Environmental, Energy, and Transportation Management*.
6. CBP will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

## **5.2 SOILS**

1. Clearly demarcate the perimeter of all new 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 topsoil removal will be limited to areas where this activity is needed to provide the ground conditions necessary for construction or maintenance activities.
4. Rehabilitation will include revegetating or the distribution of organic and geological materials (e.g., boulders and rocks) over the disturbed area to reduce erosion.

## **BIOLOGICAL RESOURCES**

1. The amount of vegetation proposed for clearing, particularly native trees and shrubs, will be minimized to the greatest extent practicable.
2. In-kind on-site replacement/restoration of native vegetation will occur wherever practicable.
3. Materials used for on-site erosion control will be free of non-native plant seeds and other plant parts to limit potential for infestation.
4. Any fill material, sandbags, hay bales, or mulch brought in from outside the project area will be identified by its source location. These materials will be free of non-native plant seeds and other plant parts to limit potential for infestation.
5. Colonization by invasive species will be actively prevented through vegetation management, including removing invasive species early on while allowing existing native plants to revegetate disturbed areas.

6. Native seeds or plants that are regionally adapted and compatible with the enhancement of protected species will be used to revegetate temporarily disturbed areas. Selection of appropriate native seeds and plants will follow guidance provided on the Lady Bird Johnson Wildflower Center Native Plant Database website (<https://www.wildflower.org>).
7. Pollinator conservation and management will be considered in revegetation efforts, and native plant species used for revegetation of disturbed areas will contain native milkweed (*Asclepias* spp.) and nectar plants and efforts will follow guidance provided on the Monarch Watch website (<https://monarchwatch.org/>).
8. Materials such as gravel, topsoil, or fill will be obtained from existing developed or previously used sources that are compatible with the project area and are from legally permitted sites. Materials from undisturbed areas adjacent to the project area will not be used.
9. The number of vehicles traveling to and from the project site and the number of trips per day will be minimized to reduce the likelihood of disturbing animals in the area or injuring animals on the road.
10. Vehicle speeds within the project area will be limited to 15 miles per hour to help prevent vehicle-induced mortality of wildlife species.
11. Impacts to harvester ant (*Pogomyrmex barbatus*) mounds will be avoided, where feasible.
12. Construction personnel and contractors will avoid injury or harm to all snake species encountered during clearing and construction activities.
13. To prevent entrapment of wildlife species, ensure that excavated, steep-walled holes or trenches are either completely covered by plywood or metal caps at the close of each workday or provided with one or more escape ramps (at no greater than 1,000-foot intervals and sloped less than 45 degrees) constructed of earthen fill or wooden planks.
14. Each morning before the start of construction or maintenance activities and before such holes or trenches are filled, ensure that they are thoroughly inspected for trapped animals. Ensure that any animals discovered are allowed to escape voluntarily (by escape ramps or temporary structures), without harassment, and before construction activities resume, or are removed from the trench or hole by a qualified person and allowed to escape unimpeded.
15. CBP 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.

## PROTECTED SPECIES

1. All contractors, work crews, and CBP personnel in the field performing construction and maintenance activities will receive environmental awareness training. At a minimum, environmental awareness training will provide the following information: maps indicating occurrence of potentially affected federally listed species, state listed species, and Species of Greatest Conservation Need (SGCN); the general ecology, habitat requirements, and behavior of potentially affected federally listed species, state listed species, and SGCN; the BMPs listed here and their intent; reporting requirements; and penalties for violations of the ESA, Migratory Bird Treaty Act (MBTA), and applicable state laws that protect birds, state listed species, and other wildlife. The project manager(s) will be responsible for ensuring that their personnel are familiar with general BMPs, the specific BMPs presented here, and other limitations and constraints. Photographs of potentially affected federally listed species, state listed species, and SGCN 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. In addition, training in identification of non-native invasive plants and animals will be provided for contracted personnel engaged in follow-up monitoring of construction sites.
2. Construction and site personnel will be trained for encounters with protected species. If a siting occurs, a qualified biologist will be notified and consulted on the appropriate action.
3. The Migratory Bird Treaty Act (16 U.S.C. §§ 703-712, as amended) requires that Federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during 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 Texas Parks and Wildlife Department (TPWD) will be required and applicable permits would be obtained prior to construction or clearing activities.
4. If sensitive reptiles are encountered on-site, including Texas horned lizard (*Phrynosoma cornutum*), mountain short-horned lizard (*Phrynosoma hernandesi*), Chihuahuan desert lyre snake (*Trimorphodon vilkinsonii*), western rattlesnake (*Crotalus viridis*), massasauga (*Sistrurus tergeminus*), western box turtle (*Terrapene ornata*), and others, they will be avoided and allowed to leave the project area on their own. If a sensitive reptile must be relocated, a qualified biologist will relocate them off-site to a nearby area containing similar habitat no more than one mile, and preferable within 200 yards, from the initial encounter location. State listed species (e.g., Texas horned lizard and mountain short-

horned lizard) will only be handled by a person with authorization through TPWD. After sensitive reptile removal, the area that will be disturbed during active construction should be fenced off to exclude sensitive reptile species. The exclusion fence will be constructed and maintained as follows:

- The exclusion fence will be constructed with metal flashing or silt fence material.
  - Rolled erosion control mesh will not be used.
  - The exclusion fence will be maintained for the life of the project and only removed after the construction is completed and the disturbed areas have been revegetated.
  - Any open trenches or excavated areas will be covered overnight and inspected every morning to ensure that no sensitive reptile species or other wildlife have been trapped. For open pits and excavations, escape ramps will be installed at an angle of less than 45 degrees (1:1).
  - Excavated areas will be inspected for sensitive reptile species and other wildlife before refilling.
5. To the extent practicable, animal burrows will be left intact and undisturbed in order to avoid take of western burrowing owl (*Athene cunicularia hypugaea*) eggs, young, and adults as well as to avoid direct or indirect impacts to black-tailed prairie dog (*Cynomys ludovicianus*), kit fox (*Vulpes macrotis*), long-tailed weasel (*Mustela frenata*), western hog-nosed skunk (*Conepatus leuconotus*), western spotted skunk (*Spilogale gracilis*), Texas horned lizard, mountain short-horned lizard, western box turtle, and other native species or their dens.
  6. If prairie dog burrows will be disturbed as a result of the proposed project, non-harmful exclusion methods will be used to encourage the animals to vacate the area prior to disturbance and discourage them from returning to the area during construction. Any prairie dogs encountered on the project site will be removed by a prairie dog relocation specialist immediately before construction to discourage recolonization of the project area.
  7. A qualified biologist will survey the areas proposed for disturbance for the presence of sand prickly pear (*Opuntia arenaria*), desert night-blooming cereus (*Peniocereus greggii* var. *greggii*), and other plant SGCN. Surveys will be performed at the time of year when these species are most likely to be found, which generally corresponds with flowering periods that occur from April through June. If plant SGCN are found in the path of construction, including the placement of staging areas and other project related sites, TPWD should be contacted for further coordination and possible salvage of plants and/or seeds for seed banking. Plant SGCN not in the direct path of construction should be protected by markers or fencing and by instructing construction crews to avoid any harm.
  8. Additional precautions will be taken as needed to avoid impacts to any other SGCNs that are encountered within the project area.

9. 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.

## **CULTURAL RESOURCES**

1. In the event that unanticipated archaeological resources are discovered during construction or any other project-related activities, or should known archaeological resources be inadvertently affected in a manner that was not anticipated, the project proponent or contractor shall immediately halt all activities in the immediate area of the discovery and take steps to stabilize and protect the discovered resource until it can be evaluated by a qualified archaeologist. CBP’s established standard operating procedures for inadvertent discoveries (*Standard Operating Procedure for Post-Review Discovery of Cultural Materials or Human Remains*) would be adhered to in all cases.
2. In the event of an inadvertent discovery of human remains, the CPB Environmental Manager, and the appropriate law enforcement authorities will be contacted per the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 U.S.C. § 3001 et seq.; 43 Code of Federal Regulations Part 10, as updated). Descendant tribal communities will be notified of the inadvertent discovery, and consultation will be initiated through CBP. In the event that human remains are inadvertently discovered, all ground-disturbing activity would cease immediately. The Project Manager would immediately notify CBP. CBP would notify state police within 24 hours of the discovery and follow their directions for securing the site pending examination by a medical examiner/coroner. Law enforcement and the coroner would determine whether the discovery constitutes a crime scene. CBP would coordinate with the state police and the coroner regarding where construction activities could resume. No work would proceed without the written authorization of CBP. CBP would notify the Advisory Council on Historic Preservation, the appropriate State (or Tribal) Historic Preservation Officer, any impacted Indian Tribe, and any impacted federal agency of the discovery in writing within two business days. NAGPRA would be followed if the discovery is determined to be of Native American origin. CBP’s established standard operating procedures for inadvertent discoveries would be adhered to in all cases.

## **AIR QUALITY**

1. The placement of flagging and construction fencing will be used to restrict traffic within the construction limits in order to reduce fugitive dust caused by soil disturbance.
2. 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 revegetation of temporary impact areas with a mixture of native plant seeds or nursery plantings (or both).
3. All construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.

## 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. Avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging, and laydown and dispensing hazardous liquids, such as fuel and oil, to designated upland areas.
4. Cease work during heavy rains and do not resume work until conditions are suitable for the movement of equipment and materials.
5. Erosion control measures and appropriate BMPs, as required and promulgated through a site-specific Stormwater Pollution Prevention Plan (SWPPP) and engineering designs, will be implemented before, during, and after soil-disturbing activities. TPWD recommends the following general construction BMPS:
  - Judicious use of sediment control fence to control erosion and exclude wildlife from the construction area. The sediment control fence should be buried to a depth of at least six inches and should be at least 24 inches high, and should be maintained throughout the life of the construction project.
  - Wildlife escape ramps constructed of earthen fill or wooden planks and sloped less than 45 degrees (1:1) should be installed in any open pits or excavations at no greater than 1,000-foot intervals.
  - Seed and mulch material should be used for soil stabilization and re-vegetation of disturbed areas rather than mesh which can entangle snakes and other wildlife.
  - TPWD recommends that no-till drilling, hydro-mulching, or hydro-seeding be used wherever practicable rather than deploying erosion control blankets or mats due to reduced risks to wildlife.
  - If erosion control blankets must be used, the product should not contain netting, or if it must contain netting, it should be loosely woven natural fiber rather than plastic.
6. Areas with highly erodible soils will be given special consideration when preparing the SWPPP to ensure incorporation of various erosion control techniques, such as straw bales, silt fencing, aggregate materials, wetting compounds, and rehabilitation, where possible, to decrease erosion.
7. All construction and maintenance contractors and personnel will review the CBP-approved spill protection plan and implement it during construction and maintenance activities.

8. 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.
9. 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.

## **NOISE**

1. All generators will have an attached muffler or use other noise-abatement methods in accordance with industry standards.
2. Avoid noise impacts during the night by conducting construction and maintenance activities during daylight hours only.
3. All OSHA requirements will be followed. 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.

## **SOLID AND HAZARDOUS WASTES**

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, 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. CBP 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.
3. CBP 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.

4. 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.
5. 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.
6. 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.
7. All rainwater collected in secondary containment will be pumped out, and secondary containment will have netting to minimize exposure to wildlife.
8. 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.

## **ROADWAYS AND TRAFFIC**

1. Construction vehicles will travel and equipment will be transported on established roads with proper flagging and safety precautions.

**FINDING:** On the basis of the findings of the EA, which is incorporated by reference, and which has been conducted in accordance with the National Environmental Policy Act, the Council on Environmental Quality regulations, DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01-001-01, Rev. 01, *Implementation of the National Environmental Policy Act*, and after careful review of the potential environmental impacts of implementing the proposal, we find there would be no significant impact on the quality of the human or natural environments, either individually or cumulatively; therefore, there is no requirement to develop an Environmental Impact Statement. Further, we commit to implement BMPs and environmental design measures identified in the EA and supporting documents.

**BARTOLOME  
D MIRABAL** Digitally signed by  
BARTOLOME D MIRABAL  
Date: 2020.07.15  
13:11:33 -04'00'

---

Bartolome Mirabal  
Director  
Facilities Division  
U.S. Border Patrol

Date

**ERIC P ELDRIDGE** Digitally signed by ERIC P  
ELDRIDGE  
Date: 2020.07.20 08:23:37 -04'00'

---

Eric Eldridge  
Director  
Facilities Management and Engineering Division

Date

---

---

## EXECUTIVE SUMMARY

---

---

### INTRODUCTION

U.S. Customs and Border Protection (CBP) is the law enforcement component of the Department of Homeland Security (DHS) responsible for securing the border and facilitating lawful international trade and travel. U.S. Border Patrol (USBP) is the uniformed law enforcement component within CBP responsible for securing the Nation's borders against the illegal entry of people and goods between ports of entry.

CBP is proposing to construct a new 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 detainees and a staff of 200 for the processing and temporary holding of migrants who have crossed into the United States. The facility would be located on an undeveloped parcel of land in northeast El Paso, Texas.

### STUDY LOCATION

The proposed El Paso 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. The CPC would be located in the north center of the parcel, providing a buffer from adjacent land use activities.

### PURPOSE AND NEED

CBP proposes the construction, operation, and maintenance of a new CPC in El Paso (the Proposed Action) for the purpose of providing immediate, safe, and secure processing and detention space for migrant families and unaccompanied children in the USBP El Paso Sector. The need for the Proposed Action is the inadequacy of existing CBP and USBP facilities to accommodate the number of migrants without overcrowding and provide the necessary separation of males, females, adults, and unaccompanied children being held.

### PROPOSED ACTION AND ALTERNATIVES

The Proposed Action and one alternative (No Action Alternative) were identified and considered during the planning stages of the proposed project. The Proposed Action (Preferred Alternative) consists of the construction of a new CPC and associated infrastructure that meet the purpose of and need for the project. As required by the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations, the No Action Alternative reflects conditions within the project area should the Proposed Action not be implemented. Under the No Action Alternative, no CPC would be built and the El Paso Sector would continue to be faced with the lack of facilities needed to hold and process the influx of migrants. Under the Preferred Alternative, ten total sites were initially compared and evaluated for suitability, and one potential CPC site was carried forward for evaluation in the EA. The nine sites that were considered, but eliminated from consideration, consisted of two privately-owned parcels of land and seven parcels that are owned by the City of El Paso. The nine sites considered, but eliminated, did not

fully meet the purpose and need of the Proposed Action; therefore, these alternative sites are not carried forward for analysis.

## **AFFECTED ENVIRONMENT AND CONSEQUENCES**

The Proposed Action would have a permanent, negligible impact on land use. Approximately 10 acres would be converted from undeveloped land to CPC facilities. The Proposed Action would have long-term, minor impacts on surface water and groundwater resources resulting from usage during construction and operation of the CPC. Temporary, negligible impacts would be expected on surface water quality as a result of erosion and sedimentation during construction activities. Best management practices (BMPs) and standard construction procedures would be implemented to minimize the potential for erosion and sedimentation during construction. No jurisdictional wetlands or waters of the United States would be impacted by construction of the CPC.

Permanent, although minor, impacts would occur on soils and vegetative habitat as a result of disturbing approximately 10 acres for the construction of the new CPC. The permanent loss of approximately 10 acres to the new CPC would have a negligible impact on local wildlife. The Proposed Action may affect, but is not likely to adversely affect, one federally listed species: northern aplomado falcon (*Falco femoralis septentrionalis*). No designated critical habitat occurs within the project area. Endangered Species Act (ESA), Section 7 consultation with U.S. Fish and Wildlife Service (USFWS) has been completed for this project.

No archaeological sites were recorded during surveys of the CPC site location. An archival records check identified five previously recorded archaeological sites within 1-mile of the proposed CPC facility, none of which overlap with the project area. Therefore, no historic properties would be impacted by implementation of the Proposed Action. National Historic Preservation Act (NHPA), Section 106 consultation with the Texas Historical Commission (THC) has been completed for this project.

Temporary and minor increases in air pollution would occur during construction activities. Air emissions would be below the Federal *de minimis* thresholds during construction, operation, and maintenance activities. Noise level increases associated with construction equipment would result in temporary, negligible impacts within the vicinity of the construction area. The Proposed Action would not result in exposure of the environment or public to any hazardous materials. The impacts from spills of hazardous materials such as fuel, lubricant, hydraulic fluid, and other chemicals during construction would be minimized by utilizing BMPs.

Negligible increases in demands on electric power, water supply, and wastewater treatment utilities would be expected as a result of the new CPC. Installation of new communications equipment would have a negligible impact on the radio frequency (RF) environment within the project area. No RF energy emissions would be outside Occupational Safety and Health Administration (OSHA) safety standards.

The Proposed Action would have a long-term, minor impact on aesthetic qualities within 5 miles or less of the project area. Construction of the CPC would create long-term, minor impacts on roadways and traffic within the region. Vehicular traffic would increase near the proposed site to transport materials and work crews during construction activities. An increase in the number of personnel traveling to the new CPC would also occur after construction has completed.

The Proposed Action would have minor to negligible impacts on socioeconomics through increased taxes, salaries, and purchase of supplies during construction and operation of the CPC. Further, the Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations or low-income populations; therefore, no effect relative to environmental justice or protection of children issues would occur.

## **FINDINGS AND CONCLUSIONS**

Based upon the analyses of the EA and the BMPs to be implemented, the Proposed Action would not have a significant adverse effect on the environment. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted. CBP, in implementing this decision, would employ all practical means to minimize the potential for adverse impacts on the human and natural environments.

---

---

## TABLE OF CONTENTS

---

---

<b>EXECUTIVE SUMMARY .....</b>	<b>ES-1</b>
<b>1.0 INTRODUCTION.....</b>	<b>1-1</b>
1.1 BACKGROUND .....	1-1
1.2 PROJECT LOCATION .....	1-1
1.3 PURPOSE AND NEED OF THE PROPOSED ACTION .....	1-1
1.4 SCOPE OF ENVIRONMENTAL ANALYSIS AND DECISIONS TO BE MADE.....	1-4
1.5 APPLICABLE ENVIRONMENTAL GUIDANCE, STATUTES, AND REGULATIONS.....	1-5
1.6 PUBLIC INVOLVEMENT .....	1-5
<b>2.0 PROPOSED ACTION AND ALTERNATIVES .....</b>	<b>2-1</b>
2.1 PROPOSED ACTION .....	2-1
2.2 NO ACTION ALTERNATIVE.....	2-2
2.3 ALTERNATIVES SUMMARY.....	2-2
<b>3.0 AFFECTED ENVIRONMENT AND CONSEQUENCES .....</b>	<b>3-1</b>
3.1 PRELIMINARY IMPACT SCOPING .....	3-1
3.2 LAND USE.....	3-4
3.2.1 Alternative 1: Proposed Action.....	3-5
3.2.2 Alternative 2: No Action Alternative .....	3-5
3.3 SOILS .....	3-5
3.3.1 Alternative 1: Proposed Action.....	3-6
3.3.2 Alternative 2: No Action Alternative .....	3-6
3.4 WATER RESOURCES .....	3-6
3.4.1 Ground Water.....	3-6
3.4.2 Surface Water.....	3-7
3.4.3 Alternative 1: Proposed Action.....	3-8
3.4.4 Alternative 2: No Action Alternative .....	3-9
3.5 VEGETATIVE HABITAT.....	3-9
3.5.1 Alternative 1: Proposed Action.....	3-10
3.5.2 Alternative 2: No Action Alternative .....	3-11
3.6 WILDLIFE RESOURCES.....	3-11
3.6.1 Alternative 1: Proposed Action.....	3-12
3.6.2 Alternative 2: No Action Alternative .....	3-14
3.7 THREATENED AND ENDANGERED SPECIES .....	3-14
3.7.1 Alternative 1: Proposed Action.....	3-18
3.7.2 Alternative 2: No Action Alternative .....	3-20
3.8 CULTURAL, HISTORICAL, AND ARCHAEOLOGICAL RESOURCES....	3-20
3.8.1 Alternative 1: Proposed Action.....	3-22
3.8.2 Alternative 2: No Action Alternative .....	3-22
3.9 AIR QUALITY.....	3-22
3.9.1 Alternative 1: Proposed Action.....	3-25

3.9.2	Alternative 2: No Action Alternative .....	3-25
3.10	NOISE.....	3-25
3.10.1	Alternative 1: Proposed Action.....	3-26
3.10.2	Alternative 2: No Action Alternative.....	3-27
3.11	UTILITIES AND INFRASTRUCTURE.....	3-27
3.11.1	Alternative 1: Proposed Action.....	3-27
3.11.2	Alternative 2: No Action Alternative.....	3-27
3.12	RADIO FREQUENCY ENVIRONMENT.....	3-28
3.12.1	Alternative 1: Proposed Action.....	3-29
3.12.2	Alternative 2: No Action Alternative.....	3-30
3.13	ROADWAYS AND TRAFFIC .....	3-30
3.13.1	Alternative 1: Proposed Action.....	3-30
3.13.2	Alternative 2: No Action Alternative.....	3-30
3.14	AESTHETIC AND VISUAL RESOURCES .....	3-30
3.14.1	Alternative 1: Proposed Action.....	3-32
3.14.2	Alternative 2: No Action Alternative.....	3-32
3.15	HAZARDOUS MATERIALS .....	3-32
3.15.1	Alternative 1: Proposed Action.....	3-32
3.15.2	Alternative 2: No Action Alternative.....	3-33
3.16	SOCIOECONOMICS .....	3-33
3.16.1	Alternative 1: Proposed Action.....	3-34
3.16.2	Alternative 2: No Action Alternative.....	3-35
3.17	ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN .....	3-35
3.17.1	Alternative 1: Proposed Action.....	3-36
3.17.2	Alternative 2: No Action Alternative.....	3-36
<b>4.0</b>	<b>CUMULATIVE IMPACTS .....</b>	<b>4-1</b>
4.1	DEFINITION OF CUMULATIVE IMPACTS .....	4-1
4.2	PAST IMPACTS WITHIN THE REGION OF INFLUENCE.....	4-1
4.3	CURRENT AND REASONABLY FORESEEABLE CBP PROJECTS WITHIN AND NEAR THE REGION OF INFLUENCE.....	4-1
4.4	ANALYSIS OF CUMULATIVE IMPACTS.....	4-3
4.4.1	Land Use .....	4-3
4.4.2	Soils.....	4-3
4.4.3	Groundwater, Surface Water, Waters of the United States, and Floodplains.....	4-3
4.4.4	Vegetative Habitat.....	4-4
4.4.5	Wildlife Resources .....	4-4
4.4.6	Threatened and Endangered Species.....	4-4
4.4.7	Cultural Resources .....	4-5
4.4.8	Air Quality.....	4-5
4.4.9	Noise.....	4-5
4.4.10	Utilities and Infrastructure .....	4-5
4.4.11	Radio Frequency (RF) Environment.....	4-6
4.4.12	Roadways and Traffic .....	4-6
4.4.13	Aesthetics and Visual Resources.....	4-6
4.4.14	Hazardous Materials.....	4-6

4.4.15 Socioeconomics and Environmental Justice .....	4-7
<b>5.0 BEST MANAGEMENT PRACTICES.....</b>	<b>5-1</b>
5.1 GENERAL PROJECT PLANNING CONSIDERATIONS .....	5-1
5.2 SOILS .....	5-2
5.3 BIOLOGICAL RESOURCES .....	5-2
5.4 PROTECTED SPECIES .....	5-3
5.5 CULTURAL RESOURCES .....	5-5
5.6 AIR QUALITY .....	5-6
5.7 WATER RESOURCES .....	5-6
5.8 NOISE.....	5-7
5.9 SOLID AND HAZARDOUS WASTES .....	5-8
5.10 ROADWAYS AND TRAFFIC .....	5-9
<b>6.0 REFERENCES.....</b>	<b>6-1</b>
<b>7.0 ACRONYMS/ABBREVIATIONS .....</b>	<b>7-1</b>

### LIST OF FIGURES

Figure 1-1. Project Location Map.....	1-2
Figure 1-2. Project Area Map .....	1-3

### LIST OF TABLES

Table 2-1. Alternatives Matrix: Purpose of and Need for Alternatives .....	2-2
Table 3-1. Resources Analyzed in the Environmental Impact Analysis Process.....	3-1
Table 3-2. Summary Matrix of Potential Impacts .....	3-2
Table 3-3. El Paso County Land Use Data.....	3-5
Table 3-4. Floral Species Observed During Biological Resources Surveys .....	3-10
Table 3-5. Wildlife Observed During Biological Resources Surveys.....	3-12
Table 3-6. Federally Listed Species for El Paso County, Texas .....	3-15
Table 3-7. Texas State Listed Species with the Potential to Occur in El Paso County.....	3-18
Table 3-8. National Ambient Air Quality Standards.....	3-23
Table 3-9. A-Weighted (dBA) Sound Levels of Construction Equipment and Modeled Attenuation at Various Distances <sup>1</sup> .....	3-26
Table 3-10. Population, Income, Labor Force, and Unemployment.....	3-33
Table 3-11. Minority Population and Poverty Rates .....	3-36

### LIST OF PHOTOGRAPHS

Photograph 3-1. Overview of the proposed El Paso CPC project area.....	3-31
--	------

### LIST OF APPENDICES

Appendix A. Correspondence	
Appendix B. Texas State Listed Species and Species of Greatest Conservation Need for El Paso County	

---

---

## **1.0 INTRODUCTION**

---

---

### **1.1 BACKGROUND**

United States (U.S.) Customs and Border Protection (CBP) prepared this Environmental Assessment (EA) to address the potential effects, beneficial and adverse, resulting from 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. The proposed new CPC would be a permanent processing facility constructed to accommodate 965 detainees and a staff of 200 for the processing and temporary holding of migrants who have crossed into the U.S. The facility would be located on an undeveloped parcel of land 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 enter the U.S. on a daily basis. Therefore, the purpose of the proposed CPC would be 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 (CBP 2015). 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 support CBP's effort to comply with TEDS and process migrants in an efficient manner.

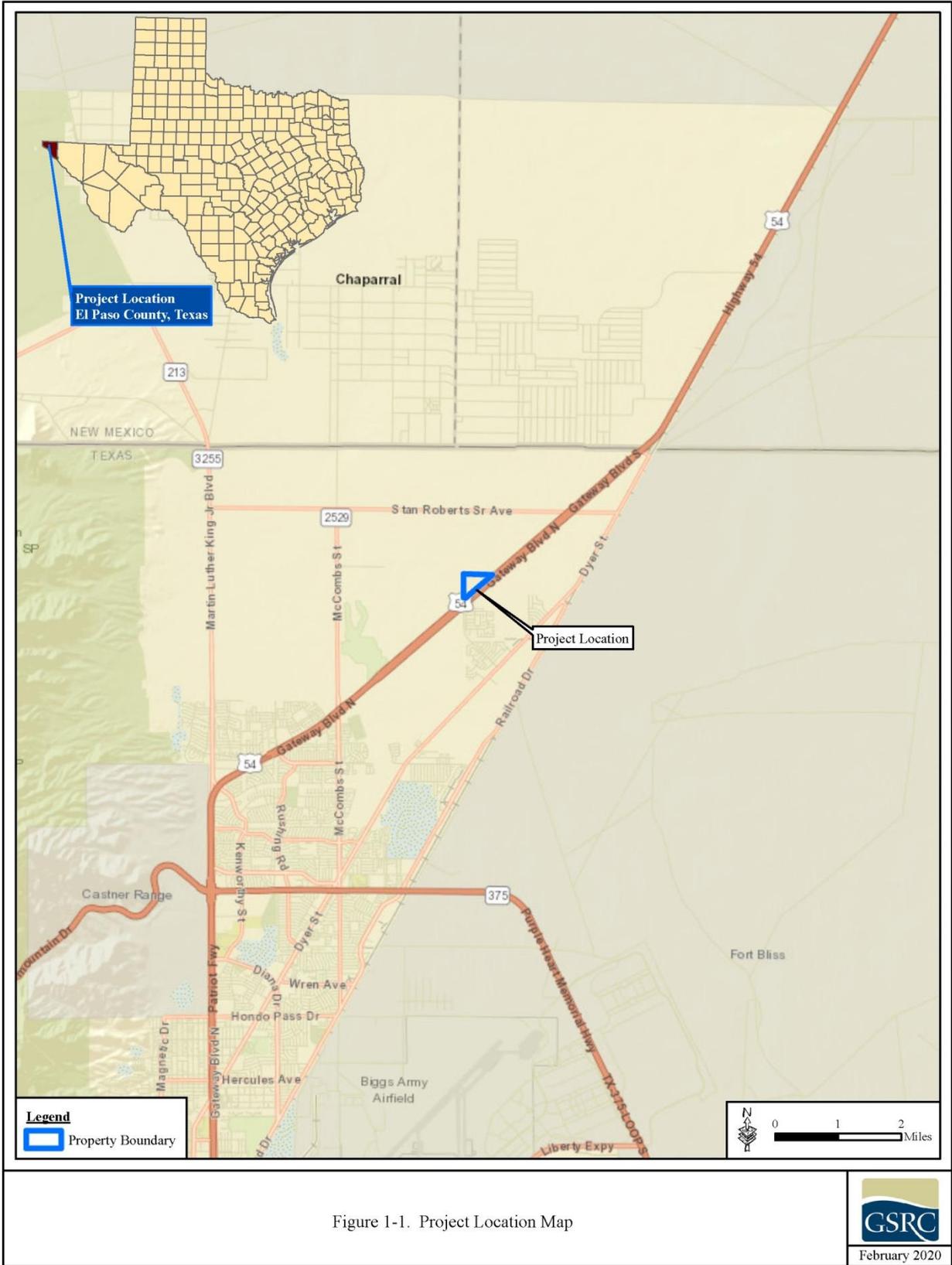
The El Paso Sector is one of nine sectors located on the U.S.-Mexico International Border and consists of 11 stations: El Paso, Clint, Fort Hancock, and Ysleta, Texas; and Alamogordo, Albuquerque, Deming, Las Cruces, Lordsburg, Truth or Consequences, and Santa Teresa, New Mexico (CBP 2019). El Paso Sector's area of responsibility (AOR) encompasses 125,500 square miles, which covers the entire state of New Mexico and Hudspeth and El Paso counties in Texas. The sector secures 268 miles of international boundary.

### **1.2 PROJECT LOCATION**

The proposed El Paso CPC would be located along Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas (Figure 1-1). 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 (Figure 1-2).

### **1.3 PURPOSE AND NEED OF THE PROPOSED ACTION**

CBP proposes the construction, operation, and maintenance of a new CPC in El Paso (the Proposed Action) for the purpose of providing immediate, safe, and secure processing and detention space for migrant families and unaccompanied children in the USBP El Paso Sector. The need for the Proposed Action is the inadequacy of existing CBP and USBP facilities to accommodate the number of migrants without overcrowding and provide the necessary separation of males, females, adults, and unaccompanied children being held. Further, this CPC would allow for a sustainable humanitarian processing and holding facility.



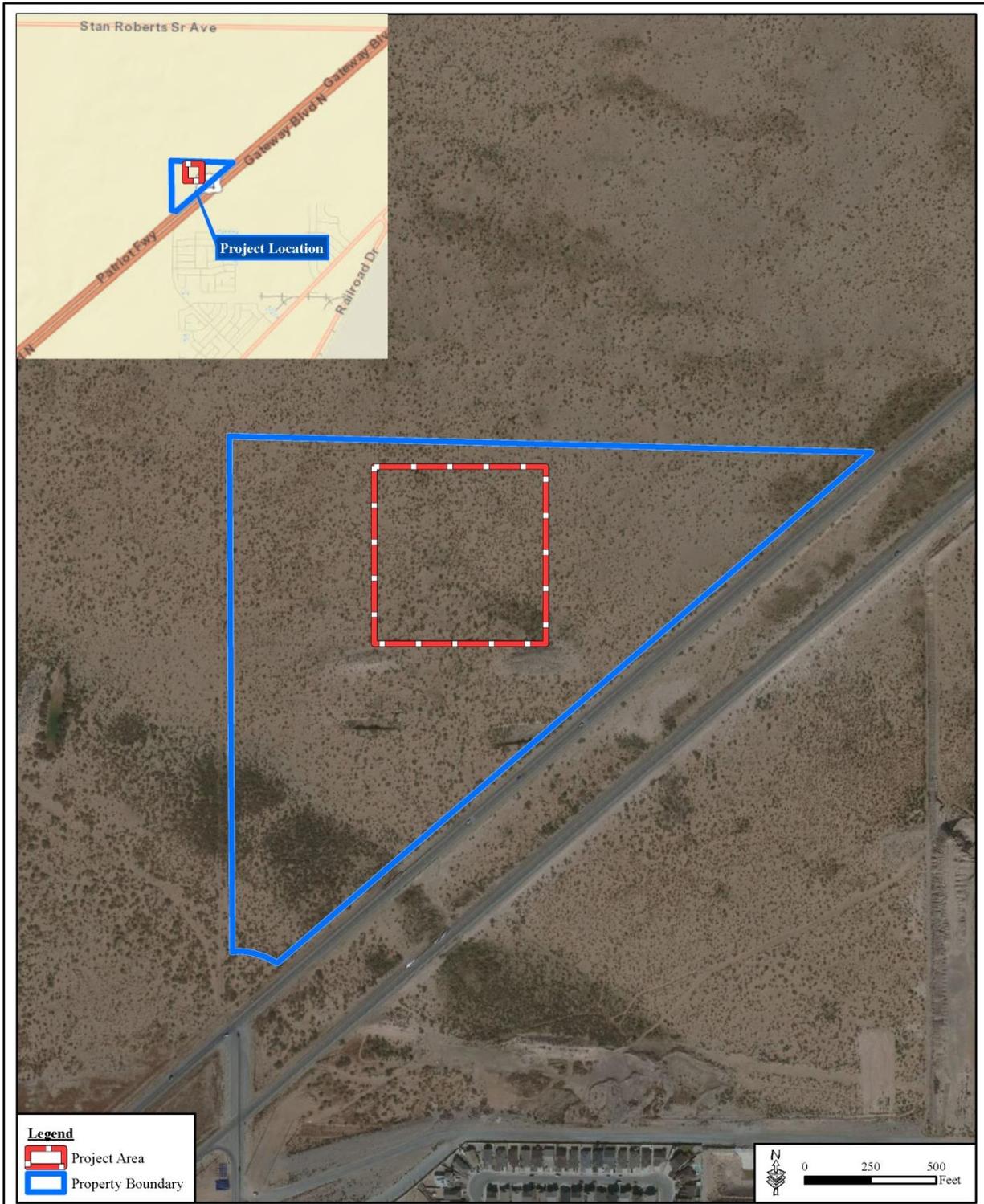


Figure 1-2. Project Area Map



## 1.4 SCOPE OF ENVIRONMENTAL ANALYSIS AND DECISIONS TO BE MADE

The scope of the EA includes an evaluation of the direct, indirect, and cumulative effects on the natural, cultural, social, economic, and physical environments resulting from the construction, installation, operation, and maintenance of a new CPC within the El Paso Sector AOR. This analysis does not include an assessment of operations conducted in the field and away from the station. The potentially affected natural and human environment is limited to resources associated with the City of El Paso, Texas. Most potential effects will be limited to the construction site and immediately adjacent resources.

The EA documents the context and intensity of the environmental effects of the Proposed Action and evaluates alternatives that could potentially achieve the objectives of the Proposed Action. The EA allows decision makers to determine if the Proposed Action would or would not have a significant impact 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 (EIS) is required. The process for developing the EA also allows for input and comments on the Proposed Action from the concerned public, interested non-governmental groups, and interested government agencies to inform agency decision making. The EA was prepared as follows:

1. Conduct scoping for environmental planning. The first step in the National Environmental Policy Act (NEPA) process is to determine the scope of issues to be addressed and the significant issues related to a proposed action. CBP initiated agency scoping activities to identify significant issues related to the Proposed Action.
2. Prepare a draft EA. CBP prepared a draft EA based on issues identified during agency scoping activities.
3. Announce that the draft EA has been prepared. A Notice of Availability (NOA) was published in the *El Paso Times* and *El Paso Herald-Post* newspaper on May 20, 2020, to announce the public comment period and the availability of the draft EA and Finding of No Significant Impact (FONSI).
4. Provide a public comment period. A public comment period allows for all interested parties to review the analysis presented in the draft EA and provide feedback. A hard copy of the draft EA was available to the public for a 30-day review beginning May 20, 2020, at the El Paso Public Library Main Branch, 501 North Oregon Street, El Paso, Texas, 79901. The draft EA was also available for download from the CBP internet web page at the following URL address: <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>. All comments received are included in Appendix A.
5. Prepare a final EA. A final EA was prepared following the public comment period. The final EA addresses relevant comments and concerns received from all interested parties during the public comment period.

6. Issue a FONSI or Other Determination. The final step in the NEPA process is the signature of a FONSI if the environmental analysis supports the conclusion that impacts on the quality of the human and natural environments from implementing the Proposed Action would not be significant. In this case, no EIS would be prepared.

## **1.5 APPLICABLE ENVIRONMENTAL GUIDANCE, STATUTES, AND REGULATIONS**

CBP will follow applicable Federal laws and regulations. The EA will be developed in accordance with the requirements of NEPA, regulations issued by the Council on Environmental Quality (CEQ) published in 40 Code of Federal Regulations (CFR) Parts 1500-1508, Department of Homeland Security (DHS) Directive 023-01, Rev. 01 and DHS Instruction Manual 023-01-001-01, Rev. 01, *Implementation of the National Environmental Policy Act*, and other pertinent environmental statutes, regulations, and compliance requirements. The EA will address compliance with all applicable environmental statutes, such as the Endangered Species Act (ESA) of 1973, 16 United States Code (U.S.C.) § 1531 et seq., as amended, and the National Historic Preservation Act (NHPA) of 1966, 16 U.S.C. § 470a et seq., as amended.

