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KRISTIN K. MAYES
Attorney General
(Firm State Bar No. 14000)

Joshua D. Bendor (Bar No. 031908)
Nathan T. Arrowsmith (Bar No. 031165)
Joshua A. Katz (Bar No. 039449)
Office of the Arizona Attorney General
2005 N. Central Avenue
Phoenix, AZ 85004-1592
(602) 542-3333
Joshua.Bendor@azag.gov
Nathan.Arrowsmith@azag.gov
Joshua.Katz@azag.gov
ACL@azag.gov

Attorneys for Plaintiff State of Arizona

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

State of Arizona,

Plaintiff,

v.

Markwayne Mullin, Secretary of Homeland Security, sued in his official capacity; U.S. Department of Homeland Security; U.S. Immigration and Customs Enforcement; and Todd Lyons, Acting Director of U.S. Immigration and Customs Enforcement, sued in his official capacity,

Defendants.

No. _____

COMPLAINT

INTRODUCTION

1
2 1. The State of Arizona brings this action seeking declaratory and injunctive
3 relief to stop Defendants’ unlawful decision to establish a massive immigration detention
4 facility in an industrial warehouse in Surprise, Arizona.

5 2. On January 23, 2026, Defendants purchased a vacant industrial warehouse
6 (the “Surprise Warehouse”) in the City of Surprise, located in Maricopa County, Arizona,
7 for approximately \$70 million. Defendants intend to convert the Surprise Warehouse into
8 an immigration detention center capable of holding between 500 and 1,500 detainees.¹

9 3. In their rush to expand detention capacity across the country and implement
10 a deportation system that operates “like [Amazon] Prime, but with human beings,”²
11 Defendants have run roughshod over statutory requirements imposed by the Immigration
12 and Nationality Act (INA); National Environmental Policy Act (NEPA); and
13 Administrative Procedure Act (APA).

14 4. Defendants’ plan, if allowed to occur, will undoubtedly have significant
15 impacts on the surrounding environment. The Surprise Warehouse was constructed as an
16 industrial distribution facility for up to four commercial tenants, not a space to house
17 hundreds of human beings. Because Defendants have failed to conduct any
18

19 ¹ Initial reports indicated that the Defendants intended to house 1,500 detainees at
20 the Surprise Warehouse. Some recent reports indicate that Defendants intend to house up
21 to 542 detainees there. *See, e.g.,* Tim Henderson, *ICE scales back Surprise Az detention*
22 *warehouse plan from 1,500 beds to 542*, Tucson Sentinel (Apr. 18, 2026),
23 [https://www.tucson sentinel.com/local/report/041826_surprise_ice_warehouse/ice-](https://www.tucson sentinel.com/local/report/041826_surprise_ice_warehouse/ice-scales-back-surprise-az-detention-warehouse-plan-from-1500-beds-542)
24 [scales-back-surprise-az-detention-warehouse-plan-from-1500-beds-542](https://www.tucson sentinel.com/local/report/041826_surprise_ice_warehouse/ice-scales-back-surprise-az-detention-warehouse-plan-from-1500-beds-542) (last accessed
25 Apr. 21, 2026). But as identified herein, the harms to the State from Defendants’ actions
26 arise from the extensive construction efforts required to render the Surprise Warehouse
27 fit for human occupancy and the siting of the Surprise Warehouse in a patently
28 inappropriate location. Those harms will be significant even if the Surprise Warehouse
holds “only” hundreds of detainees.

² Jerod Macdonald-Evoy, *ICE Director Envisions Amazon-Like Mass Deportation*
System: ‘Prime, but with Human Beings’, Ariz. Mirror (Apr. 8, 2025),
[https://azmirror.com/2025/04/08/ice-director-envisions-amazon-like-mass-deportation-](https://azmirror.com/2025/04/08/ice-director-envisions-amazon-like-mass-deportation-system-prime-but-with-human-beings)
system-prime-but-with-human-beings (quoting Acting ICE Director Todd Lyons) (last
accessed Apr. 1, 2026).

1 environmental analysis, the State has no idea how Defendants plan to modify the Surprise
2 Warehouse for its new intended purpose. As constructed, though, the Surprise Warehouse
3 almost certainly does not have the appropriate water and wastewater infrastructure to
4 safely (and humanely) house hundreds of people. Not to mention the strain that hundreds
5 of new, involuntary residents will place on Surprise’s resources and infrastructure—
6 water, sewage, roads, emergency services, etc.

7 5. Retrofitting the Surprise Warehouse for Defendants’ intended purposes
8 would require extensive construction and renovation efforts, which will also have
9 environmental impacts. Underscoring the finality of their plan, Defendants have already
10 issued contracts (to the tune of over \$300 million) to supervise that work.

11 6. Given the obvious impacts of Defendants’ plan on the surrounding
12 environment, Defendants were required under NEPA to either (1) compile an
13 environmental impact statement; (2) conduct an environmental assessment (resulting in
14 either a formal, public finding of no significant environmental impact or compilation of
15 an environmental impact statement); or (3) identify a categorical exclusion. Defendants
16 did none of the above.

17 7. Under the INA, Defendants are required to arrange for “appropriate” places
18 for immigrant detention. The Surprise Warehouse is not (and will never be) suitable for
19 use as a mass detention facility, so Defendants’ selection of the Surprise Warehouse to
20 house human beings violates the INA.

21 8. The Surprise Warehouse is located in an area zoned for industrial use. In
22 keeping with that zoning designation, it sits directly across the street from a chemical
23 storage facility containing thousands of gallons of hazardous materials. Defendants
24 appear to have performed no analysis regarding the appropriateness of housing a captive
25 population a stone’s throw from a storage facility for hazardous chemicals. The Surprise
26 Warehouse is also located approximately one mile from a public high school and a public
27 middle school. The location of the Surprise Warehouse will increase traffic and
28 negatively impact the municipality and State’s ability to protect public health and provide

1 emergency services, particularly in the event of an accident involving the chemical
2 storage warehouse located across the street.

3 9. Whatever the value of Defendants' intended reforms to the federal
4 immigration system—a question the State does not address here—Defendants cannot
5 simply ignore the statutory mandates imposed by NEPA, the INA, and the APA in
6 pursuing their policy objectives. Because Defendants' actions violate NEPA and the
7 INA, they violate the APA—not only are Defendants' actions arbitrary and capricious,
8 but they are also contrary to law.

9 10. The Court should accordingly enjoin Defendants from operating the
10 Surprise Warehouse as a mass detention center and enjoin Defendants from conducting
11 construction and retrofitting efforts to accomplish the same.

12 JURISDICTION AND VENUE

13 11. The Court has jurisdiction pursuant to 28 U.S.C. § 1331.

14 12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e)(1) because
15 the State of Arizona and its Attorney General reside in this District and a substantial part
16 of the acts or omissions giving rise to this action occurred in this District.

17 PARTIES

18 13. Plaintiff State of Arizona is a sovereign state of the United States of
19 America. Arizona is represented through its chief law enforcement officer, Attorney
20 General Kris Mayes.

21 14. Defendant Markwayne Mullin is the Secretary of Homeland Security and
22 head of the U.S. Department of Homeland Security. He is sued in his official capacity.

23 15. Defendant U.S. Department of Homeland Security is a department of the
24 Executive Branch of the United States government. DHS is a federal agency within the
25 meaning of the APA, 5 U.S.C. § 551(1).

26 16. Defendant U.S. Immigration and Customs Enforcement is a federal agency
27 within the meaning of the APA, 5 U.S.C. § 551(1). ICE is under the supervision of DHS.

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1 17. Defendant Todd Lyons is the Acting Director of U.S. Immigration and
2 Customs Enforcement. He is sued in his official capacity.

3 **BACKGROUND**

4 **I. Legal Background**

5 **A. NEPA establishes procedures for undertaking major agency actions.**

6 18. Congress enacted the National Environmental Policy Act (NEPA) “to
7 promote efforts which will prevent or eliminate damage to the environment and
8 biosphere.” 42 U.S.C. § 4321. In recognizing “the profound impact of man’s activity on
9 the interrelations of all components of the natural environment,” and “the critical
10 importance of . . . maintaining environmental quality to the overall welfare and
11 development of man,” Congress declared “that it is the continuing policy of the Federal
12 Government, in cooperation with State and local governments, and other concerned
13 public and private organizations, to use all practicable means and measures” to
14 accomplish NEPA’s goals. *Id.* § 4331(a).

15 19. NEPA’s mission is twofold: first, “to generate federal attention to
16 environmental concerns,” and second, “to reveal that federal consideration for public
17 scrutiny.” *Churchill County v. Norton*, 276 F.3d 1060, 1072 (9th Cir. 2001) (quotation
18 omitted), *opinion amended on denial of reh’g*, 282 F.3d 1055 (9th Cir. 2002).

19 20. To accomplish those goals, NEPA requires that agencies follow one of three
20 pathways for compliance: preparation of an environmental impact statement (EIS),
21 preparation of an environmental assessment (EA) (resulting in either a finding of no
22 significant impact or preparation of an EIS), or invocation of an applicable categorical
23 exclusion.

24 **1. Preparation of an environmental impact statement.**

25 21. When an agency undertakes a “major Federal action[that will] significantly
26 affect[] the quality of the human environment,” NEPA requires the agency to prepare a
27 detailed environmental impact statement (EIS). 42 U.S.C. § 4332(C).
28

1 22. “The EIS is ‘a procedural obligation designed to assure that agencies give
2 proper consideration to the environmental consequences of their actions.’” *Northcoast*
3 *Env’t Ctr. v. Glickman*, 136 F.3d 660, 666 (9th Cir. 1998) (quoting *Merrell v. Thomas*,
4 807 F.2d 776, 777–78 (9th Cir. 1986)). “The point [of an EIS] . . . is not merely that an
5 agency produce a report but ‘that environmental concerns be integrated into the very
6 process of agency decision-making.’” *Seven Cnty. Infrastructure Coal. v. Eagle County*,
7 605 U.S. 168, 197–98 (2025) (Sotomayor, J., concurring) (quoting *Andrus v. Sierra Club*,
8 442 U.S. 347, 350 (1979)).

9 23. NEPA defines a “major Federal action” as “an action that the agency
10 carrying out such action determines is subject to substantial Federal control and
11 responsibility.” 42 U.S.C. § 4336e(10)(A).

12 24. An agency preparing an EIS must consider numerous factors, including
13 “any reasonably foreseeable environmental effects of the proposed agency action”; “any
14 reasonably foreseeable adverse environmental effects which cannot be avoided should
15 the proposal be implemented”; “a reasonable range of alternatives to the proposed agency
16 action”; and “the relationship between local short-term uses of man’s environment and
17 the maintenance and enhancement of long-term productivity.” *Id.* § 4332(C).

18 **2. Preparation of an environmental assessment.**

19 25. If it is not clear whether the “major Federal action” will cause “reasonably
20 foreseeable significant [environmental] effect[s],” then the agency “*shall* prepare” an
21 environmental assessment (EA). 42 U.S.C. § 4336(b)(2) (emphasis added). An EA is a
22 “concise public document” resulting in one of two outcomes: a finding of no significant
23 impact (FONSI) or preparation of an EIS. *Id.*

24 26. If the EA concludes that the major Federal action will not result in
25 reasonably foreseeable significant environmental effects, then the agency must issue a
26 FONSI setting out the basis for its conclusions. *Id.*

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1 27. Alternatively, if the EA concludes that the major Federal action *will* result
2 in reasonably foreseeable significant environmental effects, then the agency must
3 complete an EIS. *Id.*

4 **3. Invocation of an appropriate categorical exclusion.**

5 28. An agency is excused from preparing an EA or EIS only if it invokes an
6 appropriate categorical exclusion. Categorical exclusions apply only to actions that the
7 agency “has determined normally does not significantly affect the quality of the human
8 environment within the meaning of [42 U.S.C. §] 4332(2)(C).” 42 U.S.C. § 4336e(1).

9 29. DHS’s policies preclude application of a categorical exclusion where an
10 action “would have significant environmental impacts,” “presents the potential for
11 significant environmental impacts,” or where “that potential cannot be readily
12 determined.”³

13 ***

14 30. NEPA “requires the federal government to ‘take a hard look at the
15 environmental consequences’ *before* acting.” *Ctr. for Biological Diversity v. U.S. Bureau*
16 *of Land Mgmt.*, 141 F.4th 976, 993 (9th Cir. 2025) (emphasis added) (quoting *N. Alaska*
17 *Env’t Ctr. v. Kempthorne*, 457 F.3d 969, 975 (9th Cir. 2006)).

18 31. The DHS Instruction Manual states that “[o]pen communication, consistent
19 with other Federal requirements, is DHS policy.” DHS Instruction Manual at IV-6. Such
20 collaboration, DHS recognizes, “improve[s] the effectiveness of DHS missions and
21 activities,” and “build[s] trust between DHS and the communities it serves.” *Id.*

22 32. In addition, DHS has identified that “[c]ollaboration with other Federal,
23 Tribal, State, and local agencies, as well as non-governmental organizations and the
24 general public is an effective way to identify environmental issues that need to be
25 considered in DHS planning and decision-making,” and that “[p]ublic involvement starts
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27 ³ See Dep’t of Homeland Sec., Instruction Manual 023-01-001-01, Revision 01,
28 *Implementation of the National Environmental Policy Act (NEPA)* at V-5 (Nov. 6, 2014),
https://www.fema.gov/sites/default/files/2020-07/fema_dhs_instruction-manual_023-01-001-01.pdf (last accessed Apr. 14, 2026) (hereinafter DHS Instruction Manual).

1 early and continues throughout the NEPA process.” *Id.*

2 33. The DHS Instruction Manual further specifies that “collaboration and
3 public involvement in NEPA activities include the following three key elements: (1)
4 seeking information from outside parties to help identify relevant issues; (2) presenting
5 the results of an environmental impact evaluation for public review or comment,
6 including a description of how the identified relevant issues were considered in the
7 evaluation; and (3) providing a public notice of DHS’s final decision, including
8 consideration of relevant public comments.” *Id.* at IV-6–7.

9 **B. The INA authorizes the construction of new detention facilities only in**
10 **“appropriate” locations.**

11 34. The Immigration and Nationality Act (INA) requires that DHS “arrange for
12 appropriate places of [immigrant] detention.” 8 U.S.C. § 1231(g)(1).

13 35. The INA does not define “appropriate.” But the plain meaning of that word
14 is “especially suitable or compatible.” *Appropriate*, Merriam-Webster,
15 <https://www.merriam-webster.com/dictionary/appropriate> (last accessed Apr. 1, 2026).

16 36. Under ICE’s detention standards, facilities are appropriate when they
17 possess “appropriate temperatures, air and water quality, ventilation, lighting, noise
18 levels, and detainee living space, in accordance with any applicable state and local
19 jail/prison standards.”⁴ Facilities must also provide “reasonably private bathing and
20 toileting environment[s] in accordance with safety and security needs.”⁵

21 37. The INA also establishes that “[p]rior to initiating any project for the
22 construction of any new detention facility for the Service, the Commissioner shall
23 consider the availability for purchase or lease of any existing *prison, jail, detention center,*

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26 ⁴ See Dep’t of Homeland Sec., Immigr. & Customs Enf’t, National Detention
27 Standards at 7 (rev. 2025) (hereinafter ICE National Detention Standards),
28 <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf> (last accessed Apr.
13, 2026).

⁵ *Id.* at 128.

1 *or other comparable facility* suitable for such use.”⁶ 8 U.S.C. § 1231(g)(2) (emphasis
2 added).

3 **C. The Administrative Procedure Act forbids agency actions that are**
4 **arbitrary, capricious, or contrary to law.**

5 38. “The APA ‘sets forth the procedures by which federal agencies are
6 accountable to the public.’” *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591
7 U.S. 1, 16 (2020) (quoting *Franklin v. Massachusetts*, 505 U.S. 788, 796 (1992)). It
8 “requires agencies to engage in ‘reasoned decisionmaking,’” *id.* (quoting *Michigan v.*
9 *EPA*, 576 U.S. 743, 750 (2015)), and mandates that agency actions be set aside if they
10 are “arbitrary,” “capricious,” or “otherwise not in accordance with law,” 5 U.S.C.
11 § 706(2)(A).

