



PROJECT SUMMARY

Proposed Development of a New Federal Correctional Institution and Prison Camp Letcher County, Kentucky

Prepared by:
**Federal Bureau of Prisons
Washington, D.C.**

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Project Summary

Proposed Development of a New Federal Correctional Institution and Prison Camp – Letcher County, Kentucky

The mission of the U.S. Department of Justice, Federal Bureau of Prisons (FBOP) is for corrections professionals to foster a humane and secure environment and ensure public safety by preparing individuals for successful reentry into society. The FBOP's highly skilled, diverse, and innovative workforce creates a strong foundation of safety and security and through the principles of humanity and normalcy, the FBOP develops good neighbors.

The FBOP has prepared a Draft Environmental Impact Statement (DEIS) for the proposed development of a Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) in Letcher County, Kentucky (the Proposed Action). The DEIS has been prepared consistent with the regulations implementing the National Environmental Policy Act (NEPA) of 1969, as amended in 2023; Council on Environmental Quality regulations implementing NEPA, as amended May 20, 2022; and Department of Justice regulations implementing NEPA.

The DEIS, the assessment it presents, and the procedures by which the environmental investigations are conducted and incorporated in decision-making are parts of a process established by NEPA to ensure that the environmental consequences of federal projects and actions are adequately taken into account. The process is designed to ensure that public officials make decisions based on a full understanding of the environmental impacts of proposed actions and take all appropriate steps to “*protect, restore and enhance the environment*”.

Background

Since its establishment in 1930, the FBOP's overarching responsibility has been to provide for the care of the population of federal adults in custody (AIC) while maintaining safe and secure facilities that ensure the well-being of AIC, employees, and the public at large. Today, the FBOP manages 122 institutions comprising 66 million square feet of space on 46,000 acres of land including all aspects of facility repairs and maintenance involving interior and exterior finishes, roofs, perimeter fences and other security measures, mechanical, electrical, plumbing, lighting, and utility systems, communication equipment, and fire protection and life safety systems.



Federal Bureau of Prisons Headquarters, Washington, D.C.

The condition of facilities, infrastructure, and equipment in a correctional setting, which is continuously occupied by employees and AIC, is critically important to its operation and security. This is the case within the federal prison system where facilities and infrastructure require constant maintenance ranging from routine inspections and repairs to large-scale upgrades and replacements.

While the FBOP is continually working to effectively manage the AIC population and address its aging facilities and infrastructure, the challenges ahead are considerable. Of the FBOP's 122

institutions, 62 were developed between 1890 and 1991, 55 institutions were developed between 1992 and 2007, with the remainder developed since 2008. Carrying out its mission and protecting society is growing more challenging due to the increasing number of aging federal correctional facilities and the infrastructure that supports them.

Purpose and Need for the Proposed Action

In 2006, Congress directed the FBOP to initiate investigations leading to development of a new federal correctional facility in Letcher County, Kentucky (Congressional authorization: P.L. 109-272). During the years that followed, the FBOP conducted a wide range of technical investigations and published multiple EISs addressing development of a high-security U.S. Penitentiary (USP) in Letcher County to comply with Congress' directive.

Recently, the FBOP determined that development of a new medium-security FCI is a higher priority than a new high-security USP as was originally conceived. As the Congressional directive remains in effect, and given the need for modern institutions and infrastructure, the FBOP is now proposing to construct and operate a new FCI in Letcher County, Kentucky to meet the immediate and long-term need to house medium-security AIC. The FCI would be designed to house approximately 1,152 medium-security AIC while the FPC would house 256 minimum-security AIC (total 1,408 AIC).

