

**PROPOSED FEDERAL
CORRECTIONAL
INSTITUTION AND
FEDERAL PRISON CAMP
LEAVENWORTH, KANSAS**

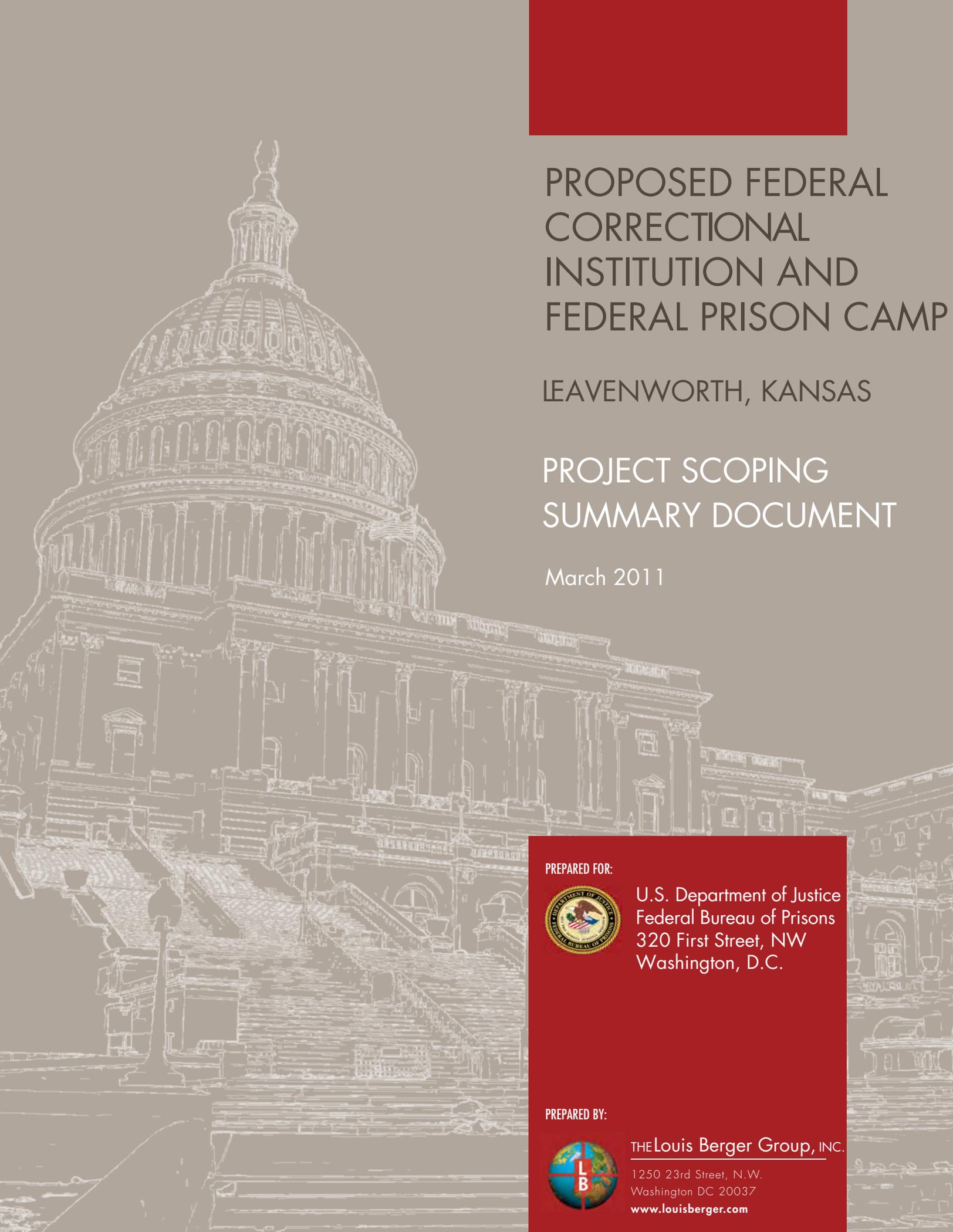
**Appendix A
Public Engagement**



U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C.

APPENDIX A
PUBLIC E**NGAGEMENT**

PUBLIC SCOPING MATERIALS - **2011**



PROPOSED FEDERAL
CORRECTIONAL
INSTITUTION AND
FEDERAL PRISON CAMP

LEAVENWORTH, KANSAS

PROJECT SCOPING
SUMMARY DOCUMENT

March 2011

PREPARED FOR:



U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C.

PREPARED BY:



THE Louis Berger Group, Inc.

1250 23rd Street, N.W.
Washington DC 20037
www.louisberger.com

TABLE OF CONTENTS

ATTACHMENT 1 - NOTICE OF INTENT TO PREPARE DRAFT EIS

ATTACHMENT 2 - AGENCY SCOPING MEETINGS: MINUTES AND SIGN-IN SHEETS

ATTACHMENT 3 - LOCAL MEDIA PRESS RELEASES FOR PUBLIC SCOPING MEETING

ATTACHMENT 4 - PUBLIC SCOPING MEETING HANDOUT

ATTACHMENT 5 - PUBLIC SCOPING MEETING SIGN-IN SHEETS

ATTACHMENT 6 - WRITTEN COMMENT FORM FOR PUBLIC SCOPING MEETING

ATTACHMENT 7 - PUBLIC SCOPING MEETING TRANSCRIPT

**ATTACHMENT 8 - WRITTEN COMMENTS RECEIVED DURING FORMAL PUBLIC SCOPING COMMENT
PERIOD**

ATTACHMENT 1
NOTICE OF INTENT TO PREPARE DRAFT EIS

- **Federal Register Publication of December 29, 2010**
- **BOP Transmittal Letter of December 17, 2010 to Office of Federal Register**

Consent_Decrees.html. A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$28.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen M. Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010-32661 Filed 12-28-10; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 3, 2010, Siegfried (USA), 33 Industrial Park Road, Pennsville, New Jersey 08070, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Gamma Hydroxybutyric Acid (2010).	I
Dihydromorphine (9145)	I
Amphetamine (1100)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Methadone (9250)	II
Methadone intermediate (9254) ...	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Oxymorphone (9652)	II
Oxycodone (9143)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than February 28, 2011.

Dated: December 20, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010-32855 Filed 12-28-10; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Notice of Intent To Prepare a Draft Environmental Impact Statement

AGENCY: Federal Bureau of Prisons, U.S. Department of Justice.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for development of a Federal Correctional Institution and Federal Prison Camp by the U.S. Department of Justice, Federal Bureau of Prisons (BOP). Land under consideration for development consists of areas located on BOP-owned property comprising the U.S. Penitentiary (USP) in Leavenworth, Kansas.

Background

The Federal Bureau of Prisons (BOP) is responsible for carrying out judgments of the federal courts whenever a period of confinement is ordered. The mission of the BOP is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

The BOP is facing continuous growth in the number of federal inmates with projections showing the federal inmate population increasing from 210,227 inmates at the end of fiscal year 2010 to over 226,000 inmates by the end of fiscal year 2013. As such, the demand for bedspace within the federal prison

system continues to grow at a significant rate. At the present time, the federal inmate population exceeds the combined rated capacities of the existing 116 federal correctional facilities.

The federal inmate population has grown dramatically over the past two decades. While the BOP is no longer experiencing the dramatic population increases of between 10,000 and 11,000 inmates per year that occurred from 1998 to 2001, the increases are still significant and a net growth of over 6,000 inmates is projected for FY 2011 and 5,600 is projected for FY 2012. The federal inmate population is projected to increase and continue to exceed the rated capacity of the BOP's 116 institutions and current contract facilities. Currently, the BOP is 36 percent above rated capacity system-wide in the federal prison system, 43 percent over rated capacity at medium security facilities, and 53 percent over rated capacity at high security institutions. As in the past, the BOP will continue to increase the number of beds through additional contract beds, acquisition and adaptation of existing facilities, and new prison construction as funding permits. Adding capacity through these various means, allows the BOP the opportunity to work towards keeping prison crowding at manageable levels to ensure both public safety and the safety of inmates within the BOP institutions.

In the face of the continuing increase in the federal prison population, one way the BOP has expanded its capacity is through construction of new institutions. As part of this effort, the BOP has a facilities planning program featuring the identification and evaluation of sites for new facilities. The BOP routinely identifies prospective sites that may be appropriate for development of new federal correctional facilities determined by the need for such facilities in various parts of the country and the resources available to meet that need.

The BOP routinely screens and evaluates private and public properties located throughout the nation for possible use and development. Over the past decade, the BOP has examined prospective sites for new correctional facilities development in Alabama, Kentucky, New Hampshire, Arizona, Mississippi, West Virginia, California and other locations around the country and has undertaken environmental impact studies in compliance with the National Environmental Policy Act of 1969, as amended.

Proposed Action

The BOP is facing increased bedspace shortages throughout the federal prison system. Over the past decade, a significant influx of inmates has entered the federal prison system with a large portion of this influx originating from the north central region of the United States. In response, the BOP has committed significant resources to identifying and developing sites for new federal correctional facilities within this region including development of facilities in Florence, Colorado; Terre Haute, Indiana; Greenville, Illinois; and Waseca, Minnesota. Even with the development of new and expanded facilities, projections show the federal inmate population continuing to increase, placing additional demands for bedspace within the BOP's North Central Region.

In response, the BOP has undertaken preliminary investigations in an effort to identify prospective sites capable of accommodating federal correctional facilities and communities willing to host such facilities. Through this process, the BOP has identified potential locations for development of new federal correctional facilities and several sites are under active consideration. These potential sites were subjected to initial studies by the BOP and those considered suitable for correctional facility development will be evaluated further by the BOP in a DEIS that will analyze the potential impacts of facility construction and operation.

The Process

The process of evaluating the potential environmental impacts associated with federal correctional facility development and operation involves the analysis of many factors and features including, but not limited to: Topography, geology, soils, hydrology, biological resources, cultural resources, hazardous materials, visual and aesthetics features, fiscal considerations, population/employment/housing characteristics, community services and facilities, land uses, utility services, transportation systems, meteorological conditions, air quality, and noise.

Alternatives

In developing the DEIS, the No Action alternative, other actions considered and eliminated, and alternative development areas for the proposed Federal Correctional Institution and Federal Prison Camp will be examined. The areas examined will consist of BOP-owned property contiguous to the

existing Leavenworth Institution and will be further defined in the EIS process.

Scoping Process

During the preparation of the DEIS, there will be opportunities for public involvement in order to determine the issues to be examined. A Public Scoping Meeting will be held at 7 p.m., January 20, 2011, at the Riverfront Community Center (123 S. Esplanade Street, Leavenworth, Kansas). The meeting location, date, and time will be well-publicized and have been arranged to allow for the public as well as interested agencies and organizations to attend and formally express their views on the scope and significant issues to be studied as part of the DEIS process. The Scoping Meeting is being held to provide for timely public comments and understanding of federal plans and programs with possible environmental consequences as required by the National Environmental Policy Act of 1969, as amended, and the National Historic Preservation Act of 1966, as amended.

Availability of DEIS

Public notice will be given concerning the availability of the DEIS for public review and comment.

Contact

Questions concerning the proposed action and the DEIS may be directed to: Richard A. Cohn, Chief, or Bridgette Lyles, Site Selection Specialist, Capacity Planning and Site Selection Branch, U.S. Department of Justice, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534, *Telephone:* 202-514-6470/*Facsimile:* 202-616-6024/*E-mail:* siteselection@bop.gov.

Dated: December 17, 2010.

Richard A. Cohn,

Chief, Capacity Planning and Site Selection.

[FR Doc. 2010-32317 Filed 12-28-10; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Fee Adjustment for Testing, Evaluation, and Approval of Mining Products

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of fee adjustment.

SUMMARY: This notice describes MSHA's revised fee schedule for testing, evaluating, and approving mining products as provided by 30 CFR part 5.

MSHA charges applicants a fee to cover its direct and indirect costs associated with testing, evaluating, and approval of equipment and materials manufactured for use in the mining industry. The new fee schedule, effective January 1, 2011, is based on MSHA's direct and indirect costs for providing services during fiscal year (FY) 2010.

DATES: This fee schedule is effective January 1, 2011.

FOR FURTHER INFORMATION CONTACT: John P. Faini, Chief, Approval and Certification Center, 304-547-2029 or 304-547-0400.

SUPPLEMENTARY INFORMATION:

I. Background

Under 30 CFR 5.50, each fee schedule shall remain in effect for at least one year and be subject to revision at least once every three years. MSHA's existing fee schedule, revised December 24, 2008 (73 FR 79195) became effective January 1, 2009.

Under 30 CFR 5.30(a), Part 15 fees for services provided to MSHA by other organizations may be set by those organizations. In addition, under 30 CFR 5.40, when the nature of the product requires MSHA to test and evaluate the product at a location other than on MSHA premises, MSHA is allowed to charge actual travel expenses in addition to the fees charged for evaluation and testing.

II. Fee Computation

MSHA computed the 2011 fees using FY 2010 costs for baseline data. MSHA calculated a weighted-average based on the direct and indirect costs to applicants for testing, evaluation, and approval services provided in FY 2010. From this average, MSHA computed a single hourly rate, which applies uniformly to all applications.

As a result of this process, MSHA has determined that as of January 1, 2011, the fee will be \$97 per hour for services provided.

III. Applicable Fee

- Applications postmarked before January 1, 2011: MSHA will process these applications under the 2009 hourly rate of \$90.
- Applications postmarked on or after January 1, 2011: MSHA will process these applications under the 2011 hourly rate of \$97. This information is available on MSHA's Web site at <http://www.msha.gov>.



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

December 17, 2010

Office of the Federal Register
National Archives and Records Administration
800 North Capitol Street, NW Suite 700
Washington, D.C. 20001

Attn: Raymond A. Mosley, Director

Dear Mr. Mosley:

Please find enclosed three original signed copies and an electronic copy of a Notice of Intent to Prepare a Draft Environmental Impact Statement for the proposed development of a Federal Correctional Institution and Federal Prison Camp on property comprising the existing U.S. Penitentiary located in Leavenworth, Kansas by the U.S. Department of Justice, Federal Bureau of Prisons. I certify that the information on the electronic copy is identical to the three signed copies.

We are requesting to have the Notice published in the Federal Register on December 29, 2010. If you have any questions, or if the requested publication date cannot be met, please contact me at 202-514-6470. We appreciate your assistance in this matter and look forward to publication of this important Notice.

Sincerely,

A handwritten signature in cursive script, reading "Richard A. Cohn", is positioned above the typed name.

Richard A. Cohn, Chief
Capacity Planning and
Site Selection Branch

Enclosures (3)

DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

Notice of Intent to Prepare a Draft Environmental Impact
Statement

AGENCY: Federal Bureau of Prisons, U. S. Department of Justice

ACTION: Notice of Intent to Prepare a Draft Environmental Impact
Statement

SUMMARY: Notice of Intent to Prepare a Draft Environmental
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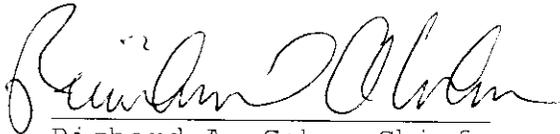
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202-514-6470 / Facsimile: 202-616-6024 / Email:

siteselection@bop.gov



Richard A. Cohn, Chief
Capacity Planning and Site Selection

12/17/2010
Date

ATTACHMENT 2

AGENCY SCOPING MEETINGS MINUTES AND SIGN IN SHEETS

Minutes and Sign-In Sheets for:

- **Meeting with Local Officials on December 1, 2010**
- **Meeting with Kansas State Agencies on December 1, 2010**
- **Meeting with Federal Agencies on December 2, 2010**



Meeting Summary

To: Bridgette Lyles, COTR

Cc: Richard Cohn, George Younger

From: Cristy Boyd, JP Magron

Meeting Date: Wednesday December 1st, 2010 (9:00AM-10:45AM)

Meeting Location: City Hall, (100 North 5th Street, Leavenworth, KS 66048)

List of Participants:

A detailed list of participants is found on the Sign-In Sheets provided in Attachment #1; the following entities were in attendance:

- City of Leavenworth
- US Army Garrison (USAG), Fort Leavenworth
- Leavenworth County
- BOP Central Office (DC)
- The Louis Berger Group, Inc. (Berger)

Purpose of Meeting: Kick-Off/Preliminary Scoping Meeting with Local Officials

- In advance of meeting, a Meeting Handout (Attachment #2) had been given to all attendees.
 - The meeting was conducted pursuant to the attached agenda (Attachment #3).
 - Following introductions of all attendees, the BOP provided an overview of project (including background, purpose and need, and alternative sites). Berger then provided an overview of the environmental review process.
 - Resulting action items are listed in Attachment #4, and the following points were made by the attendees.
 - USAG noted:
 - For the new facilities of the US Disciplinary Barracks (USDB), the USAG has implemented several sustainable design elements and performed subsurface evaluations for geothermal system. In turn, such information could be used by BOP during their development of conceptual design plans.
 - Potential concerns regarding noise/visual impacts and light pollution to the residential neighborhood and sensitive receptors (i.e., schools) of Fort Leavenworth given their respective proximities to some of the alternative sites (especially the Camp Site and North Site). Such concerns should be evaluated in the EIS.
-



- The population at Fort Leavenworth has recently grown to about 10,200 residents with no anticipated increases for the next 3 years. The recent population increase is a result of the repositioning of two military police brigades, two ongoing wars and increased need to the Combined Arms Center (CAC), as well as the fact that all majors now attend the command college at Fort Leavenworth.
- Concerning the recent relocation of a portion of the public roadway known as the Santa Fe Trail Road, USAG also noted that they are considering relocating the Hancock Gate closer to the Santa Fe Trail (i.e., about 200 feet south closer to USP property) in order to provide an additional security buffer. USAG noted that traffic counts are available for not only the Hancock Gate but also for the other two gates (i.e., Grant and Sherman Gates).
- USAG noted potential concerns regarding the capacity of the school district of Fort Leavenworth as current USP employee families occupying the housing units are allowed to use such school facilities. If additional USP housing units were to be provided on federal lands, then the school population and respective demand could increase. Alternatively, if the existing USP housing units (about 15 units) located on the South Site were to be removed, the school population could see a minor decrease.
- Relative to the current agreement the USP has with USAG's Fort Leavenworth Fire District to provide fire protection at the USP, concerns were raised on future fire protection capacity at USP if a new FCI and Camp Site were to be built. Both USAG and City of Leavenworth officials noted that the BOP should consider providing fire fighting ability as part of the proposed project.
- For future coordination with USAG, Mr. Jack Walker (Deputy to the Commander) should be the point of contact.
- City/County officials noted:
 - Concerns were raised concerning past land use at the USP and resulting soil contamination sites within USP grounds. To that effect, the Leavenworth Water Department noted that no potable water lines should be constructed or extended through any known contaminated areas.
 - Typical utility loads were requested by City of Leavenworth officials. The BOP responded that such numbers will not be available until the BOP is further along in the facility design process.
 - Upon asking about the future of the Missouri Site, BOP confirmed to the City/County officials that the Missouri Site will not be subjected to further detailed studies as an alternative site in the EIS.
 - The EIS should also consider potential direct and indirect impacts to the North Leavenworth Economic Redevelopment Plan (prepared in 2009), and especially to the designated area known as the "North Gateway Business and Innovation Campus"; a mixed-use residential/commercial district located along Metropolitan Avenue and centered around N. 4th Street.



- Concerns were raised regarding indirect impacts to community facilities such as St. John Hospital in Leavenworth relative to the potential inmate and staff population increase.
- Relative to staff housing, city officials asked whether federal housing would be provided as part of the proposed action. The BOP confirmed that there are no current plans for constructing more housing. The City then noted that they are currently pursuing opportunities to provide additional affordable housing units within Leavenworth. City officials further stated that they would like to retain as much of the staff population as possible within its housing market rather than losing tax revenue to neighboring communities or states. Toward that end Mr. Scott Miller (City Manager) indicated that the City is contemplating annexation plans to expand the City and provide affordable housing. BOP noted that the proposed project would provide approximately 300-350 new staff, with 40% comprised of seasoned transfers and 60% comprised of locals. BOP/Berger also noted that a Housing Study would be prepared concurrent with the EIS.
- The group then discussed concerns regarding traffic issues (i.e., inmate visitors) especially during the time when traffic to Fort Leavenworth is backed up at the Grant Gate during emergency closeouts of the Fort. This unusual condition has occurred three times in the past four months, during which time traffic was backed up many miles along Metropolitan Avenue and well into Missouri along Route 92. The City also noted that they are pursuing funding opportunities to replace or twin the Centennial Bridge over the Missouri River.
- Upon Berger's request for any available traffic data, City officials noted that recent traffic counts were conducted along Metropolitan Avenue as part of the 2010 Truck Route Study. Other traffic counts might be available from the West Leavenworth Trafficway (20th Street) Corridor Study.
- Upon Berger's request for a potential public meeting venue to hold the Public Scoping Meetings, City officials indicated that the Leavenworth Riverfront Community Center (located at 123 South Esplanade Street) will be able to accommodate the future Public Scoping and Public Hearing meetings. [Subsequent to the meeting, BOP/Berger staff visited the center, which can clearly accommodate up to 300 persons. Rental rates are about \$50/hr but could be further negotiated with City Hall at their discretion.]
- In support of the anticipated EIS public outreach effort, the City officials indicated they could use the local Channel 2 (operated by the City of Leavenworth and classified as a government access channel) or their City website for public announcement. Paul Kramer (Assistant to City Manager) should be contacted if needed and/or to obtain stakeholder mailing list.
- Scott Miller (City Manager) specifically noted that Tuesday evening should be avoided since it is the day when the City Commission meets regularly. (The BOP subsequently chose the evening of Thursday January 20, 2011 for the Public Scoping Meeting).
- With the recent relocation of a portion of the Santa Fe Trail Road (following the interchange improvements), City/County officials noted that the USP has now more



contiguous and vacant space than before. To that effect, they requested that the study area boundaries for the Camp Site Alternative (which includes the Buffalo Pasture) be extended westward and up to the newly relocated road. BOP confirmed that the expansion of the project area would be considered.

Note: This meeting summary documents the agenda, participants, and resulting action items from the referenced meeting. BOP participants should provide any additions/exceptions to this meeting summary within three business days of the transmittal date. If no communications are received in this regard, then this meeting summary will be considered to adequately reflect the agenda, participants, and resulting action items from the referenced meeting.

Attachments:

1. Sign-In Sheet
2. Meeting Handout
3. Local Agency Meeting Agenda
4. Action Items
5. Project Contacts

**PROPOSED FCI LEAVENWORTH
LOCAL OFFICIALS MEETING SIGN-IN SHEET
December 1, 2010 (9:00 AM)**

Please Print

No.	Name	Title/Affiliation	Contact Information
1	Richard Cohn ✓	Chief, Capacity Planning and Site Selection, BOP	BOP- Washington D.C. (202) 514-6470 rcohn@bop.gov
2	Bridgette Lyles ✓	COTR, Capacity Planning and Site Selection, BOP	BOP- Washington D.C. (202) 514-6470 blyles@bop.gov
3	George Younger ✓	Office of General Counsel, BOP	BOP- Washington D.C. gyounger@bop.gov
4	Cristy Boyd ✓	Project Manager, The Louis Berger Group, Inc.	(954) 566-3799 CBoyd@louisberger.com
5	Jean-Philippe Magron ✓	Deputy Project Manager, The Louis Berger Group, Inc.	(973) 407-1504 JPMagron@louisberger.com
6	Chris Dunn	Director of Planning & Community Development	(913) 680-2614 cDunn@gmail.com
7	Robert Smith	Deputy Chief Leavenworth Police Dept.	913-680-2502 rsmith@firstcity.org

**PROPOSED FCI LEAVENWORTH
LOCAL OFFICIALS MEETING SIGN-IN SHEET
December 1, 2010 (9:00 AM)**

Please Print

No.	Name	Title/Affiliation	Contact Information
8	Bill York, P.E.	GR. PROJECT MGR LOUIS BERGER	816-398-8664 weyford@louisberger.com
9	Camilla Deiber	Architectural Historian Louis Berger	319 730-3028 cdeiber@louisberger.com
10	CHRIS SCHOEN	ARCHAEOLOGIST LOUIS BERGER	315-441-1226 cschoen@louisberger.com
11	GARY BARNER Economic Devlop	CITY	—
12	DAVE ZWELLNER	SHERIFF, LEAVENWORTH COUNTY	(913) 682-5794 dzwellner@leavenworthcounty.org
13	Jeff Joseph	Planning Director/ leavenworth County	913-684-0465 jjoseph@leavenworthCounty.org
14	Michael Spickelmier	County Engineer	913-684-0470 MSpickelmier@leavenworthcounty.org

**PROPOSED FCI LEAVENWORTH
LOCAL OFFICIALS MEETING SIGN-IN SHEET
December 1, 2010 (9:00 AM)**

Please Print

No.	Name	Title/Affiliation	Contact Information
15	MACK DEMARAVILLE	FIRE CHIEF - CITY OF LEAVENWORTH	913-682-3346 MDEMARAVILLE@FIRSTCITY.ORG
16	PAUL KRAMER	ASSISTANT TO THE CITY MANAGER CITY OF LEAVENWORTH	913-240-4661 pkramer@firstcity.org
17	Dale Cleland	DPW ENVIRONMENTAL DIVISION FORT LEAVENWORTH	684-8977 dale-cleland@us.army.mil
18	Jack E Walker	Deputy to the Garrison Commander Ft Leavenworth, KS	jack.walker@us.army.mil
19	John M Kaufman	General Manager Leavenworth Water Dept.	johnlwater@kc.rr.com 913-682-1513
20	MICHAEL McDONALD	DIR. PUBLIC WORKS CITY OF LEAVENWORTH	913-684-0375 MIGMCDONALD@FIRSTCITY.ORG
21	Bob Patzwald	Dept. Public Work City of Leavenworth	913 684 0375 bpatzwald@firstcity.org

**PROPOSED FCI LEAVENWORTH
LOCAL OFFICIALS MEETING SIGN-IN SHEET
December 1, 2010 (9:00 AM)**

Please Print

No.	Name	Title/Affiliation	Contact Information
22	MICHAEL BOGNER	CHIEF, MASTER PLANNING PUBLIC WORKS FORT LEAVENWORTH	913-684-8926 MICHAEL.BOGNER@US.ARMY.MIL
23	BILL WAUGH	DPW FORT LEAVENWORTH	684-5646 HAROLD.WAUGH@US.ARMY.MIL
24	SCOTT MILLER	CITY MANAGER CITY OF LEAVEN	913-680-2600 jsmiller@firstcity.org
25	Wayne Green	COL, Garrison Cdr. Ft Leavenworth	913-684-2993 wayne.anthony.green@us.army.mil
26			
27			
28			



Meeting Summary

To: Bridgette Lyles, COTR

Cc: Richard Cohn, George Younger

From: Cristy Boyd, JP Magron

Meeting Date: Wednesday December 1st, 2010 (2:30AM-4:00PM)

Meeting Location: Kansas State Historical Society, (6425 SW 6th Avenue, Topeka, Kansas 66615)

List of Participants:

Detailed list of participants is provided in Attachment #1; the following entities were in attendance:

- Kansas State Historic Preservation Office (SHPO)
- Kansas Department of Wildlife and Parks (KDWP)
- Kansas Department of Health and Environment (KDHE)
- BOP Central Office (DC)
- The Louis Berger Group, Inc. (Berger)

Purpose of Meeting: Kick-Off/Preliminary Agency Scoping Meeting with State of Kansas

- In advance of meeting, a Meeting Handout (Attachment #2) had been given to all attendees.
 - The meeting was conducted pursuant to the attached agenda (Attachment #3).
 - Following introductions of all attendees, BOP provided an overview of project (including background, purpose and need and alternative sites). Berger then provided an overview of the environmental review process.
 - Resulting action items are listed in Attachment #4, and the following points were made by the attendees.
 - Cultural Resources with SHPO:
 - BOP/Berger indicated that field work will most likely commence in March 2011 and will take approximately four to eight weeks to complete. The Cultural Resources Study Report is expected to be completed within two months following completion of the field work.
 - A proposed Cultural Resources Work Plan (see Attachment #5) was provided to SHPO on November 20, 2010. SHPO concurred with the proposed methodology at the meeting.
 - SHPO indicated that their review period is typically 30-days by law; however, they will strive to expedite it. In any case, it does not appear that Cultural Resource studies will cause any delay to the project schedule.
-



- Based on conversations held during the meeting, it appears that the USP Leavenworth Historic District (as defined in the past TEC Inc. reports of 2009) has not been officially recommended for NRHP-eligibility. Thus, there is apparently no official record for such eligibility status on NRHP for such a district. However, there was a general consensus that such recommendation and determination for NRHP-eligibility would likely occur during the NEPA Process and related Section 106 Consultation for the Proposed Project (regardless of any of the Alternative Site to be selected as the Preferred Alternative). Nonetheless, this point will need to be confirmed with SHPO and upon review of SHPO's archives.
- SHPO Review and Compliance Officer Kim Norton Gant indicated that a survey of USP Leavenworth would be necessary and that an architectural survey report with information on each building submitted to their online inventory system would be sufficient. Potential effects of the project on historic resources, such as Fort Leavenworth and historic districts in the Town of Leavenworth, were also discussed. Ms. Gant concluded that the project was unlikely to affect any resources outside USP Leavenworth property.
- Biological Resources with KDWP:
 - KDWP noted the high quality habitat value of the wooded areas around Corral Creek (north of the of the USP Leavenworth property) and was encouraged by the fact that BOP is not proposing use of the area for development. To that effect, KDWP emphasized that BOP should continue to avoid those wooded areas.
 - For any protected species within a riparian area, KDWP noted that they have a formal State process (with a 30- to 45-day review) for state listed Species, should any listed species be identified on USP grounds.
 - KDWP indicated that its point of contact for future correspondence/consultation should be David Bender.
- Environmental Resources with KDHE:
 - If required for the proposed project, KDHE noted that the State of Kansas would typically provide the Section 401 Water Quality Certification to USACE concurrent with Section 404 permit review. To that effect, KDHE also noted that new turbidity limits have been set by USEPA for the SPDES permit.
 - KDHE also noted that a SPDES permit had to be obtained by BOP for a major water leak underneath the USP perimeter wall that could not be fixed. To that effect and if feasible, KDHE recommended that the BOP should consider repairing the water leak as part of the proposed project. KDHE's Environmental Remediation staff should be consulted for more information on this issue.
 - KDHE also noted that the City of Leavenworth has access to state revolving loans if necessary upgrades to the water/sewer lines were to be required as part of the proposed project.



- In light of contaminated sites and past historical uses at USP Leavenworth, KDHE noted that both its Bureau of Waste Management and Bureau of Environmental Remediation should be consulted to obtain archived information regarding the potential for the presence of old dump sites, USTs, past remediation activities, etc. The KDHE indicated that the issue of contaminated sites will be a predominant topic for the EIS.
- KDHE noted that the boundaries of the Camp Site (including the Buffalo Pasture) should be expanded westward from the former portion of the public roadway known as the Santa Fe Trail Road to the relocated public roadway extending northward from 20th St. and Metropolitan Avenue.
- KDHE's Bureau of Air Quality had no comments/recommendations to offer at this point and until construction plans will be made available for review.

Note: This meeting summary documents the agenda, participants, and resulting action items from the referenced meeting. BOP participants should provide any additions/exceptions to this meeting summary within three business days of the transmittal date. If no communications are received in this regard, then this meeting summary will be considered to adequately reflect the agenda, participants, and resulting action items from the referenced meeting.

Attachments:

1. Sign-In Sheet
2. Meeting Handout
3. State Agency Meeting Agenda
4. Action Items
5. Cultural Resources Work Plan
6. Project Contacts

**PROPOSED FCI LEAVENWORTH
STATE AGENCY MEETING SIGN-IN SHEET
December 1, 2010 (2:30 PM)**

Please Print

No.	Name	Title/Affiliation	Contact Information
1	Richard Cohn	Chief, Capacity Planning and Site Selection, BOP	BOP- Washington D.C. (202) 514-6470 rcohn@bop.gov
2	Bridgette Lyles	COTR, Capacity Planning and Site Selection, BOP	BOP- Washington D.C. (202) 514-6470 blyles@bop.gov
3	George Younger	Office of General Counsel, BOP	BOP- Washington D.C. gyounger@bop.gov
4	Cristy Boyd	Project Manager, The Louis Berger Group, Inc.	(954) 566-3799 CBoyd@louisberger.com
5	Jean-Philippe Magron	Deputy Project Manager, The Louis Berger Group, Inc.	(973) 407-1504 JPMagron@louisberger.com
6	<i>Steve Adams</i>	<i>Kansas Wildlife + Parks</i>	<i>785-296-2281 steve.adams@ksoutdoors.com</i>
7	<i>Rick Brunetti</i>	<i>Director, Bureau of Air Ks Dept. of Health & Env.</i>	<i>Rbrunetti@kdheks.gov (785)-296-1551</i>

**PROPOSED FCI LEAVENWORTH
STATE AGENCY MEETING SIGN-IN SHEET
December 1, 2010 (2:30 PM)**

Please Print

No.	Name	Title/Affiliation	Contact Information
8	Donald Carlson	Chief, Industrial Program Section Bureau of Water KS Dept. of Health & Environment	785-296-5547 dcarlson@kdheks.gov
9	CHRIS SCHOEN	SENIOR ARCHAEOLOGIST THE LOUIS BERGER GROUP	815-441-1226 / 319 373-3045 cschoen@louisberger.com
10	Kim Gant	KS SHPO	785-272-8681 ext 225 kgant@kshs.org
11	Tim Weston	SHPO Archeologist KS Historical Society	785-272-8681 ext 214 TWESTON@KSHS.ORG
12	Richard Cohn		
13	BILL YORD	GR. PROJECT MGR LOUIS BERGER GROUP	816-398-8664 wyord@louisberger.com
14	Camilla R. Deiber	Architectural Historian Louis Berger Group	319 730-3028 cdeiber@louisberger.com



Meeting Summary

To: Bridgette Lyles, COTR

Cc: Richard Cohn, George Younger

From: Cristy Boyd, JP Magron

Meeting Date: Thursday December 2nd, 2010 (10:00AM-4:00PM)

Meeting Location:

1. USEPA-Region 7, (901 N. 5th Street, Kansas City, KS 66101)
2. Field Visit to grounds of USP Leavenworth (USACE and USFWS)

List of Participants:

A detailed list of participants is provided in Sign-In Sheets (Attachment #1); the following entities were in attendance:

- U.S. Environmental Protection Agency (USEPA) – Region 7
- U.S. Army Corps of Engineers (USACE) – Kansas City District
- U.S. Fish and Wildlife Service (USFWS) - Kansas Ecological Services Field Office
- BOP Central Office (DC)
- The Louis Berger Group, Inc. (Berger)

Purpose of Meeting: Kick-Off/Preliminary Agency Scoping Meeting with Federal Agencies

- In advance of meeting, a Meeting Handout (Attachment #2) had been given to all attendees.
- Meeting was conducted in accordance with an agenda (Attachment #3).
- Following introductions of all attendees, the BOP provided an overview of project (including background, purpose and need, and alternative sites). Berger then provided an overview of the environmental review process.
- Resulting action items are listed in Attachment #4, and the following points were made by the attendees.
- Topics raised by USEPA:
 - USEPA asked why an EIS was prepared for the proposed project as opposed to an EA. BOP/Berger explained that, as per 28 CFR Part 61, the proposed project (i.e., the construction of a new FCI) is considered as a major action even though the proposed facility will be located within the existing BOP-owned Leavenworth property. To that effect, it should be noted that the new FCI would be sited outside the perimeter wall of the existing institution and on the grounds of USP Leavenworth. Additionally, the BOP/Berger indicated that an EIS was needed since no previous NEPA related studies have previously been conducted for USP Leavenworth.



- USEPA asked why the undeveloped land just north of the USP Leavenworth (i.e., between the designated Camp Site and North Site) was not being contemplated as an alternative site for development. BOP/Berger explained that said portion of the site is being used for farming by the institution and that another portion of that site had historically been used as a sanitary landfill.
- In turn, USEPA recommended that the Alternatives Analysis section of the EIS should include a detailed explanation as to why the USP Leavenworth was regionally selected for the proposed project, as opposed to other facilities or sites within BOP's North Central Region or country-wide.
- USEPA also raised the issue as to whether the existing hotel capacity for visitors to USP Leavenworth is sufficient to accommodate an increase in demand with the forecasted inmate population increase under proposed project.
- When USEPA requested information on the schedule for EIS publication, BOP/Berger stated that the Draft EIS would be released sometime around May-June 2011.
- For issues/concerns relative to alternate energy sources and climate change to be addressed in the EIS, USEPA referred to the recently-released CEQ guidance.
- Topics raised by USACE:
 - USACE indicated that a Preliminary Jurisdictional Determination (PJD) was recently issued for a portion of the north site, following a request by SM&E who is a sub-consultant to Dewberry.
 - USACE indicated that the PJD would not preclude BOP from obtaining an Approved JD (AJD) in the future. USACE also noted that the PJD was derived solely on desktop review and is thus considered to be very conservative and inclusive of all water features, and non disputable as opposed to an AJD which would require field verification.
 - USACE also indicated that open waters (i.e., ponds) are typically considered during the evaluation of total Waters of the U.S. (WOUS) impacts (greater or less than 0.5-acre threshold) and the determination of permit type required but any impacts to open waters would not require mitigation; with the exception of any fringe wetlands associated with the open waters.
 - USACE confirmed that AJDs are usually valid for five years while PJDs do not have an expiration date.
 - USACE indicated that they would prefer mitigation through a mitigation bank or trust fund rather than on-site mitigation. The USACE is in the process of establishing a mitigation bank and felt that this would be finalized prior to BOP's need to provide mitigation for the new FCI.
 - During the field visit and upon observing the contiguous site conditions and topography between the North and South Sites, USACE questioned whether the proposed new FCI



could straddle those two alternative sites. This potential issue should be addressed relatively soon in the concurrent design process since it could have some time-consuming repercussions to the way the EIS will be logically organized and structured (i.e., 3 versus 4 alternatives if a hybrid alternative site was to be added in the EIS).

- USACE requested that we include data sheets and photos of the downstream areas outside of the boundaries of the alternatives in our jurisdictional determination report.
- The USACE indicated that their preference for site selection would be either the Camp Site Alternative or the South Site Alternative as these appear to impact less WOUS.
- Topics raised by USFWS:
 - In light of concerns to various bat species, USFWS indicated that a bat survey was recently conducted at Fort Leavenworth (unknown location but presumably for the recent construction of the new US Disciplinary Barracks). During the field visit and upon recognizing the young age of canopy species in the wooded area along Corral Creek, USFWS noted that such wooded areas would not likely be considered as prime habitat for bats.
 - USFWS also indicated that Jennifer Delisle, Information Manager at the Kansas Biological Survey (KBS, part of the University of Kansas), should be consulted for any available surveys or other archives that would be pertinent to USP Leavenworth or its surroundings.
 - Similar to the opinion given by the state wildlife agency the previous day, the USFWS indicated that the proposed project should avoid the wooded areas along Corral Creek since it would be considered as good habitat for migratory birds and other species.
 - During the field visit, the USFWS indicated that it will most likely request that the BOP provide voluntary hosting for a rare plant species if technically feasible. This decision will ultimately be up to BOP and it would not count towards any other required mitigation.
 - USFWS indicated that the alternatives should be evaluated for the presence of warm season grasses which are considered potential habitat for two threatened species, the western prairie fringed orchid and Mead's milkweed.

Note: This meeting summary documents the agenda, participants, and resulting action items from the referenced meeting. BOP participants should provide any additions/exceptions to this meeting summary within three business days of the transmittal date. If no communications are received in this regard, then this meeting summary will be considered to adequately reflect the agenda, participants, and resulting action items from the referenced meeting.

Attachments:

1. Sign-In Sheet
2. Meeting Handout
3. Federal Agency Meeting Agenda
4. Action Items
5. Project Contacts

**PROPOSED FCI LEAVENWORTH
FEDERAL AGENCY MEETING SIGN-IN SHEET
December 2, 2010**

Please Print

No.	Name	Title/Affiliation	Contact Information
1	Richard Cohn	Chief, Capacity Planning and Site Selection, BOP	BOP- Washington D.C. (202) 514-6470 rcohn@bop.gov
2	Bridgette Lyles	COTR, Capacity Planning and Site Selection, BOP	BOP- Washington D.C. (202) 514-6470 blyles@bop.gov
3	George Younger	Office of General Counsel, BOP	BOP- Washington D.C. gyounger@bop.gov
4	Cristy Boyd	Project Manager, The Louis Berger Group, Inc.	(954) 566-3799 CBoyd@louisberger.com
5	Jean-Philippe Magron	Deputy Project Manager, The Louis Berger Group, Inc.	(973) 407-1504 JPMagron@louisberger.com
6	Michele McNulty	USFWS - Fish and Wildlife Biologist	(785) 539-3474 x106 michele-mcnulty@fws.gov
7	Kris Goschen	R7 - EPA Federal Facility Program Mgr.	(913) 551-7027 goschen.kris@epa.gov

**PROPOSED FCI LEAVENWORTH
FEDERAL AGENCY MEETING SIGN-IN SHEET
December 2, 2010**

Please Print

No.	Name	Title/Affiliation	Contact Information
8	Laura Totten	Senior Ecologist / LBG	816-398-8655 ltotten@louisberger.com
9	Brian Donahue	Project Manager - Corps	816 389-3703 brian.t.donahue@usace.army.mil
10	JOE COTHERN	USEPA - REGION 7 NEPA TEAM LEADER	913 551-7148 cothern.joe@epa.gov
11			
12			
13			
14			

ATTACHMENT 3

LOCAL MEDIA PRESS RELEASES FOR PUBLIC SCOPING MEETING

- **Affidavit of Publication from Leavenworth Times dated January 12, 2011**
- **Page Excerpt of Leavenworth Times published on January 12, 2011**
- **Article Published in Leavenworth Times on January 13, 2011**
- **Article Published in Leavenworth Times on January 21, 2011 (*after Public Scoping Meeting*)**

Leavenworth Times

Affidavit of Publication

Kristi Vornholt

I, Kristi Vornholt of lawful age, being first duly sworn on oath, states, that she (he) is a Legal Representative of the Times a daily spaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for a least Fifty (50) years as a year and has been so published for at least five (5) years prior to first publication of the attached Notice that said newspaper has a regular paid circulation on a monthly an yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a regular paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

First Publication was made on the 12 day of January, 2011.

Second Publication was made on the _____ day of _____, 20____.

Third Publication was made on the _____ day of _____, 20____.

Fourth Publication was made on the _____ day of _____, 20____.

Fifth Publication was made on the _____ day of _____, 20____.

Sixth Publication was made on the _____ day of _____, 20____.

Seventh Publication was made on the _____ day of _____, 20____.

12 day of January, 2011.

Legal Representative

this the 13 day of January, 2011.

6/7/11

**U.S. DEPARTMENT OF JUSTICE-FEDERAL BUREAU OF PRISONS
NOTICE OF PUBLIC SCOPING MEETING TO INITIATE THE ENVIRONMENTAL IMPACT STATEMENT PROCESS**

Representatives of the U.S. Department of Justice, Federal Bureau of Prisons (BOP) will conduct a Public Scoping Meeting to which all interested persons are invited to attend. The purpose of the meeting is to provide federal, state, regional and local officials, agencies, organizations and the public an opportunity to learn about and voice their interests and concerns regarding the proposal to construct a new Federal Correctional Institution and Federal Prison Camp within BOP-owned property at the existing USP Leavenworth property. The Scoping Meeting will be held at 7:00 P.M., January 20, 2011 at the Riverfront Community Center (123 S. Esplanade St. Leavenworth, Kansas). The Public Scoping Meeting is being held to provide for timely public comments and understanding of federal plans and programs with possible environmental consequences as required by the National Environmental Policy Act of 1969, as amended and the National Historic Preservation Act. The meeting will also allow interested persons to formally express their views on the scope and on significant issues to be studied as part of the Environmental Impact Statement (EIS) process. Topics to be studied as part of the EIS include, but are not limited to: topography, geology, soils, hydrology, biological resources, aesthetics, fiscal considerations, utility services, transportation services, cultural resources, land uses, socio-economics, community facilities and services, hazardous wastes, air quality, noise, among others. The BOP reserves the right to impose a time limit for those speaking in order to accommodate all persons interested in commenting. Written statements will also be accepted at the meeting and via U.S. mail through January 30, 2011. Inquiries or written comments may be directed to: Richard A. Cohn, Chief or Bridgette Lyles, Site Selection Specialist, Capacity Planning and Site Selection Branch, Federal Bureau of Prisons, 320 First Street, NW, Washington, D.C. 20534. (Tel: 202-514-6470 / Fax: 202-616-6024 / E-mail: siteselection@bop.gov).
Published in the Leavenworth Times, January 12, 2011.


REBECCA A. MITCHELL
 Notary Public - State of Kansas
 My Appt. Expires 6/7/11

SCOREBOARD

BOWLING

FIRST NATIONAL BANK SENIOR MEN'S LEAGUE
January 11, 2011

King Pins won 4 from Vacancy
Has Beens won 3 1/2 from Kosmic
Gutter Dusters won 4 from USA Sinkers
Senior Citizens won 3 from Chiefs
Wonders won 3 from Artesians
Buzzards won 2 from 5 Hams

Men's high game — Jim Ramey 278; Ed Bush 264; Don Broksieck 255

Men's high set — Jim Ramey 690; Tom Jones 689; Ed Bush 679

League Standings — Has Beens 53; Wonders 49; Chiefs 47 1/2; Artesians 46; Kosmic 45 1/2; 5 Hams 43; King Pins 42; Senior Citizens 40; Gutter Dusters 40; USA Sinkers 35; Buzzards 34

PLAYOFFS

NFL Playoff Glance

WILD-CARD PLAYOFFS

Saturday, Jan. 8
Seattle 41, New Orleans 36
N.Y. Jets 17, Indianapolis 16

Sunday, Jan. 9
Baltimore 30, Kansas City 7
Green Bay 21, Philadelphia 16

DIVISIONAL PLAYOFFS

Saturday, Jan. 15
Baltimore at Pittsburgh, 3:30 p.m. (CBS)
Green Bay at Atlanta, 7 p.m. (FOX)

Sunday, Jan. 16
Seattle at Chicago, 12 p.m. (FOX)
N.Y. Jets at New England, 3:30 p.m. (CBS)

CONFERENCE CHAMPIONSHIPS

Sunday, Jan. 23
NFC, 2 p.m. (FOX)
AFC, 5:30 p.m. (CBS)

PRO BOWL

Sunday, Jan. 30

At Honolulu
AFC vs. NFC, 6 p.m. (FOX)

SUPER BOWL

Sunday, Feb. 6
At Arlington, Texas
AFC champion vs. NFC champion, 5:30 p.m. (FOX)

POLL

THE AP TOP 25

The Top 25 teams in The Associated Press college football poll, with first-place votes in parentheses, final records, total points based on 25 points for a first-place vote through one point for a 25th-place vote, and previous ranking:

Rank	Team	Record	Pts	Pv
1	Auburn (56)	14-01.472	1	1
2	TCU (3)	13-01.392	3	3
3	Oregon	12-11.379	2	2
4	Stanford	12-11.300	5	5
5	Ohio St.	12-11.220	6	6

6	Oklahoma	12-21.108	9	9
7	Wisconsin	11-21.055	4	4
8	LSU	11-21.051	11	11
9	Boise St.	12-11.031	10	10
10	Alabama	10-3 961	15	15
11	Nevada	13-1 866	13	13
12	Arkansas	10-3 863	8	8
13	Oklahoma St.	11-2 833	16	16
14	Michigan St.	11-2 696	7	7
15	Mississippi St.	9-4 578	21	21
16	Virginia Tech	11-3 577	12	12
17	Florida St.	10-4 502	23	23
18	Missouri	10-3 477	14	14
19	Texas A&M	9-4 359	18	18
20	Nebraska	10-4 334	17	17
21	UCF	11-3 225	—	—
22	South Carolina	9-5 169	19	19
23	Maryland	9-4 144	—	—
24	Tulsa	10-3 128	—	—
25	N.C. State	9-4 119	—	—

Others receiving votes: Utah 98, Iowa 54, San Diego St. 52, N. Illinois 47, Miami (Ohio) 21, Florida 19, West Virginia 16, Notre Dame 9, Connecticut 8, Air Force 5, Navy 3, Hawaii 2, BYU 1, E. Washington 1.

BOWLING

Continued from B1

This could also hurt us when it comes down to the Baker-style tournaments where there is some pressure on you when you go to bowl. If you are not used to it, it can very nerve racking.

Big meets: Baker tournament at Park Lanes Jan. 19; Leavenworth Baker tournament at Skyway Lanes Jan. 31; Skyway Shootout vs. Lansing Feb. 14 at Skyway Lanes.

Coach says: "I look forward to another great year of bowling. The kids are very excited to get out to the lanes and start off the season. There are a lot of new faces on the team which is great for the sport of bowling. It seems every year I am trying to recruit to get enough girls on the team, and this year will be the first year where I will not have to do that. "Hopefully, they will all stay with it and keep on bowling throughout their lives."

STEVENSON

Continued from B1

proven that he is a winner . . . he not only has great football skills, but he possesses great vision and tremendous leadership abilities."

Berglund led his team to two consecutive 4A state titles during his junior and senior years in high school and was named the Colorado 4A player of the year.

Berglund's stats from his senior season are impressive: He completed 140 of 229 passes (61.1 percent) for 2,150 yards and 23 TDs. He threw just five interceptions. Berglund is also a runner, he gained 952 yards on 130 carries — a notable average of 7.3 yards per carry.

Brock Berglund has the size and pass-run balance that is so invaluable in a college QB. With his early enrollment and participation in spring practice, Berglund could very well earn the starting QB job as a freshman.

Having an outstanding QB can change a college football program quickly; Berglund's signing gives KU fans reason to hope for an improved team in 2011.

Kansas had two other highly regarded high school recruits sign early and enroll for the spring semester: offensive lineman Dylan Admire from Blue Valley West High School and RB Darrian Miller from Blue Springs, Mo.

Whether it's Kansas State's football or basketball team, the Wildcats have recently been plagued by officiating crews that want to be the focus of the game.

In the Big 12 opener against Oklahoma State, the K-State basketball team was called for 31 fouls and O-State was whistled 26 times. The refs fouled out all four of K-State's pivot players and two Cowboy players.

In the five games involving Big 12 teams — other than K-State-O-State — last Saturday there were 161 fouls called, an average of 32.2 fouls per game. K-State and O-State were whistled 57 times by the officiating crew of Paul Janssen, David Hall, and Kip Kissinger.

The poor officiating wasn't the reason K-State lost. But Big 12 fans had better hope they don't have to watch this crew too often, unless you enjoy watching free throws.

KANSAS MENS BASKETBALL

Self decides Little can return to competition

By the Associated Press

LAWRENCE, — Kansas senior forward Mario Little, who missed six games after being charged with seven misdemeanors arising from a fight, will be allowed to return to the

team. Coach Bill Self announced Monday night that Little, a senior from Chicago, has been cleared to play.

The 22-year-old Little was arrested Dec. 16 after a fight involving his girl-

friend and others.

Self says Little received a diversion agreement from Lawrence Municipal Court for two battery charges and will receive weekly counseling through the end of the season. He said in a statement released through

the university that Little had been a pleasure to coach and deserves a second chance to finish his career in uniform.

Little played in nine games before he was suspended and averaged 6.2 points per game.

TRIATHLON

Triathlon Club set to launch training program for 2011

Times Report

LEAVENWORTH — Even though the lakes are freezing over and the daily high temperatures take your breath away, the start of triathlon season is only a few months away.

The first Saturday in May marks the start of the local triathlon season with the

Fort Leavenworth Triathlon.

This event is a mini-sprint distance race consisting of a 200-yard indoor swim, a 12.6 mile bike route over the steep hills of Fort Leavenworth and finishes with a 5K race.

Two weeks later is the Kansas City Triathlon at Longview Lake in Lee's Summit, Mo., and for those

feeling the challenge of a half Ironman distance race, Ironman Kansas 70.3 is Sunday, June 12 at Clinton Lake in Lawrence, Kan.

In order to get new athletes ready for the start of triathlon season, the local Leavenworth Triathlon Club will be meeting Thursday, Jan. 20 at High Noon Saloon at 5:30 p.m.

The presentation that night will discuss training plans and strategies for those new athletes interested in competing in triathlons ranging from short sprint distance races to the longer half Ironman distances. For more information, visit www.leavenworthtriclub.com.

www.leavenworthtimes.com

Public Notices

administrators, devisees, trustees, creditors and assigns of any person alleged to be deceased, and made Defendants as such.

NOTICE OF SUIT

You are hereby notified that a Petition has been filed in the District Court of Leavenworth County, Kansas, by the plaintiff, Bobby Joe Mathis requesting the title to the hereinafter described real estate be quieted in the name of the plaintiff, and that said defendants, and each of them, and all those claimed by, through, or with the defendants be forever barred and foreclosed of and from all right, title, interest, lien, estate, or equity in redemption of the following described real estate, to-wit:

Lots 23, 24, 25 and 26, block 59, Leavenworth City Proper, Leavenworth County, Kansas,

Bobby Joe Mathis

Prepared & submitted by:
Gary A. Nelson,
P.A.

Public Notices

GARY A. NELSON, #13696
1000 South Fourth, Suite B
Leavenworth, Kansas 66048
Phone: (913) 758-9260

U.S. DEPARTMENT OF JUSTICE-FEDERAL BUREAU OF PRISONS
NOTICE OF PUBLIC SCOPING MEETING TO INITIATE THE ENVIRONMENTAL IMPACT STATEMENT PROCESS

Representatives of the U.S. Department of Justice, Federal Bureau of Prisons (BOP) will conduct a Public Scoping Meeting to which all interested persons are invited to attend. The purpose of the meeting is to provide federal, state, regional and local officials, agencies, organizations and the public an opportunity to learn about and voice their interests and concerns regarding the proposal to construct a new Federal Correctional Institution and Federal Prison Camp within BOP-owned property at the existing USP Leavenworth property. The Scoping Meeting will be held at 7:00 P.M., January 20, 2011 at the Riverfront Community Center (123 S. Esplanade St. Leavenworth, Kansas). The Public Scoping Meeting is being held to provide for timely public comments and understanding of federal plans and programs with possible environmental consequences as required by the National Environmental Policy Act of 1969, as amended and the National Historic Preservation Act. The meeting will also allow interested persons to formally express their views on the scope and on significant issues to be studied as part of the Environmental Impact Statement (EIS) process. Topics to be studied as part of the EIS include, but are not limited to: topography, geology, soils, hydrology, biological resources, aesthetics, fiscal considerations, utility services, transportation services, cultural resources, land uses, socio-economics, community facilities and services, hazardous wastes, air quality, noise, among others. The BOP reserves the right to impose a time limit for those speaking in order to accommodate all persons interested in commenting. Written statements will also be accepted at the meeting and via U.S. mail through January 30, 2011. Inquiries or written comments may be directed to: Richard A. Cohn, Chief or Bridgette Lyles, Site Selection Specialist, Capacity Planning and Site Selection Branch, Federal Bureau of Prisons, 320 First Street, NW, Washington, D.C. 20534. (Tel: 202-514-6470 / Fax: 202-616-6024 / E-mail: siteselection@bop.gov).
Published in the Leavenworth Times, January 12, 2011.

Public Notices

Fax : (913) 758-9290
Attorney for plaintiff
First published in the Leavenworth Times, January 13, 2011 (3t)



kristi.vornholt@leavenworthtimes.com

Crossword Puzzle

ACROSS

- 1 Brown songbirds
- 6 Throb or beat
- 11 — counter
- 12 Fair and square
- 13 Window sills
- 14 Tend the aquarium
- 15 Tip over
- 16 Coating of frost
- 17 Rookie
- 18 PC key
- 19 Colony members
- 23 France, long ago
- 25 Miner's stake
- 26 — chance
- 29 Groovy
- 31 —Magnon
- 32 She loved Lennon
- 33 River mammal
- 34 Trip part
- 35 Glass cookware
- 37 Result of some brainstorming
- 39 Vocalized

DOWN

- 40 Campers, for short
- 41 No different
- 45 Licentious sort
- 47 Intolerant person
- 48 Purplish flowers
- 51 Sun-dried veggie
- 52 Romantic sight
- 53 Shut
- 54 —turvy
- 55 Mallet
- 1 Easily moved to tears
- 2 Passenger piece
- 3 Wassail alternative
- 4 Have to have
- 5 Almost grads
- 6 Sonnet or haiku
- 7 Imaginary
- 8 Meadow
- 9 Former JFK arrival
- 10 Cousteau's summer
- 11 Oversupply

Answer to Previous Puzzle

A	T	E	C	C	S	H	I	K	E				
S	O	L	A	A	R	P	A	V	I	D			
S	P	L	E	N	D	O	R	B	E	T			
T	I	E	D	Y	E	A	R	I	S	E	N		
						G	O	T	Y	E	T		
H	E	L	E	N	L	E	A	S	E	A	S	E	D
A	X	E	D	F	I	R	M	X	I	V			
W	E	E	S	E	A	S	J	I	V	E			
C	R	A	T	E	R	L	A	T	E	X			
						T	A	D	E	A			
A	B	S	O	R	B	D	Y	N	A	M	O		
M	E	A	N	A	D	D	I	T	I	O	N		
Y	A	L	E	G	A	I	N	L	A	C			
S	U	E	D	B	E	G	S	I	T	E			

- 12 Crop hazard
- 16 Aunt or cousin
- 18 Recital piece
- 20 Salt's formula
- 21 Bridge-stone offering
- 22 Urban haze
- 24 Strong as —
- 25 Geologic sample
- 26 Fussy dressers
- 27 Writer Seton
- 28 Ripped
- 30 Turner and Koppel
- 36 Marsh stalkers
- 38 "I, Robot" writer
- 40 Stratagem
- 42 Yawning
- 43 Traveler's stop
- 44 Harrow rival
- 46 Paris hub
- 47 — fide
- 48 Do something
- 49 — Paulo, Brazil
- 50 Recipe amt.
- 51 Pull

Want more puzzles? Check out the "Just Right Crossword Puzzles" books at QuillDriverBooks.com

	1	2	3	4	5		6	7	8	9	10		
11							12						
13							14						
15							16						
17							18			19	20	21	22
							23	24			25		
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32							33			34			
35							36			37			
39							40			41	42	43	44
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48	49	50					51						
52							53						
54							55						

LeavenworthTimes.com

Bureau of Prisons to host meeting on USP project

By **Tim Linn**

Leavenworth Times

Posted Jan 13, 2011 @ 07:44 AM

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Leavenworth, Kan. — The U.S. Department of Justice, Federal Bureau of Prisons will be hosting a public meeting next week in Leavenworth to inform and hear from residents and area officials on a proposal to build a new medium-security correctional facility on the grounds of the existing U.S. Penitentiary.

Scheduled for 7 p.m. Jan. 20 at the Riverfront Community Center, the public scoping meeting will be a way for the public to offer their own input on the project before the environmental impact study for prospective sites begins.

Tom Sheldrake, executive assistant and camp administrator for the U.S. Penitentiary-Leavenworth, said Wednesday that the proposal is currently going through the 18-to-24-month-long capacity-planning and site selection study process. Leavenworth City Manager J. Scott Miller said he understood that three sites are currently under consideration — one on the west side of the property, two to the east.

The environmental impact studies of those sites will determine which, if any, is a feasible spot for the future facility and will examine a multitude of different factors including topography, aesthetics and fiscal considerations, according to a legal notice about the meeting.

Miller said he and other officials at City Hall have been kept in the loop about the project throughout the process. The public scoping meeting next week is part of any federal construction project.

“They always get the public involved through these scoping sessions,” he said.

The BOP’s concept for the facility is a medium-security prison with about 1,100 beds that when completed would become part of a 3,600-inmate capacity “correctional complex” that includes the USP.

It’s an idea that Miller said could benefit the city, considering that the facility has been speculated to bring about 300 new jobs.

“Our official position is we are certainly supportive,” he said.

The initial study for the project was funded by a federal appropriation secured by Kansas’ congressional delegation.

The project is listed as the next on the BOP’s list of projects, Miller said; however, he also said because there are several steps left in the planning process and the funds to build the facility need to be appropriated by Congress, it will likely be a few years before the project is finished.

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LeavenworthTimes.com

Input sought on prison proposal

By **John Richmeier**

GateHouse News Service

Posted Jan 21, 2011 @ 08:04 AM



Leavenworth, Kan. — Members of the public were given the opportunity to comment Thursday night about a proposal for a new federal prison in Leavenworth.

“Issues that are important to you are important to us,” said Bridgette Lyles, site selection specialist for the Federal Bureau of Prisons.

She reviewed the proposed prison project during what was called a public scoping meeting.

The BOP is considering the construction of a federal correctional institutional and federal prison camp. They would be located on the grounds of the existing U.S. Penitentiary in north Leavenworth.

Lyles said the federal correctional institution could have a capacity of up to 1,500 medium-security inmates, and the camp could house up to 300 minimum-security inmates.

The construction cost is expected to exceed \$325 million. The FCI and camp would employ about 300 additional people and have an annual operating budget of about \$40 million.

Lyles said there are two sites on the USP grounds under consideration. There is a 144-acre site to the west of the existing prison. There’s also 238-acre site to the east of the prison.

Thursday’s meeting came as officials work on an environmental impact statement regarding the project.

The meeting will be followed with the release of a draft EIS. This will be followed by another public hearing and a 45-day review period. When the final EIS is released, there will be a 30-day review period. The Federal Bureau of Prisons then will release a decision about whether it will proceed with the project, according to Cristy Boyd, principal environmental scientist for the Louis Berger Group.

The Louis Berger Group is an environmental consulting service working with the Federal Bureau of Prisons.

Boyd later said the entire EIS process should take about 18 months.

A number of people attended Thursday’s meeting, but only four members of the audience provided comments.

Dave Knorr said he lives near the USP. He expressed support for the proposed prison, saying employees at the USP are upstanding people.

Del Sanders, president of the Leavenworth Historical Museum Association, expressed concern about losing a buffalo pasture featured in tours provided by his organization if the west site is selected.

“We’d like to see you put it on the east side,” he said.

Dale Cleland, who was representing Fort Leavenworth, which neighbors the USP, offered some issues that may have to be taken into account as officials look at the sites.

Bill Thomasset, a representative of Michaels Military Housing, which provides housing on the fort, asked that his company be involved in the EIS process.

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ATTACHMENT 4
PUBLIC SCOPING MEETING HANDOUT

(Distributed at Public Scoping Meeting of January 20, 2011)



FEDERAL BUREAU
of PRISONS

FCI & FPC LEAVENWORTH

Environmental Impact Statement

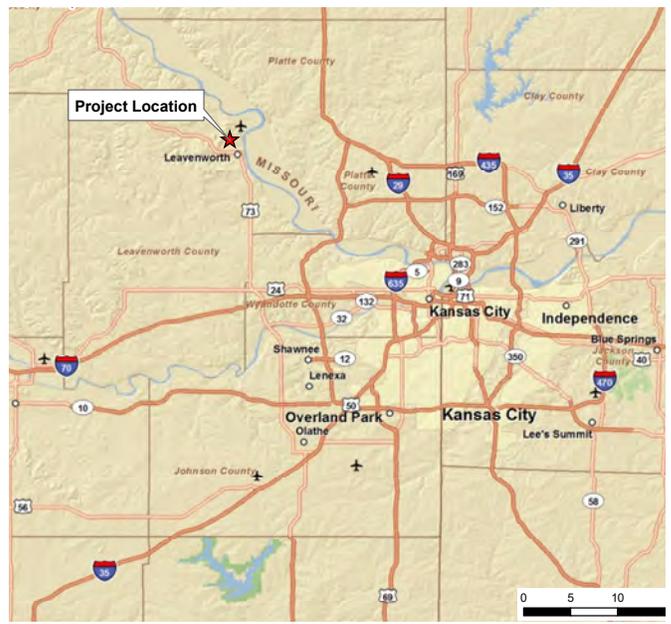
Leavenworth, Kansas | January 20, 2011

PUBLIC SCOPING MEETING

ABOUT THE PROJECT

The United States Department of Justice, Federal Bureau of Prisons (BOP) is preparing an Environmental Impact Statement (EIS) to evaluate the environmental, economic, and social impacts regarding the proposal to construct new correctional facilities within the BOP's property at the U.S. Penitentiary (USP) in Leavenworth, Kansas. Located within the Kansas City Metropolitan Area, the City of Leavenworth is located in eastern Kansas approximately 34 miles northwest of Kansas City along the west bank of the Missouri River. As the County Seat and largest city in Leavenworth County, approximately 35,000 individuals reside in the City of Leavenworth out of the overall 75,000 that reside in Leavenworth County.

Today, USP Leavenworth houses approximately 1,881 medium-security adult male inmates with an additional 472 minimum-security inmates housed in an adjacent prison camp. With the continued growth in the federal inmate population, the BOP is considering development of a Federal Correctional Institution (FCI) and a Federal Prison Camp (FPC) on the BOP-owned property adjacent to the existing USP facility. While a typical FCI and a typical FPC are designed to house approximately 1,500 medium-security inmates and approximately 300 minimum-security inmates respectively, the new facilities would employ approximately 300 full-time staff and have an annual operating budget of approximately \$40 million. It is also anticipated that the new FCI would include health services with a dialysis unit (about 48 beds) as well as a long-term care unit (about 128 beds).



REGIONAL LOCATION MAP OF USP LEAVENWORTH



FCI & FPC LEAVENWORTH

Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

PURPOSE AND NEED FOR THE PROPOSED PROJECT

National Overview

The BOP is responsible for carrying out judgments of the federal courts whenever a period of confinement is ordered. The mission of the BOP is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

Since its inception in 1930 and its subsequent growth in the 1940s, the BOP had operated a total of 24 facilities housing approximately 25,000 inmates. It was not until the 1980s that its number of facilities almost doubled (from 24 to 44) with a significant increase in the number of federal inmates (from over 24,000 to almost 58,000) as a result of federal law enforcement efforts and new legislation (i.e., the Sentencing Reform Act of 1984) that significantly altered sentencing in the federal criminal justice system. From 1980 to 1989, the federal inmate population more than doubled, from just over 24,000 to almost 58,000. During the 1990s, the population more than doubled again, reaching approximately 136,000 at the end of 1999 as efforts to combat illegal drugs and illegal immigration contributed to significantly increased conviction rates.

Today, the BOP is facing continuous growth in the number of federal inmates with projections showing the federal inmate population increasing from 210,227 inmates at the end of fiscal year 2010 to over 226,000 inmates by the end of fiscal year 2013. As such, the demand for bedspace within the federal prison system continues to grow at a significant rate. At the present

time, the federal inmate population already far exceeds the combined rated capacities of the existing 116 federal correctional facilities ranging from minimum to administrative-maximum security levels.

Compounding the need for bedspace is the federal court sentencing guidelines which are resulting in longer terms of confinement for serious crimes. Increases in the number of immigration offenders and efforts to combat organized crime and drug trafficking are also contributing to inmate population increases. As in the past, the BOP continues to increase the number of beds through additional contract beds, acquisition and adaptation of existing facilities, and new prison construction as funding permits. Adding capacity through these various means in different parts of the country, allows the BOP the opportunity to work towards keeping prison crowding at manageable levels to ensure both public safety and the safety of inmates within its institutions.

North Central Region Overview

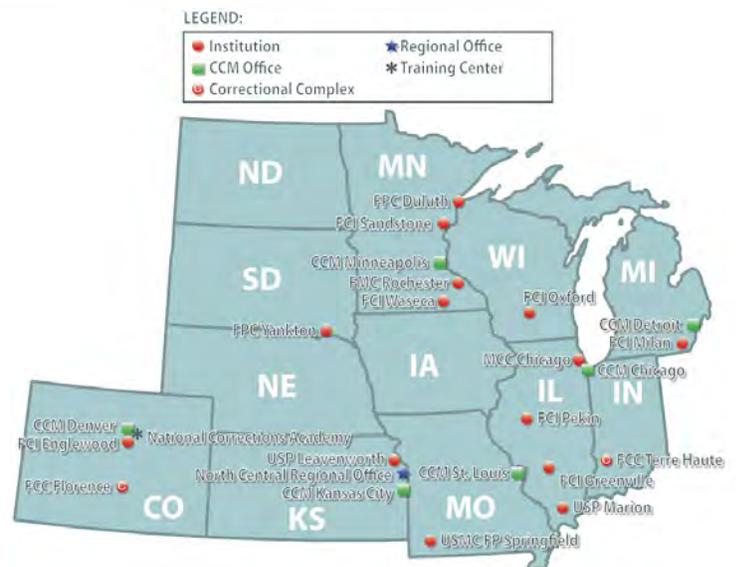
Over the past decade, a significant influx of inmates has entered the federal prison system with a considerable portion of this influx originating from the BOP's North Central Region (NCR) of the United States, where the need for increased bedspace is particularly acute. In response, the BOP has committed significant resources to identifying and developing sites for new federal correctional facilities within this region including development of facilities in Florence, Colorado; Terre Haute, Indiana; Pekin and Greenville, Illinois; and Waseca, Minnesota. Even with the development of new and expanded facilities, projections show the federal inmate population continuing to increase, placing additional demands for bedspace within the BOP's NCR. At present time, the limits on the availability of bedspace within the NCR requires some inmates to be

housed in facilities outside the region which gives rise to a greater degree of isolation than is normally experienced among the inmate population. The sometimes vast distances between inmates' families and acquaintances and the location of their institutions result in far more difficult and costly efforts for visitation and, therefore, reduced visitation rates. Provision of additional bedspace in the State of Kansas would allow the BOP to house inmates originating from the north-central states nearer to their families and friends which aids in the rehabilitative process.

BOP'S SITING PROCESS FOR LEAVENWORTH

In the face of the continuing growth in the federal prison population in the NCR, the BOP routinely identifies and evaluates prospective sites which may be appropriate for development of new federal correctional facilities and considers available BOP properties and other surplus federal lands and facilities along with public or privately-owned properties offered to the BOP. Current and projected bedspace needs are addressed in various ways including, amongst others, the planning and development of new federal correctional facilities for which a priority need has been determined. This approach, which was used for the BOP's NCR, is part of an overall geographically balanced program designed to alleviate crowding, to operate in an efficient and effective manner, and assist the BOP to fulfill its mandate.

In planning and developing new federal correctional facilities within the NCR, the BOP has undertaken preliminary investigations in an effort to identify



MAP OF BOP'S NORTH CENTRAL REGION

prospective sites capable of accommodating federal correctional facilities and communities willing to host such facilities. Through this process, those prospective sites were also screened for environmental, engineering and community factors which, if present, would either preclude use of a site for BOP purposes (e.g., excessive acquisition costs, presence of hazardous substances, inability to provide adequate water supply or wastewater treatment at reasonable costs, flood hazards, etc.). In recent years, the BOP has also focused attention on developing new institutions in locations with an existing federal correctional facility. The advantages of doing so are many including the ability to share support facilities, availability of infrastructure, supportive communities and reduced time and cost of development. In turn, the property of USP Leavenworth was identified as a suitable location given its large amount of available and undeveloped federal lands for possible additional development.



FCI & FPC LEAVENWORTH

Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

Subsequently, candidate sites which appear suitable on the basis of these initial investigations are then subjected to in-depth, comprehensive analyses and documentation during the BOP's federally-mandated environmental review process – pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended and other environmental laws and regulations – in order to analyze the potential impacts of facility construction and operation. Such documentation can be in the form of Environmental Assessments (EAs) and/or Environmental Impact Statement (EISs) as appropriate and based on the level of the proposed action.



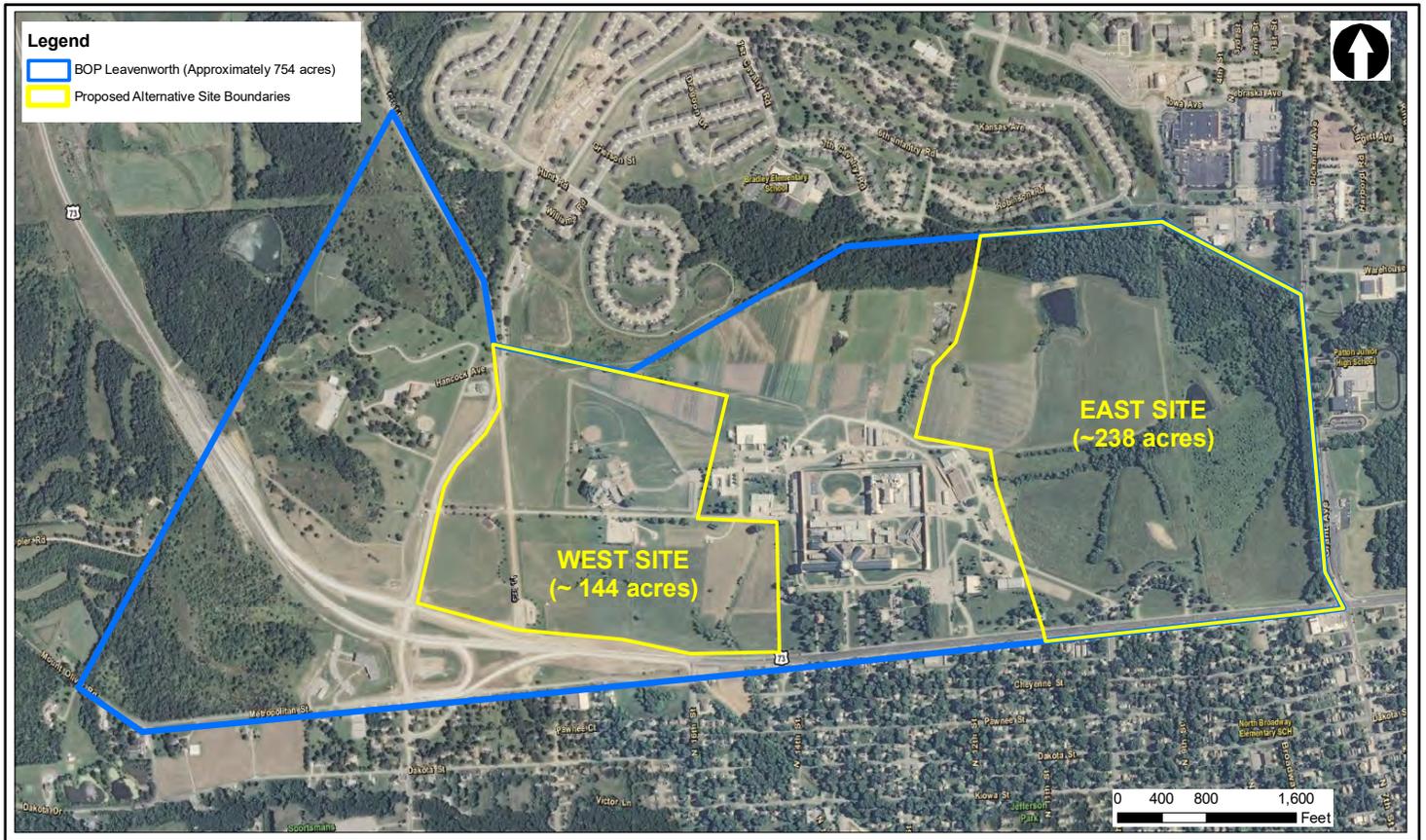
USP LEAVENWORTH

USP Leavenworth is notable for several reasons – chief among them is that when it opened in 1906, USP Leavenworth was the first federal correctional facility. Construction of USP Leavenworth was enabled by an Act of Congress in June 1896, transferring approximately 505 acres from the Department of the Army to the U.S. Department of Justice for a new penitentiary to house approximately 1,200 inmates. During Fiscal Year (FY) 2006, USP Leavenworth transitioned from a high-security to a medium-security facility to accommodate the growth of the medium-security inmate population. This transition was part of the BOP's overall long-range capacity plan to use older high-security institutions to house medium-security inmates as newer, more technologically advanced high-security institutions were designed and developed. The name of the USP Leavenworth institution remains even though the mission has changed.