## **1.6 PUBLIC INVOLVEMENT**

In accordance with 40 CFR § 1501.7, 1503, and 1506.6, CBP initiated public involvement and agency scoping activities to identify significant issues related to the Proposed Action. CBP is coordinating, and will continue to coordinate, with appropriate local, state, and Federal government agencies as well as federally recognized tribes throughout the EA process. Formal and informal coordination has been conducted with the following agencies (Appendix A):

Federal Agencies:

- Natural Resources Conservation Service (NRCS)
- U.S. Army Corps of Engineers (USACE)
- U.S. Environmental Protection Agency (USEPA)
- U.S. Fish and Wildlife Service (USFWS)

State Agencies:

- Texas Commission on Environmental Quality (TCEQ)
- Texas Department of Transportation (TxDOT)
- Texas General Land Office
- Texas Historical Commission (THC)
- Texas Parks and Wildlife Department (TPWD)

Native American Tribes:

- Alabama-Coushatta Tribe of Texas
- Apache Tribe of Oklahoma
- Comanche Nation

- Fort Sill Apache Tribe
- Kiowa Tribe
- Mescalero Apache Tribe
- Pueblo of Isleta
- Tonkawa Tribe of Oklahoma
- White Mountain Apache Tribe
- Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakonie)
- Ysleta del Sur Pueblo (Tigua)

County:

- El Paso County

City:

- City of El Paso

---

---

## **2.0 PROPOSED ACTION AND ALTERNATIVES**

---

---

The Proposed Action and one alternative (No Action Alternative) were identified and considered during the planning stages of the proposed project. The Proposed Action consists of the construction of a new CPC and associated infrastructure that meets the purpose of and need for the project. As required by NEPA and CEQ regulations, the No Action Alternative reflects conditions within the project area should the Proposed Action not be implemented. Ten total sites were compared and evaluated for suitability, and one potential CPC site was carried forward for evaluation in the EA. The nine sites that were considered, but eliminated from consideration, consisted of two privately-owned parcels of land and seven parcels that are owned by the City of El Paso. The nine sites considered, but eliminated, did not fully meet the purpose and need of the Proposed Action; therefore, these alternative sites are not carried forward for analysis.

### **2.1 PROPOSED ACTION**

The Proposed Action would construct a new CPC on a 60-acre parcel of undeveloped land located along Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas (See Figure 1-2). The proposed CPC would provide a permanent facility to accommodate 965 detainees 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.

Operation of the El Paso CPC would be expected to begin upon completion of construction. The CPC would operate 24 hours per day and 7 days per week. Operational activities would consist primarily of the transportation of migrants to and from the CPC using buses or other motor vehicles on established public roadways and facility driveways; transfer of migrants from buses into the CPC using a sally port or similar building for processing; utilization of public utilities for power, heating, ventilation, air conditioning, potable water, and waste disposal to run the CPC; and transportation by CBP, USBP, and contractor personnel in three shifts per day to the CPC for staffing.

Maintenance of the El Paso CPC would also be expected to begin upon completion of construction. Maintenance activities could include routine upgrade, repair, and maintenance of the buildings, roofs, parking area, grounds, or other facilities that would not result in a change in their functional use (e.g., replacing door locks or windows, painting interior or exterior walls, resurfacing a road or parking lot, grounds maintenance, or replacing essential facility components such as an air conditioning unit).

## 2.2 NO ACTION ALTERNATIVE

The No Action Alternative would preclude the construction, operation, and maintenance of a new CPC. The existing facilities used to hold and process migrants within the El Paso Sector AOR would be inadequate to accommodate the number of migrants that currently enter the U.S. on a daily basis. Consequently, this alternative would hinder USBP's ability to respond to the influx of migrant activity in a safe, secure, timely, and sustainable manner. The No Action Alternative does not meet the purpose and need for the proposed project but will be carried forward for analysis as required by CEQ regulations (40 CFR § 15 1502.14[d]). The No Action Alternative describes the existing conditions in the absence of the Proposed Action.

## 2.3 ALTERNATIVES SUMMARY

The two alternatives selected for further analysis are the Proposed Action (Preferred Alternative) and the No Action Alternative. The Proposed Action fully meets the purpose of and need for the project, and the preferred construction site offers the best combination of environment, land ownership, and operational requirements to serve as a processing facility within El Paso Sector's AOR. An evaluation of how the Proposed Action meets the project's purpose and need is provided in Table 2-1.

**Table 2-1. Alternatives Matrix: Purpose of and Need for Alternatives**

<b>Purpose and Need</b>	<b>Proposed Action</b>	<b>No Action Alternative</b>
Located in USBP El Paso Sector; close to and easily accessible from the border	Yes	No
Meets the mission needs of the El Paso Sector for the processing and temporary holding of migrant families and unaccompanied children	Yes	No
Adequate space for size requirements to accommodate the number of migrants without overcrowding	Yes	No
Provides the necessary separation of males, females, adults, and unaccompanied children being held	Yes	No
Provides a safe, secure, and sustainable environment for station personnel and detainees	Yes	No

## 3.0 AFFECTED ENVIRONMENT AND CONSEQUENCES

### 3.1 PRELIMINARY IMPACT SCOPING

This section describes the natural and human environments that exist within the region of influence (ROI) and the potential impacts of the No Action Alternative and the Proposed Action outlined in Section 2.0 of this document. The ROI for the new CPC and associated infrastructure is the City of El Paso and El Paso County, Texas. The Proposed Action would be located on federally owned land. Only those issues that have the potential to be affected by any of the alternatives are described, per CEQ guidance (40 CFR § 1501.7 [3]).

Some topics are limited in scope due to the lack of direct effects from the Proposed Action on the resource or because that particular resource is not located within the project corridor (Table 3-1).

**Table 3-1. Resources Analyzed in the Environmental Impact Analysis Process**

Resource	Potential to Be Affected by Implementation of the Proposed Action	Analyzed in This EA	Rationale for Elimination
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 corridor.
Land Use	Yes	Yes	Not Applicable
Geology	No	No	No geologic resources would be affected
Soils	Yes	Yes	Not Applicable
Prime Farmlands	No	No	No prime farmlands would be affected
Water Resources	Yes	Yes	Not Applicable
Floodplains	No	No	The Proposed Action is not located in a floodplain
Vegetative Habitat	Yes	Yes	Not Applicable
Wildlife Resources	Yes	Yes	Not Applicable
Threatened and Endangered Species	Yes	Yes	Not Applicable
Cultural, Archaeological, and Historical Resources	No	Yes	Not Applicable
Air Quality	Yes	Yes	Not Applicable
Noise	Yes	Yes	Not Applicable
Utilities and Infrastructure	Yes	Yes	Not Applicable
Radio Frequency Environment	Yes	Yes	Not Applicable
Roadways and Traffic	Yes	Yes	Not Applicable
Aesthetic and Visual Resources	Yes	Yes	Not Applicable
Hazardous Materials	Yes	Yes	Not Applicable
Unique and Sensitive Areas	No	No	No unique or sensitive areas would be affected
Socioeconomics	Yes	Yes	Not Applicable
Environmental Justice and Protection of Children	No	Yes	Not Applicable

Impacts (consequence or effect) can be either beneficial or adverse and can be either directly related to the action or indirectly caused by the action. Direct effects are caused by the action and occur at the same time and place (40 CFR § 1508.8[a]). Indirect effects are caused by the action and are later in time or further removed in distance but that are still reasonably foreseeable (40 CFR § 1508.8[b]). As discussed in this section, the alternatives may create temporary (lasting the duration of the project), short-term (up to 3 years), long-term (3 to 10 years following construction), or permanent effects.

Whether an impact is significant depends on the context in which the impact occurs and the intensity of the impact (40 CFR § 1508.27). The context refers to the setting in which the impact occurs and may include society as a whole, the affected region, the affected interests, and the locality. Impacts on each resource can vary in degree or magnitude from a slightly noticeable change to a total change in the environment. For the purpose of this analysis, the intensity of impacts would be classified as negligible, minor, moderate, or major. The intensity thresholds are defined as follows:

- **Negligible:** A resource would not be affected, or the effects would be at or below the level of detection, and changes would not be of any measurable or perceptible consequence.
- **Minor:** Effects on a resource would be detectable, although the effects would be localized, small, and of little consequence to the sustainability of the resource. Mitigation measures, if needed to offset adverse effects, would be simple and achievable.
- **Moderate:** Effects on a resource would be readily detectable, long-term, localized, and measurable. Mitigation measures, if needed to offset adverse effects, would be extensive and likely achievable.
- **Major:** Effects on a resource would be obvious and long-term and would have substantial consequences on a regional scale. Mitigation measures to offset the adverse effects would be required and extensive, and success of the mitigation measures would not be guaranteed.

Table 3-2 is provided to summarize the impacts of the No Action Alternative and Proposed Action on each of the elements discussed in this section (Affected Environment and Consequences).

**Table 3-2. Summary Matrix of Potential Impacts**

<b>Affected Environment</b>	<b>Proposed Action (Alternative 1)</b>	<b>No Action Alternative (Alternative 2)</b>
<b>Land Use</b>	The Proposed Action would have a permanent, negligible impact on land use. Approximately 10 acres of undeveloped land would be converted to a developed land use.	No direct impacts would occur.
<b>Soils</b>	The Proposed Action would have a direct, minor impact on soils. Permanent impacts on approximately 10 acres of soil would occur through the conversion of undeveloped land to use as a CPC.	No direct impacts would occur.

<b>Affected Environment</b>	<b>Proposed Action (Alternative 1)</b>	<b>No Action Alternative (Alternative 2)</b>
<b>Groundwater</b>	The Proposed Action would have a long-term, minor impact on groundwater resources resulting from usage during construction and operation of the proposed CPC.	No direct impacts would occur.
<b>Surface Waters and Waters of the United States</b>	The Proposed Action would have a long-term, minor impact on surface water resources resulting from usage during construction and operation of the proposed CPC. Surface water quality could be temporarily impacted during construction activities as a result of erosion and sedimentation. However, due to the lack of surface waters present at the proposed CPC site and through the use of BMPs, these effects would be negligible. No impacts to wetlands and waters of the United States would occur as none exist on the project site.	No direct impacts would occur.
<b>Vegetative Habitats</b>	The Proposed Action would permanently alter approximately 10 acres of native vegetative habitat. The plant community associated with the project site is both locally and regionally common, and the permanent loss of approximately 10 acres of vegetation would not adversely affect the population viability of any plant or animal species in the region.	No direct impacts would occur.
<b>Wildlife Resources</b>	The Proposed Action would have a long-term, negligible impact on wildlife resources due to the permanent removal of approximately 10 acres of habitat. Noise impacts associated with construction activities would have a short-term, negligible impact on wildlife.	No direct impacts would occur.
<b>Protected Species and Critical Habitat</b>	The Proposed Action may affect, but is not likely to adversely affect, the northern aplomado falcon. No designated critical habitat is present within the project footprint.	No direct impacts would occur.
<b>Cultural Resources</b>	The Proposed Action would have no effect on historic properties.	No direct impacts would occur.
<b>Air Quality</b>	Temporary and minor increases in air pollution would occur from the use of construction equipment (combustion emissions) and the disturbance of soils (fugitive dust) during construction.	No direct impacts would occur.
<b>Noise</b>	Temporary and negligible increases in noise would occur during construction.	No direct impacts would occur.
<b>Utilities and Infrastructure</b>	Negligible demands on power, water, and wastewater treatment utilities and infrastructure would be required as a result of the Proposed Action.	No direct impacts would occur.
<b>Radio Frequency Environment</b>	The proposed action would have negligible impacts from RF energy due to the minimal exposure limits associated with both the type of equipment used and the tower site location.	No direct impacts would occur.

Affected Environment	Proposed Action (Alternative 1)	No Action Alternative (Alternative 2)
<b>Roadways and Traffic</b>	The proposed action would have a long-term, minor impact on roadways and traffic within the region. Vehicular traffic would increase during construction due to the transport of materials and work crews to the project site and after construction is complete due to staff and detainees traveling to and from the new CPC.	No direct impacts would occur.
<b>Aesthetics and Visual Resources</b>	The Proposed Action would have a long-term, minor impact on aesthetic qualities within the vicinity of the project area. Construction activities and the CPC facility would not be visible beyond 5 miles away from the site. Temporary aesthetic impacts during the construction phase of the project would include the visual impacts of construction equipment.	No direct impacts would occur.
<b>Hazardous Material</b>	The Proposed Action would not result in the exposures of the environment or public to any hazardous materials. The potential exists for minor releases of petroleum, oil, or lubricant during construction activities. BMPs would be implemented to minimize any potential contamination during construction activities.	No direct impacts would occur.
<b>Socioeconomics</b>	The Proposed Action would have minor to negligible impacts.	No direct impacts would occur.
<b>Environmental Justice</b>	The Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. There would be no environmental health or safety risks that disproportionately affect children.	No direct impacts would occur.

The following discussions describe and, where possible, quantify the potential effects of each alternative on the resources within or near the project area. All construction activities, staging areas, and final siting of the CPC would occur within the 60-acre parcel of land. Specifically, the Proposed Action would be located in the north center of the property.

### 3.2 LAND USE

The Proposed Action is located in El Paso County, which is the westernmost county in Texas. Land use information for El Paso County is summarized in Table 3-3 (TxDOT 2013). El Paso County encompasses approximately 1,015 square miles (649,600 acres), most of which is categorized as vegetation. Specifically, undeveloped shrubland accounts for 65.72 percent of the total land area, while an additional 8.76 percent is classified as grassland. Barren land consisting of rock, sand, and clay represents 4.21 percent of El Paso County’s area. Land uses designated as residential cover 13.86 percent of the land area in El Paso County, which includes residential areas with high (0.10 percent), medium (12.77 percent), and low (0.99 percent) densities. Only a

small percentage of the land is used for cultivation (6.62 percent). The remaining area is open water (0.42 percent) and developed open space (0.41 percent).

The proposed project area is currently undeveloped scrub and brush rangeland located in a relatively rural area of northeast El Paso. Nearby existing land uses include the residential developments of Mesquite Hills Subdivision, Futureland, and the Van Horne Estates Apartments as well as a gravel and sand mining operation.

**Table 3-3. El Paso County Land Use Data**

<b>Land Use Category</b>	<b>Percentage of Land Area</b>	<b>Land Area (Square Miles)</b>
High-Density Residential	0.10	0.99
Medium-Density Residential	12.77	129.59
Low-Density Residential	0.99	10.00
Developed Open Space	0.41	4.16
Cultivated Crops	6.62	67.21
Open Water	0.42	4.25
Grassland	8.76	88.84
Shrub	65.72	666.77
Barren Land	4.21	42.69
<b>Total</b>	<b>100.00</b>	<b>1,014.49</b>

Source: TxDOT (2013)

### **3.2.1 Alternative 1: Proposed Action**

The Proposed Action would have permanent, negligible impacts on land use. Approximately 10 acres would be permanently converted from undeveloped scrub and brush rangeland to a developed land use in the form of the new CPC. The direct impact from this land use conversion would be minimal due to the small size of the project footprint relative to the size of the ROI.

### **3.2.2 Alternative 2: No Action Alternative**

The No Action Alternative would have no impacts, either beneficial or adverse, on the area's land use. However, the site could be potentially developed at some time in the future, regardless of whether it is used for the proposed project.

## **3.3 SOILS**

Soils within the proposed CPC project area are mapped as Turney-Berino association, undulating (U.S. Department of Agriculture [USDA] 2019). This mapping unit occupies 21,101 acres in the intermountain basin in the northern part of El Paso County, extending from the New Mexico State line into the northern part of the City of El Paso. The Turney-Berino association consists of nearly level to gently sloping soils that have a clay subsoil and are moderately deep over soft caliche. This map unit consists of predominantly Turney and similar soils (75 percent) and Berino and similar soils (20 percent) with the remaining five percent being composed of other

minor components. Turney-Berino association, undulating is not classified as prime farmland (USDA 2019).

The Turney series consists of light reddish-brown, very deep, well drained, moderately permeable soils (USDA 2014). Turney soils formed in loamy, calcareous alluvium on bajadas, terraces, and piedmont slopes. Slopes range from 0 to 5 percent. Turney soils are used primarily for livestock grazing, residential and commercial developments, and military installations (USDA 1971, USDA 2014).

The Berino series consists of brown, moderately alkaline, very deep, well drained soils (USDA 2007). Berino soils formed in Pleistocene-age mixed alluvium, the surface of which has frequently been reworked by wind. Berino soils are on sandy plains, fan piedmonts, piedmont slopes, and valley floors. Slopes range from 0 to 7 percent. Berino soils are used primarily for livestock grazing and community developments (USDA 1971, USDA 2007).

### **3.3.1 Alternative 1: Proposed Action**

Under the Proposed Action, approximately 10 acres of soils (of which none are considered prime farmland soils) would be permanently disturbed or removed from biological production at the new CPC site location. The direct impacts from disturbance and the removal of approximately 10 acres of soil from biological production would be negligible due to the small size of the project footprint relative to the amount of the same soils throughout the ROI. BMPs, as described in Section 5.0, would be implemented during construction to prevent soil erosion due to wind or rain. Additionally, all temporary disturbance areas would be revegetated upon completion of construction with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally, if applicable.

### **3.3.2 Alternative 2: No Action Alternative**

No ground-disturbing activities would occur as a result of this alternative. Therefore, the No Action Alternative would have no direct or indirect impacts, either beneficial or adverse, on soils.

## **3.4 WATER RESOURCES**

### **3.4.1 Ground Water**

The Hueco-Mesilla Bolsons Aquifer is the principal groundwater source for the ROI. Separated by the Franklin Mountains, the Hueco Bolson (to the east) and the Mesilla Bolson (to the west) together cover 1,376 square miles, including most of El Paso County and the southwestern portion of Hudspeth County in Texas (Texas Water Development Board [TWDB] 2016). The aquifer is composed of basin-fill deposits of silt, sand, gravel, and clay in two basins: the Hueco Bolson, which has a maximum thickness of 9,000 feet; and the Mesilla Bolson, which has a maximum thickness of 2,000 feet (Charbeneau 1982). Although the Hueco and Mesilla Bolsons share similar geology, very little water exchanges between them. The upper portion of the Hueco Bolson contains fresh to slightly saline water, with total dissolved solids concentrations that range from 1,000 to 3,000 milligrams per liter, while the Mesilla Bolson contains fresh to saline water, with total dissolved solids concentrations ranging from less than 1,000 to more than 10,000 milligrams per liter of total dissolved solids (TWDB 2016). In the eastern and southern

portions of the Hueco Bolson, arsenic is present at concentrations that exceed drinking water criteria.

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). Prior to development, groundwater was recharged in the northern parts of the aquifer and generally flowed southward to discharge into the Rio Grande. However, that flow regime has been reversed by pumping (TWDB 2016). Currently, approximately half of the recharge to the Hueco-Mesilla Bolsons Aquifer comes from the Rio Grande.

Annual groundwater availability in the Hueco-Mesilla Bolsons Aquifer is estimated to be 496,000 acre-feet, with an existing supply of 146,555 acre-feet per year (TWDB 2017). In a normal year, the city of El Paso relies on the Hueco-Mesilla Bolsons Aquifer for approximately 55 percent of its water supply (El Paso Water 2020). Approximately 90 percent of water drawn from the aquifer is for public municipal use. In 2018, the City of El Paso produced approximately 70,738 acre-feet of potable water from the Hueco-Mesilla Bolsons Aquifer (El Paso Water 2019). The groundwater supply capacity of the City of El Paso is approximately 165 million gallons per day.

### **3.4.2 Surface Water**

The proposed project area is located in the Paso del Norte watershed. The Paso del Norte watershed is within the Rio Grande Basin and encompasses approximately 217,600 acres across Texas and New Mexico in the U.S. and into the state of Chihuahua in Mexico (Paso del Norte Watershed Council 2017). The watershed extends approximately 340 miles along the Rio Grande from Elephant Butte Reservoir in southern New Mexico to the confluence of the Rio Conchos in Presidio County, Texas, which includes approximately 430 river miles. The watershed is bordered to the east by the Caballo, Doña Ana, Organ, and Franklin mountain ranges and to the west by the Mimbres Mountains, the Sierra de las Uvas, the Robledo Mountains, and fault block volcanic uplands extending south to the East Potrillo Mountains.

The Rio Grande is the principal surface water source for the ROI, accounting for approximately 40 percent of El Paso's potable water supply (El Paso Water 2020). Annual surface water availability in the Rio Grande is estimated to be 1,228,488 acre-feet, with an existing supply of 897,351 acre-feet per year (TWDB 2017). In 2018, the City of El Paso produced approximately 47,159 acre-feet of potable water from the Rio Grande River (El Paso Water 2019). The surface water supply capacity of the City of El Paso is approximately 100 million gallons per day, though this amount varies each year depending on drought conditions.

Surveys of the proposed CPC site were conducted by Gulf South Research Corporation (GSRC) on January 23, 2020. No permanent surface water is within the proposed project area. A low-lying swale supporting dense honey mesquite is present in the southwestern corner of the proposed property boundary, approximately 600 feet outside of the construction footprint. Surficial drainage patterns observed throughout the proposed property indicate broad sheet flows. The swale likely serves as drainage during storm events, although no well-defined channels or ordinary high watermark features were observed. A small shallow runnel approximately 2 feet wide is located along the western property boundary. This feature appears

to have generated on site, resulting from concentrated sheet flow runoff following an old trail that parallels an existing barbed wire fence line. The runnel shows no evidence of hydrologic connectivity to a larger drainage system.

The Clean Water Act (CWA) § 303[d][1][A] requires that each state monitor surface waters and compile a "303[d] List" of impaired streams and lakes. According to the *2018 Texas Integrated Report of Surface Water Quality* (TCEQ 2018), no surface waters within the vicinity of the proposed project area are considered impaired. The closest impaired waterbody is the Rio Grande, located approximately 14 miles from the project site.

### **Waters of the United States**

Waters of the United States are defined within the CWA (40 CFR § 230.3[s]), and jurisdiction is addressed by USACE and USEPA. Wetlands are a subset of the waters of the United States that may be subject to regulation under Section 404 of the CWA (33 U.S.C § 1344). Wetlands are those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

No waters of the United States, including wetlands, are located within the Proposed Action. The closest jurisdictional water body is located approximately 1.9 miles from the proposed CPC site location. However, a potentially jurisdictional wetland is located to the west of the project site (Latitude/Longitude: 31.969149°N, -106.376588°W), approximately 650 feet outside of the property boundary and 1,150 feet from the proposed CPC construction area. This 0.38-acre Freshwater Pond habitat is classified as a PUSAx (Palustrine-Unconsolidated Shore-Temporary Flooded-Excavated) wetland by the USFWS National Wetland Inventory (NWI) per the Cowardin classification system (Federal Geographic Data Committee [FGDC] 2013). This feature is located within the swale described above, upgradient from its point of entry into the southwestern corner of the proposed property boundary.

### **Floodplains**

A floodplain is the area adjacent to a river, creek, lake, stream, or other open waterway that is subject to flooding when a major rain event occurs. Floodplains are further defined by the likelihood of a flood event. An area within the 100-year floodplain has a 1-percent (i.e., 1-in-100) chance of being inundated by a flood in any given year, while an area within the 500-year floodplain has a 0.2-percent (i.e., 1-in-500) annual chance of flooding. Federal Emergency Management Agency (FEMA) floodplain maps were reviewed to identify project locations within mapped floodplains (FEMA 2020). Per FEMA Flood Map 4802140009D, the Proposed Action is located in Zone C, which is an area of Minimal Flood Hazard, higher than the elevation of the 0.2-percent Annual Chance Flood Hazard area.

### **3.4.3 Alternative 1: Proposed Action**

The Proposed Action would have long-term, minor, adverse impacts on groundwater and surface water resources. The Proposed Action would slightly increase demands on water supplies during construction activities. Water would be needed for a variety of construction activities including, but not limited to, drinking water supply for construction crews, wetting the construction site for dust suppression, and concrete mixing. This increase in water usage would be temporary and

negligible. Water would also be needed to accommodate up to 965 migrants and a staff of 200 at the new CPC. Based on an average per capita usage of 128 gallons per day (El Paso Water 2019), water usage by migrants and staff at the proposed CPC is estimated to be 149,120 gallons per day (El Paso Water 2019). Impacts associated with this increase in water consumption and long-term demand are considered minor due to the capacity of the local water supply, which is approximately 265 million gallons per day, and the City of El Paso's ability to handle minor increases in demand. Any permits required to add capacity to support the new El Paso CPC water system would be completed by the contractor and in place prior to construction activities. Further, a stormwater detention basin would be installed at the proposed CPC facility to capture surface water runoff above ground and return it to the aquifer.

The Proposed Action may potentially have temporary, negligible impacts on water resources as a result of increases in erosion and sedimentation associated with construction activities. Disturbed soils and hazardous substances (i.e., anti-freeze, fuels, oils, and lubricants) could directly affect water quality. Although no permanent surface waters or wetlands are located within the proposed project area, a drainage swale in the southwestern corner of the property appears to carry water during rain events, and a potentially jurisdictional wetland is located adjacent to the proposed project site. The Proposed Action would include water quality management measures that would ensure that construction activities do not result in more than a minimal degradation of water quality at or near the proposed project area. In compliance with CWA Section 402, a Construction Stormwater General Permit would be obtained prior to construction, which would require approval of a site-specific Stormwater Pollution Prevention Plan (SWPPP). A site-specific spill response plan would also be in place prior to the start of construction. Water quality would be protected through the implementation of BMPs (e.g., silt fences, wattles) to reduce the potential migration of soils, oil and grease, or construction debris into local surface waters during rain events. Therefore, no net loss of wetlands or waters of the United States would occur, and the Proposed Action would be in compliance with Executive Order (EO) 11990.

No impacts to floodplains would occur as none are located within or near the footprint of the Proposed Action. The Proposed Action would not increase the risk or impact of floods on human safety, health, and welfare, or adversely impact the beneficial values that floodplains serve. Additionally, the Proposed Action would not increase the frequency, duration, elevation, velocity, or volume of flood events.

#### **3.4.4 Alternative 2: No Action Alternative**

Under the No Action Alternative, no construction activities would occur; therefore, no impacts to water resources would occur.

### **3.5 VEGETATIVE HABITAT**

The proposed project area is located within the Chihuahuan Basins and Playas Ecoregion of west Texas (Griffith et al. 2007). This ecoregion historically contained flora adapted to the large ranges in seasonal and daily temperatures, low moisture availability, and extremely high evapotranspiration rate characteristic of habitats within the Chihuahuan Desert as well as highly saline conditions of the soils within the playas and basins of this ecoregion. Typical floral

species of Chihuahuan Basin and Playa habitats include: creosote bush (*Larrea tridentata*), tarbush (*Florenzia cernua*), ocotillo (*Fouquieria splendens*), catclaw acacia (*Senegalia greggii*), whitethorn acacia (*Vachellia wrightii*), viscid acacia (*Acacia neovernicosa*), mariola (*Parthenium incanum*), range ratany (*Krameria erecta*), honey mesquite (*Prosopis glandulosa*), feather dalea (*Dalea formosa*), fourwing saltbush (*Atriplex canescens*), skeletonleaf goldeneye (*Viguiera stenoloba*), allthorn (*Koeberlinia spinosa*), catclaw mimosa (*Mimosa biuncifera*), lechuegilla (*Agave lechuguilla*), little-leaf sumac (*Rhus microphylla*), silver dalea (*Dalea bicolor* var. *argyrea*), beebrush (*Aloysia gratissima*), Berlandier wolfberry (*Lycium berlandiera*), bricklebush (*Brickellia* spp.), desert zinnia (*Zinnia acerosa*), dogweed (*Thymophylla acerosa*), blackfoot daisy (*Melampodium leucanthum*), brown spine prickly pear (*Opuntia phaeacantha*), purple prickly pear (*O. macrocentra*), tree cholla (*O. imbricata*), claret cup cactus (*Echinocereus coccinea*, *E. triglochidiatus*, and *E. dasycanthus*), eagle claws cactus (*Echinocactus horzonthalonius*), Texas rainbow cactus (*E. pectinatus*), cat claw cactus (*Ancistrocactus uncinatus*), Parry’s agave (*Agave parryi*), Palmer’s agave (*A. palmeri*), Soaptree yucca (*Yucca elata*), desert spoon (*Dasyilirion wheeleri*), sotol (*Dasyilirion leiophyllum* and *D. texanum*), clapweed (*E. antisiphilitica*), Torrey's jointfir (*E. torreyana*), and longleaf jointfir (*E. trifurca*) (TPWD 2018).

A complete list of floral species observed during the biological survey of the proposed CPC project location is provided in Table 3-4. The dominant woody perennial plant species within the proposed project area is honey mesquite.

**Table 3-4. Floral Species Observed During Biological Resources Surveys**

Common Name	Scientific Name	Common Name	Scientific Name
Broom snakeweed	<i>Gutierrezia sarothrae</i>	Fourwing saltbush	<i>Atriplex canescens</i>
Creosote bush	<i>Larrea tridentata</i>	Honey mesquite	<i>Prosopis glandulosa</i>
Desert holly	<i>Acourtia nana</i>	Mormon tea	<i>Ephedra trifurca</i>
Desert zinnia	<i>Zinnia acerosa</i>	Pale wolfberry	<i>Lycium pallidum</i>
Flaxseed tansy mustard	<i>Descurainia sophia</i>	Soaptree yucca	<i>Yucca elata</i>

### 3.5.1 Alternative 1: Proposed Action

The Proposed Action would have a permanent, minor impact on vegetation in the project area. Approximately 10 acres of Chihuahuan Desert scrub would be directly impacted as a result of the construction of the proposed CPC facility. The vegetation community that would be impacted by the construction of the proposed CPC is both locally and regionally common, and the permanent loss of the limited amount of acreage would not adversely affect the population viability of any plant species in the region. In order to ensure that the Proposed Action does not actively promote the establishment of non-native and invasive species in the area, best management practices (BMPs; described in Section 5.0) would be implemented to minimize the spread and reestablishment of nonnative vegetation. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally. These BMPs, as well as measures protecting vegetation in general, would reduce potential impacts from non-native invasive species to a negligible amount.

### 3.5.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no direct or indirect impacts on vegetative habitat would occur as no construction activities would be completed.

## 3.6 WILDLIFE RESOURCES

The ROI is within the Trans-Pecos Region of west Texas. This region contains the greatest number of unique mammal species in Texas (Schmidly and Bradley 2016). Almost one-third of the 92 species of mammals that occur in the Trans-Pecos are primarily restricted in distribution to that region. Most of these mammals are species characteristic of the arid Mexican Plateau and southwestern United States or the montane woodlands of the western United States. Mammal species of the Trans-Pecos region include white-tailed deer (*Odocoileus virginianus*), mule deer (*Odocoileus hemionus*), pronghorn (*Antilocarpa americana*), desert bighorn sheep (*Ovis canadensis nelsoni*), American badger (*Taxidea taxus*), muskrat (*Ondatra zibethicus*), long-tailed weasels (*Mustela frenata*), spotted skunk (*Spilogale gracilis*), raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), gray fox (*Urocyon cinereoargenteus*), kit fox (*Vulpes macrotis*), coyote (*Canis latrans*), bobcat (*Lynx rufus*), mountain lion (*Puma concolor*), desert cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), black-tailed prairie dog (*Cynomys ludovicianus*), rock squirrel (*Otospermophilus variegatus*), ringtail (*Bassariscus astutus*), black bear (*Ursis americanus*), silver-haired bat (*Lasionycteris noctivagans*), eastern red-bat (*Lasiurus borealis*), hoary bat (*Lasiurus cinereus*), big brown bat (*Eptesicus fuscus*), spotted bat (*Euderma maculatum*), western red-bat (*Lasiurus blossevillii*), Yuma myotis (*Myotis yumanensis*), fringed myotis (*Myotis thysanodes*), tri-colored bat (*Perimyotis tricolor*), California myotis (*Myotis californicus*), Mexican long-nose bat (*Leptonycteris nivalis*), pallid bat (*Antrozous pallidus*), Mexican free-tailed bat (*Tadarida brasiliensis*), desert shrew (*Notiosorex crawfordi*), Merriam's kangaroo rat (*Dipodomys merriami*), hispid cotton rat (*Sigmodon hispidus*), and collared peccary (*Pecari tajacu*) (Schmidly and Bradley 2016).

Bird species known to occur in this region include scaled quail (*Callipepla squamata*), Gambel's quail (*Callipepla gambelii*), Montequema quail (*Cyrtonyx montezumae*), wild turkey (*Meleagris gallopavo*), mourning dove (*Zenaida macroura*), wood duck (*Aix sponsa*), white-tailed kite (*Elanus leucurus*), Mississippi kite (*Ictinia mississippiensis*), American avocet (*Recurvirostra americana*), monk parakeet (*Myiopsitta monachus*), American crow (*Corvus brachyrhynchos*), common yellowthroat (*Geothlypis trichas*), western meadowlark (*Sturnella neglecta*), green-winged teal (*Anas crecca*), Mexican duck (*Anas diazi*), black-chinned hummingbird (*Archilochus alexandri*), common nighthawk (*Chordeiles minor*), lesser nighthawk (*Chordeiles acutipennis*), killdeer (*Charadrius vociferous*), solitary sandpiper (*Tringa solitaria*), snowy egret (*Egretta thula*), great blue heron (*Ardea herodias*), turkey vulture (*Carhates aura*), golden eagle (*Aquila chrysaetos*), osprey (*Pandion haliaetus*), American kestrel (*Falco sparverius*), Chihuahuan raven (*Corvus cryptoleucus*), Cassin's sparrow (*Aimophila cassinii*), lark bunting (*Calamosiza melanocorys*), chipping sparrow (*Spizella passerine*), cliff swallow (*Petrochelidon pyrrhonota*), crissal thrasher (*Toxostoma crissale*), burrowing owl (*Athene cunicularia*), and great horned owl (*Bubo virginianus*) (TPWD 2002).

The Chihuahuan Desert supports more than 170 reptile and amphibian species, and the Chihuahuan Desert Ecoregion (a larger area not strictly defined by the desert itself) supports

approximately 217 native species (Fitzgerald et al. 2004). Reptile and amphibian species with potential to occur within the ROI include Mojave rattlesnake (*Crotalis scutulatus*), coachwhip (*Coluber flagellum*), New Mexico whiptail (*Aspidocelis neomexicana*), red-spotted toad (*Bufo punctatus*), Trans-Pecos ratsnake (*Bogertophis subocularis*), Texas banded gecko (*Coleonyx brevis*), Texas horned lizard (*Phrynosoma cornutum*), greater earless lizard (*Cophosaurus texanus*), western marbled whiptail (*Aspidoscelis marmorata marmorata*), spiny lizard (*Sceploporus* spp.), Great Plains toad (*Anaxyrus cognatus*), green toad (*Anaxyrus debilis*), Couch's spadefoot toad (*Scaphiopus couchii*), ornate box turtle (*Terrapene ornate*), yellow mud turtle (*Kinosternon flavescens*), eastern collared lizard (*Crotaphytus collaris*), round-tailed horned lizard (*Phrynosoma modestum*), great plains skink (*Plestiodon obsoletus*), four-lined skink (*Plestiodon tetragrammus brevilineatus*), Chihuahuan spotted whiptail (*Aspidoscelis exsanguis*), little striped whiptail (*Aspidoscelis inornata*), glossy snake (*Arizona elegans*), gopher snake (*Pituiphis catenifer*), black-tailed rattlesnake (*Crotalus molossus*), and blackneck garter snake (*Thamnophis cyrtopsis*) (Fitzgerald et al. 2004).

Wildlife species observed during biological resources surveys within the proposed CPC project location are provided in Table 3-5.

**Table 3-5. Wildlife Observed During Biological Resources Surveys**

Common Name	Scientific Name	Observation*
Black-tailed jackrabbit	<i>Lepus californicus</i>	V
Desert cottontail	<i>Sylvilagus audubonii</i>	V
Coyote	<i>Canis latrans</i>	S
Bewick's wren	<i>Thryomanes bewickii</i>	V
House finch	<i>Haemorhous mexicanus</i>	V
Verdin	<i>Auriparus flaviceps</i>	S

\*V = visual; S = sign

### 3.6.1 Alternative 1: Proposed Action

The permanent loss of approximately 10 acres of habitat would have a long-term, negligible impact on wildlife. Soil disturbance and operation of heavy equipment could result in the direct loss of less mobile individuals such as lizards, snakes, and ground-dwelling species such as mice and rats. However, most wildlife would avoid any direct harm by escaping to surrounding habitat. The degradation and loss of habitat could also impact burrows and nests, as well as cover, forage, and other important wildlife resources. The loss of these resources would result in the displacement of individuals that would then be forced to compete with other wildlife for the remaining resources. Although this competition for resources could result in a reduction of total population size, such a reduction would be extremely minimal in relation to total population size and would not result in long-term effects on the sustainability of any wildlife species. The wildlife habitat present in the project area is both locally and regionally common, and the permanent loss of approximately 10 acres of wildlife habitat would not adversely affect the population viability or fecundity of any wildlife species in the region. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally.

The Migratory Bird Treaty Act (MBTA) requires that Federal agencies coordinate with USFWS if a construction activity would result in the “take” of a migratory bird. In accordance with compliance measures of the MBTA, BMPs identified in Section 5.0 would be implemented if construction or clearing activities were scheduled during the nesting season (typically March 15 to September 15).

Lighting could attract or repel various wildlife species within the vicinity of the project area. The presence of lights within the project area could also produce some long-term behavioral effects, although the magnitude of these effects is not presently known. Some species, such as insectivorous bats, may benefit from the concentration of insects that would be attracted to the lights. Other species, such as small nocturnal mammals, may have an increased risk of capture by predators under artificial night lighting conditions. Continual exposure to light has also been proven to alter circadian rhythms in mammals and birds. Depending on brightness, artificial light can alter mammalian dispersal movements and the use of corridors (Beier 2006). Studies have demonstrated that under constant light, the time an animal is active compared to the time it is at rest, increases in diurnal animals, but decreases in nocturnal animals (Carpenter and Grossberg 1984). Outdoor lighting can disturb flight, navigation, vision, migration, dispersal, oviposition, mating, feeding, and crypsis in some moths. Additionally, artificial lighting may disturb circadian rhythms and photoperiodism (Frank 1988). Recent research also indicates that large-scale use of white light-emitting diode (LED) lights may exacerbate ecological impacts of artificial night lighting (Pawson and Bader 2014). It has also been shown that, within several weeks under constant lighting, mammals and birds can quickly stabilize and reset their circadian rhythms back to their original schedules (Carpenter and Grossberg 1984). While the number of lights within the boundary of the proposed CPC site is not presently known, artificial lighting concentrated around a single 10-acre developed area would not significantly disrupt activities of wildlife populations across the region, since similar habitat for wildlife relocation is readily available to the north, east, and west of the proposed project area. In addition, construction activities would be limited primarily to daylight hours, whenever possible; therefore, construction impacts on wildlife would be insignificant, since the highest period of movement for most wildlife species occurs during nighttime or low daylight hours. BMPs, as described in Section 5.0, would be implemented to minimize lighting impacts on wildlife.

Periodic noise from construction and operational activities would have moderate and intermittent impacts on wildlife adjacent to the project area. However, because similar habitat adjacent to the project area is readily available, wildlife could easily relocate. Vehicle traffic on Patriot Freeway (U.S. Highway 54) currently influences the behavioral responses of wildlife in the area. Upon completion of the proposed CPC, the number of vehicles would increase slightly but not result in a substantial increase in vehicle noise. Behavioral responses to noise vary among species of animals and even among individuals of a species due to temperament, sex, age, or prior experience. Minor responses include head-raising and body-shifting, and usually, more disturbed mammals will travel short distances. Panic and escape behavior results from more severe disturbances, causing the animal to leave the area (Fletcher and Busnel 1978). Over the long-term, wildlife that has not already habituated to noise generated by Patriot Freeway would adapt to the normal operations conducted at the new CPC and would typically avoid human interaction. BMPs, as outlined in Section 5.0, would reduce noise associated with the operation of construction equipment and everyday vehicle traffic associated with the new CPC.

