

Federal Bureau of Prisons Categorical Exclusion Form

Date: July 21, 2009

1. A "Categorical Exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in accordance with 28 C.F. R. Part 61 Appendix A (9) and for which, therefore, neither an environmental assessment nor an environmental impact statement is normally required.

2. Brief Description of the Proposed Project: (1 or 2 sentences, include the title/name of the proposed project, the general activities which will occur, the location of the proposed project, the time frame for doing the proposed project, and other appropriate considerations.) Attach a copy of the environmental checklist.

United States Penitentiary - Martin County, Kentucky (Big Sandy)- Install a stun-lethal fence between the two parallel, chain link and razor wire fences in lieu of 24-hour staffing of perimeter guard towers.

3. Identify the category used to exclude the proposed project from further NEPA analysis:

(a) Increase or decrease in population of a facility, above or below its physical capacity;

(b) Construction projects for existing facilities, including, but not limited to: additions and remodeling; replacement of building systems and components; maintenance and operations, repairs, and general improvements; when such projects do not significantly alter the program of the facility or significantly impact upon the quality of the environment in the community; or

(c) Contracts for halfway houses, community corrections centers, comprehensive sanction centers, community detention centers, or other similar facilities.

4. Describe any public or agency involvement effort conducted for the proposed project:

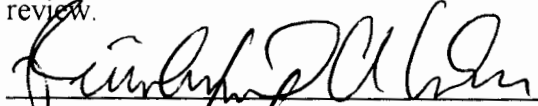
See Attachment: Regulatory Agency Correspondences

5. Determination: This Categorical Exclusion was prepared prior to any final decision or any final contracting action. I acknowledge I had the opportunity to review the attached environmental checklist and discuss these findings with the Site Selection, Office of General Counsel, Facilities, and Safety.

Based upon my review of the information conveyed to me and in my possession (or attached) concerning the proposed action, I have determined that the proposed action fits within the

ENVIRONMENTAL CHECKLIST FOR DETERMINING WHETHER A CATEGORICAL EXCLUSION IS APPROPRIATE


specified class of exempted actions and is hereby categorically excluded from further NEPA review.



Chief, Capacity Planning and Site Selection Branch

7/21/09

Date



Contracting Officer

7/21/09

Date

Activities which are implemented with Federal funds must comply with applicable statutes and regulations established to protect the human and physical environment. Such statutes include, but are not limited to, the National Environmental Policy Act (NEPA), the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, the National Historical Preservation Act, the Archeological Resource Protection Act, the Native American Graves Protection and Repatriation Act, and other applicable environmental and cultural laws, regulations, executive orders and other requirements.

A completed Environmental Checklist must be submitted with all proposed projects. This document will be used to determine whether any additional environmental analysis or additional documentation is necessary in order to comply with NEPA. As an example, an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) may be required if the proposed project involves construction near a National Historic Site, in a flood plain, on or near critical habitat for endangered species, etc.

Part A.

Detailed Description of the Proposed Project: Please describe the existing structure and the nature of any proposed modification/rehabilitation. In particular please note whether or not any modifications to the exterior of the building or any new (additional) structures will be constructed on the site.

See Attachment - Regulatory Agency Response

PURPOSE: Use of the checklist is required as a means of the Federal Bureau of Prisons complying with NEPA, comparing alternatives, identifying potential environmental issues early

ENVIRONMENTAL CHECKLIST FOR DETERMINING WHETHER A CATEGORICAL EXCLUSION IS APPROPRIATE

in the process and taking steps to avoid the potential for environmental/cultural impacts.

A. Does your proposal include any:

Significant new construction? Yes No

Significant Renovations/Rehabilitation of an existing facility?
Yes No

B. Significant Site development and/or Soil Disturbance in an area where there has not already been soil disturbance?

Yes No

C. Will the project be in or adjacent to any part of the institution built more than 50 years ago or located near a historical, archaeological, cultural resource or architecturally significant site (including sites eligible for the National Register of Historic Places)?

Yes No

D. Will it have any impact on water quality.

Yes No

E. Will it impact any wetlands, vernal pools, wetlands mitigation areas, or water bodies (ponds, creeks, lakes, rivers)?

Yes No

F. Will it be located in a flood plain?

Yes No

G. Will it have any impact on air quality?

Yes No

H. Will it impact any threatened, endangered, candidate or special status species and/or their critical habitat?

Yes No

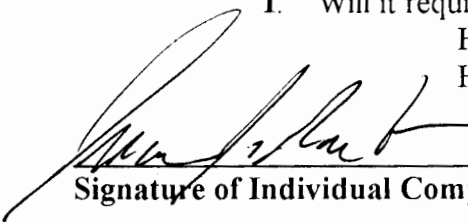
I. Will it require the removal or treatment of:

Hazardous Materials?

Yes No

Hazardous Waste?

Yes No


Signature of Individual Completing Checklist

7-21-09
Date

Part B.

