



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

August 2, 2021

Jennie Chinn, State Historic Preservation Officer
Patrick Zollner, Deputy State Historic Preservation
Officer
Kansas Historical Society
6425 SW 6th Avenue
Topeka, Kansas 66615-1099

**Subject: Plans for Cultural Resource Monitoring - New Federal
Correctional Institution and Federal Prison Camp,
Leavenworth, Kansas
KSR&C No. 20-09-146**

Dear Ms. Chinn and Mr. Zollner:

I am writing today to provide an update on progress in developing a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) on the grounds of the United States Penitentiary (USP) located north of the City of Leavenworth, in Leavenworth County, Kansas. At the request of the Osage Nation, BOP will conduct archaeological monitoring during ground disturbing activities, described below. Monitoring is expected to begin in early August 2021.

Following the BOP's adoption of the Record of Decision on May 10, 2021, all requirements under the National Environmental Policy Act were completed. As part of the study process, archaeological investigations were conducted across the entire development area and while no National Register-eligible archaeological sites were found, there is the potential for impacts to unanticipated resources resulting from development.

Representatives of the Osage Nation have been monitoring plans for the new FCI/FPC and given the number of archaeological sites in the project area, the significance of the area to the Osage Nation, and the possibility of encountering human remains during construction, the Osage Nation requested that cultural resource monitoring be conducted during construction to which the BOP has agreed. To guide that effort, a Monitoring Plan has been prepared describing the procedures, protocols, and responsibilities of archaeological monitors and others involved in FCI/FPC development.

A Secretary of the Interior-qualified Archaeologist/Monitor will be responsible for conducting monitoring consisting of visual observations as ground-disturbing activities are occurring and inspection of collected samples. The Archaeologist/Monitor will follow ground-disturbing activities as closely as conditions allow and require, making all reasonable efforts for safety and non-interference with construction. A training program will also be employed to provide construction workers with an understanding of what to look for and what to do in the event cultural resources are discovered.

If potentially significant cultural materials or remains are found, the Archaeologist/Monitor would be empowered to redirect construction activities until the discovery is evaluated. If archaeological deposits or features are encountered, the procedures identified in the Plan would be implemented.

All archaeological objects will be curated in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Federal Register, Vol. 48, No. 190) and Kansas State Historic Preservation Office (SHPO) guidelines for treatment of archaeological artifacts and features. Collection, processing, and disposition of any recovered artifacts will be addressed on a case-by-case basis among the BOP, Osage Nation, and Kansas SHPO.

Human remains discovered unexpectedly during construction must be treated with the utmost dignity and respect. In the event human remains are uncovered, construction activity in the area of the find will immediately be halted and local law enforcement will be contacted. All human remains will be initially treated as a potential crime scene until a medical examiner or coroner has been contacted. The remains will stay in place so that a determination can be made by the district coroner as to whether or not the remains should be considered part of a modern crime scene pursuant to the Kansas Unmarked Burial Sites Preservation Act (K.S.A 75-2741, et seq. 1989).

The Archaeologist/Monitor shall also inform the appropriate officials representing the BOP, construction contractor, Kansas SHPO, Osage Nation Tribal Historic Preservation Office, and/or others as appropriate. In keeping with National Historic Preservation Act regulations, consultations with all parties who may have an interest in discovered human remains will also be undertaken. If the coroner determines that the remains are not of evidentiary or forensic interest, Kansas SHPO, BOP, and the Osage Nation will consult on treatment and disposition of the remains according to the provisions of the Native American Grave Protection and Repatriation Act (NAGRPA) and its implementing regulations (43 CFR 10).

Monitoring for cultural resources will occur each day that ground-disturbing activities are taking place within the development

zone except in areas that have already been determined to be clear of artifacts. The Archaeologist/Monitor will prepare a daily monitoring report documenting field conditions at the time of monitoring, which construction activities were monitored and their locations, descriptions and provenience of any archaeological discoveries or artifacts collected, recommendations and necessary follow-up, and other pertinent information. Daily monitoring reports will form the basis for weekly summary reports and eventually a final monitoring report.

The BOP appreciates your continued assistance and support as we continue to advance the development process. Please contact me with questions or if we can be of service at Tel: 202-616-2574 or Email:kshudson@bop.gov.

Sincerely,

Kimberly S Hudson

Kimberly S. Hudson, Site Selection Specialist
Construction and Environmental Review Branch

Cc: T. Weston, L. Jones, KHS
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