Federal Aviation Administration (FAA) guidelines for *Obstruction Marking and Lighting – Advisory Circular AC 70/7460-1L* (FAA 2018) and USFWS *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning* (USFWS 2018) would be implemented to reduce nighttime atmospheric lighting and potential adverse effects of nighttime lighting on migratory bird and nocturnal flying species. The proposed communication tower design incorporates a sensor-based Aircraft Detection Lighting System (ADLS) that activities only when an approaching aircraft is detected, at which time tower lighting is triggered to illuminate until the aircraft is out of radar range.

The proposed communication tower could pose a possible hazard to migratory birds and even result in some bird mortality through bird strikes with the tower. However, the loss of a few individual birds from the tower operation would not adversely affect the population viability or fecundity of bird species in the region. The number and extent of bird strikes in relation to the size of migratory bird populations and the extent of the migratory flyway would be minor and would not affect the sustainability of migratory bird populations in the region. The Proposed Action would, however, have a long-term, negligible adverse effect on migratory birds.

BMPs would be implemented to reduce disturbance and loss of wildlife, such as surveys prior to construction activities scheduled during nesting season and covering or providing an escape ramp for all steep-walled holes or trenches left open at the end of the construction workday. The proposed communication tower could provide raptor perch and nesting sites, but BMPs would also be used to discourage this activity.

### **3.6.2 Alternative 2: No Action Alternative**

No wildlife resources would be adversely affected by the No Action Alternative.

## **3.7 THREATENED AND ENDANGERED SPECIES**

The ESA was enacted to provide a program for the preservation of endangered and threatened species and to provide protection for the ecosystems upon which these species depend for their survival. All Federal agencies are required to implement protective measures for designated species and to use their authorities to further the purposes of the ESA. The Secretary of the Interior and the Secretary of Commerce (marine species) are responsible for the identification of threatened or endangered species and development of any potential recovery plan. USFWS is the primary agency responsible for implementing the ESA and is responsible for birds and other terrestrial and freshwater species. USFWS responsibilities under the ESA include (1) the identification of threatened and endangered species; (2) the identification of critical habitats for listed species; (3) implementation of research on, and recovery efforts for, listed species; and (4) consultation with other Federal agencies concerning measures to avoid harm to listed species.

An endangered species is a species officially recognized by USFWS as being in danger of extinction throughout all or a significant portion of its range. A threatened species is a species likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Proposed species are those that have been formally submitted to Congress for official listing as threatened or endangered. Species may be considered eligible for listing as endangered or threatened when any of the five following criteria occur: (1) current/imminent

destruction, modification, or curtailment of their habitat or range; (2) overuse of the species for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; and (5) other natural or human-induced factors affecting their continued existence.

In addition, USFWS has identified species that are candidates for listing as a result of identified threats to their continued existence. The candidate designation includes those species for which USFWS has sufficient information to support proposals to list as endangered or threatened under the ESA; however, proposed rules have not yet been issued because such actions are precluded at present by other listing activity. Although not afforded protection by the ESA, candidate species may be protected under other Federal or state laws.

***Federally Listed Species***

A total of eight federally listed species are known to occur in El Paso County (USFWS 2020). A list of these species is provided in Table 3-6. Biological surveys of the proposed CPC site were conducted by GSRC on January 23, 2020. These investigations included surveys for all federally listed species that could potentially occur at or near the proposed CPC site. During the investigations, no Federal listed species were observed. Federally listed species for which a potential effect was assessed are shown in Table 3-6 and discussed in the following subsection.

**Table 3-6. Federally Listed Species for El Paso County, Texas**

<b>Common/Scientific Name</b>	<b>Federal Status<sup>1</sup></b>	<b>Habitat</b>	<b>Potential to Occur at Site</b>	<b>Effect Determination<sup>2</sup></b>
<b>Birds</b>				
<b>Least tern</b> <i>(Sterna antillarum)</i>	E	Nesting habitat includes bare or sparsely vegetated sand, shell, and gravel beaches, sandbars, islands, and salt flats associated with rivers and reservoirs. Highly adapted; may move nesting sites annually depending on landscape disturbance and vegetation growth at established colonies. For feeding, needs shallow water with an abundance of small fish. As natural nesting sites have become scarce, birds have used sand and gravel pits, ash disposal areas of power plants, reservoir shorelines, and other man-made sites.	No; the proposed project area does not contain suitable habitat for this species	No effect
<b>Mexican spotted owl</b> <i>(Strix occidentalis lucida)</i>	T	Mature, old growth forests of southwestern white pine ( <i>Pinus strobiformis</i> ), Douglas fir ( <i>Pseudotsuga menziesii</i> ), and ponderosa pine ( <i>Pinus ponderosa</i> ). Generally associated with steep slopes, canyons, and rocky cliffs.	No; the proposed project area does not contain suitable habitat for this species	No effect
<b>Northern aplomado falcon</b> <i>(Falco femoralis septentrionalis)</i>	E	Open country, especially savanna and open woodland, and sometimes in barren areas; grassy plains and valleys with scattered mesquite,	Yes; potentially suitable foraging and nesting habitat are	May affect, but not likely to adversely affect

Common/Scientific Name	Federal Status <sup>1</sup>	Habitat	Potential to Occur at Site	Effect Determination <sup>2</sup>
<b>Northern aplomado falcon, continued</b>		yucca, and cactus. Nests in old stick nests of other bird species.	located within the vicinity of the Project Area	
<b>Piping plover</b> ( <i>Charadrius melodus</i> )	E	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.	No; the proposed project area does not contain suitable habitat for this species	No effect
<b>Red knot</b> ( <i>Calidris canutus rufa</i> )	T	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.	No; the proposed project area does not contain suitable habitat for this species	No effect
<b>Southwestern willow flycatcher</b> ( <i>Empidonax trailii extimus</i> )	E	Inhabits dense riparian habitats along streams, reservoirs, or other wetlands containing tree and shrub species such as willow ( <i>Salix</i> spp.), baccharis ( <i>Baccharis</i> spp.), boxelder ( <i>Acer negundo</i> ), stinging nettle ( <i>Urtica dioica</i> ), blackberry ( <i>Rubus</i> spp.), cottonwood ( <i>Populus</i> spp.), arrowweed ( <i>Pluchea sericea</i> ), saltcedar ( <i>Tamarix</i> spp.), and Russian olive ( <i>Elaeagnus angustifolia</i> ).	No; the proposed project area does not contain suitable habitat for this species	No effect
<b>Yellow-billed cuckoo</b> ( <i>Coccyzus americanus</i> )	T	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.	No; the proposed project area does not contain suitable habitat for this species	No effect
<b>Plants</b>				
<b>Sneed's pincushion cactus</b> ( <i>Escobaria sneedii</i> var. <i>sneedii</i> )	E	Occurs on exposed areas of steep, sloping limestone in shrublands or grasslands of the Chihuahuan Desert. Grows in cracks on vertical cliffs or ledges.	No; the proposed project area does not contain suitable habitat for this species	No effect

Source: USFWS (2020)

<sup>1</sup>E = endangered, T = Threatened, C = Candidate

<sup>2</sup>Species with "No effect" from the proposed action receive no further analysis; species that the proposed action "May affect" are analyzed in detail

### **Northern Aplomado Falcon (*Falco femoralis septentrionalis*)**

The northern aplomado falcon is a medium-sized falcon ranging between 14 to 18 inches in total length, with a wingspan of 31-40 inches (Keddy-Hector 1998). The northern aplomado falcon is one of three subspecies of the aplomado falcon and is the only subspecies recorded in the U.S. This subspecies was listed as an endangered species in 1986 (USFWS 1986), though critical habitat has not been designated.

The distribution of northern aplomado falcon extends from the southern U.S., through Mexico, and into Nicaragua (Howell 1972, Keddy-Hector et al. 2017). In Texas and New Mexico, northern aplomado falcon typically inhabit semidesert grasslands, coastal prairies, and open terrain in arid landscapes with scattered trees or shrubs. They do not build their own nests but rather use stick nests previously constructed by other birds, usually in large yucca or mesquite (USFWS 2014). Northern aplomado falcon often hunt in pairs and feed on a variety of prey, including birds, insects, rodents, small snakes, and lizards. Primary components of suitable habitat for northern aplomado include foraging habitat structure, nest site availability, and prey availability.

Causes for the decline of northern aplomado falcon include agricultural practices that promoted the proliferation of woody perennial shrubs and trees through the control of range fires and overgrazing (USFWS 1986). Agricultural development has altered much of the grassland habitat in the U.S. once occupied by northern aplomado falcon. Pesticide exposure, particularly contamination with DDT, also likely contributed to significant population declines and may have been an important factor contributing to the disappearance of the northern aplomado falcon from the U.S. In addition, channelization of desert streams and groundwater pumping have destroyed wetland communities and riparian areas that may have been important sources of the northern aplomado falcon's prey base. Currently, recovery of the northern aplomado falcon is limited by long-term drought, shrub encroachment, and increased predation by the great-horned owl (Hunt et al. 2013).

The last naturally occurring pair of northern aplomado falcon to breed in the U.S. was recorded in New Mexico in 1952 (USFWS 1990). Reintroduction of the northern aplomado falcon into the U.S. began in 1985 in south Texas, primarily on National Wildlife Refuges and on private lands through Safe Harbor Agreements with The Peregrine Fund (USFWS 2006). Under The Peregrine Fund, the reintroduction program was later expanded into west Texas and New Mexico from 2002 to 2011 (USFWS 2014). In south Texas, the reintroduction of 839 captive-bred northern aplomado falcons from 1993 to 2004 resulted in two potentially stable nesting populations, with 19 pairs near Brownsville and 13 pairs near Rockport. However, the reintroductions of 637 northern aplomado falcons in west Texas from 2002 to 2011 and 305 in southern New Mexico between 2006 and 2011 were unsuccessful in establishing a viable population in either area (Hunt et al. 2013). Surveys conducted in 2013 and 2014 throughout the northern aplomado falcon's historical range in the U.S. observed 29 pairs in south Texas and one pair in New Mexico. Due to the low population numbers as well as an apparent lack of effective management, a 5-year status review published in 2014 recommended that the northern aplomado falcon remain listed as endangered under the ESA (USFWS 2014).

**Critical Habitat**

The ESA also calls for the conservation of what is termed critical habitat, the areas of land, water, and air space that an endangered species needs for survival. Critical habitat also includes such things as food and water, breeding sites, cover or shelter, and sufficient habitat area to provide for normal population growth and behavior. One of the primary threats to many species is the destruction or modification of essential habitat by uncontrolled land and water developments.

The proposed project location does not overlap with critical habitat for any federally protected species.

**Texas State Listed Species and Species of Greatest Conservation Need**

TPWD identifies nine state listed species that could potentially occur in El Paso County (TPWD 2019). A list of these species is shown in Table 3-7. A complete list of Species of Greatest Conservation Need (SGCN) with the potential to occur within the proposed project area is provided in Appendix B. Surveys for all state listed species and SGCN that could occur at or near the proposed CPC site were conducted by GSRC on January 23, 2020. During the surveys, no state listed species or SGCN were observed.

**Table 3-7. Texas State Listed Species with the Potential to Occur in El Paso County**

Scientific Name	Common Name	Federal Status <sup>1</sup>	Texas Status <sup>1</sup>
<b>Birds</b>			
<i>Buteo plagiatus</i>	gray hawk		T
<i>Empidonax traillii extimus</i>	southwestern willow flycatcher	E	E
<i>Falco peregrinus anatum</i>	American peregrine falcon		T
<i>Plegadis chihi</i>	white-faced ibis		T
<i>Strix occidentalis lucida</i>	Mexican spotted owl	T	T
<b>Reptiles</b>			
<i>Phrynosoma cornutum</i>	Texas horned lizard		T
<i>Phrynosoma hernandesi</i>	mountain short-horned lizard		T
<b>Fish</b>			
<i>Macrhybopsis aestivalis</i>	speckled chub		T
<b>Plants</b>			
<i>Escobaria sneedii</i> var. <i>sneedii</i>	Sneed's pincushion cactus	E	E

Source: TPWD (2020)

<sup>1</sup>E = endangered, T = Threatened, C = Candidate

**3.7.1 Alternative 1: Proposed Action**

One federally listed species (northern aplomado falcon) has the potential to occur within the proposed project area. Based on the information outlined below, the Proposed Action may affect, but is not likely to adversely affect, the northern aplomado falcon. ESA, Section 7 consultation with USFWS has been completed for the Proposed Action (see Appendix A).

### **Northern Aplomado Falcon**

Negligible effects on northern aplomado falcon are anticipated because limited (10 acres) nesting and foraging habitat for northern aplomado falcon would be impacted, and measures to reduce potential impacts would be implemented. Approximately 10 acres of Chihuahuan Desert would be cleared, which contains potentially suitable northern aplomado falcon foraging habitat. Increased human activity and traffic associated with construction activities would potentially disturb northern aplomado falcon, causing them to take flight and depart the immediate area. These disturbances would likely be discountable because they would be short in duration and limited in their area of effect. Northern aplomado falcon are a highly mobile species that would easily relocate a short distance from such disturbances. Effects would be greater if a northern aplomado falcon nest were to occur in the immediate area. To assess the likelihood of this possibility, GSRC biologists surveyed the site for any sign of northern aplomado falcon or nests. No individuals or nests were found and few trees suitable for northern aplomado falcon nesting were present at the proposed CPC project site. Furthermore, 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. However, if construction occurs during the nesting season, a biologist would conduct a pre-construction survey the project area for signs of nesting northern aplomado falcon and any active nests would be avoided.

### **State Listed Species**

TPWD lists several state listed species that may occur near the project area in El Paso County. Under the Proposed Action, approximately 10 acres of native vegetative communities (Chihuahuan Desert scrub) would be directly impacted as a result of the construction of the proposed CPC Facility. Two state listed species have potential to occur within the proposed project area: Texas horned lizard (*Phrynosoma cornutum*) and mountain short-horned lizard (*Phrynosoma hernandesi*).

The Texas horned lizard inhabits open, arid, and semi-arid regions with sparse vegetation including grasses, cacti, scattered brush, and shrubby trees and soil that varies from sandy to rocky. This species mainly eats ants as well as other small insects. Texas horned lizards are active above ground when temperatures exceed 75 degrees Fahrenheit. During cool months from September to April, the Texas horned lizard may hibernate in loose soils a few inches below ground surface, enter rodent burrows, or hide under rock.

The mountain short-horned lizard inhabits semiarid plains to high mountains, usually in open, shrubby, or openly wooded areas with sparse vegetation at ground level and soil that ranges from rocky to sandy. This species eats ants, spiders, snails, sowbugs, and other invertebrates. The mountain short-horned lizard is more cold tolerant than other horned lizard species and is able to reach higher elevations and a greater distribution where the temperature is much cooler. The mountain short-horned lizard burrows into the soil or occupies rodent burrows when inactive.

If present in the project area, the Texas horned lizard and mountain short-horned lizard could be impacted by ground disturbing activities during construction. A useful indicator that horned lizards may occupy the project area is the presence of harvester ant (*Pogomyrmex barbatus*)

mounds since harvester ants are a primary food source for both species of horned lizards. Nesting horned lizards, gravid females, newborn young, or individuals that are hibernating or are lethargic from cool temperatures may be unable to move away from approaching construction equipment and may be impacted by construction activities. Therefore, horned lizard specific BMPs provided by TPWD and outlined in Section 5.0 (Best Management Practices) will be implemented to avoid or minimize impacts to these species.

Several SGCNs could potentially occur within or near the project area (see Appendix B). These species include but are not limited to desert night-blooming cereus (*Peniocereus greggii* var. *greggii*) (one Texas Natural Diversity Database [TXNDD] record for this species within the project area), sand prickly pear (*Opuntia arenaria*), western burrowing owl (*Athene cunicularia*), black-tailed prairie dog (*Cynomys ludovicianus*), long-tailed weasel (*Mustela frenata*), kit fox (*Vulpes macrotis*), western spotted skunk (*Spilogale gracilis*), western hog-nosed skunk (*Conepatus leuconotus*), western rattlesnake (*Crotalus viridis*), massasauga (*Sistrurus tergeminus*), Chihuahuan desert lyre snake (*Trimorphodon wilkinsonii*), and western box turtle (*Terrapene ornata*). These species may be impacted by ground disturbing activities and could potentially experience mortality from construction equipment and vehicles entering the project area during the life of the construction project. Recommendations for avoiding and minimizing impacts to these species have been provided by TPWD and are outlined in Section 5.0 (Best Management Practices).

TXNDD data will be requested from TPWD on a regular basis during the construction period to obtain the most up-to-date records of federally listed species, state listed species, and SGCN observations within or near the project area. Any observations of these species made during the construction period will be submitted to the TXNDD following the observation submission instructions provided on the TXNDD website and additional BMPs will be implemented to prevent or minimize impacts to these species.

### **3.7.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, there would be no direct impacts on threatened or endangered species or their habitats as no construction activities would occur.

## **3.8 CULTURAL, HISTORICAL, AND ARCHAEOLOGICAL RESOURCES**

Cultural resources include aboveground/built resources, archaeological resources, and sacred sites. Significant cultural resources are those resources that are determined to be Historic Properties, as defined by the NHPA. Historic properties are defined by the NHPA as any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion in the National Register of Historic Places (NRHP), including artifacts, records, and material remains relating to the district, site, building, structure, or object (National Park Service [NPS] 2006a). To be considered eligible for the NRHP, a property would need to possess integrity of location, design, setting, materials, workmanship, feeling, and association, and must also meet at least one of the following four criteria (NPS 1995):

1. Be associated with events that made a significant contribution to the broad pattern of our history

2. Be associated with the lives of significant persons in our past
3. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction
4. Have yielded, or be likely to yield, information important in history or prehistory

A Traditional Cultural Property (TCP) is a specific type of historic property that is eligible for inclusion in the NRHP because of its association with cultural practices or beliefs of a living community that are (a) rooted in that community's history, and (b) important in maintaining and continuing the cultural identity of the community (Parker and King 1998). Given the broad range in types of historic properties, historic properties can often include other types of cultural resources such as cultural items, archaeological resources, sacred sites, and archaeological collections.

Cultural items, as defined by the Native American Graves Protection and Repatriation Act (NAGPRA), are human remains as well as both associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony or objects that have an ongoing historical, traditional, or cultural importance to a Native American group or culture (NPS 2006b).

Archaeological resources, as defined by the Archaeological Resources Protection Act (ARPA), consist of any material remains of past human life or activities that are of archaeological interest and are at least 100 years of age. Such items include, but are not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal remains, or any portion or piece of those items (NPS 2006c). Sacred sites are defined by EO 13007, *Indian Sacred Sites*, as any specific, discrete, narrowly delineated location on Federal land that is identified by a Native American tribe or Native American individual determined to be an appropriately authoritative representative of a Native American religion as sacred by virtue of its established religious significance, or ceremonial use by, a Native American religion, provided that the tribe or appropriately authoritative representative of a Native American religion has informed the Federal land-owning agency of the existence of such a site (NPS 1996).

### **Cultural Resources Investigations and Recorded Cultural Resources**

An archival record check was performed using the *Texas Archeological Site Atlas* maintained by the Texas Historical Commission (THC). All previously conducted archaeological investigations, archaeological sites, NRHP-listed properties, Recorded Texas Historic Landmarks (RTHLs), Official Texas Historical Markers (OTHMs), and Historic Texas Cemeteries (HTCs) within a 1-mile search radius were reviewed. This information was used to identify any resources that may be affected by the proposed project. In addition, the information also provided insight into the types of resources that may be encountered during the surveys.

A total of five previously recorded archaeological sites and seven previously conducted archaeological investigations were identified within a 1-mile radius of the proposed CPC facility (THC 2020). The previously recorded archaeological sites include the remains of an early twentieth century historic settlement, which includes the Price Dairy, open prehistoric ceramic and lithic scatters, a prehistoric open campsite with ceramics sherds, lithics, and thermal features, and a prehistoric habitation site with adobe ruins and an associated ceramic and lithic scatter.

None of the previously recorded archaeological sites or previously conducted archaeological investigations overlap with the current proposed action footprint. No NRHP-listed properties or districts, RTHLs, OTHMs, or HTCs are located within the 1-mile search radius of the proposed action footprint. As a result, no previously recorded aboveground historic properties are located within one mile of the proposed CPC facility.

An archaeological survey was conducted of the 60-acre parcel for the proposed CPC facility on February 24-28, 2020. The investigation included surface examination of the area as well as subsurface testing through the excavation of shovel test pits across the property. A total of 27 isolated occurrences were recorded during the surveys. The isolated occurrences included limited prehistoric material including lithic debitage, a ground stone metate fragment, and a projectile point as well as a broad diffuse scatter of historic material. The historic material was limited to modern material dating from the middle to late twentieth century. None of the isolated occurrences met the minimum requirements of an archaeological site and are not considered historic properties as defined by the NHPA. As a result, none of the isolated occurrences are considered significant cultural resources.

### **3.8.1 Alternative 1: Proposed Action**

No archaeological sites have been identified within the 60-acre parcel during the background and archival research and archaeological surveys conducted for the proposed CPC. As a result, no significant archaeological resources would be impacted from the implementation of the Proposed Action. No aboveground resources that are eligible for the NRHP have been previously identified within the 60-acre parcel or within the 0.5-mile visual impact area of the proposed CPC. As a result, no adverse impacts on aboveground historic properties are anticipated as a result of the implementation of the Proposed Action. No religious, sacred sites, or TCPs have been identified by the Native American tribes that claim a cultural affinity for the area that would be impacted by the implementation of the Proposed Action. As a result, no impacts to cultural resources are anticipated from the implementation of the Proposed Action. NHPA, Section 106 consultation with the THC has been completed for the Proposed Action (see Appendix A).

### **3.8.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, no construction would occur, therefore no impacts to cultural resources would be anticipated.

## **3.9 AIR QUALITY**

The USEPA established National Ambient Air Quality Standards (NAAQS) for specific pollutants determined to be of concern with respect to the health and welfare of the general public. Ambient air quality standards are classified as either "primary" or "secondary." The principal pollutants of concern, or criteria pollutants, are carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter less than 10 microns (PM-10) and less than 2.5 microns (PM-2.5), and lead. NAAQS represent the maximum levels of background pollution that are considered safe, with an adequate margin of safety, to protect public health and welfare. The NAAQS are included in Table 3-8.

**Table 3-8. National Ambient Air Quality Standards**

Pollutant	Primary Standards	Primary Standards	Secondary Standards	Secondary Standards
	Level	Averaging Time	Level	Averaging Times
Carbon Monoxide (CO)	9 ppm (10 mg/m <sup>3</sup> )	8-hour <sup>(1)</sup>	None	None
	35 ppm (40 mg/m <sup>3</sup> )	1-hour <sup>(1)</sup>	None	None
Lead	0.15 µg/m <sup>3</sup> <sup>(2)</sup>	Rolling 3-Month Average	Same as Primary	Same as Primary
	1.5 µg/m <sup>3</sup>	Quarterly Average	Same as Primary	Same as Primary
Nitrogen Dioxide (NO <sub>2</sub> )	53 ppb <sup>(3)</sup>	Annual (Arithmetic Average)	Same as Primary	Same as Primary
	100 ppb	1-hour <sup>(4)</sup>	None	None
Particulate Matter (PM-10)	150 µg/m <sup>3</sup>	24-hour <sup>(5)</sup>	Same as Primary	Same as Primary
Particulate Matter (PM-2.5)	12.0 µg/m <sup>3</sup>	Annual <sup>(6)</sup> (Arithmetic Average)	15.0 µg/m <sup>3</sup>	Annual <sup>(6)</sup> (Arithmetic Average)
	35 µg/m <sup>3</sup>	24-hour <sup>(7)</sup>	Same as Primary	Same as Primary
Ozone (O <sub>3</sub> )	0.075 ppm (2008 std)	8-hour <sup>(8)</sup>	Same as Primary	Same as Primary
	0.070 ppm (2015 std)	8-hour <sup>(9)</sup>	Same as Primary	Same as Primary
	0.12 ppm	1-hour <sup>(10)</sup>	Same as Primary	Same as Primary
Sulfur Dioxide (SO <sub>2</sub> )	75 ppb <sup>(11)</sup>	1-hour	0.5 ppm	3-hour <sup>(1)</sup>

Source: USEPA (2016)

Units of measure for the standards are parts per million (ppm) by volume, parts per billion (ppb - 1 part in 1,000,000,000) by volume, milligrams per cubic meter of air (mg/m<sup>3</sup>), and micrograms per cubic meter of air (µg/m<sup>3</sup>).

<sup>(1)</sup> Not to be exceeded more than once per year.

<sup>(2)</sup> Final rule signed October 15, 2008.

<sup>(3)</sup> The official level of the annual NO<sub>2</sub> standard is 0.053 ppm, equal to 53 ppb, which is shown here for the purpose of clearer comparison to the 1-hour standard

<sup>(4)</sup> To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 100 ppb (effective January 22, 2010).

<sup>(5)</sup> Not to be exceeded more than once per year on average over 3 years.

<sup>(6)</sup> To attain this standard, the 3-year average of the weighted annual mean PM-2.5 concentrations from single or multiple community-oriented monitors must not exceed 15.0 µg/m<sup>3</sup>.

<sup>(7)</sup> To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 35 µg/m<sup>3</sup> (effective December 17, 2006).

<sup>(8)</sup> To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.075 ppm (effective May 27, 2008).

<sup>(9)</sup> To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.070 ppm (effective December 28, 2015).

<sup>(10)</sup> (a) USEPA revoked the 1-hour ozone standard in all areas, although some areas have continuing obligations under that standard ("anti-backsliding").

(b) The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm is ≤ 1.

<sup>(11)</sup> (a) Final rule signed June 2, 2010. To attain this standard, the 3-year average of the 99th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 75 ppb.

Areas that do not meet these NAAQS standards are called non-attainment areas; areas that meet both primary and secondary standards are known as attainment areas. The General Conformity Rule (40 CFR Parts 51 and 93) specifies criteria or requirements for conformity determinations for Federal projects. The General Conformity Rule was first promulgated in 1993 by USEPA, following the passage of Amendments to the Clean Air Act (CAA) in 1990. The rule mandates

that a conformity analysis must be performed when a Federal action generates air pollutants in a region that has been designated as a non-attainment or maintenance area for one or more NAAQS. A portion of El Paso County is designated as a moderate non-attainment area for PM-10 (USEPA 2020a). Major sources of PM-10 include windblown and vehicle-generated fugitive dust, industrial facilities, commercial construction, agricultural tilling, road construction, automobiles, heating fires, and the combustion of refuse.

A conformity analysis is the process used to determine whether a Federal action meets the requirements of the General Conformity Rule. The rule requires the responsible Federal agency to evaluate the nature of a proposed action and associated air pollutant emissions and calculate emissions as a result of the Proposed Action. If the emissions exceed established limits, known as *de minimis* thresholds, the proponent is required to implement appropriate mitigation measures.

### **Greenhouse Gases and Climate Change**

Global climate change refers to a long-term change in the average weather on the earth. Greenhouse Gases (GHGs) are gases that trap heat in the atmosphere. The CEQ has published draft guidance on how NEPA analysis and documentation should address GHG emissions. This *Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions* (CEQ 2019), if finalized, would replace the final guidance CEQ issued on August 1, 2016, titled *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*, which was withdrawn effective April 5, 2017, for further consideration pursuant to EO 13783 on March 28, 2017, *Promoting Energy Independence and Economic Growth*. The draft guidance requires that Federal agencies attempt to quantify a proposed action's projected direct and reasonably foreseeable indirect GHG emissions when the amount of those emissions is substantial enough to warrant quantification, and when it is practicable to quantify using available data and GHG Quantification tools (CEQ 2019).

The draft guidance defines GHGs as carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), fluorinated gases such as hydrochlorofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>) (CEQ 2019). These GHGs have varying heat-trapping abilities and atmospheric lifetimes. CO<sub>2</sub> equivalency (CO<sub>2</sub>e) is a measurement methodology used to compare the heat-trapping impact from various GHGs relative to CO<sub>2</sub>. Some gases have a greater global warming potential (GWP) than others. N<sub>2</sub>O, for instance, has a GWP that is 298 times greater than an equivalent amount of CO<sub>2</sub>, whereas the GWP of CH<sub>4</sub> is 25 times greater than an equivalent amount of CO<sub>2</sub> (CEQ 2016).

The major GHG-producing sectors in society include transportation, utilities (e.g., coal and natural gas power plants), industry/manufacturing, agriculture, commercial, and residential. End-use sector sources of GHG emissions include transportation (27.9 percent), electricity generation (26.9 percent), industry (22.2 percent), agriculture (9.9 percent), commercial (6.8 percent), residential (5.6 percent), and U.S. Territories (0.7 percent) (USEPA 2020b). The main sources of increased concentrations of GHG due to human activity include the combustion of fossil fuels and deforestation (CO<sub>2</sub>), livestock and rice farming, land use and wetland depletions, landfill emissions (CH<sub>4</sub>), refrigeration system and fire suppression system use and manufacturing

(fluorinated gases), and agricultural activities, including the use of fertilizers (California Energy Commission 2007).

### **3.9.1 Alternative 1: Proposed Action**

Temporary and minor increases in air pollution would occur from the use of construction equipment (combustion emissions) and the disturbance of soils (fugitive dust) during construction of the CPC. Particulate emissions would occur as a result of construction activities such as vehicle trips, bulldozing, compacting, and grading operations. Construction activities would also generate minimal hydrocarbon, NO<sub>2</sub>, CO<sub>2</sub>, and SO<sub>2</sub> emissions from construction equipment and support vehicles. Fugitive dust would be generated during these construction activities, especially during the initial groundbreaking activities. Fugitive dust and other emissions from vehicles would increase marginally during construction; however, these emissions would be temporary and return to pre-project levels upon the completion of construction. Emissions as a result of the Proposed Action are expected to be below the *de minimis* threshold (i.e., 100 tons per year) and therefore would not be considered significant. BMPs, such as dust suppression and maintaining equipment in proper working condition would reduce the temporary construction impacts. Furthermore, due to the relatively rural location of the proposed CPC, good wind dispersal conditions, and short duration of construction, impacts to air quality are expected to be minimal under the Proposed Action.

### **3.9.2 Alternative 2: No Action Alternative**

The No Action Alternative would not result in any direct impacts on air quality because there would be no construction activities.

## **3.10 NOISE**

Noise is generally described as unwanted sound, which can be based either on objective effects (e.g., hearing loss, damage to structures) or subjective judgments (e.g., community annoyance). Sound is usually represented on a logarithmic scale in a unit called the decibel (dB). Sound on the decibel scale is referred to as sound level. The perceived threshold of human hearing is 0 dB, and the threshold of discomfort or pain is around 120 dB (USEPA 1974). The A-weighted sound level (dBA) is a measurement of sound pressure adjusted to conform to the frequency response of the human ear.

Noise levels occurring at night generally produce a greater annoyance than do the same levels occurring during the day. Intrusive noise at night is generally perceived as being 10 dBA louder than the same level of intrusive noise during the day, at least in terms of the potential for causing community annoyance. This perception is largely because background environmental sound levels at night in most areas are about 10 dBA lower than those during the day. Long-term noise levels are computed over a 24-hour period and adjusted for nighttime annoyances to produce the day-night average sound level (DNL). DNL is the community noise metric recommended by the USEPA and has been adopted by most Federal agencies (USEPA 1974). The impact threshold most commonly used for noise planning purposes near residents is 65 dBA DNL (24 CFR § 51.103[c]), which represents a compromise between community impact and the need for activities like construction.

In general, noise generated by a stationary noise source, or “point source,” will decrease as it propagates through the atmosphere by approximately 6 dBA for each doubling of the distance from the source to the receiver (Federal Highway Administration [FHWA] 2017). For example, if a noise source produces a noise level of 85 dBA at a reference distance of 50 feet, then the noise level would be 79 dBA at a distance of 100 feet from the noise source and 73 dBA at a distance of 200 feet. To estimate the attenuation of the noise over a given distance, the following relationship is utilized:

$$\text{Equation 1: } dBA_2 = dBA_1 + 20 \log (d_1/d_2)$$

Where:

$dBA_1$  = dBA at distance 1 from source (measured)

$dBA_2$  = dBA at distance 2 from source (predicted)

$d_1$  = Distance to location 1 from the source

$d_2$  = Distance to location 2 from the source

Noise within the project area in general is elevated due to the proximity of the proposed project area to Patriot Freeway (U.S. Highway 54) and an existing gravel and sand mining operation. Further, no noise-sensitive receptors, such as residences, schools, hotels, libraries, religious institutes, hospitals, or similar uses, would be located within approximately 2,000 feet of the project area.

### 3.10.1 Alternative 1: Proposed Action

The construction of the proposed CPC would require the use of common construction equipment. Table 3-9 describes noise emission levels for construction equipment that range from 47 dBA to 85 dBA at a distance of 50 feet (FHWA 2007).

**Table 3-9. A-Weighted (dBA) Sound Levels of Construction Equipment and Modeled Attenuation at Various Distances<sup>1</sup>**

Noise Source	50 feet	100 feet	200 feet	500 feet	1,000 feet
Bulldozer	82	76	70	62	56
Concrete mixer truck	85	79	73	65	59
Crane	81	75	69	61	55
Drill rig	85	79	73	65	59
Dump truck	84	78	72	64	58
Excavator	81	75	69	61	55
Front-end loader	79	73	67	59	53
Generator	47	41	35	27	21

Source: FHWA (2007)

<sup>1</sup>The dBA at 50 feet is a measured noise emission. The 100- to 1,000-foot results are GSRC modeled estimates.

Assuming the worst case scenario of 85 dBA from general construction equipment, the noise model predicts that noise emissions would have to travel 1,255 feet before they would be attenuated to acceptable levels equal to or below 57 dBA, which is the criterion for National Monuments and Wildlife Refuges (23 CFR Part 772, Table 1), or 500 feet to attenuate to 65 dBA, which is the criterion for residential receptors.

The project site is located approximately 2,000 feet away from noise-sensitive receptors such as residential homes. Therefore, impacts on noise would be short-term and negligible.

### **3.10.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, no impacts on noise would occur as the construction of the proposed CPC would not occur.

## **3.11 UTILITIES AND INFRASTRUCTURE**

Electrical power for the project area is provided by El Paso Electric Company (EPE) through its regional power grid. EPE provides electricity to an area of approximately 10,000 square miles in west Texas and southern New Mexico (EPE 2019). EPE has a net generating capacity of approximately 2,085 megawatts that serves approximately 432,800 residential, commercial, industrial, public authority, and wholesale customers. The proposed CPC would be tied into an existing and available service transmission line.

Water and sewer for the project area is provided by El Paso Water. El Paso Water provides water and wastewater service to approximately 834,200 residents across an area of approximately 250 square miles (El Paso Water 2019). Within the service area, El Paso Water maintains 2,706 miles of distribution pipeline, 235,771 water supply connections, and 220,129 wastewater treatment connections. On a daily basis, El Paso Water has the capacity to produce approximately 265 million gallons of potable water and treat approximately 187.5 million gallons of wastewater for its customers. Connection to water and wastewater services are currently available at the project site and would be used for the CPC.

Public infrastructure near the project area consists of Patriot Freeway (U.S. Highway 54). No new public infrastructure would be required for ingress or egress at the proposed CPC. However, the new CPC would require that ingress and egress connection to Patriot Freeway be constructed.

### **3.11.1 Alternative 1: Proposed Action**

The Proposed Action would result in negligible effects on the availability of utilities throughout the ROI. The current amperage available through the existing grid power system can withstand the anticipated electrical load of the proposed CPC. Additionally, the CPC would be tied into existing water and wastewater treatment services with the current capacity to handle the slight increase in demand. The CPC would require construction of ingress and egress connection to Patriot Freeway, but no new public infrastructure would be needed.

### **3.11.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, the proposed CPC would not be constructed. The No Action Alternative would not affect the availability of utilities or require construction of additional facilities.

### 3.12 RADIO FREQUENCY ENVIRONMENT

The radio frequency (RF) environment refers to the presence of electromagnetic (EM) radiation emitted by radio waves and microwaves on the human and biological environment. EM radiations are self-propagating waves of electric and magnetic energy that move through space via radio waves and microwaves emitted by transmitting antennas. RF is a frequency or rate of oscillation within the range of about 3 hertz and 300 gigahertz. This range corresponds to frequency of alternating current and electrical signals used to produce and detect radio waves. The EM radiation produced by radio waves and microwaves carry energy and momentum and can interact with matter.

The Federal Communications Commission (FCC) is responsible for licensing frequencies and ensuring that the approved uses would not interfere with television or radio broadcasts or substantially affect the natural or human environments. In 1985, the FCC adopted the 1982 American National Standards Institute (ANSI) guidelines to evaluate exposure due to RF transmitters that are licensed and authorized by the FCC (Office of Engineering and Technology [OET] 1999). In 1992, ANSI adopted the 1991 Institute of Electrical and Electronics Engineers (IEEE) standard as an American National Standard (a revision of its 1982 standard) and designated it as ANSI/IEEE C95.1-1992 (OET 1999). The FCC proposed to update its rules and adopt the new ANSI/IEEE guidelines in 1993, and in 1996 the FCC adopted a modified version of the original proposal.

The FCC's guidelines are also based on the National Council on Radiation Protection and Measurements (NCRP) exposure guidelines. The NCRP and ANSI/IEEE exposure criteria identify the same threshold levels at which harmful biological effects may occur. The whole-body human absorption of RF energy varies with the frequency of the RF signal. The most restrictive limits on exposure are in the frequency range of 30 to 300 megahertz, which corresponds with RF energy that is most efficiently absorbed by the human body when exposed in the air field of an RF transmitting source (ANSI/IEEE C95.1-1992).

There are two tiers of exposure limits: occupational or "controlled" and general or "uncontrolled." Controlled exposure occurs when a person is exposed to RF fields as a part of their employment and they have been made fully aware of the potential exposure and can exercise control over their exposure. Uncontrolled exposure occurs when the general public is exposed or when persons employed are not made fully aware of the potential for exposure or cannot exercise control over their exposure.

In order for a transmitting facility or operation to be out of compliance with the FCC's RF guidelines in an area where levels exceed Maximum Permissible Exposure (MPE) limits, it must first be accessible to the public. The MPE limits indicate levels above which people may not be safely exposed regardless of the location where those levels occur.

