

1. PROJECT OVERVIEW

1.1 PROJECT DESCRIPTION

1.1.1 Project Purpose (Public Need and Benefit)

Faxton St. Luke’s Healthcare (FSLH) and St. Elizabeth Medical Center (SEMC) affiliated in 2014 to become the Mohawk Valley Health System (MVHS)¹. While MVHS is a private entity, its mission is to provide excellence in public healthcare for its community. Substantial effort has been focused on consolidating existing resources, eliminating redundancies, expanding the depth and breadth of services, improving access and elevating the quality of healthcare services in the region. MVHS has achieved some success, but it has been constrained by the age and physical limitations of the existing facilities.

As summarized below (Table 1), MVHS is currently comprised of three locations (see Figure 1).

Table 1. MVHS Campus Locations

FSLH Campus Locations	SEMC Campus Location
St. Luke’s Campus 1656 Champlain Avenue Utica, NY	SEMC Campus 2209 Genesee Street Utica, NY
Faxton Campus 1676 Sunset Avenue (1675 Bennett Street) Utica, NY	

To further its goal of delivering higher quality, more effective care with better community outcomes at a lower cost, the Integrated Health Campus (IHC) will combine services from both the St. Luke’s and SEMC campuses, replace the St. Luke’s and SEMC campuses, reduce the number of beds in the community, and consolidate patient services at the IHC campus.² In accordance with Article 28 of the Public Health Law, MVHS has applied for a Certificate of Need (CON) from the New York State Department of Health (NYSDOH) pursuant to which it would be the sole operator of the IHC.

While MVHS is a private entity, the IHC is a public facility that will serve public needs and receive public funding. MVHS’ decision to consolidate these two campuses to a single facility was motivated by several key factors and public need considerations:

- The desire and need to build a facility with the newest technology, services and advancements in patient safety and quality so that our community can receive the most up-to-date healthcare services that rivals those found in large cities
- The growing demand for healthcare due to the rapidly increasing and aging population in this region
- The increasing need to improve accessibility and availability by attracting specialists and providing services that otherwise would not be available to our community
- The opportunity to gain greater operational efficiencies through the elimination of duplicative and redundant functions will help to reduce the rate of increase in healthcare spending and to achieve improved financial stability

¹ Mohawk Valley Health System is the Sole Corporate Member of Faxton-St. Luke’s Healthcare, St. Elizabeth Medical Center, St. Luke’s Home Residential Health Care Facility, Senior Network Health, LLC, Visiting Nurse Association of Utica and Oneida County, Inc., and Mohawk Valley Home Care, LLC. Together, the system is governed by one Board of Directors.

² Services offered at the Faxton Campus will not move to the new IHC.