12 39. Reasoned decision-making requires an agency to “articulate a satisfactory
13 explanation for its action including a ‘rational connection between the facts found and the
14 choice made.’” *Motor Vehicle Mfrs. Ass’n of U.S. v. State Farm Mut. Auto. Ins. Co.*, 463
15 U.S. 29, 43 (1983) (quoting *Burlington Truck Lines v. United States*, 371 U.S. 156, 168
16 (1962)). An agency fails to meet this standard if it “fail[s] to consider an important aspect
17 of the problem, offer[s] an explanation for its decision that runs counter to the evidence
18 before the agency, or is so implausible that it [can]not be ascribed to a difference in view
19 or the product of agency expertise.” *Id.*

20 40. Failure to engage in reasoned decision-making runs afoul of the APA’s
21 prohibition against agency actions that are “arbitrary, capricious, [or] an abuse of
22 discretion.” 5 U.S.C. § 706(2).

23 41. When an agency breaks with a prior policy or decision, “the requirement
24 that an agency provide reasoned explanation for its action . . . ordinarily demand[s] that
25 it display awareness that it *is* changing position. An agency may not, for example, depart
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27 ⁶ Although 8 U.S.C. § 1231(g)(2) refers to duties on the part of the
28 “Commissioner” of Immigration and Naturalization, those duties were transferred to DHS
in the Homeland Security Act of 2002. Homeland Security Act of 2002, Pub. L. No. 107-
296, § 402(3), 116 Stat. 2135, 2178 (2002).

1 from a prior policy *sub silentio* or simply disregard rules that are still on the books. And
2 of course the agency must show that there are good reasons for the new policy.” *FCC v.*
3 *Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (citations omitted).

4 42. Lastly, an agency’s actions are subject to review under the APA only when
5 they are “final.” 5 U.S.C. § 704. Finality occurs when the action reflects a
6 “consummation of the agency’s decisionmaking process” and is one “from which legal
7 consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (cleaned up).

8 **II. Factual Background**

9 **A. ICE adopts a new policy for expanding mass immigration detention** 10 **through ICE-owned human warehouses.**

11 43. ICE has historically avoided operating its own detention places for
12 numerous reasons, including the increased costs of operating such facilities—as
13 compared to working with contractor-run facilities or local jails—and the typically
14 extensive timelines required for their design and construction.⁷

15 44. In both Eloy and Florence, Arizona, for example, ICE has contracted with
16 private operators to utilize *purpose-built* facilities for immigration detention.⁸

17 45. On the rare occasions DHS has attempted to construct or modify a
18 detention facility, it has complied with NEPA. For example, in 2021, DHS completed
19 an EA before advancing plans to construct a detention processing center in El Paso,
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22 ⁷ See U.S. Gov’t Accountability Off., GAO-21-149, *Immigration Detention:*
23 *Actions Needed to Improve Planning, Documentation, and Oversight of Detention*
24 *Facility Contracts* at 13 (Jan. 2021), <https://www.gao.gov/assets/gao-21-149.pdf> (last
accessed Apr. 14, 2026).

25 ⁸ See Florence Immigr. & Refugee Rts. Proj., *Anthology of Abuse: A Legacy of*
26 *Failed Oversight and Death at the Eloy Detention Center*, Detention Watch Network
27 (Oct. 2024), <https://www.detentionwatchnetwork.org/reports/2024/anthology-abuse-elay>
28 (last accessed Apr. 22, 2026); Off. of Detention Oversight Compliance Insp., Dep’t of
Homeland Sec., U.S. Immigr. & Customs Enf’t, *Enforcement and Removal Operations,*
ERO Phoenix Field Office, Florence Correctional Center, Florence, AZ at 2 (June 2016),
[https://embed.documentcloud.org/documents/3116128-2016-ODO-Inspection-Florence-](https://embed.documentcloud.org/documents/3116128-2016-ODO-Inspection-Florence-Correctional-Center)
Correctional-Center (last accessed Apr. 22, 2026).

1 Texas. The final EA discussed several opportunities for public involvement including
2 letters and a draft EA sent to 23 stakeholders.⁹

3 46. But under the current federal administration, ICE has extensively revised
4 its strategies for operating detention facilities. Speaking at a “Border Security Expo” in
5 Phoenix, Arizona, in April 2025, Acting ICE Director Todd Lyons explained that ICE
6 would begin “treating [deportation] like a business,” altering its deportation practices to
7 function “like [Amazon] Prime, but with human beings.”¹⁰

8 47. In July 2025, Congress appropriated \$45 billion to ICE for “single adult
9 alien detention capacity and family residential center capacity,” to remain available for
10 obligation through September 2029. Pub. L. 119-21 § 90003, 139 Stat. 72, 358 (July 4,
11 2025).

12 48. DHS immediately began working to expand ICE’s detention capacity
13 across the United States to “meet the growing demand for bedspace and streamline the
14 detention and removal process,” an effort that DHS has named the “ICE Detention
15 Reengineering Initiative” (DRI).¹¹

16 49. A key component of the DRI is its focus on utilizing “non-traditional
17 facilities built specifically to support ICE’s needs.” Thus, among other efforts, ICE plans
18 to acquire and renovate “eight large-scale detention centers and 16 processing sites.” ICE
19 will also purchase 10 existing “turnkey” facilities, which are privately owned jails and
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23 ⁹ See Dep’t of Homeland Sec., Immigr. & Customs Enf’t, *Final Environmental*
24 *Assessment for El Paso, Texas Service Processing Center* at 6 (Sept. 15, 2021),
25 [https://www.dhs.gov/sites/default/files/publications/ice_el_paso_spc_final_ea_9-27-](https://www.dhs.gov/sites/default/files/publications/ice_el_paso_spc_final_ea_9-27-2021_508compliant.pdf)
26 [2021_508compliant.pdf](https://www.dhs.gov/sites/default/files/publications/ice_el_paso_spc_final_ea_9-27-2021_508compliant.pdf) (last accessed Apr. 14, 2026).

¹⁰ See Macdonald-Evoy, *supra* n.2.

27 ¹¹ Dep’t of Homeland Sec., Immigr. & Customs Enf’t, *ICE Detention*
28 *Reengineering Initiative* at 1 (Feb. 13, 2026),
https://www.governor.nh.gov/sites/g/files/ehbemt971/files/media/media_document/merrimack-nh-detention-reengineering-initiative-final.pdf (last accessed Apr. 14, 2026)
(hereinafter DRI White Paper).

1 prisons that currently contract with ICE to hold immigration detainees. ICE plans to
2 spend \$38.3 billion to “fully implement” the DRI by September 30, 2026.¹²

3 50. Upon information and belief, ICE has to date spent over \$700 million to
4 purchase nine warehouses that it intends to use as three large-scale detention facilities
5 with planned capacity for 7,500-10,000 people and six “processing sites” with intended
6 capacity for up to 1,500 people. One of those recently acquired processing sites is the
7 Surprise Warehouse.

8 **B. ICE purchases the Surprise Warehouse.**

9 51. On January 22, 2026, DHS sent a letter to the Arizona State Historic
10 Preservation Office purporting to “initiate consultation on a proposed [DHS and ICE]
11 undertaking subject to Section 106 of the National Historic Preservation Act (NHPA) in
12 Surprise, Arizona.” *See* Exhibit A (NHPA Notice).

13 52. The NHPA Notice indicated that ICE was “proposing to purchase, occupy
14 and rehabilitate a 24.46-acre warehouse property in support of ICE operations” and had
15 “determined that the undertaking will result in a finding of No Historic Properties
16 Affected.” *Id.* at 2.

17 53. The NHPA Notice asked the Arizona State Historic Preservation Office to
18 “provide any comments on the undertaking and ICE’s finding within 30 calendar days of
19 the date of receipt of this letter.” *Id.* at 3. The Arizona State Historic Preservation Office
20 received the NHPA Notice on January 26, 2026.

21 54. On January 23, 2026, one day after initiating NHPA consultation with
22 Arizona and before the Arizona State Historic Preservation Office had even received the
23 NHPA Notice, ICE purchased the Surprise Warehouse for \$70,035,000.00. *See* Exhibit
24 B. DHS did not consult with or notify the City of Surprise before moving forward with
25 the purchase.¹³

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27 ¹² *Id.*

28 ¹³ At the first Surprise City Council meeting following announcement of the Surprise Warehouse purchase, Surprise residents spoke for nearly five hours—pushing the 7 p.m. meeting until midnight—in virtually uniform opposition to Defendants’ plans.

1 55. The Surprise Warehouse is located on a 24-acre parcel at 13290 W.
2 Sweetwater Avenue in Surprise, Arizona. The building itself is a spec-built, 418,400
3 square foot industrial “distribution facility” that was marketed for lease to up to four
4 tenants.¹⁴ The Surprise Warehouse was not designed or constructed to house, feed, bathe,
5 protect, or provide adequate care for humans.

6 56. The Surprise Warehouse is located approximately one mile from both
7 Dysart High School (which enrolls approximately 1,400 students) and Dysart Middle
8 School (which enrolls approximately 600 students).

9 57. At 13255 W. Sweetwater Ave., Surprise, Arizona—directly across the
10 street from the Surprise Warehouse—Rinchem Co., LLC, operates a 123,000 square foot
11 hazardous materials storage warehouse (the Chemical Warehouse) which includes more
12 than 100,000 feet of containerized hazardous materials storage for chemicals used in
13 semiconductor production.¹⁵

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¹⁴ See *13290 W Sweetwater Ave Surprise, AZ 85379, Surprise Pointe Commerce Center, Property For Lease*, LoopNet (Aug. 2023), <https://www.loopnet.com/Listing/13290-W-Sweetwater-Ave-Surprise-AZ/29187738/> (last accessed Apr. 14, 2026).

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¹⁵ See Rinchem, *Rinchem Opens Massive Custom Chemical Warehouse in Surprise, Arizona to Support Semiconductor Giant*, PR Newswire (Feb. 27, 2024), https://www.prnewswire.com/news-releases/rinchem-opens-massive-custom-chemical-warehouse-in-surprise-arizona-to-support-semiconductor-giant-302071977.html?tc=eml_cleartime (last accessed Apr. 14, 2026).

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58. After the purchase but sometime prior to February 18, 2026, ICE issued an “Early Notice and Public Review of a Proposed Activity in a 100- to 500- Year Floodplain.” *See* Exhibit C (Floodplain Notice).

59. According to the Floodplain Notice, ICE plans to “acquire, renovate, and occupy” the Surprise Warehouse “for use as a temporary detainee dormitory for individuals awaiting immigration proceedings.”

60. The Floodplain Notice identifies many planned modifications that ICE “may” undertake at the Surprise Warehouse, including “interior renovations, upgrades to parking, utilities, and stormwater, installation of upgraded perimeter fencing, construction of outdoor recreation spaces on existing paved surfaces, and construction of a guard shack.” *Id.*

61. DHS claims that “[p]otable water and sanitary sewer service are already sized for industrial-scale operations” and that “[p]reliminary engineering review indicates that the existing sanitary sewer lateral is expected to have sufficient capacity to support the proposed operational use.” *Id.*

1 62. The Floodplain Notice asserts that DHS considered, in addition to taking
2 no action, purchasing four other potential locations within Arizona. *Id.* DHS ultimately
3 concluded that the Surprise Warehouse was the “Preferred Alternative” because the
4 Surprise Warehouse (1) is new construction “requiring only limited interior modifications
5 and minor exterior improvements”; (2) is “located in an established industrial area with
6 compatible surrounding land uses”; (3) “includes existing utility, stormwater and
7 transportation infrastructure”; and (4) is proximate to ICE’s “Area of Responsibility.” *Id.*

8 63. All of the other potential locations DHS considered as alternatives are—
9 like the Surprise Warehouse—industrial warehouses not designed or suitable for mass
10 detention.

11 64. While providing no specifics, DHS purports to have evaluated these
12 alternative locations in accordance with NEPA. *Id.*

13 65. The Floodplain Notice invited public comment, but DHS gave conflicting
14 information regarding the deadline for submitting public comment. In the Floodplain
15 Notice, DHS stated that the deadline for public comment was January 19, 2026 (four days
16 *before* DHS’s purchase of the Surprise Warehouse). *Id.* However, the section of DHS’s
17 website which pertains to “Documents for Public Comment” previously stated that the
18 deadline for comment was February 20, 2026:

19
20 **Other Documents for Public Review**

21 DHS invites public comment on the [Early Notice and Public Review of a Proposed Activity in a 100-to 500- year](#)
22 [Floodplain - Surprise, AZ](#). Comments must be submitted to icesustainability@ice.dhs.gov by Friday, February
23 20, 2026.

24 Please also check the [CBP](#), [FEMA](#), [USCG](#), and [FLETC](#) environmental websites for additional documents.

25 66. On February 20, 2026, before one of the stated deadlines for public
26 comment had expired, DHS removed the Floodplain Notice regarding the Surprise
27 Warehouse and replaced it with a similar Notice for a warehouse facility in Michigan:
28

Other Documents for Public Review

DHS invites public comment on the [Early Notice and Public Review of a Proposed Activity in a 100-to 500-year Floodplain - Romulus, MIZ](#). Comments must be submitted to icesustainability@ice.dhs.gov by Friday, February 27, 2026.

Please also check the [CBP](#), [FEMA](#), [USCG](#), and [FLETC](#) environmental websites for additional documents.

67. Aside from the NHPA Notice and a singular reference to NEPA in the Floodplain Notice, Plaintiff is not aware of any other notice or consultation that Defendants have provided to meet their legal obligations under NEPA and the APA with respect to the acquisition of the Surprise Warehouse. This includes through the invocation of an applicable categorical exclusion.

C. Defendants have failed to provide adequate responses to requests for information regarding the Surprise Warehouse.

68. Upon learning of Defendants' acquisition of the Surprise Warehouse, various members of Arizona's congressional delegation and Attorney General Mayes sent letters to Defendants asking for information regarding Defendants' plans for the Warehouse and the steps Defendants had taken to comply with the law.

69. On February 4, 2026, Representative Paul Gosar sent then-DHS Secretary Kristi Noem a letter asking for information regarding Defendants' plans for and prior communications regarding the Surprise Warehouse. Therein, Representative Gosar observed that "[a] detention facility of the reported size raises legitimate and reasonable questions for nearby residents, schools, first responders, and local governments" including "[c]oncerns regarding infrastructure capacity, traffic, emergency services, environmental impacts, and public safety[.]" Exhibit D.

70. One day later, Representatives Greg Stanton, Yassamin Ansari, and Adelita Grijalva sent a letter to then-Secretary Noem and Acting Director Lyons that sought answers to ten questions regarding the Surprise Warehouse, including a request that Defendants identify the NEPA pathway used for the Surprise Warehouse acquisition,

1 namely “whether DHS prepared an environmental assessment or environmental impact
2 statement, or relied on a categorical exclusion.” Exhibit E.

3 71. On February 9, Attorney General Mayes sent a letter to then-Secretary
4 Noem asking for, among other requests, details regarding traffic, noise, outdoor lighting,
5 anticipated water usage, plans for liquid and solid waste disposal,” and other impacts to
6 local services and neighboring residents, schools, and businesses. Exhibit F.

7 72. Attorney General Mayes requested a response by February 17, but has
8 received no response to date.

9 73. Representatives Stanton, Ansari, and Grijalva requested a response by
10 February 20, but, upon information and belief, have not received any response to date.