Adverse biological effects associated with RF energy are typically related to the heating of tissue by RF energy. This is typically referred to as a "thermal" effect, where the EM radiation emitted by an RF antenna passes through and rapidly heats biological tissue, similar to the way a microwave oven cooks food. The Health Physics Society indicates that numerous studies have

shown that environmental levels of RF energy routinely encountered by the general public are typically far below levels necessary to produce significant heating and increased body temperature and are generally only associated with workplace environments near high-powered RF sources used for molding plastics or processing food products. In such cases, exposure of human beings to RF energy could be exceeded, thus requiring restrictive measures or actions to ensure their safety (Classic 2007).

There is also some concern that signals from some RF devices could interfere with pacemakers or other implanted medical devices. However, it has never been demonstrated that signals from a microwave oven are strong enough to cause such interference (OET 1999). Furthermore, EM shielding was incorporated into the design of modern pacemakers to prevent RF signals from interfering with the electronic circuitry in the pacemaker (OET 1999).

Other non-thermal adverse effects such as disorientation of passing birds by RF waves are also of concern. Past studies on the effects of communication towers were summarized by Beason (2000) during the 1999 Workshop on Avian Mortality at Communication Towers (Evans and Manville 2000). During this workshop, Beason (2000) noted that most research on RF signals produced by communication towers generally have no disorientation effects on migratory birds. However, more research is needed to better understand the effects of RF energy on the avian brain.

Currently, CBP, USFWS, local law enforcement agencies, and the military use 2-way radios as part of their daily operations in the ROI. Further, several of these agencies operate and maintain radio repeaters within the ROI.

### **3.12.1 Alternative 1: Proposed Action**

The Proposed Action would install new communications equipment within the project site. As with any RF transmitter, all of these systems would emit RF energy and EM radiation; therefore, potentially adverse effects could occur. However, any adverse effects on human safety and wildlife would likely be negligible due to the minimal exposure limits associated with both the type of equipment used and the tower site location. No RF energy levels emitted from the proposed equipment would be outside Occupational, Safety, and Health Administration (OSHA) safety standards. The risk of exposure is further minimized because the tower would be up to 100 feet tall. The distance between the antennas (on top of the tower) and human populations would be too great to present a significant exposure risk. Under normal operating conditions, maintenance personnel working near the tower site would not be exposed to any RF energy that exceeds MPE limits set by the FCC. All CBP tower climbers would have RF monitors that would alarm to indicate an unsafe RF environment. Additionally, RF hazard warning signage will be in place on the site.

Though greater research is required to have a better understanding of the effects of RF energy on the avian brain, the potential effects on passing birds are expected to be negligible as well. Any disorientating effect, if experienced, would be temporary and would occur only at distances close to the antennas.

### **3.12.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, the new CPC would not be constructed. Daily radio operations by CBP, USFWS, local law enforcement, and the military would continue within the ROI. The existing RF emitted would continue to have adverse, negligible impacts on the human or natural environments.

## **3.13 ROADWAYS AND TRAFFIC**

The Proposed Action would be located along Patriot Freeway (U.S. Highway 54), which is one of the main north-south routes through El Paso County, Texas. The project area is bordered by McCombs Street to the west, Stan Roberts Sr. Avenue to the north, and U.S. Highway 54 to the south and east. U.S. Highway 54 begins in El Paso, Texas near the intersection with Loop 375 and continues north/northeast through El Paso, eventually crossing into New Mexico and terminating near Wichita, Kansas. According to TxDOT, the annual average daily traffic (AADT) for U.S. Highway 54, north of the intersection with McCombs Street, was 13,656 in 2018 (TxDOT 2018). The 2018 AADT for McCombs Street and Stan Roberts Sr. Avenue near the project area was 8,064 and 2,217, respectively.

As part of the Proposed Action, approximately 200 CBP personnel would be hired to work at the new CPC. The CPC would be staffed in three 8-hour shifts; therefore, approximately 67 personnel would be expected to be entering and exiting the proposed El Paso CPC as well as driving on the roads prior to and at the conclusion of each shift. The number of additional busses, vans, and other modes of transportation that would be used to transport detainees to and from the CPC is currently not known; the volume of traffic related to those types of vehicles is dependent on migrant activities.

### **3.13.1 Alternative 1: Proposed Action**

With the implementation of the Proposed Action, construction activities at the project site would have a temporary, minor impact on roadways and traffic adjacent to the project site. An increase of vehicular traffic along Patriot Freeway (U.S. Highway 54), McCombs Street, and Stan Roberts Sr. Avenue would occur during construction activities from supplying materials, hauling debris, and work crews commuting to the project site. Upon completion of construction activities, an increase in vehicular traffic on those roads from CPC staff and detainee transport would occur as well. However, the increase in traffic volume associated with construction and operation activities would have minor impacts on roadways and traffic as all of the roadways near the CPC would be able to withstand the projected volumes. Therefore, traffic impacts associated with construction and operation of the CPC would be long-term and negligible.

### **3.13.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, impacts on roadways and traffic would remain status quo.

## **3.14 AESTHETIC AND VISUAL RESOURCES**

The Proposed Action would be located on an undeveloped parcel of land in northeast El Paso, Texas. Aesthetic and visual resources of the proposed project area include the characteristic features and the natural vegetation of the Chihuahuan Desert landscape (Photograph 3-1). The

relatively uniform structure and composition of the Chihuahuan Desert vegetation creates an almost unbroken visual landscape. The nearby Franklin Mountains, one of many mountain ranges in the general area, also serve as an important aesthetic resource within the ROI.



**Photograph 3-1. Overview of the proposed El Paso CPC project area.**

The area surrounding the proposed project location has been previously impacted by urban development activities associated with the City of El Paso, which is a major metropolitan area within the ROI. The project area is located along Patriot Freeway (U.S. Highway 54), with Stan Roberts Sr. Avenue and McCombs Street in close proximity. Nearby existing land uses include the residential developments of Mesquite Hills Subdivision, Futureland, and the Van Horne Estates Apartments as well as a gravel and sand mining operation. Two water towers are also located within the immediate vicinity of the proposed project area.

Bureau of Land Management (BLM) visual zone classes were used to quantify the visual impacts of the proposed CPC (BLM 2009). Using the BLM classification system, landscapes are subdivided into three distance zones based on relative visibility from observation points. The three zones are:

1. *Foreground-middleground*: areas seen from highways, rivers, or other viewing locations that are less than 5 miles away and where management activities might be viewed in detail. This zone can be more visible to the public and changes may be more noticeable.
2. *Background*: areas beyond the foreground-middleground zone but usually less than 15 miles away; does not include areas in the background that are so distant that the only discernible feature is the form or outline.
3. *Seldom-seen*: areas that are not visible within the foreground-middleground zone or background zone.

### **3.14.1 Alternative 1: Proposed Action**

The Proposed Action would have a long-term, minor impact on aesthetic qualities within the ROI. The new CPC would be located on previously undeveloped land with native vegetation covering the project area. The CPC facility would have a permanent negative impact to the aesthetic and visual resources in this location. Depending on the location and elevation of a viewer, construction activities and the CPC facility would be located within the foreground-middleground distance zone and not visible beyond an observation point of 5 miles away from the site. At night, minimal levels of illumination from the CPC security lighting would be visible to the casual traveler along Patriot Freeway. However, due to the existing developments within the surrounding area, the impacts to the visual resources would be minimal.

Temporary aesthetic and visual resource impacts during the construction phase of the project would occur at the proposed CPC project area. Generally, these temporary impacts would involve the presence of construction equipment on the landscape and temporary ground disturbances. All temporary disturbance areas would be revegetated upon completion of construction with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally, if applicable.

### **3.14.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, the proposed CPC would not be constructed; therefore, no impacts to the aesthetic or visual resources would occur.

## **3.15 HAZARDOUS MATERIALS**

Hazardous materials are substances that cause physical or health hazards (29 CFR § 1910.1200). Materials that are physically hazardous include combustible and flammable substances, compressed gases, and oxidizers. Health hazards are associated with materials that cause acute or chronic reactions, including toxic agents, carcinogens, and irritants. Hazardous materials are regulated in Texas by a combination of mandated laws promulgated by the USEPA and the TCEQ.

A Phase 1 Environmental Site Assessment was conducted for the proposed CPC site location and surrounding area in accordance with the American Society for Testing and Materials International Standard E1527-05. The assessment was performed to evaluate any potential environmental risk associated with the construction and implementation and operation of the proposed CPC facility. The assessment included site reconnaissance, interviews, and a search of Federal and state records of known hazardous waste sites, potential hazardous waste sites, and remediation activities and included sites that are either on the National Priorities List or being considered for the list. According to information gathered, no *recognized environmental conditions* exist within a 1-mile radius of the subject property. No business environmental risk that would require additional assessment was found on the subject property or on any other adjacent or nearby properties.

### **3.15.1 Alternative 1: Proposed Action**

Construction of the proposed CPC would involve the use of heavy construction equipment. There is a potential for the release of hazardous materials such as fuel, lubricant, hydraulic fluid,

and other chemicals during the construction activities. The impacts from spills of hazardous materials during construction would be minimized by utilizing BMPs during construction, such as fueling only in controlled and protected areas away from surface waters, maintaining emergency spill cleanup kits at all sites during fueling operations, and maintaining all equipment in good operating condition to prevent fuel and hydraulic fluid leaks.

If hazardous materials are encountered at the project site during excavation, proper cleanup and disposal of any contaminated soil by a certified hazardous waste transporter would occur, thereby minimizing impacts on the environment and preventing contamination of soil or surface waters off-site.

All hazardous and regulated wastes and substances generated by operation of the new CPC would be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures. All other hazardous and regulated materials or substances would be handled according to materials safety data sheet instructions and would not affect water, soils, vegetation, wildlife, or the safety of USBP agents and staff. Therefore, hazardous and regulated materials and substances would not impact the public, groundwater, or general environment.

The potential impacts of the handling and disposal of hazardous and regulated materials and substances during construction activities would be insignificant when mitigation measures and BMPs, as described in Section 5, are implemented.

### 3.15.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no construction activities would occur; therefore, no existing hazardous materials risks would be encountered and no potential for hazardous materials spills would be realized. No impacts from hazardous materials would result from the No Action Alternative.

## 3.16 SOCIOECONOMICS

This socioeconomics section outlines the basic attributes of population and economic activity in El Paso County, Texas, which is the ROI for socioeconomics. Demographic data shown in Table 3-10 provides an overview of the socioeconomic environment in the ROI.

**Table 3-10. Population, Income, Labor Force, and Unemployment**

	<b>2018 Population Estimate*</b>	<b>Average Annual Growth Rate 2000-2018 (Percent)</b>	<b>2018 Per Capita Personal Income (Dollars)</b>	<b>2018 Per Capita Personal Income As a Percent of the United States (Percent)</b>	<b>2018 Unemployment Rate (Percent)</b>
El Paso County	840,758	2.73	\$35,856	65.8	4.2
Texas	28,701,845	2.09	\$50,355	92.4	3.85
United States	327,167,434	0.90	\$54,446	100	3.9

Source: BEA 2019, BLS (2019a, 2019b), U.S. Census Bureau (2019a, 2019b)

\*Estimate based on 2010 U.S. Census population data

El Paso County, which is a part of the El Paso Metropolitan Statistical Area, is one of 254 counties in Texas and had an estimated 2018 population of 840,758 individuals (U.S. Census Bureau 2019a). The racial mix of El Paso County is composed of White (78.1 percent), Black or African American (3.0 percent), Asian (1.3 percent), American Indian and Alaska Native (0.4 percent), Native Hawaiian and other Pacific Islander (0.1 percent), some other race (13.9 percent), and two or more races (3.1 percent) (U.S. Census Bureau 2019a). The vast majority (83.0 percent) of the total estimated 2018 population of El Paso County claim to be of Hispanic or Latino origin.

The estimated number of individuals employed in El Paso County in 2018 was 360,160 (U.S. Census Bureau 2019b). The industry employing the largest number of individuals in El Paso County in 2018 was the health care and social assistance industry (14.1 percent), followed by educational services (12.4 percent), the retail trade industry (12.1 percent), and the accommodation and food services industry (8.7 percent). The 2018 estimated unemployment rate for El Paso County was 4.2 percent (U.S. Bureau of Labor Statistics [BLS] 2019a).

In 2018, El Paso County had a per capita personal income (PCPI) of \$35,856 (Bureau of Economic Analysis [BEA] 2019). This measure of income is calculated as the personal income from all sources of residents in a given area divided by the resident population of the area. El Paso County's PCPI ranked 203<sup>rd</sup> in the state, was 71 percent of the state average (\$50,355), and 65.8 percent of the National average (\$54,446). The total personal income (TPI) of an area is the income that is received by, or on behalf of, all the individuals who live in that area. In 2018, the TPI of El Paso County was \$30.1 billion (BEA 2019). The median household income in 2018 was \$43,958, significantly less than the median household income of the state (\$60,629) and Nation (\$61,937) (BEA 2019).

Impacts on socioeconomic conditions would be considered significant if they included displacement or relocation of residences or commercial buildings or increases in long-term demands for public services in excess of existing and projected capacities.

### **3.16.1 Alternative 1: Proposed Action**

The Proposed Action would be located in northeast El Paso. The proposed CPC would add up to 200 personnel and their families moving into the area, needing homes, schools, and public services. Those personnel and their families would be expected to live in the City of El Paso, and a portion of the personnel and their families would likely already reside in the area. The City of El Paso is a major metropolitan area that has many options for housing, schools, shopping, and other amenities and would be able to handle the increased demand for housing and public services. With many of the 200 additional personnel and their families expected to live in the City of El Paso, increases in the demand for public services in excess of existing and projected capacities would not be expected.

Temporary, minor, beneficial impacts in the form of jobs and income for area residents, revenues to local businesses, and sales and use taxes to El Paso County, El Paso, and the State of Texas from locally purchased building materials could be realized if construction materials are purchased locally and local construction workers are hired for construction.

### **3.16.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, the proposed CPC would not be constructed in El Paso County; therefore, no direct socioeconomics impacts would occur.

## **3.17 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN**

EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was issued by President Clinton on February 11, 1994. This EO is intended to ensure that proposed Federal actions do not have disproportionately high and adverse human health and environmental effects on minority and low-income populations and to ensure greater public participation by minority and low-income populations. The order directs each agency to develop a strategy for implementing environmental justice. A Presidential Transmittal Memorandum issued with the EO states that “each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the NEPA 42 U.S.C. § 4321, et seq.” The Department of Defense (DoD) has directed that NEPA will be used to implement the provisions of the EO.

EO 12898 does not provide guidelines as to how to determine concentrations of minority or low-income populations. However, analysis of demographic data on race, ethnicity, and poverty provides information on minority and low-income populations that could be affected by the Proposed Action. The U.S. Census Bureau reports numbers of minority individuals, and the U.S. Census American Community Survey (ACS) provides the most recent poverty estimates available. Minority populations are those persons who identify themselves as African American, Hispanic, Asian American, American Indian/Alaskan Native, Pacific Islander, or Other. Poverty status is used to define low-income based on a set of money income thresholds that vary by family size and composition. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. In 2018, the poverty threshold for a family of four was \$25,701 (U.S. Census Bureau 2019c). A potential disproportionate impact may occur when the minority population in the study area exceeds 50 percent and/or the low-income population exceeds 20 percent of the population. Additionally, a disproportionate impact may occur when the percent minority and/or low-income in the study area are meaningfully greater than those in the region.

Table 3-11 presents U.S. Census data for minority populations and poverty rates for the ROI. The proposed CPC would be located within Census Tract 102.07, which is defined as the area east of McCombs Street, west of Railroad Drive/Dyer Street, south of the New Mexico/Texas border, and north of Sean Haggerty Drive/South Angora Loop Avenue in Northeast El Paso (Federal Financial Institutions Examination Council [FFIEC] 2019). The population of Census Tract 102.07 is composed primarily of minority communities categorized by the Census as being of Hispanic or Latino origin. However, Census Tract 102.07 has a lower minority population (63.4 percent) than the City of El Paso (86.8 percent) and El Paso County (88.4 percent) (U.S. Census Bureau 2019a). The poverty rate is also lower in Census Tract 102.07 (10.6 percent) compared to both the City of El Paso (20.1 percent) and El Paso County (20.6 percent) (FFIEC 2019, U.S. Census Bureau 2019d).

**Table 3-11. Minority Population and Poverty Rates**

	<b>Minority Population (Percent)</b>	<b>All Ages in Poverty (Percent)</b>
Census Tract 102.07	63.4	10.6
City of El Paso	86.8	20.1
El Paso County	88.4	20.6
Texas	58.5	14.9
United States	39.6	13.1

Source: FFIEC (2019), U.S. Census Bureau (2019a, 2019d)

### **Protection of Children**

EO 13045 requires each Federal agency “to identify and assess environmental health risks and safety risks that may disproportionately affect children” and “ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.” This EO was prompted by the recognition that children, still undergoing physiological growth and development, are more sensitive to adverse environmental health and safety risks than adults. The potential for impacts on the health and safety of children is greater where projects are located near residential areas.

#### **3.17.1 Alternative 1: Proposed Action**

Under the Preferred Alternative, the proposed CPC would be located on undeveloped land in northeast El Paso. CBP’s mission objectives require that they operate in close proximity to the U.S./Mexico border, often in communities that have a higher percentage minority population than the U.S. average. The City of El Paso and El Paso County have a much higher minority population and a higher population living in poverty than Texas and the U.S. However, Census Tract 102.07, which includes communities in the area surrounding the proposed CPC location, contains a smaller percentage of minority and low-income populations than the City of El Paso and El Paso County; therefore, the proposed CPC location would not disproportionately affect these communities.

The closest residences to the proposed CPC location are located approximately 2,000 feet to the south of the project site. 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 negligible increases in noise, traffic, and emissions due to the construction activities; these effects would be minimal and short-term. Although residences are located approximately 2,000 feet from the proposed CPC location, the Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. There would be no environmental health or safety risks that disproportionately affect children.

#### **3.17.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, the proposed CPC would not be constructed. There would be no impacts on the local population, so there would be no disproportionately high and adverse human health or environmental effects on minority populations or low-income populations and no environmental health or safety risks that could disproportionately affect children.

---

---

## **4.0 CUMULATIVE IMPACTS**

---

---

This section of the EA defines cumulative impacts, identifies past, present, and reasonably foreseeable projects relevant to cumulative impacts, and analyzes the potential cumulative impacts associated with the implementation of the Proposed Action and other projects/programs planned within the ROI.

### **4.1 DEFINITION OF CUMULATIVE IMPACTS**

The CEQ defines cumulative impacts as “the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 CFR § 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time by various agencies (Federal, state, or local) or individuals. CEQ guidance on cumulative effects requires the definition of the scope of the other actions and their interrelationship with the Proposed Action (CEQ 1997). The scope must consider geographic and temporal overlaps with the Proposed Action and all other actions occurring within the ROI. Informed decision making is served by consideration of cumulative impacts resulting from activities that are proposed, under construction, recently completed, or anticipated to be implemented in the reasonably foreseeable future.

This cumulative impacts analysis summarizes expected environmental effects from the combined impacts of past, current, and reasonably foreseeable future activities affecting any part of the human or natural environment impacted by the Proposed Action. Activities were identified for this analysis by reviewing CBP and USBP documents, news/press releases, and published media reports, and through consultation with planning and engineering departments of local governments and state and Federal agencies.

### **4.2 PAST IMPACTS WITHIN THE REGION OF INFLUENCE**

The ecosystems within the ROI have been significantly impacted by historical and ongoing activities such as ranching, livestock grazing, mining, agricultural development, cross-border violator activity, and climate change. All of these actions have, to a greater or lesser extent, contributed to several ongoing threats to the ecosystem, including loss and degradation of habitat for both common and rare wildlife and plants and the proliferation of roads and trails. Although activities that occurred on Federal lands (U.S Department of the Interior [DOI]) were regulated by NEPA, the most substantial impacts of these activities within the ROI such as ranching, livestock grazing, and cross-border violator activity, were not or are not regulated by NEPA and did not include efforts to minimize impacts.

### **4.3 CURRENT AND REASONABLY FORESEEABLE CBP PROJECTS WITHIN AND NEAR THE REGION OF INFLUENCE**

USBP has conducted law enforcement actions along the border since its inception in 1924 and has continuously transformed its methods as new missions, modes of operations of cross-border violators, agent needs, and National enforcement strategies have evolved. Development and

maintenance of training ranges, station and sector facilities, detention facilities, roads, and fences have impacted thousands of acres, with synergistic and cumulative impacts on soil, wildlife habitats, water quality, and noise. Beneficial effects, too, have resulted from the construction and use of these roads and fences, including, but not limited to: increased employment and income for border regions and its surrounding communities, protection and enhancement of sensitive resources north of the border, reduction in crime within urban areas near the border, increased land value in areas where border security has increased, and increased knowledge of the biological communities and prehistory of the region through numerous biological and cultural resources surveys and studies.

With continued funding and implementation of CBP's environmental conservation measures, including use of biological monitors, wildlife water systems, and restoration activities, adverse impacts due to future and ongoing projects would be avoided or minimized. Recent, ongoing, and reasonably foreseeable proposed actions will result in cumulative impacts; however, the cumulative impacts will not be significant. CBP is currently planning, conducting, or has completed several projects in the USBP El Paso Sector AOR and other nearby areas, including the following:

- Installation of a temporary, soft sided processing facility at the El Paso Border Patrol Station, 9201 Gateway South Boulevard El Paso, TX 79924
- Installation of a modular processing center at the El Paso Border Patrol Station; upon completion, the temporary, soft sided processing facility (listed above) will be removed
- Installation and subsequent removal of a temporary, soft sided processing facility at the Tornillo Port of Entry, Texas
- Maintenance and repair of tactical infrastructure along the U.S./Mexico international border in the El Paso Sector

In addition, TxDOT, EPE, the City of El Paso, and El Paso County are currently planning or conducting several projects in the ROI, which include:

- Completion of Loop 375 from Sunland Park Drive to just east of downtown El Paso
- Construction of collector/distributor lanes along I-10 on El Paso's West Side
- Construction of a new interchange on I-10 between Executive Center Boulevard and Sunland Park Drive
- I-10 operational ramp and lane improvements from Viscount Boulevard to Airway Boulevard
- Construction of direct connections from U.S. Highway 54 and I-10 to Loop 375.
- Widening of Montana Avenue from Global Reach Drive to Loop 375, with construction of interchanges and frontage roads
- Widening of Loop 375 to from U.S. Highway 62 to Spur 601, with construction of frontage roads
- Construction of two new 115 kilovolt electric transmission lines that will connect to three new substations in eastern El Paso County
- Implementation of the 2020-2029 EPE transmission expansion plan

- Development of Eastside Regional Park located near Montana Avenue and Hueco Club Road; improvements include construction of a community center, aquatic facility, recreation facilities, parking areas, and landscaping
- Widening of Darrington Road between Eastlake Boulevard and Pellicano Drive
- Widening of Pellicano Drive from Loop 375 to Darrington Road

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.

#### **4.4 ANALYSIS OF CUMULATIVE IMPACTS**

Impacts on each resource were analyzed according to how other actions and projects within the ROI might be affected by the No Action Alternative and Proposed Action. Impacts can vary in degree or magnitude from a slightly noticeable change to a total change in the environment. For the purpose of this analysis, the intensity of impacts will be classified as negligible, minor, moderate, or major. These intensity thresholds were previously defined in Section 3.1. A summary of the anticipated cumulative impacts on each resource is presented below.

##### **4.4.1 Land Use**

A major impact would occur if any action is inconsistent with adopted land use plans or if an action would substantially alter those resources required for supporting or benefiting the current land use. The project area is currently undeveloped scrub and brush rangeland located in a relatively rural area of northeast El Paso, Texas. Under the No Action Alternative, land use would not change. However, cross-border violator activities would continue to impact land use in the ROI. Although the Proposed Action would convert approximately 10 acres of undeveloped land to a developed use, the Proposed Action and other CBP actions would not initiate an increase of development in the immediate vicinity of the project. Therefore, the Proposed Action, when combined with past and proposed actions in the region, would not be expected to result in a major cumulative adverse effect.

##### **4.4.2 Soils**

A major impact on soils would occur if the action exacerbates or promotes long-term erosion, if the soils are inappropriate for the proposed construction and would create a risk to life or property, or if there would be a substantial reduction in agricultural production or loss of prime farmland soils. Modification of soils would not occur under the No Action Alternative; however, soils would continue to be impacted in the ROI due to cross-border violator activity. Impacts from disturbance and the removal of approximately 10 acres of soil from biological production would be negligible relative to the amount of the same soils throughout the ROI. The Proposed Action would not reduce prime farmland soils or agricultural production regionally. Pre- and post-construction BMPs would be implemented to control soil erosion. The permanent impact on approximately 10 acres of soils from the Proposed Action, when combined with past and proposed actions in the region, would not be considered a major cumulative adverse effect.

##### **4.4.3 Groundwater, Surface Water, Waters of the United States, and Floodplains**

Under the No Action Alternative, no impacts on water resources would occur because the construction activities would not occur. Limited surface water and groundwater withdrawals are

expected as a result of the Proposed Action; therefore, there would be minimal cumulative effects. Drainage patterns of surface waters would not be impacted by the Proposed Action. Water quality would remain unchanged under the Proposed Action. No wetlands exist within the project site; therefore, no cumulative impacts would occur on wetlands. As mentioned previously, a SWPPP and other BMPs would be in place during construction as standard operating procedures to protect water quality. Therefore, the Proposed Action, in conjunction with other past, ongoing, and proposed regional projects, would not create a major cumulative effect on water resources in the region.

#### **4.4.4 Vegetative Habitat**

A major impact on vegetation would occur if a substantial reduction in ecological processes, communities, or populations would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be offset or otherwise compensated. Vegetative habitat would not be disturbed or removed under the No Action Alternative since construction of the proposed CPC would not occur. However, long-term direct and indirect impacts on vegetation communities would continue as a result of cross-border violator activities that create unauthorized roads and trails, damage vegetation, and promote the dispersal and establishment of nonnative invasive species. The Chihuahuan Basins and Playas ecoregion encompasses approximately 12,625 square miles in west Texas. Therefore, due to the permanent impact of only 10 acres of native vegetation, in conjunction with other past, ongoing and proposed regional projects, the Proposed Action would not create a major cumulative effect on vegetative habitat in the region.

#### **4.4.5 Wildlife Resources**

A major impact on wildlife and aquatic resources would occur if a substantial reduction in ecological processes, communities, or populations would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be offset or otherwise compensated. Under the No Action Alternative, no direct impacts on wildlife or wildlife habitats would occur. However, off-road cross-border violator activity and required interdiction actions would continue to degrade wildlife habitat through a loss of cover, forage, nesting, or other opportunities and potentially a loss of suitable habitat over large areas. The wildlife habitat present in the project area is both locally and regionally common. Therefore, due to the permanent impact of approximately 10 acres of native habitat, in conjunction with other past, ongoing, and proposed regional projects, the amount of habitat potentially removed would be minor on a regional scale. Thus, the Proposed Action would not create a major cumulative effect on wildlife populations in the region.

#### **4.4.6 Threatened and Endangered Species**

A major impact on protected species would occur if any action resulted in a jeopardy opinion for any endangered, threatened, or rare species. Under the No Action Alternative, there would be no direct impacts on threatened or endangered species or their habitats as no construction activities would occur. However, the direct and long-term impacts of illegal border activities throughout the ROI would continue due to the creation of trails, damage to vegetation, and promotion of the dispersal and establishment of invasive species that can increase the likelihood and severity of wildfires.

Although potential habitat for the northern aplomado falcon exists at and near the proposed project site, the construction, operation, and maintenance activities associated with the new CPC would not likely adversely affect this species. Furthermore, BMPs that minimize potential impacts on this species would be in place during construction and would continue to be in place once the CPC is in use. Thus, when combined with other existing and proposed actions in the region, the Proposed Action would not result in major cumulative impacts on protected species or designated critical habitats. Any indirect, cumulative impacts on protected species would be negligible to minor.

#### **4.4.7 Cultural Resources**

Although no impacts on cultural resources would occur from construction activities under the No Action Alternative, potential adverse impacts on cultural resources would continue to occur in the ROI due to cross-border violator activity. The Proposed Action would not affect cultural resources or historic properties. Additionally, beneficial impacts in the form of increased knowledge of the past, including site density and distribution, are realized as a result of surveys conducted as part of the Proposed Action, and other past, ongoing, and proposed actions in the region. Therefore, the Proposed Action, when combined with other existing and proposed actions in the region, would not result in major cumulative impacts on cultural resources or historic properties.

#### **4.4.8 Air Quality**

No direct impacts on air quality would occur due to construction activities under the No Action Alternative. The emissions generated during the construction of the Proposed Action would not exceed Federal *de minimis* thresholds and would be short-term and minor. Therefore, the Proposed Action, when combined with other past, ongoing, and proposed actions in the region, would not result in major adverse cumulative impacts on air quality.

#### **4.4.9 Noise**

A major impact would occur if ambient noise levels permanently increased to over 65 dBA. Under the No Action Alternative, no impacts on noise would occur as no construction activities would take place. The noise generated by the Proposed Action would occur during CPC construction. These activities would be temporary and would not contribute to cumulative impacts on ambient noise levels. Thus, the noise generated by the Proposed Action, when considered with the other existing and proposed actions in the region, would not result in a major cumulative adverse effect.

#### **4.4.10 Utilities and Infrastructure**

Actions would be considered to cause major impacts if they require greater utilities or infrastructure use than can be provided. The proposed CPC would not be constructed under the No Action Alternative, so the availability of utilities would not be affected. Under the Proposed Action, the new CPC would connect to and use existing commercial grid power, water, and wastewater infrastructure. Additionally, no new public infrastructure would be required for ingress or egress at the proposed CPC; ingress and egress would be connected to Patriot Freeway (U.S. Highway 54). Thus, the Proposed Action would not require greater utilities or infrastructure than can be provided. When combined with past, ongoing, or proposed actions in

the region, no major cumulative adverse effect on utilities or infrastructure would occur as a result of the Proposed Action.

#### **4.4.11 Radio Frequency (RF) Environment**

Under the No Action Alternative, the communication tower would not be installed or operated. Daily radio operations by CBP and other law enforcement would continue and there would be no impacts on the existing RF environment or effects on the human or natural environment. Installation of the communication tower as part of the Proposed Action would emit EM radiation and RF energy; however, the equipment proposed for use by CBP would be certified as safe for humans and wildlife at normal exposure levels. CBP would seek National Telecommunications and Information Administration (NTIA) certification for communications equipment. No other known actions would affect the EM and RF environment within the project area; thus, the Proposed Action would have a negligible cumulative effect.

#### **4.4.12 Roadways and Traffic**

Impacts on traffic or roadways would be considered to cause major impacts if the increase of average daily traffic exceeded the ability of the surface streets to offer a suitable level of service for the area. Under the No Action Alternative, impacts on roadways and traffic would remain status quo. Patriot Freeway (U.S. Highway 54), which is immediately adjacent to the project site, had an AADT of 13,656 vehicles in 2018. Construction activities for the Proposed Action would be limited in duration, and long-term increases in vehicular traffic caused by CPC staff and detainee transport would be negligible relative to the AADT. Therefore, when combined with past, ongoing, or proposed actions in the region, no major cumulative adverse effect on roadways and traffic would occur as a result of the Proposed Action.

#### **4.4.13 Aesthetics and Visual Resources**

Actions that cause the permanent loss of the characteristics that make an area visually unique or sensitive would be considered to cause a major impact. Aesthetics would not be directly affected by the No Action Alternative because construction of the proposed CPC would not occur. Under the Proposed Action, the construction activities and CPC facility would be visible within 5 miles or less of the project area. No major impacts on visual resources would occur from construction of the proposed CPC. The Proposed Action, in conjunction with other past, ongoing, and proposed actions in the region, would result in minor adverse cumulative impacts on the region's visual resources.

#### **4.4.14 Hazardous Materials**

Major impacts would occur if an action creates a public hazard, if the project area is considered a hazardous waste site that poses health risks, or if the action would impair the implementation of an adopted emergency response or evacuation plan. Under the No Action Alternative, no impacts associated with the use of hazardous materials would be expected. Only temporary, minor increases in the use of hazardous substances would occur as a result of the Proposed Action. BMPs would be implemented to minimize the risk from hazardous materials during construction activities. Through the use of BMPs, no health or safety risks would be created by the Proposed Action. The effects of the Proposed Action, when combined with other past, ongoing, and proposed actions in the region, would not be considered a major cumulative effect.

#### **4.4.15 Socioeconomics and Environmental Justice**

No impacts on socioeconomics or environmental justice would occur under the No Action Alternative. No adverse direct impacts would occur on socioeconomics or environmental justice issues as a result of the Proposed Action; therefore, no adverse cumulative impacts would occur. However, construction of the proposed CPC could have temporary cumulative beneficial impacts on the region's economy due to temporary employment and sales taxes generated through the purchase of construction-related items such as fuel and food. When combined with the other currently proposed or ongoing projects within the region, the Proposed Action is considered to have minor beneficial cumulative impacts.

---

---

## 5.0 BEST MANAGEMENT PRACTICES

---

---

This chapter 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 CBP on past projects. 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 and land managers/administrators, as required.

Federal policy dictates that adverse impacts are reduced through the sequence of avoidance, minimization, and, finally, compensation. Compensation varies and includes activities such as restoration of habitat in other areas, acquisition of lands, etc., and is typically coordinated with the appropriate Federal and state resource agencies.

### 5.1 GENERAL PROJECT PLANNING CONSIDERATIONS

1. If required, night-vision-friendly strobe lights necessary for CBP 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 bulbs designed to minimize increases 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. CBP will avoid the spread of non-native plants by not using natural materials (e.g., straw) for on-site erosion control. If natural materials must be used, the natural material would be certified weed and weed-seed free. Herbicides not toxic to listed species that may be in the area can be used for non-native vegetation control. Application of herbicides will follow Federal guidelines and be in accordance with label directions.
5. CBP will ensure that all construction follows DHS Directive 025-01, *Sustainable Practices for Environmental, Energy, and Transportation Management*.
6. CBP will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

## 5.2 SOILS

1. Clearly demarcate the perimeter of all new 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 topsoil removal will be limited to areas where this activity is needed to provide the ground conditions necessary for construction or maintenance activities.
4. Rehabilitation will include revegetating or the distribution of organic and geological materials (e.g., boulders and rocks) over the disturbed area to reduce erosion.

## 5.3 BIOLOGICAL RESOURCES

1. The amount of vegetation proposed for clearing, particularly native trees and shrubs, will be minimized to the greatest extent practicable.
2. In-kind on-site replacement/restoration of native vegetation will occur wherever practicable.
3. Materials used for on-site erosion control will be free of non-native plant seeds and other plant parts to limit potential for infestation.
4. Any fill material, sandbags, hay bales, or mulch brought in from outside the project area will be identified by its source location. These materials will be free of non-native plant seeds and other plant parts to limit potential for infestation.
5. Colonization by invasive species will be actively prevented through vegetation management, including removing invasive species early on while allowing existing native plants to revegetate disturbed areas.
6. Native seeds or plants that are regionally adapted and compatible with the enhancement of protected species will be used to revegetate temporarily disturbed areas. Selection of appropriate native seeds and plants will follow guidance provided on the Lady Bird Johnson Wildflower Center Native Plant Database website (<https://www.wildflower.org>).
7. Pollinator conservation and management will be considered in revegetation efforts, and native plant species used for revegetation of disturbed areas will contain native milkweed (*Asclepias* spp.) and nectar plants and efforts will follow guidance provided on the Monarch Watch website (<https://monarchwatch.org/>).
8. Materials such as gravel, topsoil, or fill will be obtained from existing developed or previously used sources that are compatible with the project area and are from legally

permitted sites. Materials from undisturbed areas adjacent to the project area will not be used.

9. The number of vehicles traveling to and from the project site and the number of trips per day will be minimized to reduce the likelihood of disturbing animals in the area or injuring animals on the road.
10. Vehicle speeds within the project area will be limited to 15 miles per hour to help prevent vehicle-induced mortality of wildlife species.
11. Impacts to harvester ant mounds will be avoided, where feasible.
12. Construction personnel and contractors will avoid injury or harm to all snake species encountered during clearing and construction activities.
13. To prevent entrapment of wildlife species, ensure that excavated, steep-walled holes or trenches are either completely covered by plywood or metal caps at the close of each workday or provided with one or more escape ramps (at no greater than 1,000-foot intervals and sloped less than 45 degrees) constructed of earthen fill or wooden planks.
14. Each morning before the start of construction or maintenance activities and before such holes or trenches are filled, ensure that they are thoroughly inspected for trapped animals. Ensure that any animals discovered are allowed to escape voluntarily (by escape ramps or temporary structures), without harassment, and before construction activities resume, or are removed from the trench or hole by a qualified person and allowed to escape unimpeded.
15. CBP 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.

#### **5.4 PROTECTED SPECIES**

1. All contractors, work crews, and CBP personnel in the field performing construction and maintenance activities will receive environmental awareness training. At a minimum, environmental awareness training will provide the following information: maps indicating occurrence of potentially affected federally listed species, state listed species, and SGCN; the general ecology, habitat requirements, and behavior of potentially affected federally listed species, state listed species, and SGCN; the BMPs listed here and their intent; reporting requirements; and penalties for violations of the ESA, MBTA, and applicable state laws that protect birds, state listed species, and other wildlife. The project manager(s) will be responsible for ensuring that their personnel are familiar with general BMPs, the specific BMPs presented here, and other limitations and constraints. Photographs of potentially affected federally listed species, state listed species, and SGCN 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. In addition, training in identification of non-native invasive plants and animals will be provided for contracted personnel engaged in follow-up monitoring of construction sites.

2. Construction and site personnel will be trained for encounters with protected species. If a siting occurs, a qualified biologist will be notified and consulted on the appropriate action.
3. The Migratory Bird Treaty Act (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 USFWS if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during 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 TPWD will be required and applicable permits would be obtained prior to construction or clearing activities.
4. If sensitive reptiles are encountered on-site, including Texas horned lizard, mountain short-horned lizard, Chihuahuan desert lyre snake, western rattlesnake, massasauga, western box turtle, and others, they will be avoided and allowed to leave the project area on their own. If a sensitive reptile must be relocated, a qualified biologist will relocate them off-site to a nearby area containing similar habitat no more than one mile, and preferable within 200 yards, from the initial encounter location. State listed species (e.g., Texas horned lizard and mountain short-horned lizard) will only be handled by a person with authorization through TPWD. After sensitive reptile removal, the area that will be disturbed during active construction should be fenced off to exclude sensitive reptile species. The exclusion fence will be constructed and maintained as follows:
  - The exclusion fence will be constructed with metal flashing or silt fence material.
  - Rolled erosion control mesh will not be used.
  - The exclusion fence will be maintained for the life of the project and only removed after the construction is completed and the disturbed areas have been revegetated.
  - Any open trenches or excavated areas will be covered overnight and inspected every morning to ensure that no sensitive reptile species or other wildlife have been trapped. For open pits and excavations, escape ramps will be installed at an angle of less than 45 degrees (1:1).
  - Excavated areas will be inspected for sensitive reptile species and other wildlife before refilling.
5. To the extent practicable, animal burrows will be left intact and undisturbed in order to avoid take of western burrowing owl eggs, young, and adults as well as to avoid direct or

indirect impacts to black-tailed prairie dog, kit fox, long-tailed weasel, western hog-nosed skunk, western spotted skunk, Texas horned lizard, mountain short-horned lizard, western box turtle, and other native species or their dens.