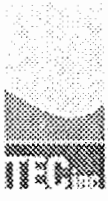
**POTENTIAL IMPACTS ON STRUCTURES/CULTURAL RESOURCES/
NATURAL RESOURCES, etc.** Attach additional pages, maps, photographs, diagrams, etc. as necessary to adequately describe the situation. For each question which you answered yes to in

**ENVIRONMENTAL CHECKLIST FOR DETERMINING WHETHER A
CATEGORICAL EXCLUSION IS APPROPRIATE**

Part A above please describe in detail what impact your proposed project may have.

N/A

717-848-8850
2009-05-07



18 S. George Street
Suite 425A
York, Pennsylvania 17401
(717) 848-8850; fax (717) 848-8852
www.itemc.com

No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal.

May 26, 2009

United States Fish & Wildlife Service
Lee Andrews, Field Supervisor
JC Warts Federal Building
330 W. Broadway, Rm 206
Frankfort, KY 40601

Vincent L. Andrews 6/3/09

Field Supervisor Date
U. S. Fish and Wildlife Service
Frankfort, KY 40601

KY FIELD OFFICE

MAY 28 2009

RECEIVED

Re: Proposed Electrified Fence Project, United States Penitentiary - Martin County, Kentucky

Dear Mr. Andrews:

TEC, Inc. (TEC) on behalf of the Federal Bureau of Prisons (BOP), has prepared this letter to provide you with information relative to the proposed electrified fence project at United States Penitentiary (USP) Big Sandy. A summary of the project purpose and need, description of the fence design as well as other information is summarized below.

Security measures at all federal correctional facilities are critical for preventing inmate escapes and protecting the safety of the public. The BOP has determined that substantial annual staff costs can be saved by installing electrified fences in lieu of 24-hour staffing of perimeter guard towers and other surveillance positions. Installation of electrified fences at select facilities would enable the same level of perimeter security as a substitute for most of the 24-hour guard tower surveillance.

A general description of the proposed fence is as follows: Such a fence would consist of galvanized posts spaced approximately 15-20 feet apart, supporting approximately 26 electrified wires. The posts would be 13-15 feet high, with insulators to isolate the high voltage wires from the grounding posts, grounding brackets and concrete grade beam. The electrified wires are spaced more closely near the ground and farther apart near the top of the fence, with an average separation of approximately 8 inches. The proposed electrified fence at USP Big Sandy would extend the length of the existing security perimeter. The fence would be installed within the secured perimeter between two parallel chain link and razor wire fences.

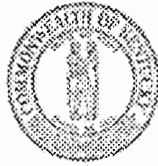
The BOP recognizes the importance of minimizing impacts to wildlife within the vicinity of the project and is therefore examining avoidance and minimization measures available. Such measures include the removal of wildlife attractants near the prison perimeter and installation of exclusionary and deterrent devices along the fence. This letter also serves as our formal request to obtain a current list of federal and state protected species that are known to occur, or that could potentially occur on or within the vicinity of the project area.

If you have any questions or need additional information, please contact me at (717) 848-8850 or email dahenson@tecinc.com.

Sincerely,
TEC, Inc.
Deborah Henson
Deborah Henson
Project Manager

Enclosures: Project Location Map

cc: R. Cohn, BOP
I. Gaston, BOP
S. Van Aman, BOP



**KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES
TOURISM, ARTS, AND HERITAGE CABINET**

Steven L. Beshear
Governor

#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
1-800-858-1549
Fax (502) 564-0506
fw.ky.gov

Marcheta Sparrow
Secretary

Dr. Jonathan W. Gassett
Commissioner

June 25, 2009

Deborah Henson
TEC Inc.
18 S. George Street
Suite 425A
York, Pennsylvania 17401

RE: Proposed Electrified Fence Project
United States Penitentiary
Martin County, Kentucky

Dear Ms. Henson:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) have received your request for the above-referenced information. The Kentucky Fish and Wildlife Information System (KFWIS) indicate that state threatened and endangered species are known to occur within close proximity of the proposed project area. The KFWIS does not indicate the presences of federally protected species near the proposed project area. The KDFWR does not expect impacts to listed species or there critical habitat, designated wildlife refuges, waterfowl areas, woodlands, special aquatic sites, or ecologically sensitive areas due to the nature of the project and the proposed wildlife avoidance and minimization measures. Please be aware that our database system is a dynamic one that only represents our current knowledge of the various species distributions.

I hope this information proves helpful to you. If you have any questions or require additional information, please call me at (800) 852-0942 Extension 4472.

Sincerely,

Doug Dawson

Doug Dawson
Wildlife Biologist III

Cc: Environmental Section File



U.S. Fish & Wildlife Service
Kentucky Ecological Services Field Office

U.S. Fish & Wildlife Service
330 West Broadway, Rm 265
Frankfort, KY 40601
Phone: 502-695-0468
Fax: 502-695-1024

Endangered, Threatened, & Candidate
Species in MARTIN County, KY

Group	Species	Common name	Legal* Status	Known** Potential	Special Comments
Mammals	<i>Myotis sodalis</i>	Indiana bat	E	P	

NOTES:

* Key to notations: E = Endangered, T = Threatened, C = Candidate, CH = Critical Habitat

**Key to notations: K = Known occurrence record within the county, P = Potential for the species to occur within the county based upon historic range, proximity to known occurrence records, biological, and physiographic characteristics.