11 74. The only letter to which Defendants responded was Representative Gosar’s
12 letter. In her February 18 response to Representative Gosar, then-Secretary Noem
13 confirmed that “ICE and the contractor performing due diligence services did not have
14 direct contact with the city of Surprise or Maricopa County prior to site selection”; and
15 that ICE did not complete a “site and engineering evaluation” of any necessary
16 improvements to the infrastructure servicing the Surprise Warehouse prior to acquisition.
17 Exhibit G.

18 **D. Converting the Surprise Warehouse for use as a mass detention center**
19 **will require extensive construction and renovation efforts.**

20 75. To convert the Surprise Warehouse into a detention facility for hundreds
21 of detainees (to say nothing of hundreds of ICE staff and visitors), Defendants will need
22 to conduct extensive design, planning, and, ultimately, construction efforts that will
23 substantially change the character, purpose, function, and environs of the warehouse.

24 76. Upon information and belief, the Surprise Warehouse is currently
25 comprised of a single large room with concrete floors and a minimal amount of office
26 space. It was designed for a standard industrial setting with low demand for the use of
27 water.

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1 77. DHS has acknowledged that interior and exterior improvements “may” be
2 necessary to convert the Surprise Warehouse from an industrial warehouse to an
3 immigration detention facility.

4 78. These include “construction of holding and processing spaces, office space,
5 public-facing visitor spaces, and installation of amenities, such as cafeterias, bathrooms,
6 and health care spaces,” NHPA Notice (Ex. B) at 2, as well as “interior renovations,
7 upgrades to parking, utilities, and stormwater, installation of upgraded perimeter fencing,
8 construction of outdoor recreation spaces on existing paved surfaces, and construction of
9 a guard shack,” Floodplain Notice (Ex. C).

10 79. There is no question that such retrofitting efforts will *need* to take place.
11 Upon information and belief, the warehouse does not currently contain adequate facilities
12 to support a full-time presence of hundreds of full-time detainees and staff.

13 80. The Surprise Warehouse will require adequate plumbing fixtures, to
14 include showers, toilets, wash basins, and laundry facilities. Assuming the facility will
15 hold up to 1,500 detainees, as initially projected by ICE, and even assuming,
16 conservatively, that all those detainees are male (given that the number of fixtures
17 required per male detainee is lower than the number of fixtures required per female
18 detainee), the facility would be required under ICE’s own standards to have at least 125
19 showers, 125 toilets, and 125 wash basins for use by detainees.¹⁶ Even if that number
20 drops to 500 detainees, the facility will require dozens of showers, toilets, and wash
21 basins. This is to say nothing of the additional facilities required to support the constant
22 churn of supervisory staff and invitees such as visitors and lawyers.

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25 ¹⁶ See Dep’t of Homeland Sec., Immigr. & Customs Enf’t, *Performance-Based*
26 *National Detention Standards* at 329 (rev. Dec. 2016),
27 <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf> (last
28 accessed Apr. 14, 2026) (hereinafter Performance-Based National Detention Standards)
(identifying the need for one shower, toilet, and wash basin per every 12 male detainees).

The Performance-Based National Detention Standards are distinct from the
National Detention Standards.

1 81. Bringing the Surprise Warehouse in line with ICE’s own standards will thus
2 require a significant increase from the facility’s current number of showers, toilets, and
3 wash basins. Such a change would necessitate extensive design, planning, and
4 construction efforts.

5 82. ICE’s National Detention Standards also specifically require Defendants to
6 construct a “secure perimeter” equipped with a “sally port,” “reasonably private bathing
7 and toileting environment[s],” and an “emergency electrical power generator.” *See* ICE
8 National Detention Standards at 5, 25, 128.

9 83. Upon information and belief, the Surprise Warehouse currently possesses
10 none of these features. Building them will thus require additional construction.

11 84. ICE’s National Detention Standards also require Defendants to ensure that
12 “[p]otable water [is] available throughout the facility,” and that “[e]nvironmental health
13 conditions will be maintained at a level that meets recognized standards of hygiene,”
14 including those set by “the Occupational Safety and Health Administration (OSHA), the
15 Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), the
16 National Fire Protection Association . . . and the Centers for Disease Control and
17 Prevention (CDC).” *Id.* at 5–6.

18 85. The National Detention Standards also provide that detention facilities
19 “shall ensure appropriate temperatures, air and water quality, ventilation, lighting, noise
20 levels, and detainee living space, in accordance with any applicable state and local
21 jail/prison standards.” *Id.* at 7.

22 86. Upon information and belief, the Surprise Warehouse is not currently
23 capable of functioning in accordance with those requirements. And ensuring that the
24 Surprise Warehouse satisfies those requirements will require further—extensive—
25 construction efforts.

26 87. Given the substantial increase in occupancy of the Surprise Warehouse
27 under Defendants’ plans, construction will also likely be necessary to ensure that the
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1 facility has appropriate means of ingress and egress for emergency vehicles and other
2 vehicular traffic.

3 88. Defendants' actions since purchasing the Surprise Warehouse confirm the
4 necessity and extensive scale of the design, planning, construction, and retrofitting
5 efforts required to convert the facility for use as a mass detention center. Namely, on
6 March 6, 2026, Defendants contracted with GardaWorld Federal Services, LLC, to
7 retrofit and operate the Surprise Warehouse at a cost of approximately \$313 million.¹⁷
8 *See* Exhibit H. That contract authorizes a potential award of up to \$704 million.

9 89. Defendants have also conducted an economic analysis that predicts
10 construction efforts will require hiring nearly 1,400 workers.¹⁸

11 **E. Converting the Surprise Warehouse into a mass detention facility**
12 **harms the State and triggers Defendants' obligations under NEPA.**

13 90. By any standard, a \$300 million renovation contract requiring over one
14 thousand construction workers to complete constitutes a "major Federal action,"
15 triggering Defendants' obligations to comply with NEPA.

16 91. Despite Defendants' virtual failure to provide any information regarding
17 their plans for the Surprise Warehouse, the State has identified a number of harms which
18 NEPA is designed to prevent and which Defendants have failed to consider.

21 ¹⁷ GardaWorld has never undertaken this kind of facility conversion work before.
22 It is perhaps best known for providing staffing for so-called "Alligator Alcatraz," an
23 immigration detention facility in Florida that Amnesty International has called a "human
24 rights disaster." *See USA: New Findings Reveal Human Rights Violations at Florida's*
25 *"Alligator Alcatraz" and Krome Detention Centers*, Amnesty Int'l (Dec. 4, 2025),
[https://www.amnesty.org/en/latest/news/2025/12/estados-unidos-nuevas-](https://www.amnesty.org/en/latest/news/2025/12/estados-unidos-nuevas-investigaciones-revelan-violaciones-de-derechos-humanos-en-los-centros-de-detencion-de-alligator-alcatraz-y-krome-en-florida)
26 [investigaciones-revelan-violaciones-de-derechos-humanos-en-los-centros-de-detencion-](https://www.amnesty.org/en/latest/news/2025/12/estados-unidos-nuevas-investigaciones-revelan-violaciones-de-derechos-humanos-en-los-centros-de-detencion-de-alligator-alcatraz-y-krome-en-florida)
27 [de-alligator-alcatraz-y-krome-en-florida](https://www.amnesty.org/en/latest/news/2025/12/estados-unidos-nuevas-investigaciones-revelan-violaciones-de-derechos-humanos-en-los-centros-de-detencion-de-alligator-alcatraz-y-krome-en-florida) (last accessed Apr. 14, 2026).

28 ¹⁸ *See* Dep't of Homeland Sec., Immigr. & Customs Enf't, *Surprise, AZ Processing Site—Economic Impact Analysis* (Feb. 2026),
[https://npr.brightspotcdn.com/d4/3d/3843693e4ab4a8654dd21458115b/surprise-](https://npr.brightspotcdn.com/d4/3d/3843693e4ab4a8654dd21458115b/surprise-economic-impact.pdf)
[economic-impact.pdf](https://npr.brightspotcdn.com/d4/3d/3843693e4ab4a8654dd21458115b/surprise-economic-impact.pdf) (last accessed Apr. 14, 2026) (hereinafter Surprise Warehouse Economic Analysis).

1 92. Arizona is a desert state with a plethora of sensitive environmental
2 concerns including issues relating to water management and air quality control. Among
3 other impacts, conversion of the warehouse is likely to strain valuable surface water and
4 groundwater resources through significantly increasing both the water usage and
5 wastewater creation of the Surprise Warehouse from its original footprint. Conversion
6 of the warehouse is also likely to significantly increase air emissions.

7 93. Any attempt to convert the Surprise Warehouse in line with Defendants'
8 intentions accordingly poses substantial risks to the surrounding environment.

9 **1. Conversion of the Surprise Warehouse will increase the strain**
10 **on local sewer systems.**

11 94. Defendants' plans for the Surprise Warehouse create a serious risk of
12 overwhelming local wastewater systems.

13 95. If the Surprise Warehouse were converted into a detention facility housing
14 between 500 and 1,500 detainees, its projected wastewater output from detainees alone
15 would be between 35,000 and 104,000 gallons per day.¹⁹ Upon information and belief,
16 this is significantly greater than the currently planned and anticipated wastewater usage
17 of the Surprise Warehouse.

18 96. The City of Surprise's existing conveyance system may have insufficient
19 capacity to convey the additional anticipated flow from the Surprise Warehouse.

20 97. Wastewater flow from the Surprise Warehouse that exceeds the capacity of
21 the existing infrastructure poses serious risks of damage to the sewer system and sewage
22 overflows into the Surprise Warehouse itself, as well as potential overflows onto nearby
23 land and neighboring properties.

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26 ¹⁹ See Env't Protection Agency, *Onsite Wastewater Treatment Systems Manual* at
27 3-3 (Feb. 2002), https://www.epa.gov/sites/default/files/2015-06/documents/2004_07_07_septics_septic_2002_osdm_all.pdf (last accessed Apr. 14,
28 2026) (calculating the average wastewater output of an individual at approximately 69 gallons per day).

1 98. DHS also cannot simply avoid modifying sewage use by trucking
2 wastewater out, as that shortcut would render the warehouse unfit for human occupancy
3 under both the City of Surprise and DHS’s own policies and procedures. *See*
4 *Performance-Based National Detention Standards* at 329; *International Building Code*
5 § 2902.1 (2024).²⁰

6 **2. Conversion of the Surprise Warehouse will increase the strain**
7 **on local water systems.**

8 99. Converting the Surprise Warehouse into a detention facility housing
9 hundreds of detainees at a time will also greatly increase the strain on the City of
10 Surprise’s water systems.

11 100. Upon information and belief, the Surprise Warehouse is currently capable
12 of providing water for limited use by four commercial tenants during normal business
13 hours.

14 101. Were the Surprise Warehouse to house between 500 and 1,500 detainees,
15 the facility’s water demand would balloon to between 40,000 and 123,000 gallons per
16 day for the detainee population alone.²¹ Upon information and belief, this is significantly
17 greater than the currently planned water usage for the Surprise Warehouse.

18 102. If Defendants convert the Surprise Warehouse into a detention facility
19 housing hundreds of people and draw on the existing system to provide water for that
20 facility, they will drastically increase the strain on the City of Surprise’s water system.

21 103. Increasing the Surprise Warehouse’s water usage in this manner poses a
22 substantial risk of exceeding the available allocation or system capacity, which could in
23 turn reduce water pressure and reliability for other users, impair flows needed for
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26 ²⁰ The City of Surprise has adopted the *International Building Code*.

27 ²¹ *See* Env’t Protection Agency, *Statistics and Facts* (Mar. 11, 2026),
28 <https://www.epa.gov/watersense/statistics-and-facts> (last accessed Apr. 14, 2026)
(calculating the average daily usage of water for an individual at 82 gallons).

1 suppressing fires, accelerate the depletion of underground water aquifers, diminish nearby
2 wells, and alter groundwater flow in ways that reduce water quantity.

3 **3. Construction and operation of the Surprise Warehouse will**
4 **detrimentally impact air quality.**

5 104. The State has a well-established interest in maintaining air quality. *See*
6 A.R.S. § 49-401. Converting the Surprise Warehouse to a detention facility and operating
7 it as such will necessarily increase air emissions.

8 105. These problems are exacerbated if additional boilers, emergency generating
9 units, or similar emitting equipment are required. As DHS’s own National Detention
10 Standards require an “emergency electrical power generator,” some increase in air
11 emissions is effectively certain. *See* ICE National Detention Standards at 5.

12 106. DHS expects to employ approximately 1,400 people during construction
13 and nearly 500 staff at the Surprise Warehouse following its conversion.²² The increased
14 traffic in the area from the establishment of a mass detention facility would increase local
15 air emissions as well. For instance, the Environmental Protection Agency has recognized
16 that vehicles emit nitrogen oxide, a precursor to ground-level ozone.²³ Ozone is a
17 pollutant for which the EPA sets National Ambient Air Quality Standards due to its
18 negative health impacts. These include causing difficulty breathing, increasing asthma
19 attacks, and aggravating respiratory diseases.²⁴

20 ***

21 107. Each of these interests should have been considered by Defendants in an
22 appropriate NEPA document *before* taking steps to acquire and convert the Surprise
23 Warehouse into an immigration detention facility.

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26 ²² *See* Surprise Warehouse Economic Analysis.

27 ²³ *See* Env’t Protection Agency, *Basic Information about NO2* (July 10, 2025),
28 <https://www.epa.gov/no2-pollution/basic-information-about-no2> (last accessed Apr. 14, 2026).

²⁴ *Id.*

1 **F. The Surprise Warehouse location will never be an appropriate site for**
2 **a mass detention facility under the INA.**

3 **1. The Surprise Warehouse’s proximity to the Chemical**
4 **Warehouse renders it an inappropriate location for a mass**
5 **detention facility.**

6 108. The Surprise Warehouse’s commercial listing identifies the property type
7 as “Industrial.”²⁵ When it was built, its designers identified it as being suitable for
8 “tenants in the ecommerce, manufacturing and semiconductor supply industries.”²⁶

9 109. As identified above, the Surprise Warehouse sits directly across the street
10 from the Chemical Warehouse. The Chemical Warehouse includes “storage spaces
11 ranging from refrigerated and freezer rooms to temperature-controlled zones for
12 flammable and corrosive materials.”²⁷

13 110. Typical chemicals used in the production of semiconductors include
14 hydrofluoric acid, hydrochloric acid, sulfuric acid, ammonium fluoride, and flammable
15 solvents (such as acetone).²⁸

16 111. Section 112(r) of the Clean Air Act requires facilities involved in the
17 storage of hazardous substances to submit a Risk Management Plan (RMP). *See* 42
18 U.S.C. § 7412(r)(7)(b)(ii). Rinchem’s RMP for the Chemical Warehouse was filed on
19 January 1, 2026.²⁹

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21 ²⁵ *See supra* n.14.

22 ²⁶ *See Rockefeller Group Buys Surprise Industrial Project Site*, AZ BEX (Apr. 19,
23 2023), <https://azbex.com/planning-development/rockefeller-group-buys-surprise-industrial-project-site/> (last accessed Apr. 14, 2026).

24 ²⁷ *See supra* n.15.

25 ²⁸ *See Int’l Sematech Mfg. Initiative, Overview of the Semiconductor Industry and*
26 *its Approach to Chemical Management and Environment, Safety, and Health* (Dec. 29,
27 2006), <https://www.semiconductors.org/wp-content/uploads/2020/10/Overview-Of-The-Semi-Industry-And-Its-Approach-To-Chem-Mgmt-and-EHS.pdf> (last accessed Apr. 14,
28 2026).

29 ²⁹ *See Nw. Valley Indivisible, Federal Records Show Planned Surprise ICE*
Detention Center May Sit Inside a Chemical Hazard Zone (Apr. 2, 2026),
<https://northwestvalleyindivisible.org/federal-records-show-planned-surprise-ice-detention-center-may-sit-inside-a-chemical-hazard-zone> (last accessed Apr. 14, 2026).

1 112. Upon information and belief, the RMP does not consider the potential
2 hazards incurred by the presence of a mass detention facility next door, nor does it
3 contemplate risk mitigation measures responding to the same.