6. If prairie dog burrows will be disturbed as a result of the proposed project, non-harmful exclusion methods will be used to encourage the animals to vacate the area prior to disturbance and discourage them from returning to the area during construction. Any prairie dogs encountered on the project site will be removed by a prairie dog relocation specialist immediately before construction to discourage recolonization of the project area.
7. A qualified biologist will survey the areas proposed for disturbance for the presence of sand prickly pear, desert night-blooming cereus, and other plant SGCN. Surveys will be performed at the time of year when these species are most likely to be found, which generally corresponds with flowering periods that occur from April through June. If plant SGCN are found in the path of construction, including the placement of staging areas and other project related sites, TPWD should be contacted for further coordination and possible salvage of plants and/or seeds for seed banking. Plant SGCN not in the direct path of construction should be protected by markers or fencing and by instructing constructions crews to avoid any harm.
8. Additional precautions will be taken as needed to avoid impacts to any other SGCNs that are encountered within the project area.
9. 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.

## **5.5 CULTURAL RESOURCES**

1. In the event that unanticipated archaeological resources are discovered during construction or any other project-related activities, or should known archaeological resources be inadvertently affected in a manner that was not anticipated, the project proponent or contractor shall immediately halt all activities in the immediate area of the discovery and take steps to stabilize and protect the discovered resource until it can be evaluated by a qualified archaeologist. CBP’s established standard operating procedures for inadvertent discoveries (*Standard Operating Procedure for Post-Review Discovery of Cultural Materials or Human Remains*) would be adhered to in all cases.
2. In the event of an inadvertent discovery of human remains, the CPB Environmental Manager, and the appropriate law enforcement authorities will be contacted per the NAGPRA of 1990 (25 U.S.C. § 3001 et seq.; 43 CFR Part 10, as updated). Descendant tribal communities will be notified of the inadvertent discovery, and consultation will be initiated through CBP. In the event that human remains are inadvertently discovered, all ground-disturbing activity would cease immediately. The Project Manager would immediately notify CBP. CBP would notify state police within 24 hours of the discovery

and follow their directions for securing the site pending examination by a medical examiner/coroner. Law enforcement and the coroner would determine whether the discovery constitutes a crime scene. CBP would coordinate with the state police and the coroner regarding where construction activities could resume. No work would proceed without the written authorization of CBP. CBP would notify the Advisory Council on Historic Preservation, the appropriate State (or Tribal) Historic Preservation Officer, any impacted Indian Tribe, and any impacted federal agency of the discovery in writing within two business days. NAGPRA would be followed if the discovery is determined to be of Native American origin. CBP's established standard operating procedures for inadvertent discoveries would be adhered to in all cases.

## **5.6 AIR QUALITY**

1. The placement of flagging and construction fencing will be used to restrict traffic within the construction limits in order to reduce fugitive dust caused by soil disturbance.
2. 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 revegetation of temporary impact areas with a mixture of native plant seeds or nursery plantings (or both).
3. All construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.

## **5.7 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. Avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging, and laydown and dispensing hazardous liquids, such as fuel and oil, to designated upland areas.
4. Cease work during heavy rains and do not resume work until conditions are suitable for the movement of equipment and materials.
5. Erosion control measures and appropriate BMPs, as required and promulgated through a site-specific SWPPP and engineering designs, will be implemented before, during, and after soil-disturbing activities. TPWD recommends the following general construction BMPS:

- Judicious use of sediment control fence to control erosion and exclude wildlife from the construction area. The sediment control fence should be buried to a depth of at least six inches and should be at least 24 inches high, and should be maintained throughout the life of the construction project.
  - Wildlife escape ramps constructed of earthen fill or wooden planks and sloped less than 45 degrees (1:1) should be installed in any open pits or excavations at no greater than 1,000-foot intervals.
  - Seed and mulch material should be used for soil stabilization and re-vegetation of disturbed areas rather than mesh which can entangle snakes and other wildlife.
  - TPWD recommends that no-till drilling, hydro-mulching, or hydro-seeding be used wherever practicable rather than deploying erosion control blankets or mats due to reduced risks to wildlife.
  - If erosion control blankets must be used, the product should not contain netting, or if it must contain netting, it should be loosely woven natural fiber rather than plastic.
6. Areas with highly erodible soils will be given special consideration when preparing the SWPPP to ensure incorporation of various erosion control techniques, such as straw bales, silt fencing, aggregate materials, wetting compounds, and rehabilitation, where possible, to decrease erosion.
  7. All construction and maintenance contractors and personnel will review the CBP-approved spill protection plan and implement it during construction and maintenance activities.
  8. 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.
  9. 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.

## **5.8 NOISE**

1. All generators will have an attached muffler or use other noise-abatement methods in accordance with industry standards.
2. Avoid noise impacts during the night by conducting construction and maintenance activities during daylight hours only.
3. All OSHA requirements will be followed. 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.

## 5.9 SOLID AND HAZARDOUS WASTES

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, 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. CBP 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.
3. CBP 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.
4. 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.
5. 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.
6. 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.
7. All rainwater collected in secondary containment will be pumped out, and secondary containment will have netting to minimize exposure to wildlife.
8. 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.

## **5.10 ROADWAYS AND TRAFFIC**

1. Construction vehicles will travel and equipment will be transported on established roads with proper flagging and safety precautions.

---

---

## 6.0 REFERENCES

---

---

- BEA (U.S. Bureau of Economic Analysis). 2019. Regional Data: GDP and Personal Income. [Website] <https://www.bea.gov/data/income-saving/personal-income-county-metro-and-other-areas>. Last accessed 13 February 2020.
- Beier, P. 2006. Effects of Artificial Night Lighting on Terrestrial Mammals. Pages 19-16 in C. Rich and T. Longcore (editors) *Ecological Consequences of Artificial Night Lighting*. Island Press, Washington, D.C.
- BLM (Bureau of Land Management). 2009. BLM Manual H-8410-1 – Visual Resources Inventory. U.S. Department of the Interior, Bureau of Land Management. [Available] [https://www.blm.gov/sites/blm.gov/files/program\\_recreation\\_visual%20resource%20management\\_quick%20link\\_%20BLM%20Handbook%20H-8410-1%2C%20Visual%20Resource%20Inventory.pdf](https://www.blm.gov/sites/blm.gov/files/program_recreation_visual%20resource%20management_quick%20link_%20BLM%20Handbook%20H-8410-1%2C%20Visual%20Resource%20Inventory.pdf). Last accessed 14 February 2020.
- BLS (U.S. Bureau of Labor Statistics). 2019a. Local Area Unemployment Statistics: Labor Force Data by County, 2018 Annual Averages. [Website] <https://www.bls.gov/lau/home.htm#cntyaa>. Last accessed 14 February 2020.
- BLS (U.S. Bureau of Labor Statistics). 2019b. Economy at a Glance, Labor Force Data. [Website] <https://www.bls.gov/eag/eag.tx.htm>. Last accessed 19 February 2020.
- Beason, R. 2000. The bird brain: magnetic cues, visual cues, and radio frequency (RF) effects. *Transcripts of Proceedings of the Workshop on Avian Mortality at Communication Towers, August 11, 1999*. Cornell University, Ithaca, New York. [Website] <https://www.jmu.edu/wmra-eng/archive/birds/beason.html>. Last accessed 10 February 2020.
- California Energy Commission. 2007. 2007 Integrated Energy Policy Report, CEC-100-2007-008-CMF. [Available] <https://ww2.energy.ca.gov/2007publications/CEC-100-2007-008/CEC-100-2007-008-CMF.PDF>. Last accessed 5 March 2020.
- Carpenter, G. A. and S. T. Grossberg. 1984. A neural theory of circadian rhythms: Ashoff's rule in diurnal and nocturnal mammals. *American Journal of Physiology – Regulatory, Integrative and Comparative Physiology*. 247:1067-1082.
- Charbeneau, R.J., 1982. Groundwater resources of the Texas Rio Grande basin. *Natural Resources Journal*. 22(4): 957-971. [Available] <https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=2443&context=nrj>. Last accessed 7 February 2020.
- CBP (U.S. Customs and Border Protection). 2015. National Standards on Transport, Escort, Detention, and Search. October 2015. [Available] <https://www.cbp.gov/sites/default/files/assets/documents/2017-Sep/CBP%20TEDS%20Policy%20Oct2015.pdf>. Last accessed 3 February 2020.

- CBP (U.S. Customs and Border Protection). 2019. El Paso Sector Texas - Border Patrol Sectors, U.S. Customs and Border Protection. [Website] <https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/el-paso-sector-texas>. Last accessed 16 January 2020.
- CEQ (Council on Environmental Quality). 1997. Considering Cumulative Effects Under the National Environmental Policy Act. January 1997. [Available] [https://ceq.doe.gov/publications/cumulative\\_effects.html](https://ceq.doe.gov/publications/cumulative_effects.html). Last accessed 23 January 2020.
- CEQ (Council on Environmental Quality). 2016. Federal Greenhouse Gas Accounting and Reporting Guidance. January 17, 2016. [Available] [https://www.fedcenter.gov/\\_kd/Items/actions.cfm?action=Show&item\\_id=30742&destination=ShowItem](https://www.fedcenter.gov/_kd/Items/actions.cfm?action=Show&item_id=30742&destination=ShowItem). Last accessed 5 March 2020.
- CEQ (Council on Environmental Quality). 2019. Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions. Federal Register 84(123): 30097-30099.
- Classic, K. 2007. Radiofrequency (RF) Radiation. Health Physics Society, Herndon, Virginia. [Website] <http://hps.org/hpspublications/articles/rfradiation.html>. Last accessed 10 February 2020.
- El Paso Water. 2019. 2019 El Paso Water Conservation Plan. Prepared in collaboration with Alan Plummer Associates, Inc., Austin, Texas. [Available] [https://www.epwater.org/UserFiles/Servers/Server\\_6843404/File/Conservation/Water%20Conservation%20Plan%202019.pdf](https://www.epwater.org/UserFiles/Servers/Server_6843404/File/Conservation/Water%20Conservation%20Plan%202019.pdf). Last access 9 March 2020.
- El Paso Water. 2020. Water Resources. [Website] [https://www.epwater.org/our\\_water/water\\_resources](https://www.epwater.org/our_water/water_resources). Last accessed 6 February 2020.
- EPE (El Paso Electric Company). 2019. Annual Report 2019, Form 10-K. [Available] <https://ir.epelectric.com/financials/default.aspx>. Last accessed 10 March 2020.
- Evans, W. R. and A. M. Manville, II (eds.). 2000. Avian mortality at communication towers. Transcripts of Proceedings of the Workshop on Avian Mortality at Communication Towers. August 11, 1999, Cornell University, Ithaca, NY. [Website] <https://www.jmu.edu/wmra-eng/archive/birds/agenda.html>. Last accessed 10 February 2020.
- FAA (Federal Aviation Administration). 2018. Obstruction Marking and Lighting with Change 2. Advisory Circular AC 70/7460-1L. [Available] [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/AC\\_70\\_7460-1L\\_-\\_Obstruction\\_Marking\\_and\\_Lighting\\_-\\_Change\\_2.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_-_Obstruction_Marking_and_Lighting_-_Change_2.pdf). Last accessed 30 June 2020.

- FEMA (Federal Emergency Management Agency). 2020. FEMA Flood Map Service Center. [Website] <https://msc.fema.gov/portal>. Last accessed 23 January 2020.
- FFIEC (Federal Financial Institutions Examination Council). 2019. Census Demographic Data. [Website] <https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>. Last accessed 13 February 2020.
- FGDC (Federal Geographic Data Committee). 2013. Classification of Wetlands and Deepwater Habitats of the United States. FGDC-STD-004-2013, Second Edition. Wetlands Subcommittee, Federal Geographic Data Committee and U.S. Fish and Wildlife Service, Washington, D.C. [Available] <https://www.fws.gov/wetlands/documents/Classification-of-Wetlands-and-Deepwater-Habitats-of-the-United-States-2013.pdf>. Last accessed 10 March 2020.
- FHWA (Federal Highway Administration). 2007. Special Report – Measurement, Prediction, and Mitigation: Appendix A Construction Equipment Noise Levels and Ranges. [Website] [https://www.fhwa.dot.gov/environment/noise/construction\\_noise/special\\_report/hcn06.cfm](https://www.fhwa.dot.gov/environment/noise/construction_noise/special_report/hcn06.cfm). Last accessed 25 February 2020.
- FHWA (Federal Highway Administration). 2017. Noise Barrier Design Handbook. [Website] [https://www.fhwa.dot.gov/Environment/noise/noise\\_barriers/design\\_construction/design/design00.cfm](https://www.fhwa.dot.gov/Environment/noise/noise_barriers/design_construction/design/design00.cfm). Last accessed 5 March 2020.
- Fitzgerald, L.A., C.W. Painter, A. Reuters, and C. Hoover. 2004. Collection, Trade, and Regulation of Reptiles and Amphibians in the Chihuahuan Desert Ecoregion. TRAFFIC North America, World Wildlife Fund, Washington D.C.
- Fletcher, J.L. and R.G. Busnel. 1978. Effects of Noise on Wildlife. Academic Press, Inc., New York, New York.
- Frank, K. D. 1988. Impact of outdoor lighting on moths: an assessment. *Journal of the Lepidopterist's Society*. 42:63-93.
- Griffith, G., S. Bryce, J. Omernik, and A. Rogers. 2007. Ecoregions of Texas. Project Report to Texas Commission on Environmental Quality by Dynamac Corporation, Corvallis, Oregon.
- Howell, T.R. 1972. A Comparative Ecological Study of the Birds of the Lowland Pine Savanna and Adjacent Rainforest in Northeastern Nicaragua. *The Living Bird*, Tenth Annual, Cornell University, Ithaca, New York.
- Hunt, W.G., J.L. Brown, T.J. Cade, J. Coffman, M. Curti, E. Gott, W. Heinrich, J.P. Jenny, P. Juergens, A. Macías-Duarte, A.B. Montoya, B. Mutch, and C. Sandfort. 2013. Restoring Aplomado Falcons to the United States. *Journal of Raptor Research* 47:335–351.

- Keddy-Hector, D.P. 1998. Aplomado Falcon (*Falco femoralis*). Pages 124-127 in R. L. Glinski (editor) *The Raptors of Arizona*. University of Arizona Press, Tucson, Arizona.
- Keddy-Hector, D.P., P. Pyle, and M.A. Patten. 2017. Aplomado Falcon (*Falco femoralis*), version 3.0. In P. G. Rodewald (editor) *The birds of North America online*. Cornell Lab of Ornithology, Ithaca, New York. [Website] <https://doi.org/10.2173/bna.aplfal.03>. Last accessed 12 February 2020.
- NPS (National Park Service). 1995. National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation. U.S. Department of the Interior, National Park Service, Cultural Resources, National Register, History and Education. [Available] [https://www.nps.gov/subjects/nationalregister/upload/NRB-15\\_web508.pdf](https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf). Last accessed February 10, 2020.
- NPS (National Park Service). 1996. Executive Order 13007 – Indian Sacred Sites. [Available] <http://www.nps.gov/history/local-law/eo13007.htm>. Last accessed 10 February 2020.
- NPS (National Park Service). 2006a. National Historic Preservation Act, As Amended. Federal Historic Preservation Laws, Fourth Edition. U.S. Department of the Interior, National Park Service, National Center for Cultural Resources. [Available] [http://www.nps.gov/history/local-law/FHPL\\_HistPrsvt.pdf](http://www.nps.gov/history/local-law/FHPL_HistPrsvt.pdf). Last accessed 10 February 2020.
- NPS (National Park Service). 2006b. Native American Graves Protection and Repatriation Act, As Amended. Federal Historic Preservation Laws, Fourth Edition. U.S. Department of the Interior, National Park Service, National Center for Cultural Resources. [Available] [http://www.nps.gov/history/local-law/FHPL\\_NAGPRA.pdf](http://www.nps.gov/history/local-law/FHPL_NAGPRA.pdf). Last accessed 9 February 2020.
- NPS (National Park Service). 2006c. Archaeological Resources Protection Act, As Amended. Federal Historic Preservation Laws, Fourth Edition. U.S. Department of the Interior, National Park Service, National Center for Cultural Resources. [Available] [http://www.nps.gov/history/local-law/FHPL\\_ArchRsrcsProt.pdf](http://www.nps.gov/history/local-law/FHPL_ArchRsrcsProt.pdf). Accessed 10 February 2020.
- OET (Office of Engineering and Technology). 1999. Questions and Answers about Biological Effects Potential Hazards of Radiofrequency Electromagnetic Fields. OET, Federal Communications Commission Bulletin Number 56, Fourth Edition. [Available] [http://www.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet56/oet56e4.pdf](http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf). Last accessed 27 February 2020.
- Parker, P.L. and T.F. King. 1998. National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties. U.S. Department of the Interior, National Park Service, Interagency Resources Division. [Available] <https://www.nps.gov/subjects/nationalregister/upload/NRB38-Compleweb.pdf>. Last accessed 27 February 2020.

- Pawson, S.M. and M.K.-F. Bader. 2014. LED lighting increases the impact of light pollution irrespective of color temperature. *Ecological Applications* 24:1561-1568.
- Paso del Norte Watershed Council. 2017. Our Watershed. [Website] <http://smiley.nmsu.edu/pdnwc/watershed.html>. Last accessed 9 March 2020.
- Schmidly, D.J. and R.D. Bradley. 2016. Mammals of Texas, Online Edition. University of Texas Press, Austin, Texas. [Website] <https://www.depts.ttu.edu/nsrl/mammals-of-texas-online-edition/index.php>. Last accessed 3 March 2020.
- TCEQ (Texas Commission on Environmental Quality). 2018. 2018 Texas Integrated Report - Texas 303(d) List (Category 5). [Website] [https://www.tceq.texas.gov/waterquality/assessment/305\\_303.html](https://www.tceq.texas.gov/waterquality/assessment/305_303.html). Last accessed 10 March 2020.
- THC (Texas Historical Commission). 2020. Texas Archeological Sites Atlas. [Website] <https://atlas.thc.texas.gov>. Last accessed 16 January 2020.
- TPWD (Texas Parks and Wildlife Department). 2002. Birds of the Trans-Pecos: A Field Checklist. [Available] [https://tpwd.texas.gov/publications/pwdpubs/media/pwd\\_bk\\_p4000\\_0809.pdf](https://tpwd.texas.gov/publications/pwdpubs/media/pwd_bk_p4000_0809.pdf). Last accessed 3 March 2020.
- TPWD (Texas Parks and Wildlife Department). 2018. Plant Guidance by Ecoregions: Ecoregion 10 – The Trans-Pecos. [Website] [https://tpwd.texas.gov/huntwild/wild/wildlife\\_diversity/wildscapes/ecoregions/ecoregion\\_10.phtml](https://tpwd.texas.gov/huntwild/wild/wildlife_diversity/wildscapes/ecoregions/ecoregion_10.phtml). Last accessed 3 March 2020.
- TPWD (Texas Parks and Wildlife Department). 2020. Rare, Threatened, and Endangered Species of Texas by County. [Website] <https://tpwd.texas.gov/gis/rtest/>. Last accessed 17 June 2020.
- TxDOT (Texas Department of Transportation). 2013. El Paso/Santa Teresa-Chihuahua Border Master Plan. Prepared by Center for Transportation Research, The University of Texas at Austin and Texas A&M Transportation Institute, Austin, Texas. [Available] <https://ftp.dot.state.tx.us/pub/txdot-info/iro/epbmp/>. Last accessed 10 March 2020.
- TxDOT (Texas Department of Transportation). 2018. Texas Department of Transportation, Transportation Planning Maps. [Website] <https://www.txdot.gov/inside-tpwd/division/transportation-planning/maps.html>. Last accessed 27 February 2020.
- TWDB (Texas Water Development Board). 2016. Texas Aquifers Study: Groundwater Quantity, Quality, Flow, and Contributions to Surface Water. [Available] [http://www.twdb.texas.gov/groundwater/docs/studies/TexasAquifersStudy\\_2016.pdf](http://www.twdb.texas.gov/groundwater/docs/studies/TexasAquifersStudy_2016.pdf). Last accessed 6 February 2020.

- TWDB (Texas Water Development Board). 2017. Water for Texas: 2017 State Water Plan. [Available] <http://www.twdb.texas.gov/waterplanning/swp/2017/doc/SWP17-Water-for-Texas.pdf>. Last accessed 10 March 2020.
- U.S. Census Bureau. 2019a. ACS Demographic and Housing Estimates. [Website] <https://data.census.gov/cedsci/table?q=El%20Paso%20county,%20Texas&g=0500000US48141&tid=ACSDP1Y2018.DP05&layer=county>. Last accessed 19 February 2020.
- U.S. Census Bureau. 2019b. QuickFacts. [Website] <https://www.census.gov/quickfacts/fact/table>. Last accessed 12 February 2020.
- U.S. Census Bureau. 2019c. Poverty Thresholds by Size of Family and Number of Children, 2018. [Website] <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>. Last accessed 20 February 2020.
- U.S. Census Bureau. 2019d. Poverty Status in the Past 12 Months. [Website] [https://data.census.gov/cedsci/table?q=el%20paso%20city%20poverty%20rate&g=1600000US4824000&tid=ACSST1Y2018.S1701&t=Poverty&layer=place&cid=S1701\\_C01\\_01E&vintage=2018](https://data.census.gov/cedsci/table?q=el%20paso%20city%20poverty%20rate&g=1600000US4824000&tid=ACSST1Y2018.S1701&t=Poverty&layer=place&cid=S1701_C01_01E&vintage=2018). Last accessed 12 February 2020.
- USDA (U.S. Department of Agriculture). 1971. Soil Survey – El Paso County Texas. U.S. Department of Agriculture, Soil Conservation Service in cooperation with the Texas Agricultural Experiment Station.
- USDA (U.S. Department of Agriculture). 2007. Official Soil Series Description – Berino Series. [Available] [https://soilseries.sc.egov.usda.gov/OSD\\_Docs/B/BERINO.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/B/BERINO.html). Last accessed 24 February 2020.
- USDA (U.S. Department of Agriculture). 2014. Official Soil Series Description – Turney Series. [Available] [https://soilseries.sc.egov.usda.gov/OSD\\_Docs/T/TURNEY.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/T/TURNEY.html). Last accessed 24 February 2020.
- USDA (U.S. Department of Agriculture). 2019. Web Soil Survey. [Website] <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Last accessed 24 February 2020.
- USEPA (U.S. Environmental Protection Agency). 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. Report 550/9-74-004.
- USEPA (U.S. Environmental Protection Agency). 2016. National Ambient Air Quality Standards (NAAQS) Table. [Website] <http://www.epa.gov/criteria-air-pollutants/naaqs-table>. Last accessed 22 January 2020.

- USEPA (U.S. Environmental Protection Agency). 2020a. Current Nonattainment Counties for All Criteria Pollutants. [Website]  
<https://www3.epa.gov/airquality/greenbook/ancl.html#TX>. Last accessed 6 February 2020.
- USEPA (U.S. Environmental Protection Agency). 2020b. Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2018. [Website]  
<https://www.epa.gov/ghgemissions/draft-inventory-us-greenhouse-gas-emissions-and-sinks-1990-2018>. Last accessed 5 March 2020.
- USFWS (U. S. Fish and Wildlife Service). 1986. Endangered and Threatened Wildlife and Plants; Determination of the Northern Aplomado Falcon To Be an Endangered Species. Federal Register 51(37): 6686-6690.
- USFWS (U. S. Fish and Wildlife Service). 1990. Northern Aplomado Falcon Recovery Plan. U.S. Fish and Wildlife Service, Region 2, Albuquerque, New Mexico. [Available]  
[https://ecos.fws.gov/docs/recovery\\_plan/northern%20aplomado%20falcon%20recovery%20plan%201990.pdf](https://ecos.fws.gov/docs/recovery_plan/northern%20aplomado%20falcon%20recovery%20plan%201990.pdf). Last accessed 4 March 2020.
- USFWS (U. S. Fish and Wildlife Service). 2006. Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Northern Aplomado Falcons in New Mexico and Arizona. Federal Register 71(143): 42298-42315.
- USFWS (U. S. Fish and Wildlife Service). 2014. Northern Aplomado Falcon 5-Year Review: Summary and Evaluation. U. S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, Albuquerque, New Mexico. [Available]  
[http://ecos.fws.gov/docs/five\\_year\\_review/doc4436.pdf](http://ecos.fws.gov/docs/five_year_review/doc4436.pdf). Last accessed 3 March 2020.
- USFWS (U.S. Fish and Wildlife Service). 2018. Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning. U.S. Fish and Wildlife Service, Migratory Bird Program, Falls Church, Virginia. [Available]  
<https://www.fws.gov/migratorybirds/pdf/management/usfwscommtowerguidance.pdf>. Last accessed 10 February 2020.
- USFWS (U.S. Fish and Wildlife Service). 2020. Endangered, Threatened, Candidate, and Proposed Species for El Paso County, Texas. Information for Planning and Consultation (IPaC). [Website]  
<https://ecos.fws.gov/ipac/location/ZRXX4SHVEVAOJP4R5DR3B2XCTU/resources>. Last accessed 6 February 2020.

---

---

## 7.0 ACRONYMS/ABBREVIATIONS

---

---

AADT	Annual Average Daily Traffic
ACS	U.S. Census American Community Survey
ADLS	Aircraft Detection Lighting System
ANSI	American National Standards Institute
AOR	Area of Responsibility
APE	Area of Potential Effect
ARPA	Archaeological Resources Protection Act
BEA	Bureau of Economic Analysis
BLM	Bureau of Land Management
BLS	U.S. Bureau of Labor Statistics
BMP	Best management practice
CAA	Clean Air Act
CBP	U.S. Customs and Border Protection
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CH <sub>4</sub>	methane
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	carbon dioxide equivalency
CPC	Central Processing Center
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DHS	Department of Homeland Security
DNL	Day-night average sound level
DoD	Department of Defense
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EM	electromagnetic
EO	Executive Order
EPE	El Paso Electric Company
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FFIEC	Federal Financial Institutions Examination Council
FGDC	Federal Geographic Data Committee
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
GHG	Greenhouse Gas
GSRC	Gulf South Research Corporation
GWP	global warming potential
HFC	hydrochlorofluorocarbons

HTC	Historic Texas Cemeteries
IEEE	Institute of Electrical and Electronics Engineers
MBTA	Migratory Bird Treaty Act
MPE	Maximum Permissible Exposure
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NCRP	National Council on Radiation Protection and Measurements
N <sub>2</sub> O	nitrous oxide
NF <sub>3</sub>	nitrogen trifluoride
NO <sub>2</sub>	nitrogen dioxide
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NTIA	National Telecommunications and Information Administration
NWI	National Wetland Inventory
O <sub>3</sub>	ozone
OET	Office of Engineering and Technology
OSHA	Occupational Safety and Health Administration
OTHM	Official Texas Historical Markers
PCPI	per capita personal income
PFC	perfluorocarbon
PM-2.5	Particulate matter less than 2.5 microns
PM-10	Particulate matter less than 10 microns
RF	Radio Frequency
ROI	region of influence
RTHL	Recorded Texas Historic Landmarks
SGCN	Species of Greatest Conservation Need
SF <sub>6</sub>	sulfur hexafluoride
SO <sub>2</sub>	sulfur dioxide
STP	shovel test pit
SWPPP	Stormwater Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
TCP	Traditional Cultural Property
TEDS	Transport, Escort, Detention, and Search
THC	Texas Historical Commission
TPI	total personal income
TPWD	Texas Parks and Wildlife Department
TWDB	Texas Water Development Board
TxDOT	Texas Department of Transportation
TXNDD	Texas Natural Diversity Database
U.S.	United States
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol

U.S.C.  
USDA  
USEPA  
USFWS

United States Code  
U.S. Department of Agriculture  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service

**APPENDIX A**  
**COORESPONDENCE**

---

## **MAILING LISTS FOR AGENCY COORDINATION LETTERS**

### **EA Early Coordination**

Mr. Francisco Molinar  
Natural Resources Manager  
Natural Resources Conservation Service, USDA  
El Paso Service Center  
11940 Don Haskins Avenue  
El Paso, TX 79936

Mr. Justin Riggs  
Regulator  
U.S. Army Corps of Engineers  
Las Cruces Regulatory Office  
(Southern NM & West TX)  
200 E. Griggs Avenue  
Las Cruces, New Mexico 88001

Mr. Robert Houston  
Staff Director  
U.S. Environmental Protection Agency  
Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270

Mr. Adam Zerrenner  
Field Supervisor  
U.S. Fish and Wildlife Service  
Southwest Region, Ecological Services  
10711 Burnet Road, Suite 200  
Austin, Texas 78758

Ms. Lorinda Gardner  
Regional Director  
Texas Commission on Environmental Quality  
Region 6, El Paso  
401 E Franklin Avenue, Suite 560  
El Paso, TX 79901

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

Mr. Mark Havens  
Deputy Commissioner  
Texas General Land Office  
P.O. Box 12873  
Austin, TX 78711

Mr. Mark Wolfe  
Executive Director / State Historic Preservation Officer  
Texas Historical Commission  
PO Box 12276  
Austin, TX 78711

Ms. Jessica Schmerler  
Habitat Assessment Biologist  
Texas Parks and Wildlife Department  
Wildlife Division: Wildlife Habitat Assessment Program  
4200 Smith School Road  
Austin, TX 78744

Mr. Daniel Chavira  
Chief Plans Examiner  
City of El Paso  
Planning and Inspection Department  
801 Texas Avenue  
El Paso, Texas 79901

The Honorable Ricardo A. Samaniego  
El Paso County Judge  
500 E. San Antonio Avenue, Suite 301  
El Paso, Texas 79901

Ms. Cecilia Flores, Chairperson  
Alabama-Coushatta Tribe of Texas  
571 State Park Road 56  
Livingston, TX 77351

Mr. Bobby Komardley, Chairman  
Apache Tribe of Oklahoma  
PO Box 1330  
Anadarko, OK 73005

Mr. William Nelson, Sr., Chairman  
Comanche Nation  
PO Box 908  
Lawton, OK 73502

Mr. Jeff Haozous, Chairman  
Fort Sill Apache Tribe of Oklahoma  
43187 US Highway 281  
Apache, OK 73006

Mr. Matthew Komalty, Chairman  
Kiowa Tribe of Oklahoma  
PO Box 369  
Carnegie, OK 73015

Mr. Gabe Aguilar, President  
Mescalero Apache Tribe  
PO Box 227  
Mescalero, NM 88340

Mr. Max Zuni, Governor  
Pueblo of Isleta  
P.O. Box 1270  
Isleta, NM 87022

Mr. Russell Martin, President  
Tonkawa Tribe of Oklahoma  
1 Rush Buffalo Road  
Tonkawa, OK 74653

Ms. Gwendena Lee-Gatewood, Chairwoman  
White Mountain Apache Tribe  
PO Box 700  
Whiteriver, AZ 85941

Ms. Terri Parton, President  
Wichita and Affiliated Tribes  
PO Box 729  
Anadarko, OK 73005

Mr. E. Michael Silvas, Governor  
Tigua of Ysleta Del Sur Pueblo  
119 S. Old Pueblo Drive  
El Paso, TX 79907

### **ESA, Section 7 Consultation**

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

### **NHPA, Section 106 Consultation**

Mr. Drew Sitters  
Terrestrial Reviewer for El Paso County  
Texas Historical Commission  
PO Box 12276  
Austin, Texas 78711-2276

### **Tribal Consultation, Cultural Resources**

Ms. Cecilia Flores, Chairperson  
Alabama-Coushatta Tribe of Texas  
571 State Park Road 56  
Livingston, TX 77351

Mr. Bobby Komardley, Chairman  
Apache Tribe of Oklahoma  
PO Box 1330  
Anadarko, OK 73005

Mr. William Nelson, Sr., Chairman  
Comanche Nation  
PO Box 908  
Lawton, OK 73502

Mr. Jeff Haozous, Chairman  
Fort Sill Apache Tribe of Oklahoma  
43187 US Highway 281  
Apache, OK 73006

Mr. Matthew Komalty, Chairman  
Kiowa Tribe of Oklahoma  
PO Box 369  
Carnegie, OK 73015

Mr. Gabe Aguilar, President  
Mescalero Apache Tribe  
PO Box 227  
Mescalero, NM 88340

Mr. Max Zuni, Governor  
Pueblo of Isleta  
P.O. Box 1270  
Isleta, NM 87022

Mr. Russell Martin, President  
Tonkawa Tribe of Oklahoma  
1 Rush Buffalo Road  
Tonkawa, OK 74653

Ms. Gwendena Lee-Gatewood, Chairwoman  
White Mountain Apache Tribe  
PO Box 700  
Whiteriver, AZ 85941

Ms. Terri Parton, President  
Wichita and Affiliated Tribes  
PO Box 729  
Anadarko, OK 73005

Mr. E. Michael Silvas, Governor  
Tigua of Ysleta Del Sur Pueblo  
119 S. Old Pueblo Drive  
El Paso, TX 79907

**Draft EA Transmittal**

Mr. Francisco Molinar  
Natural Resources Manager  
Natural Resources Conservation Service, USDA  
El Paso Service Center  
11940 Don Haskins Avenue  
El Paso, TX 79936

Mr. Justin Riggs  
Regulator  
U.S. Army Corps of Engineers  
Las Cruces Regulatory Office  
(Southern NM & West TX)  
200 E. Griggs Avenue  
Las Cruces, New Mexico 88001

Mr. Robert Houston  
Staff Director  
U.S. Environmental Protection Agency  
Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270

Mr. Adam Zerrenner  
Field Supervisor  
U.S. Fish and Wildlife Service  
Southwest Region, Ecological Services  
10711 Burnet Road, Suite 200  
Austin, Texas 78758

Ms. Lorinda Gardner  
Regional Director  
Texas Commission on Environmental Quality  
Region 6, El Paso  
401 E Franklin Avenue, Suite 560  
El Paso, TX 79901

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

Mr. Mark Havens  
Deputy Commissioner  
Texas General Land Office  
P.O. Box 12873  
Austin, TX 78711

Mr. Mark Wolfe  
Executive Director / State Historic Preservation Officer  
Texas Historical Commission  
PO Box 12276  
Austin, TX 78711

Ms. Jessica Schmerler  
Habitat Assessment Biologist  
Texas Parks and Wildlife Department  
Wildlife Division: Wildlife Habitat Assessment Program  
4200 Smith School Road  
Austin, TX 78744

Mr. Daniel Chavira  
Chief Plans Examiner  
City of El Paso  
Planning and Inspection Department  
801 Texas Avenue  
El Paso, Texas 79901

The Honorable Ricardo A. Samaniego  
El Paso County Judge  
500 E. San Antonio Avenue, Suite 301  
El Paso, Texas 79901

Ms. Cecilia Flores, Chairperson  
Alabama-Coushatta Tribe of Texas  
571 State Park Road 56  
Livingston, TX 77351

Mr. Bobby Komardley, Chairman  
Apache Tribe of Oklahoma  
PO Box 1330  
Anadarko, OK 73005

Mr. William Nelson, Sr., Chairman  
Comanche Nation  
PO Box 908  
Lawton, OK 73502

Mr. Jeff Haozous, Chairman  
Fort Sill Apache Tribe of Oklahoma  
43187 US Highway 281  
Apache, OK 73006

Mr. Matthew Komalty, Chairman  
Kiowa Tribe of Oklahoma  
PO Box 369  
Carnegie, OK 73015

Mr. Gabe Aguilar, President  
Mescalero Apache Tribe  
PO Box 227  
Mescalero, NM 88340

Mr. Max Zuni, Governor  
Pueblo of Isleta  
P.O. Box 1270  
Isleta, NM 87022

Mr. Russell Martin, President  
Tonkawa Tribe of Oklahoma  
1 Rush Buffalo Road  
Tonkawa, OK 74653

Ms. Gwendena Lee-Gatewood, Chairwoman  
White Mountain Apache Tribe  
PO Box 700  
Whiteriver, AZ 85941

Ms. Terri Parton, President  
Wichita and Affiliated Tribes  
PO Box 729  
Anadarko, OK 73005

Mr. E. Michael Silvas, Governor  
Tigua of Ysleta Del Sur Pueblo  
119 S. Old Pueblo Drive  
El Paso, TX 79907

**Library Transmittal, Draft EA**

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

The following letters have been sent to all recipients on the respective mailing lists.



April 28, 2020

Francisco Molinar  
Natural Resources Manager  
Natural Resources Conservation Service, USDA  
El Paso Service Center  
11940 Don Haskins Avenue  
El Paso, TX 79936

**RE: Proposed New Central Processing Facility, U.S. Border Patrol, El Paso Sector,  
Texas, U.S. Customs and Border Protection, Department of Homeland Security**

Dear Mr. Molinar:

United States (U.S.) Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) to address the potential effects, beneficial and adverse, resulting from 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. Further, this CPC would allow for a sustainable humanitarian processing and holding facility.

The proposed CPC would be located along Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas (Figure 1-1). 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 (Figure 1-2).

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 is gathering data and input from state and local governmental agencies, departments, and bureaus that may be affected by, or that would otherwise have an interest in, this proposed action. Since your agency or organization may have particular knowledge and expertise regarding potential environmental impacts from CBP's proposed action, your input is sought regarding the likely or anticipated environmental effects of this proposed action. Your response should include any state and local restrictions, permitting or other requirements with which CBP would have to comply during project siting, construction, and operation.

Per DHS Directive 023-01, Rev. 01, *Implementation of the National Environmental Policy Act*, your agency will be provided with a copy of the official Draft EA for review and comment.

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](mailto:joseph.zidron@cbp.dhs.gov). Thank you in advance for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Zidron". The signature is written in a cursive style with a large, sweeping initial "J".