For operational reasons and other considerations to existing facilities, operations and infrastructure; the BOP has at this time identified two potential development sites within its 754-acre property in Leavenworth: the East Site and the West Site. The East Site includes approximately 238 acres of undeveloped land situated east of the USP. The West Site includes approximately 144 acres of land that is occupied by the existing prison camp (situated about 600 feet west of the USP) as well as the Buffalo Pasture south of the camp. The boundary of the West Site extends westward to the newly relocated Santa Fe Trail Road. On the basis of the analyses performed to date, these sites have been deemed worthy of further consideration by the BOP and will be the subject of an EIS in accordance with NEPA.



The BOP's proposed construction of a new FCI and FPC, outside the perimeter wall of the existing USP facility, is considered a major action (as per 28 CFR Part 61) which requires the preparation of an EIS pursuant to the NEPA's environmental review process. Additionally, and even though the proposed FCI and FPC facilities would be located within existing BOP-owned property, the need for an EIS is further supported by the fact that no NEPA-related environmental studies have ever been conducted for USP Leavenworth since the original facility was constructed prior to NEPA's enactment.



BOP PROPERTY AND ITS POTENTIAL DEVELOPMENT SITES



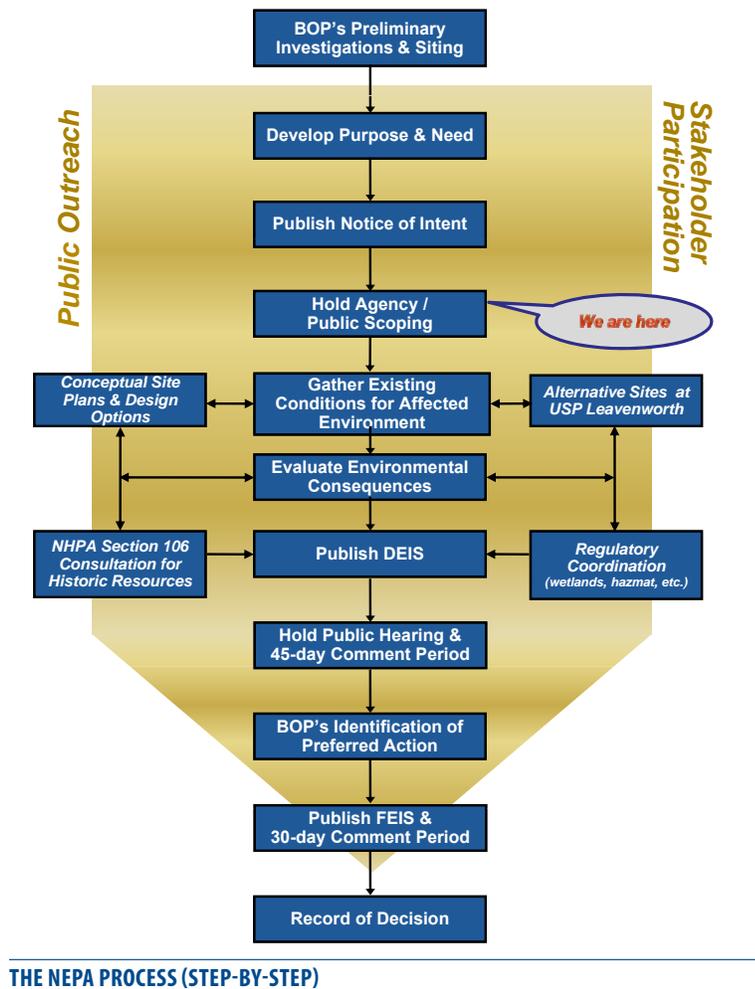
FCI & FPC LEAVENWORTH

Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

WHERE ARE WE IN THE NEPA PROCESS & WHERE DO WE GO FROM HERE?

- Agency meetings with local, state, and federal agencies were held in early December 2010.
- On December 29, 2010, a Notice of Intent (NOI) was published in the in the Federal Register (Vol.75 No.249). The purpose of the NOI was to announce that the BOP had begun preparation of a draft EIS and to provide details (date, time and place) of the project Scoping Meeting.
- Today and as part of the project’s initiation phase (see where we are in), you have been invited to attend this Public Scoping Meeting of January 20, 2011 for an opportunity to learn about as well as voice your interests and/or concerns regarding the proposed project. Following the end of the Scoping Period, public and agency comments will assist the BOP in not only determining the scope (or technical studies to be addressed) of the EIS but also in receiving preliminary feedback about the alternative sites of the proposed project. ***** This is where we are today – in the early scoping phase of the NEPA process. *****



- As part of the preparation of the Draft EIS, more detailed information will be collected about the environment to be affected by the proposed project in order to evaluate the potential environmental consequences of each alternative and then determine any mitigation measures if needed. To that effect, project-related information to be presented and environmental topics to be studied will include the ones depicted in the proposed scope (or Table of Contents) for the Draft EIS, which will then be officially released in advance of the Draft EIS’ Public Hearing and its 45-day Comment Period.

- Ultimately and through continued public/agency and stakeholder participation during the release of the Final EIS and its 30-day Comment Period, the NEPA process will assist the BOP in completing its siting and design process for the actual location of the new FCI and FPC within the property of USP Leavenworth, while avoiding and/or minimizing potential adverse impacts to the natural and man-made environment. Such determination will then be officially memorialized as part of a Record of Decision (ROD), which will also be published in the Federal Register.

DRAFT ENVIRONMENTAL IMPACT STATEMENT TABLE OF CONTENTS		
ABSTRACT	L. Housing Characteristics	U. Noise
SUMMARY	M. Fiscal Considerations	V. Summary of Any Significant Impacts and Required Mitigation
I. INTRODUCTION	N. Community Services and Facilities	W. Relationship Between Short-Term Use of the Environment and the Maintenance and Enhancement of Long-Term Productivity
A. Purpose of the Environmental Impact Statement	O. Land Use and Zoning	X. Irreversible and Irretrievable Commitments of Resources
B. Compliance with the National Environmental Policy Act	P. Utility Services	Y. Consideration of Secondary and Cumulative Impacts
C. Public Scoping	Q. Alternative Energy Sources	
D. Purpose and Need for the Proposed Action	R. Transportation Systems	IV. ENVIRONMENTAL CONSEQUENCES: IMPACTS AND MITIGATION
E. Description of the Proposed Action	S. Climate	A. Introduction
F. Environmental Justice Considerations	T. Air Quality	B. Topographic Features
G. Environmental Stewardship	U. Noise	C. Geologic Features
II. ALTERNATIVES		D. Soils
A. No Action Alternative		E. Water Resources
B. Alternatives Considered		F. Biological Resources
C. Preferred Alternative		G. Cultural Resources
III. AFFECTED ENVIRONMENT		H. Visual and Aesthetic Resources
A. Introduction		I. Contaminated Materials
B. Topographic Features		J. Demographics
C. Geologic Features		K. Economic Characteristics
D. Soils		L. Housing Characteristics
E. Water Resources		M. Fiscal Considerations
F. Biological Resources		N. Community Services and Facilities
G. Cultural Resources		O. Land Use and Zoning
H. Visual and Aesthetic Resources		P. Utility Services
I. Contaminated Materials		Q. Alternative Energy Sources
J. Demographics		R. Transportation Systems
K. Economic Characteristics		S. Climate
		T. Air Quality
		V. REFERENCES
		A. Documents
		B. Personal Communications
		VI. LIST OF PREPARERS
		VII. AGENCIES AND OFFICIALS FROM WHICH COMMENTS ARE REQUESTED
		A. Congressional Delegation
		B. State of Kansas Officials
		C. Federal Agencies
		D. State of Kansas Agencies
		E. Leavenworth County Officials and Agencies
		F. Municipal Officials and Agencies
		G. Native American Organizations
		H. Public Libraries/Others
		APPENDICES

WHAT IS SCOPING and HOW TO BE HEARD?

Under the National Environmental Policy Act of 1969, as amended (as well as under the National Historic Preservation Act of 1966, as amended), the public has a critical role in the environmental review process whereas any environmental information is made available to the public before any decisions are made. Participation by the public is thus a critical part of the environmental review process to ensure that public concerns and issues are addressed in the EIS. The purpose of “scoping” early in the review process is an opportunity for members of the general public and others to understand the BOP’s proposed project in light of its possible environmental consequences as well as to provide timely comments on the purpose and need, the alternatives to be considered, and to voice issues and concerns for the proposed project before the actual Draft and Final EIS are prepared.

Additionally, “scoping” is to also allow interested persons to express their views on the scope and significant issues to be addressed as part of the Draft and Final EIS.

While oral and written statements are officially recorded during the actual Public Scoping Meeting, additional written statements will also be accepted by the BOP via U.S. Mail or fax through January 30, 2011 (end of the scoping period). Please direct inquiries or written comments to:

Richard A. Cohn, Chief or Bridgette Lyles, Site Selection Specialist
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons, 320 First Street, NW, Room 5006, Washington, D.C. 20534
Fax: 202-616-6024

During the scoping period and subsequent phase of the NEPA review process, interested parties can request to be added into the general mailing list for the future distribution of the Draft and Final EIS documents. Otherwise, such documents will also be made publicly available at local libraries for consultation and/or review.

WHO’S WHO IN THE STUDY?

- The BOP is the lead federal agency responsible for preparing the EIS as it is also the federal agency undertaking the proposed action.
- The Louis Berger Group, Inc. was contracted by the BOP to assist in preparing the Draft and Final EIS and to perform related technical studies.
- You – the Public – have a critical role to play by helping shape the scope of the EIS, reviewing study information, and providing comments and other input to the BOP throughout the environmental review process.



ATTACHMENT 5
PUBLIC SCOPING MEETING SIGN-IN SHEETS

(For Public Scoping Meeting of January 20, 2011)



FEDERAL BUREAU
of PRISONS

FCI & FPC LEAVENWORTH

Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

PUBLIC SCOPING MEETING - SIGN-IN-SHEET

	AFFILIATION	PLEASE CHECK HERE IF YOU WOULD LIKE TO SPEAK TONIGHT
Name <u>Sara Wright</u> Address <u>7720 NW 73rd St</u> City/State/Zip <u>Kansas City, MO 64152</u>	Elected Official <input type="checkbox"/> Private Citizen <input type="checkbox"/> Media <input type="checkbox"/> Other <u>PIO-City</u>	<input type="checkbox"/>
Name <u>PAUL KEAMER</u> Address <u>732 H. G. Liza Terr</u> City/State/Zip <u>Leavenworth, KS 66043</u>	Elected Official <input type="checkbox"/> Private Citizen <input type="checkbox"/> Media <input type="checkbox"/> Other <u>City Employee</u>	<input type="checkbox"/>
Name <u>KEVIN DOWDAN</u> Address <u>3545 TUDOR DR.</u> City/State/Zip <u>LEAVENWORTH, KS</u>	Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/> Media <input type="checkbox"/> Other _____	<input type="checkbox"/>
Name <u>BOB HECKMAN</u> Address <u>29213 195th</u> City/State/Zip <u>LEAV. KS. 66048</u>	Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/> Media <input type="checkbox"/> Other _____	<input type="checkbox"/>
Name <u>Emily Heckman</u> Address <u>29213 195th St</u> City/State/Zip <u>Leavenworth, KS 66048</u>	Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/> Media <input type="checkbox"/> Other _____	<input type="checkbox"/>

Before including your address, phone number, or other personal identifying information, please be aware that all comments discussed at the public scoping meeting will be made available to the public.



FEDERAL BUREAU
of PRISONS

FCI & FPC LEAVENWORTH

Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

PUBLIC SCOPING MEETING - SIGN-IN-SHEET

	AFFILIATION	PLEASE CHECK HERE IF YOU WOULD LIKE TO SPEAK TONIGHT
Name <u>Mike Erdley</u> Address <u>626 Spruce St Apt A</u> City/State/Zip <u>Leavenworth, KS 66048</u>	Elected Official <input type="checkbox"/> Private Citizen <input type="checkbox"/> Media <input type="checkbox"/> Other _____	<input type="checkbox"/>
Name <u>Greg Roy</u> Address <u>800 ks. Ave. W. west</u> City/State/Zip <u>Topeka, ks.</u>	Elected Official <input type="checkbox"/> Private Citizen <input type="checkbox"/> Media <input type="checkbox"/> Other <u>Westar Energy</u>	<input type="checkbox"/>
Name <u>Aaron Hansen / Celia Hansen</u> Address <u>335 Fawn Valley</u> City/State/Zip <u>Hansen KS 66043</u>	Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/> Media <input type="checkbox"/> Other _____	<input type="checkbox"/>
Name <u>Phil Martin</u> Address <u>1701 Thoburn St</u> City/State/Zip <u>Lea v, KS 66048</u>	Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/> Media <input type="checkbox"/> Other _____	<input type="checkbox"/>
Name <u>William R Thomasset</u> Address <u>Michaels Military Housing</u> City/State/Zip <u>549 Kearney</u> <u>Fort Leavenworth KS 66027</u>	Elected Official <input type="checkbox"/> Private Citizen <input type="checkbox"/> Media <input type="checkbox"/> Other <input checked="" type="checkbox"/>	<input type="checkbox"/>

Before including your address, phone number, or other personal identifying information, please be aware that all comments discussed at the public scoping meeting will be made available to the public.



THE Louis Berger Group, INC.



FEDERAL BUREAU
of PRISONS

FCI & FPC LEAVENWORTH

Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

PUBLIC SCOPING MEETING - SIGN-IN-SHEET

PLEASE CHECK HERE IF
YOU WOULD LIKE TO
SPEAK TONIGHT

			AFFILIATION	PLEASE CHECK HERE IF YOU WOULD LIKE TO SPEAK TONIGHT
Name	<u>RICK Dickerson</u>		Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address	<u>PO Box 821</u>		Media <input type="checkbox"/>	
City/State/Zip	<u>Leav KS 66048</u>		Other _____	
Name	<u>DANIEL & JENNIFER LANGLEY</u>		Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address	<u>33375 179th</u>		Media <input type="checkbox"/>	
City/State/Zip	<u>LV KS 66048</u>		Other _____	
Name	<u>John C. Richter</u>		Elected Official <input type="checkbox"/> Private Citizen <input type="checkbox"/>	<input type="checkbox"/>
Address	<u>482 Geneva St</u>		Media <input checked="" type="checkbox"/>	
City/State/Zip	<u>LV, KS 66048</u>		Other _____	
Name	<u>DURAND Dickerson</u>		Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address	<u>1514 10th Avenue</u>		Media <input type="checkbox"/>	
City/State/Zip	<u>LEAV. KS</u>		Other _____	
Name	<u>TOM + KAREN TUSH</u>		Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address	<u>33474 167th ST</u>		Media <input type="checkbox"/>	
City/State/Zip	<u>LEAVENWORTH KS</u>		Other _____	

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Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

PUBLIC SCOPING MEETING - SIGN-IN-SHEET

		AFFILIATION	PLEASE CHECK HERE IF YOU WOULD LIKE TO SPEAK TONIGHT
Name	Jennis M. Bragary, Sr. Leav. Water	Elected Official <input type="checkbox"/> Private Citizen <input type="checkbox"/>	<input type="checkbox"/>
Address	601 Cherokee	Media <input type="checkbox"/>	
City/State/Zip	Leav. KS 66048	Other <u>Water Dept</u>	
Name	Charles Klingler	Elected Official <input type="checkbox"/> Private Citizen <input type="checkbox"/>	<input type="checkbox"/>
Address	1800 S. 22nd Street	Media <input type="checkbox"/>	
City/State/Zip	Leav. KS 66048	Other <u>City-WPC</u>	
Name	Troy N. Youngblood	Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address	1469 Cheyenne	Media <input type="checkbox"/>	
City/State/Zip	Leavenworth, KS 66048	Other _____	
Name	Doug Euler	Elected Official <input type="checkbox"/> Private Citizen <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address	3019 Grand	Media <input type="checkbox"/>	
City/State/Zip	Leavenworth KS 66048	Other _____	
Name	Melanie Meier	Elected Official <input checked="" type="checkbox"/> Private Citizen <input type="checkbox"/>	<input type="checkbox"/>
Address	31301 175th St	Media <input type="checkbox"/>	
City/State/Zip	Leav KS 66048	Other _____	

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Leavenworth, Kansas | January 20, 2011

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PLEASE CHECK HERE IF
YOU WOULD LIKE TO
SPEAK TONIGHT

Name Jim Pickett
Address 650 N. K-7 Hwy
City/State/Zip Bonner Springs, KS 66012

AFFILIATION

Elected Official Private Citizen
Media
Other KDOT

Name Matt Erickson
Address Basehor Sentinel
City/State/Zip _____

Elected Official Private Citizen
Media
Other _____

Name MIKE McDONALD
Address 1627 PAWNEE
City/State/Zip 66048

Elected Official Private Citizen
Media
Other _____

Name Dale Cleland
Address 810 McClellan Ave
City/State/Zip Ft. Leavenworth KS 66027

Elected Official Private Citizen
Media
Other Army

Name DEL SANDERS
Address 500 SOUTH BROADWAY
City/State/Zip LVN, KS 66048

Elected Official Private Citizen
Media
Other _____

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FEDERAL BUREAU
of PRISONS

FCI & FPC LEAVENWORTH

Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

PUBLIC SCOPING MEETING - SIGN-IN-SHEET

PLEASE CHECK HERE IF
YOU WOULD LIKE TO
SPEAK TONIGHT

		AFFILIATION		
Name	David Knorr	Elected Official	Private Citizen <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address	815 W 14 th St	Media		
City/State/Zip	Leavenworth, KS 66048	Other		
Name	Tim Holverson	Elected Official	Private Citizen	<input type="checkbox"/>
Address	518 Shawnee	Media		
City/State/Zip	Leavenworth KS 66048	Other		
Name		Elected Official	Private Citizen <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address		Media		
City/State/Zip		Other		
Name	Jim Shank	Elected Official	Private Citizen <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address		Media		
City/State/Zip		Other		
Name	Jon Sheldrake	Elected Official	Private Citizen <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address		Media		
City/State/Zip	Leavenworth	Other		

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FCI & FPC LEAVENWORTH

Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

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PLEASE CHECK HERE IF
YOU WOULD LIKE TO
SPEAK TONIGHT

		AFFILIATION		
Name	MARK GETTYS	Elected Official	Private Citizen	<input type="checkbox"/>
Address	2720 2ND AVE LEAVENWORTH 66048	Media		
City/State/Zip		Other	UTILITY	
Name	PETER GRANDE	Elected Official	Private Citizen	<input type="checkbox"/>
Address		Media		
City/State/Zip		Other		
Name	Scott Miller	Elected Official	Private Citizen	<input type="checkbox"/>
Address	100 N. 5th St.	Media		
City/State/Zip	Leavenworth, KS 66048	Other	City Manager	
Name	MARK PREISINGER	Elected Official	Private Citizen	<input type="checkbox"/>
Address	1900 CANTERBURY ST 100 N. 5TH	Media		
City/State/Zip	LV, KS 66048	Other		
Name		Elected Official	Private Citizen	<input type="checkbox"/>
Address		Media		
City/State/Zip		Other		

Before including your address, phone number, or other personal identifying information, please be aware that all comments discussed at the public scoping meeting will be made available to the public.



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FCI & FPC LEAVENWORTH

Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

PUBLIC SCOPING MEETING - SIGN-IN-SHEET

PLEASE CHECK HERE IF
YOU WOULD LIKE TO
SPEAK TONIGHT

Name Keith Melnick
Address 2400 S. 17th Terr.
City/State/Zip LVN KS 66048

AFFILIATION

Elected Official Private Citizen
Media
Other Commission Candidate

Name Jerry Hansen
Address 1213 Kiowa
City/State/Zip Leav. 124, 66048

Elected Official Private Citizen
Media
Other _____

Name _____
Address _____
City/State/Zip _____

Elected Official Private Citizen
Media
Other _____

Name _____
Address _____
City/State/Zip _____

Elected Official Private Citizen
Media
Other _____

Name _____
Address _____
City/State/Zip _____

Elected Official Private Citizen
Media
Other _____

Before including your address, phone number, or other personal identifying information, please be aware that all comments discussed at the public scoping meeting will be made available to the public.

ATTACHMENT 6
WRITTEN COMMENT FORM FOR PUBLIC SCOPING MEETING

**(Self-addressed Form was distributed at Public Scoping Meeting of January 20, 2011,
however, none was returned to BOP.)**



FEDERAL BUREAU
of PRISONS

FCI & FPC LEAVENWORTH Environmental Impact Statement

Leavenworth, Kansas | January 20, 2011

Please submit your comments tonight at the sign-in desk
or complete this paper copy and send by U.S. Mail.

Comments can also be sent via fax to (202) 616-6024
Attn: Mr. Richard A. Cohn or Ms. Bridgette Lyles,
Capacity Planning & Site Selection Branch

Please provide **your comments by January 30, 2011** to ensure consideration in the EIS.

FOLD HERE AND SECURE EDGES WITH CLEAR TAPE

FOLD HERE AND SECURE EDGES WITH CLEAR TAPE

NAME: _____

ADDRESS: _____

PLEASE PLACE
APPROPRIATE
POSTAGE HERE

Federal Bureau of Prisons

Attn: Mr. Richard A. Cohn or Ms. Bridgette Lyles
Capacity Planning & Site Selection Branch
320 First Street, NW
Room 5006
Washington, DC 20534

ATTACHMENT 7
PUBLIC SCOPING MEETING TRANSCRIPT

(Including Verbal Comments Received at Public Scoping Meeting of January 20, 2011)

PUBLIC SCOPING MEETING
PROPOSED FEDERAL CORRECTIONAL INSTITUTION
JANUARY 20, 2011
THURSDAY
7:00 P.M.
RIVERFRONT COMMUNITY CENTER
123 S. ESPLANADE STREET
LEAVENWORTH, KANSAS 66048

1 MS. BRIDGETTE LYLES: Good evening.
2 We're going to get started this evening with our
3 scoping meeting. And I would just like to
4 introduce myself. I'm Bridgette Lyles and I am a
5 Site Selection Specialist with the Federal Bureau
6 of Prisons in our Central Office. I'm here this
7 evening to conduct a public scoping meeting for a
8 new Federal Correctional Institution and Prison
9 Camp proposed for development within the BOP's
10 Leavenworth, Kansas property.

11 Before we get started this evening,
12 I'd like to express our appreciation to Warden
13 Claude Chester and all the staff at Leavenworth
14 for all their assistance, and also to the City of
15 Leavenworth for the use of the Riverfront
16 Community Center for tonight's meeting.

17 I would also like to introduce
18 several of the persons that are here with me this
19 evening from our Central Office. Joining me is
20 Richard Cohn, he is the Chief of the Capacity
21 Planning and Site Selection Branch. And also
22 from the Bureau Central Office we have Mr. Mitch
23 Miskimins and Mr. Keith Robinson. They're
24 members of the Bureau's Design and Construction
25 Branch and will serve as our Project

1 Administrator and Project Managers for the
2 project. And also with us this evening we have
3 Cristy Boyd, our Project Manager with The Louis
4 Berger Group. We also have Jess Commerford who
5 serves as the Principal-in-Charge for the
6 project, along with Bill Yord, Brenda Thereoff,
7 Natasha Vesser and Mr. Doug Ganey, and all of
8 them are with The Louis Berger Group who serve as
9 our environmental consultants. The Louis Berger
10 Group is our environmental consulting firm who
11 the Bureau contracted with to assist us in
12 preparing our Environmental Impact Statement.

13 And, lastly, I would like to
14 introduce Ms. Mary Kay Martin, of E-Court
15 Reporting Service, who is here to prepare a
16 transcript of this evening's meeting.

17 As I mentioned, the Bureau is here
18 because we are considering constructing a new
19 Federal Correctional Institution and a Prison
20 Camp within the grounds of the United States
21 Penitentiary in Leavenworth. The Federal
22 Correctional Institution would be capable of
23 housing up to 1500 medium-security inmates, while
24 the Federal Prison Camp would be capable of
25 housing approximately 300 minimum-security

1 inmates. Now, contained within your handout is a
2 map depicting the areas to be studied as part of
3 the environmental impact study process as well as
4 additional information about the Bureau of
5 Prisons and the proposed project.

6 I first want to express our
7 appreciation to everybody for coming out this
8 evening, especially in this weather, to attend
9 our scoping meeting. Now, this is your first
10 formal opportunity to learn about the project and
11 to influence the scope and the direction of this
12 important undertaking. We are particularly
13 interested in your opinion about the proposed
14 project and those issues and concerns that the
15 Bureau and its consultants need to focus upon as
16 we conduct the environmental impact study.
17 Issues that are important to you are important to
18 us. So sharing your interests and concerns with
19 us tonight will allow us to address all of your
20 concerns or issues during the preparation of the
21 environmental impact study.

22 Now, as you know, the Leavenworth
23 Penitentiary was constructed over one hundred
24 years ago. Now, although the appearance of our
25 facilities has significantly changed since

1 Leavenworth was constructed, the designs employed
2 by the Bureau have been highly effective in
3 containing our inmates in our facilities.
4 Furthermore, we are continually improving upon
5 the design and operation of our institutions.
6 In fact, although the design plans for the new
7 facilities at Leavenworth are still in the very
8 preliminary stages, we are pleased to report that
9 our team is moving forward to create a more
10 sustainable design concept. One of the
11 components will involve the identification of
12 alternative energy sources for use at the
13 proposed Leavenworth facilities in an effort to
14 conserve natural resources. These measures are
15 intended to considerably reduce consumption of
16 energy and water usage at the new facilities.

17 Leavenworth has been hosting a
18 federal prison facility longer than any community
19 in the Nation and citizens here should be very,
20 very proud of the management associated with the
21 operation of the facility.

22 Building and operating an
23 additional Federal Correctional Institution and
24 Federal Prison Camp would have a substantial
25 economic impact here in the community.

1 Construction of the new Federal Correctional
2 Institution and Camp is expected to cost in
3 excess of \$325 million. Following the completion
4 of the construction and during the operation, the
5 new facilities will employ approximately 300
6 additional staff and have an annual operating
7 budget of approximately \$40 million. Much of
8 that budget will be spent on employee salaries,
9 utilities, and the purchase of goods and
10 services. We hope that the residents of
11 Leavenworth County and surrounding areas make
12 note of the new opportunities for employment at
13 the new facilities.

14 Now, this evening we are governed
15 by the National Environmental Policy Act, which
16 is also known as NEPA. You'll hear us refer to
17 NEPA throughout this evening. And one of the
18 aspects of NEPA is to ensure that before the
19 Federal Government undertakes a major project or
20 major action, such as constructing a new federal
21 correctional facility, that we make the public
22 aware and give you an opportunity to participate
23 in the decision-making process. It is for that
24 reason that we are here this evening. We view
25 NEPA as an opportunity to learn about the

1 public's interests and concerns about the
2 proposed project and to do so early enough in the
3 process so that we can address those concerns
4 properly. So you're encouraged to make your
5 interests and concerns about the proposal known
6 to us. There are no issues too inconsequential
7 for us to consider this evening and in preparing
8 the environmental impact statement.

9 Most of tonight's meeting will be
10 devoted to hearing from the public. So for those
11 of you who wish to speak this evening, we offer
12 two choices. First, you can give us your name to
13 be put on a list of people who wish to speak or,
14 for those who are not sure at this time whether
15 or not you wish to speak, before we conclude the
16 meeting this evening I'll ask if anyone else
17 would like to make a comment.

18 Tonight you will have the
19 opportunity to offer comments and concerns about
20 the proposed project. However, this evening is
21 not a question and answer session. You will be
22 offered an opportunity to comment for the record
23 about this particular proposal. And while
24 there's really no limit to what you can say, we
25 do ask that your remarks remain focused on the

1 project and the possible impacts of the project.
2 We're really not here to discuss other issues
3 facing the City of Leavenworth this evening or
4 Leavenworth County. All verbal comments this
5 evening will be made part of the public record
6 and in the written transcript which will be
7 published in the Draft Environmental Impact
8 Statement and that is the reason for having the
9 court reporter with us tonight.

10 At this time I would like to
11 introduce Cristy Boyd with The Louis Berger
12 Group, she's our Project Manager for the
13 preparation of the Environmental Impact
14 Statement.

15 Cristy.

16 MS. CRISTY BOYD: Hello, everybody.
17 My name is Cristy Boyd and I'm the Project
18 Manager for the Leavenworth Environmental Impact
19 Statement and a Principal Environmental Scientist
20 with The Louis Berger Group. As Ms. Lyles
21 mentioned, The Louis Berger Group is assisting
22 the Federal Bureau of Prisons in the preparation
23 of the Draft Environmental Impact Statement,
24 generally referred to as an EIS, for the proposed
25 development of a new Federal Correctional

1 Institution and Federal Prison Camp to be located
2 on Bureau-owned property at the existing United
3 States Penitentiary in Leavenworth. Ms. Lyles
4 has already provided background information
5 concerning the purpose and objective of this
6 project. My responsibility tonight will be to
7 address the EIS process and the way in which a
8 decision will be made whether or not to proceed
9 with the development of a new Federal
10 Correctional Institution and Prison Camp.

11 This evening's meeting is the
12 formal beginning of the EIS process. The process
13 will serve to evaluate the potential impacts of
14 developing a new Federal Correctional Institution
15 and Prison Camp in Leavenworth. For almost two
16 years now, Bureau officials have been
17 investigating the possibility of developing an
18 additional correctional institution at its
19 Leavenworth property. Bureau staff have met with
20 local, state and federal officials to discuss the
21 possible development of such an institution and
22 has been assessing, on a preliminary basis, the
23 development of such a facility at several
24 possible locations on BOP-owned property in
25 Leavenworth. However, tonight begins the process

1 of gathering detailed information and conducting
2 a more rigorous analysis as part of the Bureau's
3 planning process and prior to making any formal
4 decision.

5 As Ms. Lyles mentioned, this
6 process is required by the National Environmental
7 Policy Act, generally referred to as NEPA. NEPA
8 was signed into law over forty years ago with
9 overwhelming support, which increased
10 environmental awareness and citizen participation
11 in government. It established concrete
12 objectives for Federal agencies to enforce these
13 principles, while emphasizing public involvement
14 to give all citizens a role in protecting our
15 environment. It is this Act that requires the
16 Bureau of Prisons to consider how development of
17 a new Federal Correctional Institution and Prison
18 Camp affects the environment and to make certain
19 that those impacts are taken into account in the
20 decision-making process. The first document
21 produced from the NEPA study effort is known as a
22 Draft Environmental Statement, or a Draft EIS.
23 The Draft EIS is an interim document which will
24 describe the potential impacts, positive and
25 negative, direct and indirect, resulting from the

1 development of new correctional facilities.

2 Implementation of the NEPA process
3 began with the Notice of Intent to Prepare the
4 Draft EIS. The official Notice was published in
5 the Federal Register on December 29th, 2010. The
6 process of producing the Draft EIS begins with an
7 activity known as "scoping." Scoping is an
8 effort to ensure that the scope or range of
9 potential environmental issues is properly
10 conceived. It is for this reason that tonight's
11 meeting is referred to as a "Scoping Meeting."
12 This process is designed to ensure everyone
13 concerned with the action has an opportunity to
14 voice his or her interests and concerns and to
15 offer information that may be useful in
16 determining the full range of the potential
17 environmental impacts resulting from the proposed
18 action.

19 Over the past decade, the Bureau's
20 Capacity Planning and Site Selection Branch has
21 been investigating the possibility of developing
22 new correctional facilities and have examined
23 numerous potential sites throughout the nation.
24 Alternative locations have been considered
25 throughout the region, and the land surrounding

1 the United States Penitentiary property in
2 Leavenworth was found to meet the Bureau's siting
3 and development criteria. Several alternative
4 development sites located within the Leavenworth
5 Penitentiary property will be analyzed and
6 evaluated during preparation of the Draft EIS.

7 The Draft EIS will include an
8 Introduction describing the purpose of the report
9 and the regulations under which the EIS process
10 is conducted. It will offer information
11 regarding the purpose and objectives of the
12 project and the need to provide additional
13 bedspace to house inmates originating from the
14 north-central region of the country. Much of the
15 document will be devoted to a description of
16 conditions in and around the proposed project
17 area, and an analysis of potential impacts of
18 developing the proposed correctional institution
19 based on information gathered from other federal,
20 state, regional, and local government agencies,
21 as well as members of the public.

22 Both site-specific topics and
23 issues of local and regional concern will be
24 addressed in the EIS. Topics will include
25 topography, geology, soils, water resources,

1 cultural resources, hazardous waste, biological
2 resources, traffic, air quality, noise
3 conditions, impacts to local and regional land
4 use plans, utility services, public services, and
5 the affect on the economy and other aspects of
6 developing such a facility. If the proposed
7 project results in potentially adverse impacts,
8 measures to mitigate such impacts will also be
9 proposed in the document. The report will
10 include a list of recipients of the EIS, the
11 individuals responsible for its preparation, and
12 a list of references. We expect to learn a great
13 deal about the potential impacts of this action
14 during this process which formally begins with
15 this scoping meeting.

16 Once the Draft EIS is prepared, it
17 will be widely circulated with opportunities for
18 all concerned parties to review and critique the
19 document. The purpose in doing so is to give
20 everyone with an interest in the proposed action
21 an opportunity to review the evaluations,
22 question any areas of concern, and offer
23 additional information that should be taken into
24 account by the Bureau during the decision-making
25 process. A public hearing, similar to tonight's

1 meeting, will be held during the Draft EIS review
2 process lasting no less than 45 days. All
3 comments and additional information collected
4 during that review process will be taken into
5 account during preparation of the Final EIS and
6 will be responded to by the Bureau in the Final
7 document.

8 Publication of the Final EIS will
9 initiate a second review period, this one lasting
10 for not less than 30 days. At the end of that
11 period, any additional comments received will be
12 taken into consideration and the Bureau will only
13 then issue its decision as to whether or not they
14 will proceed with the proposed project.

15 My remarks this evening are
16 intended simply to provide a brief summary of the
17 function, purpose, and NEPA process in preparing
18 the Draft EIS document. However, our primary
19 purpose tonight is to obtain your thoughts and
20 comments. We look forward to receiving them and
21 very much appreciate your participation in this
22 process.

23 I'll now turn the podium back to
24 Ms. Lyles who will open the meeting to the
25 public.

1 MS. BRIDGETTE LYLES: If you signed
2 up to make a comment this evening or if you would
3 like to speak and you haven't had a chance to
4 sign up, we would like to open up this time for
5 you to come up and come to the microphone and
6 make any comments you may have on the proposed
7 project. And if you would, give us your name,
8 your first and last name, so that we can have it
9 in the record for the court reporter.

10 Do we have any speakers for this
11 evening?

12 (No response.)

13 MS. CRISTY BOYD: Nobody?

14 MR. WILLIAM R. THOMASSET: I would
15 like to.

16 MS. CRISTY BOYD: Great.

17 MR. WILLIAM R. THOMASSET: I'm Bill
18 Thomasset. I'm with Michaels Military Housing.
19 We operate the family housing on Fort
20 Leavenworth. We're your neighbor. We're on
21 federal property but we lease the property or
22 there's a contractual relationship. And we just
23 want to be sure that we're involved in the
24 process and I think I now am. So, you know, we
25 want to be good neighbors and we want you all to

1 be good neighbors and play fair. Okay? Thanks.

2 MS. CRISTY BOYD: If anybody would
3 like to be on the EIS mailing list, if you could
4 come see me after the meeting I'll make sure that
5 you get on the mailing list so you get the Draft
6 EIS.

7 MS. BRIDGETTE LYLES: Do we have
8 any other speakers?

9 MR. JOHN SANDERS: Question. Has
10 the decision been made as to whether you're going
11 to go on the east or west?

12 UNIDENTIFIED AUDIENCE MEMBER: We
13 can't hear the question.

14 MS. BRIDGETTE LYLES: And could you
15 give us your name, sir.

16 MR. JOHN SANDERS: Yes. My name is
17 John Sanders and I'm the President of the Board
18 of Directors of the Leavenworth Historical Museum
19 Association. And what we were interested in is
20 has there been any decision as to whether you are
21 going to construct this on the east side or the
22 west side? And the reason I'm asking you that
23 question is because our Trolley Club that belongs
24 to the Leavenworth Historical Museum Association
25 during the spring, summer and fall, we have a

1 trolley tour of Leavenworth which takes one hour,
2 and one of the big highlights of that to work, of
3 course, is the Federal Penitentiary. And what we
4 do is we take the trolley down and drive up to
5 where the viewing stand is for the buffalo, which
6 is on the west side. And, you know, the Buffalo
7 Bill Committee, which was established here years
8 ago, were the original people who bought the
9 buffalo and turned them over to the federal
10 prison system. And, of course, I'm sure there
11 has been a lot of turnover of buffalo since.

12 But if there's any way we could --
13 we want to support you, but we would like to put
14 in our request that it be built on the east side
15 because we would like to continue to have the
16 tour so we could go up and people could see the
17 buffalo. And then, of course, you know, we
18 encourage people up there to sing the state song,
19 which is "Home on the Range." And it's a great
20 feature and it's a great thing to talk about as
21 far as history of Leavenworth because, as we all
22 know, this has been a very important part of
23 that.

24 MS. BRIDGETTE LYLES: It has.

25 MR. JOHN SANDERS: So we would like

1 to see you put it on the east side.

2 MS. BRIDGETTE LYLES: Okay. Thank
3 you.

4 At this time we have not made a
5 decision on which site that we would proceed
6 with. We're in the very early stages of the
7 project, and so both the east and the west sites
8 will be studied equally. So right now we aren't
9 making any decisions and we really haven't
10 decided to lean towards one site more than the
11 other. So both sites right now are being
12 studied.

13 And, sir, do you have a comment?

14 MR. DAVE KNORR: Yes.

15 MS. BRIDGETTE LYLES: Come up to
16 the microphone and give us your name.

17 MR. DAVE KNORR: My name is Dave
18 Knorr and I live about two blocks from the
19 penitentiary. First, I would like to address
20 this gentleman's issue. He hasn't been out there
21 lately. The thing is gone.

22 MR. JOHN SANDERS: Yeah. Well,
23 yeah, it's --

24 MR. DAVE KNORR: And it's up on top
25 of a hill on the old Metropolitan Street. So his

1 concerns are -- you're going to be able to see
2 everything anyway from there.

3 MR. JOHN SANDERS: But we want the
4 buffalo to stay there.

5 MR. DAVE KNORR: Yeah. Okay.

6 MR. JOHN SANDERS: That's our main
7 point.

8 MR. DAVE KNORR: Okay. My thought
9 on the matter is I live two blocks from it, from
10 the penitentiary. I have neighbors who work at
11 the penitentiary, at the Bureau of Prisons I
12 guess you call them, and they have always been
13 fine, upstanding people, they help the community.
14 And to have more of them in this community, it
15 would only be an advantage to the community. So
16 wherever you put it, just get it done. Thank
17 you.

18 MS. BRIDGETTE LYLES: Thank you.

19 Do we have any other speakers that
20 would like to come forward?

21 MR. DALE CLELAND: I'm Dale
22 Cleland. I'm representing Fort Leavenworth this
23 evening. And, Cristy, you and I have already
24 spoken --

25 MS. CRISTY BOYD: Yes.

1 MR. DALE CLELAND: -- so some of
2 this is redundant. The Fort would just like to
3 make sure that the EIS process is aware that on
4 the east site and land adjacent to the west site
5 there have been previous environmental issues
6 that may or may not have been cleaned up under
7 the CERCLA program. We have documentation of the
8 presence of them but not of the resolution of
9 them, so we just want to be sure that it takes
10 that into consideration.

11 An extension of that is both sites
12 feed down into the Corral Creek watershed.
13 Corral Creek then runs across the Fort and
14 empties into the Missouri where the pallid
15 sturgeon and endangered species has its spawning
16 areas, so that has to be taken into
17 consideration. The east site also has one of our
18 primary electrical feeds running through it, so a
19 construction or project cost has to be considered
20 for relocation of that feed. And then, of
21 course, anyone who has ever come in Grant Avenue
22 gate is concerned about traffic flow. So we just
23 want to be on record that those, among other
24 things, get considered in the EIS. And I think
25 Doug is going to meet with us tomorrow about one

1 of those.

2 MR. DOUG GANEY: I am.

3 MS. BRIDGETTE LYLES: Thank you,
4 sir.

5 Do we have any other speakers?

6 (No response.)

7 MS. BRIDGETTE LYLES: And I would
8 like to just share with you that if there is a
9 question or a comment that you have that you
10 think of after you leave this evening, please
11 don't hesitate to contact us. Our contact
12 information is on the back of this Scoping
13 Meeting handout where you can contact myself or
14 Mr. Cohn in our Capacity Planning and Site
15 Selection Branch. You can mail in your comments,
16 our fax number is also on there, or just give us
17 a call and we will definitely take any
18 information that you would like to share with us
19 to be included in part of the environmental
20 impact study that Berger will be working on with
21 us.

22 MS. CRISTY BOYD: There are also
23 written comment forms on the back table where you
24 can just fold them over and they're
25 self-addressed so...

1 MS. BRIDGETTE LYLES: Well, if we
2 have no more speakers -- just one last call for
3 any speakers this evening?

4 (No response.)

5 MS. BRIDGETTE LYLES: -- I would
6 like to thank everyone for coming out and joining
7 us for the public scoping meeting for the
8 Leavenworth project. We really appreciate you
9 being here with us this evening. And we look
10 forward to working with you throughout the
11 environmental impact study process.

12 We'll let the record show that the
13 meeting ended at 7:32 p.m. And we thank you for
14 participating and please have a safe journey
15 home.

16 * * * * *

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ATTACHMENT 8
WRITTEN COMMENTS RECEIVED
DURING PUBLIC SCOPING COMMENT PERIOD

(Comment Period ended on January 30, 2011)



Robert Moser, MD, Acting Secretary

Department of Health & Environment

Sam Brownback, Governor

Comments by: KDHE

Transmittal Date: January 24, 2011

This form provides notification and the opportunity for your agency to review and comments on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to contact person listed below. Your prompt response will be appreciated.

RETURN TO: Cristy Boyd, Project Manager
The Louis Berger Group, Inc.
1250 23rd Street N. W.
Washington, D.C.

PART I REVIEW AGENCIES/COMMISSION

- | | | |
|--|--|---|
| <input type="checkbox"/> Aging | <input type="checkbox"/> Education | <input type="checkbox"/> State Forester |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Geological Survey, KS | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Survey | <input checked="" type="checkbox"/> Health & Environment | <input type="checkbox"/> Water Office, KS |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Historical Society | <input type="checkbox"/> Wildlife & Parks |
| <input type="checkbox"/> Corporation Commission | <input type="checkbox"/> Social & Rehabilitation | <input type="checkbox"/> Commerce |

PART II AGENCY REVIEW COMMENTS

COMMENTS: (Attach additional sheet if necessary) Re: Construct a Federal Correctional Institution and Federal Prison Camp in Leavenworth, Kansas
Please see the enclosed comments submitted by Don Carlson, Kathleen Bleach and Travis Daneke.

PART III RECOMMENDED ACTION COMMENTS:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Clearance of the project should be granted. | <input type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the question or concerns indicated above. |
| <input type="checkbox"/> Clearance of the project should not be granted. | |
| <input type="checkbox"/> Clearance of the project should be delayed until the issues or questions above have been clarified. | <input type="checkbox"/> Request the opportunity to review final application prior to submission to the federal funding agency. |
| <input type="checkbox"/> Request a State Process Recommendation in concurrence with the above comments. | |

DIVISIONS/ AGENCY/ COMMISSION

John W. Mitchell, Director
Division of Environment
JM/df

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785.296.1535
Fax: 785.296.8464
www.kdheks.gov

Robert Moser, MD, Acting Secretary

Department of Health & Environment

Sam Brownback, Governor

January 24, 2011

Cristy Boyd, Project Manager
The Louis Berger Group, Inc.
1250 23rd Street N.W.
Washington, D.C. 20037

Re: Construct a Federal Correctional Institution and Federal Prison Camp
Fort Leavenworth, Kansas

Dear Ms. Boyd:

I have no objection to the proposal but offer the following comment for review and consideration:

Any construction activity which disturbs one acre or more is required to file a National Pollutant Discharge Elimination System (NPDES) permit application for stormwater runoff resulting from construction activities. The project owner (party responsible for the project) must obtain authorization from KDHE to discharge stormwater runoff associated with construction activities prior to commencing construction. The Kansas construction stormwater general permit, a Notice of Intent (application form), a frequently asked questions file and supplemental materials are on-line on the KDHE Stormwater Program webpage at www.kdhe.state.ks.us/stormwater. Answers to questions regarding or additional information concerning construction stormwater permitting requirements can be obtained by calling 785.296.5549.

Sincerely,

Donna Fisher
Director's Office

DC/df



MEMORANDUM

TO: Donna Fisher

CC: Scott Yankey → File: USP Leavenworth Landfill, C4-052-03024(2)
Leavenworth – USP Site A, 052-USP-SITEA
Leavenworth – USP Site B, 052-USP-SITEB

FROM: Kathleen Bleach

DATE: January 19, 2011

RE: Intergovernmental Review requested by The Louis Berger Group, Inc for the construction of a Federal Correctional Institution and Federal Prison Camp in Leavenworth, KS

The Kansas Department of Health and Environment (KDHE), Bureau of Environmental Remediation (BER), Assessment and Restoration Section, Landfill / Drycleaner Remediation Unit has three solid waste sites on the Bureau of Prisons Property.

KDHE-BER does not allow construction on Closed Solid Waste sites. Any construction must avoid disturbing the buried solid waste or the landfill cap material. Should construction expose any wastes, the wastes exposed must be transported to and disposed of in a KDHE approved landfill.

Staff from The Louis Berger Group, Inc are welcome to come view the KDHE-BER files in accordance with the Kansas Open Records Act. If you have any questions, please contact me at (785) 296-6377 or email kbleach@kdheks.gov



Robert Moser, MD, Acting Secretary

Department of Health & Environment

Sam Brownback, Governor

MEMORANDUM

TO: Donna Fisher

CC: Fort Leavenworth (C4-052-70004)

FROM: Travis Daneke

DATE: January 19, 2011

RE: Environmental Audit Requested for a property located in Leavenworth, KS by Christy Boyd of the Louis Berger Group Inc., Washington D.C.

The Kansas Department of Health and Environment (KDHE), Bureau of Environmental Remediation (BER), Assessment and Restoration Section has located six (6) known RCRA sites in the vicinity of the area in question.

- Fort Leavenworth Landfill (C4-052-71244)
- Fort Leavenworth - FTL-01 inactive landfill (C4-052-71480)
- Fort Leavenworth - FTL-13 used oil tank, building 689 (C4-052-71498)
- Fort Leavenworth - FTL-35 wash rack, building 571 (C4-052-71520)
- Fort Leavenworth - FTL-44 incinerator, building 632 (C4-052-71529)
- Fort Leavenworth - FTL-66 5th artillery road (C4-052-71551)

The proposed project is located within one mile of the above listed active RCRA Sites. Staff members from the Louis Berger Group are welcome to come view the KDHE/BER files in accordance with the Kansas Open Records Act or get a general description form our Identified Site List at http://www.kdheks.gov/remedial/isl_disclaimer.htm . If you have any questions, please contact Travis Daneke at (785) 296-6378 or at tdaneke@kdheke.gov



FORT LEAVENWORTH FRONTIER HERITAGE COMMUNITIES II, LLC

24 January 2011

Mr. Richard A. Cohn
Ms. Bridgette Lyles
Capacity Planning & Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW Room 5006
Washington DC 20534

Re: FCI & FCP Leavenworth EIS

Mr. Cohn & Ms. Lyles:

Fort Leavenworth Frontier Heritage Communities owns and operates family housing on federal land immediately adjacent to the two sites being considered for development for the proposed new FCI and FCP at Leavenworth, KS. We request the opportunity to be informed by BOP with respect to the ongoing planning and design of these new facilities.

We have concerns relative to the potential for the incompatibility of adjacent land uses should your project go forward. Since your site has yet to be selected and the design has yet to be developed, our concerns will no doubt be alleviated as more information becomes available. To this end, we request that BOP maintain an open line of communication with our organization.

Concerns we have identified to date include: site drainage, lighting, visual aesthetics, noise, and cameras. We are interested in where training activities might occur and where the facilities might have loading docks or other transportation related activities. With buffer zones or other type of screening and light restrictions, we believe most, if not all, concerns will be mitigated.

We request you keep us informed of opportunities to participate in your process. Please contact us, as appropriate, while your project goes through the EIS and into the design.

Sincerely,

Bryan K. Market
Project Director



MICHAELS MILITARY HOUSING

549 Kearney Ave
PO Box 3387
Fort Leavenworth, KS 66027
Phone (913) 682-6300 Fax (913) 682-6394
<http://www.ftleavenworthfamilyhousing.com>

109 SW 9th Street
4th Floor
Topeka, Kansas 66612-1280



phone: (785) 296-3556
fax: (785) 296-8389
www.ksda.gov
ksag@kda.ks.gov

Office of the Secretary
Kansas Department of Agriculture

Sam Brownback, Governor
Dale A. Rodman, Acting Secretary

Bridgette Lyles, Site Selection Specialist
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

January 25, 2011

RE: Leavenworth U.S. Penitentiary

Dear Ms. Lyles:

This will acknowledge receipt of a letter and attachments from Cristy Boyd, Project Manager, with The Louis Berger Group, Inc, concerning the proposal to construct a Federal Correctional Institution and Federal Prison Camp within the U.S. Penitentiary in Leavenworth, Kansas.

Based upon the information provided, it does not appear that the project will require any permitting from this Agency. The two proposed sites are not located in the floodplain.

We do not plan to have anyone attend the upcoming scoping meeting, but do appreciate the invitation. As the project proceeds and more details are determined, we would be happy to provide any additional input that may be required.

Sincerely,

Bob Lytle
Environmental Scientist



TRIBAL HISTORIC PRESERVATION OFFICE

Date: January 25, 2011

File: 1011-733KS-1

RE: Federal Bureau of Prisons Construction of a Federal Correctional Institution and Federal Prison Camp in Leavenworth, Leavenworth County, Kansas

Richard A. Cohn
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Dear Mr. Cohn,

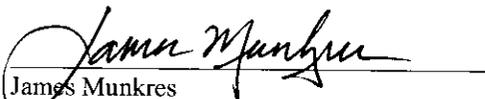
The Osage Nation Historic Preservation Office has received notification of the proposed project listed as Federal Bureau of Prisons Construction of a Federal Correctional Institution and Federal Prison Camp in Leavenworth, Leavenworth County, Kansas.

In accordance with the National Historic Preservation Act, (NHPA) [16 U.S.C. 470 §§ 470-470w-6] 1966, undertakings subject to the review process are referred to in S101 (d)(6)(A), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969).

The Osage Nation has a vital interest in protecting its historic and ancestral cultural resources. **The Osage Nation requests that a cultural reconnaissance survey be conducted for the proposed Federal Bureau of Prisons Construction of a Federal Correctional Institution and Federal Prison Camp in Leavenworth, Leavenworth County, Kansas.**

Please contact the Osage Nation Historic Preservation Office with your response to this request. The Osage Nation looks forward to receiving and reviewing the cultural resource survey report for the Federal Bureau of Prisons Construction of a Federal Correctional Institution and Federal Prison Camp in Leavenworth, Leavenworth County, Kansas. The Osage Nation requires that cultural resource survey personnel and reports follow the Secretary of Interior's standards and guidelines.

Should you have any questions or need any additional information please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.


James Munkres
Archaeologist I

United States Department of Agriculture



Natural Resources Conservation Service
760 South Broadway
Salina, Kansas 67401-4604

Phone: 785-823-4500
FAX: 785-823-4540
www.ks.nrcs.usda.gov

January 27, 2011

Richard A. Cohn, Chief
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Dear Mr. Cohn:

Based on the information provided in your cover letters dated January 10 & 14, 2011, requesting comments, interests and concerns regarding the proposal to construct a correctional institution and prison camp at Leavenworth, Kansas, the Natural Resources Conservation Service submits the following request indicated below, please include maps, legal descriptions of the project areas.

- The project is not subject to the Farmland Protection Policy Act as no farmland is being converted to nonagricultural use.
- Your request needs to be accompanied with Form AD-1006, Farmland Conversion Impact Rating (or Form NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Projects) with parts I and III filled out. (Form AD-1006 is available at www.nrcs.usda.gov/programs/fppa/pdf_files/AD1006.PDF and Form NRCS-CPA-106 at www.nrcs.usda.gov/Programs/fppa/pdf_files/CPA106.pdf.) Please submit the completed form(s) to me at the above address or by e-mail to susie.mcbride@ks.usda.gov. Additionally, please provide the section, township and range of the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Susie".

SUSIE M. MCBRIDE
Soil Conservationist

Leavenworth Water Department

601 Cherokee, P. O. Box 576
Leavenworth, Kansas 66048-0576
913-682-1513
913-682-0627 (facsimile)
www.lvnwater.com

Developing and delivering the highest
quality water for Leavenworth
County, Kansas since 1882

January 28, 2011

Richard A Cohn
Bridgette Lyles
Federal Bureau of Prisons
Capacity Planning & Site Selection Branch
320 First Street, NW
Room 5006
Washington, DC 20534
(202-616-6024 facsimile)

RE: FCI & FPC Leavenworth EIS

Dear Mr. Cohn and Ms. Lyles:

As you know, the Leavenworth Water Department provides potable water to the existing federal penitentiary in Leavenworth. As such the Federal Bureau of Prisons is an important customer to the Water Department.

Please know that the Water Department has sufficient capacity and infrastructure to meet the needs of the planned new security facility in Leavenworth for each of the alternative locations under consideration.

We look forward to working with the Bureau of Prisons as the project moves forward.

Leavenworth Water Department
Sincerely,



John M. Kaufman, General Manager



January 31, 2011

Mr. Richard Cohn, Chief
Capacity Planning & Site Selection Branch
320 First Street, NW
Room 5006
Washington, DC 20534

RE: FCI & FPC Leavenworth
Environmental Impact Statement

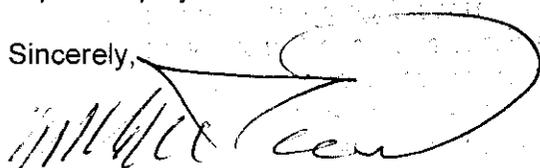
Dear Mr. Richard Cohn:

Representatives of the City of Leavenworth attended the scoping meeting held at the Riverfront Community Center in Leavenworth KS on January 20, 2011. City Staff requests that the following items be considered as part of the EIS process:

1. A Traffic Study related to access to all entrances to Leavenworth FBOP facilities be completed as part of the EIS. There are currently several entrances to the facilities on Metropolitan Avenue. An additional facility would be expected to add significant numbers of vehicles and congestion.
2. Improve storm water run-off quality and quantity issues for all water that exits FBOP property to meet NPDES requirements.
3. Ensure sanitary sewer quantity and quality meets City requirements. Provide information related to projected volume, timing and routing of wastewater flows from the new facility. It may be necessary to verify collection system capacity through a flow study.
4. Ensure that any overflows that may occur from Sanitary Sewer facilities are able to be contained and treated on FBOP property.
5. Continue the long history of maintaining public viewing of buffalo near FBOP facilities.

There may be additional items of concern develop as this process continues. The City of Leavenworth looks forward to continued discussion with FBOP staff and representatives to move forward on this important project.

Sincerely,


Michael McDonald P.E.,
Director of Public Works

Cc J. Scott Miller, City Manager



The Pawnee Nation of Oklahoma
Tribal Historic Preservation Office
657 Harrison Street
Post Office Box 470
Pawnee, Oklahoma 74058
(918) 762-3654 Ext. 24
(918) 762-3662



January 31, 2011

Bridgette Lyles, Site Selection Specialist
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street NW
Washington, D.C. 20534

RE: Requests for comment on proposal to construct a federal correctional institution and federal prison camp in Leavenworth, Kansas.

Dear Bridgette:

Thank you for submitting the referenced project proposal for our review and comment. Our comment on this project and its potential to affect historic properties is required by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR Part 800.

Given the information provided, the Pawnee Nation has no known historic properties that would be affected by the project as proposed. Therefore, in accordance with 36 CFR 800.4(d) (1), you may proceed with the project(s) as planned.

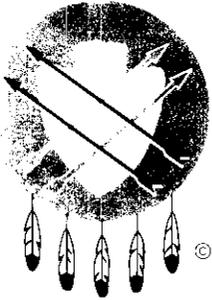
Please retain this correspondence and your documented finding in order to show compliance with Section 106 of the National Historic Preservation Act, as amended. If you have any questions please do not hesitate to contact our office at (918) 762-3654 Ext. 24.

Sincerely,

A handwritten signature in cursive script that reads "Alice A. Alexander".

Alice A. Alexander, THPO
Tribal Historic Preservation Office

Xc: THPO



PEORIA TRIBE OF INDIANS OF OKLAHOMA

118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538

P.O. Box 1527

MIAMI, OKLAHOMA 74355

CHIEF

John P. Froman

SECOND CHIEF

Jason Dollarhide

February 14, 2011

Richard A. Cohn, Chief
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 Frist Street, NW
Washington, DC 20534

RE: Notice of Public meeting to initiate the Environmental Impact Statement Process -
Proposal to construct a Federal correctional institution and Federal Prison Camp

Thank you for notice of the referenced project. Please note that the contact person has changed, Frank Hecksher is the new Section 106/NAGPRA representative. The Peoria Tribe of Indians of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Peoria Tribe request notification and further consultation.

The Peoria Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

John P. Froman
Chief

xc: Bud Ellis, Repatriation/NAGPRA Committee Chairman

TREASURER
John Sharp

SECRETARY
Hank Downum

FIRST COUNCILMAN
Carolyn Ritchey

SECOND COUNCILMAN
Jenny Rampey

THIRD COUNCILMAN
Alan Goforth

DRAFT EIS AND PUBLIC HEARING MATERIALS

TABLE OF CONTENTS

ATTACHMENT 1 - DRAFT EIS FEDERAL REGISTER NOTICE

ATTACHMENT 2 - AGENCY COMMENTS

ATTACHMENT 3 - PUBLIC HEARING COMMENTS

ATTACHMENT 4 - FEDERAL AGENCY DRAFT EIS MEETING

ATTACHMENT 5 - STATE AGENCY DRAFT EIS MEETING

ATTACHMENT 6 - NOTIFICATION OF REINITIATION OF NEPA PROCESS

ATTACHMENT 7 - COMMENTS ON DRAFT EIS AND RESPONSES THERETO

ATTACHMENT 1
DRAFT EIS FEDERAL REGISTER NOTICE -
November 18, 2011

Minutes of the Commission's September 21, 2011 business meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel, public hearings and a public dialogue session.

Opportunities to Comment.

Individuals who wish to comment for the record on a hearing item or to address the Commissioners informally during the public dialogue portion of the meeting are asked to sign up in advance by contacting Ms. Paula Schmitt of the Commission staff, at paula.schmitt@drbc.state.nj.us or by phoning Ms. Schmitt at (609) 883-9500 ext. 224. Written comment on items scheduled for hearing may be submitted in advance of the meeting date to: Commission Secretary, P.O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628; by fax to Commission Secretary, DRBC at (609) 883-9522 or by email to paula.schmitt@drbc.state.nj.us. Written comment on dockets should also be furnished directly to the Project Review Section at the above address or fax number or by email to william.muszynski@drbc.state.nj.us.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Agenda Updates. Note that conference items are subject to change and items scheduled for hearing are occasionally postponed to allow more time for the Commission to consider them. Please check the Commission's Web site, drbc.net, closer to the meeting date for changes that may be made after the deadline for filing this notice.

Dated: November 14, 2011.

Pamela M. Bush,

Commission Secretary.

[FR Doc. 2011-29819 Filed 11-17-11; 8:45 am]

BILLING CODE 6360-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9494-6]

Acid Rain Program: Notice of Annual Adjustment Factors for Excess Emissions Penalty

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of annual adjustment factors for excess emissions penalty.

SUMMARY: The Acid Rain Program under title IV of the Clean Air Act provides for automatic excess emissions penalties in dollars per ton of excess emissions for sources that do not meet their annual Acid Rain emissions limitations. This notice states the dollars per ton excess emissions penalty amounts, which must be adjusted for each compliance year commensurate with changes in the Consumer Price Index (CPI), for compliance years 2011 and 2012.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Clean Air Markets Division (6204J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460 at (202) 343-9077 or miller.robertl@epa.gov.

SUPPLEMENTARY INFORMATION: The Acid Rain Program under title IV of the Clean Air Act limits annual sulfur dioxide and nitrogen oxide emissions of fossil fuel-fired utility units. Under the Acid Rain Program, affected sources must hold enough allowances to cover their sulfur dioxide emissions, and certain coal-fired sources must meet an emission limit for nitrogen oxides. Under 40 CFR 77.6, sources that do not meet these requirements must pay a penalty without demand to the Administrator based on the number of excess tons emitted times \$2,000 as adjusted by an annual adjustment factor, which must be published in the **Federal Register**.

The annual adjustment factor for adjusting the penalty for excess emissions of sulfur dioxide and nitrogen oxides under 40 CFR part 77.6(b) for compliance year 2011 is 1.7521. This value is derived using the CPI for 1990 and 2010 (defined respectively at 40 CFR 72.2 as the CPI for August of the year before the specified year for all urban consumers) and results in an automatic penalty of \$3,504 per excess ton of sulfur dioxide or nitrogen oxides emitted for 2011.

The annual adjustment factor for adjusting the penalty for such excess emissions under 40 CFR 77.6(b) for compliance year 2012 is 1.8182. This value is derived using the CPI for 1990 and 2011 and results in an automatic penalty of \$3,636 per excess ton of sulfur dioxide or nitrogen oxides emitted for 2012.

Dated: October 31, 2011.

Sam Napolitano,

Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 2011-29911 Filed 11-17-11; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9000-1]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-1399 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed 11/07/2011 Through 11/11/2011 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EIS are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

EIS No. 20110383, Final EIS, USFS, OR, Marks Creek Allotment Management Plans, Proposes to Reauthorize Cattle Term Grazing Permits, Construct Range Improvements, and Restore Riparian Vegetation on three Allotments, Lookout Mountain Ranger District, Ochoco National Forest, Crook County, OR, Review Period Ends: 12/19/2011, Contact: Marcy Anderson (541) 416-6463.

EIS No. 20110384, Draft Supplement, FHWA, MN, Trunk Highway 60 between St. James to Windom to Implement Transportation System Improvement, Funding, Cottonwood and Watonwan Counties, MN, Comment Period Ends: 01/04/2012, Contact: Philip Forst (651) 291-6110.

EIS No. 20110385, Final EIS, FHWA, UT, Bangerter 600 West Project, Proposed Improvements to Address Projected Transportation Demand and Safety, Salt Lake County, UT, Review Period Ends: 12/19/2011, Contact: Bryan Dillon (801) 955-3517.

EIS No. 20110386, Draft Supplement, USFS, ID, Upper Lochsa Land Exchange Project, Updated Information on New Alternative F, Proposes to Exchange National Forest System Land for approximately 39,371 Acres of western Pacific Timber Land, Federal Land Exchange, Clearwater, Nez Perce and Idaho Panhandle National Forests, Clearwater, Latah, Idaho, Benewah, Kootenai and Bonner Counties, ID, Comment Period Ends: 01/17/2012, Contact: Teresa Trulock (208) 935-4256.

EIS No. 20110387, Draft EIS, USA, AK, Point Thomson Project, Authorization to Construct Industrial Infrastructure

and Produce Liquid Hydrocarbon Resources, Implementation, AK, Comment Period Ends: 01/03/2012, Contact: Harry Batj 1-800-478-2712. *EIS No. 20110388, Final EIS, TVA, AL, Muscle Shoals Reservation Redevelopment, Disposal and Potential Redevelopment* Approximately 1,400 Acres of its Muscle Shoals Reservation, Muscle Shoals, Colbert County, AL, Review Period Ends: 12/19/2011, Contact: Stanford E. Davis (865) 632-2915. *EIS No. 20110389, Draft EIS, BR, WA, PROGRAMMATIC—Yakima River Basin Integrated Water Resource Management Plan, To Meet the Water Supply and Ecosystem Restoration Needs, Benton, Kittitas, Klickitat and Yakim Counties, WA, Comment Period Ends: 01/03/2012, Contact: Jim Taylor (208) 378-5081.* *EIS No. 20110390, Draft EIS, NPS, HI, Hawaii Volcanoes National Park Project, Protecting and Restoring Native Ecosystems by Managing Non-Native Ungulates, Hawaii County, HI, Comment Period Ends: 01/17/2012, Contact: Rhonda Loh (808) 985-6098.* *EIS No. 20110391, Draft EIS, BOP, KS, Leavenworth Federal Correctional Institution and Federal Prison Camp, Construction and Operation, KS, Comment Period Ends: 01/03/2012, Contact: Richard A. Cohn (202) 514-6470.* *EIS No. 20110392, Final EIS, USFS, UT, Black Fork Salvage Project, Proposal to Treat Timer Harvest, Prescribe Fire, and Mechanical Thinning, Uinta-Wasatch-Cache National Forest, Summit County, UT, Review Period Ends: 12/19/2011, Contact: Pam Jarnecke (801) 236-3441.*

Amended Notices

EIS No. 20110369, Draft EIS, USACE, 00, City of Denison Land Conveyance, Lake Texoma, To Develop Recreational and Economic Needs, Grayson and Cooke Counties, TX and Portion of Bryan, Marshall, Johnston and Love Counties, OK, Comment Period Ends: 12/21/2011, Contact: Stephen L. Nolen. (918) 669-7660 Revision of FR Notice Published 11/04/2011: Correction to EIS Title—City of Denison. *EIS No. 20110380, Second Draft Supplement, NRC, TN, Related to the Operation of Watts Bar Nuclear Plant Units 2, New and Updated Information, Operating License, Rhea County, TN, Comment Period Ends: 12/27/2011, Contact: Justin Poole (301) 415-2048* Revision to FR Notice Published 11/10/2011: Correction to Comment Period from 01/24/2012 to 12/27/2011.

Dated: November 15, 2011.

Cliff Rader,

Acting Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2011-29879 Filed 11-17-11; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9494-3]

Notice of a Public Meeting on Long Term 2 Enhanced Surface Water Treatment Rule: Initiate Regulatory Review—Cryptosporidium Analytical Method Improvements and Update on Source Water Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA) is hosting a public meeting on December 7, 2011, to discuss the analytical methods for *Cryptosporidium* and the source water monitoring data from the Long Term 2 Enhanced Surface Water Treatment Rule (LT2 rule). This is the first of at least two meetings on the LT2 rule that EPA will host. At the December meeting, EPA will present its evaluation of the LT2 rule *Cryptosporidium* source water monitoring data, new information on the performance of Method 1623, as well as the latest information on Method 1623 improvements. A public meeting on the LT2 rule uncovered finished water reservoir requirement will occur in Spring 2012. Matters related to the uncovered finished water reservoir requirement will not be discussed at the December 7, 2011, meeting. The information discussed in these meetings is part of the review of the LT2 rule under the Six Year Review process announced as part of EPA's Retrospective Review Plan under Executive Order (E.O.) 13563 in August 2011. The LT2 rule requires a second round of *Cryptosporidium* monitoring, which is scheduled to start in 2015. The Stage 2 Microbial and Disinfection Byproducts (M/DBP) Federal Advisory Committee (FAC) recommended that EPA hold a public meeting on these issues prior to the second round of monitoring.

Date and Location: The public meeting will be held on Wednesday, December 7, 2011, (8:30 a.m. to 5 p.m., Eastern Time), at the EPA East Building, Room 1153, 1201 Constitution Avenue NW., Washington, DC 20460. A separate **Federal Register** notice will be published to provide information on the date and location of the 2012 public

meeting focused on the LT2 uncovered finished water reservoir requirement.

FOR FURTHER INFORMATION CONTACT: For technical inquiries, contact, César Cordero, Standards and Risk Management Division, Office of Ground Water and Drinking Water (MC 4607M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460 at (202) 564-3716 or cordero.cesar@epa.gov. For more information about the LT2 rule or the Six Year Review Process, visit: <http://water.epa.gov/lawsregs/rulesregs/sdwa/lt2/> or <http://water.epa.gov/lawsregs/rulesregs/regulatingcontaminants/sixyearreview/index.cfm>.

SUPPLEMENTARY INFORMATION: EPA published the final LT2 rule in January 2006. The purpose of the LT2 rule is to reduce disease incidence associated with *Cryptosporidium* and other disease-causing microorganisms in drinking water.

The 1996 Amendments to the Safe Drinking Water Act (SDWA) require EPA to review its existing drinking water regulations every six years. SDWA specifies that any revision to a national primary drinking water regulation must maintain or provide for greater protection of the health of persons.

EPA announced in the Agency's August 2011 *Improving Our Regulations: Final Plan for Periodic Review Retrospective Reviews of Existing Regulations* document in response to E.O. 13563 that a review of the LT2 rule will start in 2011. The Agency plans to complete its review of the LT2 rule no later than 2016. As part of the review, EPA will assess and analyze new information regarding occurrence, treatment, analytical methods, health effects, and risk from all relevant waterborne pathogens to evaluate whether there are new or additional ways to manage risk while assuring equivalent or improved protection.

Registration: Individuals planning on participating in the public meeting must register for the meeting by contacting Junie Percy of Intellitech by email at junie.percy@itsysteminc.com no later than December 2, 2011. Teleconferencing will be available for individuals unable to attend the meeting in person.

Special Accommodations: For information on access or accommodations for individuals with disabilities, please contact Jini Mohanty at (202) 564-5269 or by email at mohanty.jini@epa.gov. Please allow at least five business days prior to the meeting to give EPA time to process your request.

ATTACHMENT 2
AGENCY COMMENTS

6425 SW 6th Avenue
Topeka, KS 66615



phone: 785-272-8681
fax: 785-272-8682
cultural_resources@kshs.org

Kansas Historical Society

Sam Brownback, Governor
Jennie Chinn, Executive Director

December 1, 2011

Bridget Lyles
Site Specialist
Capacity Planning and Site Selection Branch
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

Dear Ms. Lyles:

In accordance with 36 CFR 800, the Kansas State Historic Preservation Office has reviewed a report entitled *Proposed Correctional Institution and Federal Prison Camp Leavenworth, Kansas: Final Cultural Resources Survey Report* by Christopher M. Schoen, RPA and Camilla R. Dieber of The Louis Berger Group, Inc., dated November, 2011. If a digital version of the report and/or shape files for pedestrian survey areas are available, we would appreciate receiving copies. Our office reviewed a draft of the manuscript in September of 2011. At that time, we found both the archeological and architectural background/field methods to be appropriate and the draft to be thorough and well written. In our review comments, we asked that temporary archeological site numbers be replaced with permanent trinomial designations, and that the nature of impacts to contributing architectural resources along Metropolitan Avenue be clarified.

With reference to permanent numbers, our office continues to concur that five of the archeological sites investigated during the project (14LV169, 14LV171, 14LV172, 14LV176, and 14LV181) are potentially eligible for listing in the National Register of Historic Places. We agree that if avoidance is not possible, they should be tested at the Phase III level in order to determine their eligibility (or lack thereof) for National Register listing. Our office further concurs that the 16 remaining sites investigated during the survey (14LV110, 14LV111, 14LV337, 14LV364, 14LV365, 14LV366, 14LV167, 14LV168, 14LV170, 14LV173, 14LV174, 14LV175, 14LV177, 14LV178, 14LV179, and 14LV180) and the 15 isolated finds (IF-1 – IF-15) are not eligible for National Register listing.

The report describes a total of 73 buildings and structures identified during architectural survey at the United States Penitentiary (USP) Leavenworth. Our office concurs that USP Leavenworth is eligible for listing in the National Register of Historic Places under Criteria A and C at the national level of significance with a period of significance extending to 1960. The final report notes that, depending on which alternative is selected, two staff duplexes (#17 and #18), a non-contributing lift station (#45), and four staff residences could be directly impacted. Our office concurs that such impacts will constitute an adverse effect.

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures. If you have questions or need additional information regarding these comments, please contact Tim Weston at 785-272-8681 (ext. 214) or Kim Gant at 785-272-8681 (ext. 225).

Sincerely,

Jennie Chinn, Executive Director and
State Historic Preservation Officer

A handwritten signature in black ink, appearing to read "Patrick Zollner".

Patrick Zollner
Deputy SHPO



December 15, 2011

Bridgette Lyles, Site Selection Specialist
Capacity Planning & Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

RE: Draft Environmental Impact Statement
Proposed Federal Corrections Institution and Federal Prison Camp- USP Leavenworth, Kansas

Dear Ms. Lyles;

The City of Leavenworth Staff attended the public meeting on December 14th, and has the following comments on the Draft EIS:

Sanitary Sewer

1. The report confirms the need for a BOP Flow Study to ensure that the City sewers can accommodate the flow from the new facilities. This is acceptable to the City.
2. The report identifies possible prison industries as part of the new facility. Discharge from any prison industry should be evaluated for its impact on the City wastewater collection system and treatment plant.

