UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:25-cv-22896-JEM

FRIENDS OF THE EVERGLADES, INC., a Florida not-for-profit corporation, and CENTER FOR BIOLOGICAL DIVERSITY, a 501(c)(3) nonprofit organization,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as Secretary of the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; *et al.*

Defendants.

REPLY IN SUPPORT OF PLAINTIFFS' EXPEDITED MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

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Plaintiffs Friends of the Everglades, Inc., and Center for Biological Diversity, Inc. ("Plaintiffs"), by and through undersigned counsel, hereby Reply in support of their Expedited Motion for Temporary Restraining Order and Preliminary Injunction (D.E. 5) (the "Motion"):

INTRODUCTION

The State and Federal Defendants[1] cannot get their stories straight. In their responses to the Motion, D.E. 16 and D.E. 21, Defendants portray themselves as passing strangers, and the immigration detention facility (which will also function as an immigration court and deportation airport) being erected at breakneck speed in the heart of the Big Cypress National Preserve as a frolic of State, without any Federal participation. *See, e.g.*, D.E. 21-1 ¶ 5. Because this is the State's lonely endeavor, they argue, NEPA[2] does not apply, and they are not obliged to prepare an Environmental Impact Statement (EIS) to assess the impact of this facility on the Preserve and the Greater Everglades, or consider, as NEPA requires, reasonable alternatives that would achieve the desired result. Outside of court, however, the Defendants have told a different story.

Last week, Gov. DeSantis said the State began building a detention center in the Dade-Collier Training and Transition Airport ("TNT Site") at the "request[] [of] the federal government," and further stated and that it "is fully funded by the federal government."[3] Defendant Noem also stated that the detention center "will expand facilities and bed space in just days, thanks to our ***partnership*** with Florida."[4] While touring the detention center on July 1, Defendant Noem elaborated on her Department's "partnership": "My general counsel … called up the Attorney General and Governor and said, 'Hey, what do you think about partnering with us on a detention facility?"[5] That same day, State officials confirmed that "[t]he timing of detainee arrivals at the detention facility will be determined by the U.S. Department of Homeland Security and U.S.

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[1] In this Reply, Plaintiffs shall refer to Defendant Guthrie, sued in his official capacity as Executive Director of the Florida Division of Emergency Management, as the "State," and Defendants Noem and Lyons, sued in their official capacities as Secretary of the DHS and Acting Director of ICE, respectively, as the "Federal Defendants."

[2] The National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*,

[3] https://www.youtube.com/watch?v=gJfG7L9reHU&ab_channel=FOX35Orlando, (at 6:01 timemark), last visited June 27, 2025.

[4] Camilo Montoya-Galvez, *Florida to receive federal funds to build immigration detention sites, including "Alligator Alcatraz," Noem says*, CBS News (June 24, 2025), https://www.cbsnews.com/news/alligator-alcatraz-florida-immigration-detention-centers-dhs-secretary-noem/.

[5] Syra Ortiz Blanes and Alex Harris, *Feds move in court to distance Trump administration from Alligator Alcatraz*, Miami Herald (July 3, 2025), https://www.miamiherald.com/news/local/immigration/article309936010.html.

Immigration and Customs Enforcement"[6]–contrary to the declaration filed in this Court by the Federal Defendants a day later. *See* D.E. 21-1.

These representations are consistent with Florida's framework for coordinating and providing state assistance for Federal Defendants in immigration enforcement. Florida's Immigration Enforcement Operations Plan describes an "***integrated*** Federal-Florida State approach" between the State and its "Federal partners" to build new detention facilities. *See* Exhibit A at 5 (emphasis added). The detention center is a federal-state partnership. As a matter of law, it must be because the State cannot detain individuals under immigration law without the supervision and approval of Federal Defendants. Courts hold that where nonfederal entities "have entered into a partnership or joint venture with the Federal Government" they may be enjoined for noncompliance with NEPA. *Biderman v. Morton*, 497 F.2d 1141, 1147 (2d Cir. 1974). The Federal Defendants cannot shirk NEPA responsibilities by passing the buck to the State; the State is bound as a partner. They should all be enjoined as a result of their undisputed failure to comply with NEPA.

Indeed, the need for injunctive relief has only grown more urgent since Plaintiffs' Motion was filed. While the State continues to downplay the impacts of the detention center (and describe it as "temporary"), the evidence proves otherwise: Previously unimproved sections of the Site have been filled and paved; roads have been added and expanded; and the night sky over Big Cypress now glows like Yankee Stadium, visible from 15-miles away. *See* Exhibits D & E, attached. As shown in the Motion and below, the environmental impacts will be devastating. Defendants cannot hide from this fact – or from the public – under cover of darkness and avoid their responsibilities under federal law. An injunction should be entered to prevent further damage and maintain the status quo while this action is pending.

I. ARGUMENT

A. Construction and Operation of the Detention Center Is a Major Federal Action Subject to NEPA.

In their Responses, Defendants strain to evade the reach of NEPA by claiming that the State alone is responsible for the detention center. D.E. 16 at 7-9; D.E. 21 at 3-6. In the same breath, however, Defendants concede that the facility is intended for the detention and adjudication of

[6] CBS Miami Team, *Everglades "Alligator Alcatraz" immigrant detention center to receive first arrivals*, CBS News (July 2, 2025), https://www.cbsnews.com/miami/news/first-group-of-immigrants-set-to-arrive-at-alligator-alcatraz-immigrant-detention-center-in-everglades/.

individuals under color of federal immigration law and the authority of DHS. *See* D.E. 16 at 4 (asserting that the facility will house "detainees awaiting deportation" as part of the State's campaign against what it calls the "illegal immigration crisis"); D.E. 21 at 4-5 (asserting that Florida is acting pursuant to a 287(g) agreement with ICE). Defendants ignore the obvious: In performing exclusively federal functions on immigration enforcement, the State must necessarily be acting under federal control and authority at every step to build, maintain, and operate the detention center, because the State otherwise lacks the power to detain and deport individuals under federal immigration law. This project is necessarily a major federal action subject to NEPA, as the State ***cannot*** act in this field without federal approval or control.

Federal actions subject to NEPA include any actions that are subject to "substantial Federal control and responsibility." 42 U.S.C. § 4336e(10)(A). Contrary to the State's argument, "[m]ajor federal action can exist when the primary actors are not federal agencies." *United States v. S. Florida Water Mgmt. Dist.*, 28 F.3d 1563, 1572 (11th Cir. 1994). A "federal agency's authority to influence" nonfederal activity is "the touchstone of major federal activity." *Id.* (internal citation omitted) ("[t]he federal agency must possess actual power to control the nonfederal activity"). Under this standard, "a non-federal project is considered a 'federal action' if it cannot 'begin or continue without prior approval by a federal agency.'" *Maryland Conservation Council, Inc. v. Gilchrist*, 808 F.2d 1039, 1042 (4th Cir. 1986). Courts consider "whether the federal agency must undertake 'affirmative conduct' before the non-federal actor may act." *Indian River Cnty. v. Rogoff*, 201 F. Supp. 3d 1, 15 (D.D.C. 2016). Where a project is "sufficiently federal in character," NEPA applies. *Scottsdale Mall v. Indiana*, 549 F.2d 484, 489 (7th Cir. 1977).

Here, the State is constructing a detention center that is ***entirely*** federal in character. Gov. DeSantis has publicly stated that the TNT Site is to be used for (1) the ***detention*** of suspected illegal immigrants; (2) the ***adjudication*** of the removability of these individuals; and (3) the ***deportation*** of these individuals by utilizing the runway at the Site.[7] These are ***exclusively*** federal functions that the State is legally prohibited from performing without federal control and approval. Where federal approval is a "legal precondition for implementation," the action is federal action for NEPA purposes. *S. Florida Water Mgmt. Dist.*, 28 F.3d at 1572.

[7] Romy Ellenbogen and Ana Ceballos, *Trump OKs using National Guard as immigration judges at Florida detention center*, MIAMI HERALD (July 1, 2025), https://www.miamiherald.com/news/local/immigration/article309792865.html.

As the Supreme Court has held, the State has no authority "to decide whether an alien should be detained for being removable" because "the removal process is entrusted to the discretion of the Federal Government." *Arizona v. United States*, 567 U.S. 387, 409 (2012). For these reasons, two district court judges in this district recently held that Florida statutes providing for state and local enforcement of immigration laws were unenforceable and unconstitutional. *Florida Immigrant Coal. v. Uthmeier*, ---F. Supp. 3d---, No. 25-21524-CV, 2025 WL 1423357, at *7-10 (S.D. Fla. Apr. 29, 2025) (Williams, J.); *Farmworker Ass'n of Fla., Inc. v. Moody*, 734 F. Supp. 3d 1311, 1332-37 (S.D. Fla. 2024) (Altman, J.).

Similarly, the State has no legal power to determine the removability of any individual, or to deport any individual following a removability determination. *Arizona*, 567 U.S. at 409-10 ("The authority to control immigration–to admit or exclude alien–is vested solely in the Federal Government") (internal citation omitted). It is well established that "immigration judges alone have the authority to determine whether to deport an alien." *United States v. Romeo*, 122 F.3d 941, 943 (11th Cir. 1997) (interpreting 8 U.S.C. § 1229a). Immigration judges "are creatures of [federal] statute, receiving some of their powers and duties directly from Congress, and some of them by subdelegation from the Attorney General." *Jimenez-Rodriguez v. Garland*, 996 F.3d 190, 193 (4th Cir. 2021); *see also* 8 U.S.C. § 1101(b)(4) ("[a]n immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe"). In establishing an immigration court on the TNT Site, *see* n.7, the State is by definition creating a *federal* court under the exclusive control of the U.S. Attorney General. This alone is sufficient to establish federal action. *S. Florida Water Mgmt. Dist.*, 28 F.3d at 1572 ("[t]he federal agency must possess actual power to control the nonfederal activity").

Under Florida law, the State could not build and operate the detention center without federal direction and control if it wanted. Florida law expressly provides that "unauthorized aliens" cannot be transported by State officials unless at the request of ICE and "under the direct control and supervision of" ICE. Fla. Stat. § 908.13(2)(c). Thus, any deportations from the TNT Site must be controlled and supervised by ICE under Florida law.[8] This too is major federal action.

[8] Moreover, in order for the State or ICE to utilize any large (31-seat or greater) aircraft to transport passengers from the TNT Site, they must first seek and obtain an Airport Operating Certificate from the Federal Aviation Administration ensuring compliance with safety and emergency requirements. *See* 14 C.F.R. § 139.1.

For its part, DHS insists that the State will be detaining individuals pursuant to agreements with the federal government under Section 287(g) of the Immigration and Nationality Act (8 U.S.C. § 1357(g))–though the State *itself* has said no such thing, and no agreement has been produced. D.E. 21 at 4-5; D.E. 16. Although Acting Deputy Executive Associate Director of DHS Giles, asserts in his declaration that the "ultimate decision of who to detain at the TNT Detention Facility belongs to Florida," D.E. 21-1 ¶ 6, this is belied by the parade of DHS vehicles photographed entering and exiting the TNT Site on July 3, 2025. *See* Exhibit B. In any case, federal law and the 287(g) agreements themselves say otherwise.

The statute governing federal/local immigration agreements unambiguously states that "[i]n performing a function under this subsection, an officer or employee of a State or political subdivision of a State *shall be subject to the direction and supervision of the Attorney General*." 8 U.S.C. § 1357(g)(3) (emphasis added). Further, the 287(g) agreement between ICE and the Florida National Guard makes clear that State law enforcement officers "are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE." *See* Ex. C. Indeed, when acting under a 287(g) agreement, state officers "will be treated as Federal employees" and "will be considered acting ***under color of federal authority***." *Id.* (emphasis added). The reliance on National Guard members deputized as federal immigration officers under 287(g) is further proof that the creation and operation of the facility is federal action.[9]

At bottom, the State's plan for the TNT Site depends entirely on federal participation and control. Detainees may only be transported to or from the facility by ICE or at ICE's request. Fla. Stat. § 908.13(2)(c). They must be detained by the federal government or pursuant to federal authority and supervision. *Arizona*, 567 U.S. at 409; 8 U.S.C. § 1226(a)-(c) (arrest and detention of aliens is within authority of U.S. Attorney General); 8 U.S.C. § 1357(g)(3). Their removability must be determined by a federal immigration judge. 8 U.S.C. § 1229a. DHS and ICE plainly possess the "actual power to control" every aspect of the operation of the TNT Site, and federal approval is legally required for implementation of every aspect of the Site, rendering the detention center a federal action. *S. Florida Water Mgmt. Dist.*, 28 F.3d at 1572; *see also Gilchrist*, 808 F.2d at 1042 (finding federal action based on federal "monitoring role" and "inevitability of the need for at least

[9] Notably, the 287(g) agreement with the Florida National Guard does *not* (and *cannot*) allow Guard members to act as immigration judges, as the State has proposed. *See* Ex. C.; *see also* 8 U.S.C. § 1357(g)(1) (allowing state officers to "perform a function of an *immigration officer*") (emphasis added); 8 U.S.C. § 1101(a)(18) (defining "immigration officer").

one federal approval"); *Sierra Club v. U.S. Fish & Wildlife Serv.*, 235 F. Supp. 2d 1109, 1121 (D. Or. 2002) (federal action where federal agency retained "monitoring role" and oversight over state agency pursuant to statute). Even if federal authorities abdicate these legal duties to the State, the facility *still* would constitute a federal action under NEPA. *Bunch v. Hodel*, 642 F. Supp. 363, 365 (W.D. Tenn. 1985) (finding federal action where federal government had "a continuing and an ongoing legal duty to act").

The State is constructing a ***federal*** detention center to house ***federal*** immigration detainees, conduct ***federal*** removal hearings, and undertake ***federal*** removals. *See* Comp. Ex. B. This is a federal action under NEPA, irrespective of whether (or when) the federal government pays for it. *Sw. Williamson Cnty. Cmty. Ass'n, Inc. v. Slater*, 243 F.3d 270, 279 (6th Cir. 2001) ("major federal actions need not be federally funded to invoke NEPA requirements"); *see also Fath v. Texas Dep't of Transp.*, No. 1:16-CV-234-LY, 2016 WL 7442868, at *9 (W.D. Tex. Sept. 6, 2016) (agency decision to segment projects was final and ripe). The Federal Defendants may not wash their hands of NEPA responsibility when the government is operating in concert with the State.

B. <u>The Construction and Operation of the Mass Detention Center is APA Final Action</u>.

The Federal Defendants assert that no federal final action has occurred to trigger NEPA obligations, which are reviewable under the APA. The argument reflects a fundamental misunderstanding of APA "final action" in a NEPA context, and, if accepted, would allow any project to be constructed so long as no authorization is given, no review occurs, no permits are granted, or no decisions announced. Neither NEPA nor the APA are so artificially narrow.

Under the APA, agency action is "final" for purposes of review when "(1) the action … "mark[s] the consummation of the agency's decision-making process—it must not be of a merely tentative or interlocutory nature"; and (2) is "one by which rights or obligations have been determined or from which legal consequences will flow." *Bennett v. Spear,* 520 U.S. 154, 177–78 (1997), *cited in Alabama v. Centers for Medicare & Medicaid Servs.*, 780 F. Supp. 2d 1219, 1226 (M.D. Ala. 2011), *aff'd,* 674 F.3d 1241 (11th Cir. 2012). As the Federal Defendants concede, the "core question" is whether the decision-making process has advanced to the point that it "will directly affect the parties." *Franklin v. Massachusetts*, 505 U.S. 788, 797 (1992). Decisions that are "tentative" or preliminary are not final, while decisions that have a "direct effect on ... day-to-day business" are reviewable. *Id.* at 797; *see also Abbott Labs. v. Gardner,* 387 U.S. 136, 152 (1967).

To be sure, the issuance of a "final EIS or … record of decision … constitute[s] final agency action" for purposes of a NEPA claim. *Ouachita Watch League v. Jacobs*, 463 F.3d 1163, 1173 (11th

Cir. 2006). This, of course, does not mean that final action may be found ***only*** where the agency issues a record of decision or an EIS. For instance, in *McClash v. Fla. Dep't of Transp.*, 619 F. Supp. 3d 1167, 1190 (M.D. Fla. 2022), the plaintiffs challenged an agency decision to replace a drawbridge with a fixed span structure. The agency did not create an EIS or EA, which the plaintiffs alleged violated NEPA. The court had no difficulty finding final action where the action "affects the parties' legal rights … and immediately impacts … daily operations." *Id.* at 1190-91.

Here, there is nothing provisional or tentative in the "action" to construct a mass detention center at the TNT Site, and detain and deport noncitizens there. Plaintiffs' protected interests that support NEPA standing include aesthetic, conservational, recreational, and economic values, *see Ass'n of Data Processing Serv. Orgs., Inc. v. Camp*, 397 U.S. 150, 154 (1970), and these interests are right now implicated by the construction and operation of a mass detention center. The action "directly affect[s]" Plaintiffs and their protectable interests now. *Franklin*, 505 U.S. at 797. The action is sufficiently final for APA review. A decision has been rendered—its consequences are visible for all to see—*see* Exs. D & E; Plaintiffs have been directly affected. *Bennett* has been satisfied.[10]

C. <u>Plaintiffs Will Likely Suffer Irreparable Harm Absent Injunctive Relief</u>.

The key inquiry is whether irreparable harm is ***likely***. *See* D.E. 16 at 15 (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008)). Where, as here, "the immediate irreparable injury is not only possible, it is imminent," Plaintiffs have carried their burden and then some. *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1241 (11th Cir. 2005); D.E. 5 at 8–11. Moreover, contrary to the State's claims, D.E. 16 at 15, in *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008), the Supreme Court "never rejected [a sliding scale] formulation" whereby a strong showing of likelihood of success on the merits created a strong presumption that a preliminary injunction is appropriate. *All. For The Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131–35 (9th Cir. 2011). Thus, while Plaintiffs do not dispute that they must demonstrate each preliminary injunction factor; they maintain that a presumption of "[i]rreparable harm results where environmental concerns have not been addressed by the NEPA

[10] By contrast, in *Nat'l Parks Conservation Ass'n v. Norton*, 324 F.3d 1229 (11th Cir. 2003), *cited in* D.E. 21, at 3, the court concluded the agency had not engaged in final action as it had "done nothing beyond establishing a committee to review alternatives for the future use and management" of a federal resource. *Id.* at 1238. The court relied on the fact that "no rights or obligations have been fixed by [the agencies] behavior, nor [has it] impose[d] any legal consequences on any party." *Id.* Here, Plaintiffs have alleged, and demonstrated by tangible changes on the ground, agency actions that have adversely impacted Plaintiffs. This is reviewable agency action by any measure.

process." *Miccosukee Tribe of Indians of Fla. v. United States*, No. 08-21747-CIV-UNGARO, 2008 U.S. Dist. LEXIS 141936, at *33 (S.D. Fla. Nov. 13, 2008).