4 113. To Plaintiff’s knowledge, Defendants have conducted no risk assessment
5 regarding the proximity of the Surprise Warehouse to the Chemical Warehouse, nor have
6 they even acknowledged the proximity of the two locations in any public-facing
7 communications.

8 114. It is a matter of general public policy that chemical storage warehouses be
9 located in non-residential areas to reduce the risks of residents’ exposure to hazardous
10 materials. The same holds especially true when chemical storage warehouses are located
11 near facilities—like the Surprise Warehouse—with large captive populations incapable
12 of seeking safety in the event of an accident or explosion.

13 115. Given that, it makes sense that the Chemical Warehouse and Surprise
14 Warehouse are both located in an area zoned for “Business Park” or “Industrial” use,
15 rather than residential or general commercial use. *See* Exhibit J.

16 116. The City of Surprise’s Land Development Ordinance characterizes
17 “Business Park” zones as those which provide “limited retail and service uses primarily
18 to serve the business park uses”; “Light Industrial” zones as those which “provide[] for
19 a mix of industrial activities which have generally negative impacts on the community,
20 and which may be incompatible with other uses”; and “General Industrial” zones as those
21 which “provide[] for a mix of industrial activities requiring large land areas
22 unencumbered by nearby residential or commercial development.” *See* Surprise
23 Municipal Code § 106-7.2.

24 117. Of course, none of these uses encompass or envision the use of a given
25 property for mass detention purposes.

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2. The Surprise Warehouse will negatively impact local traffic systems in an area ill-suited for such expanded use.

118. Operating the Surprise Warehouse as a detention facility housing hundreds of detainees at a time and staffed by hundreds of ICE employees will increase local traffic burdens in an area currently zoned for “Business” and “Industrial” use.

119. Although Defendants have not provided any details regarding expected traffic impacts, conversion of the Surprise Warehouse will result in significantly increased traffic in the area from (1) the actual process of construction itself, which will involve extensive vehicular traffic and the movement of construction materials and equipment; (2) movement of detainees to and from the facility; (3) increased staff commuting to and from work at the facility; and (4) visits to the facility from friends, family, and legal counsel exercising their right to visit detainees.

120. ICE’s own documents suggest there will be steady movement of detainees to and from the facility, as the average stay for detainees at its new “processing centers” is intended to be less than one week. *See* DRI White Paper at 1, 3.

121. Traffic impacts from staff commuting to and from the facility will be significant. Again, DHS expects to employ more than one thousand people during construction and hundreds of full-time staff at the Surprise Warehouse following its conversion.³⁰

122. As an area zoned for “Business” and “Industrial” use, the location of the Surprise Warehouse likely lacks adequate traffic infrastructure to support this anticipated increase in traffic. For example, the turn onto Sweetwater Avenue from its major connecting artery—Dysart Avenue—does not have a traffic light, rendering it clearly inadequate to support the proposed influx of hundreds of construction workers and staff to the Surprise Warehouse each day.

³⁰ *See* Surprise Warehouse Economic Analysis.

1 223. Further, to the extent that Defendants intend to attempt to work around the
2 Surprise Warehouse’s sewer capacity limitations by transporting water to the warehouse
3 and sewage from the warehouse by truck, such actions would further exacerbate the
4 already significant traffic impacts of operating the site as a mass detention facility.

5 **3. Construction and operation of the Surprise Warehouse in an**
6 **inappropriate location will detrimentally impact public health**
7 **and safety.**

8 224. Operating the Surprise Warehouse as a detention facility housing hundreds
9 of detainees at a time is likely to create public health and safety concerns that will at best
10 massively strain the City of Surprise’s resources, and at worst exceed Surprise’s capacity
11 to manage and contain serious crises, requiring the State to expend its own limited
12 resources.

13 225. DHS’s detention facilities have a long and documented track-record of poor
14 public health conditions.³¹ This pattern of behavior is current and ongoing—including
15 within the State of Arizona.³²

16 226. One independent research report of DHS detainee deaths found that DHS
17 facilities “provided incomplete, inappropriate, or delayed treatment and medication,”
18 engaged in “flawed or delayed emergency response[s],” failed to “take basic precautions
19 during the COVID-19 pandemic,” and did not provide adequate “staff who are trained
20 and licensed to ensure patient health and safety.”³³

21 ³¹ See, e.g., Office of the Inspector Gen., U.S. Dep’t of Homeland Sec., *OIG-24-*
22 *59, Summary of Unannounced Inspections of ICE Facilities Conducted in Fiscal Years*
23 *2020-2023* at 10 (Sept. 24, 2024),
24 <https://www.oig.dhs.gov/sites/default/files/assets/2024-09/OIG-24-59-Sep24.pdf> (last
accessed Apr. 14, 2026).

25 ³² See Danielle Miller, *Arizona Democrats call Mesa ICE facility conditions*
26 *'shameful' after surprise visit*, FOX 10 Phoenix (Apr. 10, 2026),
[https://www.fox10phoenix.com/news/arizona-democrats-call-mesa-ice-facility-](https://www.fox10phoenix.com/news/arizona-democrats-call-mesa-ice-facility-conditions-shameful-after-surprise-visit)
27 [conditions-shameful-after-surprise-visit](https://www.fox10phoenix.com/news/arizona-democrats-call-mesa-ice-facility-conditions-shameful-after-surprise-visit) (last accessed Apr. 14, 2026).

28 ³³ ACLU, Am. Oversight & Physicians for Hum. Rts., *Deadly Failures:*
Preventable Deaths in U.S. Immigration Detention at 8–10, 37, 41–44, 48 (June 21,
2024), [https://www.aclu.org/publications/deadly-failures-preventable-deaths-in-us-](https://www.aclu.org/publications/deadly-failures-preventable-deaths-in-us-immigrant-detention)
[immigrant-detention](https://www.aclu.org/publications/deadly-failures-preventable-deaths-in-us-immigrant-detention) (last accessed Apr. 14, 2026).

1 127. As a result of DHS’s public health failings, DHS detention facilities are
2 vectors for spreading disease. For example, in January 2026, the country’s largest
3 detention center experienced a major measles outbreak, reflecting how ill-equipped DHS
4 facilities are to contain the spread of deadly and highly contagious pathogens.³⁴

5 128. Given this potential for major disease outbreak, in combination with other
6 public health risk factors, the planned facility could cause one or more public health
7 emergencies.

8 129. These issues are exacerbated by the Surprise Warehouse’s proximity to the
9 Chemical Warehouse. Upon information and belief, the City of Surprise is not capable
10 of providing adequate mitigation and rescue services in the event of a spill or explosion
11 impacting a captive population of hundreds of people. Were such an event to occur, the
12 State would likely be required to mitigate the damage.

13 130. Further, operation of the facility as a mass detention center may result in
14 traffic back-ups, delayed commute times, and associated delays in how quickly
15 emergency response personnel can respond to other local hazards or medical
16 emergencies.

17 131. These issues are particularly salient given the Surprise Warehouse’s
18 proximity to two public schools.

19 **CLAIMS FOR RELIEF**

20 **COUNT I**

21 **Violation of the Administrative Procedure Act**
22 **Agency Action Contrary to Law (NEPA, 42 U.S.C. § 4321 et seq.)**

23 132. The State incorporates by reference all preceding allegations.

24 133. Under the APA, a Court must “hold unlawful and set aside agency action”
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26 ³⁴ See Nicole Acevedo, *ICE confirms a measles outbreak in the nation's largest*
27 *detention facility in Texas*, NBC News (Mar. 4, 2026),
28 <https://www.nbcnews.com/news/us-news/ice-confirms-measles-outbreak-nations-largest-detention-facility-texas-rcna261659> (last accessed Apr. 14, 2026).

1 that is “not in accordance with law,” or “without observance of procedure required by
2 law.” 5 U.S.C. § 706(2)(A), (C), (D). Defendants’ failure to comply with NEPA is both.

3 134. NEPA claims are subject to judicial review under the APA. *See Ashley*
4 *Creek Phosphate Co. v. Norton*, 420 F.3d 934, 939 (9th Cir. 2005).

5 135. Defendants’ decision to purchase, renovate, and operate the Surprise
6 Warehouse as a mass detention facility is final agency action reviewable under the APA.
7 Final agency actions are those which mark the consummation of the agency’s decision-
8 making process and are ones from which legal rights or consequences will flow. *See*
9 *Bennett*, 520 U.S. at 177–78.

10 136. Defendants have completed the decision-making process: they have
11 purchased the Surprise Warehouse expressly for the purpose of converting it to and using
12 it as a detention facility and they have contracted with GardaWorld to conduct the desired
13 retrofitting operations. Defendants’ actions triggered their obligations under NEPA, the
14 INA, and the APA.

15 137. The decision to purchase, construct, and operate the Surprise Warehouse is
16 a “major Federal action[.]” with impacts on the human environment that must be evaluated
17 under NEPA. 42 U.S.C. § 4332(C).

18 138. NEPA makes clear what is required for such actions to proceed: preparation
19 of an EIS or EA, or invocation of an applicable categorical exclusion.

20 139. Under NEPA, these requirements must be met *before* any major federal
21 action is taken. *See Ctr. for Biological Diversity*, 141 F.4th at 993.

22 140. Defendants have completely disregarded these statutory requirements.
23 Despite the scale, novelty, and certain environmental impacts of the Surprise Warehouse
24 conversion, Defendants have produced no EIS, EA, or FONSI. Defendants have invoked
25 no categorical exclusion excusing their failure to do so, nor is there any such applicable
26 categorical exclusion. And since purchasing the facility, Defendants have continued to
27 largely stonewall relevant stakeholders, including numerous members of Arizona’s
28 congressional delegation.

1 141. Failure to conduct and publish the results of the required environmental
2 review under NEPA deprives the State, the City of Surprise, other local governments, and
3 the public of the procedure to which they are entitled by law. Defendants’ actions are
4 thus directly at odds with NEPA’s mandate that “environmental concerns be integrated
5 into the very process of agency decision-making.” *Andrus*, 442 U.S. at 350.

6 142. The Court should enjoin Defendants from operating the Surprise
7 Warehouse as a mass detention center and enjoin Defendants from conducting any future
8 physical modifications or construction at the site to accomplish such purposes.

9 **COUNT II**

10 **Violation of the Administrative Procedure Act**
11 **Agency Action Contrary to Law (INA, 8 U.S.C. § 1231(g)(1))**

12 143. The State incorporates by reference all preceding allegations.

13 144. By deciding to establish a mass detention facility in the Surprise Warehouse
14 location, ICE has “arrange[d] for . . . [a] place[] of detention for aliens detained pending
15 removal or a decision on removal”—but has failed to arrange for one that is “appropriate.”
16 8 U.S.C. § 1231(g)(1).

17 145. While the INA does not define what constitutes an “appropriate place[] of
18 detention,” the plain meaning of “appropriate” requires that the selected site be “suitable
19 or compatible” for the intended use. *Appropriate*, Merriam-Webster,
20 <https://www.merriam-webster.com/dictionary/appropriate> (last accessed Apr. 1, 2026).

21 146. The Surprise Warehouse is not an “appropriate” place for the mass
22 detention purposes envisioned by Defendants because the facility itself cannot be
23 appropriately used for the purposes envisioned by Defendants.

24 147. The Surprise Warehouse does not currently possess the water or sewer
25 infrastructure to accommodate hundreds of human occupants—detainees; attendant ICE
26 personnel; and visitors.

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1 148. As to water, the inevitably increased volume of use will likely reduce
2 pressure and reliability for other users, impair fire flows, and alter groundwater flow in
3 ways that degrade water quality and stream baseflow.

4 149. A facility without adequate sewer or water infrastructure to accommodate
5 the intended number of occupants is plainly an “inappropriate” location for such intended
6 occupancy.

7 150. ICE’s own National Detention Standards confirm as much. They require
8 that facilities “ensure appropriate temperatures, air and water quality, . . . and detainee
9 living space, in accordance with any applicable state and local jail/prison standards.” *See*
10 ICE National Detention Standards at 7.

11 151. The Surprise Warehouse is also in an inappropriate location. Siting the
12 Surprise Warehouse in a business and industrial zone across from a chemical warehouse
13 presents obvious risks to detainee wellbeing and safety that the City of Surprise is ill-
14 equipped to address. In the event of any mass-casualty or spillage incident, the State
15 would thus need to expend resources in order to contain the potential fallout and damage.

16 152. Defendants’ decision to purchase, renovate, and operate the Surprise
17 Warehouse as a mass detention facility thus violated 8 U.S.C. § 1231(g)(1)’s mandate to
18 select an “appropriate” location and was contrary to law.

19 153. The Court should enjoin Defendants from operating the Surprise
20 Warehouse as a mass detention center and enjoin Defendants from conducting any future
21 physical modifications or construction at the site to accomplish such purposes.

22 **COUNT III**

23 **Violation of the Administrative Procedure Act**
24 **Agency Action Contrary to Law (INA, 8 U.S.C. § 1231(g)(2))**

25 154. The State incorporates by reference all preceding allegations.

26 155. The INA requires that prior to constructing a new detention facility, DHS
27 consider “the availability for purchase or lease of any existing *prison, jail, detention*
28

1 *center, or other comparable facility* suitable for such use.” 8 U.S.C. § 1231(g)(2)
2 (emphasis added).

3 156. As DHS identifies, it considered four alternative properties before deciding
4 on the Surprise Warehouse: 15784 W. Hatcher Road in Waddell, Arizona; 13543 W.
5 Northern Avenue in Glendale, Arizona; 16500 W. Glendale Avenue in Litchfield Park,
6 Arizona; and 8016 E. Pecos Road in Mesa, Arizona. *See* Floodplain Notice (Ex. C).

7 157. All of these facilities are—like the Surprise Warehouse—industrial
8 warehouses. None are “prison[s], jail[s], detention center[s] or other comparable
9 facilit[ies].” And Defendants have made no representations that they considered facilities
10 that fall within the scope of the controlling provision.

11 158. Defendants’ selection of the Surprise Warehouse without abiding by the
12 statutory procedures mandated by the INA was accordingly contrary to the requirements
13 of 8 U.S.C. § 1231(g)(2).

14 159. The Court should enjoin Defendants from operating the Surprise
15 Warehouse as a mass detention center and enjoin Defendants from conducting any future
16 physical modifications and construction at the site to accomplish such purposes.

17 **COUNT IV**

18 **Violation of the Administrative Procedure Act** 19 **Arbitrary and Capricious Agency Action (5 U.S.C. § 706)**

20 160. The State incorporates by reference all preceding allegations.

21 161. In addition to being contrary to law, Defendants’ decision to move forward
22 with the Surprise Warehouse is arbitrary and capricious—and thus forbidden by the APA.
23 *See* 5 U.S.C. § 706(2)(A).

24 162. Defendants have not offered “a satisfactory explanation for [their] action”
25 in selecting the Surprise Warehouse, an industrial warehouse which is patently unsuitable
26 for human detention, nor articulated “a ‘rational connection between the facts found and
27 the choice made.’” *State Farm*, 463 U.S. at 43 (quoting *Burlington Truck Lines*, 371 U.S.
28 at 168).

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RESPECTFULLY SUBMITTED this 24th day of April, 2026.