Stormwater System

1. The report addresses the need to protect the water quality during and after construction in accordance with State and Federal regulations. This is acceptable to the City.
2. The report discusses the need for "Best Management Practices" to be used during the design of the project to protect water quality and address water quantity issues. The City requests that the design of the new facility review storm water quantity and quality issues from the entire BOP property and those mitigation efforts be expanded to address all runoff areas, even if they are not part of the final site selected. This is particularly true for drainage exiting BOP property from the West Site in the vicinity of 15th Street.

Transportation Systems

1. The report addresses the on-going efforts of the City and KDOT related to the Centennial Bridge replacement. It also describes the several entrances to BOP property from Metropolitan Avenue. This is acceptable to the City.
2. The report identifies that much of the traffic associated with the new facility will be using a new entrance at 10th Street. The traffic analysis does not identify the need for a signal or signal study at 10th Street. The City is concerned that additional changes in internal traffic patterns for BOP operations may reduce the number of existing access points to Metropolitan Avenue, or concentrate additional traffic at the new entrance on 10th Street. It is requested by the City that a traffic study be performed at the time the facility is approved for construction to verify the need for a signal at 10th Street.

Other Issues:

1. Buffalo Viewing Area.

The western portion of BOP property has been used for many years to allow viewing of a grazing Buffalo Herd. There are typically about 10-12 buffalo visible. This viewing has become a popular tourist activity. Recent improvements to Metropolitan Avenue resulted in relocation of the viewing area. Retention of the viewing area was identified as a high priority by both local residents and BOP officials. It was a specific requirement in the agreement between BOP and City of Leavenworth that a new viewing area be constructed to facilitate the viewing. The City requests that BOP address the future of the Buffalo Herd and the need for the City to maintain a viewing area for both the herd and the facility.

2. Soccer Fields and Parking Lot

The BOP and the City have worked together to allow periodic use of open fields in the western area of the BOP property for soccer fields. It was a specific requirement in the agreement between BOP and City of Leavenworth that a new parking lot be constructed to continue this arrangement. The City requests that BOP comment on the future of the soccer fields and need for the parking lot.

Sincerely,



Michael McDonald P.E.,
Director of Public Works

Cc J. Scott Miller, City Manager
Cristy L. Boyd, Project Manager, The Louis Berger Group, Inc.

Leavenworth Water Department

601 Cherokee, P. O. Box 576
Leavenworth, Kansas 66048-0576
913-682-1513
913-682-0627 (facsimile)
www.lvnwater.com

Developing and delivering the highest
quality water for Leavenworth
County, Kansas since 1882

December 15, 2011

Richard A. Cohn, Chief
Bridgette Lyles, Site Selection Specialist
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

RE: Draft Environmental Impact Statement - Proposed Federal Correctional Institution and Federal Prison Camp, USP Leavenworth, Kansas

Dear Mr. Cohn and Ms. Lyles:

The Leavenworth Water Department desires to submit the following comments on the draft environmental impact statement (EIS) for the proposed new federal correctional institution and federal prison camp in Leavenworth, Kansas.

The Water Department provides potable water to the City of Leavenworth and seven local rural water districts. Our customers include the existing US Penitentiary and the Veterans Administration facility in Leavenworth. The Water Department is also the emergency backup supplier of potable water to Fort Leavenworth and the Lansing Correctional Facility in Lansing, Kansas.

The Water Department has sufficient treatment capacity and transmission infrastructure to meet the anticipated water demands of the new correctional institution and prison camp. We look forward to working with the Federal Bureau of Prisons to ensure the reliable delivery of potable water to the new facility and camp.

We offer two specific "house-keeping" comments for your consideration:

1. **Rainwater Harvesting (page I-15).** The draft EIS states that to "conserve natural resources, the BOP is currently evaluating the possibility of rainwater harvesting as part of the proposed project" for use in the camp housing area and for cooling tower water make-up. The Water Department supports prudent water conservation measures where practical. Please know that harvested rainwater is not potable water (unless treated and disinfected). Therefore, all infrastructure associated with the capture, storage, conveyance, and use of harvested rainwater must be isolated from the potable public water supply to prevent contamination through inadvertent backflow or cross connection. The Water Department, in cooperation with the City of Leavenworth Public Works Department and the Kansas Department of Health and Environment, would be happy to work with the Bureau of Prisons on the

development of a suitable harvested rainwater system design that achieves this important water-quality objective while taking advantage of water conservation opportunities.

2. **Utility Services, Existing Conditions, a. Water Supply (page III-9).** The first sentence of the first paragraph states that "Potable water is provided to the Fort Leavenworth area by the Leavenworth Water Department, an independent department of the City of Leavenworth." Please know that Fort Leavenworth operates (through an independent private contractor) its own public water-supply system. The Water Department provides emergency backup water supply to Fort Leavenworth on an as-needed basis. The Water Department is a quasi-governmental entity that was created in 1937 pursuant to K.S.A. 13-2414 through K.S.A. 13-2429 and operates independently from the City of Leavenworth. The second sentence states that the "Leavenworth Water Departments' service area includes the cities of Leavenworth and Lansing, as well as six rural water districts." Please know that potable water is provided to the City of Lansing by the Lan-Del Water District, which purchases its most of its water from the Leavenworth Water Department. As stated above, the Water Department provides potable water to the City of Leavenworth and seven local rural water districts, which includes the Lan-Del Water District.

We appreciate the opportunity to provide water to the planned new correctional institution and prison camp, and to offer constructive comments on the draft EIS. We look forward to working with the Federal Bureau of Prisons on this very important project.

Sincerely,



John M. Kaufman, General Manager

cc: Lisa J. W. Hollingsworth, Warden – US Penitentiary, Leavenworth
Jack E. Walker – Deputy of the Garrison Commander, Fort Leavenworth, Kansas
Mike McDonald, PE – Public Works Director, City of Leavenworth
Dan Clair, PE – Engineering and Permits Unit Chief, KDHE
Waterworks Board of Directors



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kansas Ecological Services Field Office
2609 Anderson Avenue
Manhattan, Kansas 66502

December 15, 2011

Richard A. Cohn, Chief
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

RE: ER 11/1062 DEIS for the Development of a Federal Correctional Institution, and Federal Prison Camp, Leavenworth County, Kansas
FWS Tracking # 2012-CPA- 0150

Dear Mr. Cohn:

Thank you for the opportunity to provide input regarding the subject document. The U.S. Department of Interior, Fish and Wildlife Service (USFWS) has reviewed the DEIS for the proposed new Federal Correctional Institution, and Federal Prison Camp project in Leavenworth, Leavenworth County, Kansas, and provides the following comments.

General Comments

The USFWS previously commented on this project in May 2011 under FWS Tracking # 2011-CPA-0454. Our comments, and concerns have been adequately addressed by the DEIS.

The Migratory Bird Treaty Act prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. While the Act has no provision for allowing unauthorized take, the USFWS realizes that some birds may be killed during project construction/operation even if all known reasonable and effective measures to protect birds are used. The USFWS Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to avoid take of migratory birds, and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance or other similar protective measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent and effective measures to avoid that take. Companies are encouraged to work closely with Service biologists to identify available

protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction or similar activities.

Construction and operational activities should avoid wetlands, streams, and riparian woodlands to the maximum extent possible. All construction rights-of-way should be surveyed for the presence of marshes and other wetland habitat types. All disturbed riparian areas should be revegetated with native plants as soon as possible after the disturbance occurs. Species composition following revegetation should parallel that which existed prior to the disturbance.

If a permit from the Corps of Engineers is required, the USFWS will be given the opportunity to review the public notice on the proposed action and provide additional comments at that time. Section 404 guidelines require the sequence of avoidance of impacts, minimization of impacts and compensation for unavoidable impacts. When we review the public notice we will request information on alternatives considered, how the project avoided and minimized impacts to aquatic ecosystems, and the compensatory mitigation proposal, if one is required by the Corps.

Thank you for the opportunity to review the subject document. If you have questions regarding these comments, please contact Michele McNulty of the Kansas Ecological Services Office, at 785 539-3474 extension106.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. LeValley / Acting".

Michael J. LeValley
Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)
COE, Regulatory Branch, KC, MO



FORT LEAVENWORTH FRONTIER HERITAGE COMMUNITIES II, LLC

December 20, 2011

Richard A. Cohn, Chief
Bridgette Lyies, Site Selection Specialist
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

RE: Draft Environmental Impact Statement Response

Dear Mr. Cohn,

Fort Leavenworth Frontier Heritage Communities (FLFHC) reviewed the Draft EIS and submits the below concerns regarding the proposed federal correctional institution and federal prison camp.

III.J.1. Visual and Aesthetic Resources, Existing Conditions. Page III-50, paragraph 1 identifies who currently see's the existing prison and who will see the proposed prison. The paragraph concludes that "vehicle travelers and pedestrians as the sole sensitive view groups that could be affected by the proposed project". FLFHC submits that residents of Fort Leavenworth are sensitive view groups. The quoted sentence hints that something less than a permanent resident is effected by the proposed prison when the fact is that many residents are already a sensitive view group of the existing prison and constructing an additional institution and camp will impact a larger number of residents with views of the proposed land.

Given that a permanent sensitive view group is in existing family housing, the land proposed for the FCI is incompatible for use as a prison. The age range of children in the affected family housing areas are from 2 to 15 years old, with the proximity of the recreational facilities and having smaller children in site of minimally supervised inmates risks a significant negative interaction. A wall is required along the boundary to prevent this interaction.

III.J.2.a. Potential Impacts and Mitigation. The EIS acknowledges that a concern from the US Army regarding light pollution was raised during the scoping meeting. FLFHC disagrees with the EIS statement that the "FCI would not have any adverse impact to the nearby military residences given the distance and wooded area associated with Corral Creek". These homes have bedroom windows facing the FCI and the 100 foot mast the lights will be mounted onto, combined with the high ground of the proposed site will illuminate several of the villages on the south side of the installation and negatively impact the ability of residents to sleep and possibly the occupancy of these homes. As the existing trees are not tall enough and loose foliage during the winter an evergreen boundary of three rows of trees at a height required to block the illumination from these lights as well as FLFHC's involvement in the placement of the lights are needed to further mitigate light pollution into occupied bedroom windows. FLFHC could be economically impacted by an amount of \$2.2 million annually if residents chose not to live in these homes.

Sincerely,

Bryan K Market
Project Director



MICHAELS MILITARY HOUSING

549 Kearney Ave
PO Box 3387
Fort Leavenworth, KS 66027
Phone (913) 682-6300 Fax (913) 682-6394
<http://www.ftleavenworthfamilyhousing.com>

December 27, 2011

Mr. Richard A. Cohn, Chief
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Re: Draft EIS – Proposed Federal Correctional Institution and Federal Prison Camp – USP Leavenworth, KS

Dear Mr. Cohn:

This letter transmits comments presented by the Kansas Department of Health and Environment (KDHE) Bureau of Water regarding the Draft Environmental Impact Statement for the above referenced project. The comments in this letter only address KDHE's recommendations associated with our regulatory oversight and review of the public water supply and wastewater treatment utilities as well as National Pollutant Discharge Elimination System (NPDES) permitting of stormwater discharges from construction activities that will be associated with the proposed project. These comments were addressed at the December 13, 2011, State Agency – Federal Bureau of Prisons – Louis Berger Group, Inc. meeting held at the Kansas State Historical Society in Topeka, Kansas.

The Louis Berger Group and Federal Bureau of Prisons will need to consult and coordinate with the City of Leavenworth regarding whether there are capacity issues associated with either the water distribution lines or the sanitary sewer collection system that will serve the proposed project.

Construction plans and specifications for public water supply distribution system enhancements (water line extensions, booster pump stations, elevated storage tanks, etc.) will need to be submitted for KDHE review and approval. Questions regarding design criteria and specific information to be addressed in the submitted plans and specifications can be obtained by contacting Dan Clair, with the Bureau of Water – Public Water Supply Section, at 785-296-5516. Information can also be obtained from the Public Water Supply website at <http://www.kdheks.gov/pws/index.html>.

Construction plans and specifications for sewer extensions (gravity sewer extensions, lift stations, force mains, etc.) will need to be submitted for KDHE review and approval. Questions regarding design criteria and specific information to be addressed in the submitted plans and specifications can be obtained by contacting Rod Geisler, Chief of the Municipal Program Section in the Bureau of Water at 785-296-5527. Information can also be obtained from the Municipal Program Section website at <http://www.kdheks.gov/muni/index.html>.

Construction activities for the project will disturb more than 1 acre, thus necessitating the need to obtain an NPDES Construction Stormwater Permit. KDHE has been delegated authority by the U.S. Environmental Protection Agency (EPA) to issue NPDES permits in Kansas. The current Kansas NPDES Construction Stormwater Permit is scheduled to expire December 31, 2011 but will be administratively extended until EPA has approved the proposed new NPDES construction general permit, the permit has completed the 30-day public notice period, and the permit is issued by KDHE. The new permit and associated forms will be placed

on KDHE's stormwater website once it has been issued. We would expect the new permit and forms would be available on KDHE's website by mid-February 2012. KDHE's NPDES stormwater website is located at <http://www.kdheks.gov/stormwater/index.html> . Since the project has the potential to disturb areas where waste have been buried, the preparation of the stormwater pollution prevention plan (erosion and sediment control plan) will need to specifically address procedures and controls for any contaminated soils that will be encountered. The provisions in the stormwater pollution prevention plan will be coordinated with both the KDHE Bureau of Waste Management and the Bureau of Environmental Remediation. Information regarding the NPDES Stormwater Construction Permit can be obtained by contacting Larry Hook at 785-296-5549.

In the event a permit will need to be secured from the U.S. Army Corps of Engineers (COE) requiring a 401 Certification by KDHE, the COE typically works directly with KDHE to secure the certification during the permitting process. If needed, Scott Swatterthwaite with the Bureau of Water – Watershed Management Section would provide the 401 Certification. Scott can be reached at 785-296-5573.

Sincerely,



Donald R. Carlson, P.E., Chief
Industrial Programs Section
Bureau of Water

- c. Julie Coleman – NEDO
- Dan Clair – PWS
- Larry Hook – IPS
- Scott Satterthwaite – WMS
- Rod Geisler - MPS



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
601 E 12TH STREET
KANSAS CITY MO 64106-2824

December 29, 2011

Regulatory Branch
(NWK-2010-1805)

Mr. Richard Cohn
Federal Bureau of Prisons
320 First Street, Northwest
Washington, D.C. 20534

Dear Mr. Cohn:

This is in reply to your November 14, 2011 request for comments regarding an environmental impact statement (EIS) prepared on behalf of the Federal Bureau of Prisons (BOP) for proposed new correctional facilities at the U.S. Prison located in Leavenworth, Kansas. The proposed building sites are located within Sections 22, 23, 26 and 27, Township 8 south, Range 22 east, Leavenworth County, Kansas. This project has been assigned Regulatory File No. NWK-2010-1805. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

The Corps of Engineers (Corps) has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (Title 33 United States Code Section 1344). The implementing regulation for this Act is found at Title 33 Code of Federal Regulations Parts 320-332.

Federal regulations require that a Department of the Army permit be issued by the Corps prior to the initiation of any construction on the portion of a proposed activity which is within the Corps' regulatory jurisdiction.

We have reviewed the draft EIS and offer the following comments:

1. The review of any possible impact of the project to cultural, historical or archeological resources present at the site under the authority of the National Historic Preservation Act (NHPA) and any possible impact to or occurrence of federally listed plant or animal species within the project area under the authority of the Endangered Species Act (ESA), will be the responsibility of the Federal Bureau of Prisons (FOB) as the lead federal agency for the action. The Corps will review both the NHPA and the ESA compliance, coordination and consultation record by the lead federal agency to verify that it adequately addresses these Acts for Corps requirements during any future permit review under the authority of Section 404 of the Clean Water Act, to satisfy our independent need to demonstrate compliance. We will also be interested in your consultation and coordination with Native American Tribes.
2. During the review and evaluation process of a proposed project, the Corps first defines the **basic project purpose and need** for the proposed work. This basic purpose serves as the basis from which the water-dependency of the work is evaluated. Projects that do not require access to or proximity near or within a special aquatic site such as a wetland are presumed to have a less damaging alternative unless otherwise clearly shown by the applicant. Therefore, the burden of proving that no practicable alternative exists for a project involving impacts to wetlands or other special aquatic sites is the sole responsibility of the applicant. We offer the following comments regarding the project purpose as defined in the draft EIS:

a. The stated need for the proposed project is well written and clearly communicated in the draft EIS document. The primary project purpose however should be more concisely defined prior to a permit application. The project purpose cannot be so narrowly defined as to eliminate alternatives for the project nor so broad as to defy a clear description and understanding.

b. The project appears to have multiple elements, ie, minimum-security prison camp facilities as well as a medium-security federal correctional facility. These elements could be construed as having independent utility of each other and therefore able to fulfill their respective project purpose without the need to be co-located at one project site. It is suggested that a description of any interdependent relationship between the two facilities be furnished for any subsequent Section 404 permit application.

3. Once the basic project purpose has been established, the **overall project purpose(s)** must be defined to provide a basis for the range of alternatives available to an applicant. The selection of the least environmentally damaging practicable alternative is required by the Clean Water Act. This analysis is consistent with the Section 404(b)(1) guidelines found at 40 CFR, Section 230.10. We offer the following comments regarding the overall project purpose and need for the project as defined in the draft EIS:

a. The exclusion of non-BOP owned properties from the alternatives available for the project greatly narrows the range of alternatives regarding project location. The avoidance of time delays and additional costs are 2 factors mentioned on page I-7 of the document and identified as factors influencing the selection of only BOP properties. The CEQ alternative analysis guidelines for NEPA require a discussion of reasonable alternatives that are not within the jurisdiction of the lead agency. If the acquisition of property is assumed to be prohibitive or impracticable, then data supporting this analysis should be included in the discussion for off-site alternatives considered for the project. The use of contractor owned property and facilities is also not given consideration during the discussion of the range of alternative sites for the project.

b. The geographic scope for the range of project alternatives was somewhat confusing. A regional concept (North Central U.S.) is discussed in some parts of the document but the development of facilities located in areas of the country outside this region are also referenced and included in the discussion (Table I-1, page I-7) and subsequent Section I, E., in the description of the proposed action.

c. The East-West Composite was selected as the preferred alternative for the proposed project at the Leavenworth property. This alternative would have the most impact to jurisdictional tributary channels on the site and the second highest impact to wetlands.

4. The initial project description provided during the December 2010 agency coordination meeting indicated that 3 potential building sites were under consideration. The sites comprised between 66 acres and 101 acres of land located on the east side (two sites) and one 102 acre site on the west side of the existing prison facility. Please explain why a much larger project site (371 acres) consisting of 2 separate parcels of land more than triple the initial acreage, is now under consideration in the draft EIS.

5. In Section F. of the EIS on page III-14, please make reference to the Wetlands and Waters of the U.S. section in the existing condition paragraph under Biological Resources.

6. In Section F. of the EIS on page III-21, it states that impacts to wetlands and waters of the U.S. as a result of the 300-foot clear zone would be considered as temporary impacts. We would not agree with this assessment if those impacts are to wooded wetlands or wooded riparian zones along waters of the U.S.

7. Section F. of the EIS on page III-23, under subsection c. "Wetlands and WOUS", please indicate that any compensatory mitigation undertaken for the project will comply with the Corps and EPA joint federal regulation Compensatory Mitigation for Losses of Aquatic Habitat, published on 10 April 2008 and found at 33 U.S.C. 1344, Part 332. In addition, please indicate that the Kansas Stream Mitigation Guidance will be used as an evaluation of condition factors that are specific to the project site. This will determine the stream debits resulting from stream impacts on the project site and the resulting credits needed to offset those impacts.

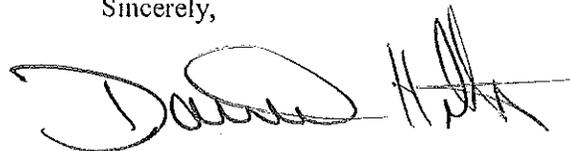
8. A conclusion is reached in Section U of the EIS on page III-108 that less than significant impacts to environmental elements, including water resources, will result from the project. Most of the discussion in this section is related to the beneficial aspects of the project as related to the stated goals and needs of the applicant rather than supporting the stated conclusion.

9. As part of any permit authorized under the Clean Water Act, a review and analysis of possible secondary and cumulative effects of the project will be accomplished. The applicable section of the draft EIS, (Section X, pages III-110-111), appears to be rather brief and does not establish a baseline for evaluation of these factors. The geographical limits, time frame, social, economic and environmental consequences of the proposed project are not discussed in much detail.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. We have placed an automated version of our Customer Service Survey form on our website at: <http://www.nwk.usace.army.mil/regulatory/survey.pdf>. At your request, we will mail a paper copy that you may complete and return to us by mail or fax.

If you have any questions concerning this matter, please feel free to contact Mr. Brian Donahue at (816) 389-3703. Please reference File No. NWK-2010-1805 in all comments and/or inquiries relating to this project.

Sincerely,



David R. Hibbs
Regulatory Program Manger
Regulatory Branch

Copy Furnished:

✓ Ms. Christy Boyd
The Louis Berger Group, Inc.
1250 23rd Street, NW
Washington, D.C. 20037

December 30, 2011

Mr. Richard A. Cohn
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington D.C. 20534

Subject: Proposed Federal Correctional Institution & Federal Prison Camp, Leavenworth, Kansas
Draft Environmental Impact Statement, November 2011

Dear Mr. Cohn:

The Kansas Department of Health & Environment's (KDHE) Bureau of Environmental Remediation (BER) has received and reviewed the Draft Environmental Impact Statement for the Proposed Federal Correctional Institution and Federal Prison Camp project at the USP Leavenworth site. The Draft Environmental Impact Statement addresses potential environmental concerns that may be encountered should the Bureau of Prisons decide to construct new facilities at the USP Leavenworth site.

The Bureau of Prisons provided two alternative proposals for the project; Alternative FCI East-1 and Alternative EAST/WEST COMPOSITE. The two alternative plans place the proposed Federal Correctional Institution northeast of the existing facility and alternative FCI EAST-1 includes a proposed Federal Prison Camp east of the existing facility. Both alternative plans presented have the potential to impact Area A Disposal Trenches as defined in the CERCLA Removal Action Decision Document.

Area A Disposal Trenches are located approximately 200 feet east-southeast of the garage building. Based on Ground Penetrating RADAR, the trenches are approximately 25 feet wide and 400 feet long and spaced approximately 50 feet apart covering an area of approximately 7.5 acres. Intrusive backhoe investigations indicated waste as deep as 13 feet in depth. This site consists of six (6) trenches that were dug into a hill and used for trash disposal. The landfill was primarily used from the 1930s to approximately 1980 where bones, leather trimmings, plastic, glass, tires, insulation, wood, styrofoam, construction debris and other municipal wastes were disposed. (GeoSystems 1992)

The KDHE encourages the beneficial reuse of solid waste disposal sites whenever possible. However; KDHE strongly discourages construction of buildings on top of solid waste sites due to both the structural stability issues as well as the potential exposure to landfill gas, namely methane, generated by the decomposition of solid waste. KDHE recommends locating the proposed facilities outside of the footprint of the solid waste disposal trenches or excavation and off-site disposal of solid waste. KDHE also recommends the installation of sub-slab venting to minimize the potential for the accumulation of landfill gas should the facilities be located in close proximity to the solid waste disposal trenches.

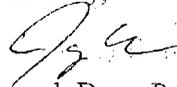
The two alternatives presented in the Draft Environmental Impact Statement also include the construction of an access drive and parking facilities that will have the potential to impact the Area A Disposal Trenches. The construction of driveway and parking facilities is acceptable. The construction of the drive and

parking facilities may include the excavation of the disposal area protective cap. In addition to preventing the direct contact of people with the solid waste, the protective cap serves to minimize the infiltration of water and subsequent formation of leachate and potential degradation of groundwater quality. Should excavation activities damage the protective cap, restoration activities will need to be taken to repair the damages. KDHE recommends that the Bureau of Prisons monitor any new driveway and parking facilities located within the footprint of the solid waste disposal trenches for potential settling and infiltration of surface water and conduct repairs as necessary.

Any waste materials excavated during construction activities will need to be segregated from clean soils at the site and disposed of in a permitted solid waste disposal facility. Should excavation activities expose solid waste, the waste may remain in place, but must be covered with at least eighteen inches of low-permeability clay material compacted in six-inch lifts and covered with six inches of topsoil capable of sustaining a vegetative cover. The Bureau of Prisons will need to monitor the solid waste disposal trenches following construction activities for any signs of settlement or ponding and conduct repairs to maintain positive drainage of surface water.

KDHE appreciates the opportunity to provide comments to the Federal Bureau of Prisons' proposal. If you have any questions regarding this letter please contact me at (785) 296-4367 or at jdom@kdheks.gov.

Sincerely,



Joseph Dom, P.G.

Landfill / Drycleaner Remediation Unit
Bureau of Environmental Remediation

cc: Scott Yankey → File: USP Leavenworth: C4-052-03024 (1)
Mr. John Parent, Facility Manager, 1300 Metropolitan Ave, Leavenworth KS 66018
Mr. Scott Whitson, Federal Bureau of Prisons, North Central Regional Office Gateway Complex, Tower 2,
400 State Avenue, Kansas City, KS 66101
Dan Kellerman – KDHE/NEDO
Dennis Degner – KDHE/BWM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JAN 4 2012

Richard A. Cohn
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Dear Mr. Cohn:

RE: Review of Draft Environmental Impact Statement for Leavenworth Federal Correctional Institution and Federal Prison Camp, Construction and Operation, Kansas

The U.S. Environmental Protection Agency has reviewed the Leavenworth Federal Correctional Institution and Federal Prison Camp Draft Environmental Impact Statement. Our review is provided pursuant to the National Environmental Policy Act 42 U.S.C. 4231, Council on Environmental Quality regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act. The DEIS was assigned the CEQ number 20110391.

The Federal Bureau of Prisons is proposing to construct and operate a new medium-security Federal Correctional Institution and Federal Prison Camp within the grounds of the existing United States Penitentiary located in Leavenworth, Kansas. The proposed FCI would house approximately 1,500 inmates while the FPC would house approximately 300 inmates. Development of the FCI and FCP is proposed as a means of better managing the present crowding within the federal prison system and meeting anticipated growth in the federal inmate population.

Based on our overall review and the level of our comments, the EPA has rated the DEIS and all described alternatives for this proposal as Lack of Objections (LO). The EPA offers the following recommendations to improve public disclosure and decision-making capabilities of the Final EIS:

Landfills

Section 1500.2 (f) of the NEPA regulations, states that "Federal agencies shall to the fullest extent possible: Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment." BOP's action alternatives provide the opportunity to address legacy landfill sites, and thus, further this specific national policy of the NEPA. Remediation of these sites in preparation for further construction will reduce or eliminate the potential for contaminants to migrate from these sites. The EPA concurs with the opinion expressed in Section 8 of the Phase 1 Environmental Site Assessment (Appendix G), that the BOP should continue to work with the Kansas Department of Health and Environment to further characterize and remediate these sites prior to reuse.



The EPA recommends that the Final EIS present a description of anticipated activities needed to remediate the project footprint, and also a timeline for when those activities would be forecast to be accomplished.

Traffic Considerations

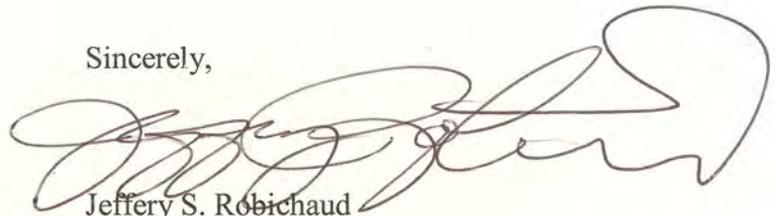
Locating the main entrance of the FCI opposite N. 10th Street will set up a conflict between FCI and Fort Leavenworth vehicle traffic, both of which will be utilizing the N. 10th Street Minor Arterial at the peak traffic times stated in the DEIS. To de-conflict traffic demand, the BOP could consider adjusting work shift times. Other options for de-confliction might include signalization of the Metropolitan Avenue and N. 10th Street intersection, or utilization of movable barriers that could give preference to the larger traffic volumes, per direction traveled, or time of day.

Environmental Justice

If traffic mitigation cannot be achieved, a minor indirect Environmental Justice impact could be realized along N. 10th in the form of traffic backups or pushing peak traffic volumes onto either N. 7th or 4th Streets. A map is attached that provides the EPA's assessment of where low income and/or minority populations may be located in Leavenworth.

If you have questions regarding these comments, please contact Mr. Joseph Cothorn, NEPA Team Leader, at cothorn.joe@epa.gov or at (913) 551-7148. Thank you for the opportunity to provide comments.

Sincerely,



Jeffery S. Robichaud
Deputy Director
Environmental Services Division



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Select Map Contents:

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- Toxic Releases
- Water Dischargers
- Air Emissions
- Hazardous Waste
- Water Monitoring Stations
- Places
- Region 7 EIS
- Elevation Hillshade
- Region 7 Layers
- AIR LAYERS
- NonAttainment Areas
- Power Plants
- EJ AREAS
 - EJ Indicator Co-occurrence by Block Group
 - Minorities >= 25% & Below Poverty < 25%
 - Below Poverty >= 25% & Minorities < 25%
 - Minorities >= 25% & Below Poverty >= 25%
 - No Match
- LAND LAYERS
- Boundaries
- Conservation Opportunity Areas
- PLACES
- Airports
- Levees
- Power Plants
- REGION 7 PROJECTS
- EIS layers
- Kevonne XI

ATTACHMENT 3
PUBLIC HEARING COMMENTS -
December 14, 2011

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PUBLIC HEARING REMARKS CONCERNING THE DRAFT EIS
PROPOSED FEDERAL CORRECTIONAL INSTITUTION

DECEMBER 14, 2011

WEDNESDAY

7:00 P.M.

RIVERFRONT COMMUNITY CENTER

123 S. ESPLANADE STREET

LEAVENWORTH, KANSAS 66048

E-COURT REPORTING, L.L.C.

8600 N.W. 64th Street - Suite 102 - Kansas City, MO 64152
816.505.4446 www.e-courtreporting.com 816.505.1977 (Fax)

1 MS. BRIDGETTE LYLES: Good evening
2 and welcome to tonight's meeting. My name is
3 Bridgette Lyles and I'm a Site Selection
4 Specialist in the Capacity Planning and Site
5 Selection Branch of the Federal Bureau of
6 Prisons. I am here this evening to conduct a
7 public hearing concerning a proposal to construct
8 and operate a new Federal Correctional
9 Institution and Federal Prison Camp at the
10 existing United States Penitentiary located in
11 Leavenworth. When constructed, the proposed
12 Federal Correctional Institution and Prison Camp
13 would together house approximately 1,800 federal
14 inmates. The intent of tonight's hearing is to
15 receive comments concerning the Draft
16 Environmental Impact Statement, or Draft EIS,
17 prepared in support of that proposal.

18 Before we begin, I would like to
19 offer our thanks to Tammy Metzgar and the City of
20 Leavenworth for allowing us to use the Riverfront
21 Community Center for tonight's hearing. I would
22 also like to introduce several of the people here
23 with me this evening. Joining me is Justin
24 Andrews and Rick Cohn from the Bureau of Prisons'
25 central office and Cristy Boyd from The Louis

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1 Berger Group, a consulting firm assisting the
2 Bureau to prepare the Draft and Final
3 Environmental Impact Statements. Also joining us
4 is Mary Kay Martin from E-Court Reporting to
5 prepare a transcript of tonight's hearing.

6 I would like to first say that we
7 appreciate your attendance at tonight's meeting.
8 This is your second opportunity to go on the
9 record concerning this important proposal.
10 Although we are interested in your opinions about
11 the proposal, we are especially interested in
12 your comments concerning the Draft Environmental
13 Impact Statement. Any topics and issues
14 discussed within the Draft EIS that are of
15 concern to you are also of concern to us as well.
16 Sharing your comments tonight will allow those
17 concerns to be recognized and addressed as we
18 complete the environmental impact study process.

19 For many years now, the Bureau of
20 Prisons has faced bedspace shortages throughout
21 the federal prison system with crowding common in
22 many of our correctional facilities. In
23 response, the Bureau has committed significant
24 resources to identifying, evaluating, acquiring
25 and developing sites with federal correctional

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1 facilities which, in recent years, have resulted
2 in construction of new correctional facilities in
3 California, Alabama, New Hampshire and West
4 Virginia, among other locations.

5 Over the past several years, nearly
6 3,600 inmates have been released from the Bureau
7 of Prisons' facilities as a result of changes in
8 sentencing laws for offenders who were serving
9 sentences for either Distribution or Possession
10 of Crack Cocaine. Even with those changes in
11 sentencing and the recent development of several
12 new facilities, the Bureau of Prisons is still
13 projecting a need for new correctional facilities
14 to house the federal inmate population in the
15 future. This is especially important within the
16 north-central region of the United States where
17 the need for additional bedspace is a serious
18 concern. Currently, there are no federal
19 correctional facilities in North Dakota,
20 Nebraska, and Iowa and only one facility
21 operating in each of the states of South Dakota,
22 Michigan, Wisconsin, Missouri, and Kansas. As a
23 result, the Bureau of Prisons houses many inmates
24 who originate from the north-central region of
25 the United States in facilities outside the

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1 region.

2 We are governed this evening by the
3 National Environmental Policy Act, also known as
4 NEPA. You'll hear us refer to NEPA several times
5 throughout the evening. One important aspect of
6 NEPA is to ensure that before a federal agency
7 such as the Bureau of Prisons reaches a decision
8 regarding a significant action, it prepares Draft
9 and Final Environmental Impact Statements and
10 offers the public an opportunity to review and
11 comment on those documents. The construction and
12 operation of a new Federal Correctional
13 Institution and Federal Prison Camp at USP
14 Leavenworth is an example of a significant action
15 and therefore requires preparation of an
16 Environmental Impact Statement.

17 NEPA regulations also require that
18 the public be provided with an opportunity to
19 review and comment on the Draft EIS and it's for
20 that reason that we are holding this public
21 hearing this evening. The Bureau of Prisons
22 views the NEPA process as an important
23 opportunity to learn about the public's interests
24 and concerns early in the planning and
25 decision-making process so that we can address

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1 such concerns properly. So you're encouraged to
2 make your interests and concerns about the
3 proposed Federal Correctional Institution and
4 Prison Camp known to us this evening. There is
5 no issue too small or inconsequential for us to
6 consider.

7 Much of tonight's meeting will be
8 devoted to hearing from members of the audience.
9 For those of you who wish to offer verbal
10 comment, we are offering two choices: you can
11 give us your name to be put on a list of
12 individuals interested in speaking, OR for those
13 of who may be a little unsure at this time
14 whether you would like to speak, before I
15 conclude the meeting I will ask if anyone else
16 would like to make a comment.

17 While tonight's hearing provides an
18 opportunity to offer comments concerning the
19 proposed project and the Draft EIS, it's really
20 not a question-and-answer session. Instead, you
21 will be making comments on the record about the
22 proposal and the content of the Draft EIS. And
23 while there's really no limit to what you can
24 say, we do ask that you keep your remarks focused
25 on the proposed action and the Draft

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1 Environmental Impact Statement. All public
2 comments this evening will be made a part of a
3 written transcript which will be published within
4 the Final Environmental Impact Statement and Mary
5 Kay Martin is with us tonight for that purpose.

6 At this time I'd like to invite
7 Cristy Boyd to discuss the environmental impact
8 study process and the steps ahead to ensure its
9 completion.

10 Ms. Boyd.

11 MS. CRISTY BOYD: Thank you, Ms.
12 Lyles.

13 Good evening, everybody. My name
14 is Cristy Boyd and I am a Project Manager with
15 The Louis Berger Group. As Ms. Lyles mentioned,
16 the purpose of tonight's hearing is to provide
17 you with an opportunity to comment on the Draft
18 Environmental Impact Statement, the document that
19 addresses the potential impacts resulting from
20 the proposal to construct and operate a new
21 Federal Correctional Institution and Federal
22 Prison Camp at USP Leavenworth. My
23 responsibility and that of The Louis Berger Group
24 is to assist the Bureau of Prisons with
25 preparation of the Draft and Final Environmental

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1 Impact Statements.

2 Preparation of the Draft EIS has
3 been carried out in accordance with the National
4 Environmental Policy Act, or "NEPA." NEPA
5 requires preparation of an EIS to ensure that
6 federal agencies consider how its actions affect
7 the environment and that these impacts are taken
8 into account during the decision-making process.
9 NEPA also ensures that the public is provided
10 opportunities to voice its interests and concerns
11 at both the onset of the process and following
12 the publication of the Draft and Final EIS. The
13 first opportunity was at the scoping meeting held
14 here in Leavenworth in January. Tonight's
15 hearing is the second opportunity.

16 The Draft EIS addresses a broad
17 range of environmental issues including but not
18 limited to biological and cultural resources,
19 population and economics, community services,
20 housing, utility services, traffic, as well as
21 air and noise. These topics have been studied
22 for each alternative proposal and the potential
23 impacts, both positive and negative, have been
24 evaluated. Information regarding the proposed
25 action, alternative plans for developing the

1 facilities and a summary of impacts described in
2 the Draft EIS is included in your handout.

3 The Draft EIS was published on
4 November 18th, initiating a 45-day review and
5 comment period which will conclude January 3rd,
6 2012. Written comments will be accepted by the
7 Bureau of Prisons until that time and will be
8 considered in conjunction with any verbal and
9 written comments you may offer tonight. Once the
10 comment period ends, all comments received
11 concerning the Draft EIS and the proposed action
12 will be reviewed by the Bureau of Prisons and a
13 response to each comment will be incorporated
14 within a Final EIS.

15 Publication of the Final EIS will
16 initiate a second comment period lasting for
17 30 days. A decision whether to proceed with the
18 proposed action will be made by the Director of
19 the Federal Bureau of Prisons soon thereafter.
20 That decision will take all environmental
21 analyses and comments into account and will be
22 documented by a Record of Decision as stipulated
23 by NEPA regulations.

24 I've provided a brief summary of
25 the NEPA process and the function and purpose of

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1 the Draft EIS document. However, our primary
2 purpose today is to hear your comments. We look
3 forward to hearing from you and appreciate your
4 participation. Thank you.

5 MS. BRIDGETTE LYLES: I would like
6 to just take a couple of moments to go over the
7 format for tonight's hearing and it will be as
8 follows: I will first call upon the individuals
9 who previously signed up to speak and ask them to
10 offer their comments. While we will not be
11 providing responses or answering questions during
12 this portion of the evening, there are several
13 BOP staff available to speak with you at the
14 conclusion of the meeting. When you come up to
15 speak, please clearly state and spell your name
16 so that it can be entered correctly into the
17 record.

18 I ask that you keep your remarks
19 fairly brief. If you do have more to say than
20 the time allows this evening, please consider
21 using the written comment form available at the
22 sign-in desk at the rear of the room which can be
23 completed and returned this evening or mailed to
24 us at your convenience. Simply write your
25 comments and mail them to us at the address shown

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1 on the form and we'll consider it as we would
2 your verbal comments this evening.

3 If you brought a written statement
4 with you, we would be pleased to accept it.
5 Also, if you're interested in being added to the
6 mailing list to receive a copy of the Final EIS,
7 please see Ms. Boyd after the hearing and we will
8 add you to the list.

9 Now for our public portion of the
10 hearing, I am going to call on our first speaker
11 that signed up this evening. I have Bryan Market
12 listed. If you could come to the microphone and
13 give us your name and spell it for the record.

14 MR. BRYAN MARKET: Hi. I'm Bryan
15 Market. My name is spelled B-r-y-a-n and
16 M-a-r-k-e-t.

17 Thank you very much for this
18 evening. When I went through the Draft EIS,
19 there were two areas that caught my attention:
20 The first one was visual and aesthetic resources
21 for the existing conditions. It had stated that
22 there is a line of trees along Corral Creek that
23 would block a lot of the light resources that
24 would be coming from the prison. I will tell you
25 that with that being on the high ground, I would

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1 ask you to reconsider the impact of the lights
2 because as I understand the Draft EIS, they're
3 going to be on about 100-foot masts.

4 And I would also ask consideration
5 for the type of light that would be used because
6 I can tell you that the current prison does put
7 out a good amount of light with the white lights
8 and I know that the masts are going to be
9 probably lower than what that's going to cover.
10 So I'd ask for consideration for that.

11 The other one was the potential
12 view groups. It stated in there that it was
13 primarily pedestrian and vehicle traffic that was
14 going to be along Metropolitan Avenue. I would
15 also tell you that you should consider the homes
16 that are on Fort Leavenworth. Having driven it
17 just yesterday and this morning to see who would
18 be able to see that area, there are going to be
19 many families who would be impacted by it. For
20 example, there will be many families who will be
21 able to see recreational activities if they're
22 out playing soccer or softball or baseball.
23 There will be vehicles driving around. So there
24 will be quite a few folks - residents, kids,
25 families - who will see everything that's going

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1 on at the prison because of the height.

2 Okay, that's all I have. Thank
3 you.

4 MS. BRIDGETTE LYLES: Thank you,
5 Mr. Market.

6 And our next speaker is Dale
7 Cleland.

8 MR. DALE CLELAND: (Business card
9 provided to the court reporter.) That way you
10 can spell it.

11 I'm one of two here this evening
12 representing Fort Leavenworth as a military
13 installation. We'll have a number of comments
14 that we'll submit in written form.

15 The one that I wanted to bring up
16 this evening, though, is there's no specific
17 mention of stormwater compliance to EIS 2007,
18 Section 348. While it talks about the energy
19 portion of the EIS, or EISA, the stormwater
20 portion of Section 348 isn't addressed and that's
21 predevelopment -- returning to predevelopment
22 stormwater runoff.

23 Corral Creek, which that runs into,
24 will be severely impacted by any change to
25 runoff. And while the Draft EIS does not address

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1 secondary impacts to threatened and endangered
2 species, one-half of a mile downstream from where
3 this prison will be built is a threatened and
4 endangered species, the pallid sturgeon. Corral
5 Creek is one of their habitats. So that probably
6 needs to be addressed specifically even if it's
7 not on Bureau of Prisons' property specifically.
8 Thank you.

9 MS. BRIDGETTE LYLES: Thank you,
10 very much.

11 And our next speaker is John
12 Kaufman.

13 MR. JOHN KAUFMAN: Good evening.
14 My name is John Kaufman, that's spelled
15 K-a-u-f-m-a-n. I'm the general manager of the
16 Leavenworth Water Department.

17 I just have one brief comment to
18 make. This concerns rainwater harvesting written
19 on page 1-15. The Draft EIS states that, "To
20 conserve natural resources, the BOP is currently
21 evaluating the possibility of rainwater
22 harvesting as part of the proposed project" for
23 use in the camp housing area and for cooling
24 tower water makeup.

25 The Water Department supports

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1 prudent water conservation measures as practical.
2 Please know that the harvested rainwater is not a
3 potable water unless treated and disinfected.
4 Therefore, all infrastructures associated with
5 the capture, storage, conveyance and use of
6 harvested rainwater must be isolated from the
7 public water supply to prevent contamination
8 through inadvertent backflow or cross-connection.

9 The Water Department, in
10 cooperation with the City of Leavenworth Public
11 Works Department and the Kansas Department of
12 Health & Environment, would be happy to work with
13 the Bureau of Prisons on the development of a
14 suitable harvested rainwater system that achieves
15 this important water quality objective. Thank
16 you.

17 MS. BRIDGETTE LYLES: Thank you.

18 Those are the speakers that we've
19 had to sign up previously before the start of our
20 hearing this evening. But if there's anyone who
21 would like to come forward at this time to make a
22 comment, the microphone is open and feel free to
23 step up.

24 MR. MAX NUSS: My name is Max Nuss,
25 N-u-s-s.

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1 I didn't realize this would not be
2 a question and answer so I'll just ask questions
3 and later expect to receive information. I would
4 like to know what security level this facility
5 would be. Number two, are there going to be
6 shared services? The warden at the USP or the
7 foreman at the USP versus the warden at the other
8 institution, is that going to be shared services
9 or are they going to be independent?

10 The number of staff that will be
11 working at this facility would be of interest to
12 the community. And are you going to make an
13 effort to hire from the community or are you
14 going to go to Kansas City, Atchison, things of
15 that nature?

16 I know that Leavenworth is very
17 much in favor of this, I know it's a great
18 economic boon. I have no problems with that
19 facility.

20 I would like to share one real
21 quick thing with everybody. In 1952, the city
22 known as Rochester, Minnesota had a corporation
23 to try to come into town and the community
24 resented it, fought it very hard. The industry
25 that came to that town now employs 7500 people in

E-COURT REPORTING, L.L.C.

1 Rochester; that's IBM. Okay? This is a great
2 opportunity for Leavenworth to grow. And if I
3 can assist you in any way, I remain available.
4 Thank you.

5 MS. BRIDGETTE LYLES: Thank you.

6 MAYOR MARK PREISINGER: I'm Mark
7 Preisinger, Mayor of Leavenworth. Preisinger,
8 P-r-e-i-s-i-n-g-e-r. I speak for the City of
9 Leavenworth and all of our staff -- we have our
10 Public Works Director and our City Manager
11 here -- anything that we can do to support this
12 project, we're definitely in favor of it.

13 Leavenworth has had about a 110- to
14 115-year partnership with the Bureau of Prisons,
15 Federal Prison, this USP at Leavenworth
16 specifically, and we welcome any addition that
17 you can bring, the business community as well as
18 the local government and the local facilities
19 that we can offer, so anything we can do to help.

20 On a personal note, there's a
21 couple options, the East/West Composite option
22 and then just the East Option. I think one thing
23 you may get a little pushback on the East/West
24 Composite option is where do the buffalo go? We
25 will make room for the buffalo. We want -- and I

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1 know it belongs to the BOP but I think the town
2 feels that we all own the buffalo even though you
3 feed them. But we'll make sure that -- what was
4 the count did you say, Scott? Eleven. Eleven
5 and there's a baby, one baby. We can work
6 through that.

7 On the sight lines that Mr. Market
8 was bringing up, I think those are important
9 points. But I do believe when the Fort put in
10 the new housing area by the back gate, by the
11 Hancock Gate, by the camp, I don't know if the
12 BOP or the Fort built the berm so that did take
13 out that sight line from that back housing area,
14 the Hancock Gate where those new houses are, over
15 to the camp. And I'm sure something like that
16 can be done if you're worried about children
17 seeing inmates in the yard.

18 But as I do understand, this
19 facility may be mostly a hospital-type facility
20 or a dialysis unit, I've heard, so I don't know
21 how much -- I'm sure there will be some yard
22 time, but I think those things can be taken care
23 of on the sight lines with just berms.

24 So thank you very much. And we,
25 Leavenworth, will help you in any way that we

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1 can. Thank you.

2 MS. BRIDGETTE LYLES: Thank you.

3 Do we have anyone else at this time
4 who would like to come to the microphone to speak
5 this evening?

6 (No response.)

7 No other speakers?

8 Well, with that being our last
9 speaker of the evening, we would like to let the
10 record show that we had a total of 22 persons to
11 sign in for tonight's public hearing which is now
12 ending at 7:32 p.m. And we would like to thank
13 you for attending and have a safe trip home
14 tonight.

15 As I mentioned, there are several
16 BOP staff for you to speak with individually with
17 any questions you may have or any clarification.
18 Thank you.

19 * * * * *

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CERTIFICATE

1
2 I, MARY K. MARTIN, a Certified
3 Shorthand Reporter within and for the State of
4 Kansas, of E-Court Reporting, L.L.C., do hereby
5 certify that I was present at the proceedings as
6 set forth in the caption sheet hereof; that I
7 then and there took down in shorthand the
8 proceedings had at that time, and the foregoing
9 pages constitute a true and accurate transcript
10 of the shorthand notes made at that place and
11 time.

12 IN WITNESS WHEREOF, I have hereunto set
13 my hand this 21st day of December, 2011.

14
15
16
17 -----
18 MARY K. MARTIN, CSR #0734
19 Certified Shorthand Reporter
20 State of Kansas
21
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23
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25

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ATTACHMENT 4
FEDERAL AGENCY DRAFT EIS MEETING



Federal Agency Meeting Summary

To: Bridgette Lyles, COTR

Cc: Justin Andrews, Richard Cohn

From: Cristy Boyd, JP Magron, The Louis Berger Group, Inc.

Meeting Date: Tuesday, December 13, 2011 (2:30 PM-4:00 PM CST)

Meeting Location: USEPA-Region 7, (901 N. 5th Street, Kansas City, Kansas 66101)

List of Participants:

A detailed list of participants attending in person and/or by telephone is provided in Attachment #1; representatives of the following entities were in attendance:

- U.S. Environmental Protection Agency (USEPA) – Region 7
- U.S. Army Corps of Engineers (USACE) – Kansas City District
- Federal Bureau of Prisons (BOP)
- The Louis Berger Group, Inc. (LBG)

Purpose of Meeting:

To discuss the Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) proposed for development in Leavenworth, Kansas and the information contained within the Draft Environmental Impact Statement (DEIS) published November 18, 2011. The meeting agenda is included as Attachment #2.

HAZARDOUS MATERIALS

- LBG started the meeting by presenting an update of the morning's coordination meeting with KDHE officials regarding the findings of the Phase I Environmental Site Assessment (ESA) and suggestions for a focused Phase II ESA within the East Site; more specifically in light of the two ponds and the capped landfill trenches (both situated on the East Site). LBG also reported on the information provided by Kansas Department of Health and Environment regarding the revised approximate area of the historic landfill trenches.
 - In response to USEPA's questions, LBG noted that the ponds were originally constructed in the early 1990s and that they were known to have low levels of contaminations (some metals). USEPA noted the BOP's opportunity to consider green sustainable solutions for building low impact structures over the capped landfill overlying the trenches.
 - USEPA officials mentioned that the clean-up of these areas would fall within the overarching goals of NEPA to improve the quality of the environment. To that end, USEPA recommended that the Final Environmental Impact Statement (FEIS) highlight
-



this benefit from the proposed project, by providing details of the proposed remediation plan; as readily available at the time of the FEIS publication.

TRAFFIC & AIR QUALITY

- LBG provided a synopsis of the anticipated traffic volume increase and an update of current coordination with KDOT.
 - While USEPA recognized the detailed Traffic Impact Study would be performed at a later time (during the Design/Build Phase, as agreed upon with KDOT), USEPA requested that they be consulted during the review of the traffic study given potential air quality concerns to the low-income residential neighborhood around the proposed new driveway at Metropolitan Avenue and N. 10th Street.
 - USEPA also acknowledged that traffic impacts (if any) could easily be mitigated by altering the BOP's employee work shifts to avoid the regular traffic peak hours on Metropolitan Avenue.

ECOLOGICAL RESOURCES (WETLANDS AND T&E SPECIES)

- LBG recapped the technical studies completed to date relative to the wetland delineation, T&E habitat survey, and the wetland and the waters of the U.S. jurisdictional determination. It should be noted that the U.S. Army Corps of Engineers (USACE) had previously provided the BOP with an approved jurisdictional determination. As summarized in the USACE's approved jurisdictional determination, there are approximately 13,012 linear feet of stream and 5.39 acres of wetlands and impoundments on site.
- Approximately 4,118 linear feet of stream and 3.81 acres of wetlands and impoundments would be impacted by the proposed East/West Composite Alternative development plan.
- Approximately 3,718 linear feet of stream and 2.88 acres of wetlands and impoundments would be impacted by the FCI East 1 Alternative development plan.
- USACE officials stated that they are still reviewing the DEIS and that a formal written comment letter will be provided at a later time.
- During the discussion, the USACE raised a concern about the Section 404 (B)(1) Guidelines for *Specification of Disposal Sites for Dredged and Fill Material* - as these guidelines require the selection of the least environmentally-damaging and practicable alternative. Consequently, any other selection would need to be sufficiently documented in order to demonstrate the BOP's rationale for making the selection.
- USACE officials also questioned the six preliminary alternatives and asked for the BOP's rationale for not selecting development of the FCI on the West Site; which would result in fewer impacts to wetlands and streams. LBG stated that due to the footprint needed and the additional 300-foot buffer required that the BOP was unable to fit the FCI on the West Site. LBG also provided the USACE with copies of the engineering drawings of the six alternatives in



order to aid the USACE in its review of the DEIS. LBG also informed all meeting attendees that the site plan drawings could also be found in Appendix C of the DEIS.

- Given the anticipated level of wetland impacts (i.e., over the regulatory thresholds regardless of the two alternatives being advanced in the DEIS), the USACE confirmed that a Section 404 Individual Permit will be required rather than the Nationwide permit as originally envisioned.
- Regarding the Section 404 permitting process and the options for mitigation required, the USACE summarized that there are three options: avoidance, minimization, and mitigation. While the proposed project cannot practically avoid or minimize, BOP will be required to provide mitigation.
 - The USACE prefers, if possible, that applicants utilize a mitigation bank rather than on-site mitigation. However, there is only one bank available in the Leavenworth service area, Stranger Creek Bank. At this time, the USACE believes that there might not be enough wetland and stream credits at that bank when the project is ready for construction.
 - If there are not enough available credits, another potential option would be to provide adequate mitigation by purchasing as many credits as possible from the Stranger Creek Bank (until they are exhausted) and then purchase the remaining credits from an in-lieu fee program. Regarding the in-lieu program, there are several available in Kansas, including the Watershed Institute and Sunflower Land Trust.
 - There was also a discussion of on-site mitigation in the form of preservation of Corral Creek and/or improvement (i.e., plantings, removal of exotic and invasive plant species, etc.). This option would require the BOP to develop USACE-approved mitigation performance success measures and at least five years of monitoring. Further, this method would not generate a high level of mitigation and would be the least desirable option of both the USACE and the BOP.
- Following a question from the USACE, the BOP clarified that the proposed FCI would include a long-term care section with a dialysis center but it was not solely built for addressing medical needs of inmates due to an aging population. The primary goal of the proposed project is to address the need for additional bed space due to the federal inmate expanding population.
- Next steps include the preparation of the Section 404 Individual permit application. These permits are valid for a five-year term and can be extended, if necessary. The BOP and USACE also have the option to extend the term of the permit. The permitting process is expected to take approximately four to six months to complete.

Note: This meeting summary documents the agenda, participants, and resulting action items from the referenced meeting. BOP participants should provide any additions/exceptions to this meeting summary within 10 business days of the transmittal date. If no communications are received in this regard, then this meeting summary will be considered to adequately reflect the agenda, participants, and resulting action items from the referenced meeting.

Attachments:

1. Sign-In Sheet
2. Federal Agency Meeting Agenda

**Attachment #1
Sign-In Sheets**



**PROPOSED FCI/FPC LEAVENWORTH
FEDERAL AGENCY MEETING SIGN-IN SHEET
December 13, 2011 (2:30 PM CST)**

Please Print

No.	Name	Title/Affiliation	Contact Information
1	Justin Andrews	Deputy Assistant Director, Administration Division, BOP	BOP- Washington D.C. (202) 307-3230 jxandrews@bop.gov
2	Richard Cohn	Chief, Capacity Planning and Site Selection, BOP	BOP- Washington D.C. (202) 514-6470 racohn@bop.gov
3	Bridgette Lyles	COTR, Capacity Planning and Site Selection, BOP	BOP- Washington D.C. (202) 514-6470 blyles@bop.gov
4	Cristy Boyd	Project Manager, The Louis Berger Group, Inc.	(954) 566-3799 CBoyd@louisberger.com
5	Jean-Philippe Magron	Deputy Project Manager, The Louis Berger Group, Inc.	(973) 407-1504 JPMagron@louisberger.com
6	Laura Totten	Senior Ecologist, The Louis Berger Group, Inc.	(816) 398-8655 LTotten@louisberger.com



PROPOSED FCI/FPC LEAVENWORTH
FEDERAL AGENCY MEETING SIGN-IN SHEET
December 13, 2011 (2:30 PM CST)

Please Print

No.	Name	Title/Affiliation	Contact Information
7	Chris Schoen	Senior Archaeologist, The Louis Berger Group, Inc.	(319) 373-3043, ext. 3034 CSchoen@louisberger.com
8	Camilla Deiber	Architectural Historian, The Louis Berger Group, Inc.	(319) 730-3028 CDeiber@louisberger.com
9	Brian Dowlave	Project Manager Corps of Engineers	816 389-3703 brian.t.dowlave@usace.army.mil
10	Chris Name	Intern Corps of Engineers	816-389-3829 Chris.Name@usace.army.mil
11	JOE COTHERN	U.S. EPA	913 551-7148 Cotherrn.joe@epa.gov
12	BRAD HORCHEM	U.S. EPA	913-551-7137 horchem.brad@epa.gov



PROPOSED FCI/FPC LEAVENWORTH
FEDERAL AGENCY MEETING SIGN-IN SHEET
December 13, 2011 (2:30 PM CST)

Please Print

No.	Name	Title/Affiliation	Contact Information
13	DARIN BANKS	U.S. EPA	913-551-7224 Banks.Darin@EPA.GOV
14	Stephanie Doolan	U.S. EPA Air Program	913-551-7719 doolan.stephanie@epa.gov
15	Mike McCloskey (by phone)	LBG VP Operations	973 407 1395 mmccloskey@louisberga.com
16	Chris Carliss (by phone)	LBG Manager Landfills/SW	973-407-1369 ccarliss@_____
17	Doug Goney (by phone)	LBG Principal Env. Scientist	916-441-1227 Ext. 9091 dgoney@_____
18			

Attachment #2
Agenda



Proposed FCI/FPC Leavenworth, Kansas

FEDERAL AGENCY MEETING AGENDA

Date: December 13, 2011
Time: 2:30 PM CST
**Location: USEPA-Region 7
901 N. 5th Street
Kansas City, KS 66101**

**FEDERAL BUREAU OF PRISONS / THE LOUIS BERGER GROUP, INC.
PROPOSED FEDERAL CORRECTIONAL INSTITUTION (FCI) AT USP LEAVENWORTH, KANSAS**

I. INTRODUCTIONS

- U.S. Environmental Protection Agency (EPA)
- U.S. Army Corps of Engineers (USACE)
- U.S. Fish and Wildlife Service (USFWS) (via conference line)
- Federal Bureau of Prisons
- The Louis Berger Group, Inc.

II. STATUS OF THE EIS AND RELATED TECHNICAL STUDIES

- USEPA
 - Overall NEPA Compliance
 - Review of Coordination with KDHE on Hazardous Waste Sites
- USACE
 - Wetland Impacts and Permitting
- USFWS
 - T&E Species

III. NEXT STEPS

- Final EIS
- ROD



ATTACHMENT 5
STATE AGENCY DRAFT EIS MEETING



Kansas State Agency Meeting Summary

To: Bridgette Lyles, COTR

Cc: Justin Andrews, Richard Cohn

From: Cristy Boyd, JP Magron, The Louis Berger Group, Inc.

Meeting Date: Tuesday, December 13, 2011 (10:00AM-11:30AM CST)

Meeting Location: Kansas State Historical Society (6425 SW 6th Avenue, Topeka, Kansas 66615)

List of Participants: A detailed list of participants attending in person and/or by telephone is provided in Attachment #1; the following entities were in attendance:

- Kansas State Historic Preservation Office (SHPO)
- Kansas Department of Wildlife and Parks (KDWP)
- Kansas Department of Health and Environment (KDHE)
- Kansas Department of Transportation (KDOT)
- Federal Bureau of Prisons (BOP)
- The Louis Berger Group, Inc. (LBG)

Purpose of Meeting: To discuss the Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) proposed for development in Leavenworth, Kansas and the information contained within the Draft Environmental Impact Statement (DEIS) published November 18, 2011. The agenda for the meeting is available as Attachment #2.

HAZARDOUS MATERIALS

- Relative to contaminated sediment found within the existing ponds on the East Site, KDHE indicated that additional characterization of sediment quality will likely be necessary prior to filling the ponds in place or excavating and disposing of pond sediments off-site.
- KDHE concurred that the larger undeveloped area on the East Site was free of hazardous waste.
- KDHE provided several aerial-based maps depicting the approximate boundaries of the landfill trenches located on the East Site (Attachment #3). This information confirmed that the extent of the landfill trenches is significantly smaller than the "HazMat Area A" mapping provided by KDHE in January 2011. KDHE also agreed/confirmed that the remaining portion of the HazMat Area A within the East Site is largely free of contaminants including the former sites of paint disposal and oil dumping near the already developed portion of the East Site (i.e., UNICOR's warehouses and parking).



- KDHE concurred that the primary areas of concern within the East Site include: (1) the landfill trenches and (2) the two ponds. The following summarizes the discussion relative to how those areas of concern could be remediated.
 - Both water and sediments within the two existing ponds should be sampled/analyzed for detailed contaminant characterization. (It should be noted that prior to conducting any sampling, KDHE would require an approved sampling plan). Following characterization of the contamination, KDHE would be able to provide their recommendations regarding the appropriate methods and location for disposition of sediment. In addition to the removal and off-site disposal option, capping of the ponds could also be a viable option.
 - Relative to the landfill trenches situated in “Area A”, available reports indicate that there are 6 trenches, which measure 400 feet long, 25 feet wide and 13 feet deep spaced 50 feet apart; with a cap as thin as 18 inches. According to prior characterizations made in the 1990s by George Butler and Associates (GBA), the trenches contain tires, leather, plastic, glass, Styrofoam and trash. Preliminary calculations based on the described dimensions indicate that this area would comprise approximately 28,889 cubic yards of waste; however confirmatory exploration will be required by KDHE prior to any excavation activities within the landfill trenches. KDHE most importantly noted that no previous permit was issued for historic dumping activities; therefore the site is considered an **unpermitted waste site area**. Bearing this in mind, three remedial options were discussed if the landfill trenches were to be impacted by the proposed project:
 - ✓ Extract, sort, and rebury materials on-site. (This would require a new landfill permit – to be prepared under the Design/Build Phase).
 - ✓ Leave the trenches in-place and allow light construction (e.g., parking lots or outdoor ball fields) on top while accommodating a methane gas ventilation system.
 - ✓ Off-site removal was indicated as the preferred option by KDHE. Given its suspected contents, KDHE indicated that a standard Construction & Debris (C&D) Recycling Facility would not be capable of accepting the refuse materials. To that end, KDHE indicated that the closest solid waste facility that could accept such wastes would most likely be in Johnson County (about 30 miles away).
- KDHE indicated that they will also provide a formal comment letter as part of their official review of the DEIS.

UTILITY SERVICES AND WATER RESOURCES

- KDHE indicated that the permit coordination/review for water and sanitary sewer extensions will take place through the City of Leavenworth (to be prepared under the Design/Build Phase). KDHE usually works through the local agency (City of Leavenworth Public Works Department) for these permits; however, they will review for general conformance to KDHE minimum engineering standards regarding water storage, sanitary sewer capacity and minimum sanitary sewer cleansing velocity (two feet per second), pipe material selection and



minimum pressure for water mains, fire flow and disinfection. Dan Clair (KDHE) will review the engineering report and plans. Rod Geisler is the Section Chief with KDHE for this review.

- For informational purposes, KDHE distributed hard copies of information contained on their Stormwater Program's webpage (<http://www.kdheks.gov/stormwater/index.html>); specifically noting that the project would most likely require a NPDES Construction Stormwater Permit. A General Construction Stormwater Permit will be needed for construction activities related to the new facility and will require Erosion and Sediment Control Plans that implement Best Management Practices to minimize impacts downstream of the construction sites. These permits would be obtained during the Design/Build Phase of the project.
- Consultation with KDHE's Bureau of Water regarding disturbance or removal of the hazardous materials (if any) will need to take place prior to these activities. To that end, KDHE's Bureau of Water also indicated the desire to review the proposed Erosion Sediment Control Plan for any construction activities within the contaminated areas in order to ensure minimal exposure to downstream Corral Creek.
- KDHE also indicated that their General NPDES permit was undergoing revisions. The new permit form (currently under USEPA's review) should be available in mid-May 2012. Any application prior to that date should utilize the old form.

TRAFFIC

- LBG provided detailed information relative to the proposed new access road to be constructed from Metropolitan Avenue, across from N. 10th Street, (a designated minor arterial road) and the potential for adverse traffic impacts during the PM peak hour (with an additional 310 employee vehicles). LBG also emphasized that impact analysis contained within the DEIS was solely based on a qualitative assessment. In response, KDOT agreed that the current qualitative assessment is sufficient for this level of preliminary design. However, KDOT recommended that the BOP continue to coordinate with local traffic stakeholders in order to minimize any construction/operational traffic impacts associated with the proposed intersection improvements at Sherman and Grant Gates to Fort Leavenworth, as part of KDOT's Metropolitan Avenue Traffic Study.
- KDOT indicated that a traffic impact study will need to be performed during BOP's final phase of design (after completion of the NEPA process) in order to determine whether a new lane configuration (turning/deceleration lanes) or even a fully signalized intersection would be needed in front of the new FCI driveway entrance. The plan for this traffic impact study would need to be approved by KDOT and the City of Leavenworth before its initiation. KDOT recommended that the proposed entrance be in line with N. 10th Street so as to make a perpendicular intersection at that location.
- KDOT also noted that the costs of any mitigation measures and associated permits (whether for new lane configuration or signalized intersection) will be BOP's responsibility. KDOT's estimate for a new signalized intersection is between \$150,000-200,000. In response, the BOP



noted that they're typically not authorized to pay for any improvements on properties that they do not own.

- LBG also confirmed to KDOT that no significant traffic impact on Santa Fe Trail would occur under the East/West Composite alternative, as only an additional 20 employee vehicles would utilize the current service road/entrance during the PM Peak Hour.

CULTURAL RESOURCES

- The proposed N. 10th Street driveway and intersection, involving both the East/West Composite and FCI East 1 development alternatives, will impact Buildings 17 and 18. The FCI East 1 alternative will also impact four additional staff houses situated within the larger circle of staff housing. These buildings are not highly significant from an architectural standpoint, but Kansas SHPO will require Level 2 documentation if these buildings are impacted. A Level 2 documentation would include the completion of forms, digital photos, etc.; added to the SHPO digital database. SHPO requested that, if possible, the BOP include all of the buildings at Leavenworth within the online survey.
- Under the FCI-East 1 alternative, removing the staff houses from the larger circle to construct baseball and soccer fields associated with the FPC creates a preservation problem. Kim Gant (SHPO) suggested that the BOP investigate ways to avoid impacts to the larger circle of housing since SHPO would prefer not to have these structures removed. The BOP indicated that the field locations can be changed and this may be more advantageous to keep inmates further away from staff households. However, the close proximity of the proposed FPC to the remaining houses and the road are problematic from a security point of view.
- Construction of a wind turbine is not an issue with regard to viewshed for the BOP Leavenworth facility or for the Fort Leavenworth military base.
- Up to three of five archaeological sites identified as potentially eligible for listing in the National Register of Historic Places could be impacted by the proposed project. These include sites 14LV169, 14LV171, 14LV172, 14LV176, and 14LV181 as indicated in the Final Cultural Resources Study submitted to SHPO on November 11, 2011.
- Under the FCI East-1 Alternative, Site 14LV181 will be impacted by development of the proposed Central Utility Plant Warehouse and/or Garage Landscape Building. The western end of Site 14LV176 could be impacted by grading and construction activities at the northeast corner area of the perimeter fence. The central part of the Site 14LV176 could be impacted by relocation of electrical transmission lines. LBG suggested that Site 14LV176 could be fenced off to avoid impacts during construction.
- For the East/West Composite Alternative, Site 14LV181 will be impacted as described above, Site 14LV176 could be impacted as described above, and Site 14LV171 will be impacted by the proposed new FPC.
- According to SHPO, the BOP is obligated to evaluate only those sites that will be impacted by construction. If a site is determined to be not eligible for the National Register, then no



mitigation of that resource will be needed and construction can proceed at that location. Based on the preliminary site plans, it appears that only the three sites mentioned above will require evaluation. However, the BOP may decide to evaluate all of the five sites in order to ensure flexibility with the final design.

- If a site is determined to be eligible for the National Register because it has potential to contribute new and important information about the prehistory of the locality and/or region, then BOP will need to consult with SHPO to plan how the impacts to the site will be mitigated. Typically, the mitigation involves data recovery excavations to collect enough information to address the research topics identified from the results of the site evaluation study. Other kinds of documents or activities also may be selected as mitigation methods. Common examples are brochures or booklets about the site and its broader context in Kansas history for public use, museum displays, public presentations, or a webpage about the site(s) to increase public awareness and appreciation of Kansas history.

NOTE: After the meeting LBG inquired as to what BOP planned for the artifacts recovered from the Phase I archaeological survey. LBG suggested that if BOP donated the artifacts to the Kansas State Historical Society for curation, the BOP could then loan materials from the collection to display at BOP Leavenworth. Otherwise, the BOP was obligated to provide curation of the materials at another federally-approved curation facility.

ECOLOGICAL RESOURCES (WETLANDS AND T&E SPECIES)

KDHE and KDWP stated that they are still reviewing the biological and water resources sections of the DEIS and they will provide written comments by the end of the comment period.

- The KDWP stated that their staff is still reviewing the DEIS but that no major problems have been noted. Once they have finished their review they will forward written comments. LBG also reported that no smooth earth or redbelly snake habitat will be affected by the proposed construction.
- The type of wetland permit required from the U.S. Army Corps of Engineers and KDHE was also discussed. At the present time and based on the two currently considered alternatives in the DEIS, it is expected that an Individual Section 404 Permit and Section 401 Water Quality Certification would be required, rather than the less comprehensive Nationwide Permit. The KDHE stated that Scott Satterthwaite is the contact in their agency for water quality certification and would review the permit application.
- During a discussion of the potential wind turbine, Steve Adams (KDWP) commented that the Missouri River, located in close proximity to the project area, is a migration corridor for migratory birds and there may be a possibility for impacts to avian species. Additionally, there may be some concerns for bat species that use the Missouri River during the summer months. The KDWP are willing to assist in the siting of a wind turbine if the BOP decides to include this in their design. They also recommended that the Final EIS include a section addressing coordination requirements with the U.S. Fish and Wildlife Service and KDWP and measures that BOP would implement to avoid and minimize impacts to wildlife species which may result from the construction of a wind turbine on site.



Note: This meeting summary documents the agenda, participants, and resulting action items from the referenced meeting. BOP participants should provide any additions/exceptions to this meeting summary within 10 days of receipt. If no communications are received in this regard, then this meeting summary will be considered to adequately reflect the agenda, participants, and resulting action items from the referenced meeting.

Attachments:

1. Sign-In Sheet
2. State Agency Meeting Agenda
3. KDHE's Aerial Maps of Approximate Boundaries for Landfill Trenches in Area A (submitted on 12/13/11)

**Attachment #1
Sign-In Sheets**



**PROPOSED FCI/FPC LEAVENWORTH
STATE AGENCY MEETING SIGN-IN SHEET
December 13, 2011 (10:00 AM CST)**

Please Print

No.	Name	Title/Affiliation	Contact Information
1	Justin Andrews	Deputy Assistant Director, Administration Division, BOP	BOP- Washington D.C. (202) 307-3230 jxandrews@bop.gov
2	Richard Cohn	Chief, Capacity Planning and Site Selection, BOP	BOP- Washington D.C. (202) 514-6470 rcohn@bop.gov
3	Bridgette Lyles	COTR, Capacity Planning and Site Selection, BOP	BOP- Washington D.C. (202) 514-6470 blyles@bop.gov
4	Cristy Boyd	Project Manager, The Louis Berger Group, Inc.	(954) 566-3799 CBoyd@louisberger.com
5	Jean-Philippe Magron	Deputy Project Manager, The Louis Berger Group, Inc.	(973) 407-1504 JPMagron@louisberger.com
6	Laura Totten	Senior Ecologist, The Louis Berger Group, Inc.	(816) 398-8655 LTotten@louisberger.com
7	Camilla Deiber	Architctural Historian, The Louis Berger Group, Inc.	(319) 730-3028 CDeiber@louisberger.com



PROPOSED FCI/FPC LEAVENWORTH
STATE AGENCY MEETING SIGN-IN SHEET
December 13, 2011 (10:00 AM CST)

Please Print

No.	Name	Title/Affiliation	Contact Information
8	William Yord	Senior Project Manager, The Louis Berger Group, Inc.	: 816-398-8664 WYord@louisberger.com
9	Kim Gant	KSHPO	785-272-8681 ext 225
10	Tim Weston	KSHPO	785-272-8681 EXT. 214 T.WESTON@KSHS.ORG
11	JUAN SEXTON	KDHE / BWM	785-296-6599
12	JOSEPH DOM	KDHE / RER	785/296-4367 jdom@kdheks.gov
13	Donald Carlson	KDHE - Bureau of Water	785-296-5547 dcarlson@kdheks.gov
14	CHRIS SCHOEN	THE LOUIS BERGER GROUP	319-370-3034 c.schoen@louisberger.com



PROPOSED FCI/FPC LEAVENWORTH
STATE AGENCY MEETING SIGN-IN SHEET
December 13, 2011 (10:00 AM CST)

Please Print

No.	Name	Title/Affiliation	Contact Information
15	Laura Totten	Senior Ecologist / LBG	816-868-2530 ltotten@louisberger.com
16	Camilla Deiber	Architectural Hist. / LBG	cdeiber@louisberger.com
17	Steve Adams	Kansas Dept of Wildlife, Parks + Tourism	785-296-2281 steve.adams@ksoutdoors.com
18	Jen Mitchell	KS Dept. of Health + Environment	785-296-2535 jmittchell@kdheks.gov
19	Clay Adams	District Engineer Kansas Dept. of Transportation	785-296-3881 clay@ksdot.org
20	Mike Moriarty (by phone)	KDOT Bureau of Transp. Planning	785-296-8864 mikemor@ksdot.org
21	Mike McCluskey (by phone)	LBG VP Operations	913-407-1395 mmcliskey@louisberger.com



**PROPOSED FCI/FPC LEAVENWORTH
STATE AGENCY MEETING SIGN-IN SHEET
December 13, 2011 (10:00 AM CST)**

Please Print

No.	Name	Title/Affiliation	Contact Information
22	Chris Curless (by phone)	LBG Manager Landfill/SW	973 - 402 1369 ccurless@lowbergeson.com
23	Doug Ganey (by phone)	LBG Principal Env. Scientist	916 441 1227 ext 9091 dganey@lowbergeson.com
24			
25			
26			
27			

Attachment #2
Agenda



STATE AGENCY MEETING AGENDA

Date: December 13, 2011
Time: 10:00 AM CST
Location: Kansas State Historical Society
6425 SW 6th Avenue
Executive Room
Topeka, KS 66615

FEDERAL BUREAU OF PRISONS / THE LOUIS BERGER GROUP, INC.
PROPOSED FEDERAL CORRECTIONAL INSTITUTION (FCI) AT USP LEAVENWORTH, KANSAS

I. INTRODUCTIONS

- Kansas State Historical Society, State Historic Preservation Office (SHPO)
- Kansas Department of Wildlife and Parks (KDWP)
- Kansas Department of Health and Environment (KDHE) - Division of Environment
- Kansas Department of Transportation
- Federal Bureau of Prisons
- The Louis Berger Group, Inc.