Plaintiffs demonstrated that Defendants' actions are likely to cause concrete environmental harm to the ecosystems within Big Cypress National Preserve, and endangered species. *See* D.E. 5 at 8–11. For example, Plaintiffs' declarants described concrete and irreparable harm to the Florida panther, which historically used the site, and is now precluded from continuing to do so by construction and intensified human activity, which contributes to the threat of intraspecific aggression. Likewise, they describe significant increases in traffic to and from the TNT Site, which increases the likelihood of panther-vehicle mortalities, which would significantly reduce a panther population that is only 120–230 adults, and in turn reduce the chances that the Plaintiffs' members could observe them. *See generally* D.E. 5-1 ¶¶ 11, 14; D.E. 5-2 ¶¶ 11, 14, 15; & D.E. 5-3 ¶¶ 15, 25.

Impacts to the Florida bonneted bat, and consequently Plaintiffs' interests in seeing them, are likewise concrete. Bats occupy the area. D.E. 5-2 at 7 (demonstrating that the TNT Site is near and within designated critical habitat for the bat); 89 Fed. Reg. 16624, 16651 (Mar. 7, 2024) (stating that the Big Cypress unit of critical habitat is "considered occupied" based on "documented presence of Florida bonneted bats within the unit"). Artificial lights degrade or destroy nighttime aerial foraging habitat in the area, causing bats to avoid it. D.E. 5-2 ¶ 16 (citing 89 Fed. Reg. 16624, 16642 (Mar. 7, 2024) (describing how artificial lights can "reduc[e] the availability of prey . . . and the quality of foraging habitat for Florida bonneted bats")). These impacts to bats' critical habitat threaten the population's viability, thus irreparably harming Plaintiffs' interests in conserving and attempting to see them.[11] *See Sierra Club v. Norton*, 207 F. Supp. 2d 1310 (S.D. Ala. 2002) (finding threatened destruction of optimal habitat of an endangered species is clearly irreparable).

Plaintiffs have also concretely tied the likely irreparable environmental harm to actual, imminent harm to their members' interests with specific facts.[12] *See* D.E. 16 at 8–11. The State unsuccessfully attempts to downplay the irreparable harm by arguing that the TNT Site "is only 4% of [Big Cypress's] size" and that "[n]one of the [declarants] state that they plan to visit the *airport*

[11] *Sovereign Inupiat for a Living Arctic v. Bureau of Land Mgt.* is inapposite where the court found no irreparable harm because the "habitat [wa]s described as only '*[p]otential* terrestrial denning habitat,' not actual critical habitat." 516 F. Supp. 3d 943, 957 (D. Alaska 2021). The same is the case for *Optimus Steel, LLC v. U.S. Army Corps of Eng'rs*, 492 F. Supp. 3d 701, 725 (E.D. Tex. 2020) (finding the "[p]laintiff's property contains no ESA-protected species or critical habitats")..

[12] *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000), is inapt because, among other things, it concerned speculative outcomes of a manual ballot recount the plaintiffs sought to enjoin. Here, the irreparable outcome is clear and concrete.

(except to protest)," D.E. 16 at 16–17, but this ignores that the impacts extend far beyond the mere footprint of the TNT Site. As Ms. Crooks explained, light pollution impairs the ability to appreciate the night sky during visits to Shark Valley in Everglades National Park. D.E. 5-3 ¶¶ 7, 27; *see also* D.E. 5-1 ¶13 (Ms. Samples describing harm to aesthetic interest in night sky); Ex. D. The State implies these interests are too geographically attenuated because "the Shark Valley hiking trails are about ten miles away," D.E. 16 at 17, but recent observations of the TNT Site demonstrate that light pollution is visible at least 15 miles away.[13] Ex. D.

Likewise, Ms. Curry's and Ms. Crooks' aesthetic and recreational interests in viewing wildlife like the Florida panther and Florida bonneted bat, D.E. 5-2 ¶ 11; D.E. 5-3 ¶¶ 25, 28, will be directly and irreparably harmed by traffic, light pollution, and other construction and operation activities that will reduce the viability of these species' populations in the Preserve and accordingly reduce their chance of seeing one. Plaintiffs' members need not have "*ever* seen a Florida panther in the Preserve," D.E. 16 at 18, because it is "*the desire* to . . . observe an animal species, even for purely esthetic purposes, [that] is undeniably a cognizable interest for purpose of standing." *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 562–63 (1992).

Importantly, Defendants do not dispute that Plaintiffs have sustained an irreparable ***procedural*** injury relating to the lack of public process guaranteed by NEPA. *See generally* D.E. 12 at 13; D.E. 16 at 15–20; D.E. 21 at 6–7. Plaintiffs' members would have participated in the NEPA process to "protects [their] concrete interest" in protecting the environment and species in Big Cypress. *Ctr. for a Sustainable Coast v. U.S. Army Corps of Eng'rs*, 100 F.4th 1349, 1353 (11th Cir. 2024); *e.g.*, D.E. 5-1 ¶ 4; D.E. 5-2 ¶¶ 22, 29. And here, "the damage done by DHS' [and ICE's] violation of [NEPA] cannot be fully cured by later remedial action" because once the action is complete, "DHS is far less likely to be receptive to comments" or to consider a less environmentally destructive alternative. *N. Mariana Islands v. United States*, 686 F. Supp. 2d 7, 18 (D.D.C. 2009) (finding irreparable harm where DHS promulgated a rule without APA notice-and-comment procedure); *Okeelanta Corp. v. United States Army Corps of Eng'rs*, 132 F.4th 1320 (11th Cir. 2025) ("Because of the rather special nature of the injury (that is, the failure to follow NEPA), the issue is ripe at the time the agency fails to comply"*). Los Padres Forestwatch v. U.S. Forest Serv.*,

[13] Given these far-reaching impacts, Ms. Curry's "intention to visit Big Cypress generally," D.E. 16 at 17, is sufficient, particularly where Defendants' actions are occurring just off Tamiami Trail, a quiet, two-lane highway and one of two major roads running through the preserve, *see id.* at 17 n.27.

776 F. Supp. 2d 1042, 1051–52 (N.D. Cal. 2011) (finding irreparable harm based on procedural injury from thwarted opportunity to participate in NEPA process in addition to threatened environmental harm to species and critical habitat). As in *Miccosukee Tribe of Indians of Florida v. United States*, Defendants' actions here "will adversely affect the vegetation and wildlife"; "these as yet unexamined . . . effects could begin to take place, and no amount of subsequent environmental analysis would undo them." No. 08-21747-CIV-UNGARO, 2008 U.S. Dist. LEXIS 141936, at *34, *36 (S.D. Fla., Nov. 14, 2008)

That there is "already-existing construction" does not mean that it is "too late" to prevent the harm such that preliminary relief is precluded. *See* D.E. 16 at 16. As a preliminary matter, Defendants' activities at the TNT Site are not yet complete. Defendants are installing new concrete pads beyond the air strip footprint, Ex. E, and they only just began moving detainees onto the TNT Site less than 24 hours ago.[14] Moreover, ongoing construction and operations at the detention center are likely to cause more and new impacts such as spills that pollute the surrounding wetlands and other ecosystems, *see* D.E. 5-2 at ¶¶ 18, 21; increased daily vehicle trips to transport food, water, and waste are likely to increase panther vehicle mortalities, *id.* at ¶ 15; and the artificial lighting is continues to defile the night sky, harming the public's enjoyment of it and degrading habitat for the Florida bonneted bat and Florida panther, *id.* at ¶¶ 6, 15; *see also* Ex. D. Threatened irreparable harm caused by these ongoing, incomplete actions would be remedied by a preliminary injunction. *See Lutrario v. City of Hollywood*, 683 F. Supp. 3d 1361, 1371 (S.D. Fla. 2023) (entering preliminary injunction based on alleged "ongoing injury" to plaintiff's free speech).

Furthermore, the abstract possibility of after-the-fact mitigation does not obviate the irreparable nature of the harm.[15] D.E. 16 at 16. The Supreme Court has explained that "environmental injury, by its nature, can seldom be adequately remedied by money damages and is often permanent or at least of long duration, i.e. irreparable." *Fla. Key Deer v. Brown*, 386 F. Supp. 2d 1281, 1285 (S.D. Fla. 2005) (quoting *Amoco Prod. Co. v. Vill. of Gambell*, 480 U.S. 531, 545 (1987)). Indeed, no amount of money can effectively "unpollute" wetlands surrounding the TNT Site or "unkill" a panther that has been hit by a truck heading to the TNT Site.[16] For this reason, the

[14] Curt Anderson & Kate Payne, *First immigration detainees arrive at Florida center in the Everglades*, Associated Press (July 3, 2025), https://apnews.com/article/alligator-alcatraz-immigration-detainees-florida-56670910db4c88800d9df42ac3ce7f91.

[15] Notably, the State has not proffered or provided evidence of *any* proposed mitigation.

[16] *Pogliana v. U.S. Army Corps of Engineers* is factually distinguishable and thus not persuasive where the district court found that Plaintiffs failed to present *relevant* evidence of irreparable harm

purported "temporary" nature of the mass detention center,[17] D.E. 16 at 19, does not change the permanent and irreparable harm to the environment and Plaintiffs' concrete interests, and thus is irrelevant to the Court's analysis here.[18] *See* D.E. 16 at 19.

D. Injunctive Relief Is Available Without Resolving Vacatur.

The State prematurely injects arguments regarding *remedy* to claim that Plaintiffs are not likely to succeed on the *merits*, Fla. Resp. at 13–15,[19] but cites no authority where a court considered remedy in this context. Indeed, to rule on vacatur, the court must weigh the seriousness of the violations and potential disruptive consequences with the benefit of "fine-grained and fact-intensive determinations." *Black Warrior Riverkeeper, Inc. v. U.S. Army Corps of Eng'rs*, 781 F.3d 1271, 1290 (11th Cir. 2015).[20]

Florida's vacatur arguments fail as a matter of law and fact anyway. "[V]acatur … is the ordinary APA remedy." *Id.* (internal citation omitted). Here, the seriousness of the violation and the disruptive consequences of vacatur both weigh in favor of vacatur. *See id.*; *Allied-Signal, Inc. v. USNRC*, 988 F.2d 146, 150–51 (D.C. Cir. 1993).

First, DHS' NEPA violation is serious because no explanation from DHS would justify its failure to comply with NEPA here. D.E. 5 at 6–8. An agency's decision to "authorize construction ... without issuing any environmental impact statement whatsoever" is one of fundamental errors that weighs in favor of vacatur. *City of Port Isabel v. FERC*, 130 F.4th 1034,

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to the environment, 166 F. Supp. 2d 673, 695 (N.D.N.Y. 2001), and the appellate court found the "principal relief available to plaintiffs would be in the form of further environmental mitigation" where the Corps had already completed a required Environmental Assessment under NEPA, 49 F. App'x 327, 329 (2d Cir. 2002). Here, the federal agencies have produced no NEPA analysis, and Plaintiffs have presented relevant evidence. In *Save the Wekiva River & Headwaters, Inc. v. U.S. Army Corps of Eng'rs*, the court found that plaintiffs requested mitigation, which Plaintiffs do not do here. No: 6:17-cv-1902-Orl-DCI, 2017 U.S. Dist. LEXIS 225367, *11 (M.D. Fla. Dec. 29, 2017).

[17] Defendants' claims that the detention center is temporary are belied by permanent construction of new paved areas on the site, Ex. E, and by public statements from President Trump that this detention center could be around "for a long time." Sommer Brugal, *Florida says "Alligator Alcatraz" is temporary. Trump isn't so sure.* AXIOS (July 1, 20250, https://www.axios.com/local/miami/2025/07/01/florida-alligator-alcatraz-president-trump-visit.

[18] In *United States v. Lambert*, the court found no irreparable harm because the expert testifying to harm stated that the harms would merely make restoration "more difficult, more expensive, and more uncertain," not irreparable. 695 F.2d 536, 540 (11th Cir. 1983). No such evidence exists here.

[19] Notably, DHS has not joined this argument.

[20] Plaintiffs also intend to add ESA claims after the required 60-day notice period has expired, Compl. ¶ 53, which would further support vacatur.

1036–37 (D.C. Cir. 2025). DHS would have to be able to "rehabilitate its decision to skip [that] procedural step," *id.*, and Florida has not even attempted to argue that DHS could do so. Instead, Florida contends that DHS could still decide to construct and fund the TNT site. D.E. 16 at 14.[21] But, vacatur is warranted when an agency skips a procedural step "even if the additional procedure is unlikely to change the agency's bottom line." *Port Isabel*, 130 F.4th at 1036–37.

Second, Florida claims that vacatur would force DHS to either release the people being detained or keep them in overcrowded facilities–though the Federal Defendants do not. D.E. 16 at 14. But neither Florida nor DHS have shown that the TNT Site is the *only* possible location for this detention center. Indeed, one of the requirements of NEPA review is a consideration of all reasonable alternatives, 42 U.S.C. § 4332(C), which would likely include alternative locations.

Florida also contends that vacatur would be disruptive because this site is "either mid-construction or operational." D.E. 16 at 14. But "only in rare instances do the disruptive consequences alone determine whether the order is vacated." *New Jersey Conservation Found. v. FERC*, 111 F.4th 42, 64 (D.C. Cir. 2024) (agency could not justify its decision on remand). *Accord Env't Def. Fund v. FERC*, 2 F.4th 953, 976 (D.C. Cir. 2021) (vacating FERC decision when the pipeline was partially operational). Florida's cases, Fl. Resp. at 14, are inapplicable because the court found the first *Allied-Signal* factor weighed against vacatur. *Cal. Cmtys. Against Toxics v. EPA*, 688 F.3d 989, 993–94 (9th Cir. 2012) (EPA offered new reasoning to support rule); *Food & Water Watch v. FERC*, 28 F.4th 277, 292 (D.C. Cir. 2022) (FERC could review information missing from NEPA review and still find no significant impact).

The Federal Defendants' reliance on 8 U.S.C. § 1252(f)(1) (D.E. 21 at 5) is also unavailing. It is well established that § 1252(f)(1) applies only to injunctions against enforcement of specific provisions of the INA, and does not preclude relief under the APA. *Texas v. United States Dep't of Homeland Security*, 123 F.4th 186, 209 (5th Cir. 2024); *Immigrant Defs. Law Ctr. v. Noem*, No. CV 20-9893 JGB (SHKX), 2025 WL 1172442, at *14 (C.D. Cal. Apr. 16, 2025) (§ 1252(f)(1) does not bar vacatur) (collecting cases). Plaintiffs are not seeking to enjoin the Federal Defendants from enforcing immigration laws; they merely seek an injunction to prevent the operation of this newly constructed facility until the Defendants comply with NEPA and the APA. In any case, § 1252(f)(1) cannot preclude an injunction against the State based on its own arguments.

[21] The State also raises arguments about DHS' involvement and the impact of the TNT Site to argue DHS' NEPA violation is not serious, D.E. 16 at 14, but Plaintiffs have already shown that DHS is heavily involved in this action and that the site will cause significant irreparable harm.

E. Plaintiffs' Claims Are Ripe for Adjudication.

Federal Defendants' arguments regarding ripeness and the State's arguments regarding final agency action all fail because they are based on the false premise that funding is the federal nexus to the construction and operation of the detention center. As noted above, the mass detention center necessarily requires federal involvement beyond funding since the State is not otherwise empowered to enforce federal immigration laws. *See Arizona*, 567 U.S. at 409. The federal government's control and responsibility over the construction and operation of the detention center—is therefore ripe, final, and sufficient to trigger NEPA even without the commitment of federal funds. *See Fath*, 2016 WL 7442868, at *9.

As to ripeness, the State's claims that the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Stafford Act may apply and therefore waive NEPA review are without merit. D.E. 16 at 10. First, IIRIRA only applies to actions "necessary" to install barriers and roads or remove obstacles near the "United States border to deter illegal crossings." 8 U.S.C. § 1103, note. That Congress granted DHS's Secretary discretion to waive NEPA compliance only in order to construct barriers at the border, demonstrates that no such discretion exists here. Likewise, the Stafford Act does apply here because it only exempts funding relating to *restoring* facilities "substantially to [their] condition prior to the disaster or emergency," which is not at issue here.[22] 42. U.S.C. § 5159.

F. The Balance of the Equities Support a TRO and Preliminary Injunction.

The balance of equities strongly supports a TRO and preliminary injunction. Plaintiffs have clearly shown that the project will likely have specific and far-reaching environmental impacts. Moreover, the alleged risks of delaying the detention center are self-imposed. Gov. DeSantis declared a state of emergency on January 6, 2023, followed by multiple extensions of that state of emergency since then. D.E. 16 at 2. However, it was not until June 19, 2025, years later, that the State announced the construction and operation of the TNT site. D.E. 16 at 4.