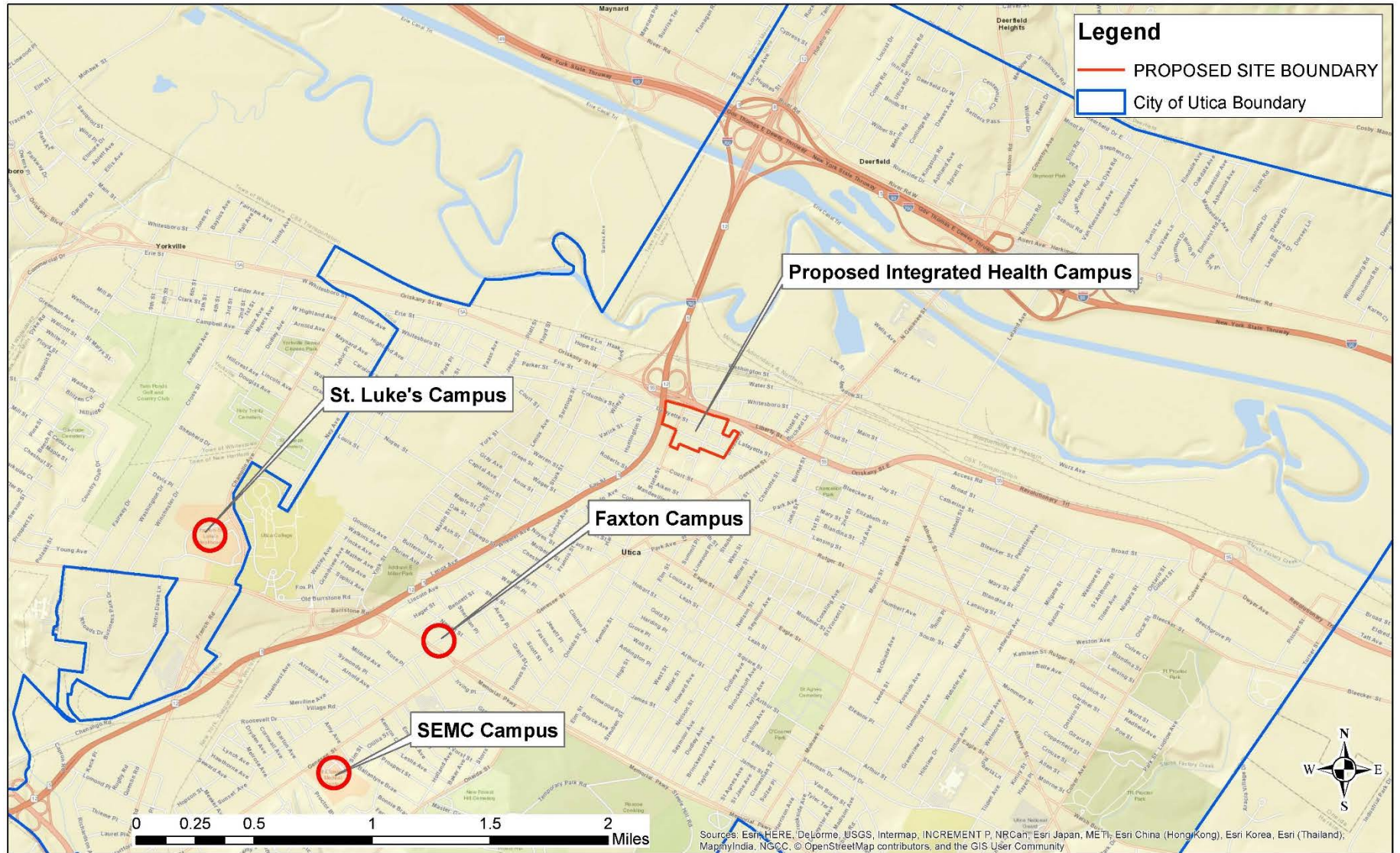


Figure 1. Existing MVHS Campuses

The project also includes a proposed collaborative affiliation between MVHS and the Masonic Medical Research Laboratory. Research space is proposed within the new IHC that will allow Masonic laboratory researchers working behind the lab bench and MVHS clinicians working at patients' bedsides to collaborate and create new and innovative research and clinical benefits for the Mohawk Valley and beyond. Additional information regarding the public need for the project is included in the Certificate of Need (CON) application provided as Appendix A.

1.1.2 Background and History

Funding for the project will be furnished, in part, by New York State via the Oneida County Health Care Facility Transformation Program, which provided capital funding (\$300 million) "in support of projects located in the largest population center in Oneida County that consolidate multiple licensed health care facilities into an integrated system of care."³

The MVHS Board of Directors, with Hammes Company, a healthcare consulting firm, and the Mohawk Valley Economic Development Growth Enterprises Corporation's (Mohawk Valley EDGE or EDGE) engineering and planning professionals, engaged in a process to evaluate alternative sites for the project (see Section 2). Criteria used to evaluate 12 potential sites included: infrastructure (water, sewer, power), access, transportation network, capacity to accommodate hospital operations and parking, and no adverse impact on existing hospital operations.

The MVHS Board unanimously selected the downtown Utica site based on the site-selection criteria (above), as well as its central location, urban revitalization opportunities, and alignment with the NYS legislation that allocated \$300 million for projects located in Oneida County's largest population center.

Other factors that support the downtown location (see below) include: regional accessibility with proximity to major highways, public transit systems, and the support of the regional community and government stakeholders.

1.1.3 Project Location

The MVHS IHC will encompass approximately 25-acres (see Figure 2), which will generally be bounded by Oriskany Street (NYS Route 5S) to the north, Broadway to the east, NYS Route 5/8/12 to the west, and Columbia Street, City Hall and Kennedy Apartments to the south. The proposed location is proximal to the City's urban core, as well as the City's proposed "U" District, existing Brewery District, Bagg's Square and Utica Harbor Point.

1.1.4 Project Elements

As illustrated on Figure 3, the MVHS IHC will include the following elements:

- Hospital building
- CUP
- Parking facilities (including one municipal parking garage and multiple surface lots)
- Future medical office building (MOB) (by private developer)
- Campus grounds
- Hospital helipad
- Pedestrian/utility bridge over Columbia Street

To accommodate the proposed MVHS IHC, the proposed project will involve the acquisition of properties and modifications to existing public/private utility infrastructure. Descriptions of the project elements are provided below.