KRISTIN K. MAYES
ATTORNEY GENERAL

By /s/ Joshua D. Bendor
Joshua D. Bendor
Nathan T. Arrowsmith
Joshua A. Katz
Office of the Arizona Attorney General
2005 N. Central Avenue
Phoenix, AZ 85004-1592

Attorneys for Plaintiff State of Arizona

EXHIBIT A

SHPO-2026-0078 (184880)

Rec: 01-26-26

U.S. Department of Homeland Security
Office of Chief Readiness
Support Officer
Springfield, VA 20598-0075



**Homeland
Security**

January 22, 2026

Ms. Katheryn Leonard
State Historic Preservation Officer
Arizona State Parks & Trails
1110 N. Washington St., Suite 100
Phoenix, AZ 85007
Phone: (602) 542-4009
Email: azshpo@azstateparks.gov

ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise,
Arizona 85379; Initiation of Consultation and Finding of No Historic Properties
Affected

Dear Ms. Leonard:

This letter is provided to initiate consultation on a proposed Department of Homeland Security (DHS) U.S. Immigration and Customs Enforcement (ICE) undertaking subject to Section 106 of the National Historic Preservation Act (NHPA) in Surprise, Arizona (Figures 1–3). ICE is proposing to purchase, occupy and rehabilitate a 24.46-acre warehouse property in support of ICE operations. Proposed site improvements may include, but are not limited to, installing, upgrading, or rehabilitating existing parking areas, fencing, site lighting, landscaping, drainage/stormwater, recreation areas, and cameras. Tentage and a guard shack may also be installed. No site improvements are expected to be taller than the existing structure or expand beyond the current site boundaries, and all work and construction staging will occur within the parcel boundary (Figure 4).

As part of the undertaking, ICE may conduct exterior and interior modifications to the existing warehouse facility. Exterior upgrades may include, but are not limited to, painting or sealing the exterior of the structure; installing, removing, or modifying bays (truck bays, window bays, or doors); repairing or replacing the existing roof or cladding materials; adding security equipment; or adding exterior personnel/guest access controls. The interior of the structure may be renovated or rebuilt to support ICE operational requirements, which may include but are not limited to construction of holding and processing spaces, office space, public-facing visitor spaces, and installation of amenities, such as cafeterias, bathrooms, and health care spaces.

ICE has determined that the Area of Potential Effects (APE) for this undertaking consists of the subject property and adjacent resources with a potential viewshed of the proposed undertaking (Figure 5).

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379

The subject property is an existing warehouse constructed in 2024 (Figures 6–11). The adjacent parcels to the north, west, and south contain similar modern warehouses (Figures 12–14) as does a parcel to the east (Figure 15; see Figure 4). Further to the east, across N. Dysart Road, are residential structures that were constructed after 1992 (see Figure 5). The subject property and these adjacent modern resources do not rise to the level of exceptional importance under Criteria Consideration G, per National Register Bulletin 15, and are recommended Ineligible for the NRHP under all criteria.

There is one previously recorded resource within 1.0 mile of the Project site; that is Resource AZ T:2:143(ASM), the Wickenburg to Dysart 69kV Transmission Line, which passes approximately 200 feet to the north of the Project site along the south side of Waddell Road at the north edge of the APE (Figure 16). The transmission line was constructed in 1948 and subsequently has been determined eligible for the NRHP under Criterion A for its association with the electrification and development of west-central Arizona. Although Resource AZ:2:143(ASM) is situated within the Project APE, ICE has determined the Project will not alter its integrity of Location, Design, Setting, Materials, Workmanship, Feeling, and Association, and thus will have no effect on this resource.

There are no previously recorded archaeological sites on or adjacent to the property, and the ground has been extensively disturbed to accommodate utilities, parking, and warehouse size requirements. Potential ground disturbing work will be consistent in depth and method of disturbance with past modifications to the site. Maximum ground disturbance to construct piers and fence posts are anticipated to be no more than four feet in depth. Due to the substantial past disturbance, ICE finds the potential for encountering intact archaeological resources is low, and ICE does not recommend any further archaeological investigations at the property. Therefore, pursuant to 36 CFR 800.5(b), ICE has determined that the undertaking will result in a finding of **No Historic Properties Affected**. In the event the scope of the proposed undertaking changes, ICE will reconsult with your office in accordance with 36CFR 800.

In accordance with 36 CFR 800.3, ICE has invited the Arizona State Historic Preservation Office to participate in consultation regarding this undertaking. ICE has also invited the following federally-recognized Tribes to participate in consultation: the Ak-Chin Indian Community, Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Pascua Yaqui Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tohono O'odham Nation of Arizona, and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona. ICE has not received any comments from any of the consulting parties at the time of this letter.

Please provide any comments on the undertaking and ICE's finding within 30 calendar days of the date of receipt of this letter. Questions and written correspondence for this undertaking may be submitted to ICE Environmental staff via e-mail at ICESustainability@ice.dhs.gov. Thank you for your cooperation on this undertaking.

Sincerely,

Gabrielle Fernandez
Environmental Protection Specialist
Office of the Chief Readiness Support Officer
Department of Homeland Security
Gabrielle.Fernandez@hq.dhs.gov

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379

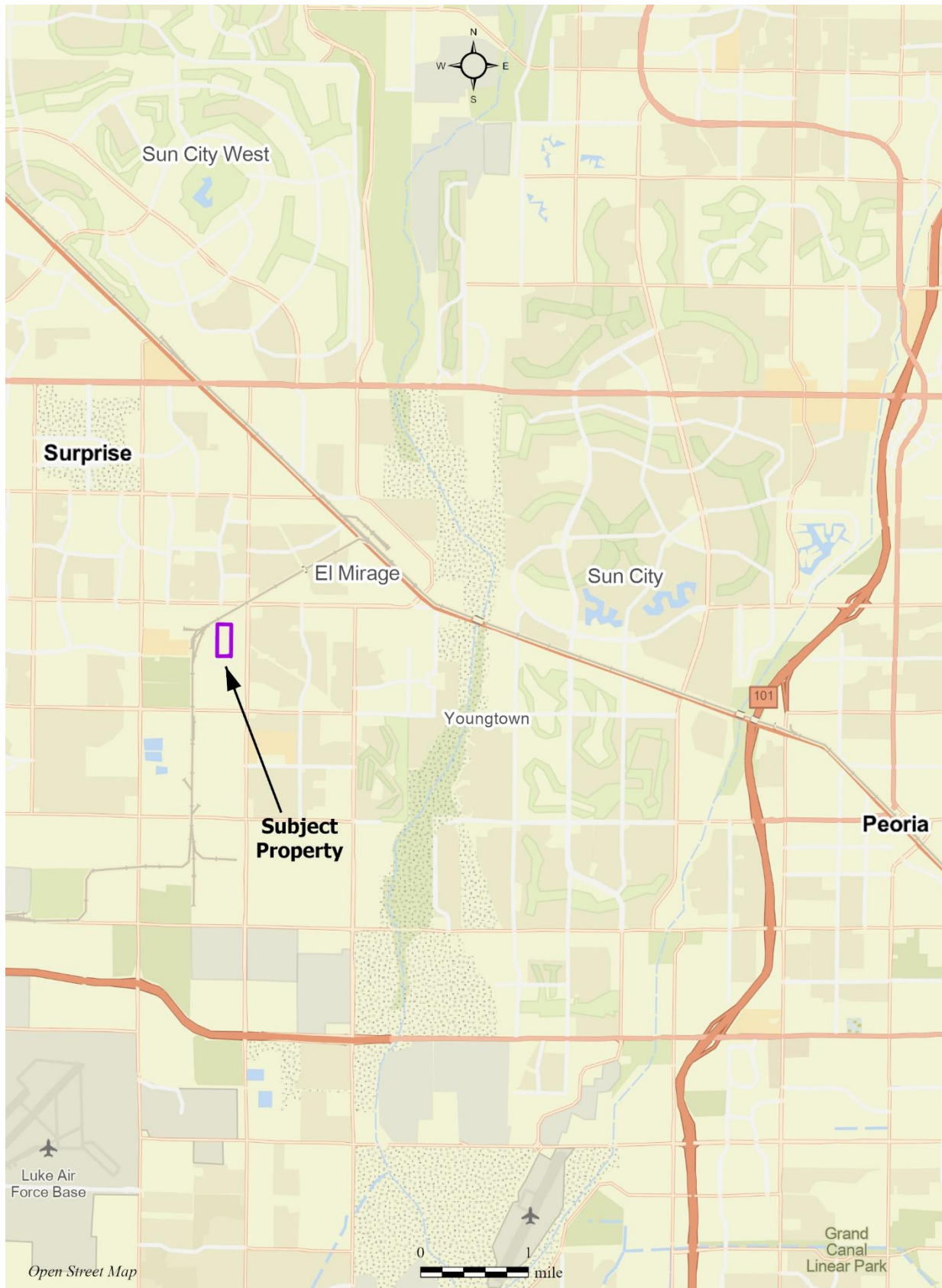


Figure 1. Project site location map.

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379

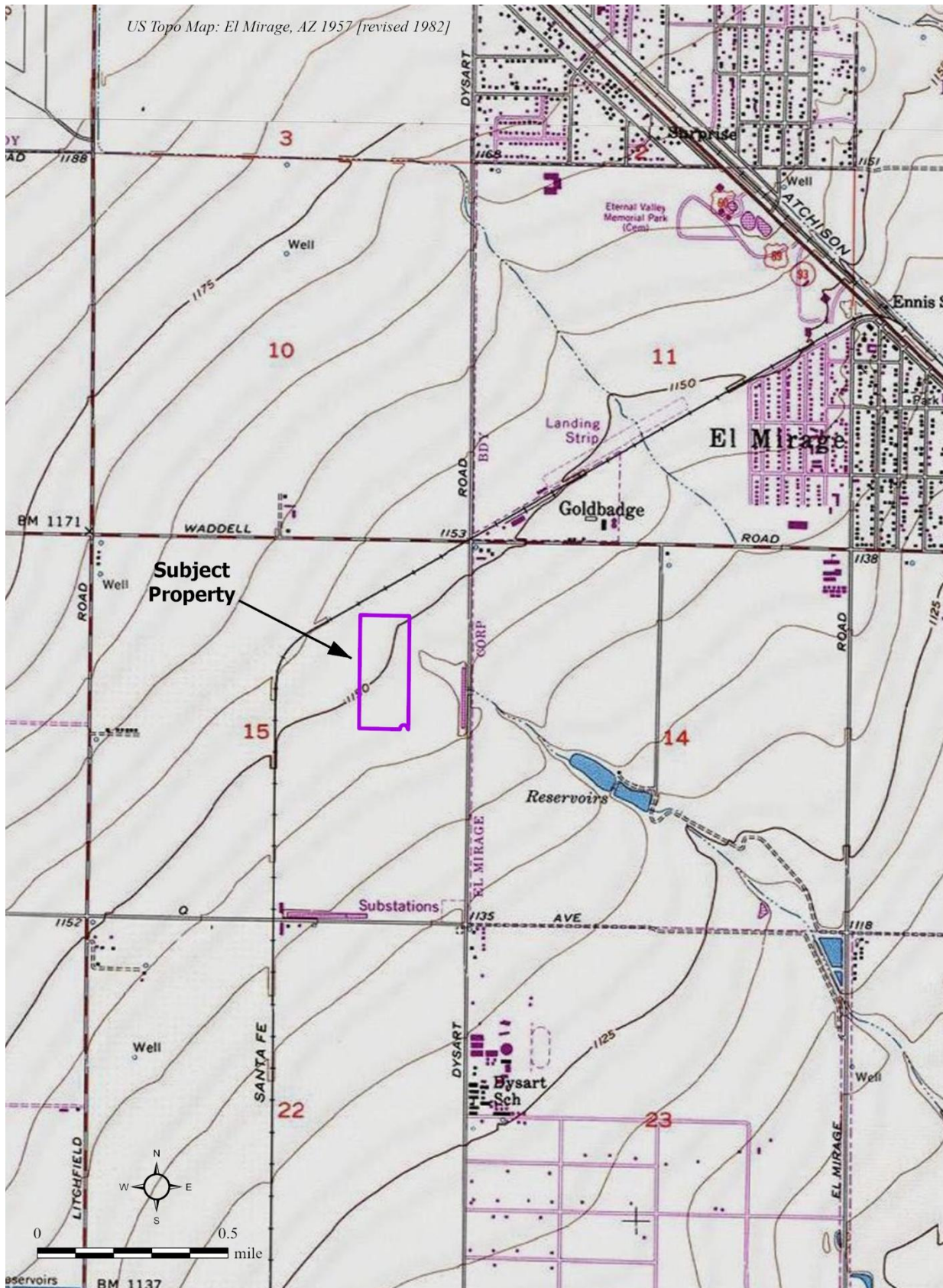


Figure 2. Project site on USGS topographic map.

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379



Figure 3. Aerial View of Project site.

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379



Figure 4. Project site plan.

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379



Figure 5. Area of Potential Effects (APE) for cultural resources.

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379



Figure 6. View of Property from northeastern corner, facing southwest.



Figure 7. View of Property from southwestern corner, facing northeast.

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379



Figure 8. Southern elevation, facing east.



Figure 9. Eastern elevation, facing north.

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379



Figure 10. Interior of office space.

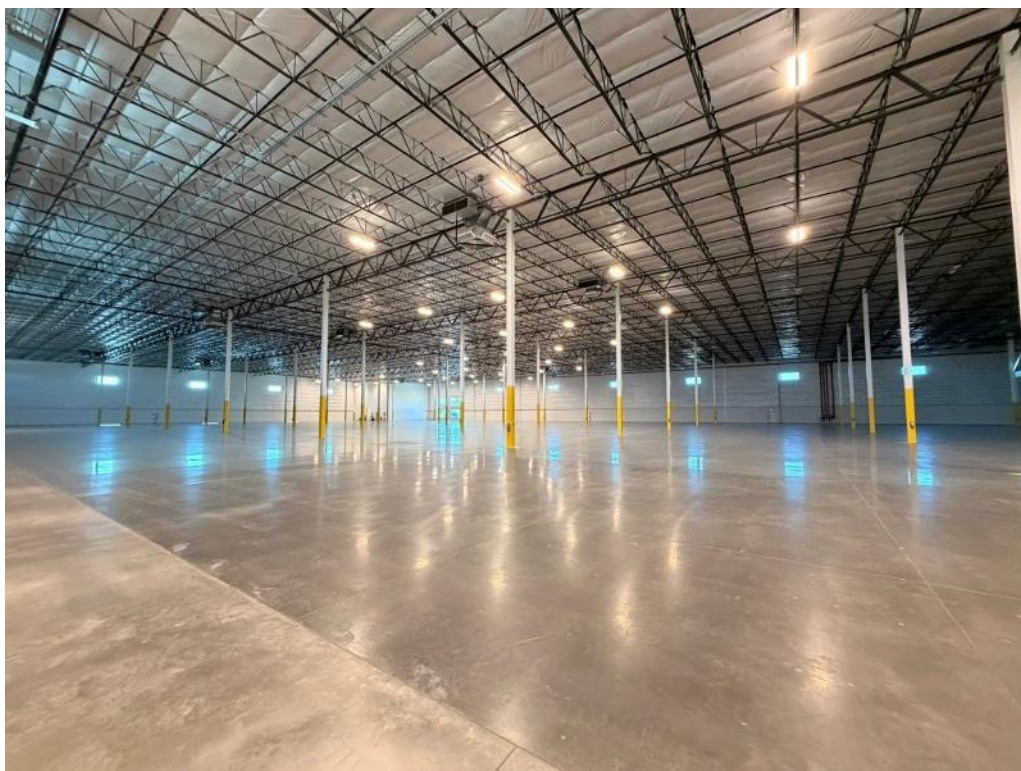


Figure 11. Interior of warehouse space.

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379



Figure 12. Northern adjoining industrial building.



Figure 13. Southern adjoining industrial buildings.

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379



Figure 14. Western adjoining industrial building.



Figure 15. Eastern adjoining industrial buildings.