Since the President issued a national state of emergency in January 2025, the State asserts there have been more than 100,000 arrests with detainments exceeding capacity since February 2025. D.E. 16 at 2-3. Realizing that space would be needed to house and process these detainees, potential sites could have been identified once these states of emergency were issued and the federal

[22] Unsurprisingly, Federal Defendants do not identify this as a source of funding. *See* D.E. 21-2. Nor did they invoke either the Stafford Act or IIRIRA in opposing the Motion. The State's speculation on federal law should be disregarded.

government could have commenced its review of the environmental impacts of constructing and operating this facility or any other proposed facility in Florida, much less in the Everglades. Even if the need for any such facility was not contemplated by Defendants until only recently, federal agencies are not excused from following the requirements of NEPA because it does not fit within their timelines for project construction and operation.[23]

The State also engages in mere speculation and conjecture that issuing a TRO or injunction pending compliance with NEPA would pose a public safety concern by "imperiling critical immigration enforcement."[24] Similarly, Federal Defendants' statements that the "critical national interest will be hindered" if the facility is temporarily restrained (D.E. 21 at 8) are not supported by the Mr. Giles' Declaration. Mr. Giles simply states that the facility "operationally benefits ICE" as it "will maximize detention capacity" and "will serve to decompress other detention facilities." D.E. 21-1 at ¶ 11. The State offers no support for the assertion that any delays would endanger detainees in current facilities. In fact, detainees are at more danger at the TNT site, where the facilities have flooded after a brief summer storm.[25] Moving detainees only to be subject to standing water and potentially dangerous and unsanitary conditions, further underscores the importance of reviewing the impacts of the project to the "human environment"[26] before people are brought to the site.

CONCLUSION

The suggestion that federal action is lacking where a State constructs a facility in partnership with the federal government that, legally, may only serve federal functions does not survive scrutiny. Final action is proven based on the actual facts on the ground—it is patent that a final decision has been made to advance the project, which has caused concrete (literally, *see* Exs. D & E) impacts, and resulted in adverse effects to Plaintiffs. The procedural harm is irremediable absent

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[23] *See Calvert Cliffs' Coordinating Comm., Inc. v. U.S. Atomic Energy Comm'n*, 449 F.2d 1109, 1115 (D.C. Cir. 1971) ("Considerations of administrative difficulty, delay or economic cost will not suffice to strip the section of its fundamental importance").

[24] The State's single citation to *Nickler v. Cnty. Of Clark*, 648 Fed. Appx. 601 (9th Cir. 2016) is inapposite. In *Nickler*, the Court upheld a district court's denial of a preliminary injunction to bar the Clark County judges from continuing to require the Appellant to submit to security measures after courthouse personnel determined the appellant to be a security threat based on comments made following the Sandy Hook Elementary School shootings.

[25] Kate Plummer, 'Alligator Alcatraz' Floods Within Day of Opening, NEWSWEEK (July 2, 2025), https://www.newsweek.com/alligator-alcatraz-flooded-opening-day-donald-trump-migrant-detention-center-2093581; Videos posted by Jason Delgado (@JasonDelgadoX), X, *A good lil storm passed over us here at 'Alligator Alcatraz.'* https://x.com/JasonDelgadoX/status/1940133353010745811?.

[26] 42 U.S.C. § 4332(2)(C).

immediate injunctive relief to prevent ongoing harm, and vindicate NEPA. The requested relief is proper to preserve the status quo. For the reasons stated herein and in the Motion (D.E. 5), Plaintiffs respectfully request that the Court enter a temporary restraining order and preliminary injunction as described in the Motion.

Dated: July 3, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 3, 2025, I electronically filed the foregoing with the Clerk of the Court using CM/ECF.

/s/ Paul J. Schwiep
Paul J. Schwiep

State of Florida

Immigration Enforcement Operations Plan

Exhibit A

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Exhibit A

Introduction

Over the years, a commonality of interests during mass immigration emergency events has shown the Federal and State governments that they work best when they work cooperatively. This is as true today as it was decades ago, and both Florida and the Federal government have a history of working closely and well together. Florida's approximately 47,000 law enforcement officers at all levels have already received, or are in the process of obtaining, training and certification to act as cross-designated immigration officers under the 287g program, thus providing a robust force multiplier throughout the state for Federal immigration enforcement operations. But much more can be done.

Background

One of the first actions taken by President Donald Trump was to declare a national border and immigration emergency. He directed the military to assist in promptly beginning reconstruction of the long-unfinished border wall, and he named a "border czar" (Senior Advisor to the President Tom Homan, a seasoned former Immigration and Customs Enforcement (ICE) leader who came up from the ranks) to spearhead operations to seal the border, and to remove alien terrorists, gang members and criminals, as well as aliens under unexecuted Final Orders of Removal, from the interior of the U.S.

For perspective, it's estimated that during the four open border years of the Biden administration, nearly 10 million aliens entered the United States, most illegally, but also a significant number under a legally dubious "parole" program that appeared to violate, on its face, the plain language of the parole statute. To cite the New York Post—

> *The US has seen its largest surge in immigration in its history under the Biden Administration — surpassing the Ellis Island-era migration boom that changed the face of the nation forever, according to a shocking new analysis.*
>
> *An average of 2.4 million immigrants per year poured into the US between 2021 and 2024, according to the Congressional Budget Office. About 60% of the migrants crossed into the US illegally, a Goldman Sachs analysis found.*

Florida, too, has been under a state of immigration emergency, first declared by Governor Ron DeSantis on January 6, 2023 and extended on December 9, 2024. Florida has about 1,350 miles of coastline (longest of the 48 contiguous states), extending into the Gulf of America and close to the shores of various Caribbean countries such as Cuba and Haiti, realities that have over the years made it vulnerable to mass maritime migration. But it would be a mistake to consider Florida's illegal immigration issues as stemming solely from a maritime perspective. It's geographic position, ambient culture, and the confluence of three major interstate highways (I-10, I-75 and I-95) have made it attractive to criminal organizations smuggling everything from aliens to drugs to guns and money.

A July 2024 Pew Research Center report, using 2022 numbers, estimated Florida's illegal alien population at 1.2 million, adding that—

> *Most U.S. states' unauthorized immigrant populations stayed steady from 2019 to 2022. However, six states showed significant growth…**Florida (+400,000)**….* (emphasis added)

There can be little doubt that the illegal alien population of Florida increased even further in the two final years of the Biden administration.

Purpose and Scope

We are proposing an integrated Federal-Florida State approach that encompasses the entire illegal alien identification-apprehension-detention-removal cycle. We believe that this approach could be leveraged to mitigate many of the bottlenecks that attend to the detention and removal portions of the existing cycle, not just in Florida but nationally.

The type of synergy envisioned is transformational, in that it provides sustainable, consistent and repeatable operations through upward and downward flows in the identification-apprehension-detention-removal cycle and, not least, makes the best possible use of taxpayer dollars. The key is in scalability, which is where the expertise of Florida's Department of Emergency Management shines through. The Florida National Guard also plays a key role in addressing existing bottlenecks in the identification-apprehension-detention-removal cycle, by providing personnel, materiél, and both ground and air mechanisms that could be leveraged particularly for the detention and removal segments of the cycle.

The purpose of this document is to put forward a road map for the significant role that the State of Florida can play in aiding the Federal government in combating illegal immigration during the present emergencies and going forward into the future. This plan outlines the operational capabilities that the State of Florida possesses as well as the actions that have and will be taken in order to fulfill the current immigration enforcement mission. The plan includes federal, state, and local agency roles and capabilities to ensure successful execution as well as outlines specific concerns that have been identified in regard to partnering with the federal government in this operation and what the State's capabilities could be if Florida were to conduct this mission separate from the federal government.

Objectives

- Prevent unauthorized maritime border incursions
- Reduce the number of illegal aliens residing in the State of Florida through coordinated enforcement and compliance efforts
- Enhance intelligence collection and analysis by leveraging existing state databases and interagency coordination
- Support federal immigration and border security operations by providing logistical and operational assistance
- Develop a comprehensive plan to maintain state-led border security operations in the absence of federal support
- Develop a course of action that plans for the state of Florida to operate without federal assistance

State Authorities and References

- Chapter 908, Florida Statutes - Federal Immigration Enforcement

- Chapter 23, Part I, Florida Statutes - Florida Mutual Aid Act
- Section 943.03, Florida Statutes - Department of Law Enforcement
- State Comprehensive Emergency Management Plan, 2024
- State Comprehensive Emergency Management Plan, Appendix XVI: Emergency Support Function 16 – Law Enforcement and Security
- The Florida Mutual Aid Plan for Law Enforcement; Guidelines for Emergency Response
- Annex to the State Comprehensive Emergency Management Plan: Mass Immigration Emergency Plan

Roles and Responsibilities

Federal Partners

Department of Homeland Security

The Department of Homeland Security (Annex B) is the head organization tasked with immigration enforcement. The US Coast Guard, Homeland Security Investigations, Customs and Border Patrol, and Enforcement Removal Operations are all supporting agencies within DHS.

Immigration and Customs Enforcement

Immigration and Customs Enforcement (ICE) is DHS's premier law enforcement agency, mitigating transnational threats and safeguarding the United States. ICE is the parent agency for Homeland Security Investigations and Enforcement Removal Operations.

Unites States Coast Guard

United States Coast Guard (USCG) is an agency within DHS and has been part of the unified command for HSTF-SE since its inception in support of OVS. As the new immigration enforcement mission has been moved within the scope of OVS, USCG will continue to support both missions as a leading agency.

Homeland Security Investigation

Homeland Security Investigation (HSI) is a law enforcement agency within US Immigration and Customs Enforcement (ICE) that conducts federal criminal investigations into the illegal movement of people, goods, money, contraband, weapons, and sensitive technology into and out of the United States. In cooperation with their DHS counterparts and Florida state agencies, HIS is supporting the intelligence and data collecting operations based out of the Joint Intelligence Operations Coordination Center (JIOCC) and Field Coordination Center (FCC).

Customs and Border Patrol

US Customs and Border patrol (CBP) is the unified border agency within the Department of Homeland Security charged with the management, control and protection of our nation's borders at and between official ports of entry. CBP staffs the JIOCC and FCC as well as assists as needed in the field during detaining and deportation missions.

Enforcement and Removal Operations

Enforcement and Removal Operations (ERO) is a law enforcement agency within ICE manages all aspects of the immigration enforcement process, including the identification, arrest, detention, and

removal of all illegal aliens who are subject to removal or are unlawfully present in the United States. ERO is the lead agency at the FCC in coordination with its federal partners.

Homeland Security Taskforce-Southeast

Homeland Security Taskforce Southeast (HSTF-SE) (Annex C) was established in 2003 and serves as the DHS lead for operational and tactical planning, command and control, and as a standing organization to deter, mitigate, and response to maritime mass migration in the Caribbean Sea and the Florida Straits. HSTF-SE is bringing its decades long experience in immigration enforcement to assist in the current immigration enforcement operation.

Board of Immigration Enforcement

Pursuant to section 908.1031, Florida Statutes, the Executive Director of the State Board of Immigration Enforcement shall coordinate and cooperate with the federal government in the enforcement of federal immigration laws and other related matters. The Executive Director shall also assist and coordinate with law enforcement agencies in the enforcement of these laws and monitor compliance by local governments.

Local Law Enforcement Immigration Grant Program

The Local Law Enforcement Immigration Grant Program was created within the State Board of Immigration Enforcement to award grants to support local law enforcement agencies, which include chief correctional officers operating county detention facilities, in their cooperation and coordination with federal immigration agencies in the enforcement of federal immigration laws. The board shall award any funds specifically appropriated for the program to reimburse expenses or issue bonus payments as provided in this section.

Florida Division of Emergency Management

The Florida Division of Emergency Management is the coordinating agency in the State of Florida for the development and implementation of the State Emergency Response Team (SERT) which is comprised of all resources, personnel, and equipment at the state and local levels of government which could conceivably be used to respond and recover from an emergency event. In addition, the SERT has a significant connection with various private non-profit organizations and private sector companies.

Forward SERT Incident Management Team

The Forward State Emergency Response Team (FSERT) Incident Management Team (Annex A) serves as the forward coordination element of the SERT under the command of the State Coordinating Officer (SCO). It operates as the State Emergency Operations Center (SEOC) under the coordination of the FSERT IMT IC within the predefined area of operation with fully delegated authority to manage all missions and resources on behalf of the SERT. The FSERT provides resources and technical assistance in support of local tactical operations.

The FSERT IMT is led by an Incident Commander (IC), who is responsible for the overall management of all aspects of the incident, to include ensuring a safe and coordinated response. The FSERT IMT IC determines the necessary general staff positions based on operational needs. The general staff of the IMT will expand and contract based on the scale of operations being coordinated through the

Regional Law Enforcement Coordination Teams (RLECTs) (Annex D), the number of partner agencies involved, and the amount of logistics support needed.

For Immigration Enforcement Operations, the minimum staffing for the FSERT IMT includes an Incident Commander, Operations Section Chief, Planning Section Chief, Logistics Section Chief, and Finance Section Chief. Additionally, representatives from the Florida National Guard and Florida Department of Law Enforcement will be included to coordinate resource requests through the RLECTs.

Preferred staffing on the FSERT IMT includes agency representatives from key federal agencies to directly coordinate requests for resources and facilitate streamlined information sharing across partners. As operations expand to involve more tactical coordination and additional state agency partners, operational branches will be established and staffed by executing state agency representative partners.

Agency Representatives

As additional capabilities are identified across state agencies, representation from those agencies will be requested on the FSERT IMT. Each representative should be an Emergency Coordination Officer or a subject matter expert with decision-making authority on behalf of their agency.

Florida Department of Law Enforcement

Per section 943.03(14), Florida Statutes, the Florida Department of Law Enforcement is responsible for coordinating with and providing assistance to the federal government in the enforcement of federal immigration laws, responses to immigration enforcement incidents within or affecting this State, and other matters related to the domestic security of Florida as it relates to terrorism and immigration enforcement incidents, shall coordinate and direct the law enforcement, initial emergency, and other initial responses.

Regional Law Enforcement Coordination Team (RLECT)

As outlined in the State Comprehensive Emergency Management Plan (CEMP), FDLE will establish Regional Law Enforcement Coordination Teams (RLECTs) to assume tactical management of in-place and deployed state law enforcement and mutual aid resources to assist local law enforcement.

The RLECT will coordinate with the deployed law enforcement resources as needed to execute missions.

Florida Highway Patrol

Florida Highway Patrol (FHP) assists with vehicle monitoring and traffic stops that, through the 287(g) program, allow troopers to enforce certain aspects of immigration law. Within ESF 16, FHP reports to FDLE in order to coordinate its immigration enforcement activities.

Florida Fish and Wildlife Conservation Commission

Florida Fish and Wildlife Conservation Commission (FWC) has had a presence in the OVS mission since its inception and has a continued presence in the intelligence operation as well as the field operations. Within ESF 16, FWC reports to FDLE in order to coordinate its immigration enforcement activities.

Florida Sheriff's Association

The Florida Sheriff's Association (FSA) provides support as the coordinating body of the state's local law enforcement operations. Through the 287(g) program, the FSA and its members are a force multiplier and a constant local presence that allows for a comprehensive approach to immigration enforcement. Local sheriff offices are supplying equipment and personnel as well as identifying any available space within their detention facilities that could be useful in the immigration enforcement operation.

Florida National Guard

When directed by Executive Order, the Adjutant General of Florida coordinates, employs and controls trained Florida National Guard (FLNG) forces in order to assist civil authorities with the protection of life and property, and to maintain peace, order, and public safety. The FLNG is currently active under two Florida Executive Orders, providing aviation support to state law enforcement to sight and report migrants approaching the Florida coastline and supporting the Department of Corrections with service members at critically low manned facilities.

FLNG may expand their operations under either of these executive orders to prove a force multiplier to the state to support an increase in immigration enforcement operations. In addition to personnel, FLNG maintains property throughout the State of Florida that can be used for detention facilities, operational bases, or staging as needed to support operations.

Concept of Operations

In accordance with the Executive Director of the Board of Immigration's mission to find, sort, detain, and deport illegal aliens within the State of Florida, the State of Florida is prepared to execute the following actions to support the federal immigration enforcement operation. Multiple state agencies have combined resources in a joint intelligence operation with the goal of finding illegal aliens and creating target packages for enforcement teams. This enforcement support occurs in the form of targeted operations, integrated patrol operations, and enhancing the ongoing OVS operations.

State and local law enforcement have and will continue to become 287(g) certified in order to increase their immigration enforcement capabilities to detain individuals suspected of entering the country illegally. These law enforcement agencies, in coordination with CBP and ERO have also offered equipment and personnel to transport individuals between ICE detention facilities. The State has also offered to supplement the federal detention facilities capabilities through the use of existing logistics vendors.

The Florida National Guard has offered JAGs to be trained as immigration judges to expedite the legal process at the request of the federal government. The State of Florida also has multiple vendors prepared to support flying individuals out of the country if requested.

Intelligence

Florida deployed representatives from the Florida Division of Emergency Management, Florida Department of Law Enforcement, Florida Fish and Wildlife Conservation Commission, Florida Highway Patrol, Florida National Guard, Florida Department of Corrections, Florida Department of Agriculture and Consumer Services, and the Florida Department of Health, to support the intelligence sharing operations in regard to illegal aliens conducted by DHS partners.

Two concurrent intelligence operations are being run out of the same location at the HSI Miami Office, the Field Coordination Center (FCC) and the Joint Intelligence and Operations Coordination Center (JIOCC). State agency representatives are either co-located within the facility or remain on-call to provide data from existing state databases. This support enables federal partners to identify and prioritize individual cases for field action.

FCC

The FCC is a multi-agency coordination center led by ERO and staffed by HSI that is tasked with collecting data on illegal aliens including last known addresses, criminal history, and final order status, vetting said data and tasking it to field teams who execute removal missions. The scope of this coordination center is limited to targeting individuals identified at the federal level as a priority ERO target for removal.

JIOCC

The JIOCC in Miami is a multi-agency coordination center staffed with personnel from multiple DHS components including U.S. Customs and Border Patrol, Homeland Security Investigations, and the U.S. Coast Guard and is co-located with the FCC. The JIOCC's primary responsibility is to act as a unified control center between responding agencies. The JIOCC operates in a similar function to the FCC but is primarily focused on supporting the HSTF-SE with the ongoing Operation Vigilant Sentry mission. The JIOCC can be utilized outside of the federal ERO mission to build target packages based on information from any partner.

Federal Enforcement Support

Federal partners under DHS have been directed to enhance their current immigration enforcement operations. These agencies lack funding and resources in order to meet their target performance measures. The State of Florida has the ability to provide resources in both personnel, equipment, and contracted services to support these missions upon request from federal partners.