³ <https://www.nysenate.gov/legislation/laws/PBH/2825-B>

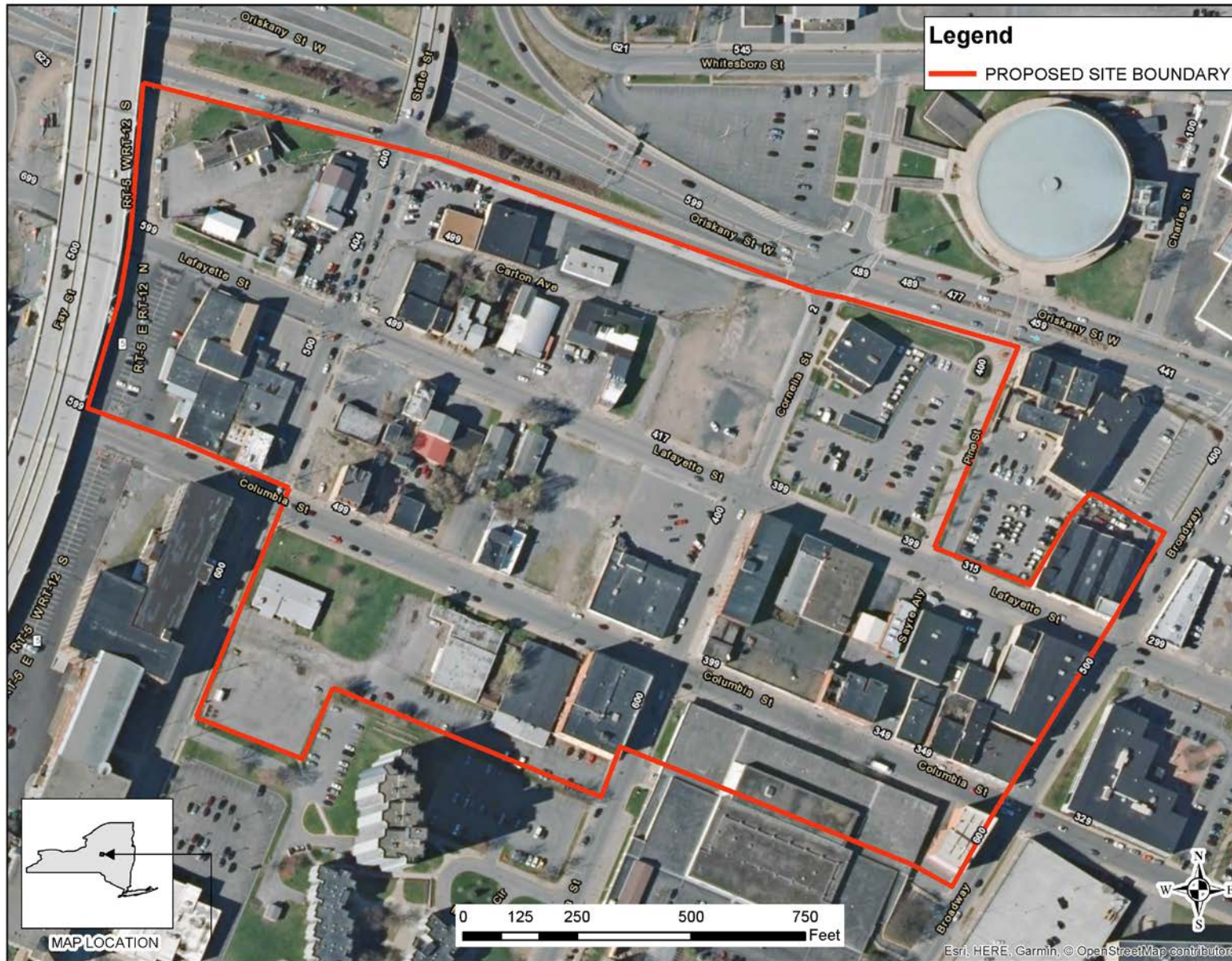


Figure 2. Proposed IHC Boundary

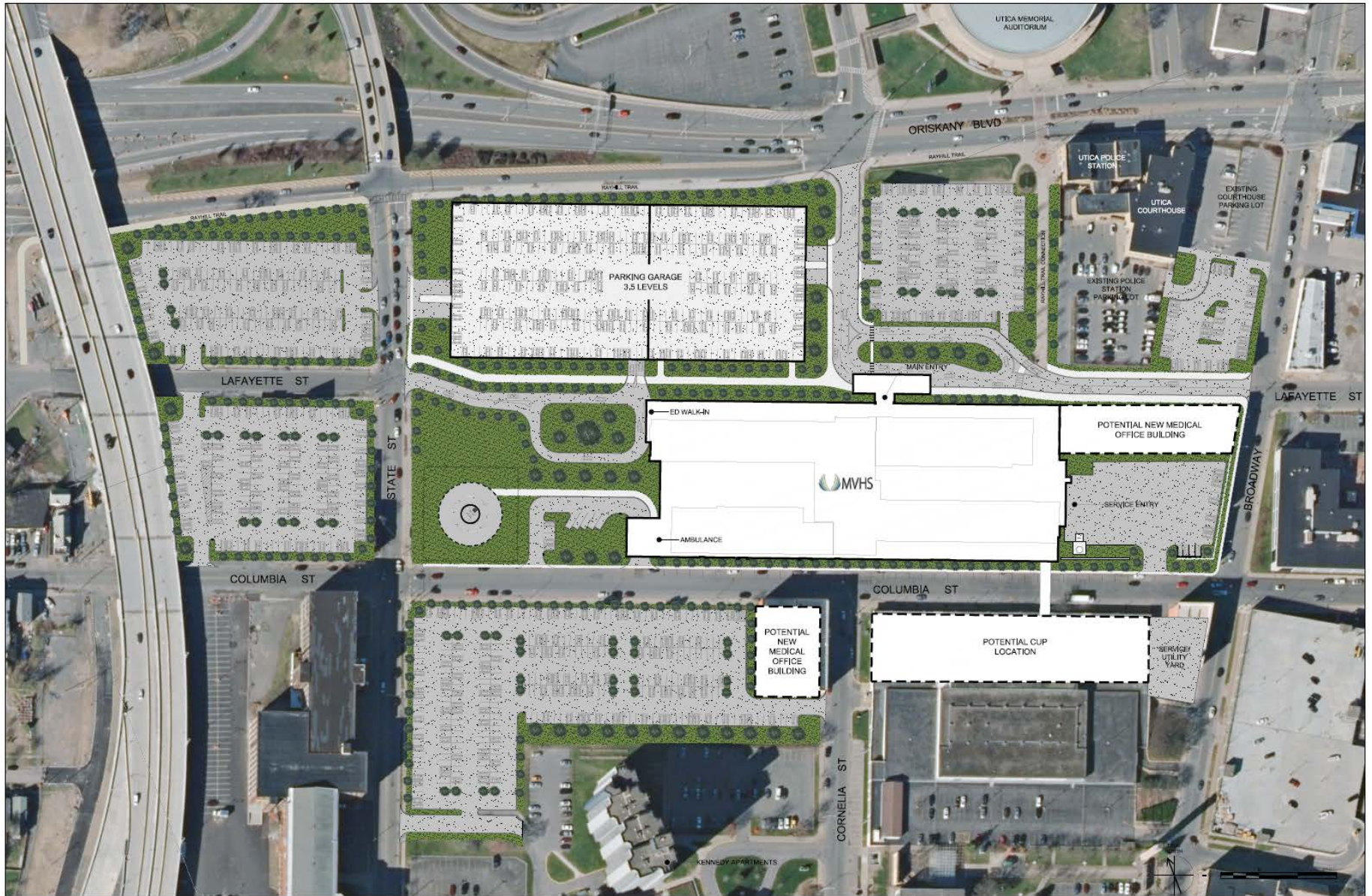


Figure 3. Integrated Health Campus (IHC)

Facilities

Hospital Building

The proposed 670,000± square foot (sf) hospital building will be constructed on parcels located west of Broadway and will extend through Cornelia Street onto parcels located east of State Street. The hospital building consists of a two-story podium and a seven-story bed tower.

Most services currently provided at the St. Luke's and SEMC campuses will be transitioned to the MVHS IHC including 373± inpatient beds (see below). MVHS plans to facilitate the adaptive reuse of the vacated space at the existing facilities (see Section 8).

Central Utility Plant

A one-story CUP will service the hospital. The CUP will adjoin the southeastern portion of the podium of the hospital building via a utility/pedestrian bridge. The CUP will house three centrifugal chillers, a heat recovery chiller and four steam and eight hot water heating condensing boilers, each of which will be fueled by both natural gas and No. 2 Fuel oil. A 50,000-gallon underground storage tank (UST) used to store the No. 2 fuel/diesel oil will be installed east of the CUP in the service yard (for emergency generators). A 30,000-gallon aboveground storage tank (AST) used to store emergency water for fire protection will also be located in the service yard.

Parking Facilities

Parking facilities will consist of a three-story, municipally-owned parking garage and multiple parking lots. The parking garage will provide approximately 1,550 parking spaces and the parking lots will allow for an additional 1,100± parking spaces. These parking facilities will be available for use by patients, visitors, staff, and volunteers, as well as the community for non-hospital related events.

Future Medical Office Building (MOB)

A future MOB is proposed. It is anticipated that the MOB would be owned and operated by a private developer. As illustrated on Figure 3, the proposed location of the MOB is south of Columbia Street and west of Cornelia Street.⁴

Campus Grounds