Re: ICE Phoenix Processing Center, 11290 West Sweetwater Avenue, Surprise, Arizona 85379

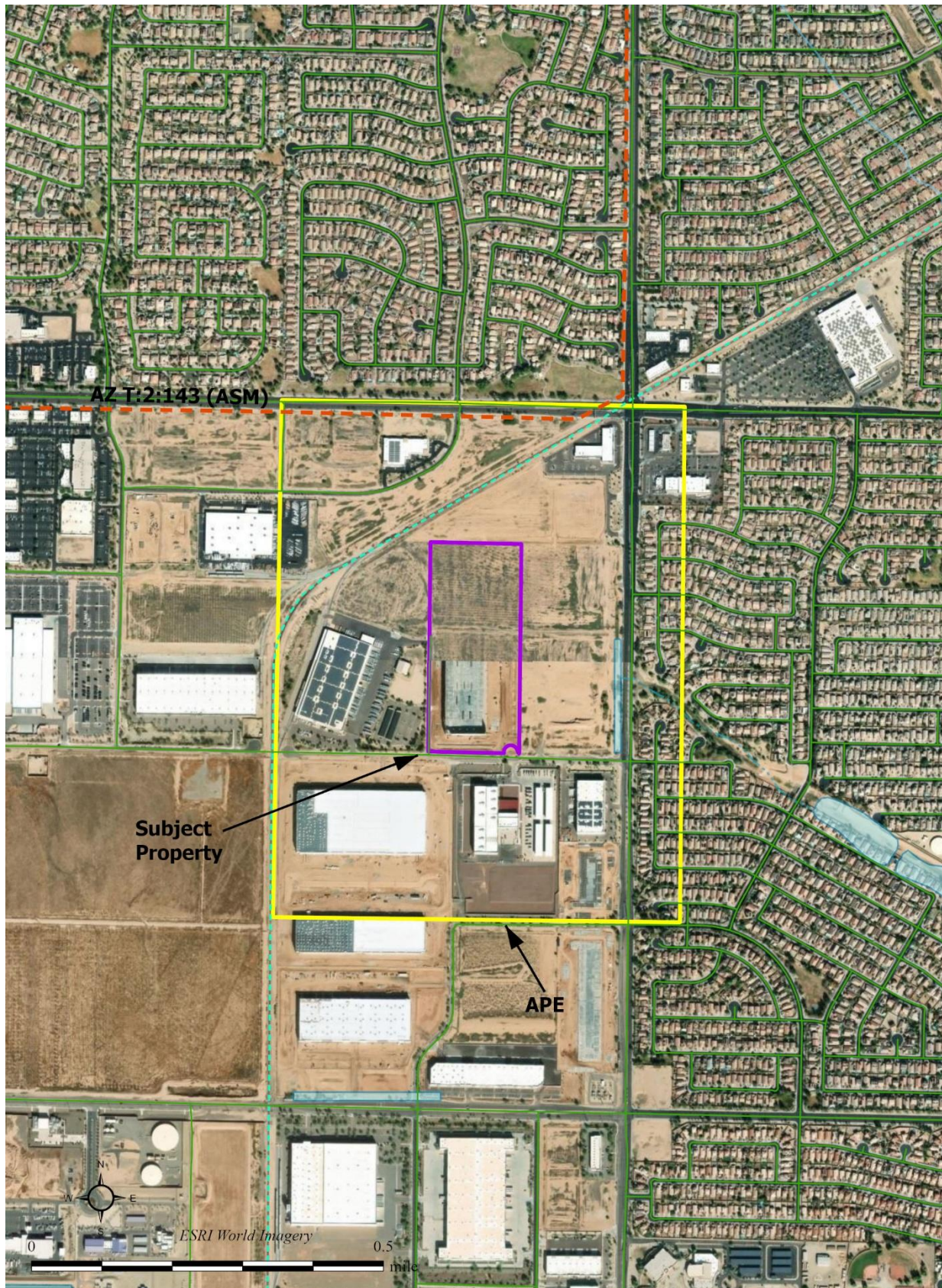


Figure 16. Location of Resource AZ T:2:143 (ASM) along Waddell Street and Dysart Road.

EXHIBIT B

AFTER RECORDING RETURN TO:

Department of Homeland Security
U.S. Immigration and Customs Enforcement Agency
Facilities Management Division
500 12th Street SW, Suite 3000
Washington, DC 20250
Attn: Tamim Chowdhury

17
Ga.

Tax Parcel No.: 501-36-932A
Title Insurer: Chicago Title Company

This instrument is exempt pursuant to A.R.S. § 11-1134(A)(3)

GENERAL WARRANTY DEED

This General Warranty Deed, made January 23, 2026, by **RG SURPRISE AZ LLC**, a Delaware limited liability company ("**Grantor**"), whose street address is 1271 Avenue of the Americas, 24th Floor, New York, NY, in favor of **the United States of America and its assigns** ("**Grantee**"), whose street address is 500 12th Street SW, Suite 3000, Washington, D.C., 20536.

WITNESSETH:

That for and in consideration of the sum of \$70,035,000.00, cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell and convey, and warrant in fee simple, with General Warranty, unto said Grantee, that certain property located in Maricopa County, Arizona, as is more particularly described on **Exhibit A** attached hereto, together with all rights, title, and interest of Grantor in and to any alleys, streets, ways, strips, or gores abutting or adjoining the land (collectively, the "**Property**"); subject to and with the benefit of all easements, restrictions, agreements, rights of way and reservations of record insofar as the same are now in force and affect the Property.

The acquiring federal agency is the Department of Homeland Security.

TO HAVE AND TO HOLD the Property, together with each and every title, right, privilege, appurtenance and advantage thereunto belonging, or in anywise appertaining, unto and for the use, benefit and behoof of Grantee, its successors and assigns, in fee simple forever.

SUBJECT TO: all reservations in patents; and all easements, rights-of-way, covenants, conditions, and other matters as may appear of record; all matters which could be determined by a visual inspection or a complete and accurate ALTA/NSPS survey of the Property.

And Grantor hereby binds itself and its successors to warrant and defend the title, subject to the matters above set forth.

[SIGNATURE PAGES TO FOLLOW]

Exhibit A to General Warranty Deed

Legal Description of the Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

Lot 32, AMENDED FINAL PLAT SURPRISE POINTE, according to the plat recorded in Book 984 of Maps, page 20 and Affidavit of Correction recorded in Recording No. 2008-0388669, records of Maricopa County, Arizona.

Unofficial Document

EXHIBIT C

NOTICE

Due to the lapse in federal funding, this website will not be actively managed. [Click here for more information.](#)

U.S. Department of Homeland Security

Early Notice and Public Review of a Proposed Activity in a 100- to 500-Year Floodplain - Surprise, Arizona

The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), is issuing this notice in accordance with Executive Order 11988, Floodplain Management, as amended. ICE has determined that the Proposed Action, described below, is located within the FEMA Zone X (shaded) 100- to 500-year floodplain, which represents areas of moderate flood hazard between the 1-percent and 0.2-percent annual-chance flood limits. ICE reviewed practicable alternatives to avoid locating the proposed facility in the floodplain, assessed potential effects, and reduced potential effects on floodplain resources.

Proposed Action

ICE proposes to acquire, renovate, and occupy an existing warehouse at 13290 West Sweetwater Avenue, Surprise, Arizona, for use as a temporary detainee dormitory for individuals awaiting immigration proceedings. The 24.46-acre parcel is located in an established industrial area and includes a warehouse built in 2024. The site is largely impervious and already supported by roadway, utility, and drainage infrastructure, requiring only minor adjustments to accommodate operational needs.

Planned improvements may include, but are not limited to, interior renovations, upgrades to parking, utilities, and stormwater, installation of upgraded perimeter fencing, construction of outdoor recreation spaces on existing paved surfaces, and construction of a guard shack. No site improvements are expected to be taller than the existing structure or expand beyond the current site boundaries, and all work and construction staging will occur within the parcel boundary.

Floodplain Identification and Impact Mitigation

The Federal Emergency Management Agency (FEMA) National Flood Hazard Layer and Flood Insurance Rate Map Panel 04013C1680L (effective October 16, 2013) indicates that the entire property lies within FEMA Flood Zone X (shaded). Shaded Zone X represents areas between the 100-year and 500-year flood boundaries and is mapped as a moderate flood hazard zone.

The building's finished floor elevation is approximately 1,148 feet, which is above the adjacent mapped base flood elevations of approximately 1,140 feet (south) and 1,144 feet (north). The finished floor elevation will remain above the applicable Base Flood Elevation in accordance with FEMA and Maricopa County requirements. No elevation changes or structural alterations affecting flood risk are planned.

Ground disturbance would be limited and would not change site drainage or floodplain characteristics. Installation of approximately 4,500 linear feet of upgraded perimeter security fencing will require shallow, localized trenching to accommodate both fence posts and the security fence. Excavation will be limited to the minimum depth necessary for proper anchoring and placement of these features. Final depths will be confirmed during detailed engineering; however, trenching for footers are anticipated to be two-to-three feet wide and roughly three to four feet deep. All disturbed soils will be backfilled and compacted promptly to restore the original grade, and the fence will not include continuous footings or barriers that could impede overland flow or redirect surface water within the floodplain.

Minor excavation will also occur to install footing supports for recreation-area awnings. These footings involve small, localized excavations through existing paved surfaces, consistent with the scope and scale of ground disturbance associated with fencing upgrades. No grading or recontouring is required, and the small disturbance footprint keeps erosion potential low. Soils will be restored immediately, and construction staging will occur on paved areas; erosion and sediment controls are not expected to be necessary.

Existing stormwater infrastructure at the site is not expected to require modification at this time. Existing site drainage consists of sheet flow to on-site storm drains that discharge to three gravel detention basins equipped with drywells. Based on site conditions and preliminary engineering assessments, the system is expected to remain adequate for the proposed operational use. If final design identifies the need for minor stormwater improvements, such as localized replacement or upsizing of components, any such work would be limited in scale and would not alter drainage patterns, impervious area, basin capacity, or permitting requirements.

Potable water and sanitary sewer service are already sized for industrial-scale operations. Preliminary engineering review indicates that the existing sanitary sewer lateral is expected to have sufficient capacity to support the proposed operational use. If future utility modeling identifies the need for upgrades (e.g., upsizing of service laterals), such work would be minimal and occur entirely within previously disturbed areas.

Given the limited scope of site work, the absence of stormwater or grading changes, and the elevated finished-floor elevation, the Proposed Action would not affect floodplain hydrology or increase flood risk on or off the site.

Alternatives

In accordance with the National Environmental Policy Act (NEPA), and EO 11988, ICE evaluated several alternative locations, including properties at 13290 W Sweetwater Avenue in Surprise; 15784 W Hatcher Road in Waddell; 13543 W Northern Avenue in Glendale; 16500 W Glendale Avenue in Litchfield Park; 8016 E Pecos Road in Mesa; and the No Action Alternative, to determine whether reasonable options existed that would meet operational requirements while minimizing environmental and community impacts.

ICE identified the property at 13290 W Sweetwater Avenue, Surprise, Arizona, as the Preferred Alternative. This location consists of a newly constructed industrial facility requiring only limited interior modifications and minor exterior improvements. The site is located in an established industrial area with compatible surrounding land uses and includes existing utility, stormwater, and transportation infrastructure, thereby reducing the need for new ground disturbance. Its proximity to ICE's Area of Responsibility (AOR) reduces operational travel distances and associated environmental impacts.

The site at 15784 W Hatcher Road, Waddell, Arizona, was dismissed due to higher acquisition costs, greater distance from the Area of Responsibility (AOR), and reduced operational efficiency compared to the preferred site. The property at 13543 W Northern Avenue, Glendale, Arizona, was not selected due to its proximity to residential neighborhoods, which raised security and land-use compatibility concerns, and ownership conditions that complicate federal acquisition. The location at 16500 W Glendale Avenue, Litchfield Park, Arizona, was not selected because shared access and circulation constraints with adjacent properties limited operational functionality and site security. The site at 8016 E Pecos Road, Mesa, Arizona, was removed from consideration due to insufficient site separation from neighboring buildings, ownership uncertainties regarding long-term availability, and reduced operational suitability compared to the Preferred Alternative.

Under the No Action Alternative, ICE would continue to rely on existing facilities that lack sufficient capacity and do not meet current operational requirements. This alternative would not support federal mission needs or provide a viable long-term solution and could result in continued operational inefficiencies and additional impacts associated with outdated infrastructure. As such, the No Action Alternative was dismissed.

Based on this evaluation, ICE determined that the Preferred Alternative at 13290 W Sweetwater Avenue best meets operational needs while minimizing environmental, community, and security impacts. As stated previously, the Proposed Action is not anticipated to impact the floodplain.

Comment

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains, as well as those interested in protecting the natural environment, should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Any individual, group, or agency wishing to comment on the project may do so via email at icesustainability@ice.dhs.gov (<mailto:icesustainability@ice.dhs.gov>). Comments must be received by the Department of Homeland Security (DHS) on or before Friday, January 19, 2026.

Keywords

[ASSESSMENT](#) (/KEYWORDS/ASSESSMENT) [AWARENESS](#) (/KEYWORDS/AWARENESS)

Last Updated: 02/12/2026

EXHIBIT D



Congress of the United States
House of Representatives
Washington, DC 20515

February 4, 2026

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
300 7th St S.W.
Washington, D.C.

Dear Secretary Noem,

I write to you regarding [recent reports](#) that the Department of Homeland Security (DHS) is planning to convert a warehouse facility in Surprise, Arizona into a large-scale federal immigration detention center. As the Member of Congress representing Surprise and the surrounding communities, I have a responsibility to ensure that federal actions affecting my district are implemented transparently and in close coordination with state and local stakeholders.

Let me be clear at the outset: I strongly support the mission of U.S. Immigration and Customs Enforcement (ICE) and the enforcement of our nation's immigration laws. The rule of law is not optional, and detention capacity is an essential component of a functioning immigration system—particularly after years of reckless and deliberate policy failures by the Biden administration. Its open-border agenda allowed millions of illegal aliens to flood into the United States, including Arizona, [overwhelming federal and local resources](#), straining public safety, and forcing the federal government into reactive, large-scale detention measures that could have been avoided with responsible leadership.

By contrast, the Trump Administration has demonstrated that decisive action, clear enforcement priorities, and an unwavering commitment to the rule of law can secure the border and restore order to our immigration system. Through effective border security policies, robust interior enforcement, and meaningful cooperation with state and local partners, illegal crossings have [declined dramatically](#), and federal resources have been responsibly managed. That record stands as clear evidence that border security is achievable when the law is enforced and political will exists.

At the same time, while immigration policy is set at the federal level, its impacts are felt most acutely at the local level. A detention facility of the reported size raises legitimate and reasonable questions for nearby residents, schools, first responders, and local governments. Concerns regarding infrastructure capacity, traffic, emergency services, environmental impacts, and public safety deserve serious consideration. These are not anti-illegal immigration concerns; they are common-sense expectations of transparency, planning, and accountability.

DHS has an obligation to work cooperatively with state and local officials—especially when making decisions that directly affect the day-to-day life of a growing city like Surprise. Even when detention capacity is necessary, it must be implemented responsibly, with appropriate review and open communication. Congressional oversight plays a critical role in strengthening public trust and ultimately supporting the lawful mission of immigration enforcement.

Accordingly, pursuant to my constitutional oversight responsibilities, I request that DHS provide written responses to the following questions no later than 10 business days from receipt of this letter:

1. What is the planned capacity of the proposed detention facility in Surprise, and what population (e.g., adult males, families, short-term detainees) is expected to be housed there?
2. What DHS components will operate the facility, and will operations be conducted directly by the federal government or through private contractors?
3. What consultations, if any, have occurred with the City of Surprise, Maricopa County, local school districts, and public safety agencies prior to site selection?
4. What traffic impact analyses have been conducted, and what mitigation measures are planned to address increased vehicular traffic in surrounding neighborhoods?
5. How does DHS plan to ensure adequate access to emergency medical services, fire protection, and law enforcement support without straining existing local resources?
6. What security measures will be in place to ensure the safety of nearby residents, schools, and businesses?
7. What infrastructure upgrades (roads, utilities, communications) will be required, and who will bear the associated costs?
8. What is the anticipated timeline for site development, operational commencement, and any future expansion?
9. How does DHS plan to maintain ongoing communication with local officials and residents, and what mechanisms will be in place to address community concerns once the facility is operational?
10. Is the proposed detention facility intended to operate on a temporary or permanent basis? If temporary, what is the expected duration of operations, and what specific benchmarks or conditions will determine closure or decommissioning of the site?
11. What contingency plans does DHS have in place should detention numbers exceed the facility's planned capacity, and would such contingencies involve expansion of this site or the use of additional facilities in or near Surprise?
12. Will detainees be transported to and from the facility by federal personnel, contractors, or local law enforcement, and what coordination agreements—if any—are being contemplated with local agencies?
13. What funding sources are being used for the acquisition, conversion, and operation of the facility, and has DHS assessed whether future appropriations shortfalls could shift costs or operational burdens onto state or local governments?
14. What role, if any, does DHS envision for congressional oversight committees in reviewing compliance, operational standards, and community impact once the facility becomes operational?
15. Going forward, what formal process does DHS intend to use to communicate regularly with Members of Congress and state and local officials regarding the facility's status, operations, and any material changes to its scope or mission?