Potential for federal support operationally may consist of providing law enforcement personnel to assist in the enforcement of immigration operations conducted by CBP and ERO throughout the state. These missions consist of targeted operations and patrols and could be performed by law enforcement officers who are not 287(g) certified as there would be federal law enforcement with the necessary authority present during the operation.

Targeted Operations

ERO, in conjunction with HSI through the FCC, is building target packages for ERO to execute through their field offices. State and local law enforcement agencies can provide additional personnel to these teams regionally through the RLECTs to enhance their capabilities. These operations would be coordinated and managed through ERO.

CBP may also conduct targeted operations. The JIOCC may utilize information from CBP or state agencies in order to develop target packages to drive these operations. Target operations with CBP would be coordinated with ERO upon the arrest of individuals but would fall outside of FCC jurisdiction.

Proposed actions for integrated target operations:

- Research state and federal database systems to develop criminal alien targets
- Conduct joint enforcement operations to arrest criminal alien targets
- Analyze federal and state license plate reader data to target alien smugglers

Patrol Operations

CBP currently conducts patrol operations under the authority of OVS and through their own jurisdictional authority throughout the state. These patrols include monitoring ports of entry, highways, marinas, etc. State and local law enforcement agencies could provide personnel to support these patrol operations to increase coverage throughout the state.

Proposed actions for integrated patrol operations:

- Highway interdiction operations to target the smuggling of illegal aliens on ingress and egress routes throughout the state
- Immigration inspections at the State agricultural checkpoints
- Immigration screenings at/before airport checkpoints to identify illegal aliens and seize proceeds of smuggling organizations

OVS Enhanced Operations

The State of Florida is presently operating under Executive Order 23-03 and its subsequent extensions to support OVS in surveillance and apprehension of migrants. If further action should be requested of the State, FDEM would be able to expand its current footprint and responsibilities under authorities outlined in the Operation Vigilant Sentry plan and the Mass Migration Annex of the Florida State CEMP.

Missions currently include air and marine patrols by FWC, FLNG, and FDLE, and the USCG and CBP.

Proposed actions for enhanced OVS operations:

- Coordinate maritime enforcement assets to cover gaps and enhance deterrence
- Supplement air patrols to support maritime enforcement efforts
- Deploy additional technology for enhanced maritime surveillance
- Increase Law Enforcement's beach and marina patrols
- Conduct tactical checkpoints/boardings in inlets and marinas to identify evaders of foreign arrival reporting requirements

FDEM maintains a base camp in Marathon, FL to house law enforcement officers and can be scaled to support additional officers as necessary.

Florida Immigration Enforcement under 287(g)

Through the 287(g) program, state and local law enforcement officers collaborate with the federal government to enforce federal immigration laws. This allows law enforcement agencies to enforce certain aspects of U.S. immigration by expanding the agencies authority to identify and process removable aliens with pending or active criminal charges, enforce limited immigration authorities with ICE oversight during routine duties, and service and execute administrative warrants on removable aliens in jails. A list of State and Local agencies who have signed Memorandums of Agreements can be found in Annex E.

The 287(g) program has three models, the Task Force Model, the Jail Enforcement Model, and the Warrant Service Officer Program.

287(g) Task Force Model

Many agencies within Florida have established memorandums of agreement with ICE to follow the Task Force Model. This allows officers to enforce limited immigration authority while performing routine police duties, such as identifying an alien at a DUI checkpoint and sharing information directly with ICE. These officers may also exercise limited immigration authority as active participants in ICE-led task forces.

Agencies may be limited in their scope of authority as some 287(g) agreements require an ICE agent be present during many of the operations needed to conduct a comprehensive immigration enforcement operation. If the federal government loosens or clarifies the requirement for supervision or direction, then participating agencies will not be limited in their scope.

287(g) Jail Enforcement Model

The Jail Enforcement Model allows state and local law enforcement officers to identify and process removable aliens currently in local jail or detention facilities who have pending or active criminal charges while in custody.

287(g) Warrant Service Officer Program

As part of the Warrant Service Officer Program, ICE trains, certifies and authorizes state and local law enforcement officers to serve and execute administrative warrants on aliens currently in custody.

Interior Transportation

State law enforcement agencies, in coordination with the Florida Sheriff's Association, have organized plans to assist federal immigration agencies transport illegal aliens within the State of Florida. These agencies are able to offer both prison transport vans as well as drivers to support movement from one ERO or CBP facility (Annex F) to another in order to expedite the deportation process.

Each FDLE region has a designated FDLE, FSA, and ICE contact that are ready to coordinate transportation missions that occur within their jurisdiction. There is also a system already in place for reporting data from these missions to FDLE in order to track information such as the number of individuals transported as well as the number of transports run and by which state or local agencies. This operation has the capability to scale up and down as needed depending on requests made by the individual ERO and CBP offices. Cost estimates can be found in Annex G.

Detention Facility Operations

The State of Florida has identified several brick-and-mortar locations in the northeastern and south-central regions of the state that could serve as detention centers (see Annex J for an example). By leveraging any of the twelve (12) established Emergency Logistics Contract vendors, FDEM can retrofit these sites with wraparound services to ensure compliance with the National Detention Standards set by the United States Immigration and Customs Enforcement. This approach is preferred as the state enters hurricane season, as it helps reduce operational costs and expedites readiness. To support a seamless detention and deportation process, these potential locations are typically located near airstrips.

Additionally, upon request, the same 12 vendors have the capacity to establish detention centers capable of housing up to 10,000 undocumented aliens and necessary support staff at locations designated by the State of Florida or the federal government. These facilities can be fully operational within 72 hours and require up to 96 hours to begin setup. Each detention center would adhere to ICE's National Detention Standards, including ADA compliance, facilities for laundry, screening, showering, food services, waste services, lodging (i.e., bedding, linens, etc.), medical services with periodic health checks & food inspections and a pharmacy, and other requirements. Additionally, if the federal government were to provide locations or expand current facilities capabilities, the State of Florida has that hybrid site approach experience and can replicate it if requested.

To expedite the establishment of additional detention centers in support of federal operations, DHS could issue waivers for certain requirements, as it has done in the past. For example, DHS previously granted the State of Texas exemptions from specific laws and regulations to accelerate the construction of barriers and roads under section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. A similar waiver for select ICE detention standards—such as requirements for barber services or dining facilities that do not meet current federal specifications—would streamline the setup of detention facilities.

Voluntary Deportation Coordination

As Florida has done in the past, an available course of action is to offer voluntary self-deportation to induvial currently in Florida illegally. Not only is this avenue the least fiscally demanding course of action available, as this could be carried out using commercial airlines, but it also reduces the burden on the ongoing local, state, and federal law enforcement operations. The Florida Division of Emergency Management is able to supply personnel to assist with purchasing commercial flights for eligible individuals, limited to those that do not have a criminal record.

Considerations for this course of action include a legal review for all necessary documentation for this process, ensuring individuals who are participating understand the perimeters of this program, as well as how to ensure that individuals that volunteer for this program do not return to the United States. However, the United States Immigration and Customs Enforcement (ICE)must specifically request assistance and must reimburse the State for actual costs.

Judicial Review

FLNG

The Florida National Guard has 9 field-grade Judge Advocate General's Corps officers (JAGs) suitable for training as Immigration Judges. Training and investiture fall under the Department of Justice (DOJ, not DHS) Executive Office for Immigration Review (EOIR), and takes 6 weeks inclusive of a written test from the date of attachment to DOJ. To serve as Immigration Judges, JAGs must be federally activated (Title 10) to exercise immigration authority; JAGs could not support in State Active Duty under the command of the Governor and would be directed/stationed at the needs of the federal government.

Deportation Transportation

The State of Florida has multiple vendors on standby and are ready to support transportation of undocumented aliens. FDEM vendors have the ability to transport small to large quantities of

individuals and have the ability to fly from Florida to a detention center or their nation of origin. Pursuant to section 908.13, Florida Statutes, FDEM is authorized to facilitate the transport of undocumented aliens, consistent with federal law. However, the United States Immigration and Customs Enforcement (ICE) must specifically request assistance and must reimburse the State for actual costs.

Current Operations and Pathways Forward

Due to the previously mentioned limitations that have been exhibited by the federal government's response as part of the immigration enforcement operations, there may be a need to act independently of DHS and create a Florida led operation. Below are the concerns that have been observed that will potentially inhibit a successful federal and state joint operation.

Current Actions

As mentioned through this plan, the State of Florida is currently involved in the following immigration enforcement activities:

- Supporting state and local law enforcement officers becoming 287(g) certified
- Leveraging state and local resources to assist in the transportation of illegal aliens between detention facilities
- Offering judicial assistance in the form of FLNG JAGs suitable for training as immigration judges
- Coordinating with vendors to transport individuals out of the United States at the request of ICE
- Utilizing the limited existing state facilities that are up to federal regulation standards to work as detention centers to supplement the existing ICE detention capacity
- Utilizing existing state agency databases to assist ICE in vetting and developing criminal alien targets
- Staffing the FCC and JIOCC in order to maintain situational awareness and information-sharing between state and federal partners

Preliminary Potential Actions

In support of President Trump's fight against the "deep state" within federal agencies, the State of Florida with a waiver of certain federal regulations could circumvent federal agency bureaucracy, and these are some of the additional actions that could be operationalized:

- Authorize all 287(g) certified officers to function as fully empowered immigration officers. This would enable the State to bypass the operational bottleneck caused by the limited availability of ICE personnel.
- Waive federal detention facility requirements to expand housing capacity for arrested individuals. Current standards, as outlined in Annex H and Annex I, limit detention space. Waiving select requirements would significantly increase the State's capacity to detain individuals.
- Utilize existing logistics vendors to establish additional detention space. If the State chooses to forgo the federal detention sites as well as the federal detention standards, logistics vendors are prepared to rapidly deploy detention facilities statewide.

- Create a command structure led by the state that empowers coordinating officers to act without prior federal authorization. Due to the limitations of the current Federal Executive Order, there has been a lack of leadership coming from the federal government that could be supplemented if the state of Florida were to assume operational control and enabling timely decision-making.

Detention Facility Capabilities

We believe that the nature and vast scope of the illegal alien presence deserves a rethinking of detention processes and standards. Recently, Secretary of State Rubio publicly announced that the Administration was amenable to waiving the usual rules for publication, and public comment waiting times needed to post regulatory and procedural changes in the Federal Register, thus allowing changes to be effected immediately.

To this end, we encourage suspension of the National Detention Standards (NDS) presently in use by ICE's Enforcement Removal Operations (ERO) division. The NDS is used to determine which state or local facilities can be used to temporarily house detainees. The standards are so limiting that many county jails cannot meet the standard even though they are otherwise accredited by the American Correctional Association. It is anomalous that facilities adequate to confine U.S. citizens are not deemed adequate to house illegal aliens. This self-limiting proposition works against achieving the President's goals. It also drives up detention costs by making transportation and logistics more complex and cumbersome, and the daily bedspace capacity minimal for lack of a sufficient number of approved facilities.

To obviate the existing choke-point, DHS could post an announcement in the Federal Register stating that, effectively immediately and for the duration of the President's emergency declaration, the NDS will be suspended. The announcement could also state explicitly that despite suspension, aliens will be treated humanely; that their health needs will be attended to; and that detention facilities will still strive to ensure officer and detainee security, while maintaining public safety.

NDS suspension would not only open up bedspace in innumerable county jails to house arrested aliens but also pave the way to set up soft-side detention as needed and desirable, for instance to provide for detention colocation next to Federal- or State-owned landing/takeoff runways that could be used to establish routine air corridors to those nations routinely receiving repatriated illegal aliens. This would be especially useful in prompt removal of aliens under unexecuted Final Orders of Removal.

The State of Florida has demonstrated that is has the ability to quickly increase state assets to facilitate and streamline the process of identifying and arresting illegal aliens. There is, however, a major chokepoint in terms of detention. At its current state, ICE is overwhelmed with the number of detainees that have been arrested prior to the state assisting with the process. With the state's assistance, this number will grow by multitudes, which will likely become unsustainable if ICE were to remain operating at its current state. Many of the individuals arrested by state and local law enforcement will be forced to be released due to the lack of space in ICE detention facilities.

287(g) Shortcomings

While the 287(g) program is a valuable tool for empowering state and local law enforcement to support immigration enforcement, it imposes limitations on their authority. Although certified

officers are permitted to arrest individuals and investigate their immigration status, those individuals must ultimately be transferred to ICE for processing. This requirement creates yet another bottleneck. As a result, the volume of transfers may quickly exceed ICE's operational capacity.

A more robust and diversified authority also exists. Leveraging off of the President's Executive Order, the DHS Secretary could invoke Section 103(a)(10) of the INA, 8 U.S.C. Section 1103(a)(10), which permits—

any State or local law enforcement officer...to perform or exercise any of the powers, privileges, or duties conferred or imposed by this chapter or regulations issued thereunder upon officers or employees of the [Department]...

One of the stumbling blocks that we perceive exists in the detention section of the overall removal cycle. At present, the Federal government does not possess adequate bedspace capacity for its ambitious, and long overdue, enforcement strategy. While this can be mitigated by better, quicker through-put in physical repatriation—an important factor—it still poses a choke-point to be addressed.

Reimbursement

Florida has invested significant resources deploying law enforcement and the National Guard to secure the southern coastline of Florida as well as the Texas/Mexico border. The federal government has shown itself to be very hesitant to commit to any form of reimbursement to past or future immigration operations. There may come a time when, without federal assistance, a long-term immigration support mission may become fiscally untenable.

Annex A – Organization Chart to Support Full Plan Activation

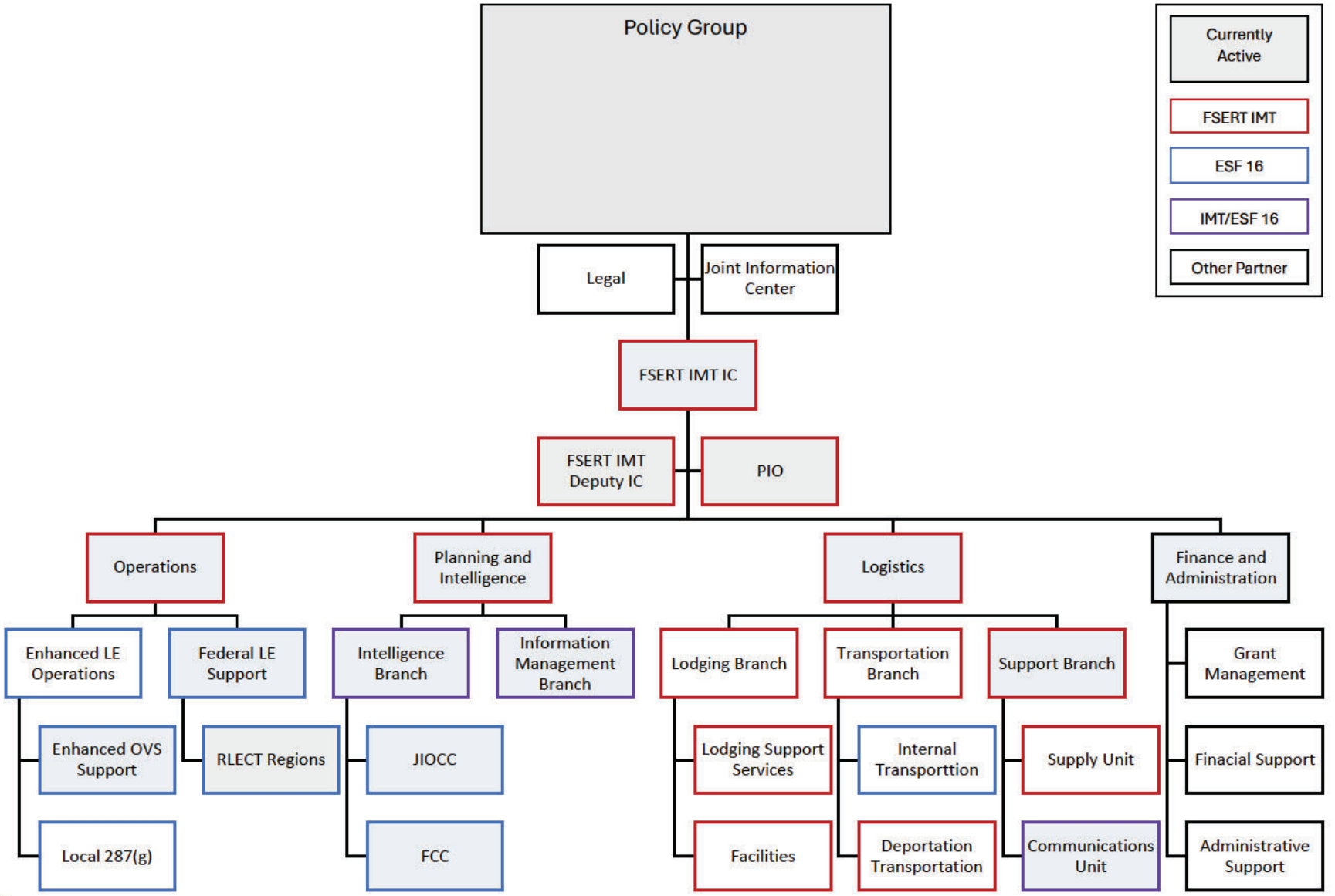
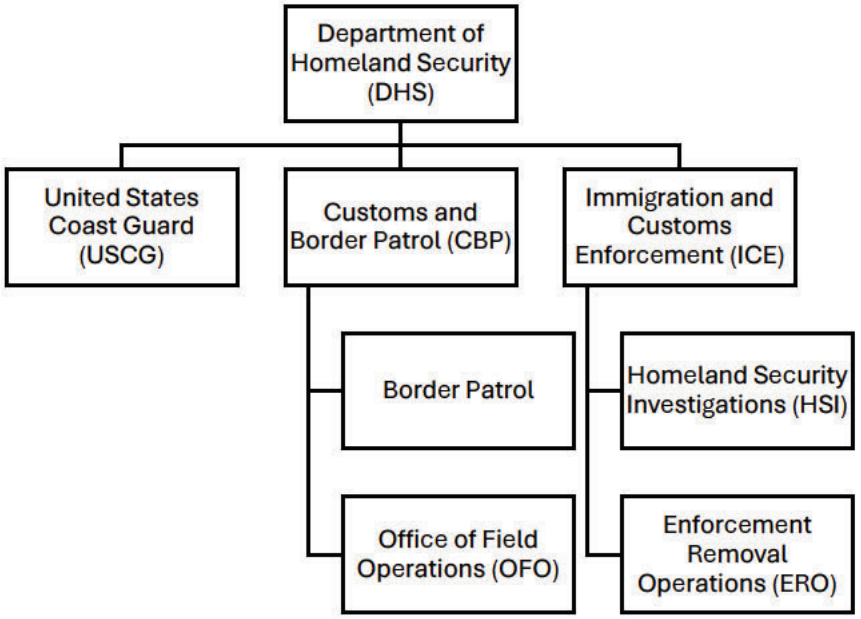