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Enclosure(s): Figure 1-1 and 1-2

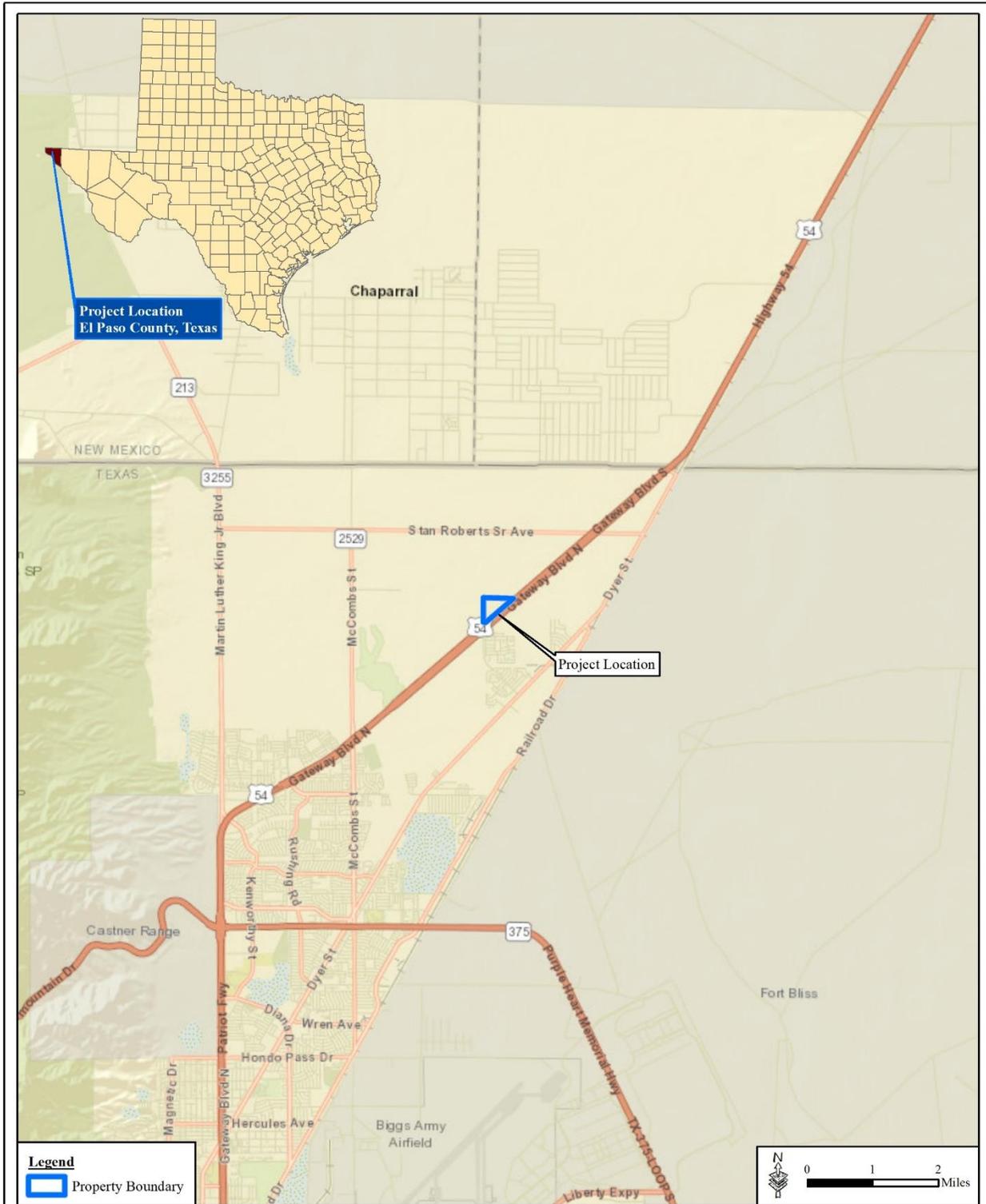


Figure 1-1. Project Location Map

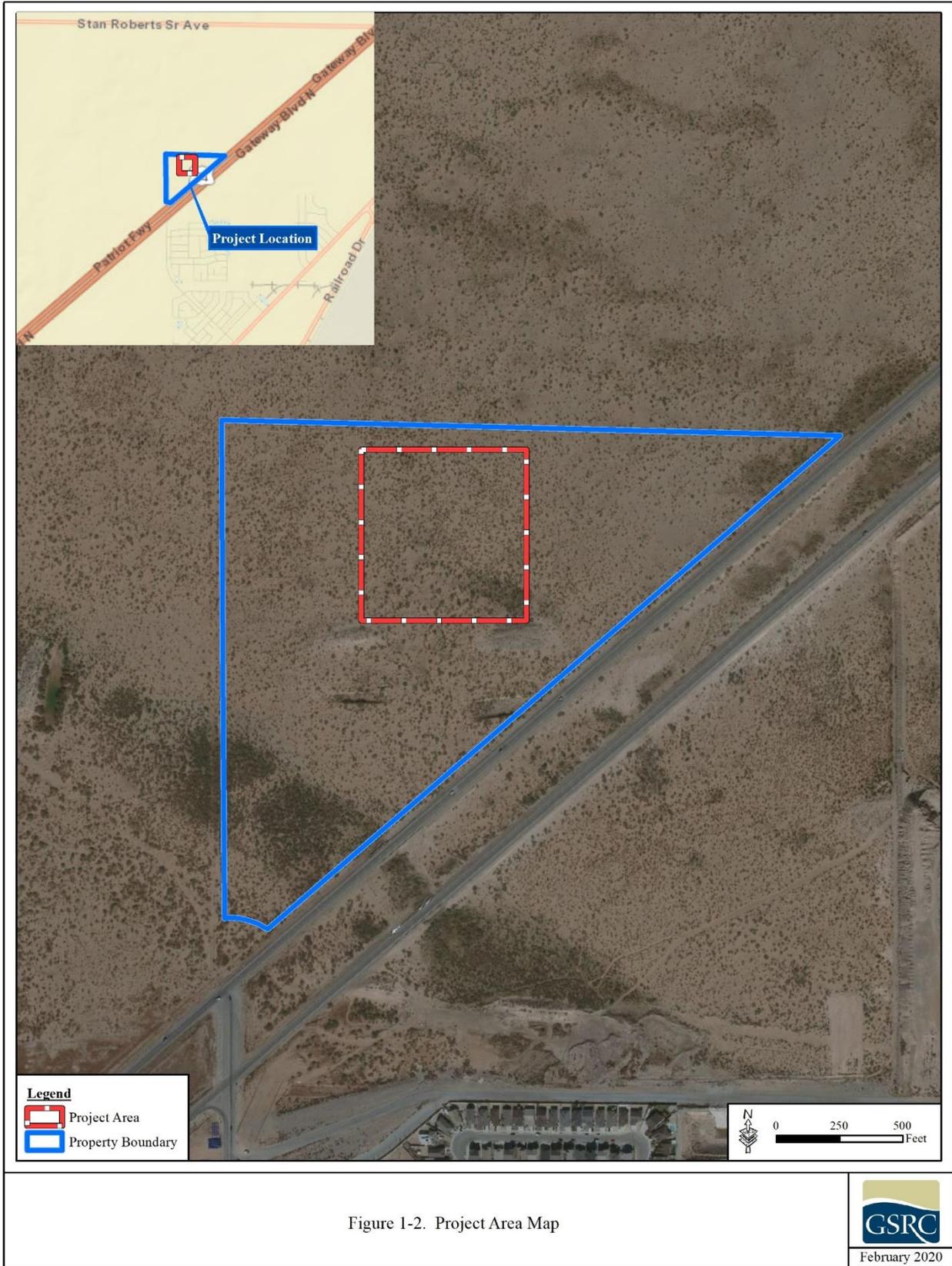


Figure 1-2. Project Area Map



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](mailto:joseph.zidron@cbp.dhs.gov). Thank you in advance for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Zidron". The signature is written in a cursive style with a large, sweeping initial "J".

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



April 27, 2020

Drew Sitters  
Terrestrial Reviewer for El Paso County  
Texas Historical Commission  
PO Box 12276  
Austin, Texas 78711-2276

**Subject:** ***Section 106 Consultation, Cultural Resources Inventory of 60.2 Acres for the Proposed El Paso Central Processing Center Project, El Paso, U.S. Customs and Border Protection, El Paso Sector, El Paso County, Texas***

Dear Mr. Sitters:

U.S. Customs and Border Protection (CBP) would like to initiate its consultation under Section 106 of the National Historic Preservation Act (NHPA) for the proposed construction, operation, and maintenance of the El Paso Central Processing Center (CPC) facility.

**Description of the Undertaking**

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.

**Area of Potential Effect**

The proposed CPC would be located along Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas. The proposed location is a 60.2-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 Area of Potential Effect (APE) for archaeological resources would consist of the entire 60.2-acre parcel. The APE for aboveground/architectural historic resources would also include a 0.5-mile area to assess potential visual effects.

### **Identification and Evaluation of Historic Properties**

As part of CBP's good faith effort to take into account any adverse effects to historic properties that may occur as a result of the proposed undertaking in compliance with Section 106 of the NHPA (Public Law 89-665; 54 U.S.C. 300101 et seq), a cultural resources survey has been conducted of the proposed footprint and visual APEs to identify any historic properties.

Archival research conducted prior to the field survey found no previously recorded archaeological sites or previously conducted archaeological investigations that overlap with the 60.2-acre survey parcel. In addition, no previously recorded aboveground/architectural historic properties were noted within the 1.6-kilometer (1-mile) search radius of the 60.2-acre survey parcel.

The archaeological survey consisted of a non-collection intensive pedestrian survey supplemented with the excavation of shovel test pits (STPs) across the property. The pedestrian survey was conducted utilizing 48 transects spaced 15 meters apart. Data from archival research of the mapped soil and geologic units for the survey parcel determined that there was a potential for subsurface cultural deposits across the APE. As a result, the pedestrian survey was augmented with the excavation of STPs. The excavation of STPs across the survey parcel was done in accordance with the Proposed Revised Terrestrial Survey Standards dated March 4, 2019, provided by the West Texas regional reviewer at the Texas Historical Commission (THC). The aboveground/architectural investigation consisted of an archival and desktop review of the visual APE associated with the proposed El Paso CPC to identify any potential structures that were 50 years old or older that may be affected visually by the proposed El Paso CPC facility. Twenty-seven isolated occurrences (IOs) were recorded from the surface, four of which consisted of prehistoric material and the remaining 23 consisting of historical material. None of the 27 IOs recorded are considered archaeological sites and are recommended not eligible for the National Register of Historic Places (NRHP).

A review of the archival data identified no known NRHP-listed properties, Recorded Texas Historic Landmarks (RTHLs), Official Texas Historical Markers (OTHMs), or Historic Texas Cemeteries (HTCs) within a 1-mile search radius conducted. In addition, historical aerial photographs were examined for a 0.5-mile visual search area. The property remained undeveloped until the 1967 aerial photograph where two scrapes representing possible gravel/caliche test pits appear. The test pits remain fairly unchanged in the 2003, 2004, 2010, and 2016 aerial photographs though become less distinct through the years. No structures or other aboveground resources were noted anywhere within the survey parcel. Outside of the survey parcel and within the 0.5-mile visual APE of the proposed CPC facility, the area remained largely undeveloped. A gravel pit/mining facility, while present as early as 1967, has changed considerably in the recent years. All of the buildings present and noted on a 1996 aerial were removed and all the existing above ground resources associated with the gravel operations post-date 1996. The other two aboveground resources within the visual APE, two water towers located on the opposite side of the highway, were both placed post-2016. Given the modern nature of all the aboveground resources noted within the aerial photograph search, there is no potential for historical age aboveground resources within the visual APE of the proposed CPC facility. No additional architectural investigations are recommended for the project.

Mr. Sitters, Texas Historical Commission

Page 3

**Conclusion – No Historic Properties Affected**

Based on the results of the current investigation, CBP has determined that no historic properties would be affected by the construction, operation, and maintenance of the El Paso CPC facility pursuant to Section 800.4(d)(1). As a result, no further work is recommended. Supporting evidence for these determinations can be found in the enclosed draft cultural resources technical report.

We request your concurrence with our determination. If no response is received within 30 days, a concurrence will be presumed. 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](mailto:joseph.zidron@cbp.dhs.gov). Thank you in advance for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Zidron". The signature is fluid and cursive, with the first and last names being the most prominent.

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Enclosure(s): Draft Technical Report



April 28, 2020

William Nelson  
Chairman  
Comanche Nation, Oklahoma  
PO Box 908  
Lawton, OK 73502

**Subject:** ***Tribal Consultation, Cultural Resources Inventory of 60.2 Acres for the Proposed El Paso Central Processing Center Project, El Paso, U.S. Customs and Border Protection, El Paso Sector, El Paso County, Texas***

Dear Chairman Nelson:

U.S. Customs and Border Protection (CBP) would like to initiate its tribal consultation for the proposed construction, operation, and maintenance of the El Paso Central Processing Center (CPC) facility located in the City of El Paso, El Paso County, Texas. 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 proposed CPC would be located along Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas (Figures 1 and 2). The proposed location is a 60.2-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 Area of Potential Effect (APE) for archaeological resources would consist of the entire 60.2-acre parcel. The APE for aboveground/architectural historic resources would also include a 0.5-mile visual APE.

As part of CBP's good faith effort to take into account any adverse effects to historic properties that may occur as a result of the proposed undertaking in compliance with Section 106 of the National Historic Preservation Act (NHPA) (Public Law 89-665; 54 U.S.C. 300101 et seq), a cultural resources survey has been conducted of the proposed footprint and visual APE to identify any historic properties that would be potentially affected by the proposed project. Archival research conducted prior to the field survey found no previously recorded archaeological sites or previously conducted archaeological investigations that overlap with the 60.2-acre survey parcel. In addition, no previously recorded aboveground/architectural historic

properties were noted within the 1.6-kilometer (1-mile) search radius of the 60.2-acre survey parcel. The archaeological survey consisted of a non-collection intensive pedestrian survey supplemented with the excavation of shovel test pits (STPs) across the property. The pedestrian survey was conducted utilizing 48 transects spaced 15 meters apart. Data from archival research of the mapped soil and geologic units for the survey parcel determined that there was a potential for subsurface cultural deposits across the APE. As a result, the pedestrian survey was augmented with the excavation of STPs. The excavation of STPs across the survey parcel was done in accordance with the Proposed Revised Terrestrial Survey Standards dated March 4, 2019, provided by the West Texas regional reviewer at the Texas Historical Commission (THC). The aboveground/architectural investigation consisted of an archival and desktop review of the visual APE associated with the proposed El Paso CPC to identify any potential structures that were 50 years old or older that may be affected visually by the proposed El Paso CPC facility. Twenty-seven isolated occurrences (IOs) were recorded from the surface, four of which consisted of prehistoric material and the remaining 23 consisting of historical material. None of the 27 IOs recorded are considered archaeological sites and are recommended not eligible for the National Register of Historic Places (NRHP).

A review of the archival data identified no known NRHP-listed properties, Recorded Texas Historic Landmarks (RTHLs), Official Texas Historical Markers (OTHMs), or Historic Texas Cemeteries (HTCs) within a 1-mile search radius conducted. In addition, historical aerial photographs were examined for a 0.5-mile visual search area. The property remained undeveloped until the 1967 aerial photograph, where two scrapes representing possible gravel/caliche test pits appear. The test pits remain fairly unchanged in the 2003, 2004, 2010, and 2016 aerial photographs though become less distinct through the years. No structures or other aboveground resources were noted anywhere within the survey parcel. Outside of the survey parcel and within the 0.5-mile visual APE of the proposed CPC facility, the area remained largely undeveloped. A gravel pit/mining facility, while present as early as 1967, has changed considerably in the recent years. All of the buildings present and noted on a 1996 aerial were removed and all the existing above ground resources associated with the gravel operations post-date 1996. The other two aboveground resources within the visual APE, two water towers located on the opposite side of the highway, were both placed post-2016. Given the modern nature of all the aboveground resources noted within the aerial photograph search, there is no potential for historical age aboveground resources within the visual APE of the proposed CPC facility. No additional architectural investigations are recommended for the project.

Based on the results of the current investigation, CBP has determined that no historic properties would be affected by the construction, operation, and maintenance of the El Paso CPC facility pursuant to Section 800.4(d)(1). As a result, no further work is recommended. Copies of the cultural resources technical report are available for review on request.

Chairman Nelson, Comanche Nation, Oklahoma

Page 3

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,

A handwritten signature in blue ink that reads "Joseph Zidron". The signature is written in a cursive style with a large, sweeping initial "J".

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Enclosures: Figures 1 and 2

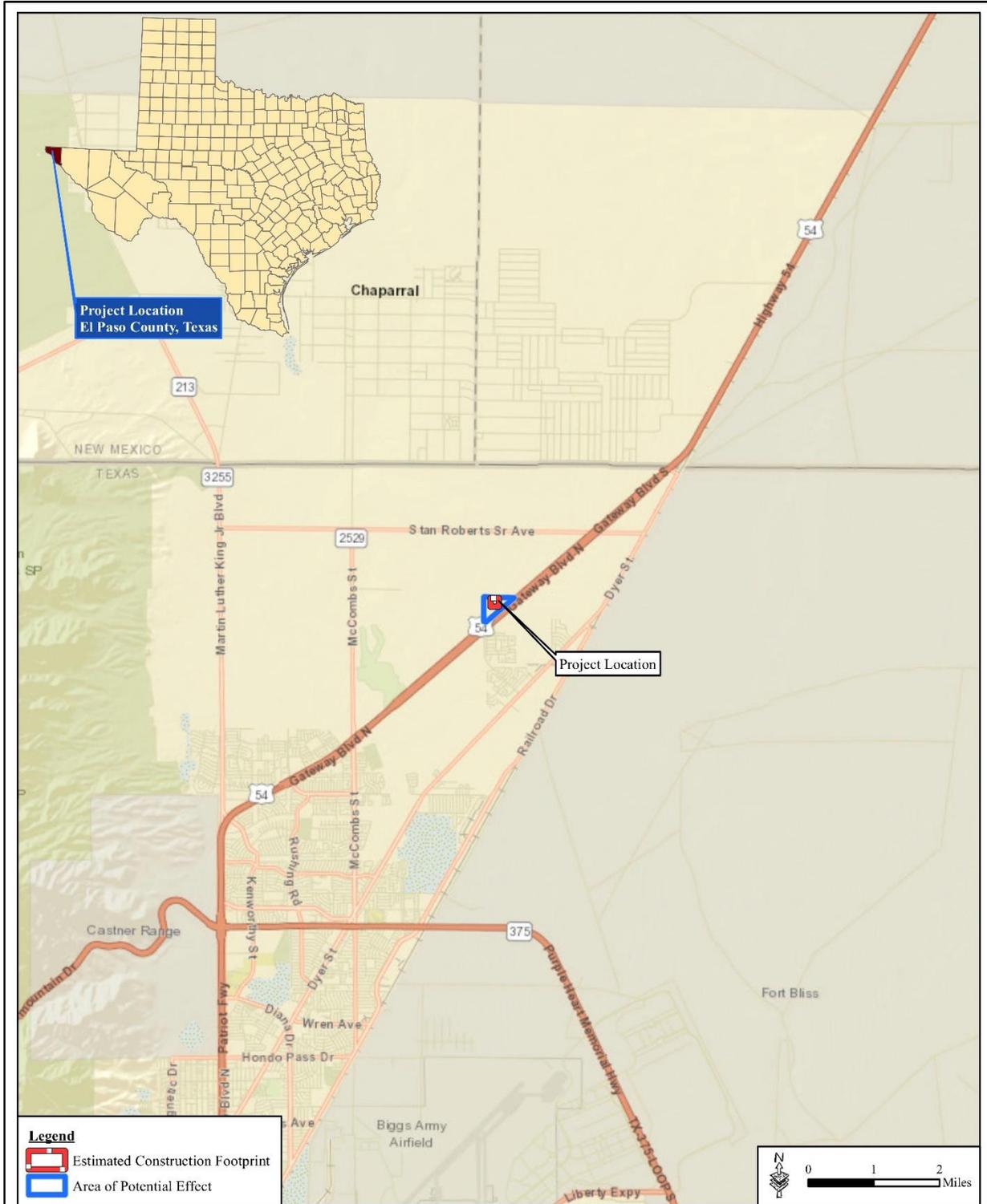


Figure 1. Vicinity map

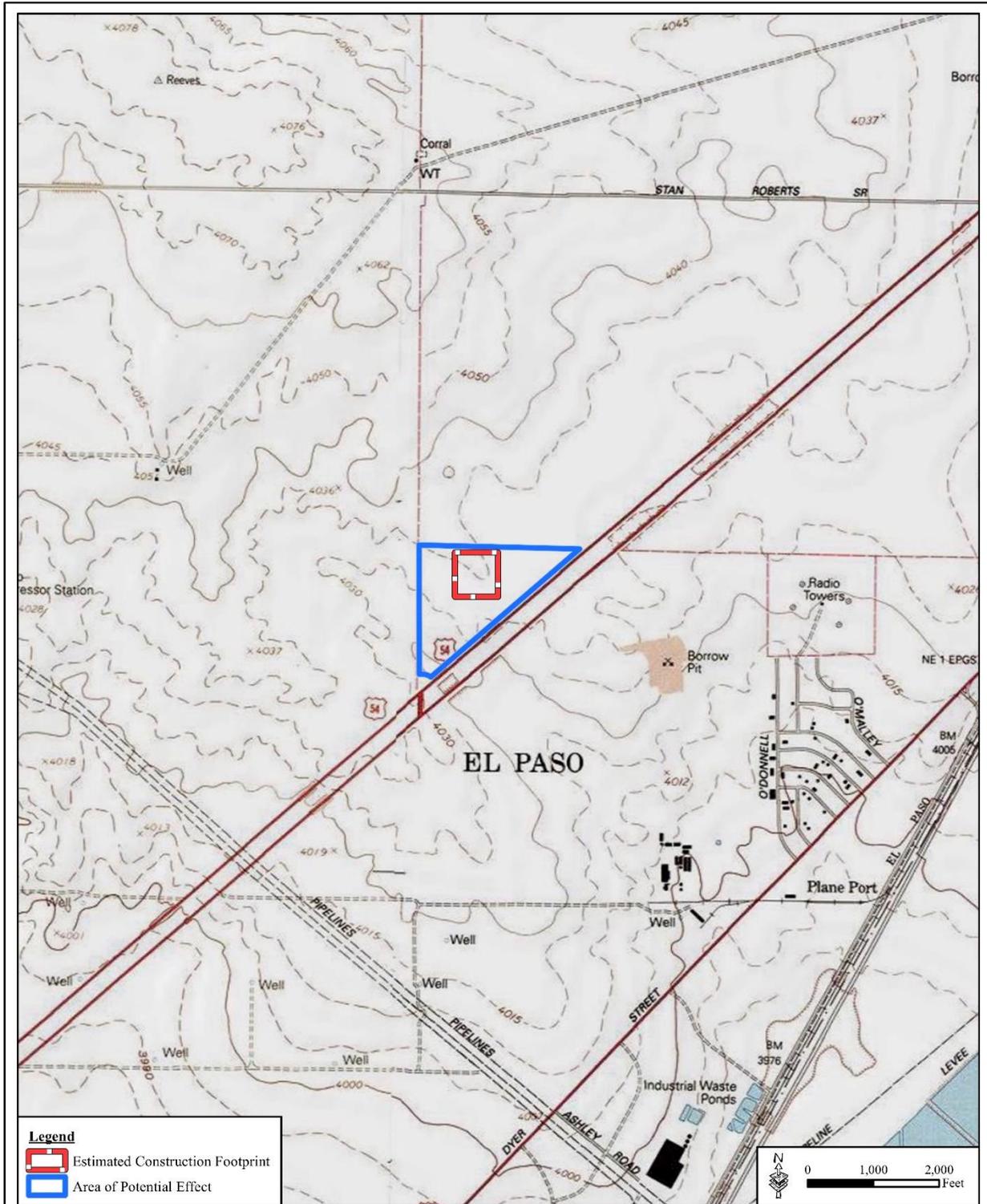


Figure 2. Portions of the Fort Bliss NE, TX and North Franklin Mountain, TX 7.5-minute topographic quadrangles showing the location of the Area of Potential Effect.



May 15, 2020

Mr. Daniel Chavira  
Chief Plans Examiner  
City of El Paso  
Planning and Inspection Department  
801 Texas Avenue  
El Paso, TX 79901

**RE: Draft Environmental Assessment for a Proposed New Central Processing Facility,  
U.S. Border Patrol, El Paso Sector, Texas, U.S. Customs and Border Protection,  
Department of Homeland Security**

Mr. Chavira:

United States (U.S.) Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the potential effects, beneficial and adverse, resulting from 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.

The Draft EA was prepared in compliance with provision of the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), Department of Homeland Security (DHS) Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01-001-01, Rev. 01, *Implementation of the National Environmental Policy Act*.

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 proposed CPC would be a permanent processing facility constructed to accommodate 965 detainees and a staff of 200 for the processing and temporary detention of migrant families and unaccompanied children who have crossed into the U.S. The facility would be located on a 60-acre parcel of undeveloped land along Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas. The CPC would be a 113,000 square-foot, one-story facility with 200,000 square feet of parking adjacent to the facility. Construction would be expected to last 18 months and include earthwork, concrete placement, connection to utilities, paving, installation of a stormwater detention basin, communication tower, perimeter fencing, security lighting, signage, emergency backup power with diesel-fueled generators, and fuel storage containment, and other general improvements. The total project area would be approximately 10 acres in size.

Mr. Chavira, City of El Paso

Page 2

CBP invites your participation in the public review process for the enclosed Draft EA and FONSI. The 30-day public comment period begins on May 20, 2020, and comments must be received by June 19, 2020 to be considered for incorporation into the Final EA. You may submit comments to CBP by using only one of the following methods:

- a) By U.S. mail: BPAM NEPA, U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677; or
- b) By email: [bpamnepa@cbp.dhs.gov](mailto:bpamnepa@cbp.dhs.gov)

Your prompt attention to this request is appreciated. If you require additional information or have any questions, please contact me by telephone at (949) 643-6392 or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov).

Sincerely,



Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Enclosure(s): Draft EA



U.S. Customs and  
Border Protection

May 15, 2020

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

**RE: Draft Environmental Assessment for a New U.S. Border Patrol Central Processing Facility, El Paso, Texas**

Dear Librarian:

I would request that your library make available to the public the enclosed Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for a 30-day public review period, beginning on the day the Notice of Availability is published in the *El Paso Times* and *El Paso Herald-Post*. The anticipated date of publication is May 20, 2020. The Draft EA and FONSI will also be available for review and download from the following web address: <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>.

Members of the public can submit comments on the Draft EA and FONSI to U.S. Customs and Border Protection by using only one of the following methods:

- a) By U.S. mail: BPAM NEPA, U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677; or
- b) By email: [bpamnepa@cbp.dhs.gov](mailto:bpamnepa@cbp.dhs.gov)

All comments must be received by June 19, 2020, in order to be considered for inclusion in the Final EA.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Zidron".

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Enclosure(s): Draft EA

New Desert Media, LLC  
PO Box 972341 El Paso, TX 79997  
915-315-1478

AFFIDAVIT OF PUBLIC POSTING

Digital Legal Notice

This is to certify that I, Chris Babcock on behalf of New Desert Media, LLC., through the digital news site [www.elpasoheraldpost.com](http://www.elpasoheraldpost.com), did publish, for public review via digital distribution at <https://elpasoheraldpost.com/notice-of-availability-dhs/>, the NOTICE OF AVAILABILITY for the Department of Homeland Safety on May 20<sup>th</sup>, 2020.

Documents attached.

Affidavit provided by:

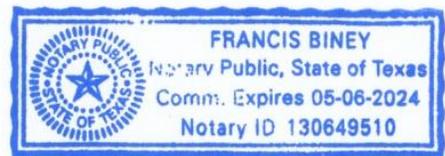


Chris Babcock

President

New Desert Media, LLC.

Signed on this day the 17 of 6, 2020



STATE OF Texas  
COUNTY OF El Paso

The foregoing instrument was acknowledged before me this 17 day of 6, 2020, by Chris Babcock

  
Notary Public's Signature

Francis Biney  
Notary Name

My Commission Exp. 5-6-24

New Desert Media, LLC  
PO Box 972341 El Paso, TX 79997  
915-315-1478

**NOTICE OF AVAILABILITY**

**DRAFT ENVIRONMENTAL ASSESSMENT  
FOR  
A NEW CENTRAL PROCESSING FACILITY  
U.S. BORDER PATROL, EL PASO SECTOR, TEXAS  
U.S. CUSTOMS AND BORDER PROTECTION  
DEPARTMENT OF HOMELAND SECURITY**

The public is hereby notified of the availability of the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) prepared by U.S. Customs and Border Protection (CBP) to address the potential effects, beneficial and adverse, resulting from 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. The proposed new CPC would be a permanent processing facility constructed to accommodate 965 detainees and a staff of 200 for the processing and temporary detention of migrants who have crossed into the United States. The facility would be located on an undeveloped parcel of land in northeast El Paso, Texas. The CPC would be a 113,000 square-foot, one-story facility with 200,000 square feet of parking adjacent to the facility. Construction would be expected to last 18 months and include earthwork, concrete placement, connection to utilities, paving, installation of a stormwater detention basin, communication tower, perimeter fencing, security lighting, signage, emergency backup power with diesel-fueled generators, and fuel storage containment, and other general improvements. The total project area would be approximately 10 acres in size.

The Draft EA and FONSI will be available to the public for 30 days at the El Paso Public Library Main Branch, 501 North Oregon Street, El Paso, Texas, 79901. The Draft EA and FONSI will also be available for download from the CBP website at the following URL address: <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>.

CBP invites comments on the Draft EA and FONSI during the 30-day comment period beginning on May 20, 2020. You may submit comments to CBP by using only one of the following methods:

- a) By U.S. mail: BPAM NEPA, U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677; or
- b) By email: [bpamnepa@cbp.dhs.gov](mailto:bpamnepa@cbp.dhs.gov)

# El Paso Times

PART OF THE USA TODAY NETWORK

## Affidavit of Publication

Ad # 0004201073

This is not an invoice

**GULF SOUTH RESEARCH CORPORATION**  
8081 INNOVATION PARK DR.

**BATON ROUGE, LA 70820**

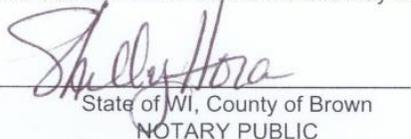
I, being duly sworn say: **El Paso Times**, a daily newspaper of general circulation published in the City and County El Paso, State of Texas, which is a newspaper of general circulation and which has been continuously and regularly published for the period of not less than one year in the said County of El Paso, and that he/she was upon the dates herein mentioned in the EL PASO TIMES.

That the LEGAL copy was published in the EL PASO TIMES for the date(s) of such follows DAY(s) to wit

05/20/2020

  
Legal Clerk

Subscribed and sworn before me this May 20, 2020:

  
State of WI, County of Brown  
NOTARY PUBLIC

8-25-23  
My commission expires

SHELLY HORA  
Notary Public  
State of Wisconsin

### NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL ASSESSMENT FOR A NEW CENTRAL PROCESSING FACILITY U.S. BORDER PATROL, EL PASO SECTOR, TEXAS U.S. CUSTOMS AND BORDER PROTECTION DEPARTMENT OF HOMELAND SECURITY

The public is hereby notified of the availability of the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) prepared by U.S.

Customs and Border Protection (CBP) to address the potential effects, beneficial and adverse, resulting from 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. The proposed new CPC would be a permanent processing facility constructed to accommodate 965 detainees and a staff of 200 for the processing and temporary detention of migrants who have crossed into the United States. The facility would be located on an undeveloped parcel of land in northeast El Paso, Texas. The CPC would be a 113,000 square-foot, one-story facility with 200,000 square feet of parking adjacent to the facility. Construction would be expected to last 18 months and include earthwork, concrete placement, connection to utilities, paving, installation of a stormwater detention basin, communication tower, perimeter fencing, security lighting, signage, emergency backup power with diesel-fueled generators, and fuel storage containment, and other general improvements. The total project area would be approximately 10 acres in size.

The Draft EA and FONSI will be available to the public for 30 days at the El Paso Public Library Main Branch,

501 North Oregon Street, El Paso, Texas, 79901. The Draft EA and FONSI will also be available for download from the CBP website at the following URL address: <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>.

CBP invites comments on the Draft EA and FONSI during the 30-day comment period beginning on May 20, 2020. You may submit comments to CBP by using only one of the following methods:

- a) By U.S. mail: BPAM NEPA, U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677; or
- b) By email: [bpamnepa@cbp.dhs.gov](mailto:bpamnepa@cbp.dhs.gov)  
4201073, El Paso Times, May 20, 2020

Ad # 0004201073  
PO #: NOA Notice  
# of Affidavits 1

This is not an invoice



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



U.S. Customs and  
Border Protection

April 28, 2020

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

**RE: Proposed New Central Processing Facility, U.S. Border Patrol, El Paso Sector,  
Texas, U.S. Customs and Border Protection, Department of Homeland Security**

Dear Mr. Trevino:

United States (U.S.) Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) to address the potential effects, beneficial and adverse, resulting from 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. Further, this CPC would allow for a sustainable humanitarian processing and holding facility.

The proposed CPC would be located along Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas (Figure 1-1). 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 (Figure 1-2).

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.

Mr. Trevino, Texas Department of Transportation

Page 2

CBP is gathering data and input from state and local governmental agencies, departments, and bureaus that may be affected by, or that would otherwise have an interest in, this proposed action. Since your agency or organization may have particular knowledge and expertise regarding potential environmental impacts from CBP's proposed action, your input is sought regarding the likely or anticipated environmental effects of this proposed action. Your response should include any state and local restrictions, permitting or other requirements with which CBP would have to comply during project siting, construction, and operation.

Per DHS Directive 023-01, Rev. 01, *Implementation of the National Environmental Policy Act*, your agency will be provided with a copy of the official Draft EA for review and comment.

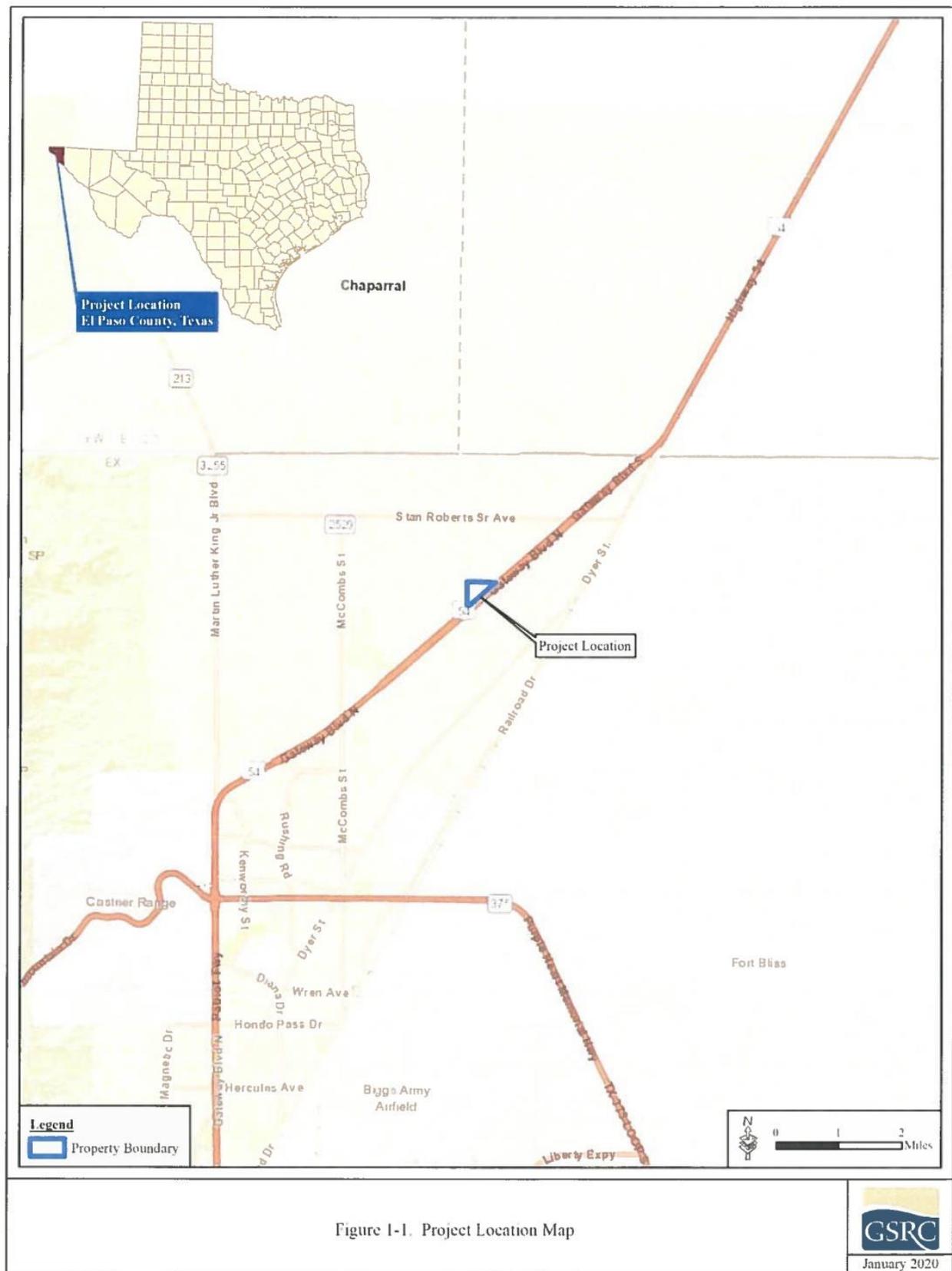
Your prompt attention to this request is appreciated. If you have any questions, please contact me at (949) 643-6392 or via email at [joseph.zidron@cbp.dhs.gov](mailto:joseph.zidron@cbp.dhs.gov). Thank you in advance for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph Zidron".