The campus will be designed as an urban park with enhanced lighting, trees, pedestrian walkways and seating areas. A pedestrian walkway will replace a portion of Lafayette Street. This walkway will extend from the main entrance to the west, terminating at State Street. An additional segment of the walkway will provide access to the Emergency Department (ED) entrance. Outdoor areas will include gardens and other design considerations to create a healing environment.

Hospital Helipad⁵

Similar to existing operations at FSLH and SEMC⁶, the IHC will have an emergency helipad. Hospital sites generally like to locate the helipad as close as practical to the emergency/trauma area for ease of patient transport. To facilitate access to the ED, a ground-based (vs. rooftop) hospital helipad, designed to Federal Aviation Administration (FAA) specifications, will be situated to the west of the hospital building, adjacent to the ED ambulance entrance and north of Columbia Street. Use of the helipad will be intermittent; approximately 40±

⁴ An alternative MOB location within the footprint is south of Lafayette Street and west of Broadway.

⁵ In contrast to a heliport, a helipad (or helistop) is a location designated for helicopters to land and take off without facilities for refueling or repair. A hospital helipad is limited to serving helicopters engaged in air ambulance, or other hospital related functions.

⁶ Helipad operations at FSLH and SEMC will cease upon the transfer of operations to the IHC.

annual emergency flights to the hospital are anticipated.⁷ Operating procedures for the existing helipads are summarized in Appendix B; similar procedures will be implemented at the downtown IHC.

Property Acquisition

The project includes the acquisition of the 25± acres of property in an area of Utica that is designated as a Federal “Historically Underutilized Business” (HUB) Zone⁸, a distressed area and a New York State Department of Environmental Conservation (NYSDEC) designated “Potential Environmental Justice Area.” While it is anticipated that most of the property will be acquired through voluntary negotiation, it is likely that some property may need to be acquired via eminent domain. Many of the existing property owners and businesses will be required to relocate to other parts of Utica or Oneida County. The magnitude of the acquisition of 25± acres will be large, but most of the impacts are expected to be beneficial because it will better position the hospital to serve the largest and most diverse population in Oneida County, as well as creating the potential for secondary economic development opportunities.