Exhibit A

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Annex B – DHS Organization and ICE HSTF Organization



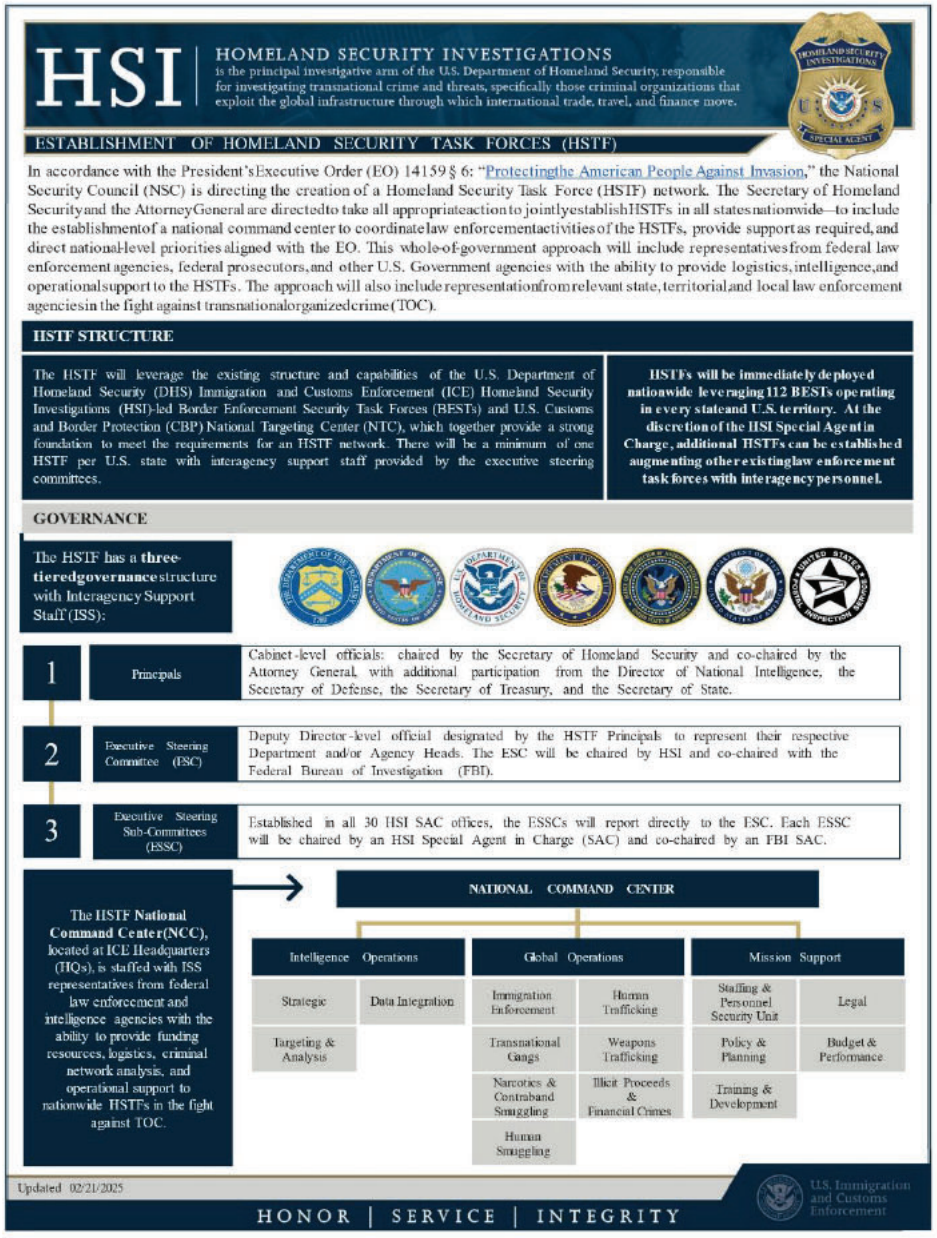


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Annex C – HSTF-SE Organizational Chart

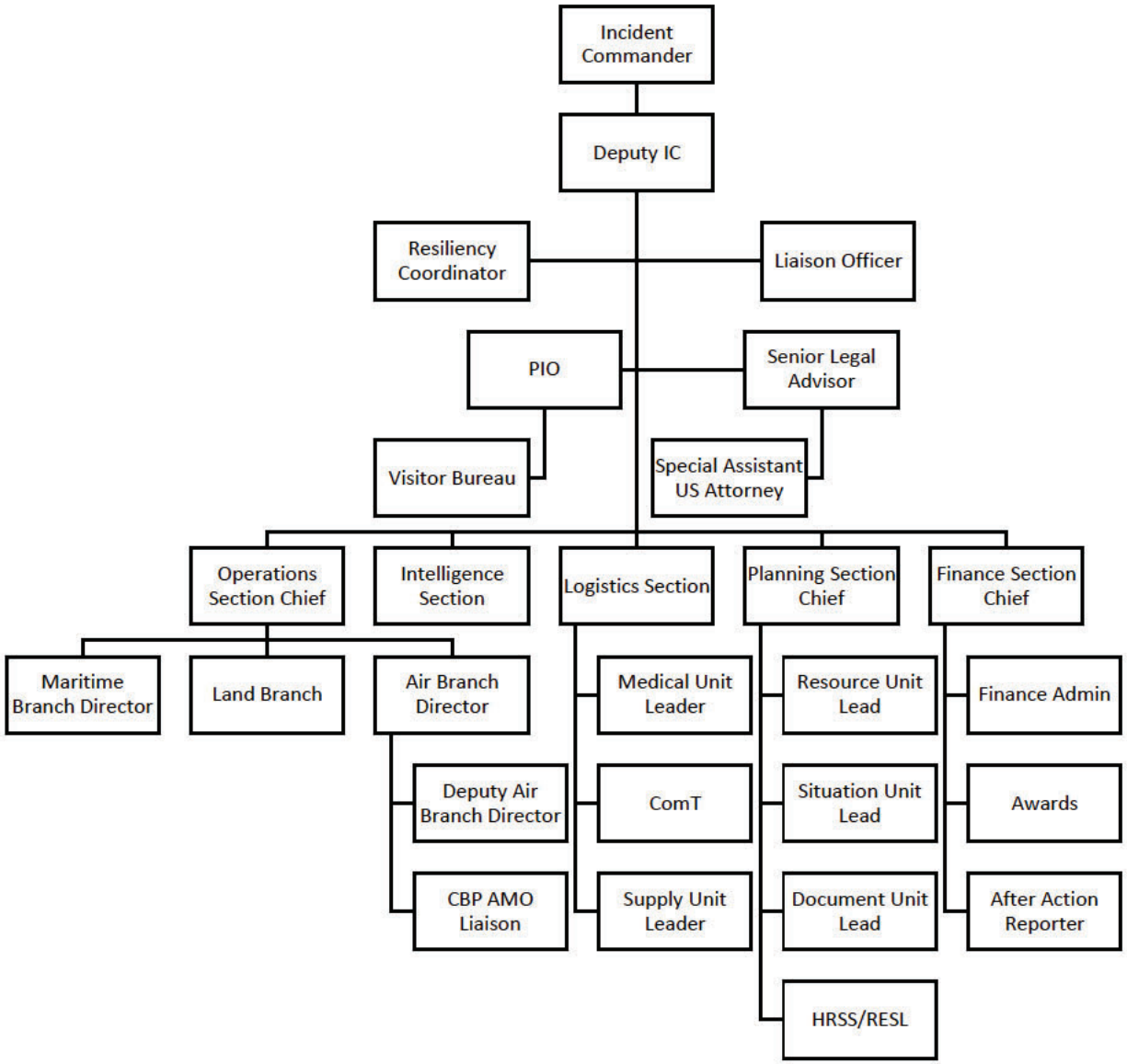


Exhibit A

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Annex D – RDSTF Map / RLECT Jurisdictions



Exhibit A

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Annex E – 287(g) Participating Agencies

State Agencies

Agency	287(g) Support Type	Date MOA Signed
Florida Department of Agriculture and Consumer Services	Task Force Model	2/14/2025
Florida Department of Corrections	Jail Enforcement Model	8/21/2020
Florida Department of Financial Services	Task Force Model	3/25/2025
Florida Department of Highway Safety and Motor Vehicles, Division of Highway Patrol	Task Force Model	2/7/2025
Florida Department of Law Enforcement	Task Force Model	2/14/2025
Florida Fish and Wildlife Conservation Commission	Task Force Model	2/14/2025
Florida National Guard	Task Force Model	4/2/2025
Florida State Guard	Task Force Model	3/19/2025
Florida Gaming Control Commission	Task Force Model	4/24/2025
Florida Department of Business and Professional Regulation	Task Force Model	4/24/2025

Counties

Agency	2879(g) Support Type	Date MOA Signed
Alachua County Sheriff's Office	Warrant Service Officer	2/24/2025
	Task Force Model	2/26/2025
Baker County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Bay County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Bradford County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Brevard County Sheriff's Office	Warrant Service Officer	5/6/2019
	Task Force Model	2/24/2025
Broward County Sheriff's Office	Warrant Service Officer	9/9/2019
	Task Force Model	2/26/2025
Calhoun County Sheriff's Office	Warrant Service Officer	9/9/2019
	Task Force Model	2/26/2025
Charlotte County Sheriff's Office	Warrant Service Officer	5/6/2019
	Task Force Model	2/26/2025
Citrus County Sheriff's Office	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025
Clay County Sheriff's Office	Jail Enforcement Model	3/11/2020
	Warrant Service Officer	2/24/2025
	Task Force Model	2/26/2025
Collier County Sheriff's Office	Jail Enforcement Model	6/9/2020
	Task Force Model	2/24/2025

Exhibit A

Columbia County Sheriff's Office	Warrant Service Officer	5/6/2019
	Task Force Model	2/26/2025
DeSoto County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Dixie County Sheriff's Office	Warrant Service Officer	2/24/2025
	Task Force Model	2/26/2025
Escambia County Sheriff's Office	Task Force Model	2/26/2025
	Warrant Service Officer	2/26/2025
Flagler County Sheriff's Office	Warrant Service Officer	9/9/2019
	Task Force Model	2/26/2025
Franklin County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Gadsden County Sheriff's Office	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025
Gilchrist County Sheriff's Office	Task Force Model	2/26/2025
	Warrant Service Officer	2/26/2025
Glades County Sheriff's Office	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025
Gulf County Board of County Commissioners	Warrant Service Officer	2/26/2025
Gulf County Sheriff's Office	Task Force Model	2/26/2025
Hamilton County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Hardee County Sheriff's Office	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025
Hendry County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Hernando County Sheriff's Office	Warrant Service Officer	5/6/2019
	Jail Enforcement Model	6/9/2020
	Task Force Model	2/26/2025
Highlands County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Hillsborough County Sheriff's Office	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025
Holmes County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Indian River County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Jackson County Correctional Facility	Warrant Service Officer	2/26/2025
Jackson County Sheriff's Office	Task Force Model	2/26/2025
Jacksonville Sheriff's Office	Jail Enforcement Model	6/9/2020
	Task Force Model	2/26/2025
Jefferson County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Lafayette County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Lake County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Lee County Sheriff's Office	Task Force Model	2/24/2025
	Warrant Service Officer	2/26/2025

Exhibit A

	Jail Enforcement Model	3/3/2025
Leon County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Levy County Sheriff's Office	Warrant Service Officer	5/6/2019
	Task Force Model	2/26/2025
Liberty County Sheriff's Office	Warrant Service Officer	9/9/2019
	Task Force Model	2/26/2025
Madison County Sheriff's Office	Warrant Service Officer	9/9/2019
	Task Force Model	2/26/2025
Manatee County Sheriff's Office	Warrant Service Officer	5/6/2019
	Task Force Model	2/26/2025
Marion County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Martin County Sheriff's Office	Warrant Service Officer	1/22/2020
	Task Force Model	2/26/2025
Miami Dade Corrections and Rehabilitation	Warrant Service Officer	2/26/2025
Miami Dade Sheriff's Office	Task Force Model	2/26/2025
Monroe County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Nassau County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Okaloosa County Sheriff's Office	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025
Okeechobee County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Okeechobee Police Department	Task Force Model	3/17/2025
Orange County Corrections Department	Warrant Service Officer	2/26/2025
Orange County Sheriff's Office	Task Force Model	2/26/2025
Osceola County Corrections Department	Warrant Service Officer	10/15/2019
Osceola County Sheriff's Office	Task Force Model	2/26/2025
Palm Beach County Sheriff's Office	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025
Pasco County Board of County Commissioners	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025
Pinellas County Sheriff's Office	Warrant Service Officer	4/24/2019
	Task Force Model	2/26/2025
Polk County Sheriff's Office	Warrant Service Officer	5/6/2019
	Task Force Model	2/26/2025
Putnam County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Santa Rosa County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Sarasota County Sheriff's Office	Warrant Service Officer	5/6/2019
	Task Force Model	2/26/2025
Seminole County Sheriff's Office	Warrant Service Officer	9/4/2019
	Task Force Model	2/26/2025
St. Johns County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
St. Lucie County Sheriff's Office	Warrant Service Officer	2/19/2025

Exhibit A

	Task Force Model	2/26/2025
Sumter County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Suwannee County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Taylor County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Union County Sheriff's Office	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025
Volusia County Division of Corrections	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025
Wakulla County Sheriff's Office	Warrant Service Officer	10/15/2019
	Task Force Model	2/26/2025
Walton County Sheriff's Office	Warrant Service Officer	5/6/2019
	Task Force Model	2/26/2025
Washington County Sheriff's Office	Warrant Service Officer	2/26/2025
	Task Force Model	2/26/2025

Municipalities

Agency	2879(g) Support Type	Date MOA Signed
Arcadia Police Department	Task Force Model	3/5/2025
Belleair Police Department	Task Force Model	2/28/2025
Blountstown Police Department	Task Force Model	3/5/2025
Boca Raton Police Department	Task Force Model	3/25/2025
Bradenton Police Department	Task Force Model	3/25/2025
Chattahoochee Police Department	Task Force Model	2/28/2025
Clearwater Police Department	Task Force Model	2/28/2025
Clermont Police Department	Task Force Model	3/5/2025
Cocoa Beach Police Department	Task Force Model	3/25/2025
Coral Gables Police Department	Task Force Model	3/7/2025
Davie Police Department	Task Force Model	3/7/2025
Daytona Beach Shores Public Safety	Task Force Model	3/10/2025
Deland Police Department	Task Force Model	3/5/2025
Edgewood Police Department	Task Force Model	4/14/2025
Eustis Police Department	Task Force Model	4/2/2025
Fort Walton Beach Police Department	Task Force Model	2/28/2025
Green Cove Springs Police Department	Task Force Model	4/10/2025
Gulfport Police Department	Task Force Model	2/28/2025
Havana Police Department	Task Force Model	4/10/2025
Highland Beach Police Department	Task Force Model	4/10/2025
High Springs Police Department	Task Force Model	3/25/2025
Holmes Beach Police Department	Task Force Model	4/10/2025
Indian Harbour Beach Police Department	Task Force Model	4/10/2025
Indian River Shores Department of Public Safety	Task Force Model	3/5/2025
Indian Shores Police Department	Task Force Model	2/28/2025
Juno Beach Police Department	Task Force Model	3/7/2025
Jupiter Inlet Colony Police Department	Task Force Model	3/10/2025

Exhibit A

Jupiter Island Department of Public Safety	Task Force Model	3/25/2025
Jupiter Police Department	Task Force Model	3/26/2025
Kenneth City Police Department	Task Force Model	2/28/2025
Key Colony Beach Police Department	Task Force Model	4/10/2025
Key West Police Department	Task Force Model	3/5/2025
Lady Lake Police Department	Task Force Model	4/10/2025
Lake Placid Police Department	Task Force Model	2/28/2025
Lighthouse Point Police Department	Task Force Model	4/2/2025
Lynn Haven Police Department	Task Force Model	2/24/2025
Marianna Police Department	Task Force Model	3/5/2025
City of Miami Springs Police Department	Task Force Model	4/2/2025
Naples Police Department	Task Force Model	3/3/2025
Orlando Police Department	Task Force Model	3/26/2025
Oviedo Police Department	Task Force Model	3/26/2025
Palm Beach Gardens Police Department	Task Force Model	3/5/2025
Panama City Beach Police Department	Task Force Model	2/26/2025
Panama City Police Department	Task Force Model	2/28/2025
Pinellas Park Police Department	Task Force Model	2/28/2025
Sanibel Police Department	Task Force Model	4/2/2025
Springfield Police Department	Task Force Model	2/28/2025
St. Augustine Beach Police Department	Task Force Model	3/3/2025
St. Augustine Police Department	Task Force Model	2/28/2025
St. Petersburg Police Department	Task Force Model	2/28/2025
Sunny Isles Police Department	Task Force Model	3/10/2025
Sweetwater Police Department	Task Force Model	3/26/2025
Tallahassee Police Department	Task Force Model	3/10/2025
Tampa Police Department	Task Force Model	2/28/2025
Tarpon Springs Police Department	Task Force Model	2/28/2025
Tavares Police Department	Task Force Model	3/17/2025
Tequesta Police Department	Task Force Model	3/7/2025
Town of Palm Beach Police Department	Task Force Model	3/7/2025
Treasure Island Police Department	Task Force Model	3/7/2025
Venice Police Department	Task Force Model	3/17/2025
Vero Beach Police Department	Task Force Model	3/26/2025
West Miami Police Department	Task Force Model	3/26/2025
Winter Garden Police Department	Task Force Model	4/2/2025