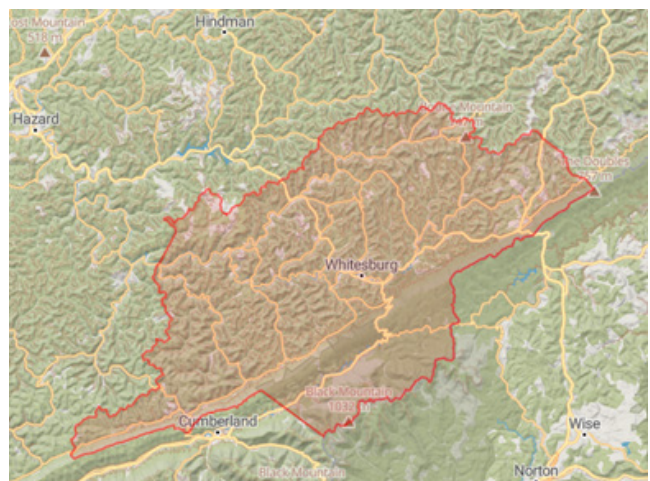
Implementing the Proposed Action would:

- Address the FBOP's administrative, operational, and security requirements and provide the spaces and resources needed to conduct treatment, counseling, and other programs that support the behavioral, mental health, and medical needs of the AIC population;
- Utilize the latest security technologies and operating and management approaches to keep AIC, employees, visitors, and the public safe and secure;
- Incorporate modern mechanical systems to reduce the risks of exposure to COVID-19 and other contagions;
- Apply advanced approaches, materials, and equipment that are sustainable and resilient against the hazards associated with climate change; and
- Optimize the cost of operation by applying innovative designs, quality construction, highly efficient systems, and facility maintenance programs to achieve and maintain peak performance standards.

Developing the proposed FCI/FPC will also demonstrate that the combination of modern facilities and contemporary best management practices can deliver better outcomes for the AIC population, improve public safety, and control operating costs.

Location

Letcher County, with a land area of approximately 339 square miles, is located in southeastern Kentucky in the eastern coal field region of the state, an area stretching from the Appalachian Mountains westward across the Cumberland Plateau to the Pottsville Escarpment. Bordering counties include Pike to the northeast, Knott to the northwest, Perry to the southwest, Harlan to the south, and Wise County, Virginia, to the southeast. Cities in Letcher County include Whitesburg (the County Seat), Blackey, Jenkins, and Fleming-Neon; towns include Seco, McRoberts, Roxana, and Isom.



Letcher County, Kentucky

Environmental Review Process

In 1969, Congress enacted NEPA, which requires consideration of environmental issues in federal agency planning and decision-making. Regulations for federal agency implementation of the act were established by the President’s Council on Environmental Quality (CEQ). NEPA requires federal agencies such as the FBOP, to prepare an environmental analysis for any major federal action significantly affecting the quality of the human environment, except those actions that are determined to be “categorically excluded” from further analysis.

Pursuant to the FBOP’s NEPA implementing regulations (28 CFR Appendix A to Part 61), an Environmental Impact Statement (EIS) is required prior to developing new federal correctional institutions. The EIS must disclose significant environmental impacts and inform decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Its purpose is to present an assessment of the potential environmental impacts of a proposed action, in this case to acquire property and construct and operate a new FCI and FPC in Letcher County, Kentucky.

Since 2008 the FBOP has conducted a wide range of technical investigations and feasibility studies and published multiple EISs in support of correctional facility development in Letcher County as shown below.

Technical Investigations, Feasibility Studies, and EISs Prepared in Conformance with Congressional Directive

Date	Title	Description
2006	Congressional authorization: P.L. 109-272	P.L. 109-272 states that “additional \$5,000,000 for site planning and development of a FCI in Letcher County, Kentucky.
November 2008	Site Reconnaissance Study – Proposed Federal Correctional Institution	Preliminary analysis of the suitability of various sites for correctional facility development using criteria that included on-site conditions, adjacent and nearby land uses, environmental sensitivity, availability of support infrastructure (utility services, roadway access, etc.), potential for site contamination, among other characteristics and conditions.
June 2012	Feasibility Study for Proposed Correctional Facility, Letcher County, Kentucky	Evaluated four potential sites for development of a new USP and FPC in Letcher County, Kentucky to determine if there would be constraints associated with development of the sites. Evaluated the benefits, challenges, and potential risks associated with development of each site. Based on the results of the feasibility study and changes with the offers of sites, it was determined that two sites, Payne Gap and Roxana, would be carried forward for analysis in a DEIS.
July 2013	Notice of Intent to Prepare a Draft Environmental Impact Statement	Provided notice of the FBOP’s intent to prepare a DEIS for development of a USP and FPC on properties located in Letcher County, Kentucky. The proposed sites subjected to study consisted of non-FBOP properties located near the City of Whitesburg.
February 2015	Draft Environmental Impact Statement	Evaluated potential impacts to the natural and man-made environments resulting from development and operation of a proposed USP and FPC at two alternative sites in Letcher County: Alternative 1 – Payne Gap Site and Alternative 2 – Roxana Site.
July 2015	Final Environmental Impact Statement	Identified the Roxana Site as the preferred alternative for development and operation of new facilities as best meeting the project goals and objectives and, on balance, would have fewer impacts to the environment. The Final EIS (FEIS) included updated information contained in DEIS and responded to public comments received concerning the DEIS.
March 2016	Revised Final Environmental Impact Statement	Superseded the FEIS published in July 2015, which was withdrawn after consideration of comments received following its publication and to address inconsistencies in the FEIS.