Street Closures

As currently proposed, the project would require the following public street closures or changes in designation:

- Lafayette Street from State Street to Broadway will be abandoned by the City
- Cornelia Street from Columbia Street to Oriskany Street will be abandoned by the City
- Carton Avenue, Sayre Alley, and Pine Street will be abandoned by the City
- The former Lafayette Street from Broadway to Cornelia Street will become the main entrance to the IHC
- The former Cornelia Street from Lafayette Street to Oriskany Street will become the entrance to the new public parking garage and an alternate hospital entrance/exit

Access/Egress

The main entrance to the hospital will be located south of Lafayette Street, proximal to Cornelia Street. In addition to the main entrance, ED walk-in and ED ambulance entrances will be located on the western portion of the hospital. Vehicular and pedestrian entries will be marked by canopy systems that provide adequate coverage for public drop off, ED walk-in and loading activities. Ambulance traffic will be provided with a large drive-thru canopy adjoined to the podium.

A service entrance will be located on the eastern portion of the hospital building, which will be accessible via Columbia Street.

As illustrated on Figure 3, the downtown IHC is located adjacent to NYS Route 5S (Oriskany Street), with interchange access to the North-South Arterial Highway (NYS Routes 5, 8 & 12).⁹ The New York State

⁷ MVHS does not own or operate medivac helicopters, which is provided by a third-party specialty service. Operations are not scheduled events, but episodic. MVHS’ primary use of medevac helicopters is for transfer out of patients to larger tertiary care/specialty hospitals. The example types of transport may be neonates, trauma, and other higher level of care services. Annual cumulative helicopter landings at St. Luke’s and SEMC have ranged from 15 to 37 between 2014 and 2017 (MVHS 2018); according to MVHS, approximately 50% of the existing medivac flights are patients leaving the hospital for another facility. No significant increase or decrease in landings at the downtown IHC are anticipated.

⁸ HUBZone means a historically underutilized business zone, which is an area located within one or more: (1) Qualified census tracts; (2) Qualified non-metropolitan counties; (3) Lands within the external boundaries of an Indian reservation; (4) Qualified base closure areas; (5) Re-designated areas; or (6) Qualified disaster areas.

⁹ The NYSDOT recently completed the Route 5-8-12 North-South Arterial Viaduct Replacement project, which involved the replacement of the viaduct (the elevated portion) of NYS Routes 5, 8, and 12 over Columbia and Lafayette Streets and Oriskany Street (intersection of NYS Routes 5A and 5S).

Department of Transportation (NYSDOT) is currently coordinating¹⁰ the Route 5S Safety Project, which incorporates intersection and safety improvements from Cornelia Street to Broad Street, including miscellaneous work on the side streets; work is scheduled to be completed in 2020.¹¹

Infrastructure

Based on a preliminary assessment of existing utilities and project needs, modifications to the existing infrastructure in the project area are anticipated. A summary of anticipated modifications is provided below.

Sanitary Sewers

The project is anticipated to generate 187,000± gallons per day (gpd), which will be discharged to Oneida County's Water Pollution Control Plant via City sanitary sewers and Oneida County interceptor sewers. Based on the proposed building layout, it is anticipated that the following modifications will be made to the sanitary infrastructure within the proposed project area:

- All existing sewers in Lafayette Street, between State Street and Cornelia Street, will be abandoned/removed, including 12", 15" and 18" diameter sewer piping
- A new 15" diameter sewer on Columbia Street would need to flow in the reverse direction of the existing 15" and tie into the 48" trunk sewer on State Street
- A new section of 18" sewer will divert upstream flow from Cornelia Street to the existing 24" sewer in Columbia Street, discharging to the 33" sewer in Broadway.

Other potential new sewers include a new 15" diameter pipe in Lafayette Street, on the north side of the hospital. The location and size of sanitary laterals and connections will depend on the plumbing/mechanical design of the new hospital buildings. It is assumed each new structure will have its own service lateral(s) connecting to the City mains.

Water Mains

Water mains located within the new building footprint will need to be removed/abandoned. Upgrades to other smaller water mains are also required. Where new supply mains are required, the older mains would be replaced. Fire hydrants will be located along the public streets and private fire hydrants will be located within the IHC campus, as required for fire protection. Each building will be provided with its own backflow prevention device to comply with Mohawk Valley Water Authority requirements.

Water demand for the IHC is estimated at approximately 500 gallons per minute (gpm). Based on the current IHC design configuration, water mains to be replaced or installed will consist of the following:

- Older 6" and 16" mains on State Street will be replaced with a new 16" water main
- A 6"/8" main on Broadway will be replaced with a 12" pipe between Columbia Street and Oriskany Street
- Installation of a 12" water main along Oriskany Street East between State Street and Broadway
- Installation of a 12" water main (private) along Lafayette Street, between State Street and Broadway to serve the hospital
- Potential installation of booster pumps to increase flow rates and pressures necessary for fire protection to the upper floors of the proposed hospital.

¹⁰ The NYSDOT has coordinated efforts with the City of Utica, Oneida County, and MVHS to incorporate downtown IHC related data and access needs.