Exhibit A

Annex F – Federal Facilities

Custom and Border Patrol Stations

Location	Address	RDSTF Region
Jacksonville Station	Redacted pursuant to section 119.071(2)(d), Florida Statutes.	3
Orlando Station		5
Tampa Station		4
West Palm Station		7
Dania Beach Station		7
Marathon Station		7

CBP Common Operating Picture

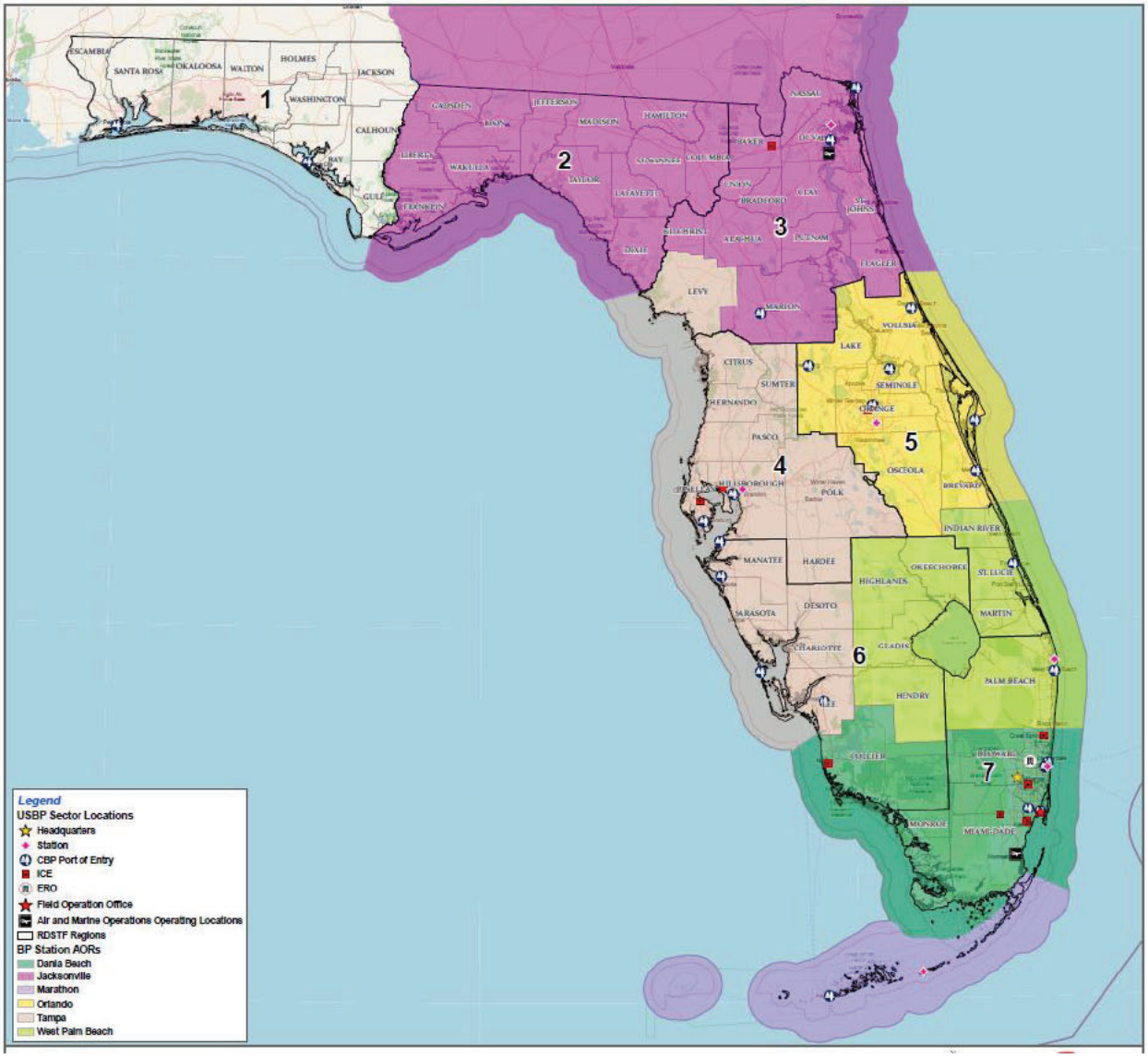


Exhibit A

Enforcement and Removal Operations Facilities

ERO Offices

Location	Address	RDSTF Region
ERO Stuart	Redacted pursuant to section 119.071(2)(d), Florida Statutes.	7
ERO Tampa		4
ERO Miramar		7
ERO Fort Myers		6
ERO Orlando		5
ERO Tallahassee		2
ERO Jacksonville		3

ERO Detention Facilities

Location	Address	RDSTF Region
Baker County Detention Center	Redacted pursuant to section 119.071(2)(d), Florida Statutes.	3
Broward Transitional Center		7
FDC Miami		7
Glades County Detention Center		6
Krome North Service Processing Center		7

Exhibit A

Annex G – Interior Transportation Cost Estimates

These cost estimates use the following scenario with operations at 7 ICE facilities within the state of Florida. [redacted] Redacted pursuant to section 119.071(2)(d), Florida Statutes. [redacted] Each vehicle requires 1 driver and 2 law enforcement officers or contracted inmate transport personnel.

The State could contract with vendors for transportation including labor, lease vehicles or purchase vehicles and utilize state resources for labor through FLNG and/or regional state law enforcement or utilize SMAA law enforcement teams.

Purchasing or leasing vans and utilizing Florida National Guard and State law enforcement officers as labor is the most cost-effective solution but may need to be supported by SMAA or contracted personnel.

Vehicle Options

Purchase Vehicles

Vendors and the Florida Department of Corrections have indicated a significant lead time on the purchase on buses outfitted for inmate transport. Additionally, CDL buses requirement would limit the availability of drivers. This option would most likely need to 12-passenger vans.

The cost to purchase a 12-passenger van is around $80,000 to $90,000; each van would need to upfitted costing approximately $34,000 per vehicle. [redacted] Redaced pusuant to section 119.071(2)(d), Florida Statutes. [redacted]

Upfitting of vehicles includes tinting, securing a 3-comparment box is securely fastened to the frame of the van to securely transport inmates, installing live video equipment and law enforcement communications. These outfitted vans can transport 8-11 inmates at a time.

Lease Vehicles

Vehicle	Average Daily Rate per Vehicle	Estimate for 21 vehicles for 14 days
Bus	$5,250	$1,542,000
Cargo Van	$2,653	$779,982

State Labor Options

Florida National and State Guard

The Florida National Guard and/or Florida State Guard could be utilized as drivers for this mission. The Florida National Guard is currently actively supporting the Department of Corrections throughout the state of Florida, and their operations could be expanded to support this mission. [redacted] Redacted pusuant to section 119.071(2)(d), Florida Statutes. [redacted] The Florida State Guard with the same footprint would be approximately $138,320 for 14 days.

State Law Enforcement Agencies

State Law Enforcement Officers could be utilized as inmate transfer staff to support this mission. The use of State LEOs that operate in the in-region of the ICE facilities being supported would have no

Exhibit A

additional cost to the State as long as they are able to be absorbed into their day-to-day operations and no overtime is incurred from working these activities.

State-Wide Mutual Aid Teams

SMAA Law Enforcement Support Teams could be utilized if FLNG or law enforcement is unable to absorb these responsibilities as a part of their day-to-day operations. [redacted] Redacted pursuant to section 119.071(2)(d), Florida Statutes. This includes personnel costs, per diem, lodging, equipment, and materials.

OPS Staff

The Division could hire 42 OPS Staff to serve as drivers for this effort at $30 an hour. This would take the longest to execute of these options but would allow for longer sustained operations if necessary.

Transportation Contracted Including Labor

Includes team drivers, services available 24/7 within the State of Florida, fueling & maintenance, fully staffed by qualified inmate transport personnel.

Vehicle	Daily Cost Estimate	Estimate for 21 vehicles for 14 days
49 Passenger Bus retrofit into inmate transport vehicle*	$150,000	$44,100,000
49 Passenger Bus	$55,000	$16,170,000
12 Passenger Van	$25,000	$7,350,000

**Several weeks lead time on retrofit of bus*

Exhibit A

Annex H – Detention Center Standards

Safety

Safety includes environmental health and safety and transportation by land.

Environmental Health and Safety standards at a detention facility maintain the standards for cleanliness and sanitation, safe work practices and control of hazardous substances and equipment. Standards and procedures include hazardous substances, emergency response, significant event notification requirements, fire prevention and control, pests and vermin, facility water supply certification, emergency electrical power generator, specific areas of the facility to include barber operations and medical operations, and general environmental health conditions including facility conditions, housekeeping, and refuse.

Transportation By Land refers to the facility taking all reasonable precautions to protect the lives, safety, and welfare of the detainees, officers, other personnel, and the general public during ground transportations. Detainees being transported from one facility to another institute or jurisdiction will be transported in a safe and humane manner under supervision of trained and experienced personnel. A transportation plan must be in place before departure to include weather and road conditions and any other relevant considerations. Information on the detainees will be transferred to the receiving facility to include name, date of birth, sex, nationality, etc. The transporting officer is responsible and shall comply with all state and federal motor vehicle regulations including, and not limited to, wearing a seat belt when the vehicle is morning, holding a valid Commercial Driver's License (CDL), transporting detainees in a safe and humane manner, etc. The seating of the detainees must have a policy and implementing procedures governing the seating in transportation vehicles. Minors must be separated from unrelated adults at all times and seated in an area of the vehicle near offices and under close supervision.

Security

Security includes admission and release, custody classification, facility security and control, funds, and personal property, hold rooms, post orders, searches of detainees, use of force and restraints, special management units, staff-detainee communications, and sexually abuse and assault prevention and intervention.

Admission and Release includes the procedures for processing detainees into and out of the facility. During admission process, detainees shall undergo screening for medical, sexual abuse prevention, and suicide risk evaluation purposes, files must be reviewed for classification purposes, submit to a standard body search, and inventory of all personal belongings. During the release of a detainee, they will return all facility issued items (clothing, bedding, etc.), participate in an identification verification procedure, and complete documents in accordance with facility procedures.

Facility Security and Control includes protection of the communities, staff, contractors, volunteers, and detainees form hard by ensuring facility security is maintained. A facility shall ensure it maintains sufficient supervision of detainees through appropriate staffing levels, video monitoring where applicable. Security inspections and perimeter controls are expected to keep the control of contraband, prevent escapes, maintain safety and security, and eliminate fire and safety hazards are expected. Population counts must be implemented to ensure the accountability of all detainees,

both formal and informal counts. Key and lock controls must be established in compliance with OSHA and National Fire Protection association requirement, including procedures for controlling gun-locker access.

Hold rooms in detention facilities may be used for the temporary detention of individuals awaiting removal, transfer, immigration court hearings, medical treatment, intra-facility movement, or other processing into or out of the facility. They must be located within the secure perimeter and must contain sufficient seating for the maximum room capacity. The facility must be in compliance with the applicable federal and state accessibility standards. A detainee may not be held in a hold room for more than 12 hours. All male and female adults should be separated regardless of if they are married, and minors must be separated from any unrelated adults unless proven that the adult is their guardian or parent. Holding rooms for a single occupant shall contain a minimum of 37 square feet. Multiple occupants hold rooms should provide an additional 7 square feet of unencumbered space for each additional detainee.

Orders

Orders include the disciplinary system which includes the safe and orderly living environment for detainees by establishing fair and equitable disciplinary system, requiring detainees to comply with facility rules and regulations, and imposing disciplinary sanctions on those who do not comply.

Care

Care includes the food services, hunger strikes, medical care, personal hygiene, significant self-harm and suicide prevention and intervention, terminal illness and death, and disability identification, assessment, and accommodation.

Food Services includes the detainees shall be provided nutritious, attractively presented meals, and prepared and served in a sanitary and hygienic food service operation. Ordinarily detainees shall be served 3 meals every day, with 2 being hot meals. The facility administrator may approve variations in the food service schedule during religious and civic holidays, provided that basic nutritional goals are met. No more than 14 hours between the evening meal and breakfast may occur. Clean, potable drinking water must be available. Meals shall always be prepared, delivered, and served under staff or contractor supervision. Religious and special diets must be taken into consideration, unless stated otherwise.

Medical Care includes that an adequate space and equipment will be furnished so that all detainees are provided basic health examinations, treatment, and communication in private. Medical records will be kept separate from the detainee records and must be stored in a securely locked area. Dental treatment includes an initial dental screening exam that shall be performed within 14 days of the arrival of the detainee. If a dentist is not on-site, the exam can be performed by a physician, physician assistant, nurse practitioner, or registered nurse.

Personal Hygiene includes the issuance of clothing, bedding, linens, blankets, and towel supply on a regular basis as well as the accountability of the items by the detainees. Detainees should be provided with clean clothing, linens, and towels on a regular basis to ensure proper hygiene. Socks and undergarments will be exchanged daily, outer garments at least twice weekly, and sheets, towels, and pillowcases at least weekly. Detainees should receive personal hygiene items and the facility shall replenish items at no cost on a needed basis.

Activities

Activities include correspondence and other mail, recreation, religious practices, telephone access, visitation, and voluntary work programs.

Recreation shall be provided to the detainees including recreational programs and activities within the constraints of the safety and security of the facility. If an outdoor recreation is available, it shall be offered at a reasonable time of day, weather permitting, access for at least one hour per day, five days a week. If only indoor recreation is available, detainees shall have access for at least one hour each day and shall have access to natural light.

Religious practices shall be accommodated without discrimination with the possibility of including language services if needed. A chaplain or individual designated as the religious services coordinated would be responsible for managing religious activities at the facility. An adequate space for practices shall be designated based on the detainee population.

Justice

Justice includes detainee handbook, grievance system, law libraries and legal materials, and legal rights group presentations.

Law Libraries and Legal Materials must be accessible to detainees. A law library shall be provided in a designated room or area that will have sufficient space and resources to facilitate detainees' legal research and writing. Hours of access shall be flexible, and detainees must be able to visit the library for a minimum of 5 hours per week during a reasonable time of day.

Administrations and Management

Administration and Management include detention files and detainee transfers.

Annex I – Holding Facility informationIn accordance with Standard 2.5 (pages 31-33) of the National Detention Standards (2019)

Holding Facilities

A holding facility can be used for temporary detention of individuals awaiting removal, transfer, Executive office of immigration review immigration court hearings, medical treatment, intra-facility movement, or other processing into or out of the facility.

Physical conditions

A holding facility must have the following:

- Has to be located within a secure perimeter
- Single occupant
- A minimum of 37 square feet (7 feet unencumbered square feet, 5 for a combination lavatory/toilet, 25 for wheelchair turnaround)
- Multi- occupant
- Provide an additional 7 square feet of unencumbered space for each individual
- Well ventilated, well lit, and allow for convenient visual checks
- Sufficient seating, for max room capacity (capacity must be posted outside room)
- Bunks, cots, beds, or other are not permitted inside hold rooms by exception of those who are ill, minors, and pregnant women.
- All hold rooms should be equipped with:
- Handwashing and potable water
- Toilets shall allow for an appropriate amount of privacy
- No toilet, shift supervisor should at all times position an officer within sight or earshot of the hold room to provide detainees with regular access to the toilet facilities
- Detainees shall be monitored appropriately while using the restrooms
- In compliance with state and federal standards

Time Limits and Restrictions

- A holding facility cannot be held for more than 12 hours.
- An unaccompanied minor (under 18), persons over 70, females with children, and family groups will not be placed in hold rooms unless they have shown or threatened violent behavior, have a criminal conviction involving violence, or have given staff articulable ground to expect an escape attempt.
- A person may be exempt from hold rooms due to obvious illness; special medical, physical, and/or psychological needs; or other documented reasons shall be seated in designated area outside the hold room under direct supervision. These individuals can be held in separate rooms under supervision.
- Adult males and females shall be segregated at all times, even if married.
- Minors (under 18) will be held apart from adults, unless the adult is an immediate relative or recognized guardian, and no other adult detainees are present in the hold room and no safety concerns are present.
- Shall be provided basic personal hygiene items such as toilet paper, water, disposable cups, soap, feminine hygiene items, diapers, and sanitary wipes.

Basic Operation Procedures

- An officer will visually assess every individual before placing them in the hold room, checking for any disabilities, concerns, or special needs.
- Must maintain a log which records custodial information about all detainees placed in and removed from hold rooms.
- A meal must be provided for any adult in the hold room for more than 6 hours. Juveniles will receive meal services regardless of time in custody. A log should be kept providing a record of when food is provided for everyone.
- Juveniles, babies, pregnant women, and others for whom it is medically necessary shall have regular access to snacks, milk, juice, etc. They should also be provided with access to temperature-appropriate clothing and blankets.
- Staff will ensure sanitation and temperatures in hold rooms are maintained at acceptable levels.
- Closely supervise the hold rooms through direct supervision. Irregular visual monitoring not to exceed 15 minutes between checks. Records of time and name of officer should be kept when checks are made.
- Constant surveillance of any detainee exhibiting signs of hostility, depression, or similar behaviors. Notification to a supervisor in the case this occurs.
- Notify emergency medical providers or services when a detainee appears to be in need of emergency medical treatment.
- When the last detainee has been removed, the room shall be given a thorough cleansing and safety inspection.

Detainee Search

- Every detainee shall undergo a pat-down, search for weapons or contraband.
- Sharp objects (pens, pencils, knives, nail files, etc.) that could be used as a weapon shall be removed from possession.
- Opposite sex pat-down of male detainees shall not be conducted, unless after reasonable diligence, male staff is not available at the time, or in exigent circumstances.
- Opposite sex pat-down searches of female shall not be conducted unless under exigent circumstances.
- All opposite sex searches must be documented.
- If the pat-down search indicates the need for more thorough search, a strip search shall be conducted. Must be the same sex to perform search or in the presence of another officer of the same sex.

Exhibit A

Annex J – Camp Blanding Improvements for Detention Center

Camp Blanding has provided the following for areas of improvement in order to use the facility as a detention center in accordance with the National Detention Standards (2019).