II. STATUS OF THE EIS AND RELATED TECHNICAL STUDIES

- SHPO
 - Cultural Resources Survey Report
 - Archeology
 - Architecture
- KDPW
 - T&E Species
 - Wetland Impacts and Permitting
- KDHE
 - Hazardous Waste Sites
 - Water/Wastewater
- KDOT
 - Traffic Impacts

III. NEXT STEPS

- Final EIS
- ROD



Attachment #3
Aerial maps provided by KDHE

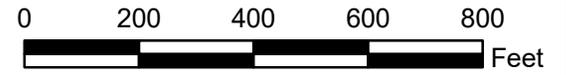
From: [Joe Dom](#)
To: [Ganey, Doug](#)
Cc: [Magron, Jean Philippe](#)
Subject: FCI Leavenworth
Date: Tuesday, December 13, 2011 1:04:15 PM
Attachments: [Area A 2010 NAIP.pdf](#)
[Area A 06 6in color.pdf](#)
[Area A 1992 DOQQ.pdf](#)

Good Morning,

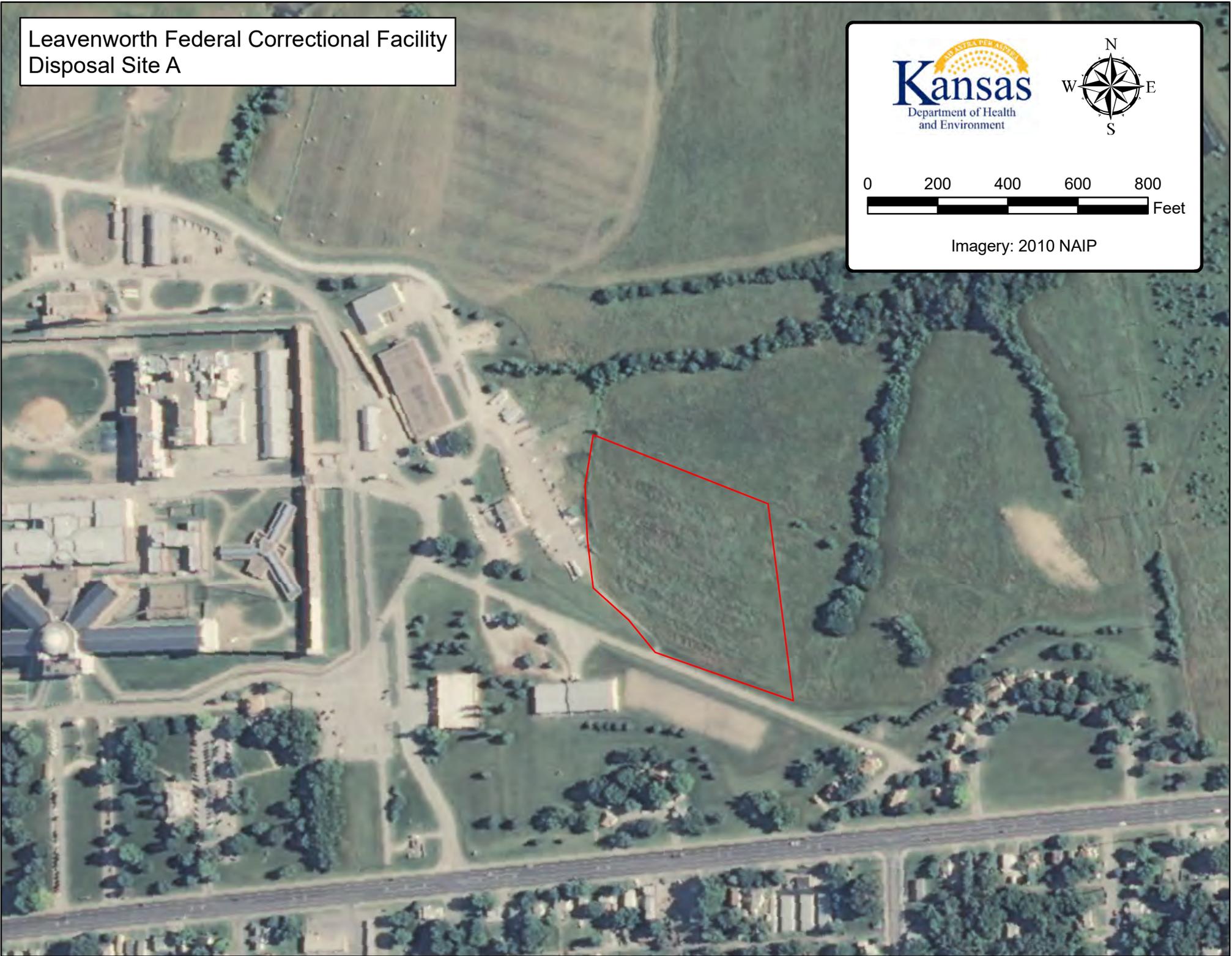
Attached are electronic copies of the figures I provided during the meeting this morning showing the approximate locations of the Site A solid waste trenches.

Joseph Dom, P.G.
ITRC State Engagement POC
Landfill / Drycleaner Remediation Unit
Bureau of Environmental Remediation
1000 SW Jackson St, Suite 410
Topeka, KS 66612-1367
(785) 296-4367 (voice)
(785) 296-4823 (fax)

Leavenworth Federal Correctional Facility
Disposal Site A

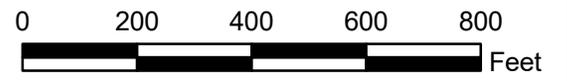


Imagery: 2010 NAIP



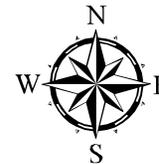


NO ASERA PER ASPERA
Kansas
Department of Health
and Environment

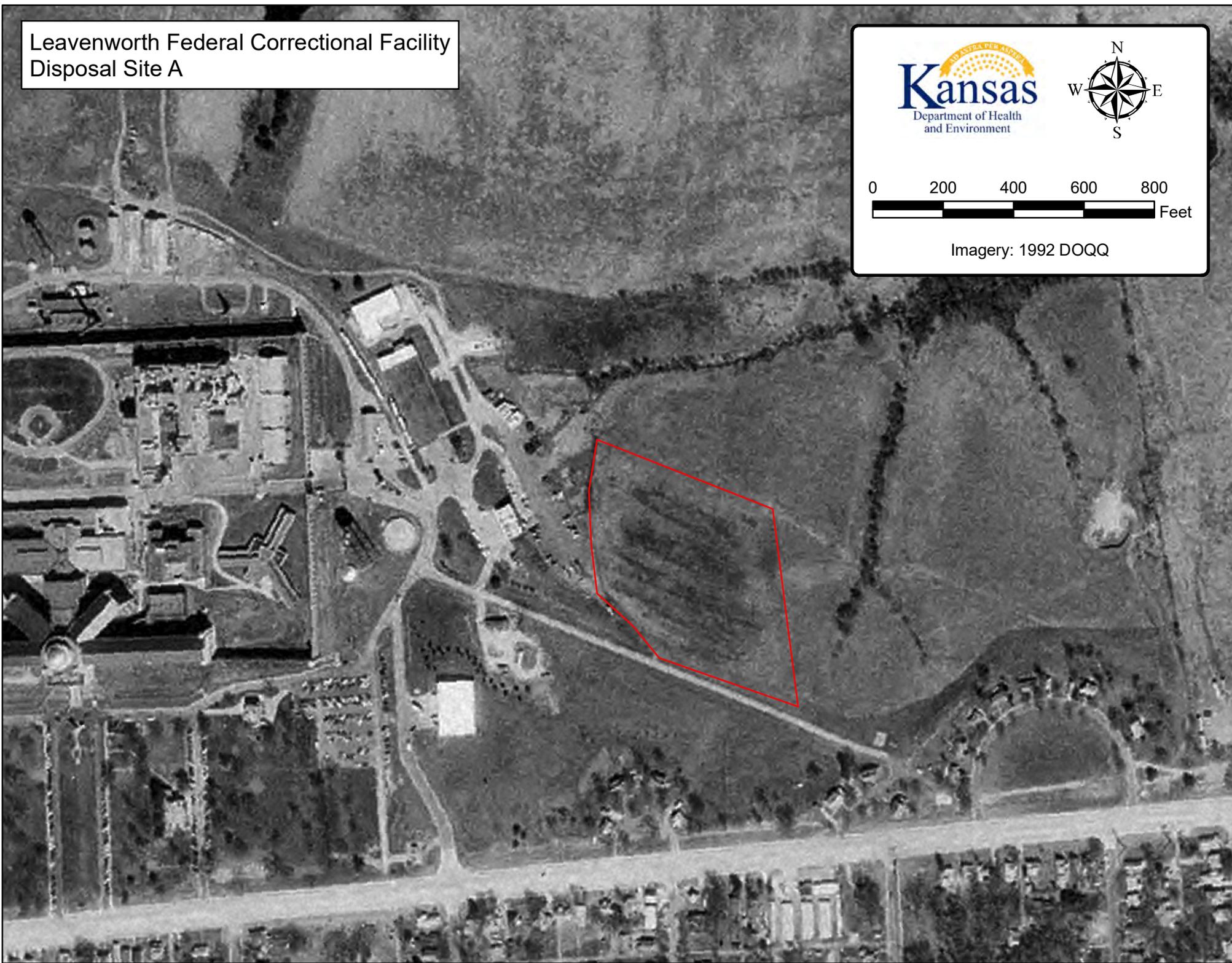


Imagery: 2006 Leavenworth County 6in Color

Leavenworth Federal Correctional Facility
Disposal Site A



Imagery: 1992 DOQQ



ATTACHMENT 6
NOTIFICATION OF REINITIATION OF NEPA PROCESS -
June 11, 2014



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

June 11, 2014

**Re: UPDATE ON THE ENVIRONMENTAL IMPACT STATEMENT PROCESS -
PROPOSAL TO CONSTRUCT A FEDERAL CORRECTIONAL INSTITUTION
AND FEDERAL PRISON CAMP IN LEAVENWORTH, KANSAS**

Dear Sir/Madam:

On November 18, 2011, the U.S. Department of Justice, Federal Bureau of Prisons (BOP) published a Draft Environmental Impact Statement (DEIS) concerning the proposal to construct a Federal Correctional Institution and Federal Prison Camp within the BOP's property currently containing the U.S. Penitentiary in Leavenworth, Kansas. Following publication of the DEIS, a public hearing was held on December 11, 2011 and the public comment period, allowing interested parties such as federal, state regional and local officials, agencies, organizations and the public to voice their interests and concerns regarding the proposed project, concluded on January 2, 2012. Comments were received by BOP but due to funding constraints, preparation of a Final EIS (FEIS) was postponed.

By this letter, BOP is announcing that it is reinitiating the EIS process and intends to complete its responsibilities and requirements under the National Environmental Policy Act (NEPA), which is required of all federal agencies. Key project highlights are listed below:

- There are no changes to the location or design of the proposed facilities.
- In response to comments received on the DEIS, BOP is conducting several follow on studies including cultural resources investigations (archaeological and architectural), stormwater runoff modelling and analysis, and a sanitary sewer capacity impact analysis. This information will supplement the information that was included in the DEIS and will be presented in the Final EIS (FEIS).

- The FEIS is expected to be published in late fall of 2014 and interested parties will have an opportunity to review and comment on the document.

The BOP appreciates your continued interest in this project. If you have any additional questions, please feel free to contact me or Issac Gaston, Site Selection Specialist, Capacity Planning and Site Selection Branch, Federal Bureau of Prisons, 500 First Street, NW, Washington, D.C. 20534 Tel: 202-514-6470 / Fax: 202-616-6024 / E-mail: igaston@bop.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas A. Webber". The signature is fluid and cursive, with a large initial "T" and "W".

Thomas A. Webber, Chief
Capacity Planning and
Site Selection Branch

Cc: Issac Gaston, BOP
Carol A. Zurawski, LBG, Inc.

ATTACHMENT 77
COMMENTS ON DRAFT EIS AND RESPONSES THERETO

ATTACHMENT 7

COMMENTS ON DRAFT EIS AND RESPONSES THERETO

A. INTRODUCTION

Council on Environmental Quality (CEQ) regulations requires that after preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall:

- Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.

Request the comments of:

- Appropriate state and local agencies which are authorized to develop and enforce environmental standards;
- Native American tribes, when the effects may be on a reservation; and
- Any agency which has requested that it receive statements on actions of the kind proposed.
- Request comments from the applicant, if any.
- Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.

The regulations further require that an agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond to those comments in a final document.

In keeping with these responsibilities, federal, state, regional and municipal agencies were provided with copies of the Draft EIS. Comments from the public were also solicited. A public scoping meeting was held prior to the commencement of the environmental analysis as described in Chapter I. Copies of the Draft EIS was also supplied to local libraries for review by the general public and the availability of the Draft EIS was reported in newspapers with local and region-wide distribution. Copies of written comments received from agencies, officials and the public in regard to the Draft EIS are reproduced in full in this section of the document, with responses to the substantive comments following each letter. A list of those individuals and agencies offering comments is provided in Exhibit VII-1. Additional issues raised by an analysis of the transcript of the public hearing, if any, are addressed in Section C. Collective consideration of the comments is provided in Section D.

B. Written Comments and Responses Thereto

Written comments received from agencies, officials, organizations, and the public in regard to the Draft EIS are reproduced in their entirety on the following pages. Each transmittal is assigned a Document

Number. Comments requiring a response are bracketed and assigned a Comment Number in the margin of the document. Responses to the comments are provided on the page(s) immediately following each document. A tabulation and enumeration of all written comments received is provided in Exhibit VII-1.

**EXHIBIT VII-1
WRITTEN COMMENTS RECEIVED CONCERNING THE DRAFT EIS**

Document Number	Date	Commenting Agency Or Individual
1	December 1, 2011	Patrick Zollner, Deputy State Historic Preservation Officer, Kansas Historical Society, Topeka, Kansas
2	December 15, 2011	Michael McDonald, P.E., Director of Public Works, City of Leavenworth Department of Public Works, Kansas
3	December 15, 2011	John M. Kaufman, General Manager, Leavenworth Water Department, Leavenworth, Kansas
4	December 15, 2011	Michael J. LeValley, Field Supervisor, U.S. Department of the Interior, Fish and Wildlife Service, Manhattan, Kansas
5	December 20, 2011	Bryan K. Market, Project Director, Fort Leavenworth Frontier Heritage Communities II, LLC, Fort Leavenworth, Kansas
6	December 27, 2011	Donald R. Carlson, P.E., Chief, Industrial Programs Section, Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas
7	December 29, 2011	David R. Hibbs, Regulatory Program Manager, Kansas City District, Corps of Engineers, Department of the Army, Kansas City, Missouri
8	December 30, 2011	Joseph Dom, P.G., Landfill/Dry Cleaner Remediation Unit, Kansas Department of Health and Environment, Bureau of Environmental Remediation, Topeka, Kansas
9	January 4, 2012	Jeffrey S. Robichaud, Deputy Director, Environmental Services Division, U.S. Environmental Protection Agency, Region 7, Kansas City, Kansas
10	November 6, 2014	Patrick Zollner, Deputy State Historic Preservation Officer, Kansas Historical Society, Topeka, Kansas

KSR&C No 11-01-098

6425 SW 6th Avenue
Topeka, KS 66615



phone: 785-272-8681
fax: 785-272-8682
cultural_resources@kshs.org

Kansas Historical Society

Sam Brownback, Governor
Jennie Chinn, Executive Director

December 1, 2011

Bridget Lyles
Site Specialist
Capacity Planning and Site Selection Branch
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

Dear Ms. Lyles:

1, 2, 3

In accordance with 36 CFR 800, the Kansas State Historic Preservation Office has reviewed a report entitled *Proposed Correctional Institution and Federal Prison Camp Leavenworth, Kansas: Final Cultural Resources Survey Report* by Christopher M. Schoen, RPA and Camilla R. Dieber of The Louis Berger Group, Inc., dated November, 2011. If a digital version of the report and/or shape files for pedestrian survey areas are available, we would appreciate receiving copies. Our office reviewed a draft of the manuscript in September of 2011. At that time, we found both the archeological and architectural background/field methods to be appropriate and the draft to be thorough and well written. In our review comments, we asked that temporary archeological site numbers be replaced with permanent trinomial designations, and that the nature of impacts to contributing architectural resources along Metropolitan Avenue be clarified.

4, 5

With reference to permanent numbers, our office continues to concur that five of the archeological sites investigated during the project (14LV169, 14LV171, 14LV172, 14LV176, and 14LV181) are potentially eligible for listing in the National Register of Historic Places. We agree that if avoidance is not possible, they should be tested at the Phase III level in order to determine their eligibility (or lack thereof) for National Register listing. Our office further concurs that the 16 remaining sites investigated during the survey (14LV110, 14LV111, 14LV337, 14LV364, 14LV365, 14LV366, 14LV167, 14LV168, 14LV170, 14LV173, 14LV174, 14LV175, 14LV177, 14LV178, 14LV179, and 14LV180) and the 15 isolated finds (IF-1 – IF-15) are not eligible for National Register listing.

The report describes a total of 73 buildings and structures identified during architectural survey at the United States Penitentiary (USP) Leavenworth. Our office concurs that USP Leavenworth is eligible for listing in the National Register of Historic Places under Criteria A and C at the national level of significance with a period of significance extending to 1960. The final report notes that, depending on which alternative is selected, two staff duplexes (#17 and #18), a non-contributing lift station (#45), and four staff residences could be directly impacted. Our office concurs that such impacts will constitute an adverse effect.

6

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures. If you have questions or need additional information regarding these comments, please contact Tim Weston at 785-272-8681 (ext. 214) or Kim Gant at 785-272-8681 (ext. 225).

Sincerely,

Jennie Chinn, Executive Director and
State Historic Preservation Officer

Patrick Zollner
Deputy SHPO

RESPONSE TO DOCUMENT 1

Patrick Zollner, Deputy State Historic Preservation Officer
Kansas Historical Society
Topeka, Kansas

Comment	Response
1.	The Bureau appreciates the interest and participation of Patrick Zollner and the Kansas Historical Society in the review of the Draft EIS and the Final Cultural Resources Survey Report prepared in support of the proposed project in Leavenworth, Kansas.
2.	As requested, the Bureau has provided digital versions of the Final Cultural Resources Survey Report and shape files to the Kansas Historical Society.
3.	Noted. Temporary archaeological site numbers were replaced by permanent trinomial designations in the Final version of the Cultural Resources Survey Report (sent by the Bureau to SHPO on November 14, 2011) and Final EIS. In addition, further clarification regarding the nature of impacts to contributing architectural resources along Metropolitan Avenue was incorporated within the Draft EIS.
4.	The concurrence of the Kansas Historical Society regarding the five archaeological sites as potentially eligible for listing in the National Register of Historic Places is acknowledged and that if avoidance of such sites is not possible as a result of the proposed project, Phase III testing would be undertaken by the Bureau to determine their eligibility. Concurrence of the Kansas Historical Society regarding the 16 archaeological sites and 15 isolated finds as not potentially eligible for listing in the National Register of Historic Places is also acknowledged.
5.	Concurrence of the Kansas Historical Society regarding the eligibility of USP Leavenworth for listing in the National Register of Historic Places is acknowledged and that if avoidance of impacts to staff duplexes (#17 and #18), a lift station (#45) and four staff residences is not possible as a result of the proposed project, mitigation for the adverse effect on the USP Leavenworth historic district may be necessary.
6.	The Bureau appreciates the comments provided by Patrick Zollner and the Kansas Historical Society and looks forward to working with the Society to complete the Section 106 process and ensure compliance with the requirements of the National Historic Preservation Act concerning its proposed project in Leavenworth.



December 15, 2011

Bridgette Lyles, Site Selection Specialist
Capacity Planning & Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

RE: Draft Environmental Impact Statement
Proposed Federal Corrections Institution and Federal Prison Camp- USP Leavenworth, Kansas

Dear Ms. Lyles:

1 The City of Leavenworth Staff attended the public meeting on December 14th, and has the following
comments on the Draft EIS:

Sanitary Sewer

- 2 1. The report confirms the need for a BOP Flow Study to ensure that the City sewers can
accommodate the flow from the new facilities. This is acceptable to the City.
3 2. The report identifies possible prison industries as part of the new facility. Discharge from any
prison industry should be evaluated for its impact on the City wastewater collection system and
treatment plant.

Stormwater System

- 4 1. The report addresses the need to protect the water quality during and after construction in
accordance with State and Federal regulations. This is acceptable to the City.
5 2. The report discusses the need for "Best Management Practices" to be used during the design of
the project to protect water quality and address water quantity issues. The City requests that
the design of the new facility review storm water quantity and quality issues from the entire BOP
property and those mitigation efforts be expanded to address all runoff areas, even if they are
not part of the final site selected. This is particularly true for drainage exiting BOP property from
the West Site in the vicinity of 15th Street.

Transportation Systems

- 6 1. The report addresses the on-going efforts of the City and KDOT related to the Centennial Bridge
replacement. It also describes the several entrances to BOP property from Metropolitan
Avenue. This is acceptable to the City.
7 2. The report identifies that much of the traffic associated with the new facility will be using a new
entrance at 10th Street. The traffic analysis does not identify the need for a signal or signal
study at 10th Street. The City is concerned that additional changes in internal traffic patterns for
BOP operations may reduce the number of existing access points to Metropolitan Avenue, or
concentrate additional traffic at the new entrance on 10th Street. It is requested by the City that
a traffic study be performed at the time the facility is approved for construction to verify the need
for a signal at 10th Street.

100 N. 5th Street • Leavenworth, Kansas 66048-1970 • (913) 680-2604
www.lvks.org

Other Issues:

8

1. Buffalo Viewing Area

The western portion of BOP property has been used for many years to allow viewing of a grazing Buffalo Herd. There are typically about 10-12 buffalo visible. This viewing has become a popular tourist activity. Recent improvements to Metropolitan Avenue resulted in relocation of the viewing area. Retention of the viewing area was identified as a high priority by both local residents and BOP officials. It was a specific requirement in the agreement between BOP and City of Leavenworth that a new viewing area be constructed to facilitate the viewing. The City requests that BOP address the future of the Buffalo Herd and the need for the City to maintain a viewing area for both the herd and the facility.

9, 10

2. Soccer Fields and Parking Lot

The BOP and the City have worked together to allow periodic use of open fields in the western area of the BOP property for soccer fields. It was a specific requirement in the agreement between BOP and City of Leavenworth that a new parking lot be constructed to continue this arrangement. The City requests that BOP comment on the future of the soccer fields and need for the parking lot.

Sincerely,



Michael McDonald P.E.,
Director of Public Works

Cc J. Scott Miller, City Manager
Cristy L. Boyd, Project Manager, The Louis Berger Group, Inc.

RESPONSE TO DOCUMENT 2

Michael McDonald, P.E., Director of Public Works
City of Leavenworth, Department of Public Works
Leavenworth, Kansas

Comment	Response
1.	The Bureau appreciates the interest and comments provided by Michael McDonald, P.E. and the Leavenworth Department of Public Works in its review of the Draft EIS prepared in support of the proposed project in Leavenworth, Kansas.
2.	Noted. The Bureau understands the importance of conducting a Flow Study to ensure that the City's sewers will be able to accommodate the increased flow originating from the proposed FCI/FPC and the study was initiated and completed in 2014. The Final EIS was updated to reflect the results of the study.
3.	Noted. The Bureau is considering whether or not to include operation of a prison industry at the proposed FCI. The Final EIS describes the potential for a prison industry.
4.	Noted. The Bureau and the Leavenworth Department of Public Works concur regarding the importance of protecting water quality during and following construction of the proposed FCI/FPC.
5.	The Bureau concurs that the proposed project will increase the net impervious area on the USP property, and therefore, state stormwater regulations apply. As such, the design of the stormwater management system in support of the proposed development will account for any deficiencies associated with the existing system.
6.	Noted. The Bureau acknowledges the assistance and cooperation of the Kansas Department of Transportation and the City of Leavenworth during development of the EIS to ensure that matters relating to Centennial Bridge and Metropolitan Avenue were properly addressed.
7.	Noted. The Bureau understands the importance of ensuring public safety and the maintenance of traffic flow along Metropolitan Avenue, N. 10 th Street and other key access routes. At this time the Bureau is not anticipating the need to install any traffic signals or other controls along such routes and will review the necessity for conducting a traffic study with City officials prior to construction of the proposed FCI/FPC. However, during discussions between the Bureau and Kansas DOT officials (December 2011) it was concluded that a traffic impact study will need to be performed during the final phase of FCI design (and after completion of the NEPA process) in order to determine whether a new lane configuration (turning/deceleration lanes) or a signalized intersection would be needed at the new FCI driveway entrance off Metropolitan Avenue.
8.	Noted. The Bureau acknowledges the importance to the City of the buffalo herd located on USP property. The Bureau similarly acknowledges the importance of the City's

recently relocated buffalo viewing area along Metropolitan Avenue which was relocated at City expense. To the extent possible, consistent with the Bureau's future needs that may include proposed construction of additional Bureau facilities on the USP property, the Bureau will use its best efforts to retain the existing herd of buffalo on USP property so it can be viewed by the public from the City's current buffalo viewing area.

9. Noted. Based on a review of the Bureau's records, as confirmed by City officials after receipt of the City's December 15, 2011, comment letter, there are no existing agreements/arrangements for use of USP property by the City for soccer or other sports activities.
10. The Bureau appreciates the comments provided by Michael McDonald, P.E. and the Leavenworth Department of Public Works and looks forward to continuing its successful relationship during the proposed facility's design, construction and operating phases.

Leavenworth Water Department

601 Cherokee, P. O. Box 576
Leavenworth, Kansas 66048-0576
913-682-1513
913-682-0627 (facsimile)
www.lvnwater.com

Developing and delivering the highest
quality water for Leavenworth
County, Kansas since 1882

December 15, 2011

Richard A. Cohn, Chief
Bridgette Lyles, Site Selection Specialist
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

RE: Draft Environmental Impact Statement – Proposed Federal Correctional Institution and Federal Prison Camp, USP Leavenworth, Kansas

Dear Mr. Cohn and Ms. Lyles:

1

The Leavenworth Water Department desires to submit the following comments on the draft environmental impact statement (EIS) for the proposed new federal correctional institution and federal prison camp in Leavenworth, Kansas.

2

The Water Department provides potable water to the City of Leavenworth and seven local rural water districts. Our customers include the existing US Penitentiary and the Veterans Administration facility in Leavenworth. The Water Department is also the emergency backup supplier of potable water to Fort Leavenworth and the Lansing Correctional Facility in Lansing, Kansas.

The Water Department has sufficient treatment capacity and transmission infrastructure to meet the anticipated water demands of the new correctional institution and prison camp. We look forward to working with the Federal Bureau of Prisons to ensure the reliable delivery of potable water to the new facility and camp.

We offer two specific "house-keeping" comments for your consideration:

3

1. **Rainwater Harvesting (page I-15).** The draft EIS states that to "conserve natural resources, the BOP is currently evaluating the possibility of rainwater harvesting as part of the proposed project" for use in the camp housing area and for cooling tower water make-up. The Water Department supports prudent water conservation measures where practical. Please know that harvested rainwater is not potable water (unless treated and disinfected). Therefore, all infrastructure associated with the capture, storage, conveyance, and use of harvested rainwater must be isolated from the potable public water supply to prevent contamination through inadvertent backflow or cross connection. The Water Department, in cooperation with the City of Leavenworth Public Works Department and the Kansas Department of Health and Environment, would be happy to work with the Bureau of Prisons on the

Quality • Service • Reliability

Richard A. Cohn, Chief
Bridgette Lyles, Site Selection Specialist
December 15, 2011
Page 2

development of a suitable harvested rainwater system design that achieves this important water-quality objective while taking advantage of water conservation opportunities.

4 **2. Utility Services, Existing Conditions, a. Water Supply (page III-9).** The first sentence of the first paragraph states that "Potable water is provided to the Fort Leavenworth area by the Leavenworth Water Department, an independent department of the City of Leavenworth." Please know that Fort Leavenworth operates (through an independent private contractor) its own public water-supply system. The Water Department provides emergency backup water supply to Fort Leavenworth on an as-needed basis. The Water Department is a quasi-governmental entity that was created in 1937 pursuant to K.S.A. 13-2414 through K.S.A. 13-2429 and operates independently from the City of Leavenworth. The second sentence states that the "Leavenworth Water Departments' service area includes the cities of Leavenworth and Lansing, as well as six rural water districts." Please know that potable water is provided to the City of Lansing by the Lan-Del Water District, which purchases its most of its water from the Leavenworth Water Department. As stated above, the Water Department provides potable water to the City of Leavenworth and seven local rural water districts, which includes the Lan-Del Water District.

5 We appreciate the opportunity to provide water to the planned new correctional institution and prison camp, and to offer constructive comments on the draft EIS. We look forward to working with the Federal Bureau of Prisons on this very important project.

Sincerely,



John M. Kaufman, General Manager

cc: Lisa J. W. Hollingsworth, Warden - US Penitentiary, Leavenworth
 Jack E. Walker - Deputy of the Garrison Commander, Fort Leavenworth, Kansas
 Mike McDonald, PE - Public Works Director, City of Leavenworth
 Dan Clair, PE - Engineering and Permits Unit Chief, KDHE
 Waterworks Board of Directors

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RESPONSE TO DOCUMENT 3

John M. Kaufman, General Manager
Leavenworth Water Department
Leavenworth, Kansas

Comment	Response
1.	The Bureau appreciates the interest and comments provided by John M. Kaufman and the Leavenworth Water Department in its review of the Draft EIS prepared in support of the proposed project in Leavenworth, Kansas.
2.	Noted. The Bureau has been relying upon the Leavenworth Water Department to provide for its potable water needs at the USP Leavenworth for many years and is confident that its systems and resources will similarly provide high quality service to the proposed FCI/FPC.
3.	Noted. The Bureau is in the earliest stages of determining the nature, extent and role of alternative energy and water conservation systems in the design, construction and operation of the proposed FCI/FPC and welcomes the guidance, input and participation of the Leavenworth Water Department when its planning reaches maturity.
4.	Noted. The Final EIS has been revised to clarify the responsibilities, service area, and relationships of the Leavenworth Water Department to other nearby water supply providers.
5.	Noted. The Bureau appreciates the comments provided by John M. Kaufman and the Leavenworth Water Department and looks forward to continuing its successful relationship during the planning and development of the proposed project in Leavenworth.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kansas Ecological Services Field Office
2609 Anderson Avenue
Manhattan, Kansas 66502



December 15, 2011

Richard A. Cohn, Chief
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

RE: ER 11/1062 DEIS for the Development of a Federal Correctional Institution, and Federal
Prison Camp, Leavenworth County, Kansas
FWS Tracking # 2012-CPA- 0150

Dear Mr. Cohn:

1 Thank you for the opportunity to provide input regarding the subject document. The U.S.
Department of Interior, Fish and Wildlife Service (USFWS) has reviewed the DEIS for the
proposed new Federal Correctional Institution, and Federal Prison Camp project in
Leavenworth, Leavenworth County, Kansas, and provides the following comments.

General Comments

2 The USFWS previously commented on this project in May 2011 under FWS Tracking # 2011-
CPA-0454. Our comments, and concerns have been adequately addressed by the DEIS.

3 The Migratory Bird Treaty Act prohibits the taking, killing, possession, and transportation,
(among other actions) of migratory birds, their eggs, parts, and nests, except when specifically
permitted by regulations. While the Act has no provision for allowing unauthorized take, the
USFWS realizes that some birds may be killed during project construction/operation even if all
known reasonable and effective measures to protect birds are used. The USFWS Office of Law
Enforcement carries out its mission to protect migratory birds through investigations and
enforcement, as well as by fostering relationships with individuals, companies, and industries
that have taken effective steps to avoid take of migratory birds, and by encouraging others to
implement measures to avoid take of migratory birds. It is not possible to absolve individuals,
companies, or agencies from liability even if they implement bird mortality avoidance or other
similar protective measures. However, the Office of Law Enforcement focuses its resources on
investigating and prosecuting individuals and companies that take migratory birds without
identifying and implementing all reasonable, prudent and effective measures to avoid that take.
Companies are encouraged to work closely with Service biologists to identify available

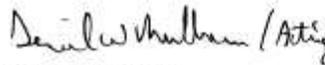
protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction or similar activities.

4 Construction and operational activities should avoid wetlands, streams, and riparian woodlands to the maximum extent possible. All construction rights-of-way should be surveyed for the presence of marshes and other wetland habitat types. All disturbed riparian areas should be revegetated with native plants as soon as possible after the disturbance occurs. Species composition following revegetation should parallel that which existed prior to the disturbance.

5 If a permit from the Corps of Engineers is required, the USFWS will be given the opportunity to review the public notice on the proposed action and provide additional comments at that time. Section 404 guidelines require the sequence of avoidance of impacts, minimization of impacts and compensation for unavoidable impacts. When we review the public notice we will request information on alternatives considered, how the project avoided and minimized impacts to aquatic ecosystems, and the compensatory mitigation proposal, if one is required by the Corps.

6 Thank you for the opportunity to review the subject document. If you have questions regarding these comments, please contact Michele McNulty of the Kansas Ecological Services Office, at 785 539-3474 extension106.

Sincerely,



Michael J. LeValley
Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)
COE, Regulatory Branch, KC, MO

RESPONSE TO DOCUMENT 4

Michael J. LeValley, Field Supervisor
U.S. Department of the Interior, Fish and Wildlife Service
Kansas Ecological Field Services Office
Manhattan, Kansas

Comment	Response
1.	Noted. The Bureau appreciates the interest and comments provided by Michael J. LeValley and the U.S. Fish and Wildlife Service in its review of the Draft EIS prepared in support of the proposed FCI/FPC in Leavenworth, Kansas.
2.	Noted. Concurrence by the U.S. Fish and Wildlife Service to the findings and conclusions contained within the Draft EIS is gratefully acknowledged.
3.	Noted. The Bureau has a thorough understanding of and appreciation for the Migratory Bird Treaty Act (MBTA) and has been diligent in ensuring compliance with each new correctional facility project it undertakes. There is no reason to expect that the Bureau's record of compliance with the MBTA will not continue throughout the planning, development and operational phases of the proposed Leavenworth project.
4.	Noted. The Bureau has completed detailed studies and surveys of all areas considered to be wetlands and/or waters of the U.S. and has received concurrence from the U.S. Army Corps of Engineers as to the location and importance of such resources. Efforts will be made to minimize ground disturbance and re-vegetation efforts will parallel pre-construction conditions.
5.	Noted. The Bureau has been communicating and coordinating with ALL applicable state and federal regulatory agencies throughout the EIS process including the U.S. Army Corps of Engineers. The Bureau will reinitiate consultations with Corps officials regarding applicable permits (including Section 401/404 compliance) necessary for project development.
6.	Noted. The Bureau appreciates the comments provided by Michael J. LeValley and the U.S. Fish and Wildlife Service and looks forward to continuing its successful relationship during the planning and development phases of the proposed Leavenworth project.



FORT LEAVENWORTH FRONTIER HERITAGE COMMUNITIES II, LLC

December 20, 2011

Richard A. Cohn, Chief
 Bridgette Lyles, Site Selection Specialist
 Capacity Planning and Site Selection Branch
 Federal Bureau of Prisons
 320 First Street, NW
 Washington, D.C. 20534

RE: Draft Environmental Impact Statement Response

Dear Mr. Cohn,

1 Fort Leavenworth Frontier Heritage Communities (FLFHC) reviewed the Draft EIS and submits the below concerns regarding the proposed federal correctional institution and federal prison camp.

2 III.J.1. Visual and Aesthetic Resources, Existing Conditions. Page III-50, paragraph 1 identifies who currently see's the existing prison and who will see the proposed prison. The paragraph concludes that "vehicle travelers and pedestrians as the sole sensitive view groups that could be affected by the proposed project". FLFHC submits that residents of Fort Leavenworth are sensitive view groups. The quoted sentence hints that something less than a permanent resident is effected by the proposed prison when the fact is that many residents are already a sensitive view group of the existing prison and constructing an additional institution and camp will impact a larger number of residents with views of the proposed land.

Given that a permanent sensitive view group is in existing family housing, the land proposed for the FCI is incompatible for use as a prison. The age range of children in the affected family housing areas are from 2 to 15 years old, with the proximity of the recreational facilities and having smaller children in site of minimally supervised inmates risks a significant negative interaction. A wall is required along the boundary to prevent this interaction.

3, 4 III.J.2.a. Potential Impacts and Mitigation. The EIS acknowledges that a concern from the US Army regarding light pollution was raised during the scoping meeting. FLFHC disagrees with the EIS statement that the "FCI would not have any adverse impact to the nearby military residences given the distance and wooded area associated with Corral Creek". These homes have bedroom windows facing the FCI and the 100 foot mast the lights will be mounted onto, combined with the high ground of the proposed site will illuminate several of the villages on the south side of the installation and negatively impact the ability of residents to sleep and possibly the occupancy of these homes. As the existing trees are not tall enough and loose foliage during the winter an evergreen boundary of three rows of trees at a height required to block the illumination from these lights as well as FLFHC's involvement in the placement of the lights are needed to further mitigate light pollution into occupied bedroom windows. FLFHC could be economically impacted by an amount of \$2.2 million annually if residents chose not to live in these homes.

Sincerely,

Bryan K. Market
 Project Director



549 Kearney Ave
 PO Box 3387
 Fort Leavenworth, KS 66027
 Phone (913) 682-6300 Fax (913) 682-6394
<http://www.fleavenworthfamilyhousing.com>

RESPONSE TO DOCUMENT 5

Bryan K. Market, Project Director
Fort Leavenworth Frontier Heritage Communities II, LLC
Fort Leavenworth, Kansas

Comment Response

1. Noted. The interest and comments from Brian Market and Fort Leavenworth Frontier Heritage Communities II, LLC concerning the proposed project are gratefully acknowledged.

2. Noted. Residents of Fort Leavenworth's family housing are considered as a sensitive view group given direct line of sight (even with the forested area of Corral Creek) and proximity to the East Site where the proposed FCI would be sited. Section III.J of the Final EIS has been revised accordingly.

The Bureau recognizes the potential visual impact on a number of family housing units at Fort Leavenworth; but also notes that the USP property is separated by Corral Creek, a forested buffer area with a minimum width of 450 feet. This large buffer area will provide screening as shown in Photos 10, 11, and 12 in the Final EIS. The photos were taken from the Fort Leavenworth's residential neighborhood during the winter months of 2010 during a period when little or no foliage was present. In the event the Bureau decides to proceed with the proposed project (following completion of the NEPA process), the Bureau will take into consideration concerns raised by the Fort Leavenworth Frontier Heritage Communities II, LLC during design of the proposed FCI.

3. Noted. Section III. J of the Final EIS has been revised accordingly. The planting of an evergreen barrier in order to minimize nighttime light impacts was added along the other mitigation measures that had already been proposed in the Draft EIS.

4. Noted. The Bureau appreciates the comments provided by Bryan K. Market and Fort Leavenworth Frontier Heritage Communities II, LLC and to working together during later stages of the project's planning and design. While there would likely be some unavoidable impacts due to lighting, Bureau will explore ways to minimize impacts to adjacent properties to the extent practicable.

Division of Environment
Bureau of Water
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Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

December 27, 2011

Mr. Richard A. Cohn, Chief
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Re: Draft EIS – Proposed Federal Correctional Institution and Federal Prison Camp – USP Leavenworth, KS

Dear Mr. Cohn:

1, 2

This letter transmits comments presented by the Kansas Department of Health and Environment (KDHE) Bureau of Water regarding the Draft Environmental Impact Statement for the above referenced project. The comments in this letter only address KDHE's recommendations associated with our regulatory oversight and review of the public water supply and wastewater treatment utilities as well as National Pollutant Discharge Elimination System (NPDES) permitting of stormwater discharges from construction activities that will be associated with the proposed project. These comments were addressed at the December 13, 2011, State Agency – Federal Bureau of Prisons – Louis Berger Group, Inc. meeting held at the Kansas State Historical Society in Topeka, Kansas.

The Louis Berger Group and Federal Bureau of Prisons will need to consult and coordinate with the City of Leavenworth regarding whether there are capacity issues associated with either the water distribution lines or the sanitary sewer collection system that will serve the proposed project.

3, 4

Construction plans and specifications for public water supply distribution system enhancements (water line extensions, booster pump stations, elevated storage tanks, etc.) will need to be submitted for KDHE review and approval. Questions regarding design criteria and specific information to be addressed in the submitted plans and specifications can be obtained by contacting Dan Clair, with the Bureau of Water – Public Water Supply Section, at 785-296-5516. Information can also be obtained from the Public Water Supply website at <http://www.kdheks.gov/pws/index.html>.

Construction plans and specifications for sewer extensions (gravity sewer extensions, lift stations, force mains, etc.) will need to be submitted for KDHE review and approval. Questions regarding design criteria and specific information to be addressed in the submitted plans and specifications can be obtained by contacting Rod Geisler, Chief of the Municipal Program Section in the Bureau of Water at 785-296-5527. Information can also be obtained from the Municipal Program Section website at <http://www.kdheks.gov/muni/index.html>.

5

Construction activities for the project will disturb more than 1 acre, thus necessitating the need to obtain an NPDES Construction Stormwater Permit. KDHE has been delegated authority by the U.S. Environmental Protection Agency (EPA) to issue NPDES permits in Kansas. The current Kansas NPDES Construction Stormwater Permit is scheduled to expire December 31, 2011 but will be administratively extended until EPA has approved the proposed new NPDES construction general permit, the permit has completed the 30-day public notice period, and the permit is issued by KDHE. The new permit and associated forms will be placed

on KDHE's stormwater website once it has been issued. We would expect the new permit and forms would be available on KDHE's website by mid-February 2012. KDHE's NPDES stormwater website is located at <http://www.kdheks.gov/stormwater/index.html>. Since the project has the potential to disturb areas where waste have been buried, the preparation of the stormwater pollution prevention plan (erosion and sediment control plan) will need to specifically address procedures and controls for any contaminated soils that will be encountered. The provisions in the stormwater pollution prevention plan will be coordinated with both the KDHE Bureau of Waste Management and the Bureau of Environmental Remediation. Information regarding the NPDES Stormwater Construction Permit can be obtained by contacting Larry Hook at 785-296-5549.

6, 7

In the event a permit will need to be secured from the U.S. Army Corps of Engineers (COE) requiring a 401 Certification by KDHE, the COE typically works directly with KDHE to secure the certification during the permitting process. If needed, Scott Swatterthwaite with the Bureau of Water – Watershed Management Section would provide the 401 Certification. Scott can be reached at 785-296-5573.

Sincerely,



Donald R. Carlson, P.E., Chief
Industrial Programs Section
Bureau of Water

- c. Julie Coleman – NEDO
- Dan Clair – PWS
- Larry Hook – IPS
- Scott Satterthwaite – WMS
- Rod Geisler - MPS

RESPONSE TO DOCUMENT 6

Donald R. Carlson, P.E., Chief
Industrial Programs Section
Kansas Department of Health and Environment, Bureau of Water
Topeka, Kansas

Comment	Response
1.	The Bureau appreciates the interest and comments provided by Donald R. Carlson and the Kansas Department of Health and Environment, Bureau of Water in its review of the Draft EIS. As noted in his letter, the Bureau has been communicating and coordinating with applicable state and federal regulatory agencies throughout the EIS process including the Kansas Department of Health and Environment.
2.	Noted. The Bureau has been relying upon the Leavenworth Water Department and the Leavenworth Water Pollution Control Division to provide for its water supply and sanitary sewer requirements at the USP Leavenworth for many years and is confident that the systems and resources of both city agencies are capable of providing the same high quality service to the proposed FCI/FPC as well. The Bureau intends to continue communicating and coordinating with all applicable municipal planning, engineering, and utility departments throughout the design, construction and operating stages of the project.
3.	Noted. Following completion of the NEPA process and a decision to proceed with the proposed project, the City of Leavenworth and the Bureau will determine what, if any, water supply system improvements would be needed to serve the proposed project and will communicate and coordinate with the Kansas Bureau of Water, Public Water Supply Section concerning the applicable design criteria and submittal documents necessary to implement the necessary improvements.
4.	As noted above, following completion of the NEPA process and a decision to proceed with the proposed project, the City of Leavenworth and Bureau will determine what, if any, wastewater collection and treatment system improvements would be needed to serve the proposed project and will communicate and coordinate with the Kansas Bureau of Water, Municipal Program Section concerning the applicable design criteria and submittal documents necessary to implement the necessary improvements.
5.	Noted. At the appropriate time, the Bureau will obtain an NPDES Construction Stormwater permit from the Kansas Department of Health and Environment and provide as part of that permit submittal the necessary stormwater pollution prevention plan (erosion and sediment control plan).
6.	Noted. The Bureau has been communicating and coordinating with applicable state and federal regulatory agencies throughout the EIS process including the U.S. Army Corps of Engineers. The Bureau has already initiated consultations with USACE officials regarding applicable permits (including Section 401/404 compliance) necessary for project development and will coordinate this effort with the Kansas Department of Health and Environment, Bureau of Water, Watershed Management Section.

7. The Bureau appreciates the comments provided by the Kansas Department of Health and Environment and looks forward to working together during the proposed facility's permitting phase.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
601 E 12TH STREET
KANSAS CITY MO 64106-2824

December 29, 2011

Regulatory Branch
(NWK-2010-1805)

Mr. Richard Cohn
Federal Bureau of Prisons
320 First Street, Northwest
Washington, D.C. 20534

Dear Mr. Cohn:

1 This is in reply to your November 14, 2011 request for comments regarding an environmental impact statement (EIS) prepared on behalf of the Federal Bureau of Prisons (BOP) for proposed new correctional facilities at the U.S. Prison located in Leavenworth, Kansas. The proposed building sites are located within Sections 22, 23, 26 and 27, Township 8 south, Range 22 east, Leavenworth County, Kansas. This project has been assigned Regulatory File No. NWK-2010-1805. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

2 The Corps of Engineers (Corps) has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (Title 33 United States Code Section 1344). The implementing regulation for this Act is found at Title 33 Code of Federal Regulations Parts 320-332.

Federal regulations require that a Department of the Army permit be issued by the Corps prior to the initiation of any construction on the portion of a proposed activity which is within the Corps' regulatory jurisdiction.

We have reviewed the draft EIS and offer the following comments:

3 1. The review of any possible impact of the project to cultural, historical or archeological resources present at the site under the authority of the National Historic Preservation Act (NHPA) and any possible impact to or occurrence of federally listed plant or animal species within the project area under the authority of the Endangered Species Act (ESA), will be the responsibility of the Federal Bureau of Prisons (FOB) as the lead federal agency for the action. The Corps will review both the NHPA and the ESA compliance, coordination and consultation record by the lead federal agency to verify that it adequately addresses these Acts for Corps requirements during any future permit review under the authority of Section 404 of the Clean Water Act, to satisfy our independent need to demonstrate compliance. We will also be interested in your consultation and coordination with Native American Tribes.

4 2. During the review and evaluation process of a proposed project, the Corps first defines the **basic project purpose and need** for the proposed work. This basic purpose serves as the basis from which the water-dependency of the work is evaluated. Projects that do not require access to or proximity near or within a special aquatic site such as a wetland are presumed to have a less damaging alternative unless otherwise clearly shown by the applicant. Therefore, the burden of proving that no practicable alternative exists for a project involving impacts to wetlands or other special aquatic sites is the sole responsibility of the applicant. We offer the following comments regarding the project purpose as defined in the draft EIS:

- 5 a. The stated need for the proposed project is well written and clearly communicated in the draft EIS document. The primary project purpose however should be more concisely defined prior to a permit application. The project purpose cannot be so narrowly defined as to eliminate alternatives for the project nor so broad as to defy a clear description and understanding.
- 6 b. The project appears to have multiple elements, ie, minimum-security prison camp facilities as well as a medium-security federal correctional facility. These elements could be construed as having independent utility of each other and therefore able to fulfill their respective project purpose without the need to be co-located at one project site. It is suggested that a description of any interdependent relationship between the two facilities be furnished for any subsequent Section 404 permit application.
- 7 3. Once the basic project purpose has been established, the **overall project purpose(s)** must be defined to provide a basis for the range of alternatives available to an applicant. The selection of the least environmentally damaging practicable alternative is required by the Clean Water Act. This analysis is consistent with the Section 404(b)(1) guidelines found at 40 CFR, Section 230.10. We offer the following comments regarding the overall project purpose and need for the project as defined in the draft EIS:
- 8 a. The exclusion of non-BOP owned properties from the alternatives available for the project greatly narrows the range of alternatives regarding project location. The avoidance of time delays and additional costs are 2 factors mentioned on page I-7 of the document and identified as factors influencing the selection of only BOP properties. The CEQ alternative analysis guidelines for NEPA require a discussion of reasonable alternatives that are not within the jurisdiction of the lead agency. If the acquisition of property is assumed to be prohibitive or impracticable, then data supporting this analysis should be included in the discussion for off-site alternatives considered for the project. The use of contractor owned property and facilities is also not given consideration during the discussion of the range of alternative sites for the project.
- 9 b. The geographic scope for the range of project alternatives was somewhat confusing. A regional concept (North Central U.S.) is discussed in some parts of the document but the development of facilities located in areas of the country outside this region are also referenced and included in the discussion (Table I-1, page I-7) and subsequent Section I, E., in the description of the proposed action.
- 10 c. The East-West Composite was selected as the preferred alternative for the proposed project at the Leavenworth property. This alternative would have the most impact to jurisdictional tributary channels on the site and the second highest impact to wetlands.
- 11 4. The initial project description provided during the December 2010 agency coordination meeting indicated that 3 potential building sites were under consideration. The sites comprised between 66 acres and 101 acres of land located on the east side (two sites) and one 102 acre site on the west side of the existing prison facility. Please explain why a much larger project site (371 acres) consisting of 2 separate parcels of land more than triple the initial acreage, is now under consideration in the draft EIS.
- 12 5. In Section F. of the EIS on page III-14, please make reference to the Wetlands and Waters of the U.S. section in the existing condition paragraph under Biological Resources.

- 13 6. In Section F. of the EIS on page III-21, it states that impacts to wetlands and waters of the U.S. as a result of the 300-foot clear zone would be considered as temporary impacts. We would not agree with this assessment if those impacts are to wooded wetlands or wooded riparian zones along waters of the U.S.
- 14 7. Section F. of the EIS on page III-23, under subsection c. "Wetlands and WOUS", please indicate that any compensatory mitigation undertaken for the project will comply with the Corps and EPA joint federal regulation Compensatory Mitigation for Losses of Aquatic Habitat, published on 10 April 2008 and found at 33 U.S.C. 1344, Part 332. In addition, please indicate that the Kansas Stream Mitigation Guidance will be used as an evaluation of condition factors that are specific to the project site. This will determine the stream debits resulting from stream impacts on the project site and the resulting credits needed to offset those impacts.
- 15 8. A conclusion is reached in Section U of the EIS on page III-108 that less than significant impacts to environmental elements, including water resources, will result from the project. Most of the discussion in this section is related to the beneficial aspects of the project as related to the stated goals and needs of the applicant rather than supporting the stated conclusion.
- 16 9. As part of any permit authorized under the Clean Water Act, a review and analysis of possible secondary and cumulative effects of the project will be accomplished. The applicable section of the draft EIS, (Section X, pages III-110-111), appears to be rather brief and does not establish a baseline for evaluation of these factors. The geographical limits, time frame, social, economic and environmental consequences of the proposed project are not discussed in much detail.
- 17 We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. We have placed an automated version of our Customer Service Survey form on our website at: <http://www.nwk.usace.army.mil/regulatory/survey.pdf>. At your request, we will mail a paper copy that you may complete and return to us by mail or fax.
- 18 If you have any questions concerning this matter, please feel free to contact Mr. Brian Donahue at (816) 389-3703. Please reference File No. NWK-2010-1805 in all comments and/or inquiries relating to this project.

Sincerely,



David R. Hibbs
Regulatory Program Manger
Regulatory Branch

Copy Furnished:

- ✓ Ms. Christy Boyd
The Louis Berger Group, Inc.
1250 23rd Street, NW
Washington, D.C. 20037

RESPONSE TO DOCUMENT 7

David R. Hibbs, Regulatory Program Manager
Kansas City District, Corps of Engineers
Department of the Army
Kansas City, Missouri

Comment	Response
1.	The Bureau appreciates the interest and comments provided by David R. Hibbs, Brian Donahue and the Kansas City District, Corps of Engineers in its review of the Draft EIS prepared in support of the proposed FCI/FPC in Leavenworth, Kansas.
2.	Noted. The Bureau acknowledges the jurisdiction of the U.S. Army Corps of Engineers over all waters of the United States and that discharges of dredged or fill material in waters of the United States requires prior authorization and a Department of Army permit prior to construction on the portion of the proposed facility which is within the USACE's regulatory jurisdiction.
3.	Noted. The Bureau has been communicating and consulting with applicable state and federal regulatory agencies throughout the EIS process including the Kansas Historical Society (for compliance with the National Historic Preservation Act), the U.S. Fish and Wildlife Service (for compliance with the Endangered Species Act) and Native American Tribes. The Bureau has a well-documented record of such consultations to include within any upcoming USACE's permit applications.
4.	Noted. As part of the development of other federal correctional facilities, the Bureau has acquired a thorough understanding of the USACE's review and evaluation process involving a proposed project including the necessity for a detailed purpose and need section, alternatives analysis, etc.
5.	Noted. Acknowledgement by the USACE that the Draft EIS Proposed Project Need was well prepared is gratefully accepted. The Bureau will strive to ensure that the primary project purpose is more concisely defined at such time it submits any permit application for the proposed project.
6.	Noted. Minimum-security inmates housed at the prison camp facility represent an important component of the workforce necessary for maintenance and operation of the FCI. The need to co-locate the prison camp and FCI facilities will be further defined and discussed in any subsequent Section 404 permit application.
7.	Noted. From experience successfully permitting other federal correctional facilities, the Bureau has acquired a thorough understanding of Clean Water Act, Section 404(b)(1) guidelines and will work to ensure that its permit application for the proposed Leavenworth facilities complies with such guidelines. The advice and comments provided by the USACE's is gratefully acknowledged.
8.	Noted. In developing federal correctional facilities continuously over the past 25 years, the Bureau has gained a unique understanding of the benefits in utilizing land and

resources already under its control such as that proposed in Leavenworth, Kansas. A supportive host community (the City of Leavenworth), the availability of much-needed infrastructure, the synergies associated with co-locating correctional facilities on Bureau-owned property are just a few of the many reasons for pursuing the project in the proposed manner and form. As part of its subsequent Section 404 permit application, the Bureau will provide further elaboration concerning the identification and analysis of project alternatives and selection of the preferred alternative.

9. Noted. The Final EIS includes additional information in order to present more clearly the geographic scope of the project. References to developments in other parts of the country were presented to describe the system-side need for available bedspace due partly to the limits on the availability of medium-security bedspace within the North Central Region requiring some inmates to be housed outside of the North Central Region. Bureau projects undertaken nationwide are part of a carefully developed and executed strategy to utilize limited construction resources in the most effective manner while meeting bedspace needs for high-priority inmate populations in high-priority regions. Information on the existing population and rated capacity at male medium-security facilities within the North Central Region was added and a discussion on how construction of the new FCI and FPC would increase availability of bedspace in the North Central Region and alleviate overcrowding at facilities in other parts of the county currently operating above rated capacity.
10. Noted. Selection of the Preferred Alternative considers operational, safety and security, environmental and other factors with safety and security outweighing all other factors in the analysis and decision-making process. The East-West Composite represents the best balance of all such factors although it has slightly greater tributary and wetland impacts.
11. Noted. Between the time of the December 2010 agency coordination meetings and publication of the Draft EIS in November 2011, the Bureau recognized the necessity of evaluating larger study areas within its property so as to avoid impacting sensitive environmental resources, ensure that operational, safety and security requirements could be achieved, increasing the number of development alternatives available for consideration and minimize unnecessary costs of infrastructure and other necessary improvements.
12. Noted. The Final EIS includes a reference to the Wetlands and Waters of the U.S. section in the existing conditions paragraph in Section F. Biological Resources.
13. Noted. Additional the text was revised to include a statement that any removal of trees or shrubs in wooded/forested wetlands or wooded riparian zones within the 300 foot clear zone would be considered a permanent impact and would require mitigation for impacts. Mitigation would comply with USACE and USEPA joint federal regulation "*Compensatory Mitigation for Losses of Aquatic Habitat*" (33 U.S.C. 1344, Part 332) and the Kansas Stream Mitigation Guidance will be used to evaluate condition factors that are project site specific.
14. Noted. Chapter III, Section F of the Final EIS now indicates that any compensatory mitigation undertaken for the project will comply with USACE and USEPA joint federal

regulation “*Compensatory Mitigation for Losses of Aquatic Habitat*” (33 U.S.C. 1344, Part 332). The Final EIS also includes a reference that the Kansas Stream Mitigation Guidance will be used to evaluate condition factors that are project site specific.

15. Noted. Chapter III, Section U has been revised in the Final EIS to better document and support the stated conclusion.
16. Noted. As part of its subsequent Clean Water Act permit application, the Bureau will provide further elaboration concerning possible secondary and cumulative effects of the proposed project.
17. The Bureau has benefited from the advice and direction provided by the Kansas City District, Corps of Engineers and looks forward to sharing its thoughts, opinions and experiences via its Customer Service Survey. The USACE should be commended for its efforts to continually measure and improve when necessary the services and support it provides.
18. The Bureau appreciates the comments, guidance and advice provided by the Department of the Army, Kansas City District, Corps of Engineers in its review of the Draft EIS and looks forward to working together during the proposed facility’s permitting phase.

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Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

December 30, 2011

Mr. Richard A. Cohn
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington D.C. 20534

Subject: Proposed Federal Correctional Institution & Federal Prison Camp, Leavenworth, Kansas
Draft Environmental Impact Statement, November 2011

Dear Mr. Cohn:

1 The Kansas Department of Health & Environment's (KDHE) Bureau of Environmental Remediation (BER) has received and reviewed the Draft Environmental Impact Statement for the Proposed Federal Correctional Institution and Federal Prison Camp project at the USP Leavenworth site. The Draft Environmental Impact Statement addresses potential environmental concerns that may be encountered should the Bureau of Prisons decide to construct new facilities at the USP Leavenworth site.

2 The Bureau of Prisons provided two alternative proposals for the project; Alternative FCI East-1 and Alternative EAST/WEST COMPOSITE. The two alternative plans place the proposed Federal Correctional Institution northeast of the existing facility and alternative FCI EAST-1 includes a proposed Federal Prison Camp east of the existing facility. Both alternative plans presented have the potential to impact Area A Disposal Trenches as defined in the CERCLA Removal Action Decision Document.

3 Area A Disposal Trenches are located approximately 200 feet east-southeast of the garage building. Based on Ground Penetrating RADAR, the trenches are approximately 25 feet wide and 400 feet long and spaced approximately 50 feet apart covering an area of approximately 7.5 acres. Intrusive backhoe investigations indicated waste as deep as 13 feet in depth. This site consists of six (6) trenches that were dug into a hill and used for trash disposal. The landfill was primarily used from the 1930s to approximately 1980 where bones, leather trimmings, plastic, glass, tires, insulation, wood, styrofoam, construction debris and other municipal wastes were disposed. (GeoSystems 1992)

4 The KDHE encourages the beneficial reuse of solid waste disposal sites whenever possible. However, KDHE strongly discourages construction of buildings on top of solid waste sites due to both the structural stability issues as well as the potential exposure to landfill gas, namely methane, generated by the decomposition of solid waste. KDHE recommends locating the proposed facilities outside of the footprint of the solid waste disposal trenches or excavation and off-site disposal of solid waste. KDHE also recommends the installation of sub-slab venting to minimize the potential for the accumulation of landfill gas should the facilities be located in close proximity to the solid waste disposal trenches.

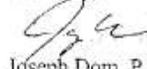
5 The two alternatives presented in the Draft Environmental Impact Statement also include the construction of an access drive and parking facilities that will have the potential to impact the Area A Disposal Trenches. The construction of driveway and parking facilities is acceptable. The construction of the drive and

parking facilities may include the excavation of the disposal area protective cap. In addition to preventing the direct contact of people with the solid waste, the protective cap serves to minimize the infiltration of water and subsequent formation of leachate and potential degradation of groundwater quality. Should excavation activities damage the protective cap, restoration activities will need to be taken to repair the damages. KDHE recommends that the Bureau of Prisons monitor any new driveway and parking facilities located within the footprint of the solid waste disposal trenches for potential settling and infiltration of surface water and conduct repairs as necessary.

Any waste materials excavated during construction activities will need to be segregated from clean soils at the site and disposed of in a permitted solid waste disposal facility. Should excavation activities expose solid waste, the waste may remain in place, but must be covered with at least eighteen inches of low-permeability clay material compacted in six-inch lifts and covered with six inches of topsoil capable of sustaining a vegetative cover. The Bureau of Prisons will need to monitor the solid waste disposal trenches following construction activities for any signs of settlement or ponding and conduct repairs to maintain positive drainage of surface water.

KDHE appreciates the opportunity to provide comments to the Federal Bureau of Prisons' proposal. If you have any questions regarding this letter please contact me at (785) 296-4367 or at jdom@kdheks.gov.

Sincerely,



Joseph Dom, P.G.

Landfill / Drycleaner Remediation Unit
Bureau of Environmental Remediation

cc: Scott Yankey → File: USP Leavenworth: C4-052-03024 (1)
Mr. John Parent, Facility Manager, 1300 Metropolitan Ave, Leavenworth KS 66018
Mr. Scott Whitson, Federal Bureau of Prisons, North Central Regional Office Gateway Complex, Tower 2,
400 State Avenue, Kansas City, KS 66101
Dan Kellerman – KDHE/NEDO
Dennis Degner – KDHE/BWM

RESPONSE TO DOCUMENT 8

Joseph Dom, P.G.
Landfill/Dry Cleaner Remediation Unit
Bureau of Environmental Remediation
Kansas Department of Health and Environment
Topeka, Kansas

Comment Response

1. The Bureau appreciates the interest and comments provided by Joseph Dom and the Kansas Department of Health and Environment, Bureau of Environmental Remediation in its review of the Draft EIS.
2. Noted. Under any development scenario, to accommodate the proposed FCI/FPC project within the land area owned by the Bureau, it is necessary to develop a small portion of Area A Disposal Trenches as defined in the CERCLA Removal Action Decision Document.
3. Noted. On the basis of past studies and investigations, the Bureau is familiar with the conditions found within Area A including the contents of the Area A Disposal Trenches which date to the 1930s.
4. Noted. The Bureau agrees that the construction of buildings atop solid waste disposal sites is unwise for many reasons and will ensure that the final development plan avoids placing structures within such areas. The Bureau intends to conduct further tests and investigations to precisely define the locations and contents of Area A as well as to refine its conceptual alternative development plans to avoid building construction in areas deemed inappropriate.
5. Noted. Under any scenario, development of the proposed FCI requires construction of parking facilities and an access drive from Metropolitan Avenue that individually or collectively would affect the Area A Disposal Trenches. The Bureau's first goal will be to locate such facilities in a manner that minimizes intrusions into Area A and when such intrusions are unavoidable, to design and construct such facilities in a manner that does not allow direct contact with staff, inmates or the public (the health and safety of construction workers operating in such areas will also be an important consideration). The Bureau intends to coordinate its design and construction activities involving Area A with the Bureau of Environmental Remediation as well. Measures to avoid differential settlement of roads and parking lots will also be considered.
6. Noted. The Bureau tends to reuse clean excavated materials on site and will segregate clean material from that containing waste for disposal at a permitted/approved waste disposal facility. As noted earlier, the Bureau intends to coordinate its design and construction activities involving Area A with the Bureau of Environmental Remediation as well.
7. The Bureau appreciates the comments provided by the Kansas Department of Health and Environment and looks forward to working with the Bureau of Environmental Remediation during later planning and design stages in the event a decision is made to proceed with the proposed FCI/FPC project.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101
JAN 4 2012

Richard A. Cohn
Capacity Planning and Site Selection Branch
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Dear Mr. Cohn:

RE: Review of Draft Environmental Impact Statement for Leavenworth Federal Correctional Institution and Federal Prison Camp, Construction and Operation, Kansas

1 The U.S. Environmental Protection Agency has reviewed the Leavenworth Federal Correctional Institution and Federal Prison Camp Draft Environmental Impact Statement. Our review is provided pursuant to the National Environmental Policy Act 42 U.S.C. 4231, Council on Environmental Quality regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act. The DEIS was assigned the CEQ number 20110391.

2 The Federal Bureau of Prisons is proposing to construct and operate a new medium-security Federal Correctional Institution and Federal Prison Camp within the grounds of the existing United States Penitentiary located in Leavenworth, Kansas. The proposed FCI would house approximately 1,500 inmates while the FPC would house approximately 300 inmates. Development of the FCI and FCP is proposed as a means of better managing the present crowding within the federal prison system and meeting anticipated growth in the federal inmate population.

3 Based on our overall review and the level of our comments, the EPA has rated the DEIS and all described alternatives for this proposal as Lack of Objections (LO). The EPA offers the following recommendations to improve public disclosure and decision-making capabilities of the Final EIS:

Landfills

4 Section 1500.2 (f) of the NEPA regulations, states that "Federal agencies shall to the fullest extent possible; Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment." BOP's action alternatives provide the opportunity to address legacy landfill sites, and thus, further this specific national policy of the NEPA. Remediation of these sites in preparation for further construction will reduce or eliminate the potential for contaminants to migrate from these sites. The EPA concurs with the opinion expressed in Section 8 of the Phase 1 Environmental Site Assessment (Appendix G), that the BOP should continue to work with the Kansas Department of Health and Environment to further characterize and remediate these sites prior to reuse.



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6
7
8

The EPA recommends that the Final EIS present a description of anticipated activities needed to remediate the project footprint, and also a timeline for when those activities would be forecast to be accomplished.

Traffic Considerations

Locating the main entrance of the FCI opposite N. 10th Street will set up a conflict between FCI and Fort Leavenworth vehicle traffic, both of which will be utilizing the N. 10th Street Minor Arterial at the peak traffic times stated in the DEIS. To de-conflict traffic demand, the BOP could consider adjusting work shift times. Other options for de-confliction might include signalization of the Metropolitan Avenue and N. 10th Street intersection, or utilization of movable barriers that could give preference to the larger traffic volumes, per direction traveled, or time of day.

Environmental Justice

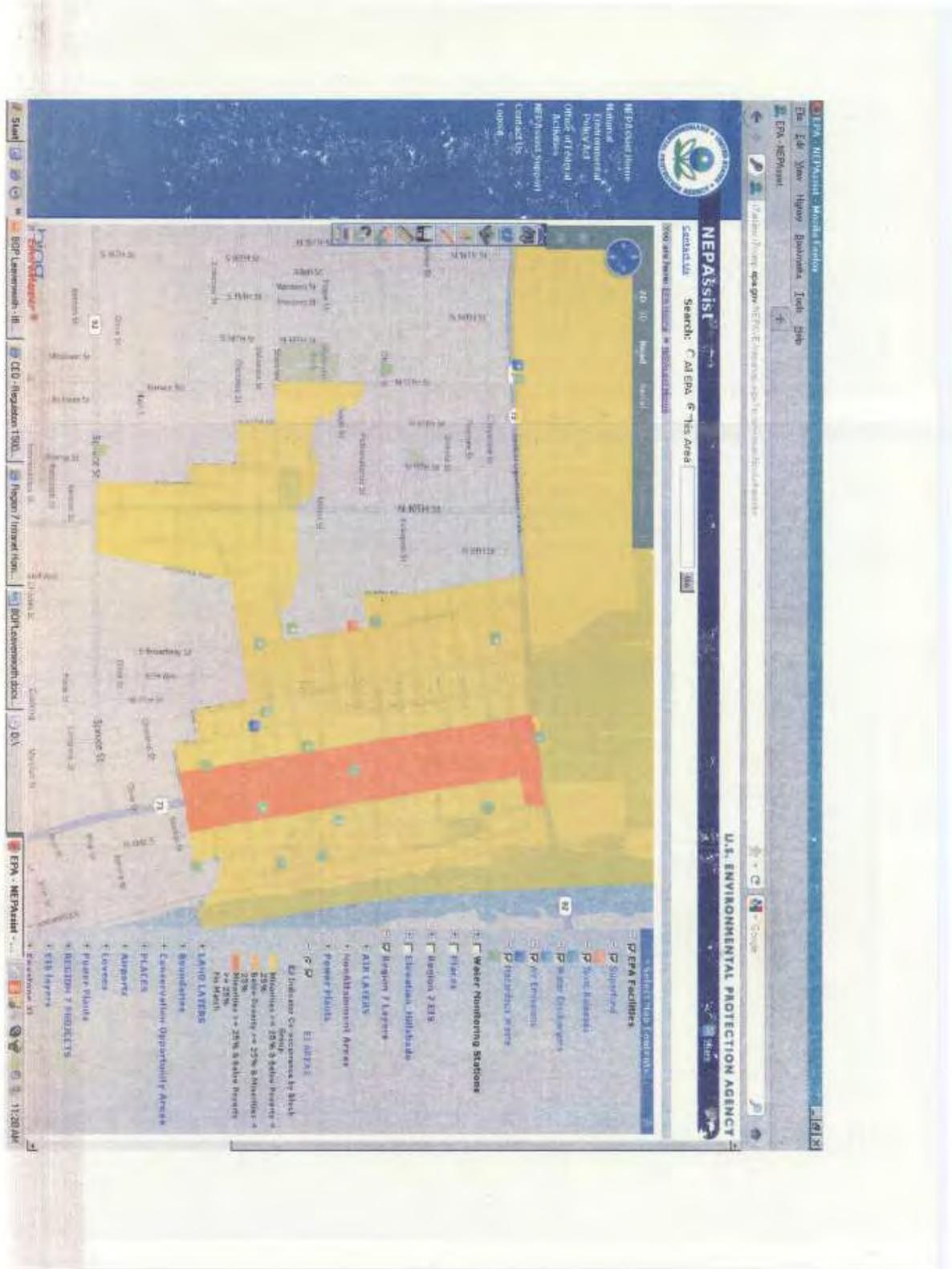
If traffic mitigation cannot be achieved, a minor indirect Environmental Justice impact could be realized along N. 10th in the form of traffic backups or pushing peak traffic volumes onto either N. 7th or 4th Streets. A map is attached that provides the EPA's assessment of where low income and/or minority populations may be located in Leavenworth.

If you have questions regarding these comments, please contact Mr. Joseph Cothorn, NEPA Team Leader, at cothorn.joe@epa.gov or at (913) 551-7148. Thank you for the opportunity to provide comments.

Sincerely,



Jeffery S. Robichaud
Deputy Director
Environmental Services Division



RESPONSE TO DOCUMENT 9

Jeffrey S. Robichaud, Deputy Director
Environmental Services Division
U.S. Environmental Protection Agency – Region 7
Kansas City, Kansas

Comment	Response
1.	The Bureau appreciates the interest and comments provided by Jeffery S. Robichard, Joseph Cothorn, and the U.S Environmental Protection Agency, Region 7 in its review of the Draft EIS prepared in support of the proposed FCI/FPC in Leavenworth, Kansas. The Bureau will refer to CEQ number 20110391 in future correspondence.
2.	Noted. The need for additional modern federal correctional facilities to house the growing inmate population continues and development of the proposed project will serve to helpful meet current and future needs.
3.	Noted. The Bureau acknowledges USEPA’s rating as Lack of Objections for the Draft EIS and all described alternatives for the proposal.
4.	Noted. On the basis of past studies and investigations, the Bureau is familiar with the conditions found within Area A including the contents of the Area A Disposal Trenches which date to the 1930s. Nonetheless, the Bureau intends to conduct further tests and investigations to precisely define the locations and contents of Area A as well as to refine its conceptual alternative development plans to avoid building construction in areas deemed inappropriate. Opportunities to address legacy landfill sites will also be considered at that time. The Bureau intends to coordinate its design and construction activities involving Area A with the Kansas Department of Health and Environment, Bureau of Environmental Remediation in the event a decision is made to proceed with the proposed FCI/FPC project.
5.	As noted above, the Bureau intends to conduct further tests and investigations of Disposal Area A as well as to refine its conceptual alternative development plans to avoid building construction in areas deemed inappropriate. It is only upon completion of that additional phase of study will the full extent of any remediation become known and the appropriate activities, timeframe, costs, etc. as well. The Bureau will work with the Kansas Department of Health and Environment, Bureau of Environmental Remediation in conducting such investigations and will share the results with USEPA as necessary.
6.	Noted. The Bureau understands the importance of ensuring public safety and the maintenance of traffic flow along Metropolitan Avenue, N. 10 th Street and other key access routes. At this time the Bureau is not anticipating the need to install any traffic signals or other controls along such routes and will review the necessity for conducting a traffic study with City officials prior to construction of the proposed FCI/FPC. However, during recent discussions between Bureau and Kansas DOT officials (December 2011) it was concluded that a traffic impact study will need to be performed during the final phase of FCI design (and after completion of the NEPA process) in order to determine

whether a new lane configuration (turning/deceleration lanes) or a signalized intersection would be needed at the new FCI driveway entrance off Metropolitan Avenue.

7. Noted. However, as depicted on the NEPAAssist map, the EJ populations are located along the corridors of 4th and 7th Streets (not 10th Street) which already suffer occasional traffic backups due to already existing traffic conflicts at the Grant and Sherman Gates of Fort Leavenworth. A comprehensive traffic study is currently being performed by KDOT in order to address those issues.
8. The Bureau appreciates receiving comments concerning the Draft EIS from the U.S. Environmental Protection Agency.