¹¹ <https://www.dot.ny.gov/route5ssafetyproject>

Electric and Natural Gas

Electric and gas utilities proximal to the proposed IHC are operated and maintained by National Grid. The gas mains and underground electric conductors are owned by National Grid. The underground conduits and vaults are owned by the City of Utica, and leased to National Grid for use.

The peak electrical demand load for the proposed IHC is estimated at 4,304.27 kW (SSR 2018). Although, the existing infrastructure and electrical capacity of the grid will be sufficient to operate the IHC, the potential exists for the hospital to receive dedicated feeders, which would require upgrades to the substation and approximately 1.5 miles of new feeders; however, this option is solely based on MVHS's discretion and is not necessary for service.

The peak natural gas load and annual natural gas usage for the proposed IHC is estimated at 50 mcf/hour and usage of 90,000 mcf/year, respectively (SSR 2018). To meet demand and minimize disturbances to existing customers, an 80 pounds per square inch (psi) gas main would need to be installed and extended back to the existing 80 psi supply main. This would require approximately 2,500 linear feet (lf) of 6" main to be installed, which would also require crossing of the existing railroad to the north.

Stormwater Management

The overall percent impervious surfaces resulting from development of the IHC is anticipated to be less than the amount of coverage under existing conditions. In addition, the buildings and paved impervious surface areas of the MVHS IHC may be further minimized or reduced using "Green Infrastructure" design features such as pervious pavement/pavers, planting beds, and subsurface rainwater detention.

To provide sufficient capacity and drainage for the proposed hospital, sections of existing storm sewers within the project area will be abandoned/removed and new storm sewers will be installed. The modifications will include:

- Abandonment/removal of 12" and 15" pipe on Lafayette Street
- Removal of 36" trunk sewers from Cornelia Street, between Columbia Street and Lafayette Street
- Removal of 12" storm sewer from Columbia Street
- Installation of new 36" diameter storm sewer on Columbia Street, State Street, and potentially along Oriskany Street connecting back to the existing 42" line crossing Oriskany Street West/NYS Route 5S at Cornelia Street, or boring under Oriskany Street to connect to an existing storm sewer on the north side of Oriskany Street.
- Installation of new storm sewer as needed to tie-in catch basins along the route of the new storm sewer mains.

The project is required to meet Chapter 9 of the New York State Stormwater Management Design Manual (including water quality and quantity requirements) for redevelopment projects (NYSDEC 2015). The proposed site plan represents a net reduction in impervious surfaces (compared to existing conditions), which eliminates the requirement for post-construction quantity control. Re-development of the site requires water quality treatment of 75% of the water quantity from disturbed areas with proposed impervious surfaces. The water quality will be treated by Vortech treatment units as approved by NYSDEC, which are placed at each connection point to the City's stormwater system. The conveyance to the proposed treatment units will include curbing and catch basins within each parking area, as well as collection of runoff via building roof drains.

Disposition and Repurposing of Existing MVHS Campuses

Except for certain existing ancillary facilities within which existing operations will be maintained (see below), MVHS' objective is to facilitate redevelopment of the existing St. Luke's and SEMC campuses consistent with the Town of New Hartford's and the City of Utica's long-term development plans so that each site is capable of making an economically positive contribution to each community. In support of this objective, MVHS will be conducting an evaluation of the properties and the potential "as-of-right" redevelopment opportunities concurrent with planning for the proposed IHC (see Section 8.2). In addition to the disposition and

redevelopment of the primary facilities, existing ancillary facilities will also be reused. A description of the anticipated continued use of portions of the existing campuses is provided below.

FSLH

Most of the inpatient and outpatient services performed at the existing St. Luke's campus will be transitioned to the downtown IHC. However, it is anticipated that 24± physical medical and rehabilitation beds, as well as some outpatient services will remain at this site. Unused medical supplies and certain medical equipment will be brought to the MVHS IHC. Medical equipment that is beyond its useful life will be disposed of in accordance with applicable federal and state regulations.

SEMC

Some of the non-hospital buildings located at the SEMC Campus will be converted into an outpatient extension clinic, while others will maintain their existing use (*e.g.*, St. Elizabeth College of Nursing). Services provided at the clinic may include sleep center services, cardiac and thoracic surgery-related physician offices, primary care services and a laboratory patient service center. Unused medical supplies and certain medical equipment may be brought to the downtown IHC. Medical equipment that is beyond its useful life will be disposed of in accordance with applicable federal and state regulations.

1.1.5 Construction Activities

Implementation of the project will require the physical alteration of land within the project footprint. Generally, construction activities within the 25±-acre footprint will include:

- Installation and maintenance of construction-phase erosion and sedimentation controls (E&SCs)
- Demolition and clearing of existing targeted facilities
- Utility relocations
- Site grading
- Construction of IHC facilities and utility extensions/connections
- Site stabilization and removal of temporary, construction phase E&SCs.

In addition, construction activities will require access and egress to and from the site by construction workers, as well as equipment and materials over the anticipated 40-month construction schedule.

1.1.6 Operation and Maintenance Requirements

The IHC will operate 24-hours per day, 7-days per week, 365-days per year.

