

Testimony of Ashley Wilmes, Esq., on behalf of Kentucky Resources Council
Prepared for the Subcommittee on Commerce, Justice, Science, and Related Agencies,
U.S. Senate Committee on Appropriations
Regarding Bureau of Prisons Appropriations for FY 2026
June 13, 2025

Dear Chair Moran and Ranking Member Van Hollen:

Thank you for the opportunity to present testimony before your subcommittee. This statement is regarding the Bureau of Prison's (BOP) planned construction of Letcher County, KY facilities (FCI Letcher) and its related unobligated \$506 million funds in the BOP's Building and Facilities account, which KRC respectfully requests the Subcommittee rescinds. Please find below my statement in my capacity as Executive Director of Kentucky Resources Council, Inc. (KRC). KRC is a statewide public-interest environmental law and advocacy organization. We work to protect Kentucky's natural resources, promote policies for healthy communities, and assure that those who pollute our land, air, or water are held to account. Our members and constituents live and work in areas that will be impacted by this project.

In every annual budget submission since 2018, the Trump and Biden Administrations have consistently called on Congress to cancel the over half a billion dollars of unobligated funding which has been appropriated for the proposed federal prison in rural eastern Kentucky, located in Letcher County.¹ KRC encourages Congress to adopt this aspect of the proposed budget related to FCI Letcher for the following reasons:

FCI Letcher would pose a serious disturbance and destruction to numerous habitats and nearby wetlands, threaten to overwhelm wastewater treatment, threaten endangered species, would create considerable light pollution, and would sit just over a mile from one of the few remaining old growth forests in the state. This new prison could subject surrounding communities to the prison's wastewater discharges and likely expose prison staff and incarcerated people to contaminated water. It would destroy habitat for wildlife, including habitat for federally endangered bat species and dozens of state protected species – impacts which have not been adequately considered.

FCI Letcher will be built on a mountaintop removal site, where deep mining has also occurred, and just one mile down-stream from a multi-million gallon coal slurry impoundment. The construction and excavation required to build FCI Letcher will likely release harmful chemicals and heavy metals under the surface of the MTR site into the surrounding environment,

¹ FY18 Trump Budget, DOJ, Performance Budget, Congressional Submission, Federal Prison System, Buildings & Facilities, page 28, [available here](#); FY19 Trump budget, DOJ, Congressional Budget Submission, BOP Buildings & Facilities, Exhibits, page 11, [available here](#); FY20 Trump Budget, DOJ, Performance Budget, Congressional Submission, Federal Prison System, Buildings & Facilities, pages 14 & 25, [available here](#); FY21 Trump Budget, DOJ, Performance Budget, Congressional Submission, Federal Prison System, Buildings & Facilities, page 11, [available here](#); FY22 Biden Budget, DOJ, Performance Budget, Congressional Submission, Federal Prison System, Building & Facilities, pages 12 & 30; FY23 Biden Budget, DOJ, Performance Budget, Congressional Submission, Federal Prison System, Building & Facilities, pages 13 & 20; FY24 Biden Budget, DOJ, Performance Budget, Congressional Submission, Federal Prison System, Building & Facilities, page 12; FY25 Biden Budget, DOJ, Performance Budget, Congressional Submission, Federal Prison System, Building & Facilities, page 7; FY26 Trump Budget, Technical Supplement to the 2026 Budget, page 622, [available here](#).

with the potential to negatively impact residents, correctional staff, and incarcerated people alike. These impacts were also not adequately studied or considered by the BOP during the National Environmental Policy Act (NEPA) review process. Eastern Kentucky, including Letcher, was devastated by floods in 2022, which killed 44 people and damaged 9,000 homes. The county still is at high risk for floods. Siting a prison in this high-risk area unnecessarily puts the lives of correctional officers and incarcerated people in peril. Letcher Countians need housing, infrastructure, employment, and climate strategies, not a prison.

The proposed site for FCI Letcher has many wetlands with forested canopies. These wetlands exist and regardless of their ‘quality’ as defined under the law, they nevertheless provide habitat to all animals that would normally use a wetland area for drinking, spawning, feeding, habitat, and foraging. For instance, one wetland (WET006) identified in the Final Environmental Impact Statement (FEIS) that appears as a mud hole in a service road was full of frogs. Because this area has been mined previously, the FEIS assumed that the quality of wetlands is low. However, this is a short-sighted opinion and does not address the fact that valuable wetlands have prevailed in this area despite the impacts of mining.

A property that has been impacted by mining and contains wetlands is considered an ecological uplift of the property’s aquatic resources. All wetlands on this property, regardless of jurisdiction determination, provide economic and ecological services that are valuable to the property, the region, the ecosystem, and the people of Letcher County.

The most economically valuable services that wetlands provide have been studied thoroughly and reported by government agencies. Wetlands soak up rain runoff, hold water, and slowly release it, reducing the frequency and intensity of flooding. Maintaining only 15% of the land area of a watershed in wetlands can reduce flood peaks by as much as 60%, saving enormous costs on flood damage (EPA publication 843-F-06-004). After peak flood flows have passed, wetlands slowly release the stored waters, reducing property damage downstream. One reason floods have become more costly is that over half of the wetlands in the United States have been drained or filled. Most of these wetlands have been drained and filled with the Army Corp of Engineers approval and did not require mitigation measures, despite the known cost of property damage that will occur in the future.

Furthermore, studies have shown that wetlands can remove a quantity of pollutants equal to that of a water treatment plant (EPA publication 832-R-93-005). It has been proven over and over that wetlands improve water quality to the point that they are now being constructed for the purposes of improving water quality and for wastewater management. These studies do not exclude wetlands that will be excluded by the Army Corp of Engineers for the purposes of mitigation. **It needs to be noted that ALL wetlands that are on this property will continue to exist and continue to provide this valuable economic service for the foreseeable future if they are left alone.** They will require little to no upkeep and will serve the county by providing improved water quality and reduced flooding.

With consideration of this information, I urge you to consider rescinding the funding allocated to construct FCI Letcher in the FY2026 budget. Alternatively, should the House CJS markup have any riders that restrict citizens of their statutory and constitutional rights to litigate on this issue, I respectfully ask that these riders be removed during the budget reconciliation process. This prison is not needed and will adversely impact the region’s ecology.

Sincerely,

A handwritten signature in black ink that reads "Ashley Wilmes". The signature is written in a cursive, flowing style.

Ashley Wilmes
Executive Director
Kentucky Resources Council, Inc.
P.O. Box 1070
Frankfort, KY 40602
Phone: 502-875-2428
Email: ashley@kyrc.org