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Enclosure(s)



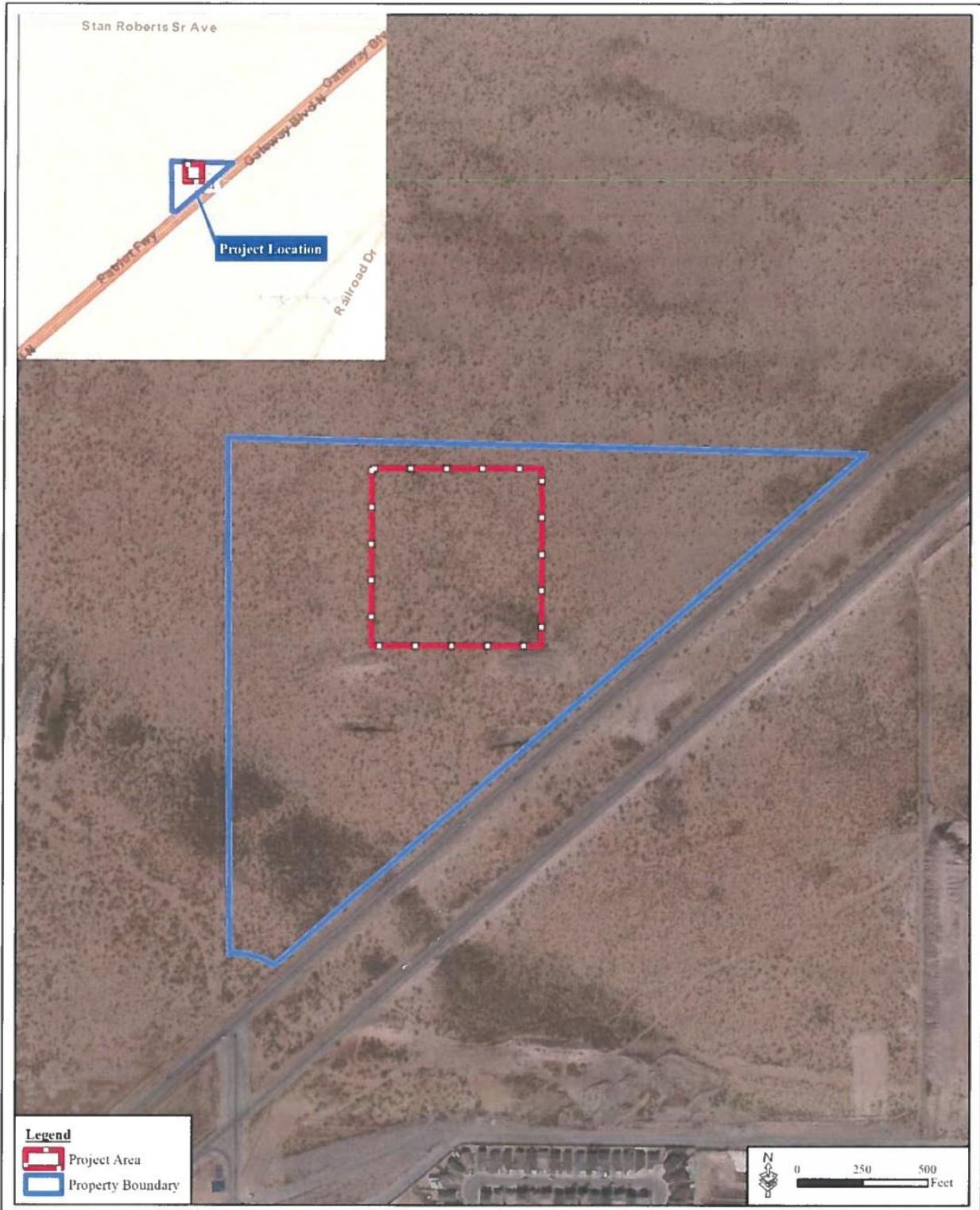


Figure 1-2. Project Area Map

---

**From:** Mimi Horn <Mimi.Horn@txdot.gov>

**Sent:** Tuesday, May 12, 2020 2:20 PM

**To:** ZIDRON, JOSEPH <JOSEPH.ZIDRON@cbp.dhs.gov>

**Subject:** Comments for proposed new central processing facility, U.S. Border Patrol, El Paso, Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Good afternoon Mr. Zidron,

Mr. Tomas Trevino forward me your request for comments regarding the proposed new central processing facility, U.S. Border Patrol, El Paso, Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security. I have looked over the information provided and provided the information to several project managers of transportation projects in that area. At this time we don't have any comments or information to provide to you regarding your project. Thank you for the opportunity to provide comments. Please let us know in the future if we can be of assistance to you.

Regards,

Mimi

### ***Noemi L. Horn***

Environmental Coordinator

El Paso District

Texas Department of Transportation

13301 Gateway Blvd. West

El Paso, Texas 79928

---

*A Texas Department of Transportation (TxDOT) message*

**#EndTheStreakTX**

---

**From:** Omar Madrid <Omar.Madrid@txdot.gov>

**Sent:** Friday, May 8, 2020 10:08 AM

**To:** ZIDRON, JOSEPH <JOSEPH.ZIDRON@cbp.dhs.gov>

**Cc:** Margarita Montes <Margarita.Montes@txdot.gov>

**Subject:** Proposed New Central Processing Facility, US Border Patrol, El Paso Sector, Texas

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Mr. Zidron,

In reviewing your proposal, TxDOT and CBP will need to coordinate permitting for driveway access to US-54, facility grading and drainage review and traffic control plan review.

You can reach out to me directly or Margarita Montes directly.

Omar Madrid, P.E.  
District Maintenance  
TxDOT El Paso  
915.790.4331

---

*A Texas Department of Transportation (TxDOT) message*

**#EndTheStreakTX**

---

**From:** noreply@thc.state.tx.us <noreply@thc.state.tx.us>  
**Sent:** Tuesday, May 19, 2020 1:22 PM  
**To:** joseph.zidron@dhs.gov; reviews@thc.state.tx.us  
**Subject:** Project Review: 202012197

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.



Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas

**THC Tracking #202012197**

El Paso Central Processing Center - Border Patrol  
31.970744, -106.371550  
El Paso, TX 79934

Dear Joseph Zidron:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas.

The review staff led by Drew Sitters and Caitlin Brashear has completed its review and has made the following determinations based on the information submitted for review:

**Above-Ground Resources**

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

**Archeology Comments**

- No historic properties present or affected. However, if buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.
- THC/SHPO concurs with information provided.
- Draft report acceptable. Please submit another copy as a final report along with shapefiles showing the area where the archeological work was conducted. Shapefiles should be submitted electronically to [Archeological\\_projects@thc.texas.gov](mailto:Archeological_projects@thc.texas.gov).

**We have the following comments:** Please address the following comments in the Final Report: 1) On the Title Page, please identify the Principal Investigator; 2) Page 36, IO-04, Sentence 8, the projectile point is referred to as a flake. Please revise; and 3) Page 49, Sentence 2, "A while colorless glass bottle..." should read "A whole colorless glass bottle..." Please revise.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: [drew.sitters@thc.texas.gov](mailto:drew.sitters@thc.texas.gov), [caitlin.brashear@thc.texas.gov](mailto:caitlin.brashear@thc.texas.gov)

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,

A handwritten signature in black ink, appearing to be 'M Wolfe', written over a white background.

For Mark Wolfe, State Historic Preservation Officer  
Executive Director, Texas Historical Commission

**Please do not respond to this email.**



# 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 ( $\geq 100$  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,

Mr. Joseph Zidron

2

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

---

**From:** Javier Loera <jloera@ydsp-nsn.gov>

**Sent:** Monday, June 1, 2020 1:12 PM

**To:** ZIDRON, JOSEPH <JOSEPH.ZIDRON@cbp.dhs.gov>

**Subject:** Proposed New Central Processing Facility, U.S. Border Patrol, El Paso Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Dear Mr. Zidron:

This e-mail is in response to the correspondence received in our office in which you provide the Ysleta del Sur Pueblo the opportunity to comment on **Proposed New Central Processing Facility, U.S. Border Patrol, El Paso Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security.**

While we do not have any comments on the proposed undertaking and believe that this project will not adversely affect traditional, religious or culturally significant sites of our Pueblo and have no opposition to it; we would like to request consultation should any human remains or artifacts unearthed during this project be determined to fall under the Native American Graves Protection and Repatriation Act (NAGPRA) guidelines. Copies of our Pueblo's **Cultural Affiliation Position Paper** and **Consultation Policy** are available upon request.

Thank you for allowing us the opportunity to comment on the proposed project.

Sincerely,

Javier Loera

Tribal Council/Tribal Historic Office

Cell phone number: (915) 497-3876

---

**From:** Javier Loera <jloera@ydsp-nsn.gov>

**Sent:** Tuesday, May 26, 2020 10:46 AM

**To:** ZIDRON, JOSEPH <JOSEPH.ZIDRON@cbp.dhs.gov>

**Subject:** Draft Environmental Assessment for a Proposed New Central Processing Facility, U.S. Border Patrol, El Paso Sector, Texas, U.S. Customs and Border Protection, Department Of Homeland Security

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Dear Mr. Zidron:

This e-mail is in response to the correspondence received in our office in which you provide the Ysleta del Sur Pueblo the opportunity to comment on **Draft Environmental Assessment for a Proposed New Central Processing Facility, U.S. Border Patrol, El Paso Sector, U.S. Customs and Border Protection, Department of Homeland Security.**

While we do not have any comments on the proposed undertaking and believe that this project will not adversely affect traditional, religious or culturally significant sites of our Pueblo and have no opposition to it; we would like to request consultation should any human remains or artifacts unearthed during this project be determined to fall under the Native American Graves Protection and Repatriation Act (NAGPRA) guidelines. Copies of our Pueblo's **Cultural Affiliation Position Paper** and **Consultation Policy** are available upon request.

Thank you for allowing us the opportunity to comment on the proposed project.

Sincerely,

Javier Loera

Tribal Council/Tribal Historic Office  
for

Gov. E. Michael Silvas  
Ysleta del Sur Pueblo  
119 S. Old Pueblo Rd.  
El Paso, Texas 79907

---

**From:** Omar Villanueva <ovillanueva@ydsp-nsn.gov>

**Sent:** Wednesday, May 27, 2020 10:58 AM

**To:** ZIDRON, JOSEPH <JOSEPH.ZIDRON@cbp.dhs.gov>

**Subject:** Tribal Consultation, Cultural Resources Inventory of 60.2 Acres for the Proposed El Paso Central Processing Center Project, EL Paso, U.S. Customs and Border Protection, El Paso Sector, El Paso County, Texas

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Dear Joseph Zidron,

This letter is in response to the correspondence received in our office in which you provide Ysleta del Sur Pueblo the opportunity to comment on the proposed CPC facility which will be located along the Patriot Freeway (U.S. Highway 54) in northeast El Paso, Texas.

While we do not have any comments on the proposed undertaking and believe that this project will not adversely affect traditional, religious or culturally significant sites of our Pueblo and have no opposition to it, we would like to request consultation should any human remains or artifacts unearthed during this project be determined to fall under NAGPRA guidelines. Copies of our Pueblo's Cultural Affiliation Position Paper and Consultation Policy are available upon request.

Thank you for allowing us the opportunity to comment on the proposed project.

*Omar Villanueva*  
Tribal Council Assistant  
Ysleta del Sur Pueblo  
(915) 342-2557  
[ovillanueva@ydsp-nsn.gov](mailto:ovillanueva@ydsp-nsn.gov)





Life's better outside.®

Commissioners

S. Reed Morian  
Chairman  
Houston

Arch "Beaver" Apflin, III  
Vice-Chairman  
Lake Jackson

James E. Abell  
Kilgore

Oliver J. Bell  
Cleveland

Anna B. Galo  
Laredo

Jeffery D. Hildebrand  
Houston

Jeanne W. Latimer  
San Antonio

Robert L. "Bobby" Patton, Jr.  
Fort Worth

Dick Scott  
Wimberley

Lee M. Bass  
Chairman-Emeritus  
Fort Worth

T. Dan Friedkin  
Chairman-Emeritus  
Houston

Carter P. Smith  
Executive Director

June 16, 2020

Mr. Joseph Zidron  
Real Estate and Environmental Branch Chief  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection  
24000 Avila Road, Ste. 5020  
Laguna Niguel, CA 92677

RE: Draft Environmental Assessment for a New Central Processing Facility;  
U.S Border Patrol, El Paso Sector, El Paso County, Texas; U.S. Customs  
and Border Protection – Department of Homeland Security

Dear Mr. Zidron:

Texas Parks and Wildlife Department (TPWD) received the draft Environmental Assessment (EA) for the above-referenced project located in El Paso County. TPWD would like to offer the following information, comments, and recommendations to minimize impacts to fish and wildlife resources.

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For further guidance, see the Texas Parks and Wildlife (TPW) Code, Section 12.0011. For tracking purposes, please refer to TPWD project number 43866 in any return correspondence regarding this project.

**Project Description**

Section 1.1 (page 1-1) of the draft EA provided the following project description:

“United States (U.S.) Customs and Border Protection (CBP) prepared this Environmental Assessment (EA) to address the potential effects, beneficial and adverse, resulting from 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. The proposed new CPC would be a permanent processing facility constructed to accommodate 965 detainees and a staff of 200 for the processing and temporary holding of migrants who have crossed into the U.S. The facility would be located on an undeveloped parcel of land 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 enter the U.S. on a daily basis. Therefore, the purpose of the proposed CPC would be 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 support CBP's effort to comply with TEDS and process migrants in an efficient manner.”

“The proposed El Paso 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.”

Section 2.1 (page 2-1) of the draft EA states, “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.”

### **General Construction Recommendations**

Section 5.7 (page 5-5) of the draft EA states, “Erosion control measures and appropriate BMPs [beneficial management practices], as required and promulgated through a site-specific SWPPP [Stormwater Pollution Prevention Plan] and engineering designs, will be implemented before, during, and after soil-disturbing activities. TPWD recommends the following general construction BMPs:

- Judicious use of sediment control fence to control erosion and exclude wildlife from the construction area. The sediment control fence should be buried to a depth of at least six inches and should be at least 24 inches high and should be maintained throughout the life of the construction project.
- Wildlife escape ramps should be installed in any open pits or excavations.
- Seed and mulch material should be used for soil stabilization and re-vegetation of disturbed areas rather than mesh which can entangle snakes and other wildlife.
- TPWD recommends that no-till drilling, hydro-mulching, or hydro-seeding be used wherever practicable rather than deploying erosion control blankets or mats due to reduced risks to wildlife.
- If erosion control blankets must be used, the product should not contain netting, or if it must contain netting, it should be loosely woven natural fiber rather than plastic.”

**Recommendation:** TPWD concurs with the above-listed general construction BMPs listed in the draft EA and recommends that they be implemented for the proposed project. In addition to using sediment control fence to exclude wildlife from the construction area, construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if

any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities. Regarding the installation of wildlife escape ramps, first TPWD recommends that any open pits or excavation areas be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. If it is not feasible to cover open pits or excavation areas nightly, then TPWD recommends installing escape ramps at an angle of less than 45 degrees (1:1) in areas left uncovered. Also, inspect excavation areas for trapped wildlife prior to refilling.

### **Lighting**

As previously mentioned in the project description, the installation of lighting is proposed as part of this project. Section 5.1 (page 5-1) of the draft EA states that the proposed project would, “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.” Section 5.1 (page 5-1) also states, “If required, night-vision-friendly strobe lights necessary for CBP operational needs will use the minimum wattage and number of flashes per minute necessary to ensure operational safety.”

Any measures to minimize lighting impacts on wildlife will be beneficial since artificial night lighting increases the risk of small nocturnal mammals being captured by predators, decreases their food consumption, and disrupts their circadian rhythms. And, depending on the brightness of the light and depth of a corridor, artificial light can also disrupt mammalian dispersal movements and the use of corridors (Beier 2006). Recent research also indicates that large-scale use of white light-emitting diode (LED) lights may exacerbate ecological impacts of artificial night lighting (Pawson and Bader 2014).

**Recommendation:** Wildlife impacts from light pollution is of concern to TPWD. TPWD appreciates the commitment to minimize lighting impacts from the construction and operation of the project. TPWD recommends continuing to investigate research related to the effects of LED lighting and artificial night lighting on wildlife and incorporate improved technology and BMPs into the design and application of lighting for the proposed facility.

### **Impacts to Vegetation/Wildlife Habitat**

Section 3.5.1 (page 3-10) of the draft EA states, “The Proposed Action would have a permanent, minor impact on vegetation in the project area. Approximately 10 acres of Chihuahuan Desert scrub would be directly impacted as a result of the construction of the proposed CPC facility.”

Section 3.5.1 (page 3-10) of the draft EA also states, “In order to ensure that the Proposed Action does not actively promote the establishment of non-native and invasive species in the area, best management practices (BMPs) would be implemented to minimize the spread and reestablishment of nonnative vegetation. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally. These BMPs, as well as measures protecting vegetation in general, would reduce potential impacts from non-native invasive species to a negligible amount.”

Section 5.1 (page 5-1) of the draft EA states, “CBP will avoid the spread of non-native plants by not using natural materials (e.g., straw) for on-site erosion control. If natural materials must be used, the natural material would be certified weed and weed-seed free. Herbicides not toxic to listed species that may be in the area can be used for non-native vegetation control. Application of herbicides will follow Federal guidelines and be in accordance with label directions.”

Section 5.3 (page 5-2) of the draft EA states, “Native seeds or plants that are compatible with the enhancement of protected species will be used to revegetate temporarily disturbed areas. Pollinator conservation and management will be considered in revegetation efforts, and native plant species used for revegetation of disturbed areas will contain native milkweed (*Asclepias* spp.) and nectar plants and efforts will follow guidance provided on the Monarch Watch website (<https://monarchwatch.org/>).”

**Recommendation:** TPWD recommends reducing the amount of vegetation proposed for clearing if possible and minimizing clearing of native vegetation, particularly mature native trees, riparian vegetation, and shrubs to the greatest extent practicable. TPWD recommends in-kind on-site replacement/restoration of the native vegetation wherever practicable. Colonization by invasive species, particularly invasive grasses and weeds, should be actively prevented. Vegetation management should include removing invasive species early on while allowing the existing native plants to revegetate the disturbed areas. TPWD recommends referring to the Lady Bird Johnson Wildflower Center Native Plant Database for regionally adapted native species that would be appropriate for landscaping and revegetation.

**Recommendation:** TPWD advises against planting the non-native milkweed species black swallow-wort (*Cynanchum louiseae*) and pale swallow-wort (*C. rossicum*). Monarch butterflies will lay eggs on these plant species, but the larvae are unable to feed and complete their life cycle. Additionally, these plant species can be highly invasive. Additionally, TPWD advises against planting the non-native tropical milkweed (*Asclepias curassavica*), a popular commercial nursery milkweed that can persist year-round in southern states. The year-round persistence of tropical milkweed fosters greater transmission

of the protozoan *Ophryocystis elektroscirrha* (OE), increasing the likelihood that monarchs become infected with the debilitating parasite.

### **Federal Laws**

#### *Migratory Bird Treaty Act*

The Migratory Bird Treaty Act (MBTA) prohibits direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The U.S. Fish and Wildlife Service (USFWS) Migratory Bird Office can be contacted at (505) 248-7882 for more information on potential impacts to migratory birds.

As previously mentioned, the installation of a communication tower is proposed as part of this project. Section 3.6.1 (pages 3-13 and 3-14) of the draft EA states, “USFWS *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning* (USFWS 2018) would be implemented to reduce nighttime atmospheric lighting and the potential adverse effects of nighttime lighting on migratory bird and nocturnal flying species.”

Section 3.6.1 (page 3-14) of the draft EA states, “The proposed communication tower could pose a possible hazard to migratory birds and even result in some bird mortality through bird strikes with the tower. The loss of a few individual birds from the tower operation would not adversely affect the population viability or fecundity of bird species in the region. The number and extent of bird strikes in relation to the size of migratory bird populations and the extent of the migratory flyway would be minor and would not affect the sustainability of migratory bird populations in the region. The Proposed Action would, however, have a long-term, negligible adverse effect on migratory birds. BMPs would be implemented to reduce disturbance and loss of wildlife such as surveys prior to construction activities scheduled during nesting season and covering or providing an escape ramp for all steep-walled holes or trenches left open at the end of the construction workday. The proposed communication tower could provide raptor perch and nesting sites, but BMPs would also be used to discourage this activity.”

Section 5.3 (page 5-3) of the draft EA states, “The Migratory Bird Treaty Act (MBTA) (16 U.S.C. §~ 703-712, [1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989]) requires that Federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during nesting season (March 15 through September 15) within potential nesting habitats, surveys will be performed to identify active nests. If active nests are located during surveys, a 150-foot buffer of vegetation will remain around the nest site until young have fledged. If construction

activities will result in the take of a migratory bird, then coordination with the USFWS and TPWD will be required and applicable permits would be obtained prior to construction or clearing activities.”

**Comment:** TPWD notes that in December 2015, the Federal Aviation Administration (FAA) released a revised policy on obstruction marking, Obstruction Marking and Lighting Advisory Circular AC 70/7460-1L, which requires new towers greater than 150 feet above ground level to be built with flashing lighting only and allows aircraft detection lighting systems (ADLS) on all towers. In addition to the USFWS guidelines mentioned in the draft EA, please also refer to the USFWS Communication Tower Lighting Fact Sheet, and the Federal Communications Commission (FCC) 2017 publication on Opportunities to Reduce Bird Collisions with Communications Towers While Reducing Tower Lighting Costs which outlines the FCC and FAA guidance for ensuring that tower lighting is bird-safe while also reducing construction and maintenance costs to tower owners.

**Recommendation:** TPWD recommends reviewing and incorporating recommendations from the above-mentioned FAA, FCC, and USFWS guidance documents. TPWD recommends following the FAA policy on obstruction marking and use the minimum lighting requirements allowable by the FAA. To aid in reducing the impact of nighttime lighting on nearby communities and migratory birds, TPWD recommends the use of an ADLS, which is a sensor-based lighting system that automatically activates obstruction lights upon the radar detection of aircrafts approaching the obstruction.

**Recommendation:** TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March 15 through September 15, to avoid adverse impacts to breeding birds. TPWD concurs with the commitment to perform surveys to identify active nests if construction or clearing activities are scheduled during the nesting season. TPWD recommends performing active bird nest surveys no more than five days prior to planned clearing or construction. If active nests are observed during surveys, TPWD also concurs with the commitment to leave a 150-foot buffer of vegetation around the nest site until the young have fledged.

### **State Laws**

#### *Parks and Wildlife Code – Chapter 64, Birds*

TPW Code Section 64.002, regarding protection of nongame birds, provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. TPW Code Section 64.003, regarding destroying nests or eggs, provides that, no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl.

**Recommendation:** Please review the *Migratory Bird Treaty Act* section above for recommendations as they are also applicable for Chapter 64 of the TPW Code compliance.

*Parks and Wildlife Code, Section 68.015 – State-listed Species*

TPW Code regulates state-listed threatened and endangered animal species. The capture, trap, take, or killing of state-listed threatened and endangered animal species is unlawful unless expressly authorized under a permit issued by USFWS or TPWD. The *TPWD Guidelines for Protection of State-Listed Species*, which includes a list of penalties for take of species, can be found on the Wildlife Habitat Assessment Program website. State-listed species may only be handled by persons with authorization obtained through TPWD. For more information on this permit, please contact the Wildlife Permits Office at (512) 389-4647.

Texas horned lizard (*Phrynosoma cornutum*)

Section 3.7.1 (page 3-19) in the draft EA states that the Texas horned lizard “has the potential to occur within the proposed project area”.

Section 3.7.1 (page 3-19) in the draft EA states, “The Texas horned lizard (*Phrynosoma cornutum*) inhabits open, arid, and semi-arid regions with sparse vegetation including grasses, cacti, scattered brush, and shrubby trees with soil that varies from sandy to rocky. If present in the project area, the Texas horned lizard could be impacted by ground disturbing activities from construction. A useful indicator that Texas horned lizard may occupy project area is the presence of harvester ant (*Pogomyrmex sp.*) nests since harvester ants are the primary food source of Texas horned lizards. Texas horned lizards may hibernate on-site in loose soils a few inches below ground during cool months from September to April. Horned lizards are active above ground when temperatures exceed 75 degrees Fahrenheit. Nesting horned lizards, gravid females, newborn young, or individuals that are hibernating or are lethargic from cool temperatures may be unable to move away from approaching construction equipment and may be impacted by construction activities.”

**Comment:** TPWD notes that there are several research-grade iNaturalist ([www.inaturalist.org](http://www.inaturalist.org)) observations for the Texas horned lizard located within El Paso County, with the closest observation located approximately 2 miles from the proposed facility.

Mountain short-horned lizard (*Phrynosoma hernandesi*)

The mountain short-horned lizard is usually found in open, shrubby, or openly wooded areas with sparse vegetation at ground level; soil may vary from rocky to sandy. The mountain short-horned lizard burrows into soil or occupies rodent

burrows when inactive. This species eats ants, spiders, snails, sowbugs, and other invertebrates and is inactive during cold weather.

Potential suitable habitat may be present within the project area for the state-listed threatened mountain short-horned lizard. There are multiple research-grade iNaturalist observations for the mountain short-horned lizard located within El Paso County, with the closest observation located approximately 4.8 miles from the proposed facility.

Please note that the following recommendations are applicable to both the Texas horned lizard and mountain short-horned lizard.

**Recommendation:** TPWD recommends implementing the following BMPs to assist in minimizing potential impacts to the Texas horned lizard and mountain short-horned lizard. TPWD notes that implementing the following BMPs could also help minimize impacts to a variety of native wildlife species that may inhabit the project area:

*Surveys* – TPWD recommends having a qualified biologist survey the proposed project site for both the Texas horned and mountain short-horned lizards that may be in the area that is proposed for disturbance. As previously mentioned, a useful indication that these lizard species may occupy the site is the presence of harvester ant mounds. The survey should be performed during the warm months of the year when the horned lizards are active.

*Contractor Training for Protected Species* – TPWD recommends providing training for project contractors prior to the construction of the proposed project. Wildlife training should consist of identification of both horned lizards and their primary food source (harvester ants), and the proper protocol to avoid impact if a lizard is encountered. TPWD recommends instructing contractors to avoid impacts to harvester ant mounds, where feasible. TPWD understands that ant mounds in the direct path of construction would be difficult to avoid, but contractors should be mindful of these areas when deciding where to place project specific locations and other disturbances associated with construction.

*Biological Monitor* – TPWD recommends that a permitted biologist be on-site during construction activities, especially during site clearing and trenching, to look for protected species, advise the construction crews on appropriate action if horned lizards are observed, and relocate any protected individuals that are in imminent harm. Biologists must be authorized to handle horned lizards and other state-listed species. If a biological monitor cannot be on-site during construction, site personnel should be trained for encounters with protected species and a qualified

biologist should be notified of the siting and consulted on appropriate action.

*Horned Lizard Encounters* – If either horned lizard species is encountered, they should be avoided and allowed to leave the project area on their own. If a horned lizard must be relocated, TPWD recommends relocating them off-site to an area that is close-by and contains similar habitat. TPWD recommends that any translocations of reptiles be the minimum distance possible, no greater than one mile, and preferably within 100 to 200 yards from the initial encounter location. After horned lizard translocation, the area that will be disturbed during active construction and project specific locations should be fenced off to exclude horned lizards and other reptiles.

The exclusion fence should be constructed and maintained as follows:

- The exclusion fence should be constructed with metal flashing or drift fence material. Rolled erosion control mesh material should not be used.
- The exclusion fence should be buried at least 6 inches deep and be at least 24 inches high.
- The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated with site-specific native species.

*Speed Limits* – TPWD recommends reducing speed limits in the project area to at least 15 mph to help prevent vehicle-induced mortality of these species.

*Work During Cold Weather* – If construction activities take place during cold weather, it is recommended that construction personnel stay observant of activities that may harm horned lizards, such as disruption of burrows. In cold weather, this species will use burrows or pallets near the base of vegetation for shelter. Their slow metabolism in cold weather can reduce movements, restricting their ability to flee from danger.

*Trenches* – To avoid direct harm to state-listed species and other wildlife that may occur in the project area, TPWD recommends that any open trenches or excavation areas be covered overnight and/or inspected every morning to ensure no horned lizards or other wildlife have been trapped. For open trenches and excavated pits, install escape ramps at an angle of less than 45 degrees (1:1) in areas left uncovered. Also, inspect excavation areas for trapped wildlife prior to refilling. As previously mentioned, if state-listed species are trapped in trenches, they should be removed by personnel permitted by TPWD to handle state-listed species.

*No Kill Wildlife Policy* – TPWD recommends implementing a “No Kill Wildlife Policy” during the construction and operation of the site. This policy prevents inadvertently killing protected species that may be mistaken for common species.

### **Species of Greatest Conservation Need**

In addition to state- and federally-protected species, TPWD tracks Species of Greatest Conservation Need (SGCN) and other special features and natural communities that are not listed as threatened or endangered. These species and communities are tracked in the Texas Natural Diversity Database (TXNDD), and TPWD actively promotes their conservation. TPWD considers it important to evaluate and, if necessary, minimize impacts to SGCN and their habitat to reduce the likelihood of endangerment and preclude the need to list them as threatened or endangered in the future.

#### *Sand prickly-pear (Opuntia arenaria)*

Section 3.7.1 (page 3-19) of the draft EA states that the sand prickly-pear could potentially occur within or near the project area. This species is found in deep, loose or semi-stabilized sands in sparsely vegetated dune or sandhill areas or sandy floodplains in arroyos. Sand prickly-pear flowers from May through June.

#### *Desert night-blooming cereus (Peniocereus greggii var. greggii)*

There is one TXNDD record for desert night-blooming cereus located within the proposed project site. Desert night-blooming cereus is mostly found in sandy to silty gravelly soils in gently broken to level terrain in desert grassland or Chihuahuan desert scrub. This species flowers synchronized over a few nights in early May to late June when almost all mature plants bloom and may flower as early as April.

**Recommendation:** TPWD recommends surveying for desert night-blooming cereus and sand prickly-pear where suitable habitat may be present and particularly in areas where ground disturbance may occur. The survey should be performed by a qualified biologist at the time of year when these species are most likely to be found, usually during their respective flowering periods. If these species are present, plans should be made to avoid adverse impacts to the greatest extent possible. If plant SGCN are found in the path of construction, including the placement of staging areas and other project related sites, this office should be contacted for further coordination and possible salvage of plants and/or seeds for seed banking. Plant SGCN not in the direct path of construction should be protected by markers or fencing and by instructing construction crews to avoid any harm.

Western burrowing owl (*Athene cunicularia hypugaea*)

Section 3.7.1 (page 3-19) of the draft EA states that the western burrowing owl could potentially occur within or near the project area. Section 5.4 (page 5-4) of the draft EA states, “To the extent practicable, animal burrows will be left intact and undisturbed in order to avoid take of western burrowing owl eggs, young, and adults...”

The western burrowing owl is a ground-dwelling owl that uses the burrows of prairie dogs and other fossorial animals for nesting and roosting. When natural burrows are limited, this species will breed in urban habitats which may lead to problems for the owls or their young. The owls opportunistically live and nest in road and railway right-of-ways, parking lots, baseball fields, school yards, golf courses, and airports. They have also been found nesting on campuses, in storm drains, drainage pipes, and cement culverts, on banks, along irrigation canals, under asphalt or wood debris piles, or openings under concrete pilings or asphalt. The western burrowing owl is protected under the MBTA, and take of these birds, their nests, and eggs is prohibited. Potential impacts to the western burrowing owl could include habitat removal as well as displacement and/or destruction of nests and eggs if ground disturbance occurs during the breeding season.

**Comment:** TPWD notes that there are several eBird observations ([www.ebird.org](http://www.ebird.org)) for the western burrowing owl located within El Paso County, with the closest observation located approximately 1.6 miles from the proposed facility.

**Recommendation:** TPWD concurs with the commitment to leave animal burrows in the project area intact and undisturbed to the extent practicable. As previously mentioned, TPWD recommends conducting project activities outside the breeding season (March 15 to September 15). Nesting areas and burrows should be protected from intensive disturbance during incubation. Excavation of an active nest burrow may destroy eggs, young owls, or even adults and is violation of the MBTA. If nesting owls are found inhabiting the project area, disturbance should be avoided until the eggs have hatched and the young have fledged.

Black-tailed Prairie dog (*Cynomys ludovicianus*)

Section 3.7.1 (page 3-19) of the draft EA states that the black-tailed prairie dog could potentially occur within or near the project area. Section 5.4 (page 5-4) of the draft EA states, “To the extent practicable, animal burrows will be left intact and undisturbed in order to...avoid impacts to black-tailed prairie dog...”

Black-tailed prairie dogs inhabit dry, flat, short grasslands with low, relatively sparse vegetation, including areas overgrazed by cattle. The black-tailed prairie dog is a keystone species that provides food and/or shelter for rare species tracked by

TPWD such as the ferruginous hawk and the western burrowing owl, as well as many other wildlife species.

**Recommendation:** TPWD concurs with the commitment to leave animal burrows in the project area intact and undisturbed to the extent practicable. If prairie dog burrows will be disturbed as a result of the proposed project, TPWD recommends non-harmful exclusion methods be used to encourage the animals to vacate the area prior to disturbance and discourage them from returning to the area during construction. If prairie dogs are encountered on the project site, TPWD recommends contacting a prairie dog relocation specialist. If impacting a portion of a larger colony, time relocation efforts and/or humane removal immediately before construction to discourage recolonization of the project area. Prairie dogs can be encouraged to move away from your project area by mowing overgrown adjacent areas. Conversely, prairie dogs can be discouraged from utilizing areas by not mowing and allowing grass or other tall vegetation to grow or by scraping all vegetation off the project site and leaving soil exposed.

#### Western box turtle (*Terrapene ornata*)

Section 3.7.1 (page 3-19) of the draft EA states that the western box turtle could potentially occur within or near the project area. The western box turtle occurs throughout Texas, typically in open habitats such as prairie grasslands, pastures, fields, sandhills, and open woodlands. Adults have a home-range size of approximately 6 to 14 acres. This species is active spring through fall with courtship and mating occurring primarily in the spring. For shelter, they burrow into soil (e.g., under plants such as yucca) or enter burrows made by other species. Eggs are laid in nests dug in soft well-drained soil in open areas. Western box turtles are threatened by habitat loss and fragmentation, vehicle strikes on roads, and collection for the pet trade and food markets.

**Comment:** There are several research-grade iNaturalist observations for the western box turtle located within El Paso County with the closest observation located approximately 3.8 miles from the proposed facility.

**Recommendation:** TPWD recommends referring to the recommendations listed above for the Texas horned lizard as those recommendations are applicable to the western box turtle as well.

#### Western rattlesnake (*Crotalus viridis*)

The western rattlesnake inhabits grasslands, both desert and prairie, as well as shrub desert rocky hillsides. This species can also be found at the edges of arid and

semi-arid river breaks. The project area may provide suitable habitat for this species.

**Comment:** TPWD notes that there are several research-grade iNaturalist observations for the western rattlesnake located within El Paso County, with the closest observation located approximately 0.6-mile from the proposed facility.

Massasauga (*Sistrurus tergeminus*)

The proposed project site is within the known range of the massasauga. The massasauga is common in gently rolling prairies occasionally broken by creek valleys or rocky hillsides. The project area may provide suitable habitat for this species.

Chihuahuan Desert lyre snake (*Trimorphodon vilkinsonii*)

Table 3-7 (page 3-18) in the draft EA lists the Chihuahuan Desert lyre snake as a state-listed threatened species with the potential to occur in El Paso County. The project area is within the known range of the Chihuahuan Desert lyre snake and there may be suitable habitat for this species within the project area. The Chihuahuan Desert lyre snake is 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. This species is secretive and eats mostly lizards.

**Comment:** TPWD notes that the Chihuahuan Desert lyre snake is no longer considered to be a state-listed threatened species. A complete list of the species that were removed from and added to the state threatened and endangered species lists are available in the March 27, 2020 issue of the *Texas Register* (45 TexReg 2188).

**Recommendation:** TPWD recommends avoiding disturbance of any of the above-listed snake SGCN if found during clearing and construction. Because snakes are generally perceived as a threat and killed when encountered, and since the project area contains suitable habitat for the massasauga, western rattlesnake, and the Chihuahuan Desert lyre snake, TPWD recommends construction personnel and contractors be advised to avoid injury or harm to all snakes encountered during clearing and construction. Injury to humans usually occurs when the snake becomes agitated following harassment or when someone attempts to handle a recently dead venomous snake that still contains its bite reflex. Therefore, contractors should avoid contact with snakes if encountered and allow all native snakes to safely leave the premises.

Western spotted skunk (*Spilogale gracilis*)

The proposed project is within the known range of the western spotted skunk and there may be suitable habitat within the project area for this species. The western spotted skunk can be found in open fields, prairies, croplands, fence rows, forest edges, and woodlands.

Western hog-nosed skunk (*Conepatus leuconotus*)

The western hog-nosed skunk inhabits a wide variety of habitats within its range, including woodlands, grasslands, deserts, brushy areas, and rocky canyons in mountainous regions. Dens are in rock crevices, hollow logs, underground burrows, caves, mine shafts, woodrat houses, or under buildings.

**Comment:** TPWD notes that there are multiple research-grade iNaturalist observations for the western hog-nosed skunk located within El Paso County, with the closest observation located approximately 3 miles from the proposed facility.

Kit fox (*Vulpes macrotis*)

Section 3.7.1 (page 3-19) of the draft EA states that the kit fox could potentially occur within or near the project area. This species primarily inhabits open desert, shrubby or shrub-grass habitat.

Long-tailed weasel (*Mustela frenata*)

Section 3.7.1 (page 3-19) of the draft EA states that the long-tailed weasel could potentially occur within or near the project area.

Section 5.4 (page 5-4) of the draft EA states “To the extent practicable, animal burrows will be left intact and undisturbed in order to...avoid impacts to...long-tailed weasel, kit fox, and other native mammal species.”

**Recommendation:** TPWD concurs with the commitment to leave animal burrows in the project area intact and undisturbed to the extent practicable. If any of the mammal SGCN listed above are encountered during construction, TPWD recommends that precautions be taken to avoid direct or indirect impacts to these species or their dens.

**Evaluation of SGCN**

TPWD notes that it is the responsibility of the project proponent to evaluate all of the species listed on the TPWD Rare, Threatened, and Endangered Species of Texas by County online application (RTEST or TPWD county list), not just state- and federally-listed species, and to determine if those species have habitat within

the project area and if those species have the potential to be impacted by the construction of the proposed project.

Section 6.0 (page 6-1) of the draft EA states that the TPWD county list was accessed on February 7, 2020. TPWD notes that the El Paso county list was updated on May 20, 2020.

**Recommendation:** Please review the most recent TPWD county list for El Paso County because species in addition to those discussed in this letter could be present within the project area depending upon habitat availability. TPWD recommends including a discussion and evaluation of potential impacts to SGCN (in addition to state-listed and federally-listed species) for all projects coordinated with this office. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species.

Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, considering all the variable factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting all wildlife, regardless of listing status.

#### **Section 5.4 of the EA – BMPs 1 and 2 (Protected Species)**

Section 5.4 (page 5-3) of the draft EA lists BMP 1 as, “All contractors, work crews, and CBP personnel in the field performing construction and maintenance activities will receive environmental awareness training. At a minimum, environmental awareness training will provide the following information: maps indicating occurrence of potentially affected and federally listed species; the general ecology, habitat requirements, and behavior of potentially affected federally listed species; the BMPs listed here and their intent; reporting requirements; and the penalties for violations of the ESA [Endangered Species Act]. The project managers will be responsible for ensuring that their personnel are familiar with general BMPs, the specific BMPs presented here, and other limitations and constraints. Photographs of potentially affected federally listed 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. In addition, training in identification of non-native invasive plants and animals will be provided for contracted personnel engaged in follow-up monitoring of construction sites.”