1.1.7 Project Schedule (Including Phasing)

A 40-month construction schedule, beginning in 2019, is anticipated. While MVHS is not proposing a phased construction schedule, construction of the parking garage and MOB will be controlled by the City and private developers, respectively.

1.2 REGULATORY REVIEW AND APPROVALS

1.2.1 State Environmental Quality Review Act (SEQRA)

Pursuant to New York State Environmental Conservation Law (ECL) Article 8, SEQRA; and Part 617 of Chapter 6 of the New York Codes, Rules and Regulations (6 NYCRR Part 617), environmental review must be completed for projects that may result in a significant adverse environmental impact so that these impacts can be identified and avoided or mitigated to the maximum extent practicable. This DEIS has been prepared to evaluate potentially significant adverse impacts and reasonable alternatives. Moreover, measures to reduce/mitigate the significant adverse impacts that may potentially result from the construction and operation of the IHC are identified in the DEIS. Steps of the SEQRA process are summarized below.

Coordinated Review. Coordinated review is the process by which involved agencies cooperate in one integrated environmental review. Coordinated review has two major elements: establishing a lead agency (from among involved agencies) and identifying the interests and concerns of involved agencies so that they may be considered by the lead agency in the determination of significance and scoping the content of the DEIS.

Lead Agency coordination. On February 2, 2018, based on its receipt of an application from MVHS requesting certain, discretionary financial assistance¹², and in its role as a potential involved agency, the Oneida County Local Development Corporation (OCLDC) classified the proposed action as a Type I action and initiated a 30-day lead agency coordination process¹³ with other identified potential involved agencies to coordinate the designation of a Lead Agency. A copy of the OCLDC letter is included in Appendix C.

As a potential Involved Agency (see Section 1.2.2), the City of Utica Planning Board, by resolution dated February 22, 2018, declared its intent to act as SEQR Lead Agency for the proposed review of the project. The intent of the City Planning Board was relayed to the OCLDC in a letter dated February 23, 2018 from the City of Utica's Department of Urban & Economic Development¹⁴, which provides staff support to the Planning Board. Copies of the resolution and correspondence are included in Appendix C.

Notice of Determination of Significance/Notice of Intent to Prepare an Environmental Impact Statement. A determination of significance is the critical step in the SEQR process in which the Lead Agency decides whether an environmental impact statement must be prepared for an action. The two key considerations in determining significance are "magnitude" (*i.e.*, severity) and "importance" (*i.e.*, in relation to its setting) of impacts. On May 7, 2018, the City of Utica Planning Board, as Lead Agency, issued a "Notice of Determination of Significance (Positive Declaration) indicating its intent to require the preparation of an Environmental Impact Statement to assess potential significant environmental impacts from the project. Copies of the resolution and Positive Declaration are included in Appendix C.

Scoping. Scoping is a process that identifies potential environmental impacts of an action or actions which should be addressed in a DEIS. The purpose of scoping is to narrow issues to be addressed in the DEIS to facilitate the preparation of a concise, accurate and complete DEIS that is adequate for public review. The scoping process is intended to:

- Create consensus among involved agencies
- Provide additional opportunities for public participation by seeking input from the public regarding the content of the DEIS
- Minimize the inclusion and review of unnecessary issues.

On May 17, 2018, the City Planning Board issued a Draft Scoping Document, prepared by MVHS, initiating a 30-day review period to solicit written public and agency review comments. In addition, the Board held a public scoping meeting on June 7, 2018 to solicit oral comments. Based on a review of the comments (written and oral), the Board issued a Final Scoping Document on July 19, 2018. A copy of the Final Scoping Document is provided in Appendix C. The content of this DEIS is based on issues identified in the Final Scoping Document.

Draft Environmental Impact Statement. In addition to issues identified in the final scoping document, SEQR regulations require that the following elements be included in the DEIS:

- Cover sheet

¹² MVHS' application included a completed Part 1 (Project and Setting) of a Full Environmental Assessment Form (EAF), which is included in Appendix C.

¹³ 30-days ending on March 3, 2018.

¹⁴ In a letter to Involved Agencies, dated March 8, 2018, the City Planning Board (via the City's Department of Urban & Economic Development) extended the Lead Agency coordination process from March 3, 2018 to March 23, 2018 (see Appendix C).

- Table of contents
- Summary of the document
- A concise description of the proposed action, its purpose, public need and benefits, including social and economic considerations
- A concise description of the environmental setting of the areas to be affected, sufficient to understand the impacts of the proposed action and alternatives
- A statement and evaluation of the potential significant adverse environmental impacts at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence including, as applicable:
 - » Reasonably related short-term and long-term impacts, cumulative impacts and other associated environmental impacts
 - » Those adverse environmental impacts that cannot be avoided or adequately mitigated
 - » Any irreversible and irretrievable commitments of environmental resources that would be associated with the proposed action
 - » Any growth-inducing aspects of the proposed action
 - » Impacts of the proposed action on the use and conservation of energy
 - » Impacts of the proposed action on solid waste management and its consistency with the state or locally adopted solid waste management plan
- A description of the mitigation measures
- A description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor including the “no action”¹⁵ alternative.
- A description of the project’s impact on “Environmental Justice”¹⁶ issues
- A list of any underlying studies, reports, EISs and other information obtained and considered in preparing the DEIS.