I appreciate your prompt attention to these matters. My goal is to ensure that federal immigration enforcement is carried out effectively while respecting the legitimate interests of the communities that bear its local impacts. I look forward to your timely response and to continued cooperation in support of lawful, responsible immigration enforcement.

Sincerely,

A handwritten signature in blue ink that reads "Paul A. Gosar" followed by a stylized flourish.

Paul A. Gosar, D.D.S.
Member of Congress

EXHIBIT E

Congress of the United States

Washington, DC 20515

February 5, 2026

Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, DC 20528

Todd Lyons
Acting Director
U.S. Immigration & Customs Enforcement
500 12th Street SW
Washington, D.C. 20536

Dear Secretary Noem and Acting Director Lyons:

We write as members of the Arizona congressional delegation regarding the Department of Homeland Security's (DHS) recent purchase of a large warehouse facility in Surprise, Arizona, for use by U.S. Immigration and Customs Enforcement (ICE).

According to Maricopa County property records and public reporting, DHS purchased a 418,400 square-foot facility near Waddell Road and Dysart Road in Surprise, Arizona, for approximately \$70 million in cash. ICE has since confirmed that the facility will be used as a processing and detention center with around 1,500 beds. Local officials have stated publicly that the city was not informed of the purchase in advance and remains without basic information about the facility's intended use, timeline, and impacts.

This transaction has generated substantial concern in the community. Given the scale of the purchase and the lack of notice to local officials, we request written responses to the following questions.

Authority, approvals, and process

1. Identify the specific statutory and regulatory authority DHS relied upon to purchase this property, including any delegations, determinations, or waivers used for this transaction.
2. Provide the acquisition timeline, including the dates the property was first identified, when DHS made the decision to pursue this site, when funds were obligated, and the closing date.
3. Identify the DHS and ICE officials and components that approved the site selection and purchase, and describe the internal review process that occurred before obligating approximately \$70 million in taxpayer funds.
4. Describe what due diligence and price analysis supported the purchase price, including whether DHS obtained an independent appraisal, reviewed comparable sales, or otherwise validated fair market value.

Notice, coordination, and community impacts

5. Describe whether DHS or ICE provided advance notice of the planned purchase to the City of Surprise, Maricopa County, or neighboring jurisdictions. If not, explain why advance coordination did not occur and identify who made that decision.
6. Identify DHS or ICE points of contact for the City of Surprise and neighboring jurisdictions, and describe DHS's plan and schedule for ongoing coordination with local officials about this property, including law enforcement, fire, and emergency medical services.

Facility purpose and operational footprint

7. Confirm the intended use of the facility and provide the expected average length of stay for individuals held there.

8. Provide the anticipated operational start date and the planned staffing model for a 1,500 bed operation, including whether contractors will operate or support facility functions.

Environmental review and siting impacts

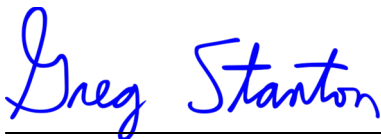
9. Identify the National Environmental Policy Act pathway DHS used for this project, including whether DHS prepared an environmental assessment or environmental impact statement, or relied on a categorical exclusion. Provide the determination and supporting documentation.
10. Describe DHS's plans to mitigate local impacts associated with a 1,500 bed detention operation at this location, including traffic and transportation activity, emergency response needs, medical care capacity, and conditions of confinement within a warehouse setting.

The federal government has the authority to carry out its responsibilities, but that authority does not eliminate the obligation to act transparently and responsibly, particularly when major federal actions directly affect local communities. At present, local officials and residents are being asked to accept a significant federal facility with minimal information and no meaningful advance notice.

We request a written response no later than fifteen (15) days from the date of this letter. We also request a briefing for members of the Arizona congressional delegation and relevant local officials as soon as possible.

Thank you for your prompt attention to this matter. We look forward to your response.

Sincerely,



Greg Stanton
Member of Congress



Yassamin Ansari
Member of Congress



Adelita S. Grijalva
Member of Congress

EXHIBIT F



KRIS MAYES
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

February 9, 2026

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
300 7th St S.W.
Washington, D.C.

Dear Secretary Noem,

I write regarding public reports that the Department of Homeland Security's (DHS) recently purchased a large warehouse in Surprise, Arizona, for use as a U.S. Immigration and Customs Enforcement (ICE) processing and detention facility for 1,500 migrants. The 418,000 square foot warehouse near the intersection of Sweetwater Avenue and Dysart Road is located just 300 yards from residential homes and just over a mile away from a high school with a large Hispanic population and a preschool with afterschool programs for children under twelve.

Local officials have stated publicly that the city was not informed of the purchase in advance and remains without basic information about the facility's intended use, timeline, and impacts.¹ A Surprise City Council meeting on February 3, 2026, confirmed that City residents remain in the dark regarding DHS's plans and have grave concerns regarding the proposed facility. At the meeting, over eighty residents spoke at length of the project's harm to their community given the facility's proximity to local schools, its likely strain upon municipal services, including fire prevention, water, wastewater, trash and emergency medical response, and the long-term impacts of the facility upon property values and local economic development.

Many federal, state and local environmental laws and regulations apply to the construction and operation of facilities similar to the proposed ICE detention facility. As Arizona's top law enforcement officer, I have authority to compel the abatement of activities considered a public nuisance due to being "injurious to health, indecent, offensive to the senses or an obstruction to the free use of property that interferes with the comfortable enjoyment of life or property by an entire community or neighborhood or by a considerable number of persons." A.R.S. 13-2917. I note with approval your statement on the DHS website, that "through technical support, training, and oversight, DHS limits liability by *ensuring continuous compliance with*

¹ City of Surprise, AZ, "A Statement from the City of Surprise," Jan 30, 2026, <https://surpriseaz.gov/1155/City-News?contentId=2a6d02c6-8bb9-4a6f-b2b4-9734b84b929a>.

*federal, state, and local laws and regulations, in the operation of DHS facilities and the execution of mission essential functions.*²

Prior to the starting any construction or operational activities, DHS must answer basic questions about the use of the facility and its impacts upon the local community. In seeking such information in this letter, I join the bipartisan chorus of federal lawmakers, in particular U.S. Representatives Paul Gosar (R-AZ-9),³ Yassamin Ansari (D-AZ-3), Greg Stanton (D-AZ-4), and Adelita Grijalva (D-AZ-7),⁴ who have demanded answers from your office regarding the planned facility.

Accordingly, I request your Office provide written responses to the following questions regarding the proposed ICE detention facility in Surprise, Arizona, no later than February 17, 2026:

1. Copies of all DHS responses to the fifteen (15) questions posed by U.S. Representative Paul Gosar in a letter to Secretary Kristi Noem dated February 4, 2026.
2. Copies of all DHS responses to the ten (10) questions posed by U.S. Representatives Yassamin Ansari, Greg Stanton, and Adelita Grijalva in a letter to Secretary Kristi Noem dated February 5, 2026.
3. Details regarding all measures DHS will put in place to ensure the construction associated with the conversion of the warehouse to an ICE detention center and the operation of the center will not interfere with the functioning of any nearby school or the health and safety of their students, including that of the Dysart High School, whose student population, according to the National Center for Education Statistics, is over 60 percent Hispanic.
4. Details regarding all vehicular traffic occasioned by any construction associated with converting the warehouse to an ICE detention center and the operation of the center, including the number of vehicular trips, the roads to be used, the type and estimated number of vehicles, the days of the week and time of day of vehicular trips, and the estimated amount of pollutants, dust and noise that will accompany the vehicle traffic to and from the facility.
5. Details regarding noise impacts from the planned facility, including during the construction and operational phases, and including whether such lighting would be in compliance with City and County lighting requirements, if applicable.
6. Details regarding outdoor lighting from the planned facility, the hours outdoor lighting will be present, including whether such lighting would be in compliance with City and County lighting requirements, if applicable.

² U.S. Department of Homeland Security, Environment and Energy at DHS, https://www.dhs.gov/ocrso/eed#:~:text=DHS's%20environmental%20planning%20responsibilities%20include:%20*%20Analyzing,federal%2C%20state%2C%20and%20local%20laws%20and%20regulations (emphasis added).

³ Letter from the Hon Paul Gosar to DHS Secretary Krisi Noem, Feb, 4, 2026 (demanding DHS's response to a list of 15 questions within 10 days).

⁴ Letter from the Hons. Yassamin Ansari, Greg Stanton, and Adelita Grijalva, Feb. 5, 2026 (demanding DHS's response to a list of 10 questions with 15 days).

7. Details regarding the amount of water that will be needed for all uses associated with the construction and operational phases of the proposed facility, the projected source of the water, and the impacts of the facility's water demand upon competing demands for water locally.
8. Details regarding the generation and disposal of all liquid and solid waste from the facility during the construction and operational phases of the project, including the expected amounts of each type of waste and whether hazardous and/or non-hazardous, how it will be disposed of, where, and all steps that will be taken by DHS to prevent such disposal from interfering with existing waste disposal services in Surprise, Arizona.
9. Details regarding DHS's plans to ensure all persons housed or working at the proposed facility are provided adequate medical care, including mental health services, through on-site and off-site medical clinics, offices, and hospitals, as well as the emergency response personnel and funding that will be available to guarantee that such medical care is readily accessible to those in need of such care.
10. Details regarding all other impacts to local municipal and county services, including fire, law enforcement and emergency response that will be occasioned by the proposed conversion of a warehouse into an ICE detention center and the operation of the center.

Thank you for your prompt response to this request.

Sincerely,



Kris Mayes
Attorney General

EXHIBIT G

Secretary

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



Homeland
Security

February 18, 2026

Representative Paul A. Gosar, D.D.S
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gosar:

Thank you for your February 4, 2026 letter to the Department of Homeland Security (DHS) about a new U.S. Immigration and Customs Enforcement (ICE) detention center in Arizona.

ICE is reengineering its detention structure and acquisition strategy to meet the growing demand for bedspace and to streamline the detention and removal process.

ICE is committed to safe, secure, and humane environments for all those in its custody, no matter what type of facility in which they are housed. All detention centers are required to abide by ICE national detention standards, relevant regulations, or other requirements. Delivered facilities will be safe, energy-efficient, and compliant with all relevant federal, state, and local laws.

Under the previous administration, millions of illegal aliens were released or escaped into the interior, with Arizona on the frontlines of this crisis. These facilities will enhance ICE's ability to arrest, detain, and remove illegal aliens.

Please see the enclosure for responses to your individual questions. Thank you again for your letter and interest in this matter. Should you wish to discuss this matter further, please contact the DHS Office of Legislative Affairs at (202) 447-5890.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kristi Noem", written in a cursive style.

Kristi Noem
Secretary of Homeland Security

Enclosure

**Department of Homeland Security Response to
U.S. Representative Paul Gosar February 4, 2026 Letter**

- 1. What is the planned capacity of the proposed detention facility in Surprise, and what population (e.g., adult males, families, short-term detainees) is expected to be housed there?**

Response: The proposed site, located in Surprise, Arizona, is under consideration to serve as a 500-1,500-bed processing site. Processing sites serve primarily for intake and transfer of aliens who have been arrested and placed into removal proceedings. Average length of stay will generally be 3-7 days before aliens are transferred to a mega detention center for the remaining duration of their removal proceedings.

ICE anticipates onboarding these facilities as part of our detention reengineering initiative by the end of Fiscal Year 2026; however, this is an active procurement, and no final decisions have been made on this facility.

- 2. What DHS components will operate the facility, and will operations be conducted directly by the federal government or through private contractors?**

Response: ICE issued a solicitation to identify vendors to provide comprehensive detention operations and wraparound services including facility, grounds maintenance, and operations services at all newly acquired facilities. As this is an active procurement, no operator has been identified at this time.

- 3. What consultations, if any, have occurred with the City of Surprise, Maricopa County, local school districts, and public safety agencies prior to site selection?**

Response: ICE and the contractor performing due diligence services did not have direct contact with the city of Surprise or Maricopa County prior to site selection. Site selection was predicated on a “No Detrimental Effect” determination. ICE will continue to engage with state and local stakeholders when appropriate, while ensuring operational security.

As ICE advances through the procurement process and awards contracts for retrofit and design build services, communication with state and local officials will be required. As information is able to be made public, the agency will communicate promptly with federal, state, and local lawmakers.

- 4. What traffic impact analyses have been conducted, and what mitigation measures are planned to address increased vehicular traffic in surrounding neighborhoods?**

Response: ICE strives to maintain a cooperative partnership with local communities. ICE will continue to engage with state and local stakeholders when appropriate, while ensuring operational security. As information is able to be made public, the agency will communicate promptly with federal, state, and local lawmakers.

5. How does DHS plan to ensure adequate access to emergency medical services, fire protection, and law enforcement support without straining existing local resources?

Response: ICE will have a fully staffed medical unit tasked with primary care of aliens in detention. ICE strives to maintain a cooperative partnership with local governments, including local fire departments, law enforcement, and EMS. ICE reimburses local partners for medical care and medical services provided.

6. What security measures will be in place to ensure the safety of nearby residents, schools, and businesses?

Response: This will be a secure facility adhering to ICE National Detention Standards. As with all other ICE detention centers, ICE will maintain a robust security staff for the site to ensure safety of detainees, facility staff, and the local community. Please note that ICE is committed to safe, secure, and humane environments for all those in its custody, as well as ensuring community safety.

7. What infrastructure upgrades (roads, utilities, communications) will be required, and who will bear the associated costs?

Response: ICE does not anticipate requiring infrastructure upgrades to surrounding areas. However, a site and engineering evaluation will be completed for this location. ICE has completed feasibility studies and site fit assessments for this facility, which we will provide to your office.

8. What is the anticipated timeline for site development, operational commencement, and any future expansion?

Response: ICE anticipates onboarding these facilities by the end of Fiscal Year 2026. ICE cannot provide specifics on anticipated dates of completion for the Surprise, AZ facility due to the impacts of the current government shutdown. ICE will continue to engage with state and local stakeholders when appropriate, while ensuring operational security. As information is able to be made public, the agency will communicate promptly with federal, state, and local lawmakers.

9. How does DHS plan to maintain ongoing communication with local officials and residents, and what mechanisms will be in place to address community concerns once the facility is operational?

Response: As ICE advances through the procurement process and awards contracts for retrofit and design build services, communication with state and local officials will be required. We will work with your office to ensure communication is provided to all appropriate local stakeholders.

10. Is the proposed detention facility intended to operate on a temporary or permanent basis? If temporary, what is the expected duration of operations, and what specific benchmarks or conditions will determine closure or decommissioning of the site?

Response: ICE constantly evaluates its detention needs and contract structures based on changes in immigration patterns, the operational needs of the agency, and the availability of resources.

11. What contingency plans does DHS have in place should detention numbers exceed the facility's planned capacity, and would such contingencies involve expansion of this site or the use of additional facilities in or near Surprise?