Food Service Support

Food Service Support for approximately 4 meals a day, 2 of which must be served hot, for 1,000 individuals and support staff. The existing dining facilities might work, but facilities most likely will not meet the Federal Standards.

- For a workable facility, each block has a kitchen with a dining area. Conceptually, the detainees would have to cycle through. A schedule would be created on when each block is being fed.

Safety

[redacted]

- [redacted]
  Redacted pursuant to section 119.071(3)(a), Florida Statutes.
- [redacted]

[redacted]

- [redacted]

[redacted]

- [redacted]

[redacted]

- [redacted]

[redacted]

- [redacted]

[redacted]

- [redacted]

[redacted]

Exhibit A

- [redacted]

Specific Building Facilities

A full medical facility to support up to 1,000 personnel with periodic health checks and food inspections. This medical area must also have a pharmacy.

- The use of existing buildings/structures may be able to be used but would be requesting medical equipment and personnel to be fully functional.

A space for barber operations within the facility or confined area must be available. Depending on how the Camp Blanding is separated for each of the required facilities and areas (such as separating of female and male detainee areas), a building should be provided for barber operations.

- Personnel and equipment would be requested to be fully operational and within compliance of standard.

A behavioral health facility has not been identified with existing buildings. Showers, bathrooms, and all other facilities to support detainees with disabilities are also not existent with current facilities.

- Construction of a building would have to occur due to the given lock in/ lock down requirements.
- Construction or provided facility that adheres to the detainees with disabilities would be requested.

A facility that can house and secure appropriate safes/storage for transfer of funds, valuables, and personal property may be provided depending on how the footprint of buildings/facilities are split up.

- If a building can be provided, personnel and equipment will be requested to be fully operational.

Contractual Requirements

A facility for laundry has been identified and will be able to use. PAX would be required to wash laundry to include clothing and bedding. A schedule would be created for laundry services of all items including bedding, towels, and uniforms.

- FDEM can request contracting staff for laundry services, but FLNG can require PAX for laundry services.

Detainees are required 1 pillow, 1 blanket, 1 towel, 2 sheets, and 1 pillowcase.

- A linen contract would need to be placed for items.

Canine units may be used for contraband detection but may not be used in the presence of detainees.

- A contract for support or MOU with local law enforcement for canine units (contraband) would need to be placed.

Garbage and refuse must be collected, stored, and removed from common areas at least daily and as often as necessary to maintain sanitary conditions.

- A contract for garbage and refuse to include medical/biohazard waste will be needed to be fully operational.



Composite Exhibit B



Composite Exhibit B

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) constitutes an agreement between United States Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), and the Florida National Guard (FLNG) , pursuant to which ICE delegates to nominated, trained, and certified officers or employees of the FLNG (hereinafter interchangeably referred to as "Law Enforcement Agency" (LEA)), to perform certain immigration enforcement functions as specified herein. The LEA represents the Florida National Guard (FLNG) in the implementation and administration of this MOA. The Florida National Guard (FLNG) and ICE enter into this MOA in good faith and agree to abide by the terms and conditions contained herein. The ICE and LEA points of contact for purposes of this MOA are identified in Appendix A.

I. PURPOSE

The purpose of this MOA is to set forth the terms and conditions pursuant to which selected LEA personnel (participating LEA personnel) will be nominated, trained, and thereafter be approved by ICE to perform certain functions of an immigration officer under the direction and supervision of ICE within the LEA's jurisdiction. This MOA sets forth the scope of the immigration officer functions that DHS is authorizing the participating LEA personnel to perform. Nothing contained herein shall otherwise limit the jurisdiction and powers normally possessed by participating LEA personnel as members of the LEA. However, the exercise of the immigration enforcement authority granted under this MOA to participating LEA personnel shall occur only as provided in this MOA. This MOA also describes the complaint procedures available to members of the public regarding immigration enforcement actions taken pursuant to this agreement by participating LEA personnel.

II. AUTHORITY

Section 287(g) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-276, authorizes the Secretary of Homeland Security, or her designee, to enter into written agreements with a State or any political subdivision of a State so that qualified officers and employees can perform certain functions of an immigration officer. This MOA constitutes such a written agreement.

III. POLICY

This MOA sets forth the scope of the immigration officer functions that DHS is authorizing the participating LEA personnel to perform. It sets forth with specificity the duration of the authority conveyed and the specific lines of authority, including the requirement that participating LEA personnel be subject to ICE direction and supervision while performing delegated immigration officer functions pursuant to this MOA. For the purposes of this MOA, ICE officers will provide direction and supervision for participating LEA personnel only as to immigration enforcement functions as authorized in this MOA. The LEA retains supervision of all other aspects of the employment and performance of duties of participating LEA personnel.

Exhibit C

IV. TRAINING AND ASSIGNMENTS

Before participating LEA personnel receive authorization to perform immigration officer functions granted under this MOA, they must successfully complete mandatory training on relevant administrative, legal, and operational issues tailored to the immigration enforcement functions to be performed as provided by ICE instructors and thereafter pass examinations equivalent to those given to ICE officers. The mandatory training may be made available to the LEA in both in-person and online, recorded or virtual-meeting formats, as determined by ICE. Only participating LEA personnel who are nominated, trained, certified, and authorized, as set out herein, have authority pursuant to this MOA to conduct the delegated immigration officer functions, under ICE direction and supervision, enumerated in this MOA.

Upon the LEA's agreement, participating LEA personnel performing immigration-related duties pursuant to this MOA will be assigned to various units, teams, or task forces designated by ICE.

V. DESIGNATION OF AUTHORIZED FUNCTIONS

For the purposes of this MOA, participating LEA personnel are authorized to perform the following functions pursuant to the stated authorities, subject to the limitations contained in this MOA:

- The power and authority to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(l)) and to process for immigration violations those individuals who have been arrested for State or Federal criminal offenses.

- The power and authority to arrest without a warrant any alien entering or attempting to unlawfully enter the United States in the officer's presence or view, or any alien in the United States, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained. INA § 287(a)(2) and 8 C.F.R. § 287.5(c)(1). Subsequent to such arrest, the arresting officer must take the alien without unnecessary delay for examination before an immigration officer having authority to examine aliens as to their right to enter or remain in the United States.

- The power to arrest without warrant for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained. INA § 287(a)(4) and 8 C.F.R. § 287.5(c)(2).

- The power to serve and execute warrants of arrest for immigration violations under INA § 287(a) and 8 C.F.R. § 287.5(e)(3).

- The power and authority to administer oaths and to take and consider evidence (INA § 287(b) and 8 C.F.R. § 287.5(a)(2)) to complete required alien processing to include fingerprinting, photographing, and interviewing, as well as the preparation of affidavits and the taking of

Exhibit C

sworn statements for ICE supervisory review.

- The power and authority to prepare charging documents (INA § 239, 8 C.F.R. § 239.1; INA § 238, 8 C.F.R § 238.1; INA § 241(a)(5), 8 C.F.R § 241.8; INA § 235(b)(l), 8 C.F.R. § 235.3) including the preparation of the Notice to Appear (NTA) or other charging document, as appropriate, for the signature of an ICE officer for aliens in categories established by ICE supervisors.

- The power and authority to issue immigration detainers (8 C.F.R. § 287.7) and I-213, Record of Deportable/Inadmissible Alien, for aliens in categories established by ICE supervisors.

- The power and authority to take and maintain custody of aliens arrested by ICE, or another State or local law enforcement agency on behalf of ICE. 8 C.F.R. § 287.5(c)(6)

- The power and authority to take and maintain custody of aliens arrested pursuant to the immigration laws and transport (8 C.F.R. § 287.5(c)(6)) such aliens to ICE-approved detention facilities.

VI. RESOLUTION OF LOCAL CHARGES

The LEA is expected to pursue to completion prosecution of any state or local charges that caused the alien to be taken into custody. ICE may assume custody of aliens who have been convicted of a state or local offense only after such aliens have concluded service of any sentence of incarceration. The ICE Enforcement and Removal Operations Field Office Director or designee shall assess on a case-by-case basis the appropriate actions for aliens who do not meet the above criteria based on special interests or other circumstances after processing by the LEA.

After notification to and coordination with the ICE supervisor the alien who participating LEA personnel have determined to be a removable alien, the alien will be arrested on behalf of ICE by participating LEA personnel and be transported by the LEA on the same day to the relevant ICE detention office or facility.

VII. NOMINATION OF PERSONNEL

The chief officer of the LEA will nominate candidates for initial training and certification under this MOA. For each candidate, ICE may request any information necessary for a background check and to evaluate a candidate's suitability to participate in the enforcement of immigration authorities under this MOA. All candidates must be United States citizens. All candidates must have at least two years of LEA work experience. All candidates must be approved by ICE and must be able to qualify for appropriate federal security clearances and access to appropriate DHS and ICE databases/systems and associated applications.

Should a candidate not be approved, a substitute candidate may be submitted if time permits such substitution to occur without delaying the start of training. Any subsequent expansion in the number of participating LEA personnel or scheduling of additional training classes may be based on an oral agreement of the parties but will be subject to all the requirements of this MOA.

Exhibit C

VIII. TRAINING OF PERSONNEL

ICE will provide participating LEA personnel with the mandatory training tailored to the immigration functions to be performed. The mandatory training may be made available to the LEA in both in-person and online, recorded or virtual-meeting formats, as determined by ICE.

Training will include, among other things: (i) discussion of the terms and limitations of this MOA; (ii) the scope of immigration officer authority; (iii) relevant immigration law; (iv) the ICE Use of Force Policy; (v) civil rights laws (vi) the detention of aliens; (vii) public outreach and complaint procedures; (viii) liability issues; (ix) cross-cultural issues; and (x) the obligations under federal law, including applicable treaties or international agreements, to make proper notification upon the arrest or detention of a foreign national.

Approximately one year after the participating LEA personnel are trained and certified, ICE may provide additional updated training on relevant administrative, legal, and operational issues related to the performance of immigration officer functions, unless either party terminates this MOA pursuant to Section XVIII below. Local training on relevant issues will be provided on an ongoing basis by ICE supervisors or a designated team leader.

IX. CERTIFICATION AND AUTHORIZATION

ICE will certify in writing the names of those LEA personnel who successfully complete training and pass all required testing. Upon receipt of the certification, ICE will provide the participating LEA personnel with a signed authorization to perform specified functions of an immigration officer for an initial period of two years from the date of the authorization. ICE will also provide a copy of the authorization to the LEA. The ICE supervisory officer, or designated team leader, will evaluate the activities of all personnel certified under this MOA.

Authorization of participating LEA personnel to act pursuant to this MOA may be revoked at any time and for any reason by ICE or the LEA. Such revocation will require notification to the other party to this MOA within 48 hours. The chief officer of the LEA and ICE will be responsible for notification of the appropriate personnel in their respective agencies. The termination of this MOA, pursuant to Section XVIII below, shall constitute revocation of all immigration enforcement authorizations delegated herein.

X. COSTS AND EXPENDITURES

Participating LEA personnel will carry out designated functions at the LEA's expense, including salaries and benefits, local transportation, and official issue material. Whether or not the LEA receives financial reimbursement for such costs through a federal grant or other funding mechanism is not material to this MOA.

ICE is responsible for the installation and maintenance of the Information Technology (IT) infrastructure. The use of the IT infrastructure and the DHS/ICE IT security policies are defined in the Interconnection Security Agreement (ISA). The ISA is the agreement between ICE's Chief Information Security Officer and the LEA's Designated Accreditation Authority.

Exhibit C

The LEA agrees that each of its sites using an ICE-provided network access or equipment will sign the ISA, which defines the DHS ICE 4300A Sensitive System Policy and Rules of Behavior for each user granted access to the DHS network and software applications. Failure to adhere to the terms of the ISA could result in the loss of all user privileges.

The LEA is responsible for personnel expenses, including, but not limited to, salaries and benefits, local transportation, and official issue material used in the execution of the LEA's mission. ICE will provide instructors and training materials. The LEA is responsible for the salaries and benefits, including any overtime, of all its personnel being trained or performing duties under this MOA and of those personnel performing the regular functions of the participating LEA personnel while they are receiving training. ICE is responsible for the costs of the LEA personnel's travel expenses while in a training status, as authorized by the Federal Travel Regulation and the ICE Travel Handbook. These expenses include housing, per diem and all transportation costs associated with getting to and from training. ICE is responsible for the salaries and benefits of all ICE personnel, including instructors and supervisors.

The LEA is responsible for providing all administrative supplies (e.g. paper, printer toner) necessary for normal office operations. The LEA is also responsible for providing the necessary security equipment, such as handcuffs, leg restraints, etc.

XI. ICE SUPERVISION

Immigration enforcement activities conducted by participating LEA personnel will be supervised and directed by ICE. Participating LEA personnel are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE.

When operating in the field, participating LEA personnel shall contact an ICE supervisor at the time of exercising the authority in this MOA, or as soon as is practicable thereafter, for guidance. The actions of participating LEA personnel will be reviewed by the ICE supervisory officers on an ongoing basis to ensure compliance with the requirements of the immigration laws and procedures and to assess the need for additional training or guidance for that specific individual.

For the purposes of this MOA, ICE officers will provide supervision of participating LEA personnel only as to immigration enforcement functions. The LEA retains supervision of all other aspects of the employment of and performance of duties by participating LEA personnel.

In the absence of a written agreement to the contrary, the policies and procedures to be utilized by the participating LEA personnel in exercising these authorities shall be DHS and ICE policies and procedures, including the ICE Use of Force Policy. However, when engaged in immigration enforcement activities, no participating LEA personnel will be expected or required to violate or otherwise fail to maintain the LEA's rules, standards, or policies, or be required to fail to abide by restrictions or limitations as may otherwise be imposed by law unless doing so would violate federal law.

Exhibit C

If a conflict arises between an order or direction of an ICE supervisory officer and LEA rules, standards, or policies, the conflict shall be promptly reported to ICE, and the chief officer of the LEA, or designee, when circumstances safely allow the concern to be raised. ICE and the chief officer of the LEA shall attempt to resolve the conflict.

Whenever possible, the LEA will deconflict all addresses, telephone numbers, and known or suspected identities of violators of the INA with ICE's Homeland Security Investigations or ICE's Enforcement and Removal Operations prior to taking any enforcement action. This deconfliction will, at a minimum include wants/warrants, criminal history, and a person's address, and vehicle check through TECS II or any successor system.

LEA participating personnel authorized pursuant to this MOA may be assigned and/or co-located with ICE as task force officers to assist ICE with criminal investigations.

XII. REPORTING REQUIREMENTS

The LEA will be responsible for tracking and maintaining accurate data and statistical information for their 287(g) program, including any specific tracking data requested by ICE. Upon ICE's request, such data and information shall be provided to ICE for comparison and verification with ICE's own data and statistical information, as well as for ICE's statistical reporting requirements and to assess the progress and success of the LEA's 287(g) program.

XIII. RELEASE OF INFORMATION TO THIRD PARTIES

The LEA may, at its discretion, communicate the substance of this agreement to the media and other parties expressing an interest in the law enforcement activities to be engaged in under this MOA. It is the practice of ICE to provide a copy of this MOA, only after it has been signed, to requesting media outlets; the LEA is authorized to do the same.

The LEA hereby agrees to coordinate with ICE prior to releasing any information relating to, or exchanged under, this MOA. For releases of information to the media, the LEA must coordinate in advance of release with the ICE Office of Public Affairs, which will consult with ICE Privacy Office for approval prior to any release. The points of contact for ICE and the LEA for this purpose are identified in Appendix C. For releases of information to all other parties, the LEA must coordinate in advance of release with the FOD or the FOD's representative.

Information obtained or developed as a result of this MOA, including any documents created by the LEA that contain information developed or obtained as a result of this MOA, is under the control of ICE and shall not be disclosed unless: 1) permitted by applicable laws, regulations, or executive orders; and 2) the LEA has coordinated in advance of release with (a) the ICE Office of Public Affairs, which will consult the ICE Privacy Office for approval, prior to any release to the media, or (b) an ICE officer prior to releases to all other parties. LEA questions regarding the applicability of this section to requests for release of information shall be directed to an ICE officer.

Exhibit C

Nothing herein limits LEA's compliance with state public records laws regarding those records that are solely state records and not ICE records.

The points of contact for ICE and the LEA for the above purposes are identified in Appendix C.

XIV. LIABILITY AND RESPONSIBILITY

Except as otherwise noted in this MOA or allowed by federal law, and to the extent required by 8 U.S.C. § 1357(g)(7) and (8), the LEA will be responsible and bear the costs of participating LEA personnel regarding their property or personal expenses incurred by reason of death, injury, or incidents giving rise to liability.

Participating LEA personnel will be treated as Federal employees for purposes of the Federal Tort Claims Act, 28 U.S.C. § 1346(b)(1), 2671-2680, and worker's compensation claims, 5 U.S.C. § 8101 et seq., when performing a function on behalf of ICE as authorized by this MOA. *See* 8 U.S.C. § 1357(g)(7); 28 U.S.C. § 2671. In addition, it is the understanding of the parties to this MOA that participating LEA personnel performing a function on behalf of ICE authorized by this MOA will be considered acting under color of federal authority for purposes of determining liability and immunity from suit under federal or state law. *See* 8 U.S.C. § 1357(g)(8).

Participating LEA personnel named as personal-capacity defendants in litigation arising from activities carried out under this MOA may request representation by the U.S. Department of Justice. *See* 28 C.F.R. § 50.15. Absent exceptional circumstances, such requests must be made in writing. LEA personnel who wish to submit a request for representation shall notify the local ICE Office of the Principal Legal Advisor (OPLA) field location at ADDRESS. OPLA, through its headquarters, will assist LEA personnel with the request for representation, including the appropriate forms and instructions. Unless OPLA concludes that representation clearly is unwarranted, it will forward the request for representation, any supporting documentation, and an advisory statement opining whether: 1) the requesting individual was acting within the scope of his/her authority under 8 U.S.C. § 1357(g) and this MOA; and, 2) such representation would be in the interest of the United States, to the Director of the Constitutional and Specialized Tort Litigation Section, Civil Division, Department of Justice (DOJ). Representation is granted at the discretion of DOJ; it is not an entitlement. *See* 28 C.F.R. § 50.15.

