



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

January 24, 2005

Pamela J. Chandler, Chief  
Site Section & Environmental Review Branch  
Federal Bureau of Prisons  
320 First Street, NW  
Washington, DC 20534

RE: Proposed Federal Correctional Institution, Southern West Virginia, Draft Environmental Impact Statement, December 2003 CEQ#040562

Dear Ms. Chandler:

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), Section 309 of the Clean Air Act and Section 404 of the Clean Water Act, the Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced proposal. Based on our review of the DEIS, EPA has rated the preferred alternative as "EC" (Environmental Concerns) and the adequacy of the impact statement as "2" (Insufficient information). A copy of EPA's ranking system is enclosed for your reference. The basis for these ratings are contained in the remainder of this letter and in the attached detailed comments.

The purpose of this DEIS, as stated in the Introduction, is to provide an analysis of a proposal by the U.S. Department of Justice, Federal Bureau of Prisons (BOP) to develop a new federal correction facility in Southern West Virginia. Due to a significant influx of inmates, BOP has committed resources to identifying, evaluating, and developing sites for new correctional facilities, including construction in KY, VA, NC, and WV. The proposed action under consideration consists of development of a medium-security Federal Correctional Institution (FCI) to house approximately 1,152 adult inmates with a minimum-security satellite prison camp to house approximately 128 adult inmates along with ancillary facilities including administrative structures, a prison industry, a central utility plant, staff training facilities, a firing range, warehouses, a water storage tank, among others. The mission of the proposed facility will be to provide a safe, secure, and humane environment for the care and custody of federal inmates.

The alternatives considered in the DEIS were the no action alternative, alternative locations-Nationwide, alternative locations warranting consideration, and the preferred alternative. BOP determined that the "no action" alternative does not meet the purpose and need for the project. BOP also determined that other projects, Nationwide, are needed in addition to a FCI in southern WV. BOP looked at four counties in southern WV: Boone, Mingo, McDowell, and Nicholas Counties, WV.



The Boone county site comprises approximately 1,000 acres. It exists largely as undeveloped woodlands. Portions exhibit evidence of past mining activities and current extraction of natural gas. There is also a dirt track used to race motorcycles. According to the U.S. Fish and Wildlife's (USFWS), National Wetland Inventory (NWI) maps, the site is likely to contain wetlands

The Mango county site comprises approximately 550 acres of reclaimed surface mine and forest land. Fifty percent of the site is level from past activities and fifty percent is steeply sloping terrain. .

The Nicholas County site consists of approximately 800 acres and is largely wooded. Timber harvesting and agricultural activities have occurred on portions of the site. Wetlands were identified on NWI maps

The three sites above are all in private ownership.

The McDowell county site is located within the planned Indian Ridge Industrial Park. Approximately 400 acres have been offered to BOP for consideration. The proposed site is adjacent to the Coalfields Expressway and near the King Coal Highway. The devolvement of the Indian Ridge Industrial Park caused extensive environmental impact. This location is in public ownership

### General Comments

In general, this DEIS does not provide enough information on any alternative other than the preferred alternative to make an informed decision under NEPA. It doesn't appear that any of the alternatives could be fairly compared to the preferred alternative, and that the preferred alternative is the only viable alternative. BOP could have looked at other disturbed lands in public ownership. In addition, it doesn't appear that the other WV sites were visited to assess the impacts that would be associated with the project. BOP should also clearly explain why an FCI needs to be located in Southern, WV.

Page 3 of the abstract states that implementation of the proposed action at the preferred site should not result in significant adverse impacts as defined by NEPA. It is unclear why an EIS would be conducted if this is the case.

While it appears that the preferred alternative will not have any further adverse environmental impacts, it should be noted that the EPA objected to the impacts associated with the Indian Ridge Industrial Park. Page III-29 of the DEIS states that under a November 2000, U.S. Department of Army Permit, 1.2 miles of headwater streams were filled and under a WV Division of Environmental Protection 401 certification 0.60 acres were filled. BOP should provide documentation to show that the mitigation specified in the 404 permit for the project was completed and should also include monitoring reports.

The secondary and cumulative impacts assessment should look at past, present, and reasonable foreseeable activities and impacts associated with all alternatives. Direct, secondary and cumulative impacts from the prison industry and the central utility plant mentioned on page 1-8 should be discussed and evaluated. The secondary and cumulative impact section should address impacts to environmental resources from any project. This would include habitat, lighting impacts, noise, fragmentation, increased impervious surface, storm water and potential for other services such as hotels for inmates visitors. Even though the exact details aren't known, there is probably a good idea as to what those would entail. More details on mitigation for any impacts should also be provided.

BOP should implement Low Impact Development technologies where feasible, to reduce the impacts associated with the FCI.

Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215) 814-3330.

Sincerely,

/s/

William Arguto,