8425 SW 6th Avenue
Topeka, KS 66615



Kansas Historical Society

phone: 785-272-8681
fax: 785-272-8682
cultural_resources@kshs.org

Sam Downhock, Governor
Jennie Chin, Executive Director

KSR&C No. 11-01-098

November 6, 2014

Issac Gaston
Site Selection Specialist
Capacity Planning and Site Selection Branch
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

Via E-Mail

RE: Federal Prison Expansion
United States Penitentiary, Leavenworth
Leavenworth County

Dear Mr. Gaston:

1, 2

In accordance with 36 CFR 800, the Kansas State Historic Preservation Office has reviewed a report entitled *Phase III Evaluations of Five Archaeological Sites at the United States Penitentiary, Leavenworth, Leavenworth County, Kansas*, by Christopher M. Schoen, RPA of The Louis Berger Group, Inc., dated September, 2014. We find the report to be acceptable. Given the excavation findings, our office concurs that the five archeological sites (14LV169, 14LV171, 14LV172, 14LV176 and 14LV181) are not eligible for listing in the National Register of Historic Places.

3

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures. If you have questions or need additional information regarding these comments, please contact Tim Weston at 785-272-8681 (ext. 214) or Patrick Zollner at 785-272-8681 (ext. 217).

Sincerely,

Jennie Chin, Executive Director and
State Historic Preservation Officer

Patrick Zollner
Deputy SHPO

RESPONSE TO DOCUMENT 10

Patrick Zollner, Deputy State Historic Preservation Officer
Kansas Historical Society
Topeka, Kansas

Comment	Response
1.	The Bureau appreciates the interest and participation of Patrick Zollner and the Kansas Historical Society in the review of the Draft Phase III site evaluation report of five archaeological sites prepared in support of the proposed project in Leavenworth, Kansas.
2.	The concurrence of the Kansas Historical Society regarding archaeological sites 14LV169, 14LV171, 14LV172, 14LV176, and 14LV181 as not eligible for listing in the National Register of Historic Places is acknowledged.
3.	The Bureau appreciates the comments provided by Patrick Zollner and the Kansas Historical Society and looks forward to working with the Society to complete the Section 106 process and ensure compliance with the requirements of the National Historic Preservation Act concerning its proposed project in Leavenworth.

C. Analysis of the Public Hearing Comments and Responses Thereto

A Public Hearing concerning the Draft EIS was held on December 14, 2011 in Leavenworth, Kansas. Representatives of the Bureau attended the Public Hearing and highlighted the findings of the Draft EIS. The public was invited to voice their comments on the proposed action and the testimony of all speakers present at the Public Hearing is included within Appendix A.

D. Collective Consideration of the Comments

Council on Environmental Quality regulations require that comments be assessed and considered collectively as well as individually. Such a review in this instance reveals no significant differences in the assessment of potential impacts of the proposed action as a result of the collective assessment and consideration of the comments.

**PUBLIC ENGAGEMENT
DRAFT SUPPLEMENTAL EIS**

TABLE OF CONTENTS

ATTACHMENT 1: NOTIFICATION OF RESUMPTION OF NEPA PROCESS FOR PROPOSED FCI/FPC - LEAVENWORTH, KANSAS

ATTACHMENT 2: DRAFT SUPPLEMENTAL FINAL EIS FEDERAL REGISTER NOTICE AND LEAVENWORTH TIMES NEWSPAPER NOTICE

ATTACHMENT 3: MEETING SUMMARY - LOCAL OFFICIALS AND FEDERAL BUREAU OF PRISONS (JULY 15, 2020)

ATTACHMENT 4: INTERGOVERNMENTAL AGENCY REVIEW OF PROPOSED FCI/FPC - LEAVENWORTH, KANSAS

ATTACHMENT 5: MEETING SUMMARY - U.S. ARMY GARRISON FORT LEAVENWORTH AND FEDERAL BUREAU OF PRISONS (JULY 21, 2020)

ATTACHMENT 6: OSAGE NATION REQUEST FOR INFORMATION (AUGUST 2, 2020) AND RESPONSE (AUGUST 5, 2020)

ATTACHMENT 7: MEETING SUMMARY - EVERGY AND FEDERAL BUREAU OF PRISONS (AUGUST 5, 2020)

ATTACHMENT 8: MEETING SUMMARY - FREESTATE ELECTRIC COOPERATIVE AND FEDERAL BUREAU OF PRISONS (AUGUST 13, 2020)

ATTACHMENT 9: MEETING SUMMARY - SOUTHERN STAR CENTRAL GAS PIPELINE, INC. AND FEDERAL BUREAU OF PRISONS (SEPTEMBER 2, 2020)

ATTACHMENT 10: MEETING SUMMARY - EVERGY AND FREESTATE ELECTRIC COOPERATIVE AND FEDERAL BUREAU OF PRISONS (SEPTEMBER 3, 2020)

ATTACHMENT 11: MEETING SUMMARY - KANSAS HISTORICAL SOCIETY AND FEDERAL BUREAU OF PRISONS LEAVENWORTH, KANSAS (SEPTEMBER 9, 2020)

ATTACHMENT 12: LETTER OF SUPPORT FOR PROPOSED FCI AND FPC J.E. DUNN CONSTRUCTION (OCTOBER 12, 2020)

ATTACHMENT 13: MEETING SUMMARY - KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND FEDERAL BUREAU OF PRISONS (OCTOBER 29, 2020)

**ATTACHMENT 14: NOTICE OF DRAFT SUPPLEMENTAL EIS AVAILABILITY FEDERAL REGISTER (NOVEMBER 20, 2020)
LEAVENWORTH TIMES (NOVEMBER 20, 2020)**

ATTACHMENT 15: DRAFT SUPPLEMENTAL EIS PUBLIC HEARING TRANSCRIPT (DECEMBER 3, 2020)

ATTACHMENT 1
NOTIFICATION OF RESUMPTION OF NEPA PROCESS
FOR PROPOSED FCI/FPC - LEAVENWORTH, KANSAS



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

June 12, 2020

**Subject: Resumption of National Environmental Policy Act
Process - Proposal to Develop a Federal Correctional
Institution and Federal Prison Camp in Leavenworth,
Kansas**

Dear Sir/Madam:

On November 18, 2011, the U.S. Department of Justice, Federal Bureau of Prisons (BOP) published a Draft Environmental Impact Statement (DEIS) concerning a proposal to develop a new Federal Correctional Institution and Federal Prison Camp within property comprising the U.S. Penitentiary in Leavenworth, Kansas. Following publication of the DEIS, a public hearing was held on December 11, 2011, and the public comment period was concluded on January 2, 2012. Publication of the Final EIS (FEIS) occurred on April 10, 2015, and the public comment period concluded on May 10, 2015. A decision whether to proceed with the proposed action was delayed and a Record of Decision to be issued by the Director of the BOP, pursuant to the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended and U.S. Department of Justice regulations, was never adopted.

By this letter, the BOP is announcing the resumption of the NEPA process and its intent to complete its responsibilities and obligations under NEPA with preparation of a Draft Supplemental FEIS (DSFEIS). The DSFEIS will include updated information about the proposed project; the purpose and need for proceeding with developing a new FCI and FPC in Leavenworth, Kansas; potential impacts and mitigation measures associated with the project; and to provide the public, elected and appointed officials, regulatory agencies and others the opportunity to voice their interests and provide comments concerning the proposed action. The DSFEIS is expected to be published by the

end of 2020 and notice will be given concerning the availability of the DSFEIS for public review along with plans for a public hearing following DSFEIS publication. The BOP appreciates your continued interest in this project. Please direct any inquiries to:

- Kimberly S. Hudson, COR - Site Selection Specialist
Construction and Environmental Review Branch
Federal Bureau of Prisons, 320 First Street, NW,
Room 901-5, Washington, D.C. 20534
Tel: 202-616-2574 / Fax: 202-260-0702 /
Email:kshudson@bop.gov

Sincerely,

Kimberly S. Hudson

Kimberly S. Hudson, Site Selection Specialist
Construction and Environmental Review Branch

ATTACHMENT 2
DRAFT SUPPLEMENTAL EIS FEDERAL REGISTER NOTICE
AND LEAVENWORTH TIMES NEWSPAPER NOTICE -
June 30, 2020 and July 1, 2020

Based on previous estimation criteria and current enrollment numbers, the FBI is requesting 30,227 burden hours for the annual collection of this data.

If additional information is required, contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 24, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020-14019 Filed 6-29-20; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1125-0005]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Comments are encouraged and will be accepted for 60 days until August 31, 2020.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305-0289.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Revision and extension of a currently approved collection.

2. *The Title of the Form/Collection:* Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals.

3. *The agency form number:* EOIR-27 (OMB #1125-0005).

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Attorneys or representatives notifying the Board of Immigration Appeals (Board) that they are representing a party in proceedings before the Board.

Other: None.

Abstract: This information collection is necessary to allow an attorney or representative to notify the Board that he or she is representing a party before the Board.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 36,299 respondents will complete each form within approximately 6 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* 3,630 annual burden hours.

If additional information is required contact: Melody D. Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution

Square, 145 N Street NE, 3E.405B, Washington, DC 20530.

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020-14024 Filed 6-29-20; 8:45 am]

BILLING CODE 4410-30-P

DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Notice of Intent To Prepare a Draft Supplemental Final Environmental Impact Statement

AGENCY: U.S. Department of Justice, Federal Bureau of Prisons.

ACTION: Notice of Intent to Prepare a Draft Supplemental Final Environmental Impact Statement.

SUMMARY: Notice of Intent to Prepare a Draft Supplemental Final Environmental Impact Statement (DSFEIS) for development of a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) by the U.S. Department of Justice, Federal Bureau of Prisons. Under consideration for development are vacant areas of the property comprising the United States Penitentiary (USP) in Leavenworth, Kansas.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and the DSFEIS may be directed to Kimberly S. Hudson, COR, Site Selection Specialist, Construction and Environmental Review Branch, Federal Bureau of Prisons, 320 First Street NW, Room 901-5, Washington, DC 20534, Telephone: 202-616-2574/Facsimile: 202-260-0702/Email: kshudson@bop.gov.

SUPPLEMENTARY INFORMATION:

Background

The Federal Bureau of Prisons (BOP) is responsible for carrying out judgments of the federal courts whenever a period of confinement is ordered. Its mission is to protect society by confining offenders in the controlled environments of prison and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

Pursuant to Section 102, 42 U.S.C. 4332, of the National Environmental Policy Act (NEPA) of 1969, as amended and the Council on Environmental Quality Regulations (40 CFR parts 1500-1508), a *Notice of Intent to Prepare a*

Draft Environmental Impact Statement (DEIS) for development of a new FCI and FPC was published in the **Federal Register** on December 29, 2010, (Volume 75, Number 249). Following publication of the DEIS on November 18, 2011, a public hearing was held on December 11, 2011, in Leavenworth, Kansas with the public comment period concluding on January 2, 2012. Publication of the FEIS occurred on April 10, 2015 with the public comment period lasting until May 15, 2015. A decision whether to proceed with the proposed action and if so, where, was delayed and a Record of Decision to be issued by the Director of the BOP, pursuant to the requirements of NEPA and U.S. Department of Justice regulations, was not adopted.

The BOP is resuming the NEPA process with the intent of preparing a DSFEIS to provide current information about the proposed project, the purpose and need for proceeding with developing a new FCI and FPC in Leavenworth, Kansas, and to provide the public, elected and appointed officials, regulatory agencies, and others the opportunity to voice their interests and provide comments concerning the proposed action.

Proposed Action

To accommodate a portion of the federal inmate population, the BOP proposes to develop a new FCI and FPC within undeveloped areas comprising the USP property in Leavenworth, Kansas. The proposed FCI would be designed to house approximately 1,152 medium-security male inmates and the FPC would be designed to house approximately 256 minimum-security male inmates for a total population of approximately 1,408 inmates. The DSFEIS, to be prepared by the BOP, will analyze the potential impacts of new correctional facility construction and operation.

Among the objectives for developing the proposed FCI and FPC is to meet the on-going need for modern and secure correctional facilities and infrastructure, as well as to address an identified need for a new FCI and FPC in Leavenworth. With increasingly aged and outdated federal correctional facilities, the BOP is continuously working to improve the system's infrastructure through modernization of existing facilities when possible and construction of new institutions when necessary. As an example, USP Leavenworth was one of three first-generation federal prisons constructed in the early 1900s and continues in operation today while other operating federal correctional facilities were constructed over 50 years

ago. Hence, development of a new FCI and FPC in Leavenworth is among the BOP's priority projects.

Once developed, the new FCI and FPC would improve living and working conditions for inmates and staff and be an advancement over conditions in many current BOP institutions. Improving living and working conditions has been shown to reduce the levels of stress and depression among inmates and staff, resulting in an overall positive effect on institution operation, safety, and security.

Development of a new FCI and FPC in Leavenworth will ensure that the federal criminal justice system in general, and the BOP in particular, continues to function in a quality manner while addressing the need for modern, secure, efficient and cost-effective institutions. Doing so will also allow the BOP to continue to accomplish its mission to uphold justice and public safety, meet the needs of current and future federal inmate populations, and provide for the continued safety and security of inmates, staff and the public.

The Process

The process of evaluating the potential environmental impacts associated with federal correctional facility development and operation involves the analysis of many factors and conditions including, but not limited to: Topography, geology, soils, hydrology, biological resources, cultural resources, hazardous materials, visual and aesthetic features, fiscal considerations, population/employment/housing characteristics, community services and facilities, land uses, utility services, transportation systems, meteorological conditions, air quality and noise.

Alternatives

In developing the DEIS in 2011 and FEIS in 2015, the No Action alternative, other actions considered and eliminated, and alternative development areas for the proposed FCI and FPC were thoroughly examined. Alternative development areas examined at that time consisted of BOP-owned property contiguous to the existing USP located in Leavenworth, Kansas. All alternatives considered then will be fully and thoroughly re-examined in the DSFEIS.

Scoping Process

Prior to preparation of the DEIS in 2011, opportunities for public involvement were provided in order to determine the issues to be examined in the DEIS. The scoping process began with a Scoping Meeting on January 20, 2011, in Leavenworth, Kansas with the

meeting location, date, and time well publicized and arranged to allow for members of the public, as well as representatives of government agencies, organizations, and interest groups to attend. The meeting was held to allow interested persons to formally express their views on the scope and significant issues to be studied as part of the DEIS process. The meeting also provided for timely public comments and understanding of federal plans and programs with possible environmental consequences as required by NEPA and the National Historic Preservation Act of 1966, as amended.

Following publication of the DEIS on November 18, 2011, a public hearing was held on December 11, 2011, in Leavenworth, Kansas with the hearing location, date, and time well publicized and arranged to allow for maximum public involvement and attendance. The hearing was held to share project-related information and to allow interested persons to offer comments and questions concerning the proposed action and the findings of the DEIS as stipulated by NEPA. Public comments were received by the BOP until the end of the comment period on January 2, 2012.

On April 10, 2015, the BOP published a FEIS with the public review and comment period lasting until May 15, 2015. A decision on whether to proceed with the proposed action and if so, where, was delayed and a Record of Decision was not adopted. With the passage of time, the BOP is resuming the NEPA process with the intent of preparing a DSFEIS to provide current information about the proposed project, the purpose and need for proceeding with developing a new FCI and FPC in Leavenworth, Kansas, and to provide the public, elected and appointed officials, regulatory agencies, and others the opportunity to voice their interests and provide comments concerning the proposed action. In resuming the NEPA process, the BOP distributed a letter on June 15, 2020 to interested parties informing them that preparation of the DSFEIS would soon commence.

Availability of DSFEIS

Public notice will be given concerning the availability of the DSFEIS for public review and comment along with plans for a public hearing following DSFEIS publication.

Dated: June 26, 2020.

Kimberly S. Hudson,
COR, Site Selection Specialist, Construction and Environmental Review Branch.

[FR Doc. 2020-14216 Filed 6-29-20; 8:45 am]

BILLING CODE P

NEWS BRIEFS

Lansing City Council to meet

The Lansing City Council will meet at 7 p.m. Thursday at Lansing City Hall, 800 First Terrace St. Agenda items include a service agreement with the Institute for Building Technology and Safety, the speed limit on DeSoto Road, a request to complete an easement acquisition and a condemnation resolution.

— Staff report

Wichita police seek clues in 2 homicides in recent days

Wichita police are asking for the public's help to solve two separate homicides in the city in recent days.

The first occurred Sunday afternoon, when police were called to Planeview Park after the body of a man was found there, police said. The man was later identified as Manuel Vargas-Avila, 42, who had been shot several times, police said. Investigators believe he had been involved in a fight with several people in the park Saturday night when he was shot.

The second homicide was reported late Monday afternoon when a man was shot to death in a driveway. That man's name had not been released by Tuesday morning. Capt. Jason Stephens said that shooting apparently happened during a fight over personal property.

No arrests have been reported in either case, and police have asked that anyone with information on either shooting to call detectives or the Crime Stoppers hotline.

15-year-old girl shot and killed in KCK

A 15-year-old girl was fatally shot inside a vehicle in Kansas City, Kansas, early Monday.

Police were called to a hospital at about 1:50 a.m. in response to a young gunshot victim, Officer Dustin Dierenfeldt, a police department spokesman.

The victim underwent surgery but died shortly after.

Officer T.J. Tomasic said someone shot into the vehicle, which was in the Armourdale neighborhood.

Pedestrian hit by train in Winfield

A pedestrian was hospitalized after she was hit Monday by a train in Winfield, police said.

The female pedestrian was taken to Wesley Medical Center in critical condition. Police said she was on or near the railroad tracks when she was struck by a BNSF Railway locomotive shortly before 9:30 a.m.

— Wire reports

James Burgess

James Burgess, 52, Leavenworth, passed away Monday, June 22, 2020, at his residence.

Visitation will be Thursday, July 2, 2020, at the funeral home from 5-7 p.m. A funeral service will be Friday, July 3, 2020, at Belden-Larkin Funeral Home at 10 a.m. with Pastor Cape Rust officiating. Burial will follow at Mount Muncie Cemetery.

Arrangements have been entrusted to Belden-Larkin Funeral Home.



David Lee Johnson

David Lee Johnson, 80, passed away peacefully at Providence Medical Center surrounded by his family Monday, June 29, 2020. He was born on April 23, 1940, in Leavenworth, Kansas, to Arthur and Lela Johnson. David was the youngest of five children: Arthur, Howard, Dorothy and Charlotte.

After graduating Leavenworth High school, David joined the Navy and served eight years as a finance disbursing clerk. On July 30, 1961, he married Lula Sue Oliphant. During their 59 years of marriage they raised four sons and one daughter.

After leaving the Navy, David moved his family back from California to Leavenworth and began a lifetime commitment of giving back to his community. After several years in the finance industry, David started his own insurance agency and retired in 2002. He was an active member and leader in the Elks, Kiwanis, Eagles, Leavenworth Country Club and Crossroads United Methodist Church. David's special interests were his family, friends and traveling. Over the years, he enjoyed countless golf vacations and Kansas City Chiefs road trips with his wife and friends. He was a devoted father who consistently provid-

OBITUARIES

ed love and support for his children and their families.

He is survived by his beloved wife, Sue; sons, David (Pam), Robert (Linda), Steven and Michael; daughter, Francesca McHenry (Roger); grandchildren, Cheryl, Jennifer, Dennis (Kindra), Nick (Erika), Rene (Clayton), Liam, Hannah and Cayden; seven great-grandchildren; sister, Charlotte Parks; and many nieces, nephews and cousins.

A service will be held Friday, July 3, 2020, at Leintz Funeral Home, 4701 10th Ave., Leavenworth, Kansas. Visitation is at 10 a.m. and the service is scheduled for 11 a.m. In lieu of flowers, the family requests donations in honor of David to the Crossroads United Methodist Church, 101 E. Gilman Road, Lansing, Kansas.



Lambert D. Mills

Lambert D. Mills, 87, a resident of Sacramento, California, passed away on Saturday, June 27, 2020, at his home. He was born on July 29, 1932, in Leavenworth, Kansas, a son of the late William and Helen (Lambert) Mills. Lambert was raised in rural Leavenworth County and attended schools in the Lansing school district. He graduated from Lansing High School with the class of 1950.

He was a member of the Air Force ROTC while attending Kansas State University, where he graduated with a bachelor's degree in science and agriculture in 1954. He served in the United States Air Force after graduation.

On Aug. 9, 1953, he married Rosalea Edmonds, and together they had five children. He is remembered as a past-president of Citizens Mutual Savings and Loan Association. While living in Leavenworth, he was a member of the Lansing United Methodist Church and was a member and past-president of the Leavenworth Kiwanis Club. He

served on the board of directors of Cushing Memorial Hospital, the Lansing United Methodist Church and Citizens Mutual Savings and Loan Association. He was also involved in many local organizations, including the Lansing Alumni Association, the Lions Club, the Fairmont 4-H Club and the Leavenworth JCs.

Preceding him in death were his parents and his two sisters, Emma Jeanne (James) Liggett and Willa Deanne (Merle) Eye-stone.

Surviving are his children, Cindy (Mike) Blake, Lake Linden, Michigan, Toni Milleret, Charlotte, North Carolina, Julie (Pete) Schrock, Summit, New Jersey, Alan (Julia) Mills, Tampa, Florida, and Tricia (Vito) Brancatella, Mendham, New Jersey; his grandchildren, Erik Herzog, Alan Kroll, Cindy Crabtree, Whit Crabtree, Abi (Tim) Rowatt, Kyle (Gocia) Milleret, Jessica Schrock, Allie Mills, Tori Mills, Christie Bennett, CJ Bennett, Manny Rettig, Vito Brancatella, III, Nicholas Brancatella, Jenna Brancatella and Ava Brancatella; and his three great-grandchildren, Rush Herzog, Cruz Herzog, and Dawson Virtanen. He also has many surviving cousins, nieces and nephews.

A private graveside service for Lambert at Mount Muncie Cemetery will be scheduled for a later date.

Hilda Pizzini

Hilda Pizzini, 91, Lansing, passed away Sunday, June 28, 2020.

She was preceded in death by her husband of 46 years Francis L. Pizzini.

She is survived by four children, Annmarie Bel-lar (Mike), Deborah McKenna (Ken), Teri Peacock (Mike) and Robert Pizzini, six grandchildren and 15 great-grandchildren.

At Hilda's request no funeral or memorial service will be held. The love that Hilda shared with family and friends will carry on forever. Arrangements are entrusted to Davis Funeral Chapel. Condolences may be left on Hilda's online guestbook at www.davisfuneralchapelinc.com

Ex-wife of 'Da Vinci Code' author alleges he led double life

The ex-wife of "The Da Vinci Code" author Dan Brown has filed a lawsuit alleging the man known for writing about conspiracies and secret societies led a double life during their marriage that included a tryst with a Dutch horse trainer and other affairs.

In her lawsuit filed Monday in New Hampshire, Blythe Brown also claimed credit for in-

spiring much of his work and coming up with the premise for "The Da Vinci Code." She also alleged that Brown hid scores of future projects worth "millions" from her, including a television series as well as a children's book due out in September.

The most explosive allegations, however, are the extramarital affairs. Describing Brown's be-

havior as "unlawful and egregious," Brown said she only learned about it after the pair divorced in 2019 after 21 years of marriage. She accuses the best-selling author of secretly diverting funds to pay for gifts to an unnamed horse trainer, including several Friesian horses and financing for his lover's horse training business.

— Wire report

LETTERS TO THE EDITOR

Founding principles

Ret. Col. Pat Proctor Leavenworth

To the editor:

This week, 244 years ago, our founding fathers signed the Declaration of Independence, enshrining the principle that all people "are created equal" and "endowed by their Creator" with the "unalienable rights" to "Life, Liberty, and the pursuit of Happiness."

This Sunday at church, I overheard a member of my church family lamenting that we were witnessing the death throws of American democracy. One can be forgiven for thinking this, given the news on television and in our newspapers. Protesters and rioters are pulling down the statues of our founders, trying to destroy our nation's history — a history of struggle toward every greater equality and freedom for all people everywhere — and replace it with a narrative of systemic racism and oppression. And our rights to life, liberty and the pursuit of happiness have been mightily tested in the last few months, with

governors shutting down small businesses and preventing Americans from providing for their families.

But the principles enshrined in the Declaration of Independence are greater than any of these threats. These principles inspired a nation to take up arms in a revolution to throw off the chains of imperial tyranny. In World War II, they inspired 12 million Americans to don uniforms, take up arms and travel to the far corners of the Earth to make other people free. And these principles are what makes America the "shining city on a hill," a beacon of freedom for those around the world who yearn to be free.

I wish all my neighbors a great Independence Day, a day of celebration with your friends and family. But I hope that you will also take a moment to reflect on the profound wisdom of our founders and join me in recommitting yourself to defending their ideals to ensure that our children and our grandchildren grow up in the same land of freedom and opportunity that we, as Americans, were privileged to inherit.

AP sources: White House aware of Russian bounties in 2019

Associated Press

Top officials in the White House were aware in early 2019 of classified intelligence indicating Russia was secretly offering bounties to the Taliban for the deaths of Americans, a full year earlier than has been previously reported, according to U.S. officials with direct knowledge of the intelligence.

The assessment was included in at least one of President Donald Trump's written daily intelligence briefings at the time, according to the officials.

Then-national security adviser John Bolton also told colleagues at the time that he briefed Trump on the intelligence assessment in March 2019.

The White House didn't respond to questions about Trump or other officials' awareness of Russia's provocations in 2019.

The White House said Trump wasn't, and still hasn't been, briefed on the intelligence assessments because they haven't been fully verified.

However, it's rare for intelligence to be confirmed without a shadow of a doubt before it

is presented to top officials.

Bolton declined to comment when asked by the AP if he'd briefed Trump about the matter in 2019.

On Sunday, he suggested to NBC that Trump was claiming ignorance of Russia's provocations to justify his administration's lack of response.

"He can disown everything if nobody ever told him about it," Bolton said.

The revelations cast new doubt on the White House's efforts to distance Trump from the Russian intelligence assessments.

The AP reported Sunday that concerns about Russian bounties also were in a second written presidential daily briefing this year and that current national security adviser Robert O'Brien had discussed the matter with Trump.

O'Brien denies doing that.

The administration's earlier awareness of the Russian efforts raises additional questions about why Trump didn't take punitive action against Moscow for efforts that put the lives of American service members at risk.

**U.S. DEPARTMENT OF JUSTICE - FEDERAL BUREAU OF PRISONS
NOTICE OF INTENT TO PREPARE DRAFT SUPPLEMENTAL
FINAL ENVIRONMENTAL IMPACT STATEMENT**

The U.S. Department of Justice, Federal Bureau of Prisons (BOP) is proposing to develop a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) within lands comprising the U.S. Penitentiary in Leavenworth, KS. In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, the BOP published a Draft Environmental Impact Statement (EIS) on November 18, 2011, and a Final EIS on April 10, 2015. A decision whether to proceed with the proposed action was delayed and a Record of Decision, pursuant to the requirements of NEPA and U.S. Department of Justice regulations, was not adopted. The BOP is resuming the NEPA process with preparation of a Draft Supplemental FEIS (DSFEIS) to include current information concerning the purpose and need for developing a new FCI and FPC in Leavenworth, KS, potential impacts and mitigation measures associated with the project, and to provide the public and others the opportunity to voice their interests and provide comments concerning the proposed action. The DSFEIS is expected to be published by the end of 2020 and notice will be given concerning its availability along with plans for a public hearing. Direct questions to Kimberly S. Hudson, COR, Site Selection Specialist, Construction and Environmental Review Branch, Federal Bureau of Prisons, 320 First Street, NW, Room 901-5, Washington, DC 20534, Tel.: 202-616-2574 / Fax: 202-260-0702 / Email: kshudson@bop.gov.



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Leavenworth Times Affidavit of Publication

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she (he) is a Legal Representative of the Times a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for a least Fifty (50) times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

First Publication was made on the
1st day of July, 2020.

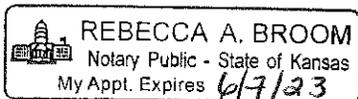
U.S. DEPARTMENT OF JUSTICE - FEDERAL BUREAU OF PRISONS NOTICE OF INTENT TO PREPARE DRAFT SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT STATEMENT

The U.S. Department of Justice, Federal Bureau of Prisons (BOP) is proposing to develop a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) within lands comprising the U.S. Penitentiary in Leavenworth, KS. In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, the BOP published a Draft Environmental Impact Statement (EIS) on November 18, 2011, and a Final EIS on April 10, 2015. A decision whether to proceed with the proposed action was delayed and a Record of Decision, pursuant to the requirements of NEPA and U.S. Department of Justice regulations, was not adopted. The BOP is resuming the NEPA process with preparation of a Draft Supplemental FEIS (DSFEIS) to include current information concerning the purpose and need for developing a new FCI and FPC in Leavenworth, KS, potential impacts and mitigation measures associated with the project, and to provide the public and others the opportunity to voice their interests and provide comments concerning the proposed action. The DSFEIS is expected to be published by the end of 2020 and notice will be given concerning its availability along with plans for a public hearing. Direct questions to Kimberly S. Hudson, COR, Site Selection Specialist, Construction and Environmental Review Branch, Federal Bureau of Prisons, 320 First Street, NW, Room 901-5, Washington, DC 20534, Tel.: 202-616-2574 / Fax: 202-260-0702 / Email: kshudson@bop.gov.

102794

WITNESS my hand this 6th day of July, 2020.

Tammy Lawson
Legal Representative



Subscribe and sworn before me, this the 6 day
of July, 2020.

Rebecca A. Broom
Notary Public

My Commission Expires: 6-7-23

ATTACHMENT 3
MEETING SUMMARY - LOCAL OFFICIALS AND
FEDERAL BUREAU OF PRISONS (JULY 2, 2020)



Meeting Summary – City of Leavenworth

To: Kimberly S. Hudson, Site Selection Specialist – Federal Bureau of Prisons
Paul Kramer, City Manager, City of Leavenworth, Kansas

From: Sarah Hoffman – Louis Berger U.S., Inc. (n/k/a WSP)

Date: July 7, 2020

Subject: Meeting Summary - Proposed FCI/FPC at USP Leavenworth

Attendees

Federal Bureau of Prisons			
Name	Title	Telephone	Email
Kimberly S. Hudson	Site Selection Specialist	202-616-2574	kshudson@bop.gov
Cheryl Ciccone	Acting Branch Chief	202-616-2772	CCiccone@bop.gov
Judah Organic	Architect/Senior Project Manager	202-514-9566	JOrganic@bop.gov
Douglas Goldring	Assistant General Counsel	202-353-2106	dgoldring@bop.gov
George Younger	Assistant General Counsel	202-353-4595	GYounger@bop.gov
Tim Sheldrake	Facility Administrator (NCRO)	913-551-1031	tjsheldrake@bop.gov
Karl Chamberlain	Outside General Foreman (USP)	913-578-1458	k1chamberlain@bop.gov
Louis Berger U.S. (n/k/a WSP)			
Name	Title	Telephone	Email
Bob Nardi	Vice President	973-407-1681	robert.nardi@wsp.com
Sarah Hoffman	Senior Environmental Planner	702-789-1909	sarah.hoffman@wsp.com
Camilla McDonald	Manager, Historic Preservation	816-559-3815	camilla.mcdonald@wsp.com
Thomas Payne	Associate Vice President	401-415-9453	thomas.payne@wsp.com
City of Leavenworth			
Name	Title	Telephone	Email
Paul Kramer	City Manager	913-680-2600	pkramer@firstcity.org
Mike McDonald	Director of Public Works	913-684-0375	mmcdonald@firstcity.org
Mark Preisinger	Commissioner	913-775-2822	mpreisinger@firstcity.org
Camalla Leonhard	Commissioner	913-683-9255	cleonhard@firstcity.org
M. Griswold	Mayor	913-240-1295	mgriswold@firstcity.org

Purpose of Meeting

A project meeting was held on July 2, 2020, to re-engage public officials in planning for a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) to be developed at the U.S. Penitentiary (USP) in Leavenworth, Kansas. The meeting was organized according to the attached Agenda and the discussion and information provided during the meeting is summarized below.

These meeting notes documents the agenda, participants, and resulting action items from the referenced meeting. Participants should provide any additions/exceptions to this Meeting Summary



within five business days of the transmittal date. If no communications are received, then this Meeting Summary will be considered to adequately reflect the meeting discussion and outcome.

1. Introductions

Team members representing the City of Leavenworth, Federal Bureau of Prisons (BOP), and Louis Berger (now known as WSP) introduced themselves and their roles.

2. Proposed Federal Correctional Institution (FCI) and Federal Prison Camp (FPC)

Louis Berger provided a project history and background summary for all attending. The project began in late 2010 with a scoping meeting held in Leavenworth, a Draft Environmental Impact Statement (DEIS) published in November 2011, a public hearing held in December 2011, and publication of a Final Environmental Impact Statement (FEIS) in 2015. However, a Record of Decision, in compliance with the National Environmental Policy Act (NEPA), was not adopted and the project did not proceed further.

The BOP has deemed development of new facilities in Leavenworth a priority and has resumed the NEPA process with preparation of a Draft Supplemental FEIS (SFEIS) in 2020. The project team has officially kicked off that effort with a formal Notice of Intent to prepare a DSFEIS published in the Federal Register on June 30, 2020, and publication of a display ad in the Leavenworth Times on July 1, 2020.

A dedicated website has also been established for the project which hosts copies of the DEIS and associated appendices as well as the FEIS and appendices. The website includes folders for Correspondence related to the project as well as project team members Contact information, a Calendar of events, and a means to offer comments or questions to the team.

<https://www.proposed-fci-fpc-leavenworth.com>

With preparation of the Draft SFEIS, it is important to engage key stakeholders including City officials, representatives or the U.S. Army Garrison, etc. The request was made to share any key individuals, interest groups or stakeholders who should be included in the planning and DSFEIS process. Louis Berger will soon initiate consultations with various federal and state agencies including the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and State Historic Preservation Office among others.

3. Planned Activities

Planning for the FCI/FPC will include completing the NEPA process with preparation of the Draft SFEIS and Final SFEIS with the intent of signing a Record of Decision (ROD) within one year. Following publication of the Draft SFEIS, the BOP will host a Public Hearing (as it did in 2011) during the 45-day public comment period. During this time Louis Berger's resource specialists will complete a new wetland delineation and prepare environmental permit applications for impacts to wetlands/streams. A new examination of the location and proximity of underground gas pipelines is also planned to ensure the risk to the FCI/FPC project is minimized.

4. Schedule

Publication of the Draft SFEIS is tentatively scheduled for late Summer/early Fall 2020 with the overall planning phase to be completed within one year (mid-2021).



5. Next Steps

The project team will move forward with preparation of the Draft SFEIS and provide periodic updates to City officials.

6. Coordination and Points of Contact

The Point of Contacts for the BOP are Cheryl Ciccone and Kimberly Hudson, for the City of Leavenworth is Paul Kramer, and Bob Nardi and Sarah Hoffman are the Points of Contact for Louis Berger (WSP).

7. Other Items

Paul Kramer (City Manager) reported that the community as a whole is very accepting of the proposed project, and embraces the BOP's position in support of the new facility. The City Manager identified wastewater, stormwater, and traffic as key topics to be address in the Draft SFEIS.

Mayor Mike Griswold echoed the excitement by the announcement to proceed with planning for new facilities in Leavenworth. Other elected officials and city officials are in agreement and believe this looks like a good plan.

Commissioner Mark Preisinger commented most of the citizens are in support, however there is a concern over where the proposed facilities are to be developed. Since 2015, the proposed plan has been adjusted to concentrate all FCI/FPC development to the east of the existing USP. Doing so will avoid any potential for impacts to the Buffalo Pasture. A concern was also raised about the possible demolition of the historic staff housing. The project team, well aware of the historic value of those units, is working to avoid any demolitions and are hopeful that the staff housing will remain in place.

Mike McDonald (Director of Public Works) asked whether the new FCI will include a prison industry component and if so, the nature and volume of potential waste constituents from the industry. Mr. McDonald suggested the team revisit the topic and confirm the nature and volume of wastewaters are appropriately addressed.

Submitted by:

Sarah Hoffman
Louis Berger (n/k/a WSP)

Attachments: Meeting Agenda



MEETING AGENDA

Meeting Date: 1:00 PM (CST), July 2, 2020
Proposed FCI and FPC - Leavenworth, Kansas

- **Introductions**
 - City of Leavenworth
 - Federal Bureau of Prisons (USP and Central Office)
 - Louis Berger U.S. (consultant)
- **Proposed Federal Correctional Institution (FCI) and Federal Prison Camp (FPC)**
 - Project History and Background: 2010 – 2015
 - Proposed Project: 2020
 - Accomplishments to Date
 - Notice of Intent to Prepare Supplemental Final Environmental Impact Statement
 - Dedicated FCI/FPC Website
- **Planned Activities**
 - Draft Supplemental Final Environmental Impact Statement
 - Final Supplemental Final Environmental Impact Statement
 - Wetland Delineation
 - Study for Relocating Gas Lines
 - Record of Decision and Administrative Record
- **Schedule**
- **Next Steps**
- **Coordination and Points of Contact**
 - City of Leavenworth
 - Federal Bureau of Prisons
 - Louis Berger U.S.
- **Other Items**

ATTACHMENT 4
KANSAS STATE INTERGOVERNMENTAL AGENCY REVIEW
OF PROPOSED FCI/FPC, LEAVENWORTH, KANSAS (JULY
15, 2020) AND RESPONSE (JULY 18, 2020)



Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367

Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

Comments by: KDHE

Transmittal Date: July 15, 2020

This form provides notification and the opportunity for your agency to review and comments on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to the contact person listed below. Your prompt response will be appreciated.

Return To: Kimberly S. Hudson, COR - Site Selection Specialist
Construction and Environmental Review Branch
Federal Bureau of Prisons
320 First Street, NW, Room 901-5
Washington, D.C. 20534

PART I

REVIEW AGENCIES/COMMISSION

- | | | |
|--|--|---|
| <input type="checkbox"/> Aging | <input type="checkbox"/> Education | <input type="checkbox"/> State Forester |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Geological Survey, KS | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Survey | <input checked="" type="checkbox"/> Health & Environment | <input type="checkbox"/> Water Office, KS |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Historical Society | <input type="checkbox"/> Wildlife & Parks |
| <input type="checkbox"/> Corporation Commission | <input type="checkbox"/> Social & Rehabilitation | <input type="checkbox"/> Commerce |

PART II

AGENCY REVIEW COMMENTS

COMMENTS: (Attach additional sheet if necessary) Re: Proposal to Develop a Federal Correctional Institution and Federal Prison Camp in Leavenworth, Kansas

Please see the enclosed comments from Christopher Wierman, Delbert Smith and Lea Tipton, Bureau of Environmental Remediation.

Kevin Heit, Bureau of Waste Management offers this comment: The City and contractor should review the enclosed Technical Guidance Document and a map. Please ensure all waste is properly disposed. Waste that does not meet the definition of clean rubble or construction / demolition waste should be disposed at a permitted municipal solid waste landfill. Connie Ellis, Bureau of Air offers this comment: BOA does not have any concerns about picking this project back up. Tom Stiles, Bureau of Water has enclosed his comments for this project.

PART III

RECOMMENDED ACTION COMMENTS:

- | | |
|--|--|
| <input type="checkbox"/> Clearance of the project should be granted. | <input checked="" type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the question or concerns indicated above. |
| <input type="checkbox"/> Clearance of the project should not be granted. | |
| <input type="checkbox"/> Clearance of the project should be delayed until the issues or questions above have been clarified. | <input type="checkbox"/> Request the opportunity to review final application prior to submission to the federal funding agency. |
| <input type="checkbox"/> Request a State Process Recommendation in concurrence with the above comments | |

DIVISIONS/ AGENCY/ COMMISSION

Donna Fisher
Director's Office

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Lee A. Narman, M.D., Secretary

Lauro Kelly, Governor

MEMORANDUM

TO: Donna Fisher
FROM: Christopher Wierman
DATE: June 24, 2020
RE: Intergovernmental Agency Review requested by the Federal Bureau of Prisons for development of a Federal Correctional Institution and Prison Camp in the City of Leavenworth

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Dry Cleaner / Superfund Unit, has not identified contaminated Drycleaner or Superfund sites within the vicinity of the proposed project.

Staff members or representatives for the Federal Bureau of Prisons or the City of Leavenworth are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 296-5548 or by email at christopher.wierman@ks.gov if you have any questions.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Donna Fisher
FROM: Delbert Smith
DATE: June 25, 2020
RE: Intergovernmental Agency Review requested by U.S. Department of Justice / Federal Bureau of Prisons (Leavenworth Project).

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Spills Unit, has no identified contaminated spill sites within the vicinity of the proposed project.

Staff members or representatives for U.S. Department of Justice are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 368-7301 or by email at delbert.smith@ks.gov if you have any questions.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Donna Fisher
FROM: Lea Tipton
DATE: July 2, 2020
RE: Intergovernmental Agency Review requested by the U.S. Department of Justice Federal Bureau of Prisons for the Proposal to Develop a New Federal Correctional Institution and Federal Prison Camp

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Orphan Sites Unit, has not identified any sites within the vicinity of the project which would be or would impact the proposed project.

Staff members or representatives for the U.S. Department of Justice are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 291-3246 or by email at lea.tipton@ks.gov if you have any questions.



Division of Environment
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1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367

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Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

July 14, 2020

Kimberly S. Hudson
COR-Site Selection Specialist
Construction and Environmental Review Branch
Federal Bureau of Prisons
320 First Street, NW
Room 901-5
Washington, D.C. 20534

Re: Proposal to develop a Federal Correctional Institution and Federal Prison Camp

Dear Ms. Hudson:

Please see the following comments submitted by Tom Stiles, Director, Bureau of Water.

BOW comments:

1. Construction will require a Construction Stormwater NPDES permit from BOW.
2. Water supply for the facility will need to be certified by KDHE; either hooking into Leavenworth public water supply or with a stand-alone water treatment plant, which will require approval of plans and specs by BOW and provision of a certified operator to act as operator-in-charge.
3. Wastewater will either need to be put within Leavenworth's sanitary sewer or a NPDES permit will be required for a stand along wastewater treatment plant.
4. A facility of the anticipated size as the Federal correctional institution will need a NPDES industrial stormwater permit.

Sincerely,

Donna Fisher
Director's Office

TS/df

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Donna Fisher

CC: Ken Powell, Julie Coleman

FROM: Kevin Heit – Bureau of Waste Management

DATE: July 2nd, 2020

RE: Intergovernmental Agency Review requested by US Department of Justice/Federal Bureau of Prisons for the proposed development of a Federal Prison Camp at the United States Penitentiary in the City of Leavenworth, in Leavenworth County, KS.

The Department of Justice/Federal Bureau of Prisons should be aware that there are two (3) closed landfill sites within the Penitentiary compound, (see attached map). The sites should not be disturbed during the construction of the proposed camp. Additionally, the Department of Justice/Federal Bureau of Prisons and its contractor(s) should review the attached Technical Guidance Document and ensure all waste is properly disposed. Waste that does not meet the definition of clean rubble or construction/demolition waste should be disposed at a permitted municipal solid waste landfill. If further information is required, I may be reached via email at kevin.heit@ks.gov or by phone at (785) 296-1757.





Construction and Demolition Wastes and Clean Rubble Technical Guidance Document SW-1994-G2

Construction and Demolition (C&D) waste is solid waste generated during construction or demolition activities. Clean rubble is also generated during construction or demolition activities, but it differs in composition from C&D waste. This document explains the definitions of C&D waste and clean rubble and acceptable methods for disposal of both.

Construction and Demolition Waste

Definition of C&D waste

C&D waste is defined in KSA 65-3402 (u) as:

- solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities;
- untreated wood and untreated sawdust from any source;
- treated wood from construction or demolition projects;
- small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags and bottles;
- furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act;
- solid waste consisting of motor vehicle window glass; and
- solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm related cleanup.

Such wastes include, but are not limited to, bricks, concrete, and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging.

Other statutes and regulations further refine the definition:

Construction related packaging means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. "Construction related packaging" does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging generated during maintenance of existing structures. *KSA 65-3402(dd)*

Furniture and appliances do not include computer monitors and other computer components, televisions, videocassette recorders, stereos, and similar waste electronics.
KAR 28-29-300(a)(4)(A)

Treated wood includes wood treated with any of the following:

- (i) Creosote;
- (ii) oil-borne preservatives, including pentachlorophenol and copper naphthenate;

- (iii) waterborne preservatives, including chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), and ammoniacal copper quaternary compound (ACQ); or
- (iv) any other chemical that poses risks to human health and the environment that are similar to the risks posed by the chemicals specified in paragraphs (i) through (iii).

KAR 28-29-300(a)(4)(B)

Untreated wood includes the following, if the wood has not been treated with any of the chemicals listed in the definition of treated wood:

- (i) Coated wood, including wood that has been painted, stained, or varnished; and
- (ii) engineered wood, including plywood, laminated wood, oriented-strand board, and particle board. KAR 28-29-300(a)(4)(C)

Wastes which may be disposed of in a C&D landfill

In addition to the items *explicitly* identified as C&D waste in KSA 65-3402 (u), the Kansas Department of Health and Environment (KDHE) considers the following materials as *acceptable* for disposal in a C&D landfill:

1. Uncontaminated wooden pallets;
2. Street sweepings (litter must be removed and concentrations of metals, volatile organic compounds, and other compounds must be below regulatory levels);
3. Floor tile, siding, and roofing material containing non-friable asbestos. This material should be:
 - a. handled so it remains non-friable (e.g., may have to be manually removed prior to demolition of structure);
 - b. transported wet (covered with a mist spray to suppress dust) or transported with tarp cover; and
 - c. covered immediately at the landfill;
4. Trees, brush, sod, and incidental quantities of leaves and grass;
5. Ash and other residues from the burning of trees and brush (trees and brush must have been burned in accordance with KAR 28-19-647);
6. Metal scrap (e.g. tie strapping);
7. Mobile homes and trailers (except the tires and fuel tanks). KDHE encourages the recycling of metal components.

Dry mud trap solids from commercial car washes may be applied as cover at a C&D landfill. To be considered a solid the material must pass the paint filter test, EPA method SW 846/9095.

Wastes which may *not* be disposed of in a C&D landfill

Construction and demolition waste does not include waste material containing friable asbestos, garbage, appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities.

KSA 65-3402(u)

In addition to the items *explicitly* identified as not being C&D waste, KDHE considers the following wastes *unacceptable* for disposal in a C&D landfill:

1. Processed tires - i.e. cut or baled;
2. Mud trap wastes from businesses other than commercial car washes;
3. Bagged or bulk quantities of leaves and/or grass clippings;
4. Trash bags, unless demonstrated to contain only acceptable wastes.

Disposal options for C&D wastes

Acceptable C&D wastes may be disposed of in either a municipal solid waste landfill (MSWLF) or in a C&D landfill. Both MSWLFs and C&D landfills must be approved by KDHE through a permit process. But because of the relatively inert nature of the wastes disposed in C&D landfills, these landfills do not have to meet design standards as strict as those for MSWLFs.

Most C&D landfills will, on occasion, receive waste that is not appropriate for disposal. Therefore, all C&D landfills should conduct waste screening (i.e., inspect incoming waste and remove unacceptable materials) and maintain a dumpster or roll-off container onsite for unacceptable wastes which are received at the landfill. Waste screening is covered in Technical Guidance Document SW 02-01, and storage of unapproved wastes screened from construction and demolition landfills is addressed in Bureau of Waste Management Policy 02-01.

Clean Rubble

Definition of clean rubble

According to KSA 65-3402 (w), "Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."

KSA 65-3415b lists "clean rubble" as a waste which is exempt from the state solid waste tonnage fee. The definition of "construction and demolition waste" in KSA 65-3402(u) states: "Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste."

Clean rubble that is brought separately to a construction and demolition landfill or a municipal solid waste landfill is not subject to the tonnage fee, even if the clean rubble is mixed with construction and demolition waste or municipal solid waste upon disposal.

Disposal of clean rubble

The stable nature of the materials in clean rubble means it may be disposed of with C&D waste, or it may be disposed of separately at a clean rubble site. However, clean rubble that is mixed with other C&D waste during demolition or transportation is considered to be C&D waste and must be disposed of at either a MSWLF or at a C&D landfill.

Unlike a C&D landfill, state statutes do not require a solid waste permit for operation of a site that accepts only clean rubble. However, a clean rubble site may be subject to local city or county requirements such as local approval (zoning or land use) and local ordinances.

Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment.

For additional information regarding the proper management of solid or hazardous waste in Kansas, you may visit the Bureau of Waste Management website at <http://www.kdheks.gov/waste/> or contact the Bureau at: (785) 296-1600, bwm_web@kdheks.gov, or the address at the top of this document.



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

July 28, 2020

Donna Fisher, Director's Office
Kansas Department of Health and Environment
Division of Environment
Curtis State Office Building
1000 SW Jackson Street, Suite 400
Topeka, Kansas 66612-1367

**Subject: Proposal to Develop a Federal Correctional Institution
and Federal Prison Camp in the City of Leavenworth, KS**

Dear Ms. Fisher:

On behalf of the Federal Bureau of Prisons (FBOP), I wish to acknowledge receipt of comments and information provided by the Kansas Department of Health and Environment concerning the FBOP's proposal to develop a new Federal Correctional Institution and Federal Prison Camp in the City of Leavenworth. I have shared the information provided by the Department among our team of staff and consultants for consideration as they prepare the Draft Supplemental Final Environmental Impact Statement (DSFEIS) and develop plans for the new facilities.

As I noted in my letter of June 12, 2020, the DSFEIS is expected to be published by the end of 2020 and notice will be given concerning the availability of the DSFEIS to Department officials for review and comment. In the meantime, feel free to contact me at: Kimberly S. Hudson, Site Selection Branch, Construction and Environmental Review Branch, Federal Bureau of Prisons, 320 First Street, NW, Room 901-5, Washington, D.C., 20534 Tel: (202) 616-2574/Fax: (202) 260-0702/Email: kshudson@bop.gov.

Thank you for your interest and support.

Sincerely,

Handwritten signature of Kimberly S. Hudson in cursive.

Kimberly S. Hudson, Site Selection Specialist
Construction and Environmental Review Branch

ATTACHMENT 5
MEETING SUMMARY - U.S. ARMY GARRISON FORT
LEAVENWORTH AND FEDERAL BUREAU OF PRISONS
(JULY 21, 2020)



Meeting Summary – U.S. Army Garrison, Fort Leavenworth

To: Thomas A. Dow, P.E., U.S. Army Garrison, Fort Leavenworth
 Kimberly S. Hudson, Site Selection Specialist – Federal Bureau of Prisons

From: Sarah Hoffman – Louis Berger U.S., Inc. (n/k/a WSP)

Date: July 22, 2020

Subject: Meeting Summary - Proposed FCI/FPC at USP Leavenworth

1. Purpose of Meeting

A teleconference meeting was held on July 21, 2020, to re-engage U.S. Army Garrison Fort Leavenworth officials in plans by the Federal Bureau of Prisons (BOP) to develop a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) at the U.S. Penitentiary (USP) in Leavenworth, Kansas. The meeting was organized according to the attached Agenda and the discussion and information provided during the meeting is summarized below.

These meeting notes documents the agenda, participants, and resulting action items from the referenced meeting. Participants should provide any additions/exceptions to this Meeting Summary within five business days of the transmittal date. If no communications are received, then this Meeting Summary will be considered to adequately reflect the meeting discussion and outcome.

2. Attendees

Federal Bureau of Prisons			
Name	Title	Telephone	Email
Kimberly S. Hudson	Site Selection Specialist	202-616-2574	kshudson@bop.gov
Cheryl Ciccone	Acting Branch Chief	202-616-2772	CCiccone@bop.gov
Judah Organic	Architect/Senior Project Manager	202-514-9566	JOrganic@bop.gov
Douglas Goldring	Assistant General Counsel	202-353-2106	dgoldring@bop.gov
Marlon Clary	Contracting Officer	202-307-2918	mclary@bop.gov
Tim Sheldrake	Facility Administrator (NCRO)	913-551-1031	tjsheldrake@bop.gov
Karl Chamberlain	Outside General Foreman (USP)	913-578-1458	k1chamberlain@bop.gov
Louis Berger U.S., Inc. (n/k/a WSP)			
Name	Title	Telephone	Email
Bob Nardi	Vice President	973-407-1681	robert.nardi@wsp.com
Sarah Hoffman	Senior Environmental Planner	702-789-1909	sarah.hoffman@wsp.com
Camilla McDonald	Manager, Historic Preservation	816-559-3815	camilla.mcdonald@wsp.com
Thomas Payne, P.E.	Associate Vice President	401-415-9453	thomas.payne@wsp.com
Craig Hanlon, PWS	Principal Environmental Scientist	973-407-1462	Craig.hanlon@wsp.com
U.S. Army Garrison Fort Leavenworth			
Name	Title	Telephone	Email
Thomas A. Dow, P.E.	Chief, Master Planning Division	913-684-8966	thomas.a.dow.civ@mail.mil
Brett A. Wobker	Chief, Energy Management	913-684-8956	brett.a.wobker.civ@mail.mil



Dale D. Cleland	Chief, Environmental Engineer	913-684-8977	dale.d.cleland.civ@mail.mil
D. Mike Whitecotton	Deputy Garrison Commander	913-684-2993	don.m.whitecotton.civ@mail.mil
Bill Waugh	Director, Public Works	913-684-5646	harold.w.waugh.civ@mail.mil
Jason C. Wendel	Chief, Engineering Division	913-684-8959	jason.c.wendel.civ@mail.mil

3. Introductions

Team members representing the U.S. Army Garrison Fort Leavenworth, Federal Bureau of Prisons, and Louis Berger (now known as WSP) introduced themselves and their roles.

4. Proposed Federal Correctional Institution and Federal Prison Camp

Louis Berger provided a brief project history and background summary for all attendees. The project began in late 2010 with a scoping meeting held in Leavenworth in January 2011, a Draft Environmental Impact Statement (DEIS) published in November 2011, a public hearing held in December 2011, and publication of a Final Environmental Impact Statement (FEIS) in April 2015. However, a Record of Decision, in compliance with the National Environmental Policy Act (NEPA), was not adopted and the project did not proceed further.

The BOP has deemed development of new facilities in Leavenworth a priority and has resumed the NEPA process with preparation of a Draft Supplemental FEIS (SFEIS) in 2020. The BOP has officially kicked off that effort with a formal Notice of Intent to prepare a Draft SFEIS published in the Federal Register on June 30, 2020, and publication of a display ad in the Leavenworth Times on July 1, 2020.

A handout was prepared and distributed to all participants prior to the meeting. The handout explained the background of the project and site history, as well as a description of the proposed FCI/FPC project, a preliminary site plan showing the conceptual layout of the FCI/FPC within the USP property, and other information about design features and security measures planned for the new facilities. The future of the existing USP is also addressed. (A copy of the meeting handout is attached.)

A dedicated website has been established for the project which hosts a copy of the DEIS and associated appendices as well as the FEIS and appendices. The website includes folders for Correspondence related to the project as well as project team members Contact information, a Calendar of events, and a means to offer comments or questions to the team: <https://www.proposed-fci-fpc-leavenworth.com>

With preparation of the Draft SFEIS, it's important to engage key stakeholders including representatives of the U.S. Army Garrison. A similar meeting was held recently with elected and appointed officials representing the City of Leavenworth.

5. Planned Activities and Schedule

The intent of the BOP is to move current inmates from the USP to the new facility and discontinue use of the existing facility. The BOP will also determine a new mission for the USP over the coming months.

Planning for the FCI/FPC will include completing the NEPA process with preparation of the Draft SFEIS and Final SFEIS with the intent of signing a Record of Decision (ROD) within one year (mid-2021). During this time, Louis Berger's resource specialists will complete a new wetland delineation and prepare environmental permit applications for impacts to wetlands/streams. A new examination of the location and proximity of underground gas pipelines (in particular the Southern Star interstate pipeline which



crosses the USP property) is also planned to ensure the risk to the FCI/FPC project is minimized. Publication of the Draft SFEIS is tentatively scheduled for Fall 2020 and following publication, the BOP will host a Public Hearing during the 45-day public comment period. The overall planning and NEPA process is expected to be completed within approximately one year (mid-2021).

6. Concerns

The following concerns were identified by U.S. Army Garrison officials:

- Ensuring uninterrupted service from utility lines, especially the electrical line, that cross USP property and lead to Fort Leavenworth.
- Properly managing the additional stormwater runoff from the new development as the Coral Creek is not able to accommodate an increase in capacity.
- Proximity of the proposed FCI/FPC development to the housing area to the north and the potential for impacts due to noise and light pollution.

The BOP anticipated these as key concerns and topics for careful review and analysis to avoid adverse impacts. Fort Leavenworth officials also noted the necessity to inform their Security Officer to ensure all security buffers and stand-off distances between the new facility and the Fort are properly considered and maintained. The BOP and the U.S. Army have enjoyed a successful and beneficial relationship and all parties want to ensure that relationship continues in the future.

7. Next Steps

The project team will move forward with preparation of the Draft SFEIS and provide periodic updates to U.S. Army Garrison officials.

A wetlands delineation of the project site has been scheduled for the week of July 27, 2020. The project team will not be entering the secured perimeter and have prepared a Health and Safety Plan to emphasize the importance of health and safety of field teams.

8. Coordination and Points of Contact

The Point of Contacts for the BOP are Cheryl Ciccone and Kimberly Hudson, Thomas Dow for the U.S. Army Garrison Fort Leavenworth, and Bob Nardi and Sarah Hoffman for Louis Berger U.S.

Prepared by:

Sarah Hoffman
Louis Berger U.S. (n/k/a WSP)

Attachments: Meeting Agenda
Meeting Handout



MEETING AGENDA

Meeting Time/Date: **1:00 CST, July 21, 2020**
Proposed FCI and FPC - Leavenworth, Kansas

- **Introductions**
 - U.S. Army Garrison Fort Leavenworth
 - Federal Bureau of Prisons (USP and Central Office)
 - Louis Berger U.S., Inc. (consultant)

- **Proposed Federal Correctional Institution and Federal Prison Camp**
 - Project History and Background: 2010 – 2015
 - Proposed Project: 2020
 - Accomplishments to Date
 - Notice of Intent to Prepare Supplemental Final Environmental Impact Statement
 - Meeting with City officials
 - Dedicated Project Website <https://www.proposed-fci-fpc-leavenworth.com>

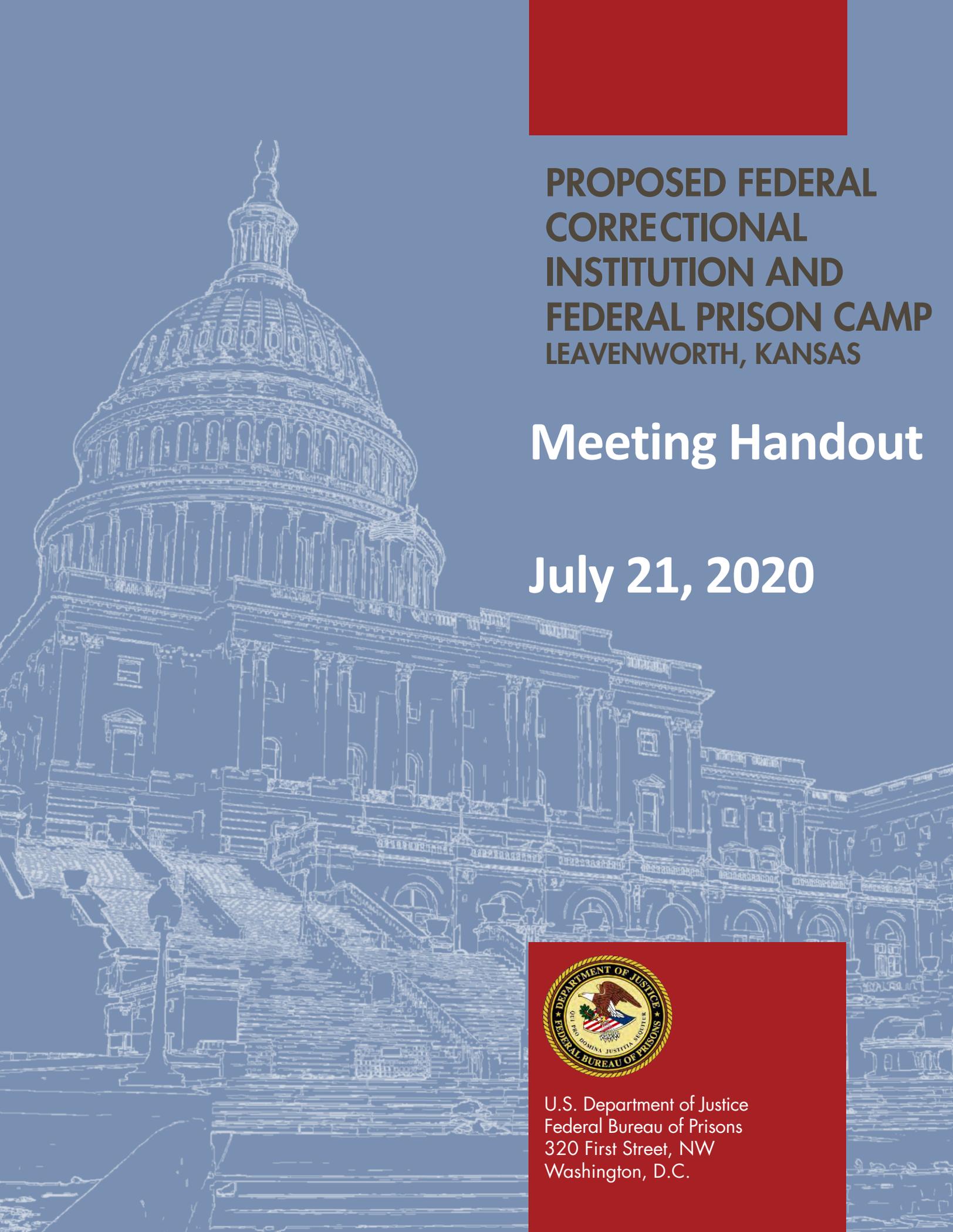
- **Planned Activities**
 - Wetland Delineation
 - Study for Relocating Gas Lines
 - Draft Supplemental Final Environmental Impact Statement
 - Final Supplemental Final Environmental Impact Statement
 - Record of Decision and Administrative Record

- **Schedule**

- **Coordination and Points of Contact**
 - U.S. Army Garrison Fort Leavenworth
 - Federal Bureau of Prisons
 - Louis Berger U.S., Inc.

- **Next Steps**

- **Other Items**



**PROPOSED FEDERAL
CORRECTIONAL
INSTITUTION AND
FEDERAL PRISON CAMP
LEAVENWORTH, KANSAS**

Meeting Handout

July 21, 2020



U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C.

PROPOSED FEDERAL CORRECTIONAL INSTITUTION AND FEDERAL PRISON CAMP – LEAVENWORTH, KANSAS

A. BACKGROUND

The U.S. Department of Justice, Federal Bureau of Prisons (BOP) is proposing to further develop its United States Penitentiary (USP) Leavenworth property by constructing and operating a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC). The BOP embarked on this project in 2010 as summarized below:

- Published a *Notice of Intent to Prepare an Environmental Impact Statement* (EIS) in the Federal Register in accordance with the National Environmental Policy Act (NEPA).
- Published a Draft EIS on November 18, 2011.
- Held a Public Hearing on the Draft EIS in the City of Leavenworth on December 11, 2011.
- Distributed a letter on June 14, 2014 informing all interested parties that preparation of the Final EIS was underway.
- Published a Final EIS on April 10, 2015; the public comment period ended on May 15, 2015.
- A decision whether to proceed was delayed and a Record of Decision pursuant to NEPA was not adopted.
- Distributed a letter on June 15, 2020 informing all interested parties that the BOP was resuming the NEPA process and was commencing preparation of a Draft Supplemental Final EIS.
- Published a *Notice of Intent to Prepare a DSFEIS* for the development of a new FCI and FPC in the Federal Register (Volume 85, Number 126, June 30, 2020) and a similar notice in the Leavenworth Times newspaper (July 1, 2020).

B. UNITED STATES PENITENTIARY, LEAVENWORTH

The BOP currently operates 122 institutions, six regional offices, a Central Office (headquarters), two staff training centers, and 26 residential reentry management offices. Among the facilities operated by the BOP are the USP and FPC located in Leavenworth, Kansas. The USP is notable for many reasons, among them is that when opened in 1906, it was the first federal correctional facility and is the oldest operating correctional facility in the federal prison system.

During Fiscal Year 2006, the BOP transitioned USP Leavenworth from a high-security facility to a medium-security facility to accommodate the growth in the medium-security inmate population. This transition was part of the BOP's long-range plan to utilize older high-security institutions to house medium-security inmates as new and more modern high-security facilities are developed. The USP currently which houses approximately 1,294 inmates and the FPC approximately 310 inmates.

A growing challenge to the BOP is that many existing federal correctional facilities and supporting infrastructure are aging, resulting in an ongoing need for new, modernized facilities and infrastructure. The BOP has proposed the construction of a new FCI designed to house approximately 1,152 medium-

security inmates and a new FPC designed to house approximately 256 minimum-security inmates for a total population of 1,408 inmates. Once development is completed and the new facilities are activated, inmates currently housed at the USP and FPC will be transferred to the new facilities along with the complement of corrections officers and other security personnel, administrators, maintenance supervisors and others.

As one of three first-generation federal prisons constructed in the early 1900s, USP Leavenworth is not comparable to the contemporary prison designs that are more common today. As a result, USP Leavenworth is operationally inefficient, and combined with its age and condition, eligibility for listing on the National Register of Historic Places, and the necessity for costly and difficult to implement security, life safety, mechanical, electrical and plumbing system replacements and/or upgrades, requires development of a new FCI and FPC to meet current and future needs. Hence, development of a new FCI and FPC in Leavenworth and the north-central United States is among the BOP's priority projects.

C. PROJECT DESCRIPTION

Given the need for a new FCI and FPC, the BOP would typically consider potential construction sites both within and outside of its jurisdiction that might serve as reasonable alternatives. Most often, because existing BOP correctional sites lack sufficient land on which to construct new facilities, the BOP must identify land that would be a reasonable alternative on which the needed and proposed new facilities could be constructed. However, when, as here, new facilities are needed to replace facilities on existing BOP land and can feasibly and reasonably be built on the that same land, incurring the expense and time to acquire other land on which to construct new and separate facilities would not be reasonable or logical. Therefore, the rationale for selecting the USP Leavenworth property for detailed study included the following:

- The BOP controls the 754-acre property which contains abundant undeveloped land potentially suitable for correctional facility development.
- Use of available USP Leavenworth property avoids the time and costs associated with land acquisition for development.
- Infrastructure necessary to support new correctional facility development is currently in place in the Leavenworth area.
- The Leavenworth community and the BOP have had a positive and mutually beneficial relationship for many years which is expected to continue into the future.
- Similar conditions, involving sufficient developable land and infrastructure, are not evident or equivalent at other BOP facilities within the North Central Region.

Since 2010, the BOP has examined multiple alternative development plans for accommodating a new FCI and FPC in Leavenworth. At the present time, the BOP considers the EAST-1 alternative to be its preferred development plan.

General design characteristics of the proposed facility, internal and external (perimeter) security arrangements, profiles of the inmates to be housed at the FCI and FPC, and other aspects of the proposed facility are described in the sections that follow.

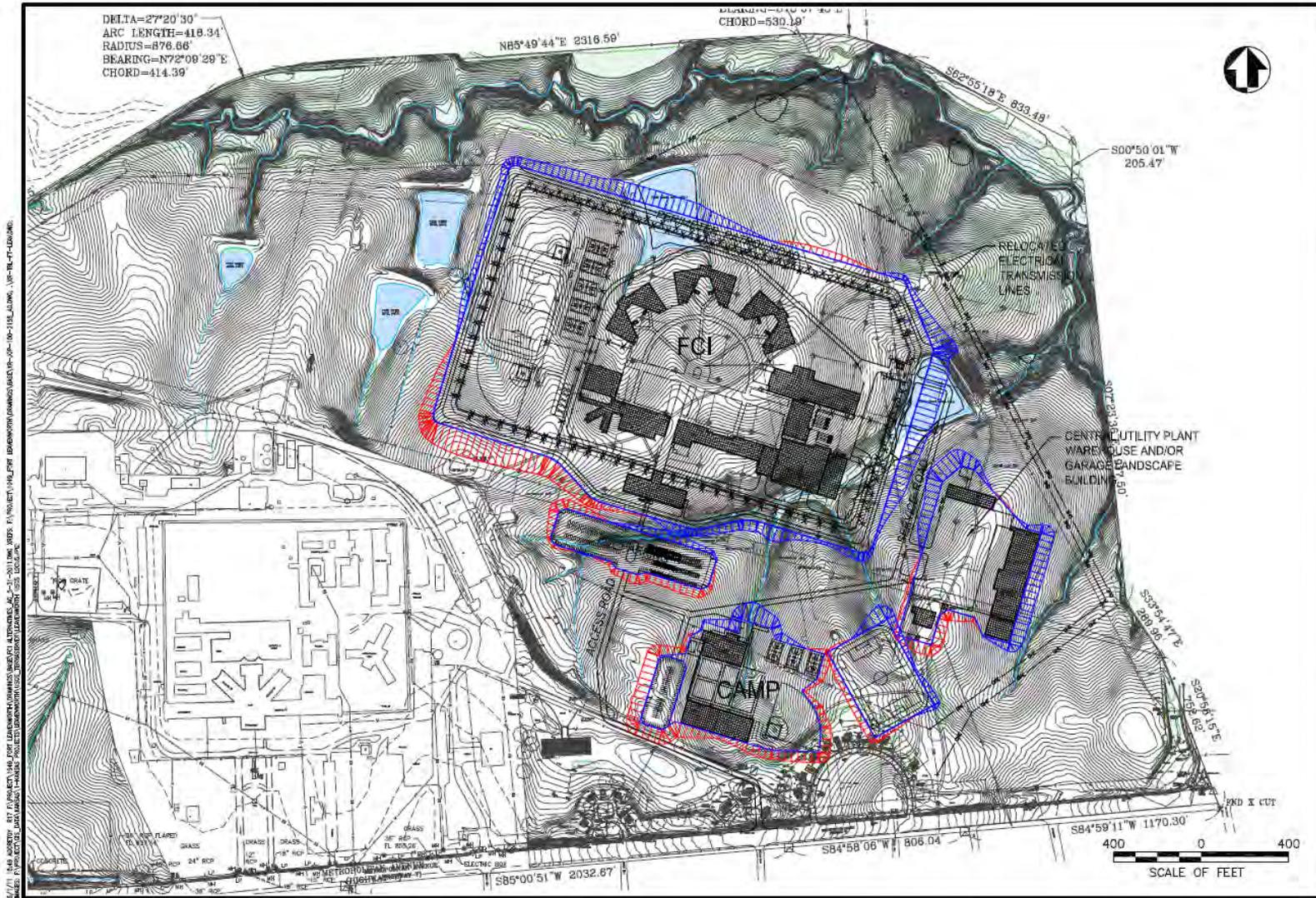


Exhibit 1
Alternative FCI EAST-1

Proposed FCI
USP Leavenworth, Kansas

Source: NS GIS, LLC, Inc. Scale: 1"=500' May 2011

US Department of Justice
Federal Bureau of Prisons



The Louis Berger Group, Inc.

General Design Features of the Proposed Federal Correctional Institution

All structures comprising the proposed FCI would be similar in scale and appearance to a light industrial park or secondary school with most buildings comprising one- and two-story structures. The buildings would provide multi-purpose activity spaces, with areas divided according to function. Basic groupings would include administration, services, housing, religion, education, training, recreation, with an option for prison industries, and a central utility plant, and taken together, having a gross building area of approximately 580,000 square feet. Buffer zones of undeveloped acreage would generally surround the facility, providing both visual and physical setbacks from the property boundaries. A single road for controlled access from the public roadway network is planned along with a parking lot accommodating both employees and visitors to be located near the public entrance to the FCI.

The proposed FCI requires stringent perimeter security systems, while other components, including the FPC, warehouses, etc. are not subject to perimeter security measures and are generally unfenced. Perimeter security at the FCI would be provided by two parallel 12-foot high chain-link fences with coils of barbed tape mounted on the fences and placed within the 20-foot wide space between the two fences. BOP staff in vehicles would be assigned to patrol the perimeter of the FCI facility and respond to automatic alarms received from the electronic detection system. Employee and visitor traffic, along with service vehicles traveling to the facility, would be separated from patrol traffic operating along the perimeter road surrounding the FCI. There is no plan to install fencing around the entire USP Leavenworth property.

Energy-efficient high-mast lighting would also be installed at the new FCI to provide ground and perimeter illumination to be supplemented by common walkway and roadway lighting. Attention would be given to the avoidance of excessive illumination of adjacent areas. Searchlights or similar floodlighting associated with traditional prison security are not anticipated.

BOP security policies and procedures at the proposed FCI requires all inmates to be formally counted and physically identified five times a day on weekdays and six times a day on weekends. BOP staff would verify the whereabouts of each inmate throughout the workday and would also perform census counts for inmate accountability. In addition, inmates are observed and may be recorded via strategically placed video cameras. Inmate telephone conversations may also be recorded. Inmate quarters would be supervised 24 hours a day and would be checked often for contraband material. An intensive urinalysis program, involving both specific and random sampling, would be carried out to detect and deter drug or alcohol use by inmates. The interior spatial arrangements of the facility would provide internal control while permitting relatively free movement within the secure perimeter of the institution. The individual rooms in all units would have locking devices that enable staff in the unit to provide necessary controls when required.

The FCI would rely on its own staff or other federal law enforcement personnel to ensure overall security. It is also the responsibility of the United States Marshals Service and the Federal Bureau of Investigation to assist the BOP, if necessary, in the event that an inmate is reported missing. State and local law enforcement agencies would also be advised of the situation and would assist the BOP as necessary. Local media would be contacted as a means to inform the public. Law enforcement personnel would also be responsible for removing any person involved in violating a federal law, such as trespassing, damaging federal property or possessing contraband on the BOP's property.

The attached photographs depict typical conditions found at a recent-constructed medium-security FCI and minimum-security FPC. This facility was designed and constructed by and for the BOP near the City of Welch in McDowell County, West Virginia and is representative of such facilities from the standpoint

of design, layout, building materials, and similar features of FCI, prison camp and accompanying support facilities.