Response: We do not anticipate exceeding site capacity at the site because it will serve as an intake and transfer facility of aliens in ICE custody. Processing sites serve primarily for intake and transfer for aliens who have been arrested and placed into removal proceedings. Average length of stay will generally be 3-7 days before aliens are transferred to a mega detention center for the remaining duration of their removal proceedings.

12. Will detainees be transported to and from the facility by federal personnel, contractors, or local law enforcement, and what coordination agreements—if any—are being contemplated with local agencies?

Response: Detainees in ICE custody will be transferred by an ICE contractor or ICE deportation officers. All vendors contracted by ICE will provide comprehensive detention operations and wraparound services including facility, grounds maintenance, and operations services. As this is an active procurement, no operator has been identified at this time.

13. What funding sources are being used for the acquisition, conversion, and operation of the facility, and has DHS assessed whether future appropriations shortfalls could shift costs or operational burdens onto state or local governments?

Response: Thanks to the One Big Beautiful Bill Act, ICE has funding to expand detention space to keep criminal aliens off American streets before they are removed for good from our communities. These efforts aim to meet the growing demand for bedspace across the United States and streamline the detention and removal process, focusing on facilities built specifically to support ICE's needs.


14. What role, if any, does DHS envision for congressional oversight committees in reviewing compliance, operational standards, and community impact once the facility becomes operational?

Response: ICE supports congressional requests to visit detention facilities and other ICE facilities around the country. Any new detention facilities will be subject to the DHS Secretary's guidance for congressional visits to ICE facilities. These facilities will adhere to all statutory requirements and DHS/ICE policies regarding congressional oversight.

15. Going forward, what formal process does DHS intend to use to communicate regularly with Members of Congress and state and local officials regarding the facility's status, operations, and any material changes to its scope or mission?

Response: ICE will continue to engage with state and local stakeholders when appropriate, while ensuring operational security. As information is able to be made public, the agency will communicate promptly with federal, state, and local lawmakers. ICE will continue to abide by all Congressional notifications procedures regarding federal contracts.

EXHIBIT H

 An official website of the United States government
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Delivery Order (DO)



AWARD PROFILE

Contract Summary



Awarding Agency

Department of Homeland Security (DHS)

Recipient

GARDAWORLD FEDERAL SERVICES LLC

1700 N MOORE ST STE 1875
ARLINGTON, VA 22209-1913
UNITED STATES

Congressional District: VA-08 

Related Awards

Parent Award Unique Key

CONT_IDV_N0002325D0032_9700

Dates



Today

Start Date

Current End Date

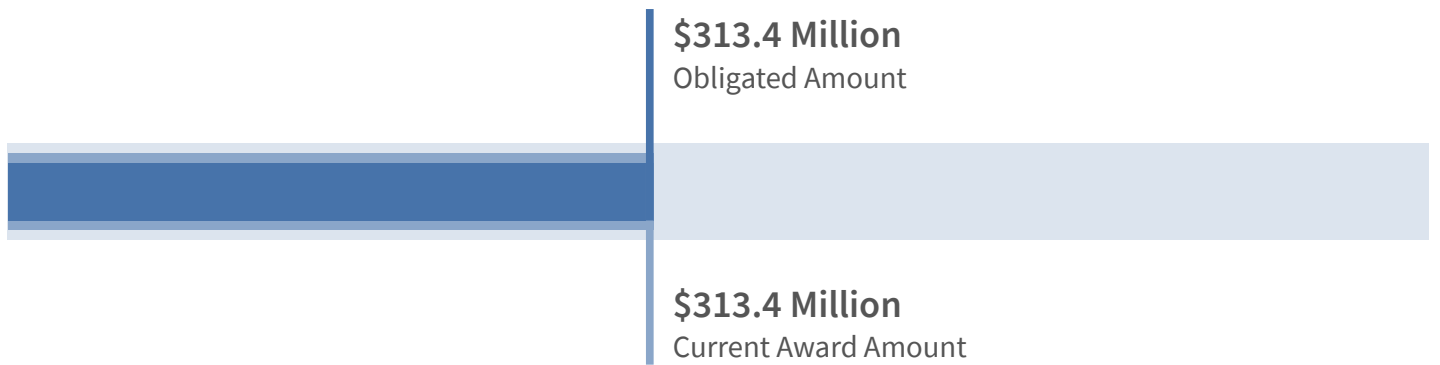
Mar 06, 2026

Mar 05, 2027

Potential End Date

Feb 17, 2029

\$ Award Amounts



\$704.1 Millior
Potential Award Amoun

Outlayed Amount	\$0.00
Obligated Amount	\$313,357,612.46
Current Award Amount	\$313,357,612.46
Potential Award Amount	\$704,091,073.00

[View Transaction History](#)

Description



THIS TASK ORDER IS TO PROCURE THE RENOVATION OF EXISTING, ICE-OWNED PERMANENT STRUCTURE IN SUPRISE, AZ TO SERVE AS A PROCESSING AND DETENTION FACILITY AND PROVIDE ALL NECESSARY WRAPAROUND SERVICES FOR OPERATION...

[read more](#)

North American Industry Classification System (NAICS) Code 

54 : Professional, Scientific, and Technical Services

5416: Management, Scientific, and Technical Consulting Services

541614: Process, Physical Distribution, and Logistics Consulting Services

Product or Service Code (PSC) 

SERVICES

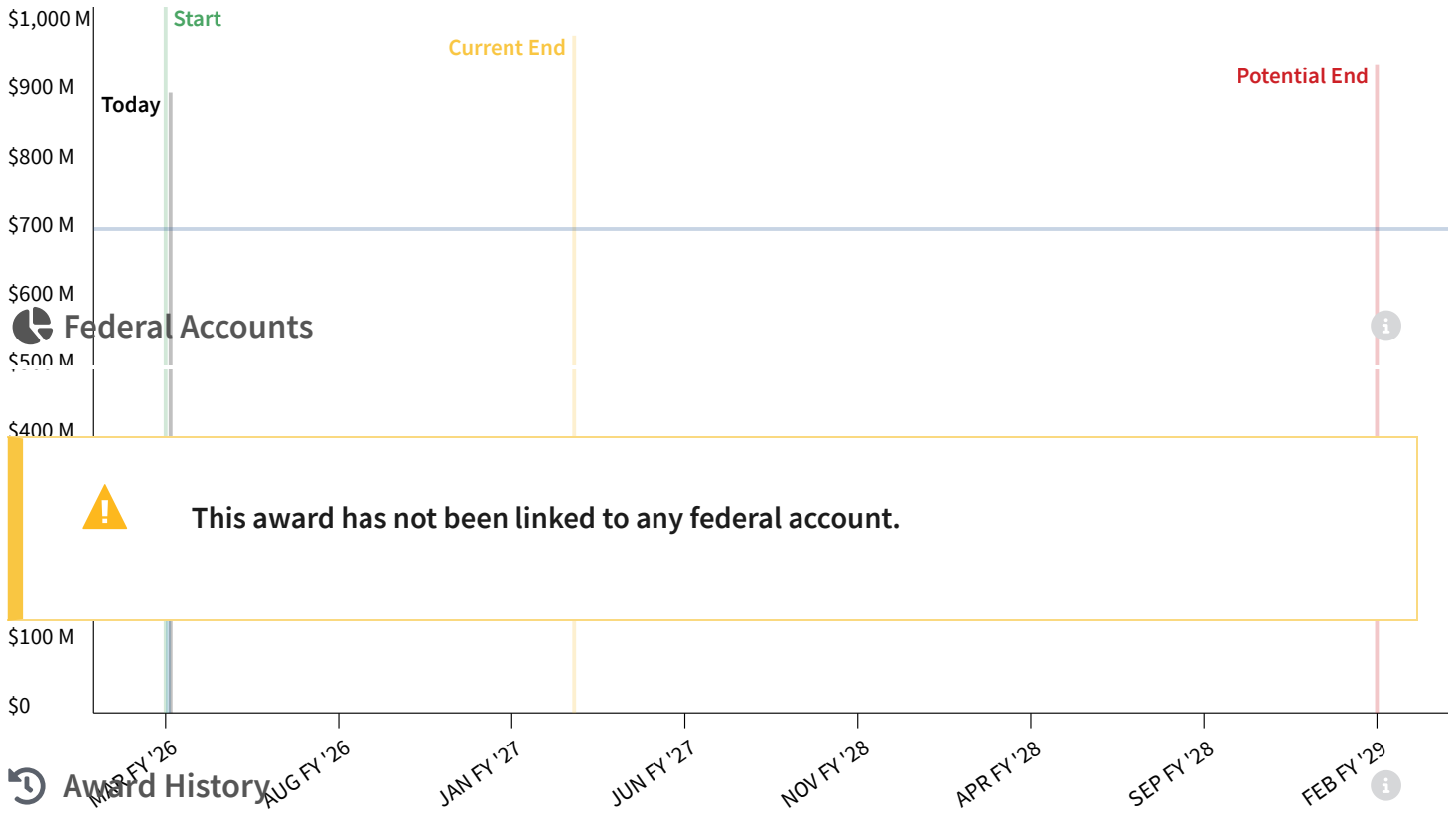
S: UTILITIES AND HOUSEKEEPING

S2: HOUSEKEEPING SERVICES

S206: HOUSEKEEPING- GUARD

 **Contract Activity**





[View transactions table](#)

Transaction History 1	Sub-Awards 0	Federal Account Funding 0		
Modification Number	Action Date	Amount	Action Type	Tran
0	03/06/2026	\$313,357,612	--	THIS REN PER SER FAC WR/ THE reac

[Additional Information](#)

Expand All

Unique Award Key >

Agency Details >

Parent Award Details >

Place Of Performance v

Address	ARLINGTON, VA 22209-1916 UNITED STATES
Congressional District	VA-08

Period Of Performance v

Start Date	03/06/2026
End Date	03/05/2027
Potential End Date	02/17/2029

Legislative Mandates >

Recipient Details v

Recipient	GARDAWORLD FEDERAL SERVICES LLC
Recipient Identifier	FJLMN2N34M93 (UEI)
Parent Recipient	BC PARTNERS LLP
Parent Recipient Identifier	HT6WN7A8D2P3 (UEI)
Recipient Address	1700 N MOORE ST STE 1875 ARLINGTON, VA 22209-1913 UNITED STATES
Congressional District	VA-08
Business Types	Category Business Limited Liability Corporation Not Designated a Small Business Partnership or Limited Liability Partnership Special Designations

U.S.-Owned Business

 Acquisition Details 

 Competition Details 

Solicitation ID	70CDCR26R00000008
Solicitation Procedures	MAFO: SUBJECT TO MULTIPLE AWARD FAIR OPPORTUNITY
Number of Offers Received	6
Extent Competed	A: FULL AND OPEN COMPETITION
Other Than Full and Open Competition	--
Set-Aside Type	--
Commercial Item Acquisition Procedures	D: COMMERCIAL PRODUCTS/SERVICES PROCEDURES NOT USED
Simplified Procedures for Certain Commercial Items	NO
Evaluated Preference	NO PREFERENCE USED
Fed Biz Opps	NOT APPLICABLE
Small Business Competitiveness Demonstration Program	FALSE

 Additional Details 

 Executive Compensation 

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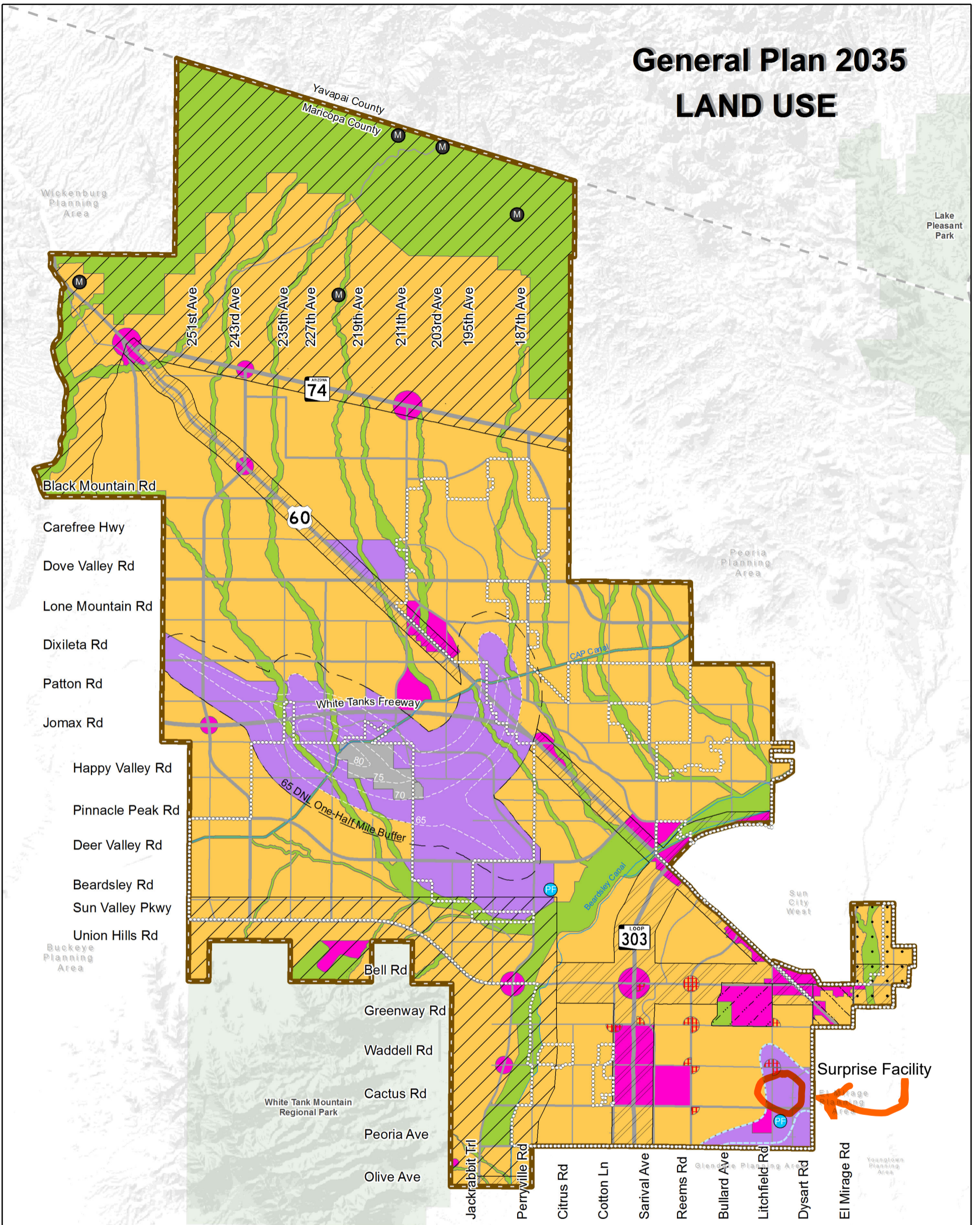


[D&B Information](#)

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EXHIBIT J

General Plan 2035 LAND USE



Character Areas	Sub Areas	Features	Circulation
<ul style="list-style-type: none"> Neighborhood <ul style="list-style-type: none"> - Rural - Suburban - Urban Commerce & Office <ul style="list-style-type: none"> - Mixed Use: Residential - Mixed Use: Commercial - Regional Commercial - Commercial Office Employment <ul style="list-style-type: none"> - Business Park - Industrial Open Space <i>(As described on page 53)</i> 	<ul style="list-style-type: none"> Luke Compatibility District Scenic Lands Development Surprise Center District Surprise Heritage District Transit Oriented Development District Aggregate Resource Areas 	<ul style="list-style-type: none"> Planning Area Aux 1 Noise Contours Luke AFB Noise Contours Canals Military Existing Community Commercial Public Facility Mining 	<ul style="list-style-type: none"> Freeway Parkway Major Arterial Minor Arterial BNSF Rail

N

0 1 2 Miles

Michael Baker INTERNATIONAL
SURPRISE ARIZONA