Date	Title	Description
November 2016	Notice of Intent to Prepare a Supplemental Revised Final Environmental Impact Statement	Provided notice of the FBOP's intent to prepare a Supplement to the Revised FEIS for the proposed USP and FPC in Letcher County. Preparation of the Supplement was necessary to address changes in the proposed action and new circumstances and information relevant to potential environmental impacts including a reduction in available land area of the Roxana Site necessitating changes to the facilities layout evaluated for Alternative 2 - Roxana Site.
March 2017	Draft Supplemental Revised Final Environmental Impact Statement	Draft Supplemental Revised FEIS incorporated by reference and expanded upon the analyses presented in the Revised FEIS. The Draft Supplement addressed new circumstances and information relevant to potential environmental impacts. Specifically, a reduction in available land area of the Roxana Site necessitated modifying the facilities layout evaluated for Alternative 2 - Roxana Site in the Revised FEIS which identified Modified Alternative 2 - Roxana Site as the preferred alternative.
September 2017	Final Supplemental Revised Final Environmental Impact Statement	Evaluated potential impacts to the natural and man-made environments resulting from development and operation of a proposed USP and FPC at two alternative sites in Letcher County. Identified Modified Alternative 2 - Roxana Site as the preferred alternative. Incorporated by reference and built upon the analyses presented in the Revised FEIS. Addressed changes in the proposed action and assessed new circumstances and information relevant to potential environmental impacts.
March 2018	Record of Decision	Director of the Federal Bureau of Prisons selected Modified Alternative 2—Roxana Site for land acquisition and development of a USP and FPC in Letcher County. The decision was made following consideration of potential environmental consequences, agency and public comments, FBOP operational, security, and management needs, and after being apprised of material in the DEIS, FEIS, Revised FEIS, and Draft and Final Supplemental Revised FEISs. Record of Decision (ROD) published to document the FBOP's decision with respect to the environmental review process.
July 2019	Withdrawal of ROD	Acting Director of the FBOP withdraws the ROD based on new information, which may be relevant to the environmental analysis for the proposed action, in order to evaluate the new information more fully.
September 2022	Notice of Intent to Prepared a DEIS.	Notice of the FBOP's intent to prepare a DEIS for development of a medium-security FCI and FPC at alternative locations in Letcher County, Kentucky. The proposed sites to be examined consist of non-FBOP properties located near the City of Whitesburg.

Alternatives Considered

EISs prepared by the FBOP since 2015 analyzed the environmental consequences of the No Action Alternative and two Action Alternatives for developing a new USP, FPC, and associated ancillary facilities in Letcher County. The two Action Alternatives consisted of development on lands known as the Payne Gap Site located near Jenkins in eastern Letcher County, and on lands known as the Roxana Site located west of Whitesburg in western Letcher County. Studies conducted between 2015 and 2017 identified development at the Roxana Site as the Preferred Alternative because it best meets the project needs and would have fewer adverse impacts to the natural and built environments than developing at the Payne Gap Site.

In accordance with NEPA, alternatives that meet the purpose and need for the Proposed Action, avoid and (or) minimize impacts to the environment, and are technically and economically feasible have been considered in the new DEIS. This includes a decision not to proceed with the Proposed Action (the No Action Alternative) and to proceed with the Proposed Action at the Roxana Site.