Section 5.4 (pages 5-3 and 5-4) of the draft EA lists BMP 2 as, “Similar to BMP 1, all contractors, work crews, and CBP personnel in the field performing construction and maintenance activities will receive environmental awareness training on the potential occurrence of sensitive reptile species, including Texas horned lizard, mountain short-horned lizard (*Phrynosoma hernandesi*), Chihuahuan desert lyre snake (*Trimorphodon vilkinsonii*), western box turtle, and others. If sensitive reptiles are found on-site, a qualified biologist will relocate them off-site to a nearby area containing similar habitat. If possible, sensitive reptiles will be relocated no more than 200 yards from the site of capture.”

**Recommendation:** TPWD recommends revising BMP 2 listed above to include all SGCN and state-listed species that have the potential to occur in the project area and have the potential to be impacted by the construction of the proposed facility, not just sensitive reptile species. TPWD also recommends revising BMP 2 to be as robust as BMP 1 regarding federally-listed species, by incorporating all of the same commitments from BMP 1, excluding penalties for violating the ESA. As previously mentioned, state-listed species may only be handled by persons with authorization obtained through TPWD, and not just a qualified biologist. TPWD recommends revising the BMP 2 accordingly to reflect that. SGCN that are not state-listed can be handled (relocated) by a qualified biologist, if necessary.

### **Texas Natural Diversity Database**

Section 3.7.1 (page 3-18) of the draft EA states, “Any observations of these species [SGCN] made during the construction period will be submitted to the Texas Natural Diversity Database (TXNDD) following the observation submission instructions provided on the TXNDD website and additional BMPs will be implemented to prevent or minimize impacts to these species.”

The TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. They represent species that could potentially be in your project area. This information cannot be substituted for field surveys.

**Recommendation:** The TXNDD is updated continuously based on new, updated and undigitized records; therefore, TPWD recommends requesting the most recent TXNDD data on a regular basis. For questions regarding a record

Mr. Joseph Zidron  
Page 17 of 17  
June 16, 2020

or to request the most recent data, please contact  
TexasNatural.DiversityDatabase@tpwd.texas.gov.

**Recommendation:** TPWD appreciates the commitment to submit any observations of SGCN to the TXNDD. TPWD also encourages project proponents and their contractors to report all encounters of state-listed and federally-listed species, in addition to SGCN, to the TXNDD as these observations aid in the scientific knowledge of a species' status and current range.

TPWD appreciates the opportunity to provide comments and recommendations for this project. If you should have questions, please do not hesitate to contact Ms. Jessica Schmerler by email at Jessica.Schmerler@tpwd.texas.gov or by phone at (512) 389-8054. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Clayton Wolf', with a long horizontal flourish extending to the right.

Clayton Wolf  
Wildlife Division Director

CW:JS:jn

cc: Mr. John Silovsky  
Ms. Laura Zebahazy  
Ms. Jessica Schmerler

#### References

Beier, P. 2006. Effects of Artificial Night Lighting on Terrestrial Mammals. In: Rich, C and T. Longcore (eds), Ecological Consequences of Artificial Night Lighting. Island Press, Washington, 19-60.

Pawson, S.M. and M. K.-F. Bader. 2014. LED lighting increases the ecological impact of light pollution irrespective of color temperature. Ecological Applications 24:1561-1568.

---

**From:** Staudt, Kathleen <kstaudt@utep.edu>  
**Sent:** Thursday, May 28, 2020 8:40 AM  
**To:** BPAM NEPA <bpamnepa@cbp.dhs.gov>  
**Subject:** El Paso CPC Project

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Greetings,

I write this letter to communicate my concern about the NEGATIVE environmental impact of a large detention processing center on an undeveloped parcel of land in northeast El Paso, for a variety of reasons.

\*The city and many of its residents are committed to smart growth, not sprawl. The detention center would add to sprawling development in an outlying area of the city, with pressure on land, water, and a fragile desert environment.

\*Many city residents have been horrified at the inhumane conditions inside migrant detention facilities from Clint and Tornillo, to downtown, and to the private for-profit detention facilities whose contractors are supposedly monitored by the Department of Homeland Security, but rarely pushed to improve internal conditions. El Pasoans do not want their city tainted by yet more facilities of this type.

\*News about unsafe conditions in detention centers, even deaths, from the Covid-19 health pandemic lead me and others to question whether CBP staff and/or human beings from other countries, some of whom are seeking asylum from dangerous conditions, will be protected from the spread of infections.

\*Because refugees are not being allowed to present their asylum petitions, as they are refused entry at the border, there ought to be no need for a large holding facility. Thus the project appears to be fiscally irresponsible during a time of high budgetary deficits.

Thank you for taking comments,  
Kathleen Staudt, PhD  
Professor Emerita of Political Science

<https://www.cbp.gov/document/environmental-assessments/draft-environmental-assessment-and-draft-finding-no-significant-2>

**Comment Response Matrix**

**Draft Environmental Assessment**  
**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.**

**July 2020**

#	Page	Line	Section	Comment	Reviewer	Response
1			ESA, Section 7 Consultation, Threatened and Endangered Species	<p>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.</p> <p>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.</p> <p>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.</p>	Charles Ardizzone, U.S. Fish and Wildlife Service	CBP thanks the USFWS for its review and response and has incorporated recommendations for migratory bird surveys and buffers into the planning efforts for this project. <b>See Section 5.4, BMP 3.</b>

#	Page	Line	Section	Comment	Reviewer	Response
2			NHPA, Section 106 Consultation, Cultural Resources	<p>The review staff led by Drew Sitters and Caitlin Brashear has completed its review and has made the following determinations based on the information submitted for review:</p> <p>Above-Ground Resources</p> <ul style="list-style-type: none"> <li>• No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.</li> </ul> <p>Archeology Comments</p> <ul style="list-style-type: none"> <li>• No historic properties present or affected. However, if buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.</li> <li>• THC/SHPO concurs with information provided.</li> <li>• Draft report acceptable. Please submit another copy as a final report along with shapefiles showing the area where the archeological work was conducted.</li> </ul>	Mark Wolfe, State Historic Preservation Officer, Executive Director, Texas Historical Commission	CBP thanks the THC for its review and response. If any historic properties or cultural materials are encountered during project construction or disturbance activities, CBP will cease work in the immediate area and contact the appropriate Division of THC to consult on further action.
3			Cultural Resources	While we do not have any comments on the proposed undertaking and believe that this project will not adversely affect traditional, religious, or culturally significant sites of our Pueblo and have no opposition to it; we would like to request consultation should any human remains or artifacts unearthed during this project be determined to fall under the Native American Graves and Repatriation Act (NAGPRA). Copies of our Pueblo's Cultural Affiliation Position Paper and Consultation Policy are available upon request.	Javier Loera, Tribal Council/Historic Preservation Office of the Ysleta del Sur Pueblo	CBP thanks Ysleta del Sur Pueblo for the response and will consult with your office if artifacts or remains subject to NAGPRA guidelines are unearthed during the course of the project.

#	Page	Line	Section	Comment	Reviewer	Response
4			3.11	In reviewing your proposal, TxDOT and CBP will need to coordinate permitting for driveway access to US-54, facility grading and drainage review and traffic control plan review.	Omar Madrid, District Maintenance, Texas Department of Transportation, El Paso	Prior to initiating construction activities, CBP will coordinate with TxDOT on permitting ingress/egress connection to U.S. Highway 54, facility grading and drainage review, and traffic control plan review.
5			5.7	Recommendation: TPWD concurs with the general construction BMPs listed in the draft EA and recommends that they be implemented for the proposed project. In addition to using sediment control fence to exclude wildlife from the construction area, construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities. Regarding the installation of wildlife escape ramps, first TPWD recommends that any open pits or excavation areas be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. If it is not feasible to cover open pits or excavation areas nightly, then TPWD recommends installing escape ramps at an angel of less than 45 degrees (1:1) in areas left uncovered. Also, inspect excavation areas for trapped wildlife prior to refilling.	Clayton Wolf, Texas Parks and Wildlife Department	BMPs describing the implementation of TPWD wildlife exclusion and protection recommendations are included in the final EA. <b>See Section 5.3, BMPs 13 and 14; Section 5.4, BMP 4; and Section 5.7, BMP 5.</b>

#	Page	Line	Section	Comment	Reviewer	Response
6			5.1	<p>Any measures to minimize lighting impacts on wildlife will be beneficial since artificial night lighting increases the risk of small nocturnal mammals being captured by predators, decreases their food consumption, and disrupts their circadian rhythms. And, depending on the brightness of light and depth of a corridor, artificial light can also disrupt mammalian dispersal movements and the use of corridors (Beier 2006). Recent research also indicates that large-scale use of white light-emitting diode (LED) lights may exacerbate ecological impacts of artificial night lighting (Pawson and Bader 2014).</p> <p>Recommendation: Wildlife impacts from light pollution is of concern to TPWD. TPWD appreciates the commitment to minimize lighting impacts from the construction and operation of the project. TPWD recommends continuing to investigate research related to the effects of LED lighting and artificial night lighting on wildlife and incorporate improved technology and BMPs into the design and application of lighting for the proposed facility.</p>	Clayton Wolf, Texas Parks and Wildlife Department	Additional text addressing TPWD concerns associated with the effects of artificial lighting on wildlife has been added to the final EA. Measures to minimize lighting impacts on wildlife are incorporated into the planning efforts for this project <b>See Section 3.6.1 and Section 5.1, BMP 3.</b>
7			5.3	<p>TPWD recommends reducing the amount of vegetation proposed for clearing if possible and minimizing clearing of native vegetation, particularly mature native trees, riparian vegetation, and shrubs to the greatest extent practicable. TPWD recommends in-kind on-site replacement/restoration of native vegetation wherever practicable. Colonization by invasive species, particularly invasive grasses and weeds, should be actively prevented. Vegetation management should include removing invasive species early on while allowing the existing native plants to revegetate the disturbed areas. TPWD recommends referring to the Lady Bird Johnson Wildflower Center Native Plant Database for regionally adapted native species that would be appropriate for landscaping and revegetation.</p>	Clayton Wolf, Texas Parks and Wildlife Department	CBP will minimize vegetation clearing to the greatest extent practicable and will monitor/manage colonization by invasive species throughout the life of the project. Revegetation efforts will include in-kind on-site replacement/restoration and utilize appropriate native species. Seed mixes will be certified weed free. <b>See Section 5.3, BMPs 1, 4, and 5.</b>

#	Page	Line	Section	Comment	Reviewer	Response
8			5.3	<p>TPWD advises against planting the non-native milkweed species black swallow-wort (<i>Cynanchum louiseae</i>) and pale swallow-wort (<i>C. rossicum</i>). Monarch butterflies will lay eggs on these plant species, but the larvae are unable to feed and complete their life cycle. Additionally, these plant species can be highly invasive. Additionally, TPWD advises against planting the non-native tropical milkweed (<i>Asclepias curassavica</i>), a popular commercial nursery milkweed that can persist year-round in southern states. The year-round persistence of tropical milkweed fosters greater transmission of the protozoan <i>Ophryocystis elektroscirrha</i> (OE), increasing the likelihood that monarchs become infected with the debilitating parasite.</p>	Clayton Wolf, Texas Parks and Wildlife Department	CBP will use only native milkweed species for revegetation of disturbed areas as specified in the final EA. <b>See Section 5.3, BMP 7.</b>
9			5.1	<p>TPWD notes that in December 2015, the Federal Aviation Administration (FAA) released a revised policy on obstruction marking, <i>Obstruction Marking and Lighting Advisory Circular AC 70/7460-1L</i>, which requires new towers greater than 150 feet above ground level to be built with flashing lighting only and allow aircraft detection lighting systems (ADLS) on all towers. In addition to the USFWS guidelines mentioned in the draft EA, please also refer to the USFWS <i>Communication Tower Lighting Fact Sheet</i>, and the Federal Communications Commission (FCC) 2017 publication <i>on Opportunities to Reduce Bird Collisions with Communications Towers While Reducing Tower Lighting Costs</i>, which outlines the FCC and FAA guidance for ensuring tower light is bird-safe while also reducing construction and maintenance costs to tow owners.</p> <p>Recommendation: TWPD recommends reviewing and incorporating recommendations from the above-mentioned FAA, FCC, and USFWS guidance documents. TPWD recommends following the FAA policy on obstruction marking and use the minimum lighting requirements allowable by the FAA. To aid in reducing the impact of nighttime lighting on nearby communities and migratory birds, TPWD recommends the use of an ADLS, which is a sensor-based lighting system that automatically activates obstruction lights upon the radar detection of aircrafts approaching the obstruction.</p>	Clayton Wolf, Texas Parks and Wildlife Department	CBP will adhere to FAA guidelines on obstruction marking and lighting (AC 70/7460-1L), as summarized in the USFWS fact sheet on communication tower lighting and the FCC publication on reducing bird collisions with communications towers. CBP has incorporated TPWD recommendations for the use of an ADLS into the planning efforts for this project. <b>See Section 3.6.1.</b>

#	Page	Line	Section	Comment	Reviewer	Response
10			5.4	TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March 15 through September 15, to avoid adverse impacts to breeding birds. TPWD concurs with the commitment to perform surveys to identify active nests if construction or clearing activities are scheduled during the nesting season. TPWD recommends performing active bird nest surveys no more than five days prior to planned clearing or construction. If active nests are observed during surveys, TPWD also concurs with the commitment to leave a 150-foot buffer of vegetation around the nest site until the young have fledged.	Clayton Wolf, Texas Parks and Wildlife Department	CBP has incorporated TPWD recommendations pertaining to MBTA surveys into the planning efforts for this project. <b>See Section 5.4, BMP 3.</b>
11			5.4	TPW Code Section 64.002, regarding protection of nongame birds, provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. TPW Code Section 64.003, regarding destroying nests or eggs, provides that no person may destroy or take the nests, eggs, or young of any wild game bird, wild bird, or wild fowl.  Recommendation: Please review the <i>Migratory Bird Treaty Act</i> section above for recommendations as they are also applicable for Chapter 64 of the TPW Code compliance.	Clayton Wolf, Texas Parks and Wildlife Department	CBP has incorporated TPWD recommendations pertaining to applicable state laws into the planning efforts for this project. <b>See Section 5.4, BMP 1.</b>
12			5.4	Mountain short-horned lizard ( <i>Phrynosoma hernandesi</i> )  The mountain short-horned lizard is usually found in open, shrubby, or openly wooded areas with sparse vegetation at ground level; soil may vary from rocky to sandy. The mountain short-horned lizard burrows into soil or occupies rodent burrows when inactive. This species eats ant, spiders, snails, sowbugs, and other invertebrates and is inactive during cold weather.  Potential suitable habitat may be present within the project the project area for the state-listed threatened mountain short-horned lizard. There are multiple research-grade iNaturalist observations for the mountain short-horned lizard located within El Paso County, with the closest observation located approximately 4.8 miles from the proposed facility.	Clayton Wolf, Texas Parks and Wildlife Department	CPB has included the mountain short-horned lizard as a state listed species that could potentially occur within the project area. Additional text describing the general ecology, potential impacts, and BMPs to avoid or minimize impacts to this species has been added to the final EA. <b>See Section 3.7.1 and Section 5.4, BMPs 4 and 5.</b>

#	Page	Line	Section	Comment	Reviewer	Response
13			5.4	<p>TPWD recommends having a qualified biologist survey the proposed project site for both the Texas horned and mountain short-horned lizards that may be in the area that is proposed for disturbance. As previously mentioned, a useful indication that these lizard species may occupy the site is the presence of harvester ant mounds. The survey should be performed during the warm months of the year when the horned lizards are active.</p>	<p>Clayton Wolf, Texas Parks and Wildlife Department</p>	<p>TPWD recommendations for providing contractors and construction crews with horned lizard specific wildlife training and with training on horned lizard encounters are outlined in the final EA and have been incorporated into the planning efforts for this project. If a horned lizard siting occurs, a qualified biologist that is authorized to handle state listed species will be notified and consulted on the appropriate action. <b>See Section 5.4, BMPs 1, 2, and 4.</b></p>
14			5.4	<p>TPWD recommends providing training for project contractors prior to the construction of the proposed project. Wildlife training should consist of identification of both horned lizards and their primary food source (harvester ants), and the proper protocol to avoid impact if a lizard is encountered. TPWD recommends instructing contractors to avoid impacts to harvester ant mounds, where feasible. TPWD understands that ant mounds in the direct path of construction would be difficult to avoid, but contractors should be mindful of these areas when deciding where to place project specific locations and other disturbances associated with construction.</p>	<p>Clayton Wolf, Texas Parks and Wildlife Department</p>	<p>TPWD recommendations for providing contractors and construction crews with horned lizard specific wildlife training are outlined in the final EA and CBP has incorporated recommendations for avoiding impacts to horned lizards and harvester ants into the planning efforts for this project. <b>See Section 5.3, BMP 11; and Section 5.4, BMPs 1, 2, 4, and 5.</b></p>

#	Page	Line	Section	Comment	Reviewer	Response
15			5.4	<p>TPWD recommends that a permitted biologist be on-site during construction activities, especially during site clearing and trenching, to look for protected species, advise the construction crews on appropriate action if horned lizards are observed, and relocate any protected individuals that are in imminent harm. Biologists must be authorized to handle horned lizards and other state-listed species. If a biologist monitor cannot be on-site during construction, site personnel should be trained for encounters with protected species and a qualified biologist should be notified of the siting and consulted on appropriate action.</p>	Clayton Wolf, Texas Parks and Wildlife Department	<p>CBP has incorporated TPWD recommendation to provide site personnel with training on encounters with protected species into the planning efforts for this project. If a siting occurs, a qualified biologist will be notified and consulted on the appropriate action. <b>See Section 5.4, BMP 2.</b></p>
16			5.4	<p>If either horned lizard species is encountered, they should be avoided and allowed to leave the project area on their own. If a horned lizard must be relocated, TPWD recommends relocating them off-site to an area that is close-by and contains similar habitat. TPWD recommends that any translocations of reptiles be the minimum distance possible, no greater than one mile, and preferably within 100 to 200 yards from the initial encounter location.</p> <p>After horned lizard translocation, the area that will be disturbed during active construction and project specific locations should be fenced off to exclude horned lizards and other reptiles. The exclusion fence should be constructed and maintained as follow:</p> <ul style="list-style-type: none"> <li>• The exclusion fence should be constructed with metal flashing or drift fence material. Rolled erosion control mesh material should not be used.</li> <li>• The exclusion fence should be buried at least 6 inches deep and be at least 24 inches high.</li> <li>• The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated with site-specific native species.</li> </ul>	Clayton Wolf, Texas Parks and Wildlife Department	<p>CBP has incorporated TPWD recommendations pertaining to horned lizard encounters, relocation, and exclusion from the project area into the planning efforts for this project. <b>See Section 5.4, BMP 4.</b></p>

#	Page	Line	Section	Comment	Reviewer	Response
17			5.3	TPWD recommends reducing speed limits in the project area to at least 15 mph to help prevent vehicle-induced mortality of these species.	Clayton Wolf, Texas Parks and Wildlife Department	CBP has incorporated TPWD recommendations pertaining to vehicle speed limits into the planning efforts for this project. <b>See Section 5.3, BMP 10.</b>
18			5.4	If construction activities take place during cold weather, it is recommended that construction personnel stay observant of activities that may harm horned lizards, such as disruption of burrows. In cold weather, this species will use burrows or pallets near the base of vegetation for shelter. Their slow metabolism in cold weather can reduce movements, restricting their ability to flee from danger.	Clayton Wolf, Texas Parks and Wildlife Department	CBP has incorporated TPWD recommendations for avoiding horned lizard burrows into the planning efforts for this project. <b>See Section 5.4, BMP 5.</b>
19			5.4	To avoid direct harm to state-listed species and other wildlife that may occur in the project area, TPWD recommends that any open trenches or excavation areas be covered overnight and/or inspected every morning to ensure no horned lizards or other wildlife have been trapped. For open trenches and excavated pits, install escape ramps at an angle of less than 45 degrees (1:1) in areas left uncovered. Also, inspect excavation areas for trapped wildlife prior to refilling. As previously mentioned, if state-listed species are trapped in trenches, they should be removed by personnel permitted by TPWD to handle state-listed species.	Clayton Wolf, Texas Parks and Wildlife Department	TPWD recommendations for trench/excavation inspections, coverings, wildlife escape ramps, and wildlife handling procedures are outlined in the final EA and CBP and CBP has incorporated these recommendations into the planning efforts for this project. <b>See Section 5.3, BMPs 13 and 14; Section 5.4, BMP 4; and Section 5.7, BMP 5.</b>
20			5.4	TPWD recommends implementing a “No Kill Wildlife Policy” during the construction and operation of the site. This policy prevents inadvertently killing protected species that may be mistaken for common species.	Clayton Wolf, Texas Parks and Wildlife Department	CBP has incorporated the TPWD recommendation of implementing a “No Kill Wildlife Policy” into the planning efforts of this project. <b>See Section 5.4, BMP 9.</b>

#	Page	Line	Section	Comment	Reviewer	Response
21			5.4	<p>Desert night-blooming cereus (<i>Peniocereus greggii</i> var. <i>greggii</i>) Sand prickly-pear (<i>Opuntia arenaria</i>)</p> <p>Recommendation: TPWD recommends surveying for desert night-blooming cereus and sand prickly-pear where suitable habitat may be present and particularly in areas where ground distance may occur. The survey should be performed by a qualified biologist at the time of year when these species are most likely to be found, usually during their respective flowering periods that occur for sand prickly-pear from May through June and for desert night blooming cereus from early May to late June but may occur as early as April.</p> <p>If these species are present, plans should be made to avoid adverse impacts to the greatest extent possible. If plant SGCN are found in the path of construction, including the placement of staging areas and other project related sites, this office should be contacted for further coordination and possible salvage of plants and/or seeds for seed banking. Plant SGCN not in the direct path of construction should be protected by markers or fencing and by instructing constructions crews to avoid any harm.</p> <p>There is one TXNDD record for desert night-blooming cereus located with the proposed project site.</p>	Clayton Wolf, Texas Parks and Wildlife Department	TPWD recommendations for plant SGCN are outlined in the final EA and CBP has incorporated recommendations for avoiding impacts to sensitive plant species into the planning efforts for this project. <b>See Section 5.4, BMP 7.</b>
22			5.4	<p>Western borrowing owl (<i>Athene cunicularia hypugaea</i>)</p> <p>Recommendation: TPWD concurs with the commitment to leave animal burrows in the project area intact and undisturbed to the extent practicable. As previously mentioned, TPWD recommends conducting project activities outside the breeding season (March 15 to September 15). Nesting areas and burrows should be protected from intensive disturbance during incubation. Excavation of an active nest burrow may destroy eggs, young owls, or even adults and is violation of the MBTA. If nesting owls are found inhabiting the project area, disturbance should be avoided until the eggs have hatched and the young have fledged.</p>	Clayton Wolf, Texas Parks and Wildlife Department	Recommendations provided by TPWD for burrowing owl nesting areas and by USFWS for species covered under the MBTA are outlined in the final EA. CBP has incorporated recommendations for avoiding impacts to burrowing owl into the planning efforts for this project. <b>See Section 5.4, BMPs 1, 3, and 5.</b>

#	Page	Line	Section	Comment	Reviewer	Response
23			5.4	<p>Black-tailed prairie dog (<i>Cynomys ludovicianus</i>)</p> <p>Recommendation: TPWD concurs with the commitment to leave animal burrows in the project area intact and undisturbed to the extent practicable. If prairie dog burrows will be disturbed as a result of the proposed project, TPWD recommends non-harmful exclusion methods be used to encourage the animals to vacate the area prior to disturbance and discourage them from returning to the area during construction. If prairie dogs are encountered on the project site, TPWD recommends contacting a prairie dog relocation specialist. If impacting a portion of a larger colony, time relocation efforts and/or humane removal immediately before construction to discourage recolonization of the project area. Prairie dogs can be encouraged to move away from your project area by mowing overgrown adjacent areas. Conversely, prairie dogs can be discouraged from utilizing areas by not mowing and allowing grass or other tall vegetation to grow or by scraping all vegetation off the project site and leaving soil exposed.</p>	Clayton Wolf, Texas Parks and Wildlife Department	TPWD recommendations for black-tailed prairie dog are outlined in the final EA and CBP has incorporated recommendations for avoiding impacts to black-tailed prairie dog into the planning efforts for this project. <b>See Section 5.4, BMP 6.</b>
24			5.4	<p>Western box turtle (<i>Terrapene ornate</i>)</p> <p>TPWD recommends referring to the recommendations listed above for the Texas horned lizard as those recommendations are applicable to the western box turtle as well.</p>	Clayton Wolf, Texas Parks and Wildlife Department	The recommendations for western box turtle are outlined in the final EA and CBP has incorporated recommendations for avoiding impacts to western box turtle into the planning efforts for this project. <b>See Section 5.4, BMPs 4 and 5.</b>

#	Page	Line	Section	Comment	Reviewer	Response
25			5.4	<p>Western rattlesnake (<i>Crotalus viridis</i>)  Massasauga (<i>Sistrurus tergeminus</i>)  Chihuahuan Desert lyre snake (<i>Trimorphodon wilkinsonii</i>)</p> <p>Comment: TPWD notes that the Chihuahuan Desert lyre snake is no longer considered to be a state-listed threatened species. A complete list of species that were removed from and added to the state threatened and endangered species lists are available in the March 27, 2020 issue of the <i>Texas Register</i> (45 TexReg 2188).</p> <p>Recommendation: TPWD recommends avoiding disturbance of any of the above-listed snake SGCN if found during clearing and construction. Because snakes are generally perceived as a threat and killed when encountered, and since the project area contains suitable habitat for the massasauga, western rattlesnake, and the Chihuahuan Desert lyre snake, TPWD recommends construction personnel and contractors be advised to avoid injury or harm to all snakes encountered during clearing and construction. Injury to humans usually occurs when the snake becomes agitated following harassment or when someone attempts to handle a recently dead venomous snake that still contains its bite reflex. Therefore, contractors should avoid contact with snakes if encountered and allow all native snakes to safely leave the premises.</p>	Clayton Wolf, Texas Parks and Wildlife Department	<p>CBP has reviewed the updated TPWD county list for state listed species and SGCN and incorporated changes to the listing status of the Chihuahuan Desert lyre snake. TPWD recommendations for the snake SGCN are outlined in the final EA and CBP has incorporated recommendations for avoiding impacts to snake SGCN into the planning efforts for this project. <b>See Section 3.7; Section 5.3, BMP 12; and Section 5.4, BMPs 4 and 9.</b></p>
26			5.4	<p>Western spotted skunk (<i>Spilogale gracilis</i>)  Western hog-nosed skunk (<i>Conepatus leuconotus</i>)  Kit fox (<i>Vulpes macrotis</i>)  Long-tailed weasel (<i>Mustela frenata</i>)</p> <p>Recommendation: TPWD concurs with the commitment to leave animal burrows in the project area intact and undisturbed to the extent practicable. If any of the mammal SGCN listed above are encountered during construction, TPWD recommends that precautions be taken to avoid direct or indirect impacts to these species or their dens.</p>	Clayton Wolf, Texas Parks and Wildlife Department	<p>TPWD recommendations for mammal SGCN are outlined in the final EA and CBP has incorporated TPWD recommendations for avoiding impacts to mammal SGCN into the planning efforts for this project. <b>See Section 3.7.1 and Section 5.4, BMPs 1, 2, and 5.</b></p>

#	Page	Line	Section	Comment	Reviewer	Response
27			6.0	<p>TPWD notes that it is the responsibility of the project proponent to evaluate all of the species listed on the TPWD Rare, Threatened, and Endangered Species by County list online application (RTEST or TPWD county list), not just state and federally-listed species. It is also the responsibility of the project proponent to determine if those species have habitat within the project area and if they have the potential to be impacted by the construction of the proposed project.</p> <p>Section 6.0 (page 6-1) of the draft EA states that the TPWD county list was accessed on February 7, 2020. TPWD notes that the El Paso county list was updated on May 20, 2020.</p> <p>Recommendation: Please review the most recent TPWD county list for El Paso County because species in addition to those discussed in this letter could be present within the project area depending on habitat availability. TPWD recommends including discussion and evaluation of potential impacts to SGCN (in addition to state-listed and federally-listed species) for all projects coordinated with this office. The USFW should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species.</p>	Clayton Wolf, Texas Parks and Wildlife Department	CBP has reviewed the updated TPWD county list and included a discussion and evaluation of potential impacts to SGCNs in the final EA. <b>See Section 3.7.1 and Appendix B.</b>
28			5.4	<p>TPWD recommends revising BMP 2 listed above to include all SGCN and state-listed species that have potential to occur in the project area and have the potential to be impacted by the construction of the proposed facility, not just sensitive reptile species. TPWD also recommends revising BMP 2 to be as robust as BMP 1 regarding federally-listed species, by incorporating all of the same commitments from BMP 1, excluding penalties for violating the ESA. As previously mentioned, state-listed species may only be handled by person with authorization obtained through TPWD, and not just a qualified biologist. TPWD recommends revising the BMP accordingly to reflect that. SGCN that are not state-listed can be handled (relocated) by a qualified biologist, if necessary.</p>	Clayton Wolf, Texas Parks and Wildlife Department	TPWD recommendations to provide environmental awareness training for all potentially impacted state listed species and SGCN have been incorporated into the planning efforts for this project. <b>See Section 5.4, BMPs 1, 2, and 4.</b>

#	Page	Line	Section	Comment	Reviewer	Response
29			3.7.1	<p>Recommendation: The TXNDD is updated continuously based on new, updated and undigitized records; therefore, TPWD recommends requesting the most recent TXNDD data on a regular basis. For questions regarding a record or to request the most recent data, please contact <a href="mailto:TexasNatural.DiversityDatabase@tpwd.texas.gov">TexasNatural.DiversityDatabase@tpwd.texas.gov</a></p> <p>Recommendation: TPWD appreciates the commitment to submit any observations of SGCN to the TXNDD. TPWD also encourages project proponents and their contractors to report all encounters of state-listed and federally-listed species, in addition to SGCN, to the TXNDD as these observations aid in the scientific knowledge of a species' status and current range.</p>	Clayton Wolf, Texas Parks and Wildlife Department	<p>CBP will request the most recent TXNDD data on a regular basis throughout the life of the project. CBP and contractors will also report all observations of SGCN, state-listed, and federally-listed species made during the life of the project to the TXNDD according to the data submittal instructions found on the Texas National Diversity Database website. <b>See Section 3.7.1</b></p>

#	Page	Line	Section	Comment	Reviewer	Response
30			General	<p>Greetings, I write this letter to communicate my concern about the NEGATIVE environmental impact of a large detention processing center on an undeveloped parcel of land in northeast El Paso, for a variety of reasons.</p> <p>*The city and many of its residents are committed to smart growth, not sprawl. The detention center would add to sprawling development in an outlying area of the city, with pressure on land, water, and a fragile desert environment.</p> <p>*Many city residents have been horrified at the inhumane conditions inside migrant detention facilities from Clint and Tornillo, to downtown, and to the private for-profit detention facilities whose contractors are supposedly monitored by the Department of Homeland Security, but rarely pushed to improve internal conditions. El Pasoans do not want their city tainted by yet more facilities of this type.</p> <p>*News about unsafe conditions in detention centers, even deaths, from the Covid-19 health pandemic lead me and others to question whether CBP staff and/or human beings from other countries, some of whom are seeking asylum from dangerous conditions, will be protected from the spread of infections.</p> <p>*Because refugees are not being allowed to present their asylum petitions, as they are refused entry at the border, there ought to be no need for a large holding facility. Thus the project appears to be fiscally irresponsible during a time of high budgetary deficits.</p>	Kathleen Staudt, PhD, Professor Emerita of Political Science	CBP thanks you for your comment.

**APPENDIX B**  
**TEXAS STATE LISTED SPECIES AND SPECIES OF**  
**GREATEST CONSERVATION NEED FOR EL PASO COUNTY**

---

Last Update: 5/21/2020

## EL PASO COUNTY

### AMPHIBIANS

**Woodhouse's toad** *Anaxyrus woodhousii*

Terrestrial and aquatic: A wide variety of terrestrial habitats are used by this species, including forests, grasslands, and barrier island sand dunes. Aquatic habitats are equally varied.

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*

This species is only a spring and fall migrant throughout Texas. It does not breed in or near Texas. Winter records are unusual consisting of one or a few individuals at a given site (especially along the Gulf coastline). During migration, these gulls fly during daylight hours but often come down to wetlands, lake shore, or islands to roost for the night.

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

#### DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

## 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

**Chihuahuan 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: T	SGCN: Y
Endemic: N	Global Rank: G3G4	State Rank: S1S2

#### DISCLAIMER

*The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.*

## 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

**grande stripetail**                      *Isoperla jewetti*  
Originally described from El Paso Co., Texas from specimens collected in 1939.  
Federal Status:                      State Status:                      SGCN: Y  
Endemic:                      Global Rank: G1                      State Rank: S1

**Samalayuca Dune grasshopper**                      *Cibolacris samalayucaae*  
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*  
Generalist. Prefers areas with soft soils that sustain ground squirrels for food. When inactive, occupies underground burrow. Young are born in underground burrows.  
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

#### DISCLAIMER

*The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.*

## 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: N
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: N
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

**DISCLAIMER**

*The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.*

## 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*

Generalist; found in a wide range of habitats statewide. Found most frequently in 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*

In Texas, habitat ranges from desert scrub to pinyon-juniper woodland, consistently in areas with canyons or cliffs (Schmidly 1991). Roosts in caves, crevases, trees, and buildings in the Panhandle and Trans-Pecos.

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

#### DISCLAIMER

*The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.*

## EL PASO COUNTY

### MAMMALS

**western hog-nosed skunk**      *Conepatus leuconotus*

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*

Brushy canyons, rocky outcrops (rimrock) on hillsides and walls of canyons. In semi-arid brushlands in U.S., in wet tropical forests in Mexico. When inactive or bearing young, occupies den in rocks, burrow, hollow log, brush pile, or under building.

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?

#### DISCLAIMER

*The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.*

## EL PASO COUNTY

### MOLLUSKS

**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?

### REPTILES

**Big Bend slider**      *Trachemys gaigeae*

Aquatic: Rivers with permanent water; ponds, impoundments, and stock tanks along the Rio Grande; basks on shore, emergent rocks, logs, vegetation mats, or at water surface.

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

**Chihuahuan Desert lyre snake**      *Trimorphodon vilkinsonii*

Terrestrial: Rocky areas with plenty of crevices and fissures. Preferred habitats include rock piles, outcrops and talus slopes. Also occurs in desert flats, succulent and scrub, and mountain canyons to about 6000 feet.

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

**gray-checked whiptail**      *Aspidoscelis dixonii*

Terrestrial: The habitat comprises rocky plains, dry washes, canyon bottoms, and desert scrub (ocotillo, creosotebush, opuntia) (Bartlett and Bartlett 1999); generally on rocky soils of desert shrublands and degraded grasslands on alluvial benches, canyon bottoms, and lower southwestern mountain slopes (Scudday 1973, Degenhardt et al. 1996).

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

**massasauga**      *Sistrurus tergeminus*

Terrestrial: Shortgrass or mixed grass prairie, with gravel or sandy soils. Often found associated with draws, floodplains, and more mesic habitats within the arid landscape. Frequently occurs in shrub encroached grasslands.

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

**mountain short-horned lizard**      *Phrynosoma hernandesi*

Terrestrial: Generally restricted to high elevation grasslands and forested areas with open ground; soil may vary from rocky to sandy; burrows into soil or occupies rodent burrow when inactive.

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

#### DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

## EL PASO COUNTY

### REPTILES

**Texas horned lizard** *Phrynosoma cornutum*

Terrestrial: Open habitats with sparse vegetation, including grass, prairie, 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. Occurs to 6000 feet, but largely limited below the pinyon-juniper zone on mountains in the Big Bend area.

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

**western box turtle** *Terrapene ornata*

Terrestrial: Ornate or western box turtles 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.

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

**western hognose snake** *Heterodon nasicus*

Terrestrial: Shortgrass or mixed grass prairie, with gravel or sandy soils. Often found associated with draws, floodplains, and more mesic habitats within the arid landscape. Frequently occurs in shrub encroached grasslands.

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

**western rattlesnake** *Crotalus viridis*

Terrestrial: Dry desert and prairie grasslands, 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

#### DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

## 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: G3G4T3 State Rank: S2

**fleshy tidestromia**

*Tidestromia carnososa*

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

**DISCLAIMER**

*The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.*

## EL PASO COUNTY

### PLANTS

<b>Mt. Davis brickellbush</b>	<i>Brickellia parvula</i>		
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
<b>Payson's hiddenflower</b>	<i>Cryptantha paysonii</i>		
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
<b>Pima pineapple cactus</b>	<i>Coryphantha scheeri var. robustispina</i>		
Federal Status: LE	State Status:	SGCN:	N
Endemic: N	Global Rank: G4T2Q	State Rank:	SNA
<b>Plank's catchfly</b>	<i>Silene plankii</i>		
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
<b>resin-leaf brickellbush</b>	<i>Brickellia baccharidea</i>		
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
<b>sand prickly-pear</b>	<i>Opuntia arenaria</i>		
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
<b>Scheer's cory cactus</b>	<i>Coryphantha scheeri var. uncinata</i>		
Rocky hillsides (Carr 2015).			
Federal Status:	State Status:	SGCN:	Y
Endemic: N	Global Rank: G4TUQ	State Rank:	S2

#### DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

## EL PASO COUNTY

### PLANTS

<b>smooth bur-cucumber</b>	<i>Sicyos glaber</i>		
Mesic canyons in the Chisos and Guadalupe Mountains (Carr 2015).			
Federal Status:	State Status:	SGCN:	Y
Endemic: N	Global Rank: G3	State Rank:	S1
<b>Sneed's pincushion cactus</b>	<i>Escobaria sneedii</i> var. <i>sneedii</i>		
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
<b>Stebbin's desert dandelion</b>	<i>Malacothrix stebbinsii</i>		
Shrubland among boulders of dark ingeous rock; sandy yucca, ephedra, grass flats; steep-walled metamorphic rock canyon (TEX-LL specimens Carr 19661, Worthington 24704 & 24701). April.			
Federal Status:	State Status:	SGCN:	Y
Endemic: N	Global Rank: G3?	State Rank:	S1
<b>Texas false saltgrass</b>	<i>Allolepis texana</i>		
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
<b>Vasey's bitterweed</b>	<i>Hymenoxys vaseyi</i>		
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
<b>Waterfall's milkvetch</b>	<i>Astragalus waterfallii</i>		
Rocky limestone slopes; Perennial; Flowering Feb-May; Fruiting April- May			
Federal Status:	State Status:	SGCN:	Y
Endemic: N	Global Rank: G3?	State Rank:	S3
<b>Wheeler's spurge</b>	<i>Euphorbia geyeri</i> var. <i>wheeleriana</i>		
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

#### DISCLAIMER

The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.

## 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

#### DISCLAIMER

*The information on this web application is provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. The data provided are for planning, assessment, and informational purposes. Refer to the Frequently Asked Questions (FAQs) on the application website for further information.*