D. FUTURE OF THE EXISTING USP AND FPC

There is no plan at the present time to utilize USP Leavenworth to house federal inmates once the new facilities are constructed. USP Leavenworth was constructed in the early 1900s and is not comparable to the contemporary prison designs that are common today. With its current configuration, USP Leavenworth is operationally inefficient compared to other medium-security institutions of modern design. Due to its age and condition, the necessity exists for costly security, life safety, mechanical, electrical and plumbing system renovations, replacements and/or upgrades which are not currently feasible to carry out. As such, development of a new FCI and FPC is necessary in order to meet the BOP's current and projected future needs. Compounding the challenge of rehabilitating USP Leavenworth is the fact that the complex of structures is eligible for listing on the NRHP, making rehabilitation and reuse as a correctional facility far more complex and costly than a facility not eligible for listing on the NRHP. Once constructed and activated, inmates currently housed at the USP and FPC will be transferred to the new facilities.

At the present time, the BOP is considering various options for future use of the current USP. The potential to reuse the USP will be determined as funds are made available to the BOP for conducting the necessary architectural and engineering studies of the facility as well as funds for repairing and adapting the structure for a future use. It's important to state that the BOP currently has no plans to alter or demolish the existing USP facility and instead intends to maintain the facility in its current state.

TYPICAL FEDERAL CORRECTIONAL INSTITUTION







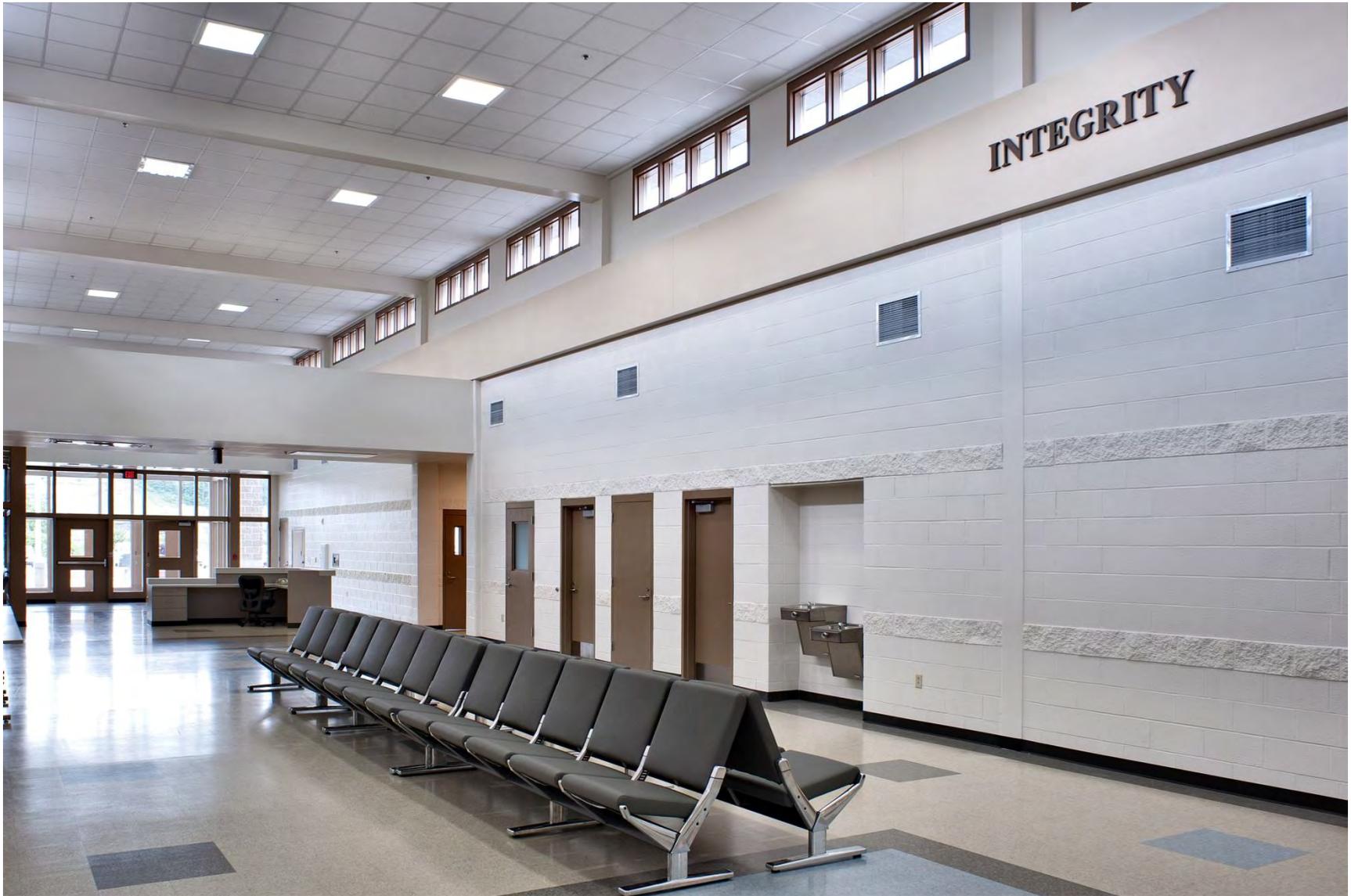














ATTACHMENT 6
OSAGE NATION REQUEST FOR INFORMATION (AUGUST 2, 2020) AND RESPONSE (AUGUST 5, 2020)

On 8/2/2020 at 10:25 PM, Johnnie Jacobs
johnnie.jacobs.ctr@osagenation-nsn.gov> wrote:
Date: August 2, 2020

File: 1920-4148KS-6

RE: DOJ, BOP, Proposal to Develop a Federal Correctional Institution and Federal Prison Camp in Leavenworth, Leavenworth County, Kansas

Federal Bureau of Prisons, Construction and Environmental Review Branch Kimberly Hudson
320 First Street, NW Room 901-5
Washington, D.C. 20534

Dear Ms. Hudson,

The Osage Nation Historic Preservation Office has received notification and accompanying information for the proposed project listed as DOJ, BOP, Proposal to Develop a Federal Correctional Institution and Federal Prison Camp in Leavenworth, Leavenworth County, Kansas. The Osage Nation requests additional project specific information for this project including topographic and aerial maps with project locations clearly indicated, latitude and longitude of all construction locations, acreage utilized, depth of intended construction activity, utility line routes, staging locations, and any borrow/fill site locations.

In accordance with the National Historic Preservation Act, (NHPA) [54 U.S.C. § 300101 et seq.] 1966, undertakings subject to the review process are referred to in 54 U.S.C. § 302706 (a), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969).

The Osage Nation has a vital interest in protecting its historic and ancestral cultural resources. The Osage Nation anticipates reviewing and commenting on the proposed DOJ, BOP, Proposal to Develop a Federal Correctional Institution and Federal Prison Camp in Leavenworth, Leavenworth County, Kansas.

Should you have any questions or need any additional information please feel free to contact me at the address listed below. Thank you for consulting with the Osage Nation on this matter.

Thank you,

Miss Johnnie Jacobs
Historic Preservation Specialist
Osage Nation Historic Preservation Office
627 Grandview Avenue
Pawhuska, OK 74056



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

August 5, 2020

Miss Johnnie Jacobs
Historic Preservation Specialist
Osage Nation Historic Preservation Office
627 Grandview Avenue
Pawhuska, Oklahoma 74056

**Subject: Proposal to Develop a Federal Correctional Institution
and Federal Prison Camp in City of Leavenworth, Kansas**

Dear Miss Jacobs:

On behalf of the Federal Bureau of Prisons (BOP), thank you for your recent inquiry concerning the BOP's proposal to develop a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) in the City of Leavenworth. The BOP has been considering developing a new FCI/FPC in Leavenworth for over 10 years and previously prepared a Draft Environmental Impact Statement (EIS) in 2011 and a Final EIS in 2015. However, a decision whether to proceed with the proposed action was delayed and a Record of Decision to be issued by the Director of the BOP, pursuant to the requirements of the National Environmental Policy Act (NEPA) and U.S. Department of Justice regulations, was never adopted. The BOP has resumed the NEPA process and is currently preparing a Draft Supplemental Final EIS (DSFEIS) to provide updated information about the proposed project, the purpose and need for proceeding with developing a new FCI/FPC in Leavenworth, Kansas, and to provide the public, elected and appointed officials, regulatory agencies, and others the opportunity to voice their interests and provide comments concerning the proposed action.

The BOP's 754-acre Leavenworth property is bordered by Metropolitan Avenue, immediately north of the City of Leavenworth, and south and west of the Fort Leavenworth U.S. Army Base. Alternative locations within the USP Leavenworth property, totaling approximately 371 acres, were investigated as

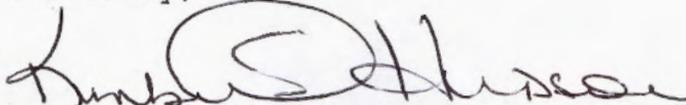
part of the Draft EIS, Final EIS and will be again during preparation of the DSFEIS. The attached Project Summary provides currently available information and should answer many of your questions. In addition, the BOP has established a dedicated FCI/FPC project website to host the Draft and Final EIS documents and all technical appendices (including detailed cultural resource investigations), communications, contact information and to solicit questions and comments:

<https://www.proposed-fci-fpc-leavenworth.com/>. Whatever questions not answered in the Project Summary or the previous EISs will be addressed in the DSFEIS as the BOP is undertaking a review of the project and updating its plans to 2020 conditions as necessary.

I have shared your inquiry with our team of staff and consultants for consideration as they prepare the DSFEIS and develop plans for the new facilities. The DSFEIS is expected to be published by the end of 2020 and notice will be given concerning the availability of the DSFEIS to Osage Nation officials for review and comment. In the meantime, feel free to direct any additional questions to me at: Kimberly S. Hudson, Site Selection Specialist, Construction and Environmental Review Branch, Federal Bureau of Prisons, 320 First Street, NW, Room 901-5, Washington, D.C. 20534 Tel: 202-616-2574/Fax: 202-260-0702/Email: kshudson@bop.gov.

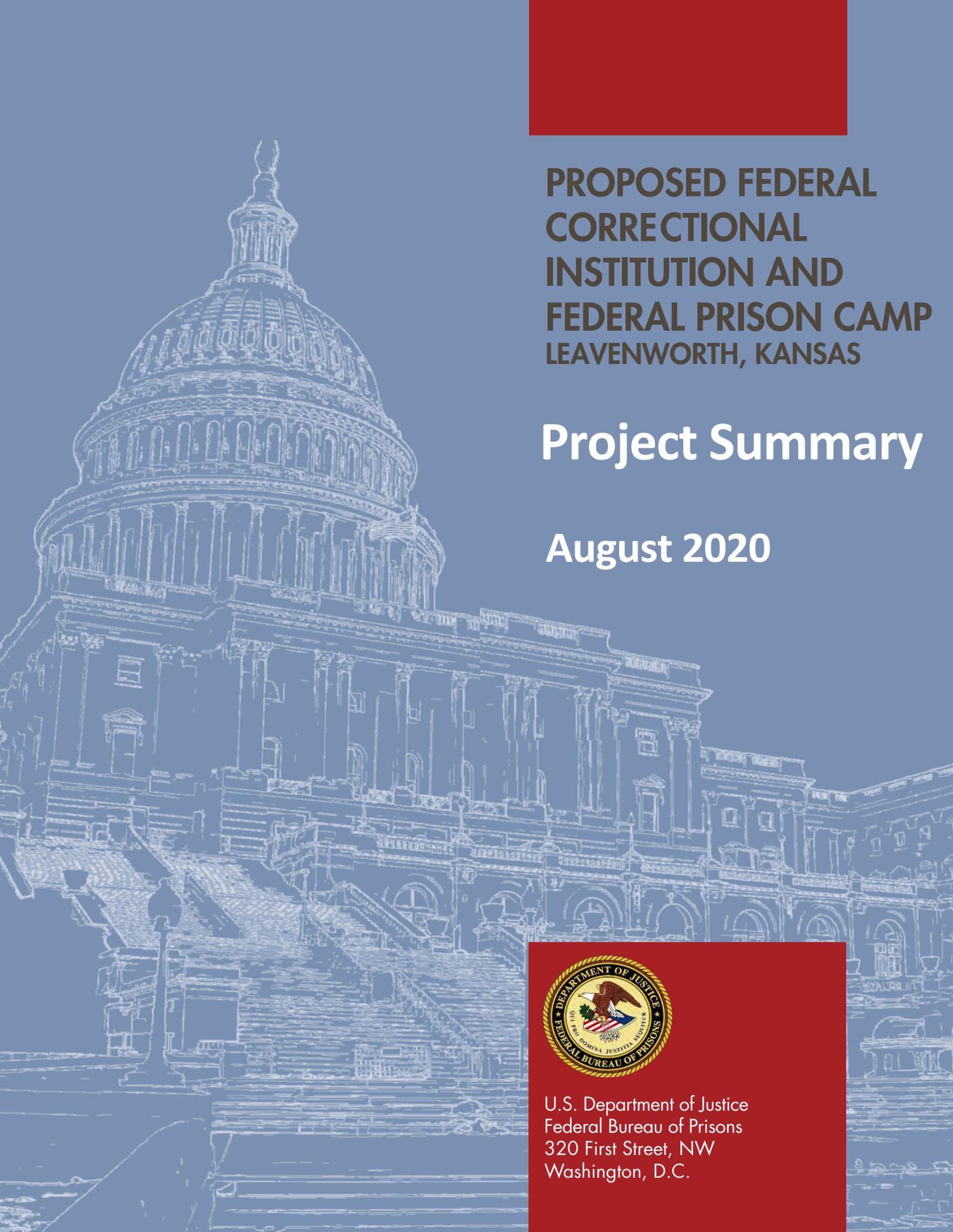
The BOP shares the Osage Nation's interest in protecting its historic and ancestral cultural resources and we look forward to working with you to advance this important project. Thank you for your interest and support.

Sincerely,



Kimberly S. Hudson, Site Selection Specialist
Construction and Environmental Review Branch

Attachment: Project Summary



**PROPOSED FEDERAL
CORRECTIONAL
INSTITUTION AND
FEDERAL PRISON CAMP
LEAVENWORTH, KANSAS**

Project Summary

August 2020



U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C.

PROPOSED FEDERAL CORRECTIONAL INSTITUTION AND FEDERAL PRISON CAMP – LEAVENWORTH, KANSAS

A. BACKGROUND

The U.S. Department of Justice, Federal Bureau of Prisons (BOP) is proposing to further develop its United States Penitentiary (USP) Leavenworth property by constructing and operating a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC). The BOP embarked on this project in 2010 as summarized below:

- Published a *Notice of Intent to Prepare an Environmental Impact Statement* (EIS) in the Federal Register in accordance with the National Environmental Policy Act (NEPA).
- Published a Draft EIS on November 18, 2011.
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- Published a Final EIS on April 10, 2015; the public comment period ended on May 15, 2015.
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- Published a *Notice of Intent to Prepare a DSFEIS* for the development of a new FCI and FPC in the Federal Register (Volume 85, Number 126, June 30, 2020) and a similar notice in the Leavenworth Times newspaper (July 1, 2020).

B. UNITED STATES PENITENTIARY, LEAVENWORTH

The BOP currently operates 122 institutions, six regional offices, a Central Office (headquarters), two staff training centers, and 26 residential reentry management offices. Among the facilities operated by the BOP are the USP and FPC located in Leavenworth, Kansas. The USP is notable for many reasons, among them is that when opened in 1906, it was the first federal correctional facility and is the oldest operating correctional facility in the federal prison system.

During Fiscal Year 2006, the BOP transitioned USP Leavenworth from a high-security facility to a medium-security facility to accommodate the growth in the medium-security inmate population. This transition was part of the BOP's long-range plan to utilize older high-security institutions to house medium-security inmates as new and more modern high-security facilities are developed. The USP currently which houses approximately 1,294 inmates and the FPC approximately 310 inmates.

A growing challenge to the BOP is that many existing federal correctional facilities and supporting infrastructure are aging, resulting in an ongoing need for new, modernized facilities and infrastructure. The BOP has proposed the construction of a new FCI designed to house approximately 1,152 medium-

security inmates and a new FPC designed to house approximately 256 minimum-security inmates for a total population of 1,408 inmates. Once development is completed and the new facilities are activated, inmates currently housed at the USP and FPC will be transferred to the new facilities along with the complement of corrections officers and other security personnel, administrators, maintenance supervisors and others.

As one of three first-generation federal prisons constructed in the early 1900s, USP Leavenworth is not comparable to the contemporary prison designs that are more common today. As a result, USP Leavenworth is operationally inefficient, and combined with its age and condition, eligibility for listing on the National Register of Historic Places, and the necessity for costly and difficult to implement security, life safety, mechanical, electrical and plumbing system replacements and/or upgrades, requires development of a new FCI and FPC to meet current and future needs. Hence, development of a new FCI and FPC in Leavenworth and the north-central United States is among the BOP's priority projects.

C. PROJECT DESCRIPTION

Given the need for a new FCI and FPC, the BOP would typically consider potential construction sites both within and outside of its jurisdiction that might serve as reasonable alternatives. Most often, because existing BOP correctional sites lack sufficient land on which to construct new facilities, the BOP must identify land that would be a reasonable alternative on which the needed and proposed new facilities could be constructed. However, when, as here, new facilities are needed to replace facilities on existing BOP land and can feasibly and reasonably be built on the that same land, incurring the expense and time to acquire other land on which to construct new and separate facilities would not be reasonable or logical. Therefore, the rationale for selecting the USP Leavenworth property for detailed study included the following:

- The BOP controls the 754-acre property which contains abundant undeveloped land potentially suitable for correctional facility development.
- Use of available USP Leavenworth property avoids the time and costs associated with land acquisition for development.
- Infrastructure necessary to support new correctional facility development is currently in place in the Leavenworth area.
- The Leavenworth community and the BOP have had a positive and mutually beneficial relationship for many years which is expected to continue into the future.
- Similar conditions, involving sufficient developable land and infrastructure, are not evident or equivalent at other BOP facilities within the North Central Region.

Since 2010, the BOP has examined multiple alternative development plans for accommodating a new FCI and FPC in Leavenworth. At the present time, the BOP considers the EAST-1 alternative to be its preferred development plan.

General design characteristics of the proposed facility, internal and external (perimeter) security arrangements, profiles of the inmates to be housed at the FCI and FPC, and other aspects of the proposed facility are described in the sections that follow.

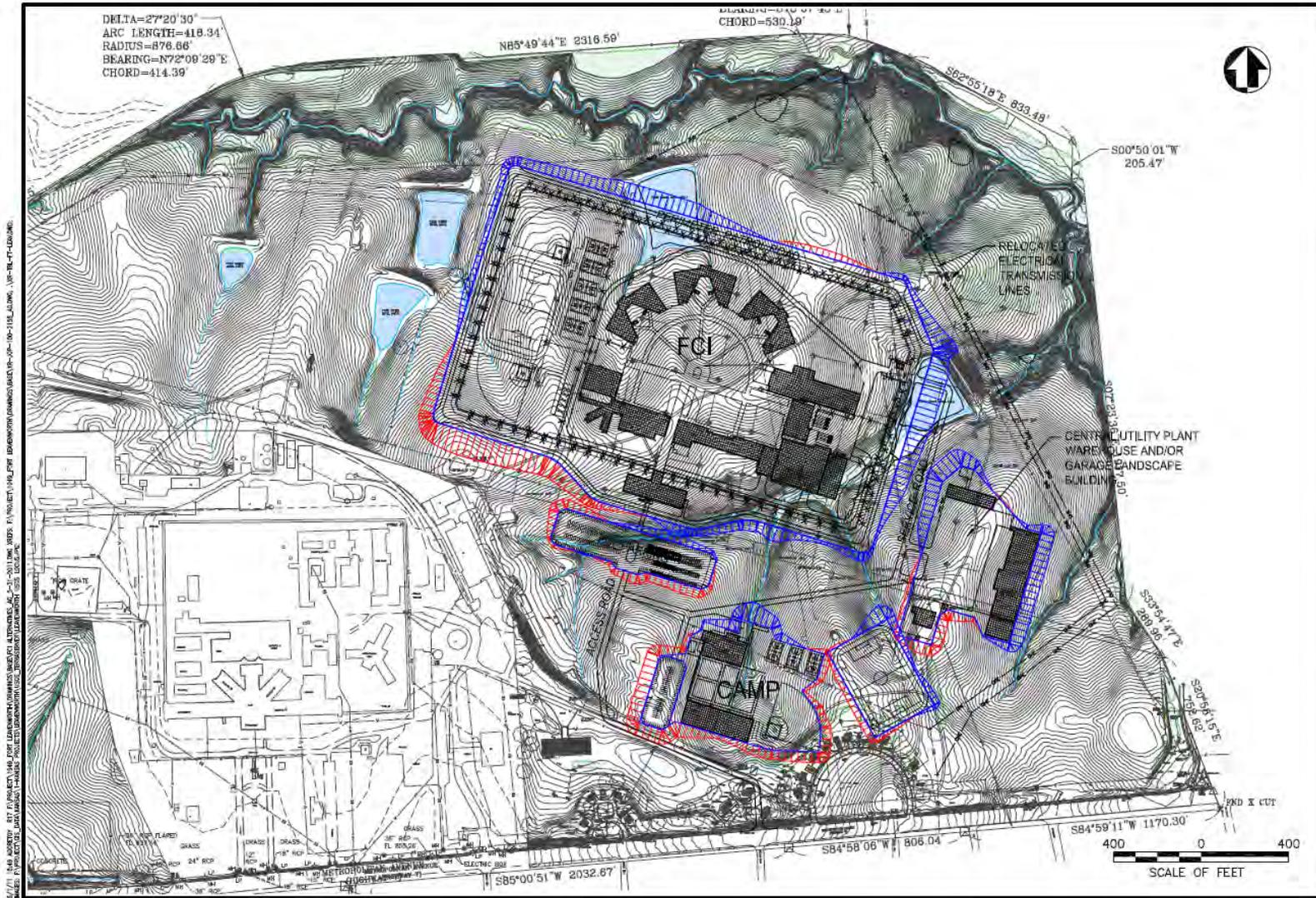


Exhibit 1
 Alternative FCI EAST-1

Proposed FCI
 USP Leavenworth, Kansas

Source: NS GIS, LBS, Inc. Scale: 1"=500' May 2011



The Louis Berger Group, Inc.

General Design Features of the Proposed Federal Correctional Institution

All structures comprising the proposed FCI would be similar in scale and appearance to a light industrial park or secondary school with most buildings comprising one- and two-story structures. The buildings would provide multi-purpose activity spaces, with areas divided according to function. Basic groupings would include administration, services, housing, religion, education, training, recreation, with an option for prison industries, and a central utility plant, and taken together, having a gross building area of approximately 580,000 square feet. Buffer zones of undeveloped acreage would generally surround the facility, providing both visual and physical setbacks from the property boundaries. A single road for controlled access from the public roadway network is planned along with a parking lot accommodating both employees and visitors to be located near the public entrance to the FCI.

The proposed FCI requires stringent perimeter security systems, while other components, including the FPC, warehouses, etc. are not subject to perimeter security measures and are generally unfenced. Perimeter security at the FCI would be provided by two parallel 12-foot high chain-link fences with coils of barbed tape mounted on the fences and placed within the 20-foot wide space between the two fences. BOP staff in vehicles would be assigned to patrol the perimeter of the FCI facility and respond to automatic alarms received from the electronic detection system. Employee and visitor traffic, along with service vehicles traveling to the facility, would be separated from patrol traffic operating along the perimeter road surrounding the FCI. There is no plan to install fencing around the entire USP Leavenworth property.

Energy-efficient high-mast lighting would also be installed at the new FCI to provide ground and perimeter illumination to be supplemented by common walkway and roadway lighting. Attention would be given to the avoidance of excessive illumination of adjacent areas. Searchlights or similar floodlighting associated with traditional prison security are not anticipated.

BOP security policies and procedures at the proposed FCI requires all inmates to be formally counted and physically identified five times a day on weekdays and six times a day on weekends. BOP staff would verify the whereabouts of each inmate throughout the workday and would also perform census counts for inmate accountability. In addition, inmates are observed and may be recorded via strategically placed video cameras. Inmate telephone conversations may also be recorded. Inmate quarters would be supervised 24 hours a day and would be checked often for contraband material. An intensive urinalysis program, involving both specific and random sampling, would be carried out to detect and deter drug or alcohol use by inmates. The interior spatial arrangements of the facility would provide internal control while permitting relatively free movement within the secure perimeter of the institution. The individual rooms in all units would have locking devices that enable staff in the unit to provide necessary controls when required.

The FCI would rely on its own staff or other federal law enforcement personnel to ensure overall security. It is also the responsibility of the United States Marshals Service and the Federal Bureau of Investigation to assist the BOP, if necessary, in the event that an inmate is reported missing. State and local law enforcement agencies would also be advised of the situation and would assist the BOP as necessary. Local media would be contacted as a means to inform the public. Law enforcement personnel would also be responsible for removing any person involved in violating a federal law, such as trespassing, damaging federal property or possessing contraband on the BOP's property.

The attached photographs depict typical conditions found at a recent-constructed medium-security FCI and minimum-security FPC. This facility was designed and constructed by and for the BOP near the City of Welch in McDowell County, West Virginia and is representative of such facilities from the standpoint

of design, layout, building materials, and similar features of FCI, prison camp and accompanying support facilities.

D. FUTURE OF THE EXISTING USP AND FPC

There is no plan at the present time to utilize USP Leavenworth to house federal inmates once the new facilities are constructed. USP Leavenworth was constructed in the early 1900s and is not comparable to the contemporary prison designs that are common today. With its current configuration, USP Leavenworth is operationally inefficient compared to other medium-security institutions of modern design. Due to its age and condition, the necessity exists for costly security, life safety, mechanical, electrical and plumbing system renovations, replacements and/or upgrades which are not currently feasible to carry out. As such, development of a new FCI and FPC is necessary in order to meet the BOP's current and projected future needs. Compounding the challenge of rehabilitating USP Leavenworth is the fact that the complex of structures is eligible for listing on the NRHP, making rehabilitation and reuse as a correctional facility far more complex and costly than a facility not eligible for listing on the NRHP. Once constructed and activated, inmates currently housed at the USP and FPC will be transferred to the new facilities.

At the present time, the BOP is considering various options for future use of the current USP. The potential to reuse the USP will be determined as funds are made available to the BOP for conducting the necessary architectural and engineering studies of the facility as well as funds for repairing and adapting the structure for a future use. It's important to state that the BOP currently has no plans to alter or demolish the existing USP facility and instead intends to maintain the facility in its current state.

TYPICAL FEDERAL CORRECTIONAL INSTITUTION













ATTACHMENT 7
MEETING SUMMARY - EVERGY AND FEDERAL
BUREAU OF PRISONS (AUGUST 5, 2020)



Meeting Summary – Evergy

To: Ed Broxterman, Evergy, Customer Solutions Manager
Cc: Kimberly S. Hudson, Site Selection Specialist – Federal Bureau of Prisons
From: Sarah Hoffman – Louis Berger U.S., Inc. (n/k/a WSP)
Date: August 7, 2020
Subject: Meeting Summary – Substation Easement at USP Leavenworth

1. Purpose of Meeting

A teleconference meeting was held on August 5, 2020 to engage Evergy in plans for a new substation to be developed within an easement granted by the Federal Bureau of Prisons (BOP) in the 1990s as well as to discuss BOP plans to develop a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) at the U.S. Penitentiary (USP) in Leavenworth, Kansas. The meeting was organized according to the attached Agenda and the discussion and information provided during the meeting is summarized below.

These meeting notes documents the agenda, participants, and resulting action items from the referenced meeting. Participants should provide any additions/exceptions to this Meeting Summary within five business days of the transmittal date. If no communications are received, then this Meeting Summary will be considered to adequately reflect the meeting discussion and outcome.

2. Attendees

A sign-in sheet with the list of attendees and their contact information is attached.

3. Introductions

Team leads representing Evergy, Federal Bureau of Prisons, and Louis Berger (now known as WSP) introduced themselves and their roles as they contributed to the conversation.

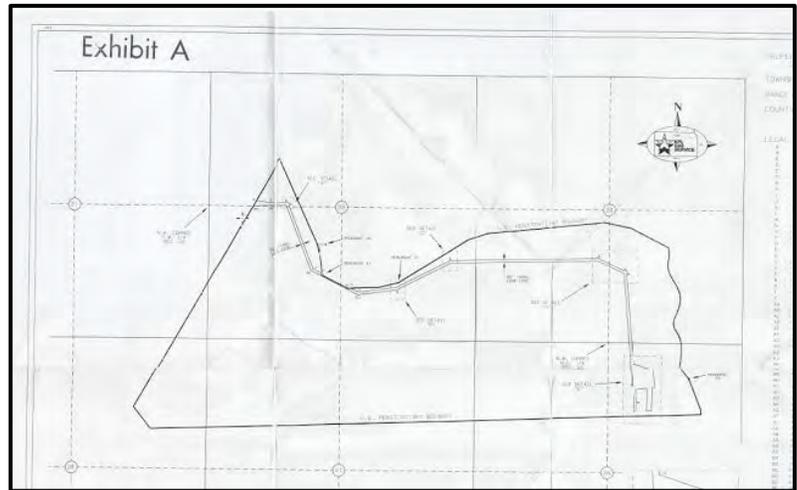
4. Planned Evergy Substation

Dave Peck, Evergy, Senior Project Manager, provided a brief description of existing conditions and past coordination with USP regarding the easement agreement and substation. Currently there is a 115 KV transmission line that runs north-south through the USP property. When the existing transmission line, considered the backbone of Evergy's system, was installed Evergy obtained an easement from the BOP for a future needed substation. There is an existing substation across Metropolitan Avenue that is relatively small and built in the 1940s. The existing substation is 64 KV and supplies 12.47 KV to the USP.

The equipment at this substation has reached the end of its useful life, and therefore new substation with modern equipment is needed to replace that outdated equipment and conform to current standards. Evergy is starting the design for the new substation and is planning on ordering the new equipment at the end of 2020, and plans to start construction and eventually energize the substation by the end of 2021.

Evergy used screen share to show the old design plans with the previously proposed substation location and transmission line (included in the attached Meeting Handout). Evergy reached out to BOP officials at the USP in 2019 to confirm that Evergy had a valid easement and received confirmation at that time.

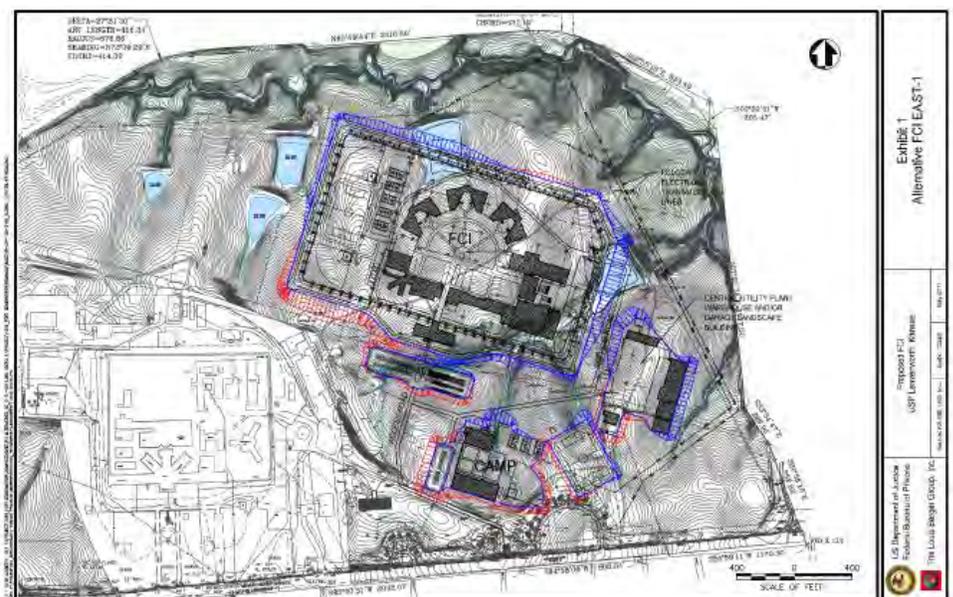
The dimensions of the planned substation is approximately 250-foot x 350 feet (fence to fence) to house the larger equipment and to accommodate modern setback requirements, as well as a corridor for the transmission line will be needed. Transmission lines will need to be designed after a site layout has been agreed on. There are no plans to shield the substation from public view.



5. Key Topics

Judah Organic (Senior Project Manager, BOP) shared information concerning the BOP's plans for a new FCI/FPC which has been in the works for over 10 years and recently received the funding necessary to allow site planning and environmental studies to proceed. According to the BOP's preliminary development plan shown below (and included in the attached Meeting Handout), the location of the transmission line easement and substation conflict with FCI/FPC development. The BOP is presently reviewing and refining its preliminary development plan which is constrained by the presence of streams and wetlands, the historic USP, staff housing and other elements, past waste disposal locations, overhead/underground utilities, among others. (Evergy officials requested and were sent an AutoCAD file of the preliminary development plan.) Judah and his team will need some time to work through those and other issues which will take several months.

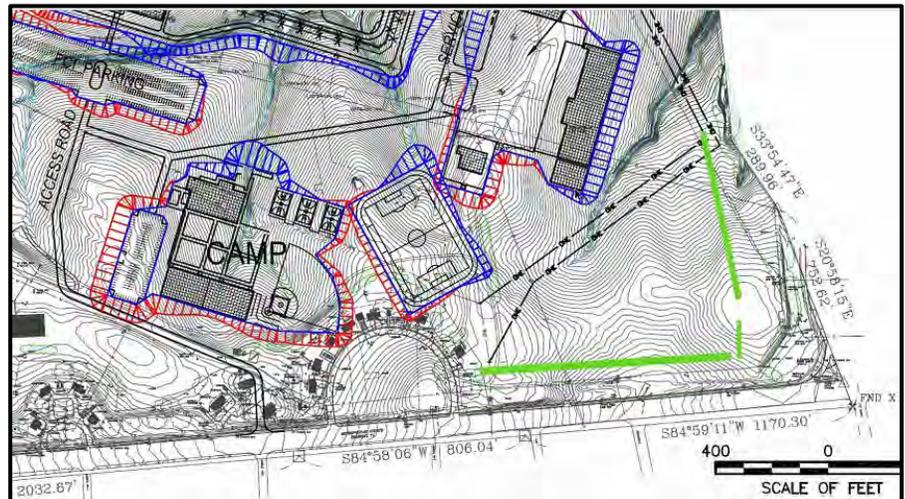
Separate and apart from the planned substation, if the BOP needs transmission lines relocated, it could take 2 to 3 years for all the necessary technical work, easements, permits and approvals.



It was reported that a dedicated website has been established for the FCI/FPC project which hosts a copy of the Draft Environmental Impact Statement (2011) and associated appendices as well as the Final Environmental Impact Statement (2015) and appendices which contain considerable information that will be useful to the FCI/FPC project and possibly the planned substation as well: <https://www.proposed-fci-fpc-leavenworth.com>

Evergy has a concern regarding the length of time needed to bring the new substation online if a new easement will be necessary. BOP officials emphasized their support to collaborating to develop a plan for the site that will accommodate the new FCI/FPC, support structures, and utilities as well as the new substation and transmission corridor. Towards that end, Evergy and BOP discussed a possible alternate location for the new substation and associated overhead lines (shown in green below) in the southeast corner of the project area. Placing the planned substation in that location and re-routing the transmission lines as shown could be a solution and both the BOP and Evergy will examine if this alternative is feasible. BOP officials stated that if the current easement needs revision, the time to complete that process could move fairly quickly once the BOP had an updated legal description and survey. Also, a short term permit could be executed until the permanent easement is fully executed. In addition, both parties agreed to reconvene a meeting over the coming weeks to see what progress each has made and to maintain the dialogue about the substation and FCI/FPC.

It was also mentioned that the rural electric cooperative (formerly Jefferson Electric Co-op, now FreeState Rural Electric Co-op) has a distribution line currently crossing the area proposed as a soccer field that will need to tie in to the new substation and be relocated. Evergy officials agreed to provide the BOP with points of contact at FreeState so the same dialogue about the proposed FCI/FPC can be initiated.



It was stated in response to a question that the BOP expects to execute an agreement (contract) that would define the new easement along with the associated costs and responsibilities between the BOP and Evergy.

The BOP envisions completing the Environmental Impact Statement process in early/mid-2021 and issuing a design/build contract between May and November 2022. Groundbreaking would occur shortly after contract award. All aboveground and underground utilities that would interfere with construction would need to be relocated by groundbreaking.



6. Next Steps

- BOP to provide Evergy with AutoCAD file of proposed site layout (provided August 5, 2020).
- Evergy to provide BOP with points of contact at FreeState Rural Electric Co-op (provided August 6, 2020).
- BOP to move forward with tasks necessary to establish a more complete footprint for the new FCI/FCP.
- Evergy to evaluate the southeast portion of the USP property as an alternative location for the planned substation and relocated transmission line.

The BOP and Evergy project teams will reconvene at 10:00 AM (CST) on September 3, 2020 to continue the discussion.

7. Coordination and Points of Contact

The Point of Contacts for the BOP are Cheryl Ciccone and Kimberly Hudson, Ed Broxterman for Evergy, and Bob Nardi and Sarah Hoffman for Louis Berger (n/k/a WSP).

Prepared by:

Sarah Hoffman
Louis Berger (n/k/a WSP)

Attachments: Meeting Agenda
Meeting Sign-in-Sheet
Meeting Handout (August 5, 2020)



MEETING AGENDA

Meeting Time/Date: **10:00 CST, August 5, 2020**

United States Penitentiary - Leavenworth, Kansas

- **Introductions**
 - Evergy
 - Federal Bureau of Prisons (USP and Central Office)
 - Louis Berger U.S., Inc. (consultant)

- **Proposed Evergy Substation at USP Leavenworth**
 - Description of proposed substation
 - Purpose and need for substation
 - Confirm the current location (boundaries) of proposed substation
 - Confirm the minimum size/area required for proposed substation
 - Current easement across USP property
 - Substation location relative to Evergy grid
 - Substation location relative to USP Leavenworth and proposed FCI/FPC

- **Proposed Federal Correctional Institution and Federal Prison Camp**
 - Project History/Background (<https://www.proposed-fci-fpc-leavenworth.com>)
 - Current activities:
 - Draft Supplemental Final Environmental Impact Statement
 - Access considerations (Metropolitan Avenue)
 - Waste disposal locations
 - Gas line location
 - Other: historic preservation, wetlands, Fort Leavenworth, etc.

- **Schedule of Activities**
 - Proposed substation
 - Proposed FCI/FPC

- **Coordination and Points of Contact**
 - Evergy
 - Federal Bureau of Prisons
 - Louis Berger U.S., Inc.

- **Next Steps**

- **Other Items**



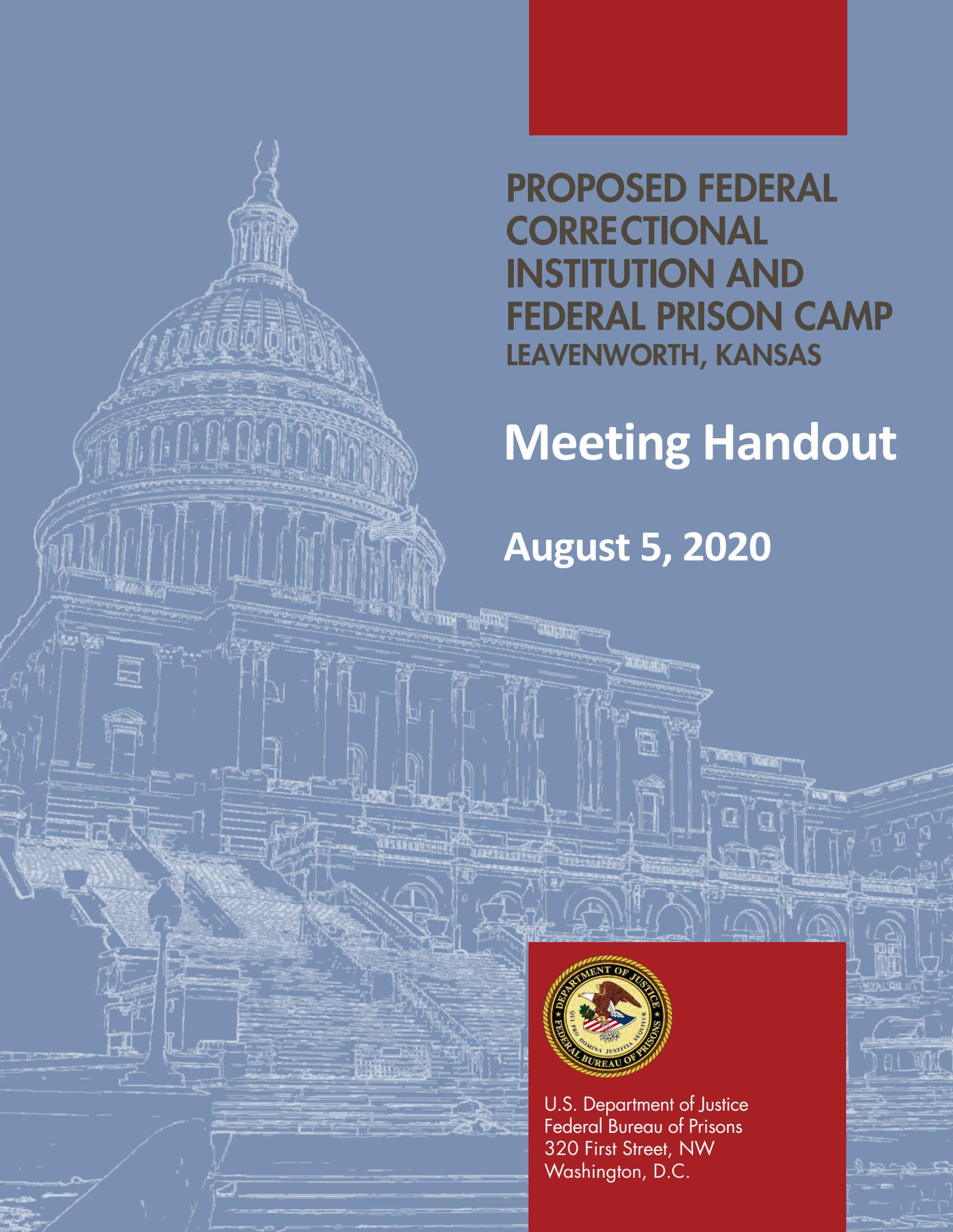
Proposed Federal Correctional Institution and Federal Prison Camp Leavenworth, Kansas

Meeting Date/Time: 10:00 AM (CST), August 5, 2020

Sign In Sheet

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
1	Kimberly Hudson	Site Selection Specialist, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-616-2574 kshudson@bop.gov
2	Cheryl Ciccone	Acting Chief, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-616-2772 CCiccone@bop.gov
3	Judah Organic	Project Manager, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-514-9566 JOrganic@bop.gov
4	Doug Goldring	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Wash., DC 20534	202-353-2106 dgoldring@bop.gov
5	George Younger	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Wash., DC 20534	202-353-4595 GYounger@bop.gov
6	Karl Chamberlain	Outside General Foreman, USP Leavenworth, BOP	1300 Metropolitan Avenue, Leavenworth, KS 66048	913-578-1458 k1chamberlain@bop.gov
7	Marlon Clary	Contracting Officer Procurement Management Section, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-307-2918 mclary@bop.gov
8	Kevin Gregory	General Foreman, USP Leavenworth, BOP	1300 Metropolitan Avenue, Leavenworth, KS 66048	kgregory@bop.gov
9	Bob Nardi, PP	Project Manager, Louis Berger U.S. (WSP)	412 Mt. Kemble Ave. Morristown, NJ 07962	973-407-1681 Robert.nardi@wsp.com
10	Sarah Hoffman, CEM	Senior Environmental Planner, Louis Berger U.S. (WSP)	5613 DTC Parkway, Suite 500, Greenwood Village, CO 80111	702-789-1909 sarah.hoffman@wsp.com
11	Thomas Payne, PE	Associate Vice President, Louis Berger U.S. (WSP)	166 Valley Street, Building 5, Providence, Rhode Island 02909	401-415-9453 thomas.payne@wsp.com
12	Dave Peck	Evergy, Transmission and Substation, Senior Project Manager	818 S. Kansas Avenue, Office 3, Topeka, KS 66612	785-575-8146 David.peck@evergy.com
13	Chris Marshall	Evergy, Manager, Substation Engineering	818 S. Kansas Avenue, Office LL, Topeka, KS 66612	785-575-6442 chris.marshall@evergy.com

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
14	Matt Armfield	Evergy, Manager, Project Management	818 S. Kansas Avenue, Office 7, Topeka, KS 66612	785-575-1826 matt.armfield@evergy.com
15	Chris Meyer	Evergy, Senior Engineer	818 S. Kansas Avenue, Office LL, Topeka, KS 66612	785-575-8478 chris.meyer@evergy.com
16	David Benak	Evergy, Manager, Transmission Line Engineering	818 S. Kansas Avenue, Office LL, Topeka, KS 66612	785-575-8164 David.benak@evergy.com
17	John Wagner	Evergy, Supervisor, Construction and Maintenance	2720 N. 2 nd Avenue, Leavenworth, KS 66048	913-758-2710 john.wagner@evergy.com
18	Vince Avila	Evergy, Director, Regional Operations	23505 W. 86 th Street, Shawnee, KS 66227	785-865-4848 vince.avila@evergy.com
19	Ed Broxterman	Evergy, Customer Solutions Manager	23505 W. 86 th Street, Shawnee, KS 66227	913-667-5121 ed.broxterman@evergy.com
20	Andrea Kelley	Evergy, Staff Engineer	818 S. Kansas Avenue, Office LL, Topeka, KS 66612	785-575-1866 Andrea.kelley@evergy.com



**PROPOSED FEDERAL
CORRECTIONAL
INSTITUTION AND
FEDERAL PRISON CAMP
LEAVENWORTH, KANSAS**

Meeting Handout

August 5, 2020



U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C.

PROPOSED FEDERAL CORRECTIONAL INSTITUTION AND FEDERAL PRISON CAMP – LEAVENWORTH, KANSAS

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B. UNITED STATES PENITENTIARY, LEAVENWORTH

The BOP currently operates 122 institutions, six regional offices, a Central Office (headquarters), two staff training centers, and 26 residential reentry management offices. Among the facilities operated by the BOP are the USP and FPC located in Leavenworth, Kansas. The USP is notable for many reasons, among them is that when opened in 1906, it was the first federal correctional facility and is the oldest operating correctional facility in the federal prison system.

During Fiscal Year 2006, the BOP transitioned USP Leavenworth from a high-security facility to a medium-security facility to accommodate the growth in the medium-security inmate population. This transition was part of the BOP's long-range plan to utilize older high-security institutions to house medium-security inmates as new and more modern high-security facilities are developed. The USP currently which houses approximately 1,294 inmates and the FPC approximately 310 inmates.

A growing challenge to the BOP is that many existing federal correctional facilities and supporting infrastructure are aging, resulting in an ongoing need for new, modernized facilities and infrastructure. The BOP has proposed the construction of a new FCI designed to house approximately 1,152 medium-

security inmates and a new FPC designed to house approximately 256 minimum-security inmates for a total population of 1,408 inmates. Once development is completed and the new facilities are activated, inmates currently housed at the USP and FPC will be transferred to the new facilities along with the complement of corrections officers and other security personnel, administrators, maintenance supervisors and others.

As one of three first-generation federal prisons constructed in the early 1900s, USP Leavenworth is not comparable to the contemporary prison designs that are more common today. As a result, USP Leavenworth is operationally inefficient, and combined with its age and condition, eligibility for listing on the National Register of Historic Places, and the necessity for costly and difficult to implement security, life safety, mechanical, electrical and plumbing system replacements and/or upgrades, requires development of a new FCI and FPC to meet current and future needs. Hence, development of a new FCI and FPC in Leavenworth and the north-central United States is among the BOP's priority projects.

C. PROJECT DESCRIPTION

Given the need for a new FCI and FPC, the BOP would typically consider potential construction sites both within and outside of its jurisdiction that might serve as reasonable alternatives. Most often, because existing BOP correctional sites lack sufficient land on which to construct new facilities, the BOP must identify land that would be a reasonable alternative on which the needed and proposed new facilities could be constructed. However, when, as here, new facilities are needed to replace facilities on existing BOP land and can feasibly and reasonably be built on the that same land, incurring the expense and time to acquire other land on which to construct new and separate facilities would not be reasonable or logical. Therefore, the rationale for selecting the USP Leavenworth property for detailed study included the following:

- The BOP controls the 754-acre property which contains abundant undeveloped land potentially suitable for correctional facility development.
- Use of available USP Leavenworth property avoids the time and costs associated with land acquisition for development.
- Infrastructure necessary to support new correctional facility development is currently in place in the Leavenworth area.
- The Leavenworth community and the BOP have had a positive and mutually beneficial relationship for many years which is expected to continue into the future.
- Similar conditions, involving sufficient developable land and infrastructure, are not evident or equivalent at other BOP facilities within the North Central Region.

Since 2010, the BOP has examined multiple alternative development plans for accommodating a new FCI and FPC in Leavenworth. At the present time, the BOP considers the EAST-1 alternative to be its preferred development plan.

General design characteristics of the proposed facility, internal and external (perimeter) security arrangements, profiles of the inmates to be housed at the FCI and FPC, and other aspects of the proposed facility are described in the sections that follow.

General Design Features of the Proposed Federal Correctional Institution

All structures comprising the proposed FCI would be similar in scale and appearance to a light industrial park or secondary school with most buildings comprising one- and two-story structures. The buildings would provide multi-purpose activity spaces, with areas divided according to function. Basic groupings would include administration, services, housing, religion, education, training, recreation, with an option for prison industries, and a central utility plant, and taken together, having a gross building area of approximately 580,000 square feet. Buffer zones of undeveloped acreage would generally surround the facility, providing both visual and physical setbacks from the property boundaries. A single road for controlled access from the public roadway network is planned along with a parking lot accommodating both employees and visitors to be located near the public entrance to the FCI.

The proposed FCI requires stringent perimeter security systems, while other components, including the FPC, warehouses, etc. are not subject to perimeter security measures and are generally unfenced. Perimeter security at the FCI would be provided by two parallel 12-foot high chain-link fences with coils of barbed tape mounted on the fences and placed within the 20-foot wide space between the two fences. BOP staff in vehicles would be assigned to patrol the perimeter of the FCI facility and respond to automatic alarms received from the electronic detection system. Employee and visitor traffic, along with service vehicles traveling to the facility, would be separated from patrol traffic operating along the perimeter road surrounding the FCI. There is no plan to install fencing around the entire USP Leavenworth property.

Energy-efficient high-mast lighting would also be installed at the new FCI to provide ground and perimeter illumination to be supplemented by common walkway and roadway lighting. Attention would be given to the avoidance of excessive illumination of adjacent areas. Searchlights or similar floodlighting associated with traditional prison security are not anticipated.

BOP security policies and procedures at the proposed FCI requires all inmates to be formally counted and physically identified five times a day on weekdays and six times a day on weekends. BOP staff would verify the whereabouts of each inmate throughout the workday and would also perform census counts for inmate accountability. In addition, inmates are observed and may be recorded via strategically placed video cameras. Inmate telephone conversations may also be recorded. Inmate quarters would be supervised 24 hours a day and would be checked often for contraband material. An intensive urinalysis program, involving both specific and random sampling, would be carried out to detect and deter drug or alcohol use by inmates. The interior spatial arrangements of the facility would provide internal control while permitting relatively free movement within the secure perimeter of the institution. The individual rooms in all units would have locking devices that enable staff in the unit to provide necessary controls when required.

The FCI would rely on its own staff or other federal law enforcement personnel to ensure overall security. It is also the responsibility of the United States Marshals Service and the Federal Bureau of Investigation to assist the BOP, if necessary, in the event that an inmate is reported missing. State and local law enforcement agencies would also be advised of the situation and would assist the BOP as necessary. Local media would be contacted as a means to inform the public. Law enforcement personnel would also be responsible for removing any person involved in violating a federal law, such as trespassing, damaging federal property or possessing contraband on the BOP's property.

The attached photographs depict typical conditions found at a recent-constructed medium-security FCI and minimum-security FPC. This facility was designed and constructed by and for the BOP near the City of Welch in McDowell County, West Virginia and is representative of such facilities from the standpoint

of design, layout, building materials, and similar features of FCI, prison camp and accompanying support facilities.

D. FUTURE OF THE EXISTING USP AND FPC

There is no plan at the present time to utilize USP Leavenworth to house federal inmates once the new facilities are constructed. USP Leavenworth was constructed in the early 1900s and is not comparable to the contemporary prison designs that are common today. With its current configuration, USP Leavenworth is operationally inefficient compared to other medium-security institutions of modern design. Due to its age and condition, the necessity exists for costly security, life safety, mechanical, electrical and plumbing system renovations, replacements and/or upgrades which are not currently feasible to carry out. As such, development of a new FCI and FPC is necessary in order to meet the BOP's current and projected future needs. Compounding the challenge of rehabilitating USP Leavenworth is the fact that the complex of structures is eligible for listing on the NRHP, making rehabilitation and reuse as a correctional facility far more complex and costly than a facility not eligible for listing on the NRHP. Once constructed and activated, inmates currently housed at the USP and FPC will be transferred to the new facilities.

At the present time, the BOP is considering various options for future use of the current USP. The potential to reuse the USP will be determined as funds are made available to the BOP for conducting the necessary architectural and engineering studies of the facility as well as funds for repairing and adapting the structure for a future use. It's important to state that the BOP currently has no plans to alter or demolish the existing USP facility and instead intends to maintain the facility in its current state.

TYPICAL FEDERAL CORRECTIONAL INSTITUTION









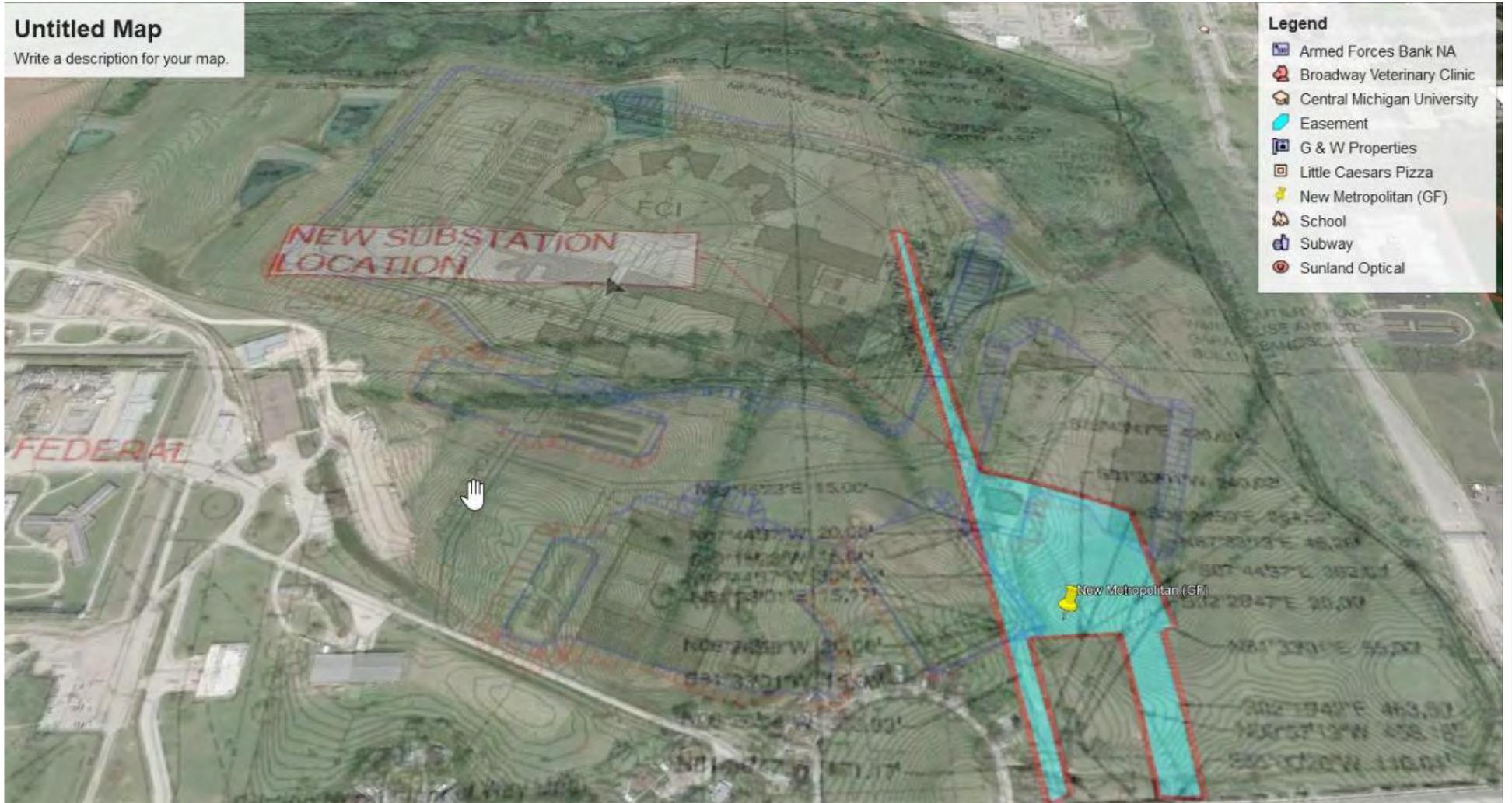


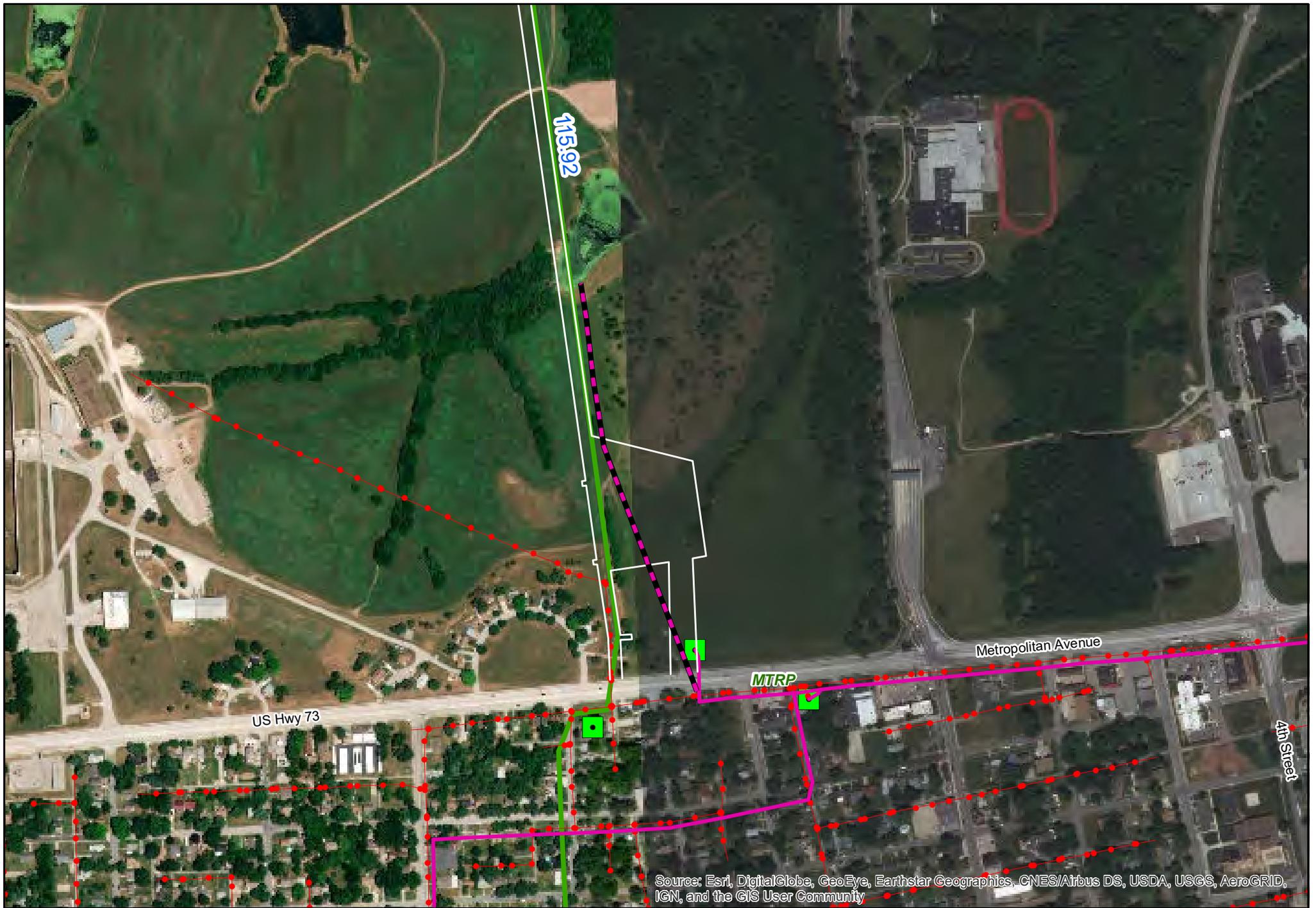


ENERGY-PROVIDED INFORMATION – PROPOSED SUBSTATION

Untitled Map

Write a description for your map.





Carousel Substation Easement Location





Section 22

Section 23

188.28 Ac - 00000 Metropolitan Ave,
66048 - S23-T8S-R22E

Leavenworth

R1865

PID#05207623000000002000

104.34 Ac - 00000 Metropolitan Ave,
66048 - S22-T8S-R22E

R1860

PID #05027522000000008000

USA US
Penitentiary



141.98 Ac - 812 Metrolpolitan Ave, 66048
S26-T8S-R22E

R2792

PID #0520772602001001000

Federal Prison
12.47 and 34.5kV lines

Amelia Earhart Dr

7

Metropolitan

GRANT AVE
Patton
Grant Ave

In-County Rd 14

Hancock Ave

Hancock

Robinson

Kansas Ave

Bullard Ave

United States Penitentiary
Leavenworth, Kansas
33-17-317

EASEMENT AGREEMENT

Electric Facilities and Appurtenances

This Indenture, made and entered into by and between the **UNITED STATES OF AMERICA**, acting by and through Barry M. Hartman, Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Party of the First Part, and **THE KANSAS POWER AND LIGHT COMPANY**, a Kansas Corporation, Party of the Second Part;

WITNESSETH THAT:

Whereas, by virtue of the provisions of 18 U.S.C. §4001, the Attorney General of the United States has supervision and control of certain land identified as the United States Penitentiary, Leavenworth, Kansas; and

Whereas, by virtue of the provisions of 40 U.S.C. §319, the Attorney General has the authority to grant to any State or political subdivision or agency thereof or any person, rights-of-way or easements in land under his supervision and control upon such terms and conditions as he deems advisable; and

Whereas, by virtue of the authority of 5 U.S.C. §301 and 28 U.S.C. §§509, 510, 28 C.F.R. §0.69, Order No. 736-77, 42 F.R. 38177, the Attorney General delegated his authority to make determinations and grants to the Assistant Attorney General in charge of the Environment and Natural Resources Division; and

Whereas, the Party of the Second Part has made application for an easement in, on, over, under and across the land hereinafter described for the purpose of construction, operation and maintenance of Electric Facilities and Appurtenances; and

Whereas, it is deemed advantageous to the Party of the First Part that these Electric Facilities and Appurtenances be installed and maintained on the land hereinafter described; and

Whereas, it has been determined that the Electric Facilities and Appurtenances will not interfere with the purpose for which the land is being used;

NOW, THEREFORE:

The Party of the First Part, under and by virtue of the authority of the aforesaid Acts of Congress and in consideration of the premises does hereby give, grant and convey to the Party

of the Second Part, its successors and assigns, subject to the conditions and provisions hereinafter set forth, the right and easement to erect, alter, reconstruct, operate, and maintain under varying conditions of operation, renew and remove electric substation and communication facilities, underground conduit, ducts, and cables, fences, buildings, and areas for storage of materials, with the right to conduct survey operations and soil test borings, together with the right to erect, alter, reconstruct, operate, and maintain under varying conditions of operation, review and remove transmission and distribution lines, the wood and steel poles and towers, anchors, guys, crossarms, insulators, conductors, underground conduit, ducts, cables and foundations, and other equipment appurtenant thereto, including the right to make use of property for purposes related to the transmission and distribution of electrical energy in, along, under, across and over certain lands owned by the United States of America and constituting a part of the United States Penitentiary, Leavenworth, Kansas, and described as follows:

A certain parcel of land located upon parts of Section 22 and 23, Township 8 South, Range 22 East of the Sixth P.M., Leavenworth County, Kansas, and more particularly described in the drawing attached hereto and made a part hereof and designated as "Exhibit A"

together with the right of ingress to and egress from the above described land and contiguous land owned by the Party of the First Part. In exercising its right of access, the Party of the Second Part shall use only existing roads or lanes unless it receives prior written approval from the Warden to gain access otherwise.

Subject to the prior written approval of the Warden of the United States Penitentiary, the Party of the Second Part shall have the right to erect a fence to enclose a portion of the above described tract. The Party of the Second Part shall have the right to trim or remove such trees, branches, shrubs, bushes and other obstacles which in its judgment may interfere with the safe, proper and expeditious erection, reconstruction, operation, maintenance under varying conditions of operation, renewal and removal of its above described facilities, or any part thereof.

The Party of the First Part, and its assigns, may cultivate, use and enjoy the land above described, provided such use shall not interfere with or endanger the construction, operation or maintenance of said lines.

The above easement is granted subject to existing easements for roads, highways, railroads, pipelines and public utilities, and subject to the BUREAU OF PRISONS' STIPULATIONS, ELECTRICAL SERVICES, attached hereto and made a part hereof.

IN WITNESS WHEREOF:

The Party of the First Part has caused this instrument to be executed in its name and caused the seal of the Department of Justice to be affixed this 29th day of April, A.D., 1992.

UNITED STATES OF AMERICA

(seal)

by:

Barry M. Hartman
Barry M. Hartman
Acting Assistant Attorney General
Environment and Natural Resources
Division
U.S. Department of Justice
Washington, D.C. 20530

CITY OF WASHINGTON
DISTRICT OF COLUMBIA, SS

I, Georgia A. Kowlessar, a Notary Public in and for the District of Columbia, do hereby certify that Barry M. Hartman, personally known to me, and known to me to be the Acting Assistant Attorney General of the Environment and Natural Resources Division, United States Department of Justice, and who as such Acting Assistant Attorney General executed the foregoing Indenture, this day personally appeared before me and acknowledged that the said Indenture is the free act and deed of the United States of America, and that he executed the same as Acting Assistant Attorney General, Environment and Natural Resources Division for the use and purposes therein expressed and with full authority to do so.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 29th day of April, 1992.

Georgia A. Kowlessar
Notary Public within and for the District of Columbia

My Commission Expires On:
GEORGIA A. KOWLESSAR
Notary Public, District of Columbia
~~My Commission Expires September 14, 1993~~

2-

ACCEPTANCE

The provisions and conditions of the within easement grant are hereby accepted this 31st day of December, 1992.

WESTERN RESOURCES, INC. f/k/a
The Kansas Power and Light Company

By: *Norman E. Jackson*
Norman E. Jackson,
Executive Vice President,
Electric Engineering and Field Operations

STATE OF KANSAS:

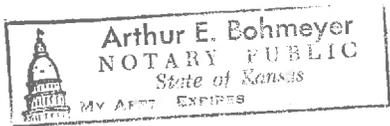
County of Shawnee:

The foregoing instrument was acknowledged before me this 31st day of DECEMBER, 1992, by Norman E. Jackson, Executive Vice President, Electric Engineering and Field Operations, on behalf of Western Resources, Inc., f/k/a The Kansas Power and Light Company.

Witness my hand and official stamp or seal, this 31st day of DECEMBER, 1992.

[Signature]

NOTARY PUBLIC



My Commission Expires on:

NOVEMBER 26, 1994

28984
United States Penitentiary
Leavenworth, Kansas
33-17-317

EASEMENT AGREEMENT

Electric Facilities and Appurtenances

This Indenture, made and entered into by and between the **UNITED STATES OF AMERICA**, acting by and through Barry M. Hartman, Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Party of the First Part, and **THE KANSAS POWER AND LIGHT COMPANY**, a Kansas Corporation, Party of the Second Part;

WITNESSETH THAT:

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Whereas, the Party of the Second Part has made application for an easement in, on, over, under and across the land hereinafter described for the purpose of construction, operation and maintenance of Electric Facilities and Appurtenances; and

Whereas, it is deemed advantageous to the Party of the First Part that these Electric Facilities and Appurtenances be installed and maintained on the land hereinafter described; and

Whereas, it has been determined that the Electric Facilities and Appurtenances will not interfere with the purpose for which the land is being used;

NOW, THEREFORE:

The Party of the First Part, under and by virtue of the authority of the aforesaid Acts of Congress and in consideration of the premises does hereby give, grant and convey to the Party

of the Second Part, its successors and assigns, subject to the conditions and provisions hereinafter set forth, the right and easement to erect, alter, reconstruct, operate, and maintain under varying conditions of operation, renew and remove electric substation and communication facilities, underground conduit, ducts, and cables, fences, buildings, and areas for storage of materials, with the right to conduct survey operations and soil test borings, together with the right to erect, alter, reconstruct, operate, and maintain under varying conditions of operation, review and remove transmission and distribution lines, the wood and steel poles and towers, anchors, guys, crossarms, insulators, conductors, underground conduit, ducts, cables and foundations, and other equipment appurtenant thereto, including the right to make use of property for purposes related to the transmission and distribution of electrical energy in, along, under, across and over certain lands owned by the United States of America and constituting a part of the United States Penitentiary, Leavenworth, Kansas, and described as follows:

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together with the right of ingress to and egress from the above described land and contiguous land owned by the Party of the First Part. In exercising its right of access, the Party of the Second Part shall use only existing roads or lanes unless it receives prior written approval from the Warden to gain access otherwise.

Subject to the prior written approval of the Warden of the United States Penitentiary, the Party of the Second Part shall have the right to erect a fence to enclose a portion of the above described tract. The Party of the Second Part shall have the right to trim or remove such trees, branches, shrubs, bushes and other obstacles which in its judgment may interfere with the safe, proper and expeditious erection, reconstruction, operation, maintenance under varying conditions of operation, renewal and removal of its above described facilities, or any part thereof.

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IN WITNESS WHEREOF:

The Party of the First Part has caused this instrument to be executed in its name and caused the seal of the Department of Justice to be affixed this 29th day of April, A.D., 1992.

UNITED STATES OF AMERICA

(seal) by: Barry M Hartman
Barry M. Hartman
Acting Assistant Attorney General
Environment and Natural Resources
Division
U.S. Department of Justice
Washington, D.C. 20530

CITY OF WASHINGTON
DISTRICT OF COLUMBIA, SS

I, Georgia A. Kowlessar, a Notary Public in and for the District of Columbia, do hereby certify that Barry M. Hartman, personally known to me, and known to me to be the Acting Assistant Attorney General of the Environment and Natural Resources Division, United States Department of Justice, and who as such Acting Assistant Attorney General executed the foregoing Indenture, this day personally appeared before me and acknowledged that the said Indenture is the free act and deed of the United States of America, and that he executed the same as Acting Assistant Attorney General, Environment and Natural Resources Division for the use and purposes therein expressed and with full authority to do so.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 29th day of April, 1992.

Georgia A Kowlessar
Notary Public within and for the District of Columbia

STATE OF KANSAS
COUNTY OF LEAVENWORTH } SS
FILED FOR RECORD

1993 JAN 19 P 1:32 PM
Dora I. Parmer
DORA I. PARMER
REGISTER OF DEEDS

My Commission Expires On:
GEORGIA A. KOWLESSAR
Notary Public, District of Columbia
~~My Commission Expires September 14, 1997~~

Janet Klossowski - DEP

**BUREAU OF PRISONS' STIPULATIONS
ELECTRICAL SERVICES
TO
The Kansas Power and Light Company**

1. The installation, maintenance, and operation of the electrical service, shall be performed without expense to the Federal Bureau of Prisons, except to the extent that contract(s) with the United States provide otherwise.
2. The improvement and maintenance of the electrical service, shall be done with as little inconvenience to the United States of America as is consistent with reasonable progress, and any damage to the land, including fences, roads, or other facilities, shall be properly corrected to the satisfaction of the Warden of the United States Penitentiary.
3. The Party of the Second Part shall install, operate, maintain, repair and replace all of its facilities in the easement area in a manner which complies with all pertinent federal and state environmental laws and in a manner so as to prevent and avoid any threatened or actual release or disposal of any hazardous substance as identified in accordance with any pertinent federal or state environmental laws. In the event any liability does arise under federal and/or state environmental laws as the result of the Party of the Second Part's use of the easement, or because of the activities which are found to be associated with the Party of the Second Part's use of the easement, the Party of the Second Part shall indemnify the government for any clean up costs, response costs, natural resource damages, penalties, or any other costs for which the government is found liable, including the cost of any studies and investigations necessary to determine an appropriate response to the contamination, and of any clean up or other response costs which the government is required or obliged to undertake.
4. The Party of the Second Part shall at all times keep the Warden of the United States Penitentiary informed of any activity on this property incident to the exercise of the easement herein granted, including information on the beginning and completion of the electrical service, and the notification prior to ingress for the purpose of repair, maintenance, or construction of any uncompleted portion of the electrical service.
5. The Party of the Second Part shall maintain, modify, construct, and reconstruct such drainage facilities as are necessary to provide elimination of surface water without causing destructive erosion to the property of the United States of America, and also assume all responsibility for damage by flooding resulting from the construction of the electrical service.
6. The Party of the Second Part shall relocate any and all existing gas lines, sewer lines, water lines, poles and all other utility lines and pipes which are to be disturbed because of the construction of the electrical service.

- 7. The Party of the Second Part shall protect any existing boundary markers removed by construction and reset them in their original location.
- 8. The Party of the Second Part shall observe any and all regulations of the Federal Bureau of Prisons regarding the storage of tools, machinery, and equipment including the supervision of motor vehicles on, or in the proximity of the Federal Bureau of Prisons' property.
- 9. In the event the above described easement, or any part thereof, shall be abandoned, then upon such abandonment, the easement or any part thereof granted, shall cease and determine, and revert to and become revested in the United States of America as fully and completely as if the easement had not been granted upon written notice of such termination being given to the Party of the Second Part, or its successors or assigns, which shall be effective as of the date of such notice.
- 10. The provisions and conditions of the easement shall extend to and be binding upon and shall enure to the benefit of the successors and assigns of both parties.
- 11. The Party of the Second Part shall retain the original of this Indenture, and shall date and endorse a duplicate copy thereof. The easement shall not become effective until the delivery of the said signed assent to the Warden of the United States Penitentiary.