Roxana Site Location

Consistent with the guidance provided in 40 CFR 1502.9, the new DEIS addresses changes in the Proposed Action and new circumstances or information relevant to environmental conditions, concerns, and potential impacts. The new DEIS also incorporates relevant previous technical studies included in the original DEIS and FEIS (2015), the Revised FEIS (2016), and the Revised Draft Supplemental FEIS and Final Supplemental Revised FEIS (2017) while building upon the analyses contained in those documents.

Given that there have also been no meaningful changes or alterations to environmental and physical features, ownership arrangements, or off-site conditions affecting the Payne Gap Site, information contained in the 2015 - 2017 studies continues to be relevant and is incorporated by reference. The new DEIS therefore, focused its data gathering and analyses on new information about the proposed project, the Roxana Site, Letcher County, and the surrounding region as appropriate.

Summary of Potential Impacts

The new DEIS identifies, describes, and analyzes the potential effects of developing the FCI/FPC at the Roxana Site (Preferred Alternative) and the No Action Alternative on the environment that are reasonably foreseeable and have a relationship to the Proposed Action. This includes effects that occur at the same time and place as the Proposed Action and effects caused by the Proposed Action that occur at a later time or in a different place. Resources potentially impacted (whether beneficial or adverse) during construction and operation are described in the DEIS and include topography, geology, and soils; air quality; noise; cultural resources; water resources; biological resources and threatened and endangered species; demographics, employment, housing; environmental justice; visual and aesthetic resources; hazardous materials, land use; community services; utility services; traffic; air quality; and noise. The new DEIS also includes descriptions of measures to avoid, minimize, or mitigate identified adverse impacts.

With the Proposed Action having the potential to significantly affect the quality of the human environment, the FBOP has complied with NEPA by preparing a new DEIS to ensure that the environmental consequences of such an action are adequately taken into account. This includes ensuring that the potential environmental impacts associated with the Proposed Action are minimized and documented and that required permits are obtained. This includes following all applicable environmental statutes including but not limited to: Clean Air Act of 1974; Clean Water Act and Amendments and 401 authorizations and 404 permits; stormwater and National Pollutant Discharge Elimination System permits; consultations under Section 7 of the Endangered Species Act of 1973; the Farmland Protection Policy Act of 1981, among other laws, regulations and Executive Orders. The NEPA process is also being used to support compliance with consistent applicable procedural requirements under Section 106 of the National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. 306108) as provided in 36 CFR 800.3(b)(3) and has conducted government-to-government Tribal consultations consistent with Executive Order 13175, Presidential priorities, and Department of Justice policies.

To address challenges resulting from climate change, agencies of the federal government, including the FBOP, are mandated to increase the use of electric powered vehicles in its operations. Therefore, plans for the proposed FCI/FPC will include installation of infrastructure necessary to allow use of government electric vehicles while providing for future use of employee and visitor electric powered vehicles. The project design will also aim to reduce the impact of construction by pursuing the sustainable green building certification program Leadership in Energy and Environmental Design.

Preferred Alternative

Relying upon the findings of multiple EISs including the new DEIS, the FBOP has identified development of the proposed correctional facility at the Roxana Site as the Preferred Alternative as it best meets the project objectives, is technically feasible, would have fewer adverse natural resource and other environmental impacts, and incorporates measures to avoid or minimize environmental impacts to the extent practicable. Reinforcing the Roxana Site as the Preferred Alternative is the consistent, continuous, and unwavering support expressed by Letcher County's elected

representatives, community leaders, members of local institutions and businesses, and the general public to developing the proposed correctional facility at the Roxana Site.

Public Engagement

Public outreach and engagement is a key component of the environmental planning and review process, ensuring that public concerns and issues are identified and addressed in the new DEIS. Therefore, the FBOP published a Notice of Intent to prepare a DEIS for the proposed FCI and FPC in Letcher County, Kentucky in the Federal Register on September 28, 2022. Coinciding with publication in the Federal Register, similar notices were also published in the Mountain Eagle and Letcher Community newspapers and again in advance of the public scoping meeting. Following publication of a Notice of Intent to Prepare a DEIS, the FBOP commenced the public scoping process to identify issues and possible alternatives for consideration in the DEIS. As part of the process, the FBOP held an in-person and virtual public scoping meeting at Letcher County Central High School in Whitesburg, Kentucky on November 17, 2022.



