



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

December 6, 2023

Update concerning the Proposed Federal Correctional Institution and Federal Prison Camp – Letcher County, Kentucky

The Federal Bureau of Prisons (BOP) held a virtual meeting with the Letcher County Planning Commission (LCPC) on Wednesday, December 6, 2023, to provide the LCPC with a report concerning:

- Status of the proposal to develop Federal Correctional Institution and Federal Prison Camp
- Progress and accomplishments in preparing new Draft Environmental Impact Statement (EIS)
- Recently conducted activities
- Upcoming activities
- Anticipated schedule

Since the last update, the BOP, and its environmental contractor (WSP) have continued to gather current information for analysis and inclusion within the new Draft EIS. The highlights of the BOP's activities are summarized below.

Biological Resources

For jurisdictional determinations and permitting purposes, the U.S. Army Corps of Engineers (USACE) requires wetland delineations to be no more than five years old; and since the previous delineation was performed in 2016, it was necessary to prepare a new delineation. In accordance with the latest federal guidance, field surveys involving the new wetland delineation/habitat assessment of the Roxana Site have been completed. Initial indications are that the Roxana Site has a smaller area of wetlands (2.73 vs 3.10 acres) and less total length of jurisdictional streams (18,960 vs 20,868 linear feet) in 2023 than was documented in earlier delineations. At this time, the data gathered during the field studies are being organized into a new wetland delineation report.

While performing the field surveys, the team of biologists also surveyed wildlife habitats as changes could have occurred in early-stage succession habitats since 2016. The team also assessed habitats for conditions that could support state/federally listed threatened or endangered species by noting the presence of wildlife (mammals, birds, amphibians, fish) or their signs. The extent of invasive plant species was also documented in addition to inspecting the conditions of streams and drainages that bisect the site. Lastly, data provided by regulatory agencies and from other sources was also verified.

Next steps include the following:

- Complete new delineation report for submission to the USACE for review
- Analyze potential impacts from proposed FCI/FPC development
- Determine if Clean Water Act permits will be needed from USACE/State of Kentucky
- Develop measures for mitigating potential impacts, as necessary
- Incorporate results in new Draft EIS

Cultural Resources

Field surveys involving archaeological and historic architectural sites in and around the Roxana Site have also been completed with no new cultural resource sites found. The data gathered during the field studies are being organized in a new cultural resource report for submission to the Kentucky State Historic Preservation Office (SHPO). Next steps include the following:

- Complete new cultural resource report for submission to the Kentucky SHPO for review
- Analyze potential impacts to cultural resources from proposed FCI/FPC development
- Develop measures for mitigating potential impacts, as necessary
- Incorporate results in new Draft EIS

Other EIS Topic Areas

The BOP has developed a new Purpose and Need for the proposed project and updating, as needed, the analysis of alternatives. With the passage of time, other local conditions may have changed, therefore, current information continues to be gathered and analyzed covering the following topics:

- Topography, Geology and Soils
- Hydrology
- Population
- Economy
- Housing
- Education
- Health Care
- Emergency Services
- Environmental Justice
- Utility Services
- Traffic and Transportation
- Land Use
- Air Quality and Noise
- Hazardous Materials

The potential for environmental impacts and measures to mitigation adverse impacts is also under review.

Anticipated Schedule

The National Environmental Policy Act (NEPA) process is being conducted according to the following schedule:

- February 2024* Notice of Availability (NOA) of Draft EIS published in Federal Register and local newspapers with information about how to access a copy of the Draft EIS. 45-day Draft EIS public review/comment period begins with publication of the NOA.
- March 2024* Public Meeting held in Letcher County concerning the proposed FCI/FPC and Draft EIS.
- May 2024* NOA of Final EIS published in Federal Register and local newspapers with information about how to access a copy of the Final EIS. 30-day Final EIS public review/comment period begins with publication of the NOA.
- July 2024* BOP leadership reviews the public record and decides whether to proceed with the proposed action. Decision memorialized in a Record of Decision.

* Schedule subject to change.

The exhibit below depicts the NEPA process and the milestones noted above.