Terms and Conditions Accepted
for The Kansas Power and Light
Company



Norman E. Jackson

Vice President Electric Engineering
and Transmission



Warden
USP, Leavenworth, Kansas

The Kansas Power and Light Company, a Kansas Corporation
Please type or print the exact name in which the easement is to be granted.

ATTACHMENT 8
MEETING SUMMARY - FREESTATE ELECTRIC COOPERATIVE
AND FEDERAL BUREAU OF PRISONS (AUGUST 13, 2020)



Meeting Summary – FreeState Electric Cooperative, Inc.

To: Chris Parr, Assistant General Manager, FreeState Electric Cooperative
Cc: Kimberly S. Hudson, Site Selection Specialist – Federal Bureau of Prisons
From: Sarah Hoffman – Louis Berger U.S., Inc. (n/k/a WSP)
Date: August 14, 2020
Subject: Meeting Summary – FCI/FPC Development at USP Leavenworth

1. Introduction

A teleconference meeting was held on August 13, 2020, so that officials of the Federal Bureau of Prisons (BOP) could engage FreeState Electric Cooperative, Inc. (FreeState) in its plan to develop a new medium-security Federal Correctional Institution (FCI) and minimum-security Federal Prison Camp (FPC) at the U.S. Penitentiary (USP) in Leavenworth, Kansas. The meeting was organized according to the attached Agenda and the discussion and information provided during the meeting is summarized below.

These meeting notes documents the agenda, participants, and resulting action items from the referenced meeting. Participants should provide any additions/exceptions to this Meeting Summary within five business days of the transmittal date. If no communications are received, then this Meeting Summary will be considered to adequately reflect the meeting discussion and outcome.

2. Attendees

A sign-in sheet with the list of attendees and their contact information is attached.

3. Purpose of the Meeting

Attendees representing FreeState, Federal Bureau of Prisons, and Louis Berger (now WSP) introduced themselves and their roles and affiliations. Cheryl Ciccone (BOP) explained the purpose of today's meeting which is to introduce the planned FCI/FPC project to FreeState officials and the team responsible for moving it forward. Based on conceptual site plans, it appears that overhead electric power lines that cross the eastern portion of the USP property require relocation to avoid conflicting with the planned development. A meeting was recently held with representatives of Evergy concerning the same topic.

4. Proposed Federal Correctional Institution and Federal Prison Camp

Bob Nardi (Louis Berger) provided a brief project history and background summary for all attendees. As described within the meeting handout, the project began in late 2010, publication of a Draft Environmental Impact Statement (DEIS) in November 2011, and publication of a Final Environmental Impact Statement (FEIS) in April 2015. However, a Record of Decision, in compliance with the National Environmental Policy Act (NEPA), was not adopted and the project did not proceed further. At that time, the purpose behind developing the proposed FCI/FPC was to accommodate the growing federal inmate population. A dedicated website has been established for the project which hosts copies of the DEIS, FEIS, and associated appendices: <https://www.proposed-fci-fpc-leavenworth.com>.

A large number of federal prisons were constructed in the early/mid 1900s including USP Leavenworth. As a result, the BOP has determined that a replacement for the 100+ year old USP is needed and considers development of a new FCI/FPC a priority. Therefore, it has resumed the NEPA process with preparation of a Draft Supplemental FEIS (SFEIS) to be followed by a Final SFEIS.

A handout was distributed to all participants prior to the meeting. The handout explained the background of the project and site history, as well as a description of the proposed FCI/FPC project, a preliminary site plan showing the initial (2015) conceptual layout of the FCI/FPC within the USP property, and other information about design features and security measures planned for the new facilities. The future of the existing USP is also addressed (attached).

Due to limited land area available for development and physical constraints associated with past waste disposal locations, wetlands and streams, the historic USP and staff housing, among similar factors, relocations of overhead utilities is necessary. Relocation of one or more underground utilities (natural gas) may also be necessary.

5. FreeState Infrastructure at USP Leavenworth

Judah Organic (BOP) shared information concerning the BOP's plans for a new FCI/FPC which has been in the works for over 10 years and recently received the funding necessary to allow site planning and environmental studies to proceed. According to the BOP's most recent conceptual development plan, the location of the FreeState (and Evergy) power lines conflict with FCI/FPC development. The BOP is presently reviewing and refining its preliminary development plan which is constrained by the presence of streams and

wetlands, the historic USP, staff housing and other elements, past waste disposal locations, overhead/underground utilities, among others. (FreeState officials requested and were sent an AutoCAD file of the preliminary development plan.)

FreeState has an existing 34.5 KV overhead power line that would be relocated from the metering point at the existing substation across Metropolitan Avenue (south).





BOP officials emphasized their support to collaborating to develop a plan for the site that will accommodate the new FCI/FPC, support structures, and utilities as well as the new Evergy substation and common utility corridor. Evergy and the BOP have already discussed a possible alternate location for their proposed substation and associated overhead lines in the southeast corner of the project area. Placing the planned substation in that location and re-routing the transmission lines could be a solution and both the BOP and Evergy will examine if this alternative is feasible. In addition, the BOP, Evergy and FreeState have agreed to convene a meeting (10 AM CST, September 3, 2020) to see what progress has been made and to maintain the dialogue about the FCI/FPC, planned substation, and overhead lines.

It was stated in response to a question that the BOP expects to execute an agreement (contract) that would define the new easement along with the associated costs and responsibilities between the BOP and FreeState. The BOP envisions completing the Environmental Impact Statement process in early/mid-2021 and issuing a design/build contract between Spring and Fall 2022. Groundbreaking would occur shortly after contract award. All aboveground and underground utilities that would interfere with construction would need to be relocated by groundbreaking. Once constructed, inmates and staff at the USP will move to the FCI. The existing USP will be mothballed until a use can be identified.

6. Next Steps

- BOP to provide FreeState with AutoCAD file of current conceptual site layout.
- Continue researching existing permit(s)/easement documents for existing overhead power lines.
- BOP to move forward with refining the footprint for the new FCI/FCP and proposed alignments of relocated Evergy substation and all overhead power lines.
- FreeState to evaluate the eastern portion of the USP property as a alternative location for its relocated power line.
- Prepare for September 3 meeting (agenda, meeting invitation, etc.).

The BOP and FreeState project teams, along with representatives of Evergy and the U.S. Army Garrison at Ft. Leavenworth, will reconvene at 10:00 AM (CDT) on September 3, 2020, to continue the discussions.

7. Coordination and Points of Contact

The Point of Contacts for the BOP are Cheryl Ciccone, Judah Organic, and Kimberly Hudson (planning, design and construction); George Younger and Doug Goldring (legal and real estate); and Bob Nardi and Sarah Hoffman for Louis Berger (environmental impact statement, etc.).

Prepared by:

Sarah Hoffman
Louis Berger (n/k/a WSP)

Attachments: Meeting Agenda, Sign-in-Sheet
Meeting Handout (August 2020)



MEETING AGENDA

Meeting Time/Date: **10:00 CDT, August 13, 2020**

United States Penitentiary - Leavenworth, Kansas

- **Introductions**
 - FreeState Rural Electric Cooperative
 - Federal Bureau of Prisons (USP and Central Office)
 - Louis Berger U.S., Inc. (consultant)

- **Proposed Federal Correctional Institution and Federal Prison Camp**
 - Project History/Background (<https://www.proposed-fci-fpc-leavenworth.com>)
 - Current activities:
 - Draft Supplemental Final Environmental Impact Statement
 - Access considerations (Metropolitan Avenue)
 - Waste disposal locations
 - Historic preservation, wetlands, Fort Leavenworth, etc.
 - Utility relocations

- **FreeState REC Infrastructure at USP Leavenworth**
 - Current easement and overhead lines across USP property
 - Proposed (preliminary) FCI/FPC development plan
 - Planned Evergy substation and transmission line

- **Schedule of Activities**
 - Proposed FCI/FPC
 - Planned Evergy substation

- **Coordination and Points of Contact**
 - FreeState REC
 - Federal Bureau of Prisons
 - Louis Berger U.S., Inc.

- **Next Steps**

- **Other Items**



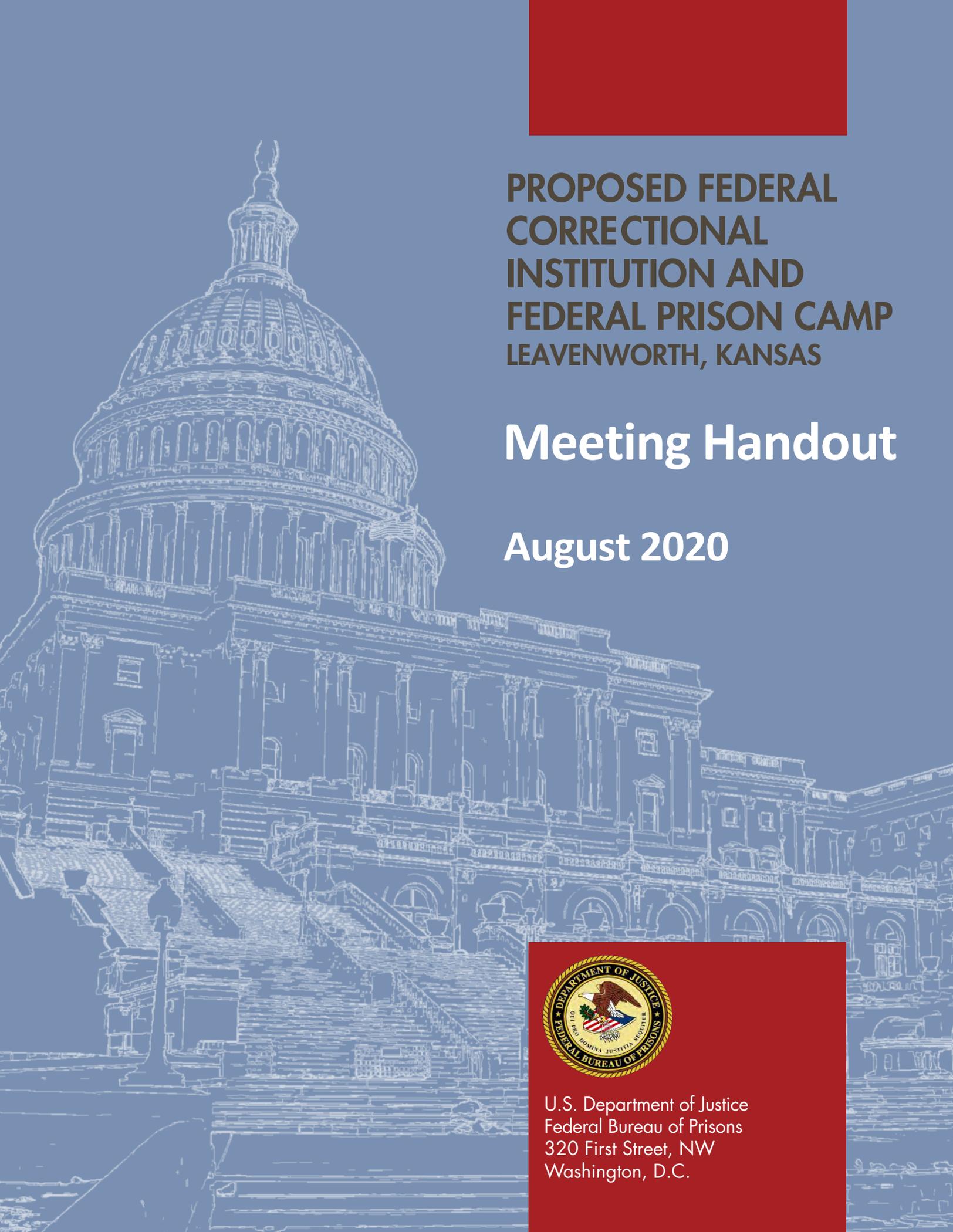
Proposed Federal Correctional Institution and Federal Prison Camp Leavenworth, Kansas

Meeting Date/Time: 10:00 AM (CDT), August 13, 2020

Sign In Sheet

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
1	Kimberly Hudson	Site Selection Specialist, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-616-2574 kshudson@bop.gov
2	Cheryl Ciccone	Acting Chief, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-616-2772 CCiccone@bop.gov
3	Judah Organic	Project Manager, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-514-9566 JOrganic@bop.gov
4	Doug Goldring	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Wash., DC 20534	202-353-2106 dgoldring@bop.gov
5	George Younger	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Wash., DC 20534	202-353-4595 GYounger@bop.gov
6	Karl Chamberlain	Outside General Foreman, USP Leavenworth, BOP	1300 Metropolitan Avenue, Leavenworth, KS 66048	913-578-1458 k1chamberlain@bop.gov
7	Marlon Clary	Contracting Officer Procurement Management Section, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-307-2918 mclary@bop.gov
8	Kevin Gregory	Facility Manager, USP Leavenworth, BOP	1300 Metropolitan Avenue, Leavenworth, KS 66048	913-682-8700 kgregory@bop.gov
9	Bob Nardi, PP	Project Manager, Louis Berger U.S. (WSP)	412 Mt. Kemble Ave. Morristown, NJ 07962	973-407-1681 Robert.nardi@wsp.com
10	Sarah Hoffman, CEM	Senior Environmental Planner, Louis Berger U.S. (WSP)	5613 DTC Parkway, Suite 500, Greenwood Village, CO 80111	702-789-1909 sarah.hoffman@wsp.com
11	Thomas Payne, PE	Associate Vice President, Louis Berger U.S. (WSP)	166 Valley Street, Building 5, Providence, Rhode Island 02909	401-415-9453 thomas.payne@wsp.com
12	Chris Parr	Assistant General Manager, FreeState Electric Cooperative	507 N. Union, McLouth, KS 66054	800-794-1989 Chris.parr@freestate.coop
13	Eric Wylie	Engineering Manager, FreeState Electric Cooperative	507 N. Union, McLouth, KS 66054	785-393-7809 Eric.wylie@freestate.coop
14	Zach Sterling	Operations Manager, FreeState Electric Cooperative	507 N. Union, McLouth, KS 66054	785-478-3444/800-794-1989 Zach.sterling@freestate.coop

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
15	Ron Forshee	Ft. Leavenworth Superintendent	507 N. Union, McLouth, KS 66054	913-775-3249 Ron.forshee@freestate.coop
16	Brett Wobker	Chief, Energy Division, Directorate of Public Works, USAG	820 McClellan Ave, Fort Leavenworth 66027	913-684-8956 brett.a.wobker.civ@mail.mil
17	Lynn J. Coupel	Installation Management Command, Directorate of Public Works, USAG	820 McClellan Ave, Fort Leavenworth 66027	913-684-8923 lynn.j.coupel.civ@mail.mil



**PROPOSED FEDERAL
CORRECTIONAL
INSTITUTION AND
FEDERAL PRISON CAMP
LEAVENWORTH, KANSAS**

Meeting Handout

August 2020



U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C.

PROPOSED FEDERAL CORRECTIONAL INSTITUTION AND FEDERAL PRISON CAMP – LEAVENWORTH, KANSAS

A. BACKGROUND

The U.S. Department of Justice, Federal Bureau of Prisons (BOP) is proposing to further develop its United States Penitentiary (USP) Leavenworth property by constructing and operating a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC). The BOP embarked on this project in 2010 as summarized below:

- Published a *Notice of Intent to Prepare an Environmental Impact Statement* (EIS) in the Federal Register in accordance with the National Environmental Policy Act (NEPA).
- Published a Draft EIS on November 18, 2011.
- Held a Public Hearing on the Draft EIS in the City of Leavenworth on December 11, 2011.
- Distributed a letter on June 14, 2014 informing all interested parties that preparation of the Final EIS was underway.
- Published a Final EIS on April 10, 2015; the public comment period ended on May 15, 2015.
- A decision whether to proceed was delayed and a Record of Decision pursuant to NEPA was not adopted.
- Distributed a letter on June 15, 2020 informing all interested parties that the BOP was resuming the NEPA process and was commencing preparation of a Draft Supplemental Final EIS.
- Published a *Notice of Intent to Prepare a DSFEIS* for the development of a new FCI and FPC in the Federal Register (Volume 85, Number 126, June 30, 2020) and a similar notice in the Leavenworth Times newspaper (July 1, 2020).

B. UNITED STATES PENITENTIARY, LEAVENWORTH

The BOP currently operates 122 institutions, six regional offices, a Central Office (headquarters), two staff training centers, and 26 residential reentry management offices. Among the facilities operated by the BOP are the USP and FPC located in Leavenworth, Kansas. The USP is notable for many reasons, among them is that when opened in 1906, it was the first federal correctional facility and is the oldest operating correctional facility in the federal prison system.

During Fiscal Year 2006, the BOP transitioned USP Leavenworth from a high-security facility to a medium-security facility to accommodate the growth in the medium-security inmate population. This transition was part of the BOP's long-range plan to utilize older high-security institutions to house medium-security inmates as new and more modern high-security facilities are developed. The USP currently which houses approximately 1,294 inmates and the FPC approximately 310 inmates.

A growing challenge to the BOP is that many existing federal correctional facilities and supporting infrastructure are aging, resulting in an ongoing need for new, modernized facilities and infrastructure. The BOP has proposed the construction of a new FCI designed to house approximately 1,152 medium-

security inmates and a new FPC designed to house approximately 256 minimum-security inmates for a total population of 1,408 inmates. Once development is completed and the new facilities are activated, inmates currently housed at the USP and FPC will be transferred to the new facilities along with the complement of corrections officers and other security personnel, administrators, maintenance supervisors and others.

As one of three first-generation federal prisons constructed in the early 1900s, USP Leavenworth is not comparable to the contemporary prison designs that are more common today. As a result, USP Leavenworth is operationally inefficient, and combined with its age and condition, eligibility for listing on the National Register of Historic Places, and the necessity for costly and difficult to implement security, life safety, mechanical, electrical and plumbing system replacements and/or upgrades, requires development of a new FCI and FPC to meet current and future needs. Hence, development of a new FCI and FPC in Leavenworth and the north-central United States is among the BOP's priority projects.

C. PROJECT DESCRIPTION

Given the need for a new FCI and FPC, the BOP would typically consider potential construction sites both within and outside of its jurisdiction that might serve as reasonable alternatives. Most often, because existing BOP correctional sites lack sufficient land on which to construct new facilities, the BOP must identify land that would be a reasonable alternative on which the needed and proposed new facilities could be constructed. However, when, as here, new facilities are needed to replace facilities on existing BOP land and can feasibly and reasonably be built on the that same land, incurring the expense and time to acquire other land on which to construct new and separate facilities would not be reasonable or logical. Therefore, the rationale for selecting the USP Leavenworth property for detailed study included the following:

- The BOP controls the 754-acre property which contains abundant undeveloped land potentially suitable for correctional facility development.
- Use of available USP Leavenworth property avoids the time and costs associated with land acquisition for development.
- Infrastructure necessary to support new correctional facility development is currently in place in the Leavenworth area.
- The Leavenworth community and the BOP have had a positive and mutually beneficial relationship for many years which is expected to continue into the future.
- Similar conditions, involving sufficient developable land and infrastructure, are not evident or equivalent at other BOP facilities within the North Central Region.

Since 2010, the BOP has examined multiple alternative development plans for accommodating a new FCI and FPC in Leavenworth. At the present time, the BOP considers the EAST-1 alternative to be its preferred development plan.

General design characteristics of the proposed facility, internal and external (perimeter) security arrangements, profiles of the inmates to be housed at the FCI and FPC, and other aspects of the proposed facility are described in the sections that follow.

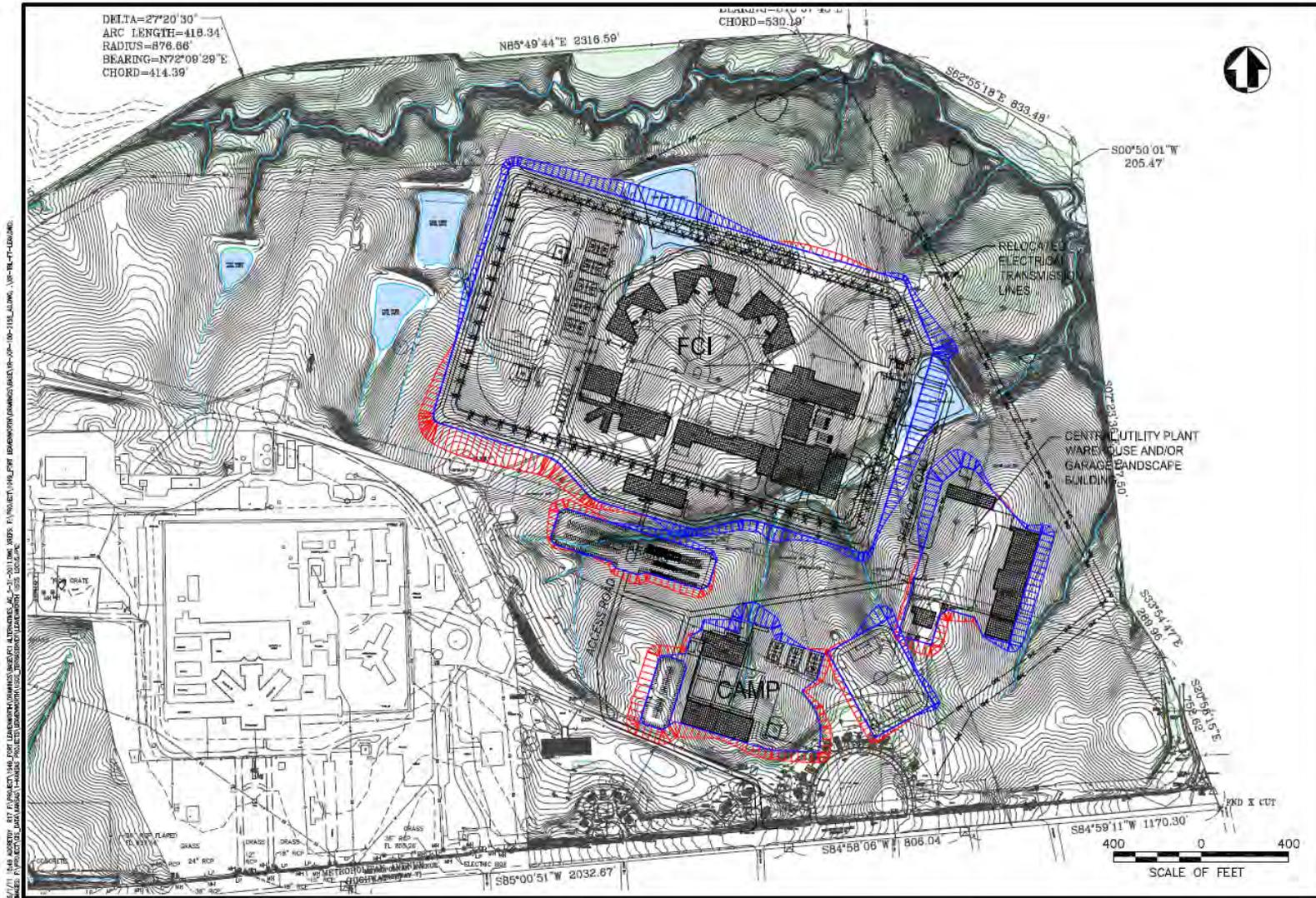


Exhibit 1
 Alternative FCI EAST-1

Proposed FCI
 USP Leavenworth, Kansas

Source: NS GIS, LRS, Inc. Scale: 1"=500' May 2011



US Department of Justice
 Federal Bureau of Prisons
 The Louis Berger Group, Inc.

General Design Features of the Proposed Federal Correctional Institution

All structures comprising the proposed FCI would be similar in scale and appearance to a light industrial park or secondary school with most buildings comprising one- and two-story structures. The buildings would provide multi-purpose activity spaces, with areas divided according to function. Basic groupings would include administration, services, housing, religion, education, training, recreation, with an option for prison industries, and a central utility plant, and taken together, having a gross building area of approximately 580,000 square feet. Buffer zones of undeveloped acreage would generally surround the facility, providing both visual and physical setbacks from the property boundaries. A single road for controlled access from the public roadway network is planned along with a parking lot accommodating both employees and visitors to be located near the public entrance to the FCI.

The proposed FCI requires stringent perimeter security systems, while other components, including the FPC, warehouses, etc. are not subject to perimeter security measures and are generally unfenced. Perimeter security at the FCI would be provided by two parallel 12-foot high chain-link fences with coils of barbed tape mounted on the fences and placed within the 20-foot wide space between the two fences. BOP staff in vehicles would be assigned to patrol the perimeter of the FCI facility and respond to automatic alarms received from the electronic detection system. Employee and visitor traffic, along with service vehicles traveling to the facility, would be separated from patrol traffic operating along the perimeter road surrounding the FCI. There is no plan to install fencing around the entire USP Leavenworth property.

Energy-efficient high-mast lighting would also be installed at the new FCI to provide ground and perimeter illumination to be supplemented by common walkway and roadway lighting. Attention would be given to the avoidance of excessive illumination of adjacent areas. Searchlights or similar floodlighting associated with traditional prison security are not anticipated.

BOP security policies and procedures at the proposed FCI requires all inmates to be formally counted and physically identified five times a day on weekdays and six times a day on weekends. BOP staff would verify the whereabouts of each inmate throughout the workday and would also perform census counts for inmate accountability. In addition, inmates are observed and may be recorded via strategically placed video cameras. Inmate telephone conversations may also be recorded. Inmate quarters would be supervised 24 hours a day and would be checked often for contraband material. An intensive urinalysis program, involving both specific and random sampling, would be carried out to detect and deter drug or alcohol use by inmates. The interior spatial arrangements of the facility would provide internal control while permitting relatively free movement within the secure perimeter of the institution. The individual rooms in all units would have locking devices that enable staff in the unit to provide necessary controls when required.

The FCI would rely on its own staff or other federal law enforcement personnel to ensure overall security. It is also the responsibility of the United States Marshals Service and the Federal Bureau of Investigation to assist the BOP, if necessary, in the event that an inmate is reported missing. State and local law enforcement agencies would also be advised of the situation and would assist the BOP as necessary. Local media would be contacted as a means to inform the public. Law enforcement personnel would also be responsible for removing any person involved in violating a federal law, such as trespassing, damaging federal property or possessing contraband on the BOP's property.

The attached photographs depict typical conditions found at a recent-constructed medium-security FCI and minimum-security FPC. This facility was designed and constructed by and for the BOP near the City of Welch in McDowell County, West Virginia and is representative of such facilities from the standpoint

of design, layout, building materials, and similar features of FCI, prison camp and accompanying support facilities.

D. FUTURE OF THE EXISTING USP AND FPC

There is no plan at the present time to utilize USP Leavenworth to house federal inmates once the new facilities are constructed. USP Leavenworth was constructed in the early 1900s and is not comparable to the contemporary prison designs that are common today. With its current configuration, USP Leavenworth is operationally inefficient compared to other medium-security institutions of modern design. Due to its age and condition, the necessity exists for costly security, life safety, mechanical, electrical and plumbing system renovations, replacements and/or upgrades which are not currently feasible to carry out. As such, development of a new FCI and FPC is necessary in order to meet the BOP's current and projected future needs. Compounding the challenge of rehabilitating USP Leavenworth is the fact that the complex of structures is eligible for listing on the NRHP, making rehabilitation and reuse as a correctional facility far more complex and costly than a facility not eligible for listing on the NRHP. Once constructed and activated, inmates currently housed at the USP and FPC will be transferred to the new facilities.

At the present time, the BOP is considering various options for future use of the current USP. The potential to reuse the USP will be determined as funds are made available to the BOP for conducting the necessary architectural and engineering studies of the facility as well as funds for repairing and adapting the structure for a future use. It's important to state that the BOP currently has no plans to alter or demolish the existing USP facility and instead intends to maintain the facility in its current state.



TYPICAL FEDERAL CORRECTIONAL INSTITUTION













ATTACHMENT 9
MEETING SUMMARY - SOUTHERN STAR CENTRAL GAS
PIPELINE, INC. AND FEDERAL BUREAU OF PRISONS
(SEPTEMBER 2, 2020)



Meeting Summary – Southern Star Central Gas Pipeline, Inc.

To: Mike DeGraeve, Southern Star Central Gas Pipeline, Inc.
Cc: Kimberly S. Hudson, Site Selection Specialist – Federal Bureau of Prisons
From: Bob Nardi – Louis Berger U.S., Inc. (n/k/a WSP)
Date: September 9, 2020
Subject: Meeting Summary – FCI/FPC Development at USP Leavenworth

1. Introduction

A teleconference meeting was held on September 2, 2020, so that officials of the Federal Bureau of Prisons (BOP) could introduce themselves to representatives of Southern Star Central Gas Pipeline, Inc. (Southern Star) and the plan to develop a new medium-security Federal Correctional Institution (FCI) and minimum-security Federal Prison Camp (FPC) at the U.S. Penitentiary (USP) in Leavenworth, Kansas. The meeting was organized according to the attached Agenda and the discussion and information provided during the meeting is summarized below.

These meeting notes documents the agenda, participants, and resulting action items from the referenced meeting. Participants should provide any additions/exceptions to this Meeting Summary within five business days of the transmittal date. If no communications are received, then this Meeting Summary will be considered to adequately reflect the meeting discussion and outcome.

2. Attendees

A list of attendees and their contact information is attached.

3. Purpose of the Meeting

Attendees representing Southern Star, Federal Bureau of Prisons, and Louis Berger (now WSP) introduced themselves and their roles and affiliations. Cheryl Ciccone (BOP) explained the purpose of the meeting which is to introduce the planned FCI/FPC project to Southern Star officials and the team responsible for moving it forward. Based on conceptual site plans, it appears that there are two Southern Star 16-inch, high-pressure natural gas pipelines that cross the eastern portion of the USP property and may require relocation to avoid conflicting with the planned development. Similar meetings were recently held with representatives of Evergy and FreeState Electric Cooperative concerning the location of their overhead power lines and the possible need to relocate those lines.

4. Proposed Federal Correctional Institution and Federal Prison Camp

Bob Nardi (Louis Berger) provided a brief project history and background summary for all attendees. As described within the meeting handout, the project began in late 2010, publication of a Draft Environmental Impact Statement (DEIS) in November 2011, and publication of a Final Environmental Impact Statement (FEIS) in April 2015. However, a Record of Decision, in compliance with the National Environmental Policy Act (NEPA), was not adopted and the project did not proceed further. At that time, the purpose behind developing the proposed FCI/FPC was to accommodate the growing federal inmate population. With USP Leavenworth 100+ years old, the BOP has determined that a replacement for the

USP is needed and considers development of a new FCI/FPC a priority. Therefore, it has resumed the NEPA process with preparation of a Draft Supplemental FEIS (SFEIS) to be followed by a Final SFEIS. A dedicated website has been established for the project which hosts copies of the DEIS, FEIS, and associated appendices: <https://www.proposed-fci-fpc-leavenworth.com>.

A handout was distributed to all participants prior to the meeting. The handout explained the background of the project and site history, as well as a description of the proposed FCI/FPC project, a current (2020) site plan showing the conceptual layout of the FCI/FPC within the eastern portion of the USP property (Exhibit 1), and other information about design features and security measures planned for the new facilities. At this time the BOP is proposing to deactivate the existing USP and FPC following development of the new institutions.

Due to limited land area available for development and physical constraints associated with past on-site waste disposal activities, the locations of wetlands and streams, the historic USP and staff housing units, among similar factors, relocation of underground natural gas pipelines (and overhead utilities) needs to be considered.



Exhibit 1: Current Conceptual Site Plan – FCI and FPC, Leavenworth, KS



5. Southern Star Infrastructure at USP Leavenworth

Judah Organic (BOP) shared information concerning the BOP's plans for a new FCI/FPC which has been in the works for over 10 years and recently received the funding necessary to allow site planning and environmental studies to proceed. According to the BOP's most recent conceptual development plan, the locations of Southern Star's two 16-inch, high pressure steel natural gas pipelines (east-west and north-south) pose a risk to construction and operation of the FCI/FPC.

In anticipation of this meeting, Southern Star began investigating the feasibility of such relocations. Preliminary indications are that to relocate both pipelines closer to the eastern boundary of the USP property and then along northern boundary to reconnect to the respective systems would involve a distance of approximately 11,500 linear feet (8,000 feet for east-west pipeline and 3,500 feet for north-south pipeline) and installation of a new meeting station along with AC mitigation. A preliminary (high level) cost estimate for both relocations is approximately \$7 million. Approximately 33 feet of distance on each side of a pipeline (total 66 feet) is required for maintenance, inspection, etc. According to Southern Star, the company was granted a license during the 1920s that allow for the pipelines.

Ms. Ciccone (BOP) told the meeting participants that the BOP intends to be a good partner with the utility companies and work with each on relocation locations, granting temporary and permanent easements, etc. In addition, the new FCI/FPC will need gas service and in order to determine the infrastructure needed, the BOP will need to provide Southern Star with maximum and minimum flow rates, delivery pressure, volumes needed on an hourly basis, etc. (Southern Star to provide BOP with its meter form.) Southern Star officials have been provided with an AutoCAD file of the preliminary development plan, topo map, etc.

BOP officials emphasized their support to collaborating to develop a plan for the site that will accommodate the new FCI/FPC, support structures, and utilities as well as the new Evergy electrical substation and overhead power lines, and the relocated gas lines. Southern Star will also examine whether relocation of the east-west pipeline can be avoided entirely. All existing underground pipelines will need to be removed prior to construction (cannot be abandoned in-place). Coordination needed between BOP, Southern Star, Fort Leavenworth, Evergy (David Peck) and FreeState Electric Cooperative.

The BOP envisions completing the Environmental Impact Statement process in early/mid-2021 and issuing a design/build contract between Spring and Fall 2022. Groundbreaking would occur shortly after contract award. All aboveground and underground utilities that would interfere with construction would need to be relocated by groundbreaking. Once constructed, inmates and staff at the USP will move to the FCI and the existing USP will be deactivated until a new use can be identified.

6. Next Steps

- BOP to provide Southern Star with AutoCAD file of current conceptual site layout, site topo, etc.
- Research existing licenses, permit(s), easement documents for existing natural gas pipelines.
- BOP to continue refining the footprint for the new FCI/FCP, proposed location of new Evergy substation and all overhead power lines.
- BOP to provide Southern Star with wetland delineation maps to aid in relocation planning.
- BOP and Southern Star to determine ability to underwrite relocation costs.



- Southern Star to research possible new pipeline routes, including the feasibility of combining the two pipelines together and abandoning the East-West line in place.
- Reconvene to continue discussion within approximately 2-4 weeks.

7. Coordination and Points of Contact

The Point of Contacts for the BOP are Cheryl Ciccone, Judah Organic, and Kimberly Hudson (planning, design and construction); George Younger and Doug Goldring (legal and real estate); and Tom Payne and Bob Nardi for Louis Berger (environmental impact statement, etc.).

Prepared by:

Robert J. Nardi
Louis Berger (n/k/a WSP)

Attachments: Meeting Agenda, Sign-in-Sheet



MEETING AGENDA

Meeting Time/Date: **12:30 PM CST, September 2, 2020**

United States Penitentiary - Leavenworth, Kansas

- **Introductions**

- Southern Star Central Gas Pipeline, Inc.
- Federal Bureau of Prisons (USP and Central Office)
- Louis Berger U.S., Inc. (consultant)

- **Proposed Federal Correctional Institution and Federal Prison Camp**

- Project History/Background (<https://www.proposed-fci-fpc-leavenworth.com>)
- Current activities:
 - Draft Supplemental Final Environmental Impact Statement
 - Substation and overhead power line relocations
 - Waste disposal locations, historic preservation, wetlands, Fort Leavenworth, etc.

- **High Pressure Natural Gas Pipelines**

- Preliminary Site Development Plan (2020)
- Gas Pipeline Corridors
- Relocation alternatives and evaluation
- Data validation and exchange
- Other utilities (i.e., overhead high voltage lines)

- **Schedule of Activities**

- Draft Supplemental Final Environmental Impact Statement
- Proposed FCI/FPC procurement/development

- **Coordination and Points of Contact**

- Southern Star Central Gas Pipeline, Inc.
- Federal Bureau of Prisons
- Louis Berger U.S., Inc.

- **Next Steps**

- **Other Items**



Proposed Federal Correctional Institution and Federal Prison Camp Leavenworth, Kansas

Meeting Date/Time: 12:30 PM (CDT), September 2, 2020

Sign In Sheet

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
1	Kimberly Hudson	Site Selection Specialist, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Washington, DC 20534	202-616-2574 kshudson@bop.gov
2	Cheryl Ciccone	Acting Chief, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Washington, DC 20534	202-616-2772 CCiccone@bop.gov
3	Judah Organic	Project Manager, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Washington, DC 20534	202-514-9566 JOrganic@bop.gov
4	Douglas S. Goldring	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Washington, DC 20534	202-353-2106 dgoldring@bop.gov
5	George Younger	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Washington, DC 20534	202-353-4595 GYounger@bop.gov
6	Karl Chamberlain	Outside General Foreman, USP Leavenworth, BOP	1300 Metropolitan Avenue, Leavenworth, KS 66048	913-578-1458 k1chamberlain@bop.gov
7	Guido Rivas	Civil Engineer, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Washington, DC 20534	202-307-1288 gRivas@bop.gov
8	Michelle Morgan	Contracting Officer, National Acquisitions Section, BOP	320 First St., N.W., Rm. 901-5, Washington, DC 20534	mrmorgan@bop.gov
9	Bob Nardi, PP	Project Manager, Louis Berger U.S. (now WSP)	412 Mt. Kemble Ave. Morristown, NJ 07962	973-407-1681 Robert.nardi@wsp.com
10	Dan Martin	Manager, Louis Berger U.S. (now WSP)	117 Kendrick St, Suite 400, Needham, MA 02494	973-407-1394 Dan.martin@wsp.com
11	Thomas Payne, PE	Associate Vice President, Louis Berger U.S. (now WSP)	166 Valley Street, Building 5, Providence, Rhode Island 02909	401-415-9453 thomas.payne@wsp.com
12	Bob Bath	Leader, Land Acquisition, Southern Star Central Gas Pipeline, Inc.	8195 Cole Parkway, Shawnee, KS 66227	O: 913-422-6340 bob.bath@southernstar.com
13	Mike DeGraeve	Design Engineer, Southern Star Central Gas Pipeline, Inc.	8195 Cole Parkway, Shawnee, KS 66227	913-422-6341 Mike.DeGraeve@southernstar.com
14	Jason Lalicker	Land Representative III, Southern Star Central Gas Pipeline, Inc.	8195 Cole Parkway, Shawnee, KS 66227	O: 913-422-6305 Jason.Lalicker@southernstar.com
15	Mark Perry	Leader, Operations Southern Star Central Gas Pipeline, Inc.	20031 207 TH Street, Tonganoxie, KS 66086	O: 913-369-1301 Mark.Perry@southernstar.com

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
16	James Crowley	Manager, Operations Southern Star Central Gas Pipeline, Inc.	20031 207 TH Street, Tonganoxie, KS 66086	O: 913-422-6303 James.Crowley@southernstar.com
17	Ryan Edge	Leader, Customer Solutions & Measurement, Southern Star Central Gas Pipeline, Inc.	4700 State Route 56, Owensboro, KY 42301	O: 270-852-4744 Ryan.Edge@southernstar.com
18	Matthew McConnell	Design Engineer - Measurement/Meter Facilities, Southern Star Central Gas Pipeline, Inc.	4700 State Route 56, Owensboro, KY 42301	O: 270.852.4688 Matthew.McConnell@southernstar.com
19	Alyssa Allison	Attorney, Southern Star Central Gas Pipeline, Inc.	4700 State Route 56, Owensboro, KY 42301	O: 270-852-4941 Alyssa.Allison@southernstar.com

ATTACHMENT 10
MEETING SUMMARY - EVERGY AND FREESTATE ELECTRIC
COOPERATIVE AND FEDERAL BUREAU OF PRISONS
(SEPTEMBER 3, 2020)



Meeting Summary – Evergy and FreeState Electric Cooperative, Inc.

To: Ed Broxterman, Customer Solutions Manager, Evergy
Chris Parr, Assistant General Manager, FreeState Electric Cooperative

Cc: Kimberly S. Hudson, Site Selection Specialist, Federal Bureau of Prisons

From: Robert J. Nardi, Project Manager, Louis Berger U.S., Inc. (n/k/a WSP)

Date: September 10, 2020

Subject: Meeting Summary – FCI/FPC Development at USP Leavenworth

1. Introduction

A follow-up teleconference meeting was held on September 3, 2020, so that officials of the Federal Bureau of Prisons (BOP) could continue discussions with Evergy and FreeState Electric Cooperative, Inc. (FreeState) about plans to develop a new medium-security Federal Correctional Institution (FCI) and minimum-security Federal Prison Camp (FPC) at the U.S. Penitentiary (USP) in Leavenworth, Kansas. The discussion and information provided during the meeting is summarized below.

These meeting notes documents the agenda, participants, and resulting action items from the referenced meeting. Participants should provide any additions/exceptions to this Meeting Summary within five business days of the transmittal date. If no communications are received, then this Meeting Summary will be considered to adequately reflect the meeting discussion and outcome.

2. Attendees

A sign-in sheet with the list of attendees and their contact information is attached.

3. Purpose of the Meeting

Attendees representing Evergy, FreeState, Federal Bureau of Prisons, and Louis Berger (now WSP) introduced themselves and their roles and affiliations. Cheryl Ciccone (BOP) explained the purpose of today's meeting which is to continue discussions with Evergy and FreeState about plans to develop a new FCI/FPC and the necessity to accommodate a new Evergy substation (Carousel substation) and relocated overhead power lines.

4. Proposed Federal Correctional Institution and Federal Prison Camp

Evergy officials shared their current high level schedule for developing the planned Carousel substation. Evergy's schedule aligns well with the new FCI/FPC schedule and has Evergy finishing by May 31, 2022 when FCI/FPC construction will likely be initiated, however, Evergy's schedule did not include rerouting the transmission lines. The major milestones for Evergy's system are listed below:

- Current status: Both substation sitework design and T-line design has begun. Surveying for the substation has also been completed.
- Begin sitework on substation – Start July 2021



- Underground conduit complete and Power Control Center (PCC) set to allow 12 kV circuits to be pulled in – October 2021
- Greenfield distribution (34.5 and 12 kV) circuits can be constructed into new substation – Start October 2022
- Complete new substation and get ready to energize. – Complete by April 2022
- Begin T-line new (greenfield construction) build up to existing T-lines – Start February 2022
- Greenfield T-lines and distribution lines ready to energize - April 2022
- Begin outage on 115 kV T-line, break existing T-line and tie into previously installed lines in and out of new substation, energize substation and new 115 kV lines – early May 2022
- With new substation energized, move existing distribution (34.5 and 12 kV) circuits – May 2022
- Move 34.5 kV feed for FreeState (Fort Leavenworth feed) to new substation. Assume this has to be coordinated with Fort and will be limited to short outage – May 2022
- BOP plans to break ground on new FCI/FPC sometime between May and November 2022. Evergy is assuming it will need to continue to feed existing BOP circuits to prison for several years during construction period.
- Install 12 kV or 34.5 kV circuits to new FCI/FPC circuits when needed.

Following the request of the BOP, Evergy has held internal discussions regarding relocating the substation to a new location on the BOP property. Evergy cannot accept a long delay (over six months) to complete the Carousel substation project. Evergy has agreed to work with the BOP to relocate the new substation assuming all parties will work to get the new easements in place and not delay the project completion beyond December 31, 2022. Evergy and BOP officials will need to discuss the timing of decisions and the process to get a revised easement in place to ensure the schedule can be met.

The BOP shared its current conceptual site plan for the FCI/FPC showing the preferred location for the new substation adjacent to the southern property line and east of its former location (Exhibit 1) while Evergy shared its preliminary layout of the Carousel Substation (Exhibit 2). Evergy has requested BOP feedback on its drawing in order to confirm agreement on the substation's new location. It was reported that a new wetland delineation is being prepared and once completed, should be shared with Evergy and FreeState to ensure the substation and relocated powerlines avoid impacting streams and wetlands to the degree feasible. Once the substation location is agreed upon, Evergy will proceed to work with BOP officials to create the easements for the relocated transmission lines. Evergy needs a minimum 75-foot wide easement for the relocated transmission line (37.5 feet on each side of the centerline).

A question was asked about the likely level of noise originating from the new substation and what could be done to mitigate any noise. BOP staff occupy homes in proximity to the substation and even with the BOP's plan to install an earthen berm behind the home, there could be noise issues. Evergy is proposing to encircle the substation with an 8-foot high decorative (concrete) barrier to reduce views of the substation and reduce potential noise levels (Exhibit 3).

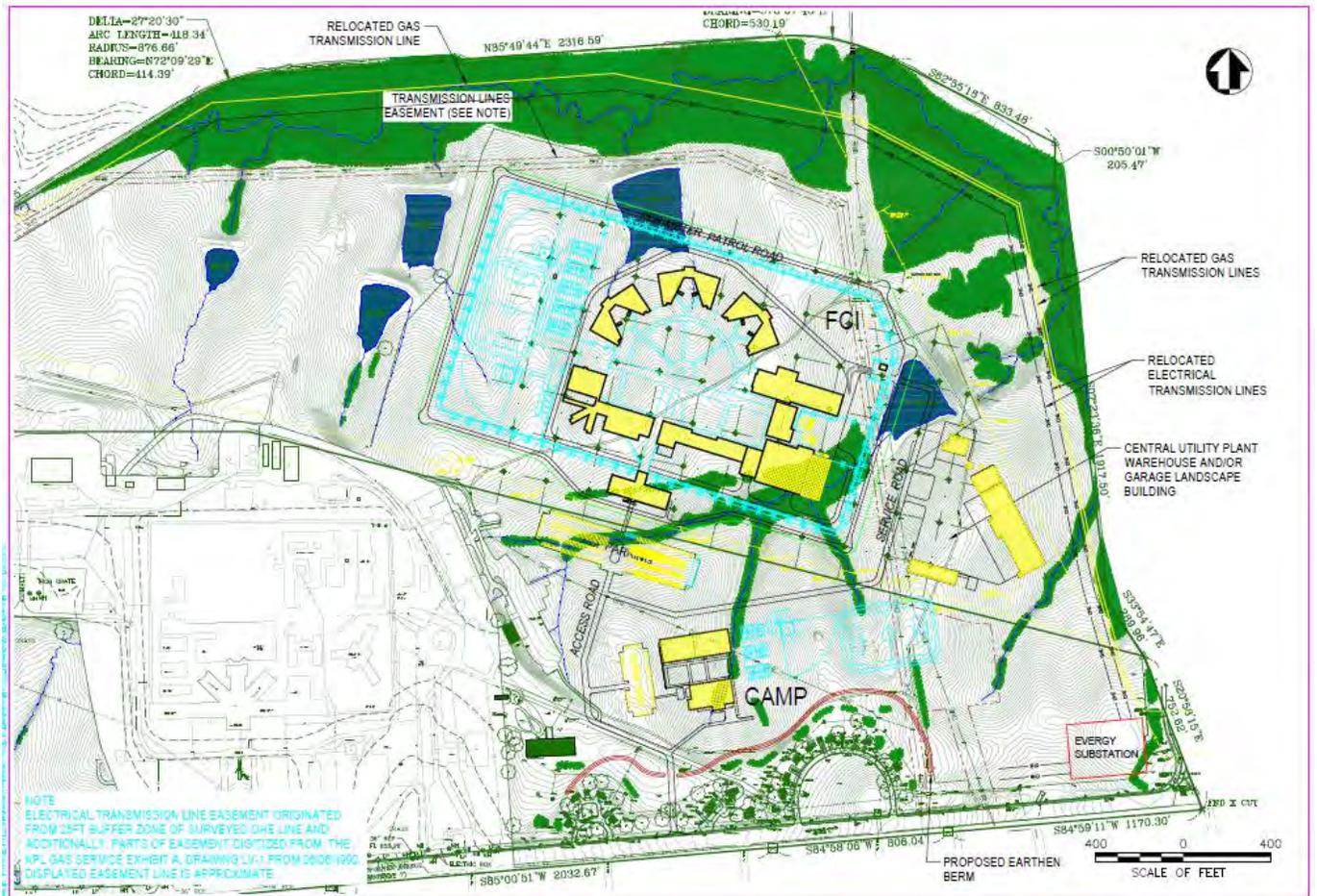


Exhibit 1: Current Conceptual FCI/FPC Site Plan

Evergy has also met with FreeState officials regarding the relocation of its feed to their 34.5 kV line (east Fort Leavenworth feed) at the Carousel substation. Evergy and FreeState have discussed the routing going north and northwest out of the substation. Both parties would prefer that the 34.5 kV FreeState line be located on the east side of the Evergy 115 kV line to avoid crossing each other. FreeState’s easements can be directly adjacent (abut) the east side of the Evergy 75-foot easement. Evergy will provide FreeState with its alignment to ensure they have enough room before Evergy sends to BOP.

Evergy officials have also had a discussion with Southern Star which operates two high pressure natural gas pipelines which one or both will need relocation and will cross the relocated transmission line. Southern Star reportedly requested that the relocated 115 kV line stay 100 feet from their gas line to avoid inducing current on the pipeline which can cause an increase in corrosion on the pipeline. Even at a distance of 100 feet, Southern Star may need to perform a study to determine if they need to add a corrosion protection system on the pipelines.



BOP officials emphasized their support to collaborating to develop a plan for the site that will accommodate the new FCI/FPC, support structures, and utilities as well as the new Evergy substation, common powerline corridor and the relocated gas pipelines.

5. Next Steps

- BOP to provide Evergy with feedback concerning the proposed location and site plan for the Carousel substation.
- Once substation location is fixed, identify specific location of new Evergy transmission line alignment (including FreeState distribution line).
- Initiate discussions regarding temporary (construction) easement/agreement and permanent easement.

6. Coordination and Points of Contact

The Point of Contacts for the BOP are Cheryl Ciccone, Judah Organic, and Kimberly Hudson (planning, design and construction); George Younger and Doug Goldring (legal and real estate); and Tom Payne (engineering) and Bob Nardi (environmental impact statement) for Louis Berger.

Prepared by:

Bob Nardi
Louis Berger (n/k/a WSP)

Attachment: Sign-in-Sheet



Proposed Federal Correctional Institution and Federal Prison Camp Leavenworth, Kansas

Meeting Date/Time: 10:00 AM (CST), September 3, 2020

Sign In Sheet

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
1	Kimberly Hudson	Site Selection Specialist, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-616-2574 kshudson@bop.gov
2	Cheryl Ciccone	Acting Chief, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-616-2772 CCiccone@bop.gov
3	Judah Organic	Project Manager, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-514-9566 JOrganic@bop.gov
4	Doug Goldring	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Wash., DC 20534	202-353-2106 dgoldring@bop.gov
5	George Younger	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Wash., DC 20534	202-353-4595 GYounger@bop.gov
6	Karl Chamberlain	Outside General Foreman, USP Leavenworth, BOP	1300 Metropolitan Avenue, Leavenworth, KS 66048	913-578-1458 k1chamberlain@bop.gov
7	Marlon Clary	Contracting Officer Procurement Management Section, BOP	320 First Street, NW, Room 901-5, Wash., DC 20534	202-307-2918 mclary@bop.gov
8	Bob Nardi, PP	Project Manager, Louis Berger U.S. (WSP)	412 Mt. Kemble Ave. Morristown, NJ 07962	973-407-1681 Robert.nardi@wsp.com
9	Sarah Hoffman, CEM	Senior Environmental Planner, Louis Berger U.S. (WSP)	5613 DTC Parkway, Suite 500, Greenwood Village, CO 80111	702-789-1909 sarah.hoffman@wsp.com
10	Thomas Payne, PE	Associate Vice President, Louis Berger U.S. (WSP)	166 Valley Street, Building 5, Providence, Rhode Island 02909	401-415-9453 thomas.payne@wsp.com
11	Dave Peck	Evergy, Transmission and Substation, Senior Project Manager	818 S. Kansas Avenue, Office 3, Topeka, KS 66612	785-575-8146 David.peck@evergy.com
12	Chris Marshall	Evergy, Manager, Substation Engineering	818 S. Kansas Avenue, Office LL, Topeka, KS 66612	785-575-6442 chris.marshall@evergy.com
13	Matt Armfield	Evergy, Manager, Project Management	818 S. Kansas Avenue, Office 7, Topeka, KS 66612	785-575-1826 matt.armfield@evergy.com

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
14	Chris Meyer	Evergy, Senior Engineer	818 S. Kansas Avenue, Office LL, Topeka, KS 66612	785-575-8478 chris.meyer@evergy.com
15	David Benak	Evergy, Manager, Transmission Line Engineering	818 S. Kansas Avenue, Office LL, Topeka, KS 66612	785-575-8164 David.benak@evergy.com
16	John Wagner	Evergy, Supervisor, Construction and Maintenance	2720 N. 2 nd Avenue, Leavenworth, KS 66048	913-758-2710 john.wagner@evergy.com
17	Vince Avila	Evergy, Director, Regional Operations	23505 W. 86 th Street, Shawnee, KS 66227	785-865-4848 vince.avila@evergy.com
18	Ed Broxterman	Evergy, Customer Solutions Manager	23505 W. 86 th Street, Shawnee, KS 66227	913-667-5121 ed.broxterman@evergy.com
19	Andrea Kelley	Evergy, Staff Engineer	818 S. Kansas Avenue, Office LL, Topeka, KS 66612	785-575-1866 Andrea.kelley@evergy.com
20	Justin Campbell	Manager, Wholesale Customer Solutions, Evergy	818 S Kansas Ave, Office 01, Topeka, Ks 66612	785-575-1950 Justin.campbell@evergy.com
21	Bill Black	Evergy, Distribution Planning	818 S Kansas Ave, Office LL, Topeka, Ks 66612	785-575-6410 Bill.black@evergy.com
22	Matt Magill	Evergy, Distribution Planning	818 S Kansas Ave, Office LL, Topeka, Ks 66612	785-575-6409 Matt.magill@evergy.com
23	Chris Parr	Assistant General Manager, FreeState Electric Cooperative	507 N. Union, McLouth, KS 66054	800-794-1989 Chris.parr@freestate.coop
24	Ed Wylie	Engineering Manager, FreeState Electric Cooperative	507 N. Union, McLouth, KS 66054	785-393-7809 Eric.wylie@freestate.coop
25	Zach Sterling	Operations Manager, FreeState Electric Cooperative	507 N. Union, McLouth, KS 66054	785-478-3444/800-794-1989 Zach.sterling@freestate.coop
26	Ron Forshee	Fort Leavenworth Superintendent, FreeState Electric Cooperative	507 N. Union, McLouth, KS 66054	913-775-3249 Ron.forshee@freestate.coop
27	Brett Wobker	Chief, Energy Division, Directorate of Public Works, USAG	820 McClellan Ave, Fort Leavenworth 66027	913-684-8956 brett.a.wobker.civ@mail.mil
28	Lynn J. Coupel	Installation Management Command, Directorate of Public Works, USAG	820 McClellan Ave, Fort Leavenworth 66027	913-684-8923 lynn.j.coupel.civ@mail.mil

ATTACHMENT 11
MEETING SUMMARY - KANSAS HISTORICAL SOCIETY AND
FEDERAL BUREAU OF PRISONS (SEPTEMBER 9, 2020)



Meeting Summary – Kansas Historical Society

To: Patrick Zollner, Deputy SHPO, Kansas Historical Society
Cc: Kimberly S. Hudson, Site Selection Specialist – Federal Bureau of Prisons
From: Sarah Hoffman – Louis Berger U.S., Inc. (n/k/a WSP)
Date: September 10, 2020
Subject: Meeting Summary – FCI/FPC Development at USP Leavenworth

1. Introduction

A teleconference meeting was held on September 9, 2020, so that officials of the Federal Bureau of Prisons (BOP) could provide an update to the Kansas Historical Society on the current plan to develop a new medium-security Federal Correctional Institution (FCI) and minimum-security Federal Prison Camp (FPC) and to deactivate the existing United States Penitentiary (USP) in Leavenworth, Kansas. The meeting was organized according to the attached Agenda and the discussion and information provided during the meeting is summarized below.

These meeting notes document the agenda, participants, and resulting action items from the referenced meeting. Participants should provide any additions/exceptions to this Meeting Summary within five business days of the transmittal date. If no communications are received, then this Meeting Summary will be considered to adequately reflect the meeting discussion and outcome.

2. Attendees

A list of meeting attendees and their contact information is attached.

3. Purpose of the Meeting

Attendees representing Kansas Historical Society, Federal Bureau of Prisons, and Louis Berger (now WSP) introduced themselves and their roles and affiliations. Cheryl Ciccone (BOP) explained the purpose of the meeting which is to update Kansas Historical Society officials on its current plan for developing new FCI/FPC facilities. Plans for developing a new correctional facility in Leavenworth began in 2011 with publication of the Draft Environmental Impact Statement (EIS) and a Final EIS in 2015. However, the Record of Decision was never signed and the project did not have the funding necessary to proceed. The BOP has received the necessary funding and therefore, has resumed the NEPA process with the goal of constructing the new FCI/FPC in Leavenworth.

Ms. Ciccone also explained that the existing institution is over 100 years old and with an outdated and inefficient design and an aging physical plant and infrastructure, the BOP is proposing to replace the USP with a modern facility. The current plan calls for inmates (and staff) currently housed at the USP to be transferred to the new facilities followed by deactivation of the USP. The USP therefore, will no longer be used to house inmates and while there is no official future mission at this time, the BOP will soon embark on studies of the existing facility and the opportunities for adapting it for a future mission.

4. Project Status

Bob Nardi (WSP) reported that a Draft Supplemental EIS is currently being prepared involving the review, revision and update of previous technical studies and EISs, incorporating the new purpose and need, among other tasks. It is expected that the Draft Supplemental EIS will be available for public review and comment for 45-days in mid-Fall 2020, during which time a public meeting will be held (virtually, if needed). Publication of the Final Supplemental EIS is anticipated in early 2021.

Camilla McDonald (WSP) described the previous cultural resource studies (archaeology and architecture) and Section 106 consultations, which concluded with completion of the archaeology studies involving the two alternative development sites: East Site and West Site. It was previously determined that no archaeological resources were recommended as eligible for listing on the National Register. While previous development plans included an access driveway from Metropolitan Avenue that would have required demolition of several historic staff housing units, the new plan includes an access driveway that avoids any direct impacts to the housing units.

The latest conceptual site plan of the proposed project was shared that included the proposed location of the access driveway and a new electrical substation (Exhibit 1). The proposed layout is undergoing continuous refinement to account for powerline and pipeline relocations, wetlands and stream, stormwater management facilities, etc.



Exhibit 1: Conceptual FCI/FPC Site Plan (2020)



Kansas Historical Society officials confirmed that archaeological surveys of both the East and West Sites were completed and no further archaeological studies are necessary.

5. Path Forward

Architectural resources involving the USP and housing units have also been evaluated. The next step is to formalize the change in the project's scope and plan in a letter from the BOP to the Kansas Historical Society (attention of Patrick Zollner). The letter should include all the changes to the project's scope and provide an overview of BOP plans to deactivate the USP and study new uses for the facility.

The BOP's plans include deactivating the USP for which there are two main points of focus; 1) to maintain necessary services in the building including utilities to avoid deterioration and 2) to identify a new mission for the facility. BOP intends to maintain the existing facility appropriately and is currently in the process of planning for a "deactivation study". Leavenworth is one of three facilities of similar age, it therefore will establish the precedent for future deactivations.

Kansas Historical Society mentioned that the National Park Service may have some useful information on mothballing older facilities; however, it won't be at a similar scale as USP Leavenworth. Their primary concern is the historic architecture of the USP, especially in light of the demolition of the former U.S. Disciplinary Barracks at Fort Leavenworth which had no reuse plan. Kansas Historical Society would like to review the BOP's deactivation plans, specifically with how the USP will be addressed. In order to avoid an adverse effect, the facility needs a plan in place.

BOP wanted it noted that the USP will continue to operate well into the future, even after the new FCI is completed, which could take three to four years. There are significant logistics to figure out in order to operate two facilities simultaneously during the time that inmates are transferred.

6. Next Steps

- BOP to prepare a letter to the Kansas Historical Society describing the change in scope of the proposed project and how the previous archeological and architectural studies relate to the new plan.
- Kansas Historical Society will review and respond with a letter.

7. Coordination and Points of Contact

The Point of Contacts for the BOP are Cheryl Ciccone and Kimberly Hudson and Camilla McDonald and Bob Nardi for WSP.

Prepared by:

Sarah Hoffman
Louis Berger (n/k/a WSP)

Attachments: Meeting Agenda, Sign-in-Sheet



MEETING AGENDA

Meeting Time/Date: **12:00 PM CST, September 9, 2020**

United States Penitentiary - Leavenworth, Kansas

- **Introductions**

- Kansas State Historical Society
- Federal Bureau of Prisons (USP and Central Office)
- Louis Berger U.S., Inc. (now WSP USA)

- **Proposed Federal Correctional Institution and Federal Prison Camp**

- Project History/Background (<https://www.proposed-fci-fpc-leavenworth.com>)
- Current activities:
 - Draft Supplemental Final Environmental Impact Statement
 - Waste disposal locations, utility relocations, wetlands, Fort Leavenworth, etc.

- **Archaeological and Architectural Investigations**

- Preliminary Site Development Plan (September 2020)
- Status of historic staff housing units
- Future of U.S. Penitentiary

- **Schedule of Activities**

- Draft Supplemental Final Environmental Impact Statement
- Proposed FCI/FPC procurement/development

- **Coordination and Points of Contact**

- Kansas Historical Society
- Federal Bureau of Prisons
- Louis Berger U.S., Inc.

- **Next Steps**

- **Other Items**



Proposed Federal Correctional Institution and Federal Prison Camp Leavenworth, Kansas

Meeting Date/Time: 12:00 Noon (CDT), September 9, 2020

Sign In Sheet

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
1	Kimberly Hudson	Site Selection Specialist, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Washington, DC 20534	202-616-2574 kshudson@bop.gov
2	Cheryl Ciccone	Acting Chief, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Washington, DC 20534	202-616-2772 CCiccone@bop.gov
3	Judah Organic	Project Manager, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Washington, DC 20534	202-514-9566 JOrganic@bop.gov
4	Douglas S. Goldring	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Washington, DC 20534	202-353-2106 dgoldring@bop.gov
5	George Younger	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Washington, DC 20534	202-353-4595 GYounger@bop.gov
6	Karl Chamberlain	Outside General Foreman, USP Leavenworth, BOP	1300 Metropolitan Avenue, Leavenworth, KS 66048	913-578-1458 k1chamberlain@bop.gov
7	Tim Sheldrake	Facilities Administrator, BOP North Central Regional Office	400 State Street, Tower II, 8 th Floor, Kansas City, KS 66101	913-551-1031 tjsheldrake@bop.gov
8	Stacy Peacock	Regional Architect, BOP North Central Regional Office	400 State Street, Tower II, 8 th Floor, Kansas City, KS 66101	913-551-1030 speacock@bop.gov
9	Michelle Morgan	Contracting Officer, National Acquisitions Section, BOP	320 First St., N.W., Rm. 901-5, Washington, DC 20534	202-353-1541 mrmorgan@bop.gov
10	Bob Nardi, PP	Project Manager, Louis Berger U.S. (now WSP)	412 Mt. Kemble Ave. Morristown, NJ 07962	973-407-1681 Robert.nardi@wsp.com
11	Sarah Hoffman, CEM	Senior Environmental Planner, Louis Berger U.S. (now WSP)	5613 DTC Parkway, Suite 500, Greenwood Village, CO 80111	702-789-1909 sarah.hoffman@wsp.com
12	Camilla McDonald	Manager- Historic Preservation, Louis Berger U.S. (now WSP)	1600 Baltimore Avenue, Suite 100, Kansas City, MO 64108	816-559-3815 Camilla.McDonald@wsp.com
13	Tim Weston	SHPO Archeologist, Kansas Historical Society	6425 SW 6 th Avenue, Topeka, KS 66615-1099	Tim.Weston@ks.gov
14	Patrick Zollner	Deputy SHPO, Kansas Historical Society	6425 SW 6 th Avenue, Topeka, KS 66615-1099	Patrick.Zollner@ks.gov
15	Lauren Jones	Architectural Review, Kansas Historical Society	6425 SW 6 th Avenue, Topeka, KS 66615-1099	Lauren.Jones@ks.gov

ATTACHMENT 12
LETTER OF SUPPORT FOR PROPOSED FCI AND FPC
J.E.DUNN CONSTRUCTION (OCTOBER 12, 2020)



JE DUNN CONSTRUCTION
240 SOUTH 65TH STREET
KANSAS CITY, KS 66111
TEL 913.321.0127

www.jedunn.com

October 12, 2020

Ms. Cheryl Ciccone, Acting Chief, Construction and Environmental Review Branch
Ms. Kimberly Hudson, Site Selection Specialist
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534
cciccone@bop.gov
kshudson@bop.gov

RE: JE Dunn Letter of Support for the new Federal Correctional Institute and Federal Prison Camp in Leavenworth, KS

Dear Ms. Ciccone and Ms. Hudson,
JE Dunn Construction applauds the Federal Bureau of Prisons for constructing their new facilities in Leavenworth, Kansas. Leavenworth County is a community that supports all things related to the corrections industry. As home to the current Leavenworth US Penitentiary as well as the Fort Leavenworth Regional Correctional Facility, the Fort Leavenworth US Disciplinary Barracks, the Lansing State Prison, the CoreCivic prison, and the county jail, the Leavenworth community embraces the industry and fosters and supports talent to support these important facilities and their operations. In addition, community leaders, politicians and the general population understand the importance of the new Federal Correctional Institute and Federal Prison Camp to the Leavenworth economy.

JE Dunn Construction is a top 10 corrections contractor with strong ties to the State of Kansas and to many of the correctional projects in Leavenworth County. Our national logistics headquarters is strategically located in the State of Kansas minutes from your site and we have 1,500 employees within miles of the project. Our corporate headquarters is in Kansas City where it supports 3,600 employees in 23 locations across the country.

Please know that we stand ready to support the new Federal Correctional Institute and Federal Prison Camp project in any way where we may be of assistance. We have strong connections with the State of Kansas, Leavenworth County, the City of Leavenworth and our representatives in Congress and we would be happy to assist with anything you need as you develop and position these facilities to serve their important mission. Please consider us a resource.

Sincerely,

Gordon Lansford
President & CEO of
JE Dunn Construction

Paul Neidlein
President
JE Dunn Midwest

Timothy Dunn
Chairman
JE Dunn Construction

Cc: Senator Jerry Moran
Senator Pat Roberts
Robert Nardi, WSP



**ATTACHMENT 13
MEETING SUMMARY-KANSAS DEPARTMENT OF
HEALTH AND ENVIRONMENT AND FEDERAL
BUREAU OF PRISONS (OCTOBER 29, 2020)**



Meeting Summary – Kansas Department of Health and Environment

To: Samuel Boaz, Geology Specialist – Kansas Department of Health and Environment
Cc: Kimberly S. Hudson, Site Selection Specialist – Federal Bureau of Prisons
From: Sarah Hoffman – WSP USA (*formerly Louis Berger U.S., Inc.*)
Date: November 2, 2020
Subject: Meeting Summary – Proposed FCI/FPC Development at USP Leavenworth

1. Introduction

A teleconference meeting was held on October 29, 2020, so that representatives of the Federal Bureau of Prisons (BOP) and WSP could introduce plans to Kansas Department of Health and Environment (KDHE) officials for development of a new medium-security Federal Correctional Institution (FCI) and minimum-security Federal Prison Camp (FPC) at the property comprising the United States Penitentiary (USP) in Leavenworth, Kansas. Of particular interest is the planned location of the FCI and FPC in relation to known waste disposal sites within the USP property. The meeting was organized according to the attached Agenda with a Meeting Handout provided in advance. The information provided during the meeting and the subsequent discussion is summarized below.

This Meeting Summary documents the agenda, participants, and resulting action items from the referenced meeting. Participants should provide any additions/exceptions to this Meeting Summary within five business days of the transmittal date. If no communications are received, then this Meeting Summary will be considered to adequately reflect the meeting discussion and outcome.

2. Attendees

Attendees representing KDHE, BOP, and WSP (*formerly Louis Berger U.S.*) introduced themselves and their affiliations. A list of attendees and their contact information is attached.

3. Proposed FCI and FPC

Bob Nardi (WSP) provided a brief project history/background regarding the FCI/FPC project which was originally proposed in 2010 and was the subject of a Draft Environmental Impact Statement (EIS) published in 2011 and a Final EIS published in 2015. However, a decision whether to proceed was delayed and in the absence of appropriated funds for the project, no Record of Decision was issued by the Director of the BOP. A dedicated project website has been established where copies of the Draft and Final EISs can be accessed: <https://www.proposed-fci-fpc-leavenworth.com>.

With USP Leavenworth over 100 years old, the BOP has determined that a replacement facility is needed and considers development of a new FCI/FPC in Leavenworth a priority. With an appropriation of funds for the project, the BOP resumed the NEPA process in June 2020 and is currently preparing a Draft Supplemental Final EIS (DSFEIS) to provide updated information about the proposed project, the purpose and need for developing a new FCI/FPC in Leavenworth, and to provide the public and others the opportunity to voice their interests and provide comments concerning the proposed action.



4. Waste Disposal Areas

A drawing was shared depicting the BOP's current conceptual development plan for the FCI/FPC which will be located within the eastern-most portion of the USP property (Exhibit 1). Superimposed on the drawing are Waste Disposal Areas A and B and individual disposal/contamination sites within the disposal areas. Tom Payne (WSP) provided an overview of the contamination areas in relation to the proposed FCI/FPC and described the sites that are likely to be affected by FCI/FPC development:

- Site 1 consists of the paint can disposal area which overlaps with the proposed FCI parking lot, a portion of the perimeter security fence and patrol road, and is close to the outside Administration Building. An existing 16-inch high pressure natural gas pipeline also passes through Site 1 which the gas company owner (Southern Star) is considering ceasing operation with the pipeline subsequently excavated and removed.
- Site 2 includes the disposal trenches in the hill which overlap with the FPC parking lot, housing unit, administration building, and a portion of the planned access road from Metropolitan Avenue to the FCI and FPC parking areas.
- Subsite 3.1 is a pond located in the northeast corner of the FCI footprint which will be drained and likely excavated and backfilled.
- Subsite 3.2 is a pond located immediately north of the FCI footprint which will also be drained and likely excavated and backfilled.
- Site 8 is the used oil dumping area which is located in proximity to the FCI and FPC parking areas and access road.

In addition to site preparation (grading) associated with developing the FCI/FPC, construction and excavation activities associated with installation of water, sewer and other underground utilities can also be expected. At this time the precise locations of underground utilities necessary to serve the FCI/FPC have not been determined but could extend through portions of Sites 1, 2 and/or 8. Recent monitoring well results (2019) indicated no groundwater contaminant migration from Site 2.

Sam Boaz (KDHE) noted that excavation activities and other land disturbance will expose wastes and in order to ultimately dispose of the waste, it will need to be characterized to determine the types and the corresponding disposal facility licensed to accept such wastes. Since the closed landfill overlaps Site 2 and possibly Site 1, construction activities might encounter compaction issues as well as highly acidic (corrosive) soils in those areas. The acidic soils can be problematic to the design since it could result in corrosion issues to the structures and underground utilities. KDHE typically doesn't allow large construction projects on closed landfills because of the potential risks of building on these types of sites. To expedite the schedule and avoid impeding FCI/FPC construction progress, KDHE suggested that the wastes be characterized in-place versus temporarily storing waste and waiting on laboratory results. Bob Nardi (WSP) noted that the approach being taken is to address and resolve/remediate the waste issues prior to awarding the construction contract to avoid any possible interruptions or delays.

A question was asked as to the planned method of sampling the wastes. Tom Payne (WSP) stated that push probes are being considered as a tool for characterization in order to minimize disturbance. However, it may be necessary to excavate test pits as well to determine the depth to clean soils. Characterization tools will be dependent on the location of the sites/subsites. The BOP is currently developing a work plan for characterizing the wastes at the affected disposal sites and for removal/remediation and once complete, will be submitted to KDHE for review/comment and eventual approval.

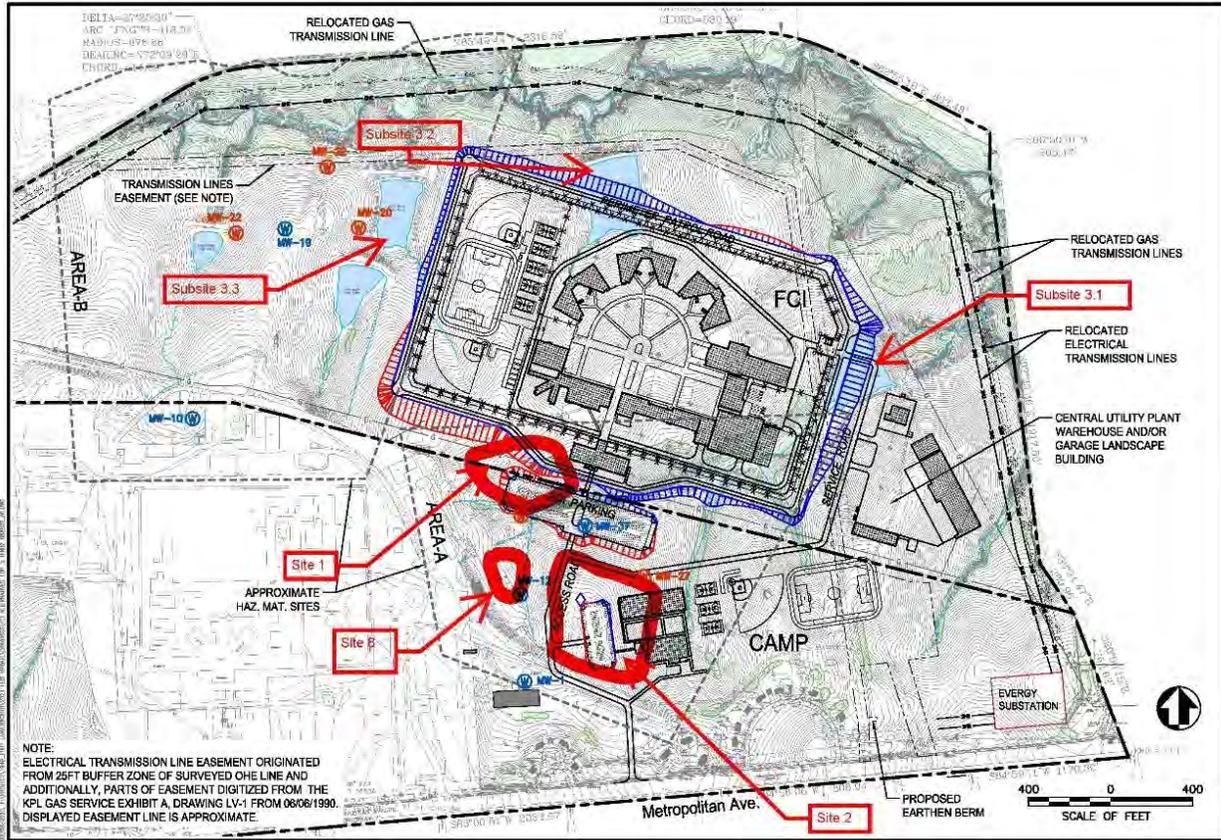


Exhibit 1
Alternative FCI EAST-1

Proposed FCI
USP Leavenworth, Kansas

Source: KGS GIS, LLC, Inc. Scale: 1"=400' August 2020

US Department of Justice
Federal Bureau of Prisons
The Louis Berger Group, Inc.