Public Scoping Meeting, November 17, 2022

Throughout the scoping process federal agencies, Tribal, Commonwealth, and local governments, agencies, and the public were encouraged to identify significant resources and issues, impact-producing factors, reasonable alternatives, and potential mitigation measures for analysis in the DEIS, as well as to provide additional information that would be meaningful to the analysis and decision-making process. FBOP activities to engage the public in the scoping and NEPA process are documented within the new DEIS including materials used during the scoping process and a summary of public comments and input submitted for consideration by the FBOP.

The FBOP also established a Letcher County project website to host communications, documents, public announcements, and other relevant information and to facilitate public access to project-related information at: <https://www.proposed-fci-letchercountyky.com>. The new DEIS and information about the Proposed Action can be found on the project website.

DEIS Review and Comment

Federal agencies, Tribal, Commonwealth, and local governments, interested parties, and the public are invited to comment on the new DEIS and the Proposed Action which will be the subject of a 45-day review period beginning March 1, 2024, and ending April 15, 2024. Written comments and statements concerning the new DEIS and Proposed Action must be received by the FBOP on or before April 15, 2024, to be considered and addressed in a Final EIS (FEIS). The FBOP is also using the NEPA process to support compliance with applicable procedural requirements under Section 106 of the National Historic Preservation.

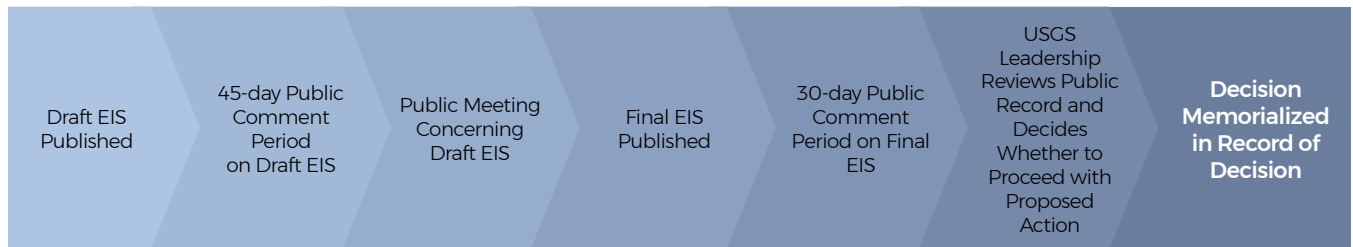
FBOP representatives will host a simultaneous in-person and virtual public meeting. The in-person public meeting will be held beginning at 6:30 p.m., EST, on March 28, 2024, at the Letcher County Central High School (cafeteria), 435 Cougar Drive, Whitesburg, Kentucky 41858. Those interested will also be able to attend by way of a virtual meeting service that allows for participation using a computer, tablet, or smartphone by dialing: 301-715-8592, or using the link: <https://us02web.zoom.us/j/84676485785>

Written comments concerning the DEIS and the Proposed Action will be accepted through April 15, 2024, and can be submitted in any of the following ways:

- Delivered by mail or delivery service, enclosed in an envelope addressed to Kimberly S. Hudson, Chief, Construction and Environmental Review Section, Federal Bureau of Prisons, 320 First Street, NW, Room 901-5 West, Washington, DC 20534; or
- By email to kshudson@bop.gov; or
- Via the Inquiries tab on the project website: <https://www.proposed-fci-letchercountyky.com>.

Note that personal identifying information and the entire comment may become publicly available.

Following the end of the public comment period, the FBOP will review and consider the comments received concerning the DEIS and Proposed Action as part of preparing the FEIS. The FEIS is expected to be available to the public during late Spring of 2024. A Record of Decision will then be completed no sooner than 30 days after the FEIS is released, in accordance with 40 CFR 1506.11 as shown below.



Overview of NEPA Process

Interested parties can request to receive future announcements and notifications about the DEIS, FEIS and the upcoming public meeting by submitting your contact information (name, affiliation if any, and email address) through the website or to Kimberly S. Hudson at the FBOP (kshudson@bop.gov).