The LEA agrees to cooperate with any federal investigation related to this MOA to the full extent of its available powers, including providing access to appropriate databases, personnel, individuals in custody and documents. Failure to do so may result in the termination of this MOA. Failure of any participating LEA employee to cooperate in any federal investigation related to this MOA may result in revocation of such individual's authority provided under this MOA. The LEA agrees to cooperate with federal personnel conducting reviews to ensure compliance with the terms of this MOA and to provide access to appropriate databases, personnel, and documents necessary to complete such compliance review. It is understood that information provided by any LEA personnel under threat of disciplinary action in an administrative investigation cannot be used against that individual in subsequent criminal proceedings, consistent with *Garrity v. New Jersey*, 385 U.S. 493 (1967), and its progeny.

Exhibit C

As the activities of participating LEA personnel under this MOA derive from federal authority, the participating LEA personnel will comply with federal standards relating to the Supreme Court's decision in *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny, which govern the disclosure of potential impeachment information about possible witnesses or affiants in a criminal case or investigation.

The LEA and ICE are each responsible for compliance with the Privacy Act of 1974, 5 U.S.C. § 552a, DHS Privacy Act regulations, 6 C.F.R. §§ 5.20-5.36, as applicable, and related system of records notices regarding data collection and use of information under this MOA.

XV. COMPLAINT PROCEDURES

The complaint reporting and resolution procedure for allegations of misconduct by participating LEA personnel, regarding activities undertaken under the authority of this MOA, is included at Appendix B.

XVI. CIVIL RIGHTS STANDARDS

Participating LEA personnel who perform certain federal immigration enforcement functions are bound by all applicable federal civil rights statutes and regulations.

Participating LEA personnel will provide an opportunity for subjects with limited English language proficiency to request an interpreter. Qualified foreign language interpreters will be provided by the LEA as needed.

XVII. MODIFICATION OF THIS MOA

Modifications of this MOA must be proposed in writing and approved by the signatories.

XVIII. EFFECTIVE DATE, SUSPENSION, AND TERMINATION OF THIS MOA

This MOA becomes effective upon signature of both parties and will remain in effect until either party terminates or suspends the MOA. Termination by the LEA shall be provided, in writing, to the local Field Office.

In instances where serious misconduct or violations of the terms of the MOA come to the attention of ICE, the ICE Director may, upon recommendation of the Executive Associate Director for Enforcement and Removal Operations, elect to immediately suspend the MOA pending investigation of the misconduct and/or violations.

Notice of the suspension will be provided to the LEA, and the notice will include, at a minimum, (1) an overview of the reason(s) that ICE is suspending the 287(g) agreement, (2) the length of the temporary suspension, and (3) how the LEA can provide ICE with information regarding the alleged misconduct and/or violations, as well as any corrective measures it has undertaken.

Exhibit C

ICE shall provide the LEA with a reasonable opportunity to respond to the alleged misconduct and/or violations and to take actions to implement corrective measures (e.g., replace the officer(s) who are the focus of the allegations). ICE will provide the LEA timely notice of a suspension being extended or vacated.

If the LEA is working to take corrective measures, ICE will generally not terminate an agreement. The termination of an agreement is generally reserved in instances involving problems that are unresolvable and detrimental to the 287(g) Program.

If ICE decides to move from suspension to termination, ICE will provide the LEA a 90-day notice in advance of the partnership being terminated. The notice will include, at a minimum: (1) An overview of the reason(s) that ICE seeks to terminate the 287(g) agreement; (2) All available data on the total number of aliens identified under the 287(g) agreement; and (3) Examples of egregious criminal aliens identified under the 287(g) agreement. ICE's decision to terminate a MOA will be published on ICE's website 90 days in advance of the MOA's termination.

This MOA does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.

By signing this MOA, each party represents it is fully authorized to enter into this MOA, accepts the terms, responsibilities, obligations, and limitations of this MOA, and agrees to be bound thereto to the fullest extent allowed by law.

For the LEA:

Date: 2 APRIL 2025

Signature: _____
Major General John D. Haas

Title: The Adjutant General

For ICE:

Date: April 2, 2025

Signature: _____

Title: Acting Director

Revised 02/12/2025

Exhibit C

APPENDIX A

POINTS OF CONTACT

The ICE and LEA points of contact for purposes of implementation of this MOA are:

For ICE:

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations
Assistant Director for Enforcement Washington DC

For the LEA:

The Adjutant General, MG John Haas, john.d.haas.mil@army.mil

State Aviation Officer, COL Brett Rhodenizer, brett.s.rhodenizer.mil@army.mil

General Counsel, Col Jeffrey Pozen, jeffrey.m.pozen.mil@army.mil

Exhibit C

APPENDIX B

COMPLAINT PROCEDURE

This MOA is an agreement between ICE and the , hereinafter referred to as the "Law Enforcement Agency" (LEA), in which selected LEA personnel are authorized to perform immigration enforcement duties in specific situations under federal authority. As such, the training, supervision, and performance of participating LEA personnel pursuant to the MOA, as well as the protections for individuals' civil and constitutional rights, are to be monitored. Part of that monitoring will be accomplished through these complaint reporting and resolution procedures, which the parties to the MOA have agreed to follow.

If any participating LEA personnel are the subject of a complaint or allegation involving the violation of the terms of this MOA the LEA shall, to the extent allowed by state law, make timely notification to ICE.

Further, if the LEA is aware of a complaint or allegation of any sort that may result in that individual receiving professional discipline or becoming the subject of a criminal investigation or civil lawsuit, the LEA shall remove the designated LEA personnel from the program, until such time that the LEA has adjudicated the allegation.

The LEA will handle complaints filed against LEA personnel who are not designated and certified pursuant to this MOA but are acting in immigration functions in violation of this MOA. Any such complaints regarding non-designated LEA personnel acting in immigration functions must be forwarded to the ICE Office of Professional Responsibility (OPR) at ICEOPRIntake@ice.dhs.gov.

1. Complaint Reporting Procedures

Complaint reporting procedures shall be disseminated as appropriate by the LEA within facilities under its jurisdiction (in English and other languages as appropriate) in order to ensure that individuals are aware of the availability of such procedures. Complaints will be accepted from any source (e.g., ICE, LEA, participating LEA personnel, inmates, and the public).

Complaints may be reported to federal authorities as follows:

A. Telephonically to the ICE OPR at the toll-free number 1-833-4ICE-OPR; or

B. Via email at ICEOPRIntake@ice.dhs.gov.

Complaints may also be referred to and accepted by any of the following LEA entities:

A. The LEA Internal Affairs Division; or
B. The supervisor of any participating LEA personnel.

Exhibit C

2. Review of Complaints

All complaints (written or oral) reported to the LEA directly, which involve activities connected to immigration enforcement activities authorized under this MOA, will be reported to the ICE OPR. The ICE OPR will verify participating personnel status under the MOA with the assistance of ICE. Complaints received by any ICE entity will be reported directly to the ICE OPR as per existing ICE policies and procedures.

In all instances, the ICE OPR, as appropriate, will make an initial determination regarding DHS investigative jurisdiction and refer the complaint to the appropriate office for action as soon as possible, given the nature of the complaint.

Complaints reported directly to the ICE OPR will be shared with the LEA's Internal Affairs Division when the complaint involves LEA personnel. Both offices will then coordinate appropriate investigative jurisdiction, which may include initiation of a joint investigation to resolve the issue(s).

3. Complaint Resolution Procedures

Upon receipt of any complaint the ICE OPR will undertake a complete review of each complaint in accordance with existing ICE allegation criteria and reporting requirements. As stated above the ICE OPR will adhere to existing ICE reporting requirements as they relate to the OHS OIG and/or another legally required entity. Complaints will be resolved using the existing procedures, supplemented as follows:

A. Referral of Complaints to LEA Internal Affairs Division.

The ICE OPR will refer complaints, as appropriate, involving LEA personnel to the LEA's Internal Affairs Division for resolution. The Internal Affairs Division Commander will inform ICE OPR of the disposition and resolution of any complaints referred by ICE OPR.

B. Interim Action Pending Complaint Resolution

Whenever any participating LEA personnel are under investigation and subject to interrogation by the LEA for any reason that could lead to disciplinary action, demotion, or dismissal, the policy requirements of the LEA shall he honored. If appropriate, an individual may he removed from participation in the activities covered under the MOA pending resolution of an inquiry.

C. Time Parameters for Resolution of Complaints

It is expected that any complaint received will be resolved within 90 days. However, this will depend upon the nature and complexity of the substance of the complaint itself.

Exhibit C

D. Notification of Resolution of a Complaint

ICE OPR will coordinate with the LEA's Internal Affairs Division to ensure notification as appropriate to the subject(s) of a complaint regarding the resolution of the complaint.

Exhibit C

APPENDIX C

PUBLIC INFORMATION POINTS OF CONTACT

Pursuant to Section XIII of this MOA, the signatories agree to coordinate any release of information to the media regarding actions taken under this MOA. The points of contact for coordinating such activities are:

For the LEA:

Executive Officer, COL (Ret) Allison Reinwald, allison.reinwald2.nfg@army.mil

Public Affairs Officer, Lt Col Caitlin Brown, mary.c.brown26.mil@army.mil

For ICE:

Department of Homeland Security
Immigration and Customs Enforcement
Office of Public Affairs

Exhibit C

FRIENDS OF THE EVERGLADES, INC., a Florida not-for-profit corporation, and CENTER FOR BIOLOGICAL DIVERSITY, a 501(c)(3) nonprofit organization,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as Secretary of the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TODD LYONS, in his official capacity as Acting Director of the UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; KEVIN GUTHRIE, in his official capacity as Executive Director of the Florida Division of Emergency Management; and MIAMI-DADE COUNTY, a political subdivision of the State of Florida;

Defendants.

DECLARATION OF BETTY OSCEOLA

1. My name is Betty Osceola and I make this declaration based on my personal knowledge. If called as a witness, I could and would competently testify to the facts set forth herein.

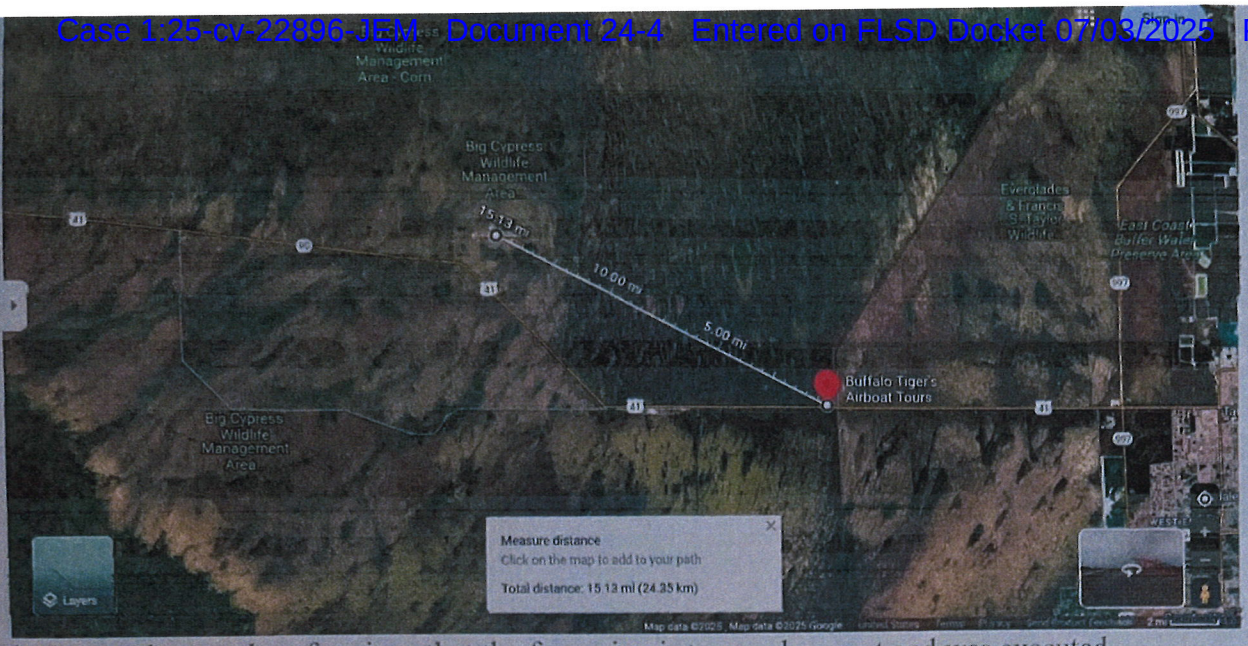
2. I am a member of the Miccosukee Tribe of Indians of Florida. I grew up in the Everglades not far from the Dade-Collier Training and Transition Airport (the "TNT Site"), and continue to live in the area.

3. The Big Cypress National Preserve is known for the beauty of its dark night skies. When I learned of the proposal to transform the TNT Site into a mass detention center, among ~~my concerns, with the impact of light pollution from the facility. The TNT site historically was dark at night~~.

4. Attached hereto as Exhibit 1 is a true and accurate photograph I took on 7/2/25 using my Iphone13 camera. I was physically present when the photograph was taken and it fairly and accurately depicts what I saw at the time. I have not altered or edited ~~the image in~~ any way.

5. The photograph was taken at Near MM 30.5, approximately 15 miles from the TNT Site and depicts the light pollution emanating from the Site. The distance between where I was when I took the photograph and the TNT Site is depicted below:

Exhibit D



I declare under penalty of perjury that the foregoing is true and correct and was executed July 3, 2025, in Miami-Dade County, Florida.

Betty Osceola

Exhibit D



Exhibit D

DECLARATION OF LAURA REYNOLDS AND RA SCHOOLEY

1. My name is Laura Reyolds, and I make this declaration on personal knowledge.

2. My name is Ra Schooley, and I make this declaration on personal knowledge

3. Attached hereto as Exhibit 1 and is a true and accurate video of the Dade-Collier Training and Transition Airport ("TNT Site") as it appeared in a timeline series from June 21, 2025. These screenshots and video show the site prior to the start of this project. The video was taken by Ra Schooley using a GoPro Camera. We were the only ones handling the footage and hereby confirm that it has not been altered and it accurately represents the condition of the TNT Site on June 21, 2025.

4. Attached hereto as Exhibit 2 and are true and accurate photographs of the Dade-Collier Training and Transition Airport ("TNT Site") as it appeared on June 26, 2025. The photographs were taken using an iPhone by Colton Randell a pilot who we asked to take photographs, and we hereby confirm that we did not alter the images and that the photographs accurately represent the condition of the TNT Site on June 26, 2025.

5. Attached hereto is Exhibit 3 are true and accurate photographs of the Dade-Collier Training and Transition Airport ("TNT Site") as it appeared on June 29, 2025. The Photographs were taken using a Cannon 40 D Digital Camera by Ra Schooley. We were the only one handling the footage and hereby confirm they were not altered, and they accurately represent the condition of the TNT Site on June 29, 2025.

6. Attached hereto is Exhibit 4 are true and accurate photographs of the Dade Collier Training and Transition Airport ("TNT Site") as it appeared on July 3,2025. The Photographs were taken by Laura Reynolds using a Cannon 40D Digital Camera. We were the only one handling the

Exhibit E

footage and hereby confirm they were not altered, and they accurately represent the condition of the TNT Site on July 3, 2025.

7. Comparison of the photos demonstrates significant filling and paving of areas that had been unpaved open areas prior to the start of this project. In our estimation approximately 13 acres or 600,000 square feet of filling and paving continues to occur as of July 3, 2025 at the TNT Site. There is also expansion and paving of the runway light access road, and impacts to the swale areas along existing runway and pad areas, all of which can be clearly seen by the photographs attached in the exhibits below.

I, Laura Reynolds, declare under penalty of perjury under the laws of the United States of America that I requested Mr. Schooley take the photographs that are attached to this Declaration, and he did so in response to my request. Executed on July 3, 2025.

Verified by pdfFiller
07/03/2025

Laura Reynolds

I, Ra Schooley declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I have no opinion on this matter and volunteered to help Ms. Reynolds take ariel photos of the area. Executed on July 3, 2025.

Verified by pdfFiller
07/03/2025

Ra Schooley

Exhibit E

EXHIBIT 1: Pre-Project Start





Fig 1- Both Images are screenshots from a video linked below of the approach end of runway 09 looking East, notice condition of clearing to the right of runway on June 21, 2025. The area depicted with red circle. Video Attached.

Exhibit E

EXHIBIT 2: Project Start



Fig 2-Runway Looking West, notice fill pile at end of Runway 27, or the approach end of 09, condition on June 26, 2025. The area depicted with red circle.

Exhibit E

EXHBIT 3: Impacted Areas-Flight 1



Fig 3-Areas off existing pad, showing impacted greenspace along all connecting roadways. These areas depicted with red circles.

Exhibit E



Fig 4-Area off Runway showing impacted swales from FEMA trucks and generators. These areas depicted with red circles.

Exhibit E



Fig 5- Close up of impacted Swale off Runway. The area depicted with red circle.

Exhibit E



Fig 6- New Paved Area shows impact on June 29th, as compared to image from June 21st in Fig 1, Exhibit 1. In addition access road to service runway lights impacted by large fill trucks. These areas depicted with red circles.

Exhibit E



Fig 7- Close up of newly paved area, can see impact from trucks to swale area. Compare this image to Figure 1, which shows the original condition of the area on June 21st, 2025. This image was taken on June 29th, 2025.

Exhibit E

EXHIBIT 4: Impacted Areas-Continued





Fig 8- Continued expansion of newly paved pad from 2 different angles, compare these images to Figure 1, which shows the original condition and Fig 7, to see continued expansion. This image was taken on July 3, 2025. The area depicted with red circle.

Exhibit E



Fig 9- Newly paved Road and adding a second road at the west end of runway 09. This image was taken on July 3, 2025. The area depicted with a red circle.

Exhibit E



Fig 10- Start of newly paved road, that appears in Fig 9. This image was taken on July 3, 2025. The area depicted with red circle.

Exhibit E



Fig 11-Swale Impacts July 3, compare to Fig 2, June 21, 2025 to see the area before impacts, area in red shows new impacts to swale.

Exhibit E