Exhibit 1: Conceptual FCI and FPC Development Plan with Waste Disposal Areas

Joe Dom (KDHE) mentioned that his review of the Site Investigation reports showed contaminants including SVOCs, VOCs, PCBs, pesticides, and others were detected in the ponds. He advised that PCBs are referred to USEPA. Bob Nardi (WSP) mentioned that the ponds can be easily drained and it is likely that the sediments will need removal in favor of more stable fill to avoid later problems with differential settlement. Potential permits identified by KDHE include a Stormwater Notice of Intent.

5. Schedule of Activities

The Site Characterization Work Plan/Remedial Action Plan is currently in preparation and once approved by the BOP will be submitted to KDHE for review as part of the ongoing coordination and consultation with KDHE officials.

The Draft Supplemental Final EIS, currently nearing completion, will be subject to a 45-day public comment period once published during which time the BOP will host a virtual public hearing. After reviewing all comments received, the BOP will prepare and publish a Final Supplemental Final EIS with an additional 30-day public comment period. Cheryl Ciccone (BOP) provided information on the project's anticipated schedule (all durations are approximate):



- Completion of EIS process: 6 – 9 months
- Development of design/build procurement documents, etc.: 6 – 12 months
- FCI/FPC construction: 3 years
- Activation/transition from USP to new FCI/FPC facilities: 6 – 12 months following construction

6. Coordination and Points of Contact

The Point of Contact for KDHE is Sam Boaz, for the BOP is Kimberly Hudson, and for WSP is Bob Nardi.

Prepared by:

A handwritten signature in blue ink, appearing to read 'Sarah Hoffman', is written over a light blue circular stamp.

Sarah Hoffman, CEM
WSP (formerly Louis Berger U.S.)

Attachments: Meeting Agenda
Sign-in-Sheet
Meeting Handout



MEETING AGENDA

Meeting Time/Date: **10:00 AM CST, October 29, 2020**

**Proposed Federal Correctional Institution/Federal Prison Camp
Leavenworth, Kansas**

- **Introductions**

- Kansas Department of Health and Environment
- Federal Bureau of Prisons (USP, Regional Office, and Central Office)
- WSP (*formerly Louis Berger U.S., Inc.*)

- **Proposed Federal Correctional Institution and Federal Prison Camp**

- Project History/Background (<https://www.proposed-fci-fpc-leavenworth.com>)
- Current activities:
 - Draft Supplemental Final Environmental Impact Statement
 - Utility relocations, wetlands/WOUS, historic resources, Fort Leavenworth, etc.
 - Preliminary Site Development Plan (September 2020)

- **Waste Disposal Areas**

- Previous investigations of waste disposal areas
- Recent monitoring results
- Potential impacts of FCI and FPC development
- Approach to remediation planning
- Permitting and mitigation

- **Schedule of Activities**

- Draft Supplemental Final Environmental Impact Statement
- Proposed FCI/FPC procurement/development

- **Coordination and Points of Contact**

- Kansas Department of Health and Environment
- Federal Bureau of Prisons
- WSP

- **Next Steps**

- **Other Items**



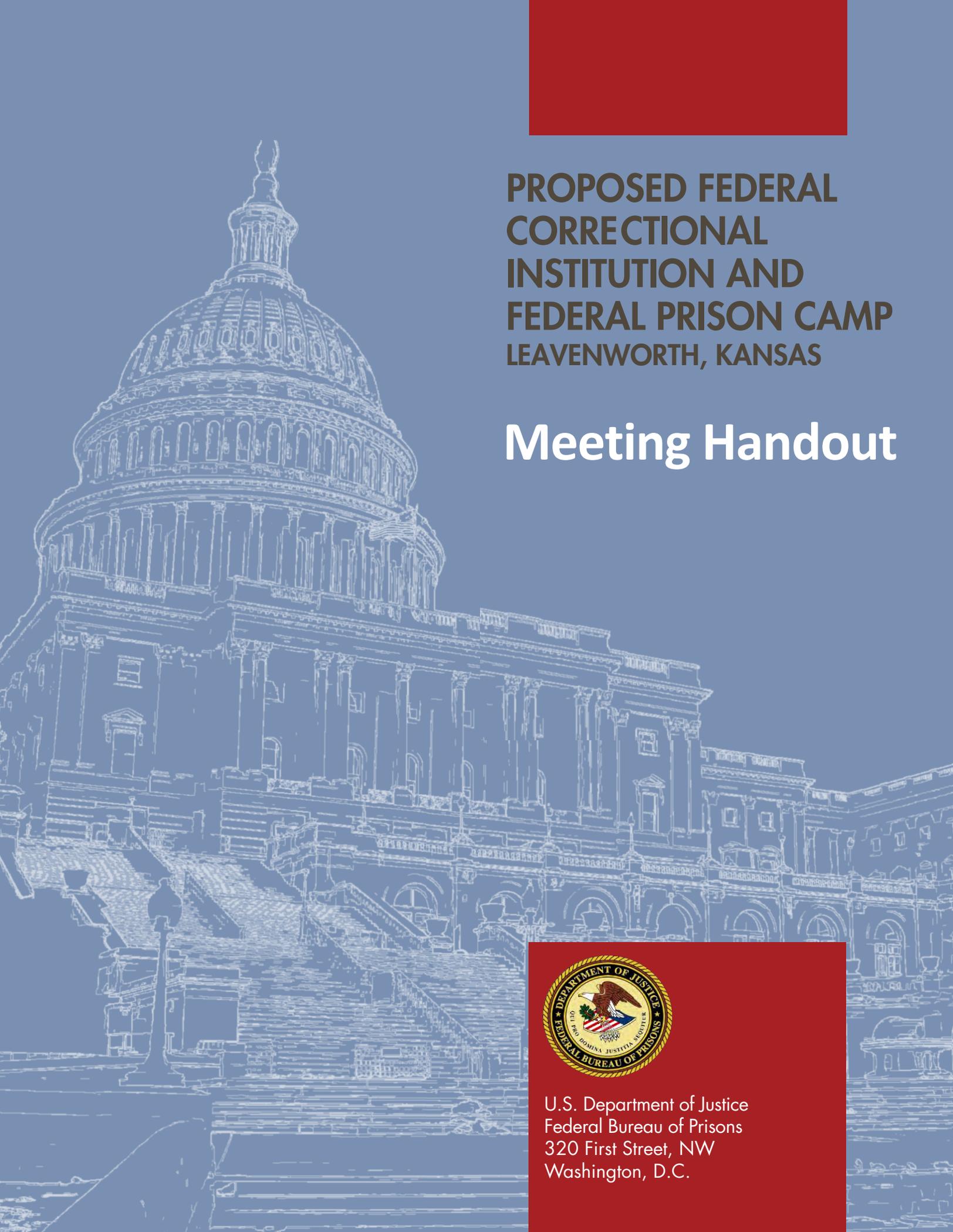
Proposed Federal Correctional Institution and Federal Prison Camp Leavenworth, Kansas

Kansas Department of Health and Environment
Meeting Date/Time: 10:00 AM CST, October 29, 2020

Sign In Sheet

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
1	Kimberly Hudson	Site Selection Specialist, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Washington, DC 20534	202-616-2574 kshudson@bop.gov
2	Cheryl Ciccone	Acting Chief, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Washington, DC 20534	202-616-2772 CCiccone@bop.gov
3	Judah Organic	Project Manager, Construction and Environmental Review Branch, BOP	320 First Street, NW, Room 901-5, Washington, DC 20534	202-514-9566 JOrganic@bop.gov
4	Jeff Limjoco	Associate General Counsel/Branch Chief, Office of General Counsel, BOP	320 First Street, NW, Room 900, Washington, DC 20534	202-353-4592 jlimjoco@bop.gov
5	George Younger	Assistant General Counsel, Office of General Counsel, BOP	320 First Street, NW, Room 900, Washington, DC 20534	202-353-4595 GYounger@bop.gov
6	Karl Chamberlain (DID NOT ATTEND)	Outside General Foreman, USP Leavenworth, BOP	1300 Metropolitan Avenue, Leavenworth, KS 66048	913-578-1458 k1chamberlain@bop.gov
7	Tim Sheldrake	Facilities Administrator, BOP North Central Regional Office	400 State Street, Tower II, 8 th Floor, Kansas City, KS 66101	913-551-1031 tjsheldrake@bop.gov
8	Stacy Peacock	Regional Architect, BOP North Central Regional Office	400 State Street, Tower II, 8 th Floor, Kansas City, KS 66101	913-551-1030 speacock@bop.gov
9	Jeff Verhulst	BOP North Central Regional Office	400 State Street, Tower II, 8 th Floor, Kansas City, KS 66101	913-551-1020 jverhulst@bop.gov
10	Michelle Morgan	Contracting Officer, National Acquisitions Section, BOP	320 First St., N.W., Rm. 901-5, Washington, DC 20534	202-353-1541 mrmorgan@bop.gov
11	Bob Nardi, PP	Project Manager, WSP (formerly Louis Berger U.S.)	412 Mt. Kemble Ave. Morristown, NJ 07962	973-407-1681 Robert.nardi@wsp.com
12	Sarah Hoffman, CEM	Senior Environmental Planner, WSP (formerly Louis Berger U.S.)	5613 DTC Parkway, Suite 500, Greenwood Village, CO 80111	702-789-1909 sarah.hoffman@wsp.com
13	Dan Martin	Manager, WSP (formerly Louis Berger U.S.)	117 Kendrick St, Suite 400, Needham, MA 02494-2730	973-407-1394 Dan.martin@wsp.com
14	Tom Payne, PE	Associate Vice President, WSP (formerly Louis Berger U.S.)	166 Valley Street, Building 5, Providence, RI 02909	401-415-9453 Thomas.payne@wsp.com

No.	Name	Title/Affiliation	Mailing Address	Telephone / Email
15	Samuel Boaz	Geology Specialist, Kansas Department of Health and Environment, Hydrogeology Unit, Solid Waste Section, Bureau of Waste Management	1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366	785-296-6596 Samuel.Boaz@ks.gov
16	Mike Selm	Solid Waste Section, Bureau of Waste Management, Kansas Department of Health and Environment	1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366	Micheal.selm@ks.gov
17	Joe Dom	Chief, Assessment and Restoration Section, Kansas Department of Health and Environment	1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366	785-296-1914 Joe.dom@ks.gov
18	John Truong	Environmental Attorney, Kansas Department of Health and Environment	1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366	john.truong@ks.gov
19	Walter Mack	Environmental Compliance/Regulatory Specialist, Solid Waste Permits, Hydrogeologic Unit Chief, Kansas Department of Health and Environment	1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366	785-296-1614 walter.mack@ks.gov
20	Mindy Bowman	Chief, Solid Waste Section, Bureau of Waste Management, Kansas Department of Health and Environment	1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366	Mindy.bowman@ks.gov



PROPOSED FEDERAL CORRECTIONAL INSTITUTION AND FEDERAL PRISON CAMP LEAVENWORTH, KANSAS

Meeting Handout



U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C.

PROPOSED FEDERAL CORRECTIONAL INSTITUTION AND FEDERAL PRISON CAMP – LEAVENWORTH, KANSAS

A. BACKGROUND

The U.S. Department of Justice, Federal Bureau of Prisons (BOP) is proposing to further develop its United States Penitentiary (USP) Leavenworth property by constructing and operating a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC). The BOP embarked on this project in 2010 as summarized below:

- Published a *Notice of Intent to Prepare an Environmental Impact Statement* (EIS) in the Federal Register in accordance with the National Environmental Policy Act (NEPA).
- Published a Draft EIS on November 18, 2011.
- Held a Public Hearing on the Draft EIS in the City of Leavenworth on December 11, 2011.
- Distributed a letter on June 14, 2014 informing all interested parties that preparation of the Final EIS was underway.
- Published a Final EIS on April 10, 2015; the public comment period ended on May 15, 2015. A decision whether to proceed was delayed and a Record of Decision pursuant to NEPA was not adopted.
- Distributed a letter on June 15, 2020 informing all interested parties that the BOP was resuming the NEPA process and was commencing preparation of a Draft Supplemental Final EIS.
- Published a *Notice of Intent to Prepare a DSFEIS* for the development of a new FCI and FPC in the Federal Register (Volume 85, Number 126, June 30, 2020) and a similar notice in the Leavenworth Times newspaper (July 1, 2020).

B. UNITED STATES PENITENTIARY, LEAVENWORTH

The BOP currently operates 122 institutions, six regional offices, a Central Office (headquarters), two staff training centers, and 26 residential reentry management offices. Among the facilities operated by the BOP are the USP and FPC located in Leavenworth, Kansas. The USP is notable for many reasons, among them is that when opened in 1906, it was among the first federal correctional facilities and today is one of the oldest operating correctional facilities in the federal prison system.

During Fiscal Year 2006, the BOP transitioned USP Leavenworth from a high-security facility to a medium-security facility to accommodate the growth in the medium-security inmate population. This transition was part of the BOP's long-range plan to utilize older high-security institutions to house medium-security inmates as new and more modern high-security facilities are developed.

A growing challenge to the BOP is that many existing federal correctional facilities and supporting infrastructure are aging, resulting in an ongoing need for new, modernized facilities and infrastructure. The BOP has proposed the construction of a new FCI designed to house approximately 1,152 medium-security inmates and a new FPC designed to house approximately 256 minimum-security inmates for a total population of 1,408 inmates.

Once development is completed and the new facilities are activated, inmates currently housed at the USP and FPC will be transferred to the new facilities along with the complement of corrections officers and other staff. At that time the USP and prison camp will permanently cease housing inmates while a transition study is conducted of a possible future USP use or mission.



United States Penitentiary Leavenworth

As one of three first-generation federal prisons constructed in the early 1900s, USP Leavenworth is not comparable to the contemporary prison designs that are more common today. As a result, USP Leavenworth is operationally inefficient, and combined with its age and condition, eligibility for listing on the National Register of Historic Places, and the necessity for costly and difficult to implement security, life safety, mechanical, electrical and plumbing system replacements and/or upgrades, requires development of a new FCI and FPC to meet current and future needs. Hence, development of a new FCI and FPC in Leavenworth and the north-central United States is among the BOP's priority projects.

C. PROJECT DESCRIPTION

Given the need for a new FCI and FPC, the BOP would typically consider potential construction sites both within and outside of its jurisdiction that might serve as reasonable alternatives. Most often, because existing BOP correctional sites lack sufficient land on which to construct new facilities, the BOP must identify land that would be a reasonable alternative on which the needed and proposed new facilities could be constructed. However, when, as in Leavenworth, new facilities are needed to replace facilities on existing BOP land and can feasibly and reasonably be built on the that same land, incurring the expense and time to acquire other land on which to construct new and separate facilities would not be reasonable or logical. Therefore, the rationale for selecting the USP Leavenworth property for detailed study included the following:

- The BOP controls the property which contains undeveloped land potentially suitable for correctional facility development.

- Use of available USP Leavenworth property avoids the time and costs associated with land acquisition for development.
- Infrastructure necessary to support new correctional facility development is currently in place in the Leavenworth area.
- The Leavenworth community and the BOP have had a positive and mutually beneficial relationship for many years which is expected to continue into the future.
- Similar conditions, involving sufficient developable land and infrastructure, are not evident or equivalent at other BOP facilities within the North Central Region.

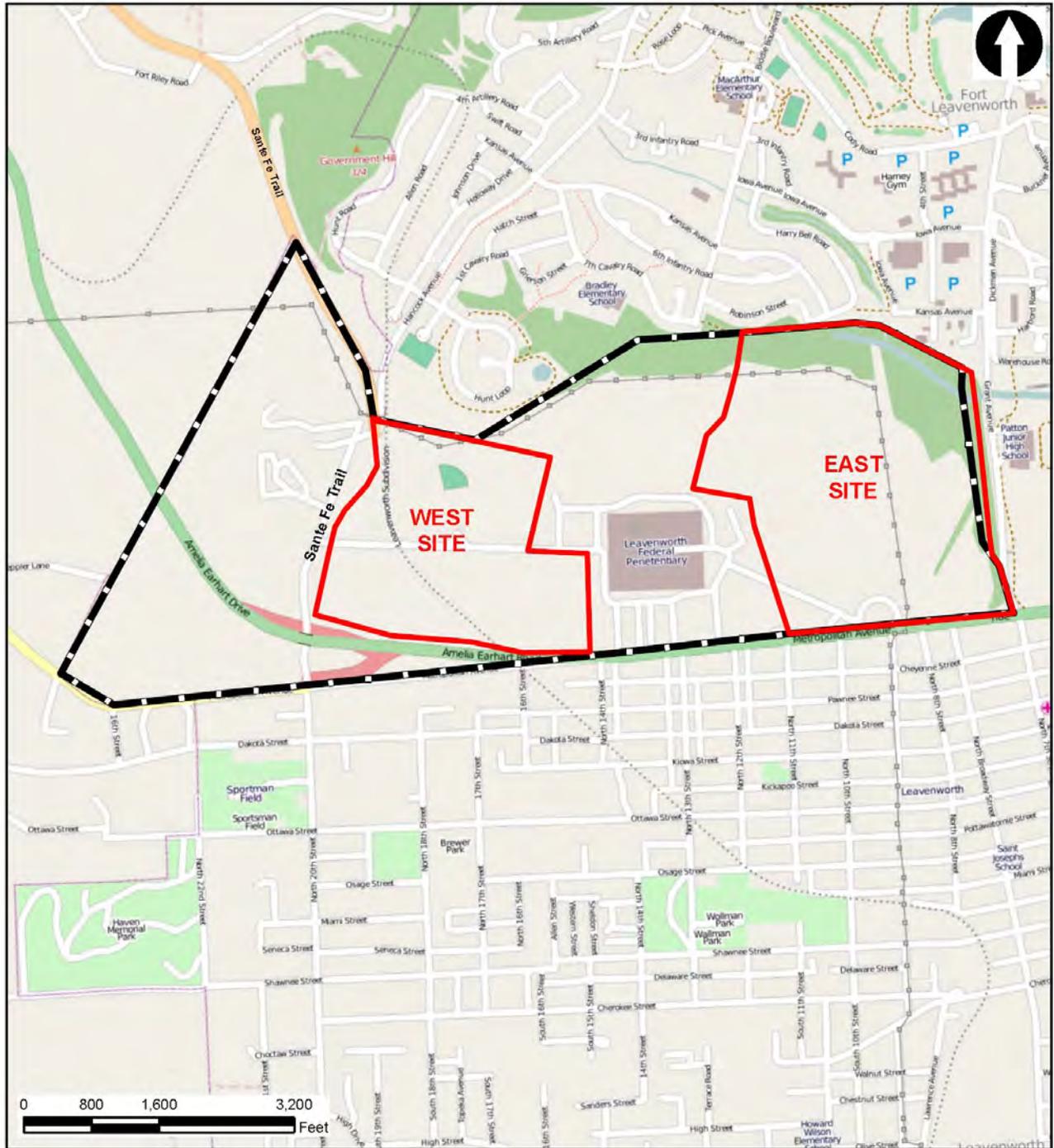
D. PROPOSED FCI/FPC DEVELOPMENT PLAN

Consideration has been given to alternative locations within the USP property in planning for the proposed FCI/FPC. The southern portion of the USP Leavenworth property, bordered by Metropolitan Avenue, has been developed for over 100 years with the USP, minimum-security prison camp, warehouses, staff housing, internal roadways, parking areas, and other ancillary support facilities; much of this area has been eliminated from consideration. In addition, the area located directly north of the USP was also eliminated due to its limited land area and the resulting inability to satisfy critical BOP requirements involving security zones and setbacks from structures, property lines, etc. necessary for FCI/FPC development and operation.

Of the remaining property, two alternative locations east and west of the USP have been considered for development. The first alternative location, known as the East Site, consists of approximately 227 acres of primarily undeveloped land situated east of the USP and north of Metropolitan Avenue, west of Grant Avenue, and south of Corral Creek. The second alternative location, described as the West Site, comprises approximately 144 acres and is located west of the USP. The West Site includes the existing minimum-security prison camp and is generally bounded by Metropolitan Avenue on the south, Santa Fe Trail/County Road 14 on the west, and an abandoned railroad grade on the north. Together, the two alternative locations comprise approximately 371 acres of land (Exhibit 1).

The BOP has examined multiple alternative development plans for accommodating a new FCI and FPC. The development plan that best meets BOP operational and security requirements while minimizing potential environmental and other impacts places both the proposed FCI and FPC within the East Site (east of the USP) and is considered the preferred plan. Photographs representative of current conditions within the East Site follows (Exhibit 2). That conceptual development plan orients the FCI footprint so that the main entrance is facing southeast towards the primary access road (Metropolitan Avenue) while accommodating all necessary FCI elements including employee and visitor parking areas; inmate housing; administration buildings; indoor and outdoor recreation areas; education and vocational training spaces; medical and dining facilities, among other components.

Under this plan, the proposed FPC would be located immediately south of the FCI and would be accessible via the proposed FCI access driveway from Metropolitan Avenue east of the existing USP. The new entrance driveway would be sited on Metropolitan Avenue, mid-way between North 10th and North 11th Streets in a location that avoids adversely impacting the historic staff housing units which front on Metropolitan Avenue. The development plan includes a central utility plant, warehouse and/or garage landscape building, and other maintenance facilities to be located southeast of the FCI.



Source: ESRI, 2011.

Legend

- BOP Leavenworth Property Boundary (Approximate)
- Study Areas

	Federal Bureau of Prisons
Proposed FCI and FPC USP Leavenworth	
Street Map	

Exhibit 1 – Locations of East and West Sites with USP Leavenworth

Exhibit 2 – Representative Photographs of East Site (August 2020)

	
<p>View towards northwest from interior of site (typical)</p>	<p>View towards north from interior of site (typical)</p>
	
<p>View towards northeast from interior of site (typical)</p>	<p>View towards northeast from interior of site (typical)</p>
	
<p>Aerial view of East Site</p>	<p>View of East Site northward from Metropolitan Avenue</p>



Exhibit 1
Alternative FCI EAST-1

Proposed FCI
USP Leavenworth, Kansas

Scale: 1"=40'
05-09-20

US Department of Justice
Federal Bureau of Prisons

The Louis Berger Group, Inc.

Exhibit 3 – Proposed FCI/FPC Conceptual Plan within East Site at USP Leavenworth

E. WASTE DISPOSAL AREAS AT USP LEAVENWORTH

Environmental investigations have been conducted at the USP Leavenworth since 1984. These investigations identified several current and historical industrial operations that produce or may have produced hazardous materials at USP Leavenworth including a furniture factory, brush factory, printing factory, vehicle maintenance shop, and landscaping department. These operations generated varying quantities of waste oils, spent solvents, auto part cleaning agents, lacquer thinners, paint, stored polychlorinated biphenyl-contaminated transformers, gasoline, and empty pesticide containers.

There are several identified hazardous waste disposal sites on the USP Leavenworth property that are recognized by the Kansas Department of Health and Environment (KDHE) and have been investigated and monitored since 1991. The waste sites identified during these investigations have been grouped into three larger hazardous waste sites identified as Areas A, B and C and described below. (The East Site is the planned location of the new FCI and FPC.)

- Area A includes the paint can disposal area ("Site 1"), trench burial area ("Site 2") and waste oil dumping area ("Site 8"). Pond 1 and Pond 2, also known as "Subsites 3.1 and 3.2", were grouped with Area A, although located separately to the north. Area A and Ponds 1 and 2 are located largely within the limits of the East Site.
- Area B includes the north sanitary landfill ("Site 4"), fuel oil spill ("Site 7"), Building 80 ("Site 5") and east yard hot barrel site. Ponds 3, 4 and 5, also known as "Subsites 3.3, 3.4 and 3.5", are located within Area B. The east yard hot barrel site and Building 80 were later designated as Area B-1. Area B/B-1 is located directly north of the existing USP facility and immediately west of the East Site.
- Area C includes the cemetery landfill ("Site 6") and hot barrel site at the shale pits ("Site 9b"). The hot barrel site at the shale pit was later designated as Area C-1. Site C/C-1 is located west of the existing prison camp and Santa Fe Trail/County Road 14, near the USP training facility and cemetery. Area C is unaffected by FCI/FPC development at the East Site.

There is no available survey data reflecting legal limits of the hazardous waste sites. Therefore, the locations of Areas A, B and C as shown on Exhibit 4 are approximate, having been transferred from previous reports and plans.

The hydraulic conductivity of the surficial geologic strata was determined to be very low across the USP property. Groundwater movement was determined to vary across the USP property and to be generally northeasterly at Area A, northerly at Area B and southerly at Area C. Remedial actions were taken following KDHE review of investigation reports and preparation of a Removal Action Decision Document in 1996 including:

- Clay barriers were added to the waste disposal areas.
- Dams were reconstructed or newly constructed for associated ponds.
- A sediment retention system was constructed consisting of surface cover added to landfills in Areas A and B. Ponds 1, 3, 4, 5 and 7, located in Areas A, B and C, were reconstructed to eliminate potential aquatic life and provide retention of surface water.



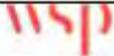
<p> Project Area</p> <p> Approximate location of Waste Disposal Area</p>	<p>Sources: ESRI World Imagery Map Services, obtained 2020.</p> <p>Coordinate System/Datum: UTM, Zone 15 NAD 83</p> <p>October 2020</p>		<p>Waste Disposal Areas Proposed Federal Correctional Institution and Federal Prison Camp Leavenworth, KS</p>  <p>0 600 1,200 Feet</p> 
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Exhibit 4 – Waste Disposal Areas at USP Leavenworth

- Prevention of access to the site via 24-hour security patrols, guarded observation towers and a chain-link fence around the entire facility.
- Establishment of the groundwater and surface water monitoring program with groundwater samples to be collected on a schedule of 1, 2, 4, 7, 10, 15, 20, 25 and 30 years.

The most recent groundwater monitoring report (September 18, 2019) indicated the following:

- According to analytical laboratory results, contaminant concentrations within the sampled groundwater monitoring wells at USP Leavenworth are significantly below State of Kansas contaminate levels.
- Based on current and previous years of groundwater analytical data, elevated contaminants of concern have not migrated beyond the waste areas, therefore remedial response actions at USP Leavenworth do not appear necessary at this time.

The next groundwater monitoring event at USP Leavenworth is scheduled for August 2024 at which time an updated groundwater contour map will be completed.

The proposed development of the East-1 alternative includes portions of the designated hazardous waste sites Area A and B, and therefore must be done in coordination with KDHE in order to minimize potential impacts and ensure compliance with applicable regulations.

F. FOR ADDITIONAL INFORMATION

For further information contact:

Kimberly S. Hudson, COR, Site Selection Specialist
Construction and Environmental Review Branch
Federal Bureau of Prisons
320 First Street, NW, Room 901-5, Washington, D.C. 20534
Tel: 202-616-2574 / Fax: 202-260-0702 / Email: kshudson@bop.gov

A dedicated website has been established for the project which hosts copies of the Draft EIS (2011), Final EIS (2015): <https://www.proposed-fci-fpc-leavenworth.com>.

TYPICAL FEDERAL CORRECTIONAL INSTITUTION













**ATTACHMENT 14
NOTICE OF DRAFT SUPPLEMENTAL
EIS AVAILABILITY
FEDERAL REGISTER-NOVEMBER 20, 2020
LEAVENWORTH TIMES-NOVEMBER 20, 2020**

Applicants: Horizon West Transmission, LLC.

Description: Tariff Amendment: Horizon West Transmission, LLC Amendment to Proposed Formula Rate to be effective 1/1/2021.

Filed Date: 11/13/20.

Accession Number: 20201113–5107.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER21–408–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Basin Electric Power Cooperative Contract Services Agreement Amendment to be effective 2/1/2021.

Filed Date: 11/13/20.

Accession Number: 20201113–5127.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER21–409–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: MAIT submits ECSA SA No. 5777 to be effective 1/13/2021.

Filed Date: 11/13/20.

Accession Number: 20201113–5130.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER21–410–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Revised LGIP and SGIP to be effective 1/13/2021.

Filed Date: 11/13/20.

Accession Number: 20201113–5133.

Comments Due: 5 p.m. ET 12/4/20.

Docket Numbers: ER21–411–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1892R9 Evergy Kansas Central, Inc. NITSA NOA—Robinson to be effective 2/1/2021.

Filed Date: 11/16/20.

Accession Number: 20201116–5016.

Comments Due: 5 p.m. ET 12/7/20.

Docket Numbers: ER21–412–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1893R10 Evergy Kansas Central, Inc. NITSA NOA—Savonburg to be effective 2/1/2021.

Filed Date: 11/16/20.

Accession Number: 20201116–5017.

Comments Due: 5 p.m. ET 12/7/20.

Docket Numbers: ER21–413–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1897R10 Evergy Kansas Central, Inc. NITSA NOA ? Elwood to be effective 2/1/2021.

Filed Date: 11/16/20.

Accession Number: 20201116–5018.

Comments Due: 5 p.m. ET 12/7/20.

Docket Numbers: ER21–414–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2045R9 Evergy Kansas Central, Inc. NITSA NOA—Morrill to be effective 2/1/2021.

Filed Date: 11/16/20.

Accession Number: 20201116–5037.

Comments Due: 5 p.m. ET 12/7/20.

Docket Numbers: ER21–415–000.

Applicants: Briel Farm Solar, LLC.

Description: Baseline eTariff Filing: Application for MBR Authorization and Request for Certain Waivers, et al. to be effective 11/17/2020.

Filed Date: 11/16/20.

Accession Number: 20201116–5042.

Comments Due: 5 p.m. ET 12/7/20.

Docket Numbers: ER21–416–000.

Applicants: Stoney Creek Solar LLC.

Description: Petition for Limited Waiver, et al. of Stoney Creek Solar LLC.

Filed Date: 11/13/20.

Accession Number: 20201113–5258.

Comments Due: 5 p.m. ET 12/4/20.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–25673 Filed 11–19–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10016–89–OA]

Notice of Meeting of the EPA Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held virtually December 9 and 11, 2020. The CHPAC advises the Environmental Protection Agency (EPA) on science, regulations and other issues relating to children's environmental health.

DATES: December 9, 2020 from 1 p.m. to 6 p.m. and December 11, 2020 from 1 p.m. to 6 p.m.

ADDRESSES: The meeting will take place virtually. If you want to listen to the meeting or provide comments, please email louie.nica@epa.gov for further details.

FOR FURTHER INFORMATION CONTACT: Nica Louie, Office of Children's Health Protection, U.S. EPA, MC 1107T, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 564–7633 or louie.nica@epa.gov.

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. An agenda will be posted to <https://www.epa.gov/childrens-childrens-health-protection-advisory-committee-chpac>.

Access and Accommodations: For information on access or services for individuals with disabilities, please contact Nica Louie at 202–564–7633 or louie.nica@epa.gov.

Dated: November 11, 2020.

Nica Mostaghim,

Environmental Health Scientist.

[FR Doc. 2020–25641 Filed 11–19–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9053–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa>.

Weekly receipt of Environmental Impact Statements (EIS)

Filed November 9, 2020 10 a.m. EST

Through November 16, 2020 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters

on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

EIS No. 20200225, Final, USFWS, REG, The Management of Conflicts Associated with Double-crested Cormorants, Review Period Ends: 12/21/2020, Contact: Lesley Kordella 703-358-1963.

EIS No. 20200227, Draft Supplement, BOP, KS, Proposed Federal Correctional Institution and Federal Prison Camp Leavenworth, Kansas, Comment Period Ends: 01/04/2021, Contact: Kimberly Hudson 202-616-2574.

EIS No. 20200228, Draft, BR, WA, Leavenworth National Fish Hatchery Surface Water Intake Fish Screens and Fish Passage Project, Comment Period Ends: 01/04/2021, Contact: Jason Sutter 208-378-5390.

EIS No. 20200229, Final Supplement, BLM, CO, Northwest Colorado Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Leah Waldner 970-244-3045.

EIS No. 20200230, Final Supplement, BLM, ID, Idaho Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Pam Murdock 208-373-4050.

EIS No. 20200231, Final Supplement, BLM, BLM, NV, Nevada and Northeastern California Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Colleen Dulin 775-861-6708.

EIS No. 20200232, Final Supplement, BLM, OR, Oregon Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Jim Regan-Vienop 503-808-6062.

EIS No. 20200233, Final Supplement, BLM, UT, Utah Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Christine Fletcher 435-865-3035.

EIS No. 20200234, Final Supplement, BLM, WY, Wyoming Final Supplemental EIS, Greater Sage-Grouse 2020, Review Period Ends: 12/21/2020, Contact: Jennifer Marzluf 307-775-6090.

EIS No. 20200235, Final Supplement, BR, CA, Shasta Lake Water Resources Investigation, Review Period Ends: 12/21/2020, Contact: David Brick 916-202-7158.

EIS No. 20200236, Final Supplement, USACE, AL, Allatoona Lake Water Supply Storage Reallocation Study and Updates to Weiss and Logan

Martin Reservoirs Project Water Control Manuals, Alabama and Georgia (or Allatoona-Coosa Reallocation Study), Review Period Ends: 12/21/2020, Contact: Mr. Mike Malsom 251-690-2023.

EIS No. 20200237, Draft Supplement, FHWA, OR, Hood River—White Salmon Interstate Bridge Replacement Project, Comment Period Ends: 01/04/2021, Contact: Emily Cline 503-316-2547.

Amended Notice

EIS No. 20200226, Final, USFS, CO, Pike & San Isabel National Forests Motorized Travel Management (MVUM) Analysis, Review Period Ends: 12/21/2020, Contact: John Dow 719-250-5311.

Revision to FR Notice Published 11/6/2020; Correction to CEQ Number from 20200217 to 20200226.

Dated: November 17, 2020.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2020-25652 Filed 11-19-20; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2013-0244; FRL-10015-48]

Pesticide Registration Review; Draft Human Health and/or Ecological Risk Assessments for Ethylene Oxide; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and/or ecological risk assessments for the registration review of ethylene oxide.

DATES: Comments must be received on or before January 19, 2021.

ADDRESSES: Submit your comments, to the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Due to the public health concerns related to COVID-19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to

provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general questions on the registration review program, contact: Richard Fehir, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (703) 347-8101; email address: fehir.richard@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](https://www.epa.gov/regulations) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

NEWS BRIEFS

Survey projects drop in holiday retail sales

Rural parts of 10 Plains and Western states are expected to see a not-as-jolly holiday retail season this year, according to a new monthly survey of bankers in the region.

More than half of bankers surveyed this month for the Rural Mainstreet Survey projected 2020 holiday retail sales to be down from 2019 as the coronavirus pandemic worsens across the country. The survey suggests those sales to be down 3.1% from last year.

The survey's overall index fell to 46.8 in November from October's 53.2 – the first time since April that the index has fallen. It still remains well ahead of the 35.5 reading in March, when the index bottomed out as the outbreak began.

Any score below 50 suggests a shrinking economy, while a score above 50 suggests a growing economy.

Creighton University economist Ernie Goss, who oversees the survey, said recent improvements in agriculture commodity prices, as well as federal farm support and the Federal Reserve's record low interest, have underpinned the region's economy.

"Still, only 6.5% of bankers reported economic improvements from October, while 12.9% detailed economic pullbacks for the month," Goss said.

Jobless claims rise to 742,000

The number of Americans seeking unemployment aid rose last week to 742,000, the first increase in five weeks and a sign that the resurgent viral outbreak is likely slowing the economy and forcing more companies to cut jobs.

The worsening pandemic and the arrival of cold weather could accelerate layoffs in the weeks ahead. Of the roughly 20 million Americans now receiving some form of unemployment benefits, about half will lose those benefits when two federal programs expire at the end of the year.

"The risk of further job and income loss is high now from business operations being curtailed," said Rubeela Farooqi, chief U.S. economist at High Frequency Economics, a forecasting firm. "Also, expiration of federal benefits later this year will put renewed strain on household incomes. Overall, the labor market remains under stress."

Applications for jobless aid rose from 711,000 in the previous week.

– Wire reports

Dale 'Dutch' Kreutzer

Dale "Dutch" Kreutzer, 91, Leavenworth, passed away Wednesday, Nov. 4, 2020.

Visitation will be held Saturday, Nov. 21, 2020, at 9 a.m. at Davis Funeral Chapel followed by a funeral Mass at 10:30 a.m. at St. Joseph Church in Leavenworth, Kansas. A private burial

OBITUARIES

service will follow at Mount Calvary Cemetery. Arrangements are entrusted to Davis Funeral Chapel. Condolences may be left on Dale's online guestbook at www.davisfuneralchapelinc.com

James Edward Spencer

James Edward Spencer, 82, Leavenworth, passed away

Thursday, Nov. 12, 2020.

Visitation will be 11 a.m. Wednesday, Nov. 25, 2020, at Davis Funeral Chapel with a funeral service at 11:30 a.m. Burial will follow at Leavenworth National Cemetery.

Arrangements are entrusted to Davis Funeral Chapel. Condolences may be left on James' online guestbook at www.davisfuneralchapelinc.com

Local agencies participate in Safe Arrival campaign

Starting today, local law enforcement officers are participating in a traffic enforcement campaign that is targeting impaired drivers.

The Leavenworth County Sheriff's Office, Leavenworth Police Department and Basehor Police Department are among the law enforcement agencies across the state participating in the Kansas Thanksgiving Safe Arrival campaign.

The campaign will continue through

Nov. 29.

A grant from the Kansas Department of Transportation will support overtime for officers for enforcement efforts, according to a news release from Leavenworth County Undersheriff Jim Sherley.

According to KDOT, the day before Thanksgiving sees more impairment-related crashes than any other day of the year.

– Staff report

Tyson suspends Iowa managers amid betting claim

IOWA CITY, Iowa (AP) – Tyson Foods suspended top officials at its largest pork plant on Thursday and launched an investigation into allegations that they bet on how many workers would get infected during a widespread coronavirus outbreak.

The company's president and CEO, Dean Banks, said he was "extremely upset" about the allegations against managers at its plant in Waterloo, Iowa, saying they do not represent the company's values. He said Tyson has retained the law firm Covington & Burling LLP to conduct an investigation, which will be led by former U.S. Attorney Gen-

eral Eric Holder. "If these claims are confirmed, we'll take all measures necessary to root out and remove this disturbing behavior from our company," Banks said in a statement.

Banks said the accused managers have been suspended without pay. He traveled to Waterloo on Thursday to explain the company's response to workers, who were dismissed early from the first shift, Tyson spokesman Gary Mickelson said.

Mickelson said the Arkansas-based company would not release the names of those suspended during the investigation by Holder, who

served as attorney general for six years under President Barack Obama.

Tyson has faced a backlash over recently amended wrongful death lawsuits in which plaintiffs' lawyers allege that Waterloo plant manager Tom Hart "organized a cash buy-in, winner-take-all betting pool for supervisors and managers to wager on how many employees would test positive for COVID-19."

Hart allegedly organized the pool last spring as the virus spread through the Waterloo plant, ultimately infecting more than 1,000 of its 2,800 workers, killing at least six.

COUNTY

Continued from A1

County commissioners have the option of opting out of the new order as well.

Commissioners will meet the morning of Nov. 25 for their regular weekly meeting.

Commissioner Mike Stieben said he talked with the county administrator about taking up the governor's new mandate during next week's meeting.

"That's going to be on the agenda," Stieben said.

Stieben said he anticipates commissioners will probably continue to recommend people wear masks but not make it mandatory.

"I don't expect the status quo will change at all," he said.

When commissioners met earlier this week, Commissioner Vicky Kaaz made a motion to rescind the resolution that exempted the county from the governor's

earlier mask order.

The motion failed because no other commissioner provided a second.

On Thursday, Leavenworth city commissioners approved a mask order for the city. This order will not impact the rest of the county.

The city's order will remain in effect in the city of Leavenworth even if the county is exempted from the governor's new order.

Twitter: @LVT-NewsJohnR

SCHOOLS

Continued from A1

ning Nov. 30.

The decision to make the change comes after Leavenworth County has seen a significant spike in coronavirus cases.

The Lansing school board previously adopted what are referred to as gating criteria, which established thresholds to serve as a guide for changing the mode of education being used by the district. The gating criteria utilizes county COVID-19 data for a two-week average positivity rate, a two-week incidence rate and the number of new cases per 100,000 people during a two-week period.

All three of the criteria are in the "red," according to the thresholds approved by the school board.

This led Lansing Superintendent Dan Wessel to recommend the change to remote instruction.

The resumption of in-person classes will depend on conditions related to COVID-19 in Leavenworth County. But the earliest that in-person classes can resume is Jan. 5, according to the motion approved by board members.

Lansing board members also took unanimous action Wednesday regarding extra-curricular activities. Practices for winter sports can take place, but no competitions will take place until after the first of the year, according to Wessel.

Leavenworth school board members also had a special meeting Wednesday.

Leavenworth Superintendent Mike Roth made a recommendation for switching from in-person to remote instruction.

But board members voted down a motion to transition to remote instruction. The motion failed 2-5. Board President Doug Darling and board Vice President Dannielle Wells voted for the motion.

When making his recommendation, Roth expressed concern about staffing shortages in the district.

Board members voted unanimously to give Roth the authority to temporarily close a school or schools when staffing levels are insufficient. Board members referred to such closures as COVID-19 days.

That motion passed unanimously.

Easton Superintendent Tim Beying said his district's school board

also met Wednesday and decided to continue in-person classes at this time. He said the board gave him the authority to transition to remote instruction or what is known as a hybrid model if he feels a change is needed.

If the superintendent enacts such a change, the school board will later meet to approve the action.

Keith Mispagel, Fort Leavenworth superintendent, announced Wednesday that the schools in his district will switch to remote instruction Nov. 30.

Twitter: @LVT-NewsJohnR

LETTERS TO THE EDITOR

Keep schools open

Rep.elect Pat Proctor Leavenworth

To the editor:

I commend the Leavenworth Board of Education on its decision Wednesday to continue in-person learning. With emotions high on both sides of the argument, I know it was a difficult decision. But our board members remained cool-headed in this crisis and made the right decision.

People are scared. And when people are scared, there is a great temptation for leaders to take actions that give the appearance of doing something without actually doing anything to mitigate the danger. I salute our Board of Education for resisting this temptation.

The science is clear on this. As of Wednesday, not a single person in the state of Kansas under 17 years old – not one – had died of COVID-19. And there is mounting scientific evidence that schools, safely opened and practicing common sense measures, are not a vector for community spread of the coronavirus.

On the other hand, the evidence is equally clear that taking our kids out of school can have serious, long-term negative effects. The fact is kids do not learn as well remotely. This is especially true in our families with only one working parent unable to be home to supervise their children's learning.

Closing schools disproportionately disadvantages our most vulnerable kids. And communities that have

closed their schools are seeing huge spikes in childhood depression, anxiety and even suicide across the economic spectrum.

Keeping our schools open doesn't mean we don't still face challenges. COVID-19 concerns and quarantines are creating troubling personnel shortages in our schools that we need to come together as a community to address. If you have at least 60 hours of college and any of your weekdays free, I encourage you to go to the Kansas Department of Education website and apply for an emergency substitute license. I did it tonight. It takes five minutes. Once your license arrives, step up, add your name to our school district's substitute list and help our teachers keep our schools open.

Angry and frustrated

Louise Bannister Lansing

To the editor:

I am angry and frustrated. So the issue from people around the president is, we should humor him. Why should we humor him? Isn't he an adult?

They also say they need to give him space. Apparently he is using this "space" to lob lawsuits all over the country.

I'll finish with the words of Anthony Scaramucci, Trump's short-lived communications director and someone who knows him well.

"The guy's basically a sore loser and a big-time baby."

Woman charged with trying to smuggle cell phones into prison

A Missouri woman has been indicted after she allegedly tried to have cell phones smuggled into a federal prison in Kansas.

Karilyn Primeau, 47, of Smithville, Missouri, has been charged with one count of conspiracy to bribe a public official, U.S. Attorney Stephen McAllister announced Thursday.

Primeau is married to an inmate at the U.S. Army Disciplinary Barracks in Leavenworth. The indictment alleges she paid a guard to smuggle cell phones into the prison for inmates to use.

– Wire report

Letters to the editor policy

■ Letters to the editor should be 400 words or less.

■ Preference is given to typed, concise, local and timely letters.

■ Letters to the editor must be the original work of the author and must be exclusive to the Leavenworth Times.

■ All letters are subject to editing for length and clarity.

■ Letters must include the writer's name, address and a phone number for confirmation purposes.

■ All letters will be verified by the news staff by a phone call prior to publication.

■ Letters to the editor submitted to the Times may be published in print, electronic or other forms.

■ The opinions expressed in letters to the editor are those of the authors and do not necessarily reflect the opinion of the Leavenworth Times.

To submit a letter to the editor:

Email: news@leavenworthtimes.com

Mail: 422 Seneca St., Leavenworth, KS, 66048

Editor's note: Oct. 31 was the last day letters to the editor were published concerning the Nov. 3 general election.

NOTICE OF AVAILABILITY OF DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT U.S. DEPARTMENT OF JUSTICE - FEDERAL BUREAU OF PRISONS

The Federal Bureau of Prisons (BOP) has made available a Draft Supplemental Environmental Impact Statement (DSEIS) concerning a proposal to develop a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) within property comprising the U.S. Penitentiary (USP) in Leavenworth, KS. The FCI would be designed to house approximately 1,152 medium-security male inmates and the FPC would be designed to house approximately 256 minimum-security male inmates (total: 1,408 inmates). The DSEIS, provided to fulfill the requirements of the National Environmental Policy Act of 1969, as amended, studies potential environmental impacts associated the proposed action in Leavenworth. The DSEIS can be accessed via the project website: <https://www.proposed-fci-fpc-leavenworth.com/> and will be the subject of a 45-day review period beginning November 20, 2020 and ending January 4, 2021. The BOP will also conduct a Public Hearing to provide an opportunity to voice interests and concerns regarding the proposed FCI/FPC and the DSEIS. Due to the COVID-19 pandemic, the Public Hearing will be held using a virtual meeting service that allows citizens to participate safely. Use a computer, tablet or smartphone to participate during the Public Hearing which will begin at 6:00 PM (CST), December 3, 2020. Zoom Meeting ID: 874 1549 6088 and Passcode 889062 <https://wspusa.zoom.us/j/87415496088?pwd=YTRRrV0E0Z2lsamFoRElxbTFkX00QQT09> Or by telephone: 877-829-8910 (toll free), Conference Code: 857288 Written statements and comments concerning the DSEIS and the proposed action will be accepted via U.S. mail or email through January 4, 2021. Submit comments to: Kimberly S. Hudson, Site Selection Specialist, Construction & Environmental Review Branch, Federal Bureau of Prisons, 320 First St., NW, Room 901-5, Washington, DC 20534 Tel: 202-616-2574/Fax: 202-260-0702/Email: kshudson@bop.gov. Comments can also be submitted via the project website: <https://www.proposed-fci-fpc-leavenworth.com/>. Printed copies of the DSEIS are available for viewing at Leavenworth Public Library, 417 Spruce St., Leavenworth, KS and Lansing Community Library, 730 1st Terrace, Suite 1, Lansing, KS. Thank you for your interest.

ATTACHMENT 15
DRAFT SUPPLEMENTAL EIS PUBLIC HEARING TRANSCRIPT
DECEMBER 3, 2020



**PUBLIC HEARING REMARKS CONCERNING THE DRAFT SUPPLEMENTAL EIS
Proposal to Develop a new Federal Correctional Institution and
Federal Prison Camp at U.S. Penitentiary, Leavenworth, Kansas**

**Kimberly S. Hudson, Site Selection Specialist
Construction and Environmental Review Branch
Federal Bureau of Prisons
6:00 PM (CST), 7:00 PM (EST), Thursday, December 3, 2020**

Good evening and welcome to tonight's Public Hearing; we will give others an opportunity to sign in and will begin in a couple of minutes. Good evening and welcome to tonight's Public Hearing concerning a proposal to develop a new Federal Correctional Institution and Federal Prison Camp at the United States Penitentiary in Leavenworth, Kansas.

My name is Kimberly Hudson and I am a Site Selection Specialist in the Construction and Environmental Review Branch of the Federal Bureau of Prisons. I am here this evening to conduct a Public Hearing, the intent of which is to receive comments concerning the proposed development of a new Federal Correctional Institution and Federal Prison Camp action and the Draft Supplemental Environmental Impact Statement prepared in support of the proposal.

Normally, this public hearing would be held in person in a meeting room in Leavenworth but due to the COVID-19 pandemic we are instead conducting the hearing using a virtual meeting service. For those who are new to virtual meetings please note the following:

- I have muted everyone's microphone to eliminate any background sounds that could interfere with the hearing.
- You have the option of joining the hearing with your video that allows us to see each other.
- To document the hearing, it is being recorded. This will allow us to post the recording to the project website so those unable to attend tonight can view the recording at a later date. In addition, recording the hearing allows us to review and respond to questions and comments expressed tonight for inclusion within the Final Supplemental EIS.

And last,

- If you have a question or comment during the presentation, or during the public portion of the hearing, use the "CHAT" icon on the bottom of your screen to alert the host that you wish to be called up with comments during the public comment portion of the hearing. Chats can only be viewed by the Host.

Before we begin, I would like to introduce several people joining us this evening. Also representing the Federal Bureau of Prisons are:

- Hugh Hurwitz, Assistant Director for the Administration Division,
- Loneryl Burns, Senior Deputy Assistant Director for the Administration Division,
- Donald Hudson, Warden, U.S. Penitentiary - Leavenworth
- Jennifer Edens, Chief, Office of Legislative Affairs,

- Cheryl Ciccone, Acting Chief of the Construction and Environmental Review Branch, and
- Judah Organic, Projects Administrator, also with the Construction and Environmental Review Branch.

Also with us are Bob Nardi, Vice President and Sarah Hoffman, Senior Environmental Planner, with WSP, the consulting firm that assisted the Bureau of Prisons in preparing the Draft Supplemental EIS.

I would like to express our appreciation to all who are attending tonight's virtual public hearing. As I mentioned, the purpose of tonight's hearing is to receive comments concerning the proposed action and the Draft Supplemental Environmental Impact Statement prepared in support of the proposal.

We are interested in your opinions about the proposal and your comments concerning the Draft Supplemental EIS. Any of the topics addressed in the Draft Supplemental EIS that are of concern to you are also of concern to us. Sharing your comments tonight will allow those concerns to be recognized and addressed as we continue the environmental impact study process. Now for some background.

The Federal Bureau of Prisons is proposing to develop a new Federal Correctional Institution that would be designed to house approximately 1,152 medium-security male inmates and an adjoining prison camp that would be designed to house approximately 256 minimum-security male inmates for a total population of approximately 1,408 inmates. Images of a typical Federal Correctional Institution and Federal Prison Camp are shown on slides before you.

In accordance with the National Environmental Policy Act of 1969, a Notice of Intent to Prepare a Draft Environmental Impact Statement for development of a new Federal Correctional Institution and Federal Prison Camp in Leavenworth was first published in the Federal Register on December 29, 2010.

Publication of the Draft EIS occurred on November 18, 2011, a public hearing was held in Leavenworth on December 11, 2011, and the Draft EIS public comment period concluded on January 2, 2012. During that time, Federal, state, regional, and local officials, agencies, organizations and the public were invited to provide comments on the Draft EIS and the proposed project.

After reviewing and responding to all public comments it received, the Bureau published a Final EIS on April 10, 2015, followed by another public comment period lasting until May 15, 2015. However, a decision whether or not to proceed was delayed and in the absence of appropriated funds, a Record of Decision, to be issued by the Director of the Bureau of Prisons was never adopted.

After receiving full project funding, the Bureau of Prisons resumed the environmental impact study process in June 2020 and has prepared a Draft Supplemental EIS to provide updated information about the proposed project and the purpose and need for proceeding with developing a new Federal Correctional Institution and prison camp in Leavenworth. The process also provides the public, elected and appointed officials, regulatory agencies, and others another opportunity to voice their interests and provide comments concerning the proposed action.

An electronic copy of the Draft Supplemental EIS and appendices are available on the project website at: <https://www.proposed-fci-fpc-leavenworth.com/>. Electronic copies of the Draft EIS from 2011 and the Final EIS from 2015 are also available on the project website.



If you have examined the Draft Supplemental EIS, you know that it considers potential project-related impacts to the natural and manmade environments. This includes such topics as land use, socioeconomics, air quality, noise, transportation, utility services, cultural resources, aesthetic and visual resources, hydrological and biological resources, among others in accordance with the requirements of the National Environmental Policy Act of 1969.

A growing challenge to the Bureau's mission is that an increasing number of federal correctional facilities and supporting infrastructure are aging. Among the oldest is the United States Penitentiary in Leavenworth which opened in 1906 and has been housing inmates for over 100 years.

The Bureau of Prisons is proposing to construct a new Federal Correctional Institution and a Federal Prison Camp to meet the overall need for modern correctional facilities and infrastructure and to address the specific need for new medium-security and minimum-security correctional facilities in Leavenworth to replace the existing, aged correctional facilities.

Once construction is completed and the new facilities are activated, inmates housed at the existing United States Penitentiary and prison camp will be transferred to the new facilities along with the complement of correctional officers and other staff. At that time the Penitentiary and prison camp will cease housing inmates.

Development of the proposed correctional facilities in Leavenworth will help ensure that the federal criminal justice system in general, and the Bureau of Prisons in particular, continues to function in a quality manner while addressing the need for modern, secure, efficient and cost-effective institutions.

Development of the new correctional facilities will also allow the Bureau of Prisons to continue its mission of upholding justice and public safety, meeting the needs of the current and future federal inmate populations, and providing for the continued safety and security of inmates, staff, and the public.

Once operational, the new FCI/FPC would improve living and working conditions which has been shown to have an overall positive effect on institution operation, safety and security.

While we have not identified a future use for the United States Penitentiary, the Bureau of Prisons intends to conduct a transition study that will focus on what needs to be done to avoid deterioration of the structures and infrastructure comprising the United States Penitentiary and to identify options for a new mission for the facility.

We are governed this evening by the National Environmental Policy Act also known as NEPA. One important aspect of NEPA is to ensure that before a federal agency, such as the Bureau of Prisons, reaches a decision regarding a significant action, it prepares Draft and Final Environmental Impact Statements and offers the public an opportunity to review and comment on those documents. Construction and operation of a new Federal Correctional Institution and prison camp in Leavenworth is an example of a significant action and therefore required preparation of an Environmental Impact Statement.

NEPA regulations also require that the public be provided with an opportunity to review and comment on the proposed action and it's one reason that we are holding this public hearing. The Bureau of Prisons views the NEPA process as an important opportunity to learn about the public's interests and concerns so that we can address such concerns properly. So you're encouraged to

make your interests and concerns about the proposed Federal Correctional Institution and prison camp known to us. There is no issue too small or inconsequential for us to consider.

Tonight's hearing is not a question and answer session. Instead, you will be making comments on the record about the proposal and the contents of the Draft Supplemental EIS. And while there's no limit to what you can say, we do ask that you keep your remarks focused on the proposed action and the Draft Supplemental EIS. All remarks this evening will be made part of the project record and as I mentioned a recording will be posted to the project website.

I ask that you keep your remarks to no more than three to four minutes. If you have more to say than the time will allow, please consider using the Public Comment Form available on the project website which can be completed and returned to us on or before the January 4, 2021 deadline.

Simply write your comments and send them to us at the email address shown on the form and we'll consider it as we would your verbal comments this evening. If you have already prepared a written statement, please email it to me and we will also enter it into the record.

If you're interested in being added to the mailing list to receive information concerning the Final Supplemental EIS, please send me an email with your name, title and affiliation if any, mailing address, and email address and we'll add you to the list. Before we conclude tonight, I will provide my contact information for those who wish to reach me.

Following the end of the 45-day public review period, the Bureau will review all written and verbal comments received and prepare written responses that will be incorporated within a Final Supplemental EIS.

Publication of the Final Supplemental EIS will initiate another comment period lasting no less than 30 days. A decision whether to proceed with the proposed action will then be made by the Director of the Federal Bureau of Prisons after taking into account the environmental analyses and public comments and will be documented by a Record of Decision as stipulated by NEPA regulations.

The rest of tonight's meeting will be devoted to hearing from the audience in attendance.

Following my remarks, those who wish to offer verbal comments can use the chat icon to identify yourself and be called upon in the order you are identified. When you are called upon to speak, please clearly state and spell your name so that it can be entered correctly into the record. For those who are unsure at this time whether they wish to speak, before I conclude the hearing, I will ask if anyone else would like to offer a comment. For those who have already submitted comments or questions using the Chat icon, I will read each into the record. Again, we will not be providing responses or answering questions this evening.

Now for the public portion of the hearing. For the first speaker, please state and spell your name and then share your comment.

A_r_i A_l_t_m_a_n. My question is, if the Bureau of Prisons uses a Design/Build approach, how will we be assured that the Environmental Impact Statement won't change?

That was the last speaker.

We will provide a couple more minutes for anyone else wishing to address the Bureau of Prisons or to make verbal comments. There are no more comments. The Public Comment Form is on the project website if you would like to comment at a later time during the public review period through January 4, 2021.



With that we are concluding tonight's public hearing. As a reminder, the Draft Supplemental EIS is available for public review with written comments accepted by the Bureau until January 4, 2021. Once the comment period ends, all written and verbal comments will be reviewed by Bureau of Prisons staff and a response to each comment will be incorporated within the Final Supplemental EIS.

Let the record show that 39 persons attended tonight's public hearing which ended at 6:21 PM (CST) / 7:21 PM (EST). Thank you for attending.

E N D

PUBLIC HEARING ATTENDEES

PROJECT TEAM

Kimberly Hudson, Federal Bureau of Prisons
Cheryl Ciccone, Federal Bureau of Prisons
Judah Organic, Federal Bureau of Prisons
Hugh Hurwitz, Federal Bureau of Prisons
Jeff Limjoco, Federal Bureau of Prisons
Donald Hudson, Federal Bureau of Prisons
Alexander Rivas, Federal Bureau of Prisons

Loneryl Burns, Federal Bureau of Prisons
Tim Sheldrake, Federal Bureau of Prisons
Michelle Morgan, Federal Bureau of Prisons
Tom Brantley, Federal Bureau of Prisons
Bob Nardi, WSP (formerly Louis Berger)
Sarah Hoffman, WSP (formerly Louis Berger)
Thomas Payne, WSP (formerly Louis Berger)

PUBLIC

Ari Altman
Bill Porter
Brad Kiehl
Christina
Dan Brown (Walter P Moore)
Dan Sandall (DLR Group)
Derek Hoffine
Elizabeth Johnson (HTK Architects)
James Kelly - Senator Moran
Jason Van Nice
Joe Dom, KDHE
785-554-7719
913-651-9324

John Richmeier
Kurt Seeman (Hansel Phelps)
Marie Burt
Matt Gorman
Mike Comer
Mike McDonald
Pat Proctor
Sam Boaz, KDHE
Sarah Hill
Tom Brantley
Tony Bell
913-375-5642

PUBLIC HEARING
Proposed Federal Correctional
Institution and Federal Prison Camp
Leavenworth, Kansas



Federal Bureau of Prisons
December 3, 2020

PUBLIC HEARING – PROPOSED FCI AND FPC

WELCOME

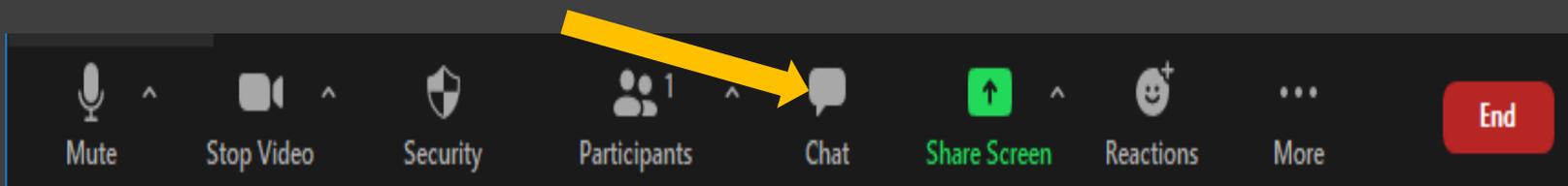
Kimberly S. Hudson, Site Selection Specialist
Federal Bureau of Prisons

Hearing Purpose: Receive comments concerning proposed
FCI and FPC and Draft Supplemental Environmental Impact
Statement



PUBLIC HEARING – PROPOSED FCI AND FPC

- Due to COVID-19, “virtual” Public Hearing being held
- For those unfamiliar with virtual meetings:
 - Host has automatically muted everyone’s microphones
 - Participate with or without using your video
 - Public Hearing is being recorded for posting on project website
 - Use the “chat” icon at bottom of screen to alert the host that you wish to be called up with comments during the public comment portion of hearing



- “Chats” can only be viewed by Host



PUBLIC HEARING – PROPOSED FCI AND FPC

- Representing Federal Bureau of Prisons
 - Hugh Hurwitz, Assistant Director, Administration Division
 - Loneryl Burns, Senior Deputy Assistant Director
 - Donald Hudson, Warden, U.S. Penitentiary - Leavenworth
 - Jennifer Edens, Chief, Office of Legislative Affairs
 - Cheryl Ciccone, Acting Chief, Construction & Environmental Review Branch
 - Judah Organic, Projects Administrator, Construction & Environmental Review Branch



PUBLIC HEARING – PROPOSED FCI AND FPC

- Additional Attendees
 - Bob Nardi, Vice President, WSP USA, Inc.
 - Sarah Hoffman, Senior Environmental Planner, WSP USA, Inc.
- Hearing Purpose: Receive comments concerning proposed FCI and FPC and Draft Supplemental Environmental Impact Statement (EIS)



PUBLIC HEARING – PROPOSED FCI AND FPC

New medium-security FCI and minimum-security FPC proposed for development at U.S. Penitentiary in Leavenworth, Kansas



Federal Correctional Institution (typical)



PUBLIC HEARING – PROPOSED FCI AND FPC



Federal Correctional Institution (typical)



PUBLIC HEARING – PROPOSED FCI AND FPC



Federal Prison Camp (typical)



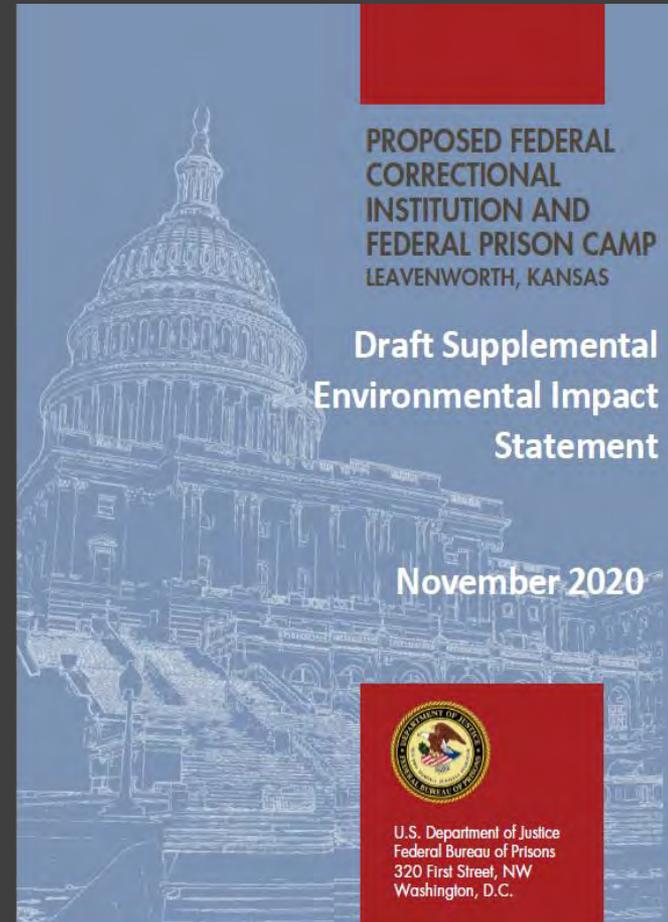
PUBLIC HEARING – PROPOSED FCI AND FPC

- National Environmental Policy Act of 1969 (NEPA) activities:
 - Notice of Intent to Prepare Draft EIS (December 29, 2010)
 - Draft EIS published (November 18, 2011)
 - Public Hearing held in Leavenworth (December 11, 2011)
 - Final EIS published (April 10, 2015)
 - No Record of Decision adopted due to the absence of appropriated funds for the project



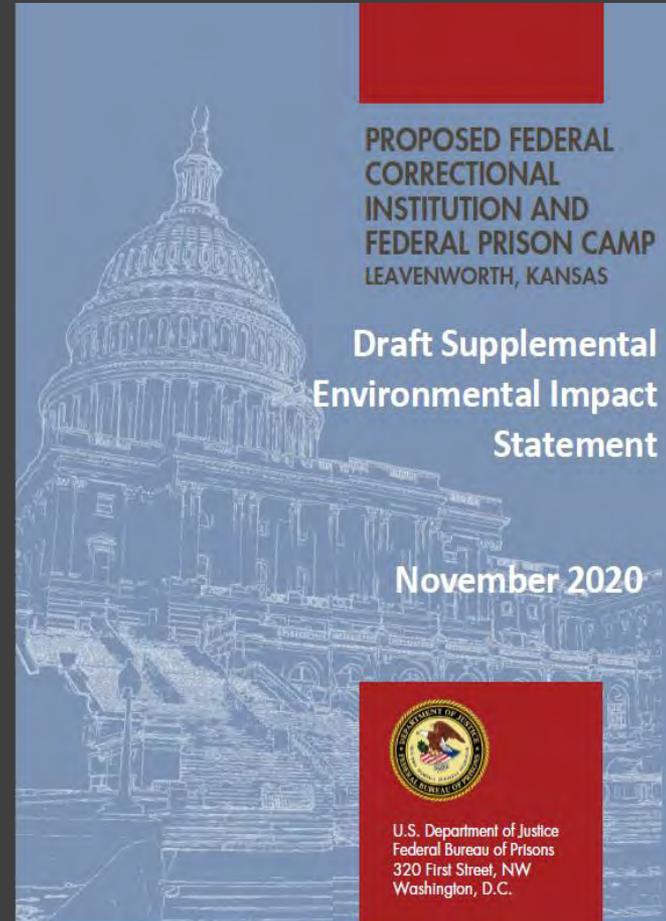
PUBLIC HEARING – PROPOSED FCI AND FPC

- Bureau of Prisons resumed NEPA process (June 2020)
- Draft Supplemental EIS published
 - Updates information in earlier EISs
 - Updates purpose for developing new FCI and FPC in Leavenworth
 - Another opportunity to voice interests and provide comments



PUBLIC HEARING – PROPOSED FCI AND FPC

- Project website established:
<https://www.proposed-fci-fpc-leavenworth.com/>
- Draft Supplemental EIS available for review
- Provides means to offer comments and questions regarding proposed FCI and FPC and Draft Supplemental EIS
- Hosts Draft EIS (2011) and Final EIS (2015)



PUBLIC HEARING – PROPOSED FCI AND FPC

Aging Federal correctional facilities and infrastructure need to be replaced



U.S. Penitentiary, Leavenworth, Kansas opened in 1906



PUBLIC HEARING – PROPOSED FCI AND FPC

- Once new FCI and FPC are activated:
 - U.S. Penitentiary and camp inmates transferred to new facilities
 - Correctional officers and other staff also transferred to new facilities
 - Existing facilities cease housing inmates
- Bureau of Prisons to undertake Transition Study:
 - Determine best means to maintain services to U.S. Penitentiary to avoid deterioration of structures and infrastructure
 - Identify options for new mission or reuse of existing facilities



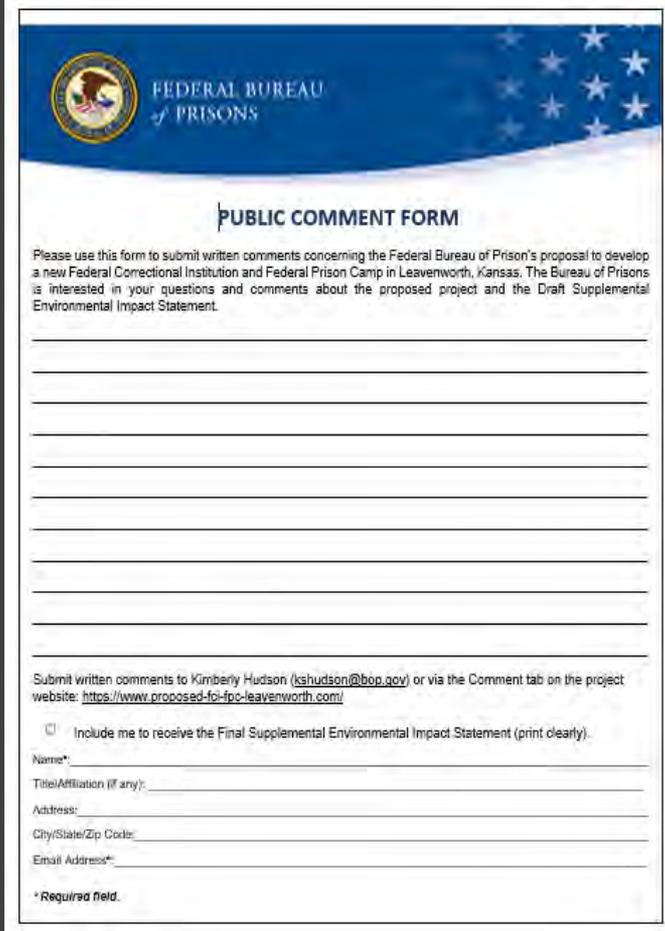
PUBLIC HEARING – PROPOSED FCI AND FPC

- Public review and comment process:
 - Opportunity to speak tonight about proposed FCI and FPC
 - Not a question and answer session
 - Focus remarks on proposed FCI and FPC and Draft Supplemental EIS
 - Public comment period through January 4, 2021
 - Submit written comments to Kimberly Hudson (kshudson@bop.gov) or via **COMMENT** folder on website <https://www.proposed-fci-fpc-leavenworth.com/>



PUBLIC HEARING – PROPOSED FCI AND FPC

- To make it easier to offer written comments, use Public Comment Form located on project website
- Send to Kimberly Hudson or upload to **COMMENT** folder on website
- To be added to mailing list, use Public Comment Form to provide contact information and send to Kimberly Hudson



The image shows a public comment form from the Federal Bureau of Prisons. The header features the BOP logo and the text "FEDERAL BUREAU OF PRISONS" on a blue background with white stars. Below the header, the title "PUBLIC COMMENT FORM" is centered. A paragraph of text explains the purpose of the form: "Please use this form to submit written comments concerning the Federal Bureau of Prisons' proposal to develop a new Federal Correctional Institution and Federal Prison Camp in Leavenworth, Kansas. The Bureau of Prisons is interested in your questions and comments about the proposed project and the Draft Supplemental Environmental Impact Statement." This is followed by several horizontal lines for writing. At the bottom, there is a checkbox labeled "Include me to receive the Final Supplemental Environmental Impact Statement (print clearly)." and a list of required fields: "Name*", "Title/Affiliation (if any):", "Address:", "City/State/Zip Code:", and "Email Address:". A footnote at the bottom left states "* Required field."



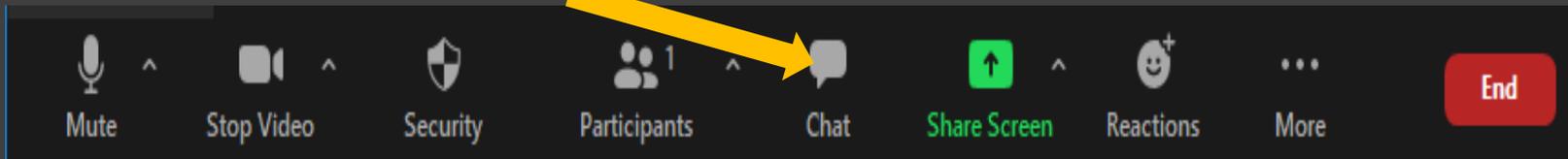
PUBLIC HEARING – PROPOSED FCI AND FPC

- Public review and comment process (continued):
 - Bureau of Prisons reviews and responds to all comments in Final Supplemental EIS
 - Bureau of Prisons publishes Final Supplemental EIS
 - 30-day public comment period on Final Supplemental EIS
 - Director of Bureau of Prisons reviews public record and decides whether or not to proceed with FCI and FPC development
 - Memorializes decision in Record of Decision



PUBLIC HEARING – PROPOSED FCI AND FPC

- Public Portion of Hearing
- Those wishing to offer verbal comments:
 - Use “chat” icon to identify yourself and wait to be called upon



- When called upon, state and spell your name for the record
- Focus remarks on proposed FCI and FPC and Draft Supplemental EIS



PUBLIC HEARING – PROPOSED FCI AND FPC

To submit written comments:

- Kimberly S. Hudson, Site Selection Specialist
Construction and Environmental Review Branch
Federal Bureau of Prisons
320 First Street, NW, Room 901-5, Washington, DC 20534
Tel: 202-616-2574
Fax: 202-260-0702
Email: kshudson@bop.gov
- Project website: <https://www.proposed-fci-fpc-leavenworth.com/>

THANK YOU