The DEIS is supported by field and issue-specific studies and evaluations that describe the project’s potential impact and methods to reduce/mitigate any potential significant adverse impact on the environment. Information from these supporting studies is relied upon in the document, with the complete reports provided as appendices:

- Hospital Site Selection Process Summary Memorandum (Appendix D)
- Phase 1A Cultural Resource Investigation (Appendix E)
- Phase 1A Architectural Inventory (Appendix E)
- Traffic Impact Study (Appendix F)
- Preliminary Geotechnical Review (Appendix G)
- Preliminary Environmental Due Diligence Review (Appendix H).

¹⁵ Discussion on the “no action” alternative includes an evaluation of the adverse or beneficial site changes that may occur in the absence of the proposed actions.

¹⁶ Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (<http://www.dec.ny.gov/public/333.html>).

Final Environmental Impact Statement (FEIS)/Findings. Upon acceptance of this DEIS by the City Planning Board, it will be made available to the public (see below) and involved/interested agencies¹⁷ for the purposes of soliciting substantive comments. Both written and oral comments will be received, with the latter obtained at a public hearing to be scheduled during the overall comment period.

Following the comment period, a Final Environmental Impact Statement (FEIS) will be prepared. The FEIS will include responses to the substantive agency and public comments raised during the comment period. The FEIS will be used by the involved agencies (including the City Planning Board, as Lead Agency) to make written findings of fact regarding the environmental effects of the proposed actions. In their respective findings, involved agencies weigh and balance the relevant environmental impacts along with social, economic, and other essential considerations to determine whether the action will minimize or avoid environmental impacts to the maximum extent practicable. “Findings” will be based on information presented in the FEIS. Implementation of the action will not proceed until written findings are filed and all other applicable permits and approvals obtained (see below).

Public notice. Notices relevant to this project, including those related to SEQR procedures and filings, will be published in the Utica Observer Dispatch, as well as the NYSDEC’s Environmental Notice Bulletin (as appropriate). In addition, SEQR materials will be accessible on the internet at the following address (<http://www.cityofutica.com/>).

Supporting information. Preparation of this DEIS was aided by the contributions of several agencies that contributed technical information incorporated and referenced in this document. Key contributors by category included:

Infrastructure

- City of Utica
- Mohawk Valley Water Authority (MVWA)
- National Grid
- Oneida County Department of Water Quality and Water Pollution Control (WQ&WPC)

Regulatory Programs

- City of Utica (multiple departments)
- FAA¹⁸
- NYSDEC
- NYSDOH
- NYSDOT
- NYS Office of Parks, Recreation & Historic Preservation – Field Services Bureau¹⁹
- Oneida County Department of Emergency Services.

Environmental Setting

- City of Utica Fire Department
- City of Utica Department of Urban & Economic Development

¹⁷ “Interested Agency” means an agency that lacks the jurisdiction to fund, approve, or directly undertake an action but wishes to participate in the review because of its specific expertise or concern about the proposed action.

¹⁸ The FAA provides design-related guidance in support of the helipad, but has no approval authority. The helipad design will be reviewed by the City of Utica Planning Board in conjunction with the overall site plan.

¹⁹ Also referred to as the State Historic Preservation Office (SHPO).



- NYSDEC
- NYSDEC Natural Heritage Program (NHP)
- NYSDOT
- United States Fish & Wildlife Service (USFWS).

Information sources are referenced throughout the document; full citations are provided at the end of this document.

1.2.2 Permits and Approvals

Construction and operation of the IHC will require the acquisition of discretionary²⁰ and ministerial²¹ permits and approvals from various state and local jurisdictional agencies. A summary of potential permits and approvals is provided in Table 2.

Table 2. Summary of Potential Permits and Approvals

Permit/Approval		Activity	Agency
State			
1	Funding Administration, Certificate of Need (CON), Construction Approval, and Operating Certificate	Joint Administration (with DASNY) of project funding approved by New York State Legislature. Review process, mandated under state law, which governs the establishment, ownership, construction, renovation and change in service of specific types of health care facilities including hospitals.	NYSDOH
2	Operating Certificate	Obtain an operating certificate (license) issued by the NYS Office of Mental Health (NYSOMH) prior to the operation of such facilities and programs that are subject to the regulatory jurisdiction of the Commissioner of Mental Health	NYSOMH
3	Funding Administration	Joint administration (with NYSDOH) of project funding approved by New York State Legislature. Potential conduit debt issuer in connection with any private not-for-profit tax-exempt MVHS bonds issued through DASNY.	DASNY
4	Air Facility Permit ²²	Permit to construct and operate an air emission source.	NYSDEC
5	SPDES General Permit for Storm Water Discharges from Construction Activity (GP-0-15-002)	Storm water discharges from construction phase activities disturbing one-acre or greater.	NYSDEC
6	Petroleum Bulk Storage Registrations	Petroleum bulk storage tanks for boilers and emergency generators	NYSDEC
7	Highway Work Permit	Work within NYS highway right-of-way (ROW).	NYSDOT
8	Consultation (16PR06600)	Compliance with State & National Historic Preservation Acts	SHPO

²⁰ Discretionary decisions are those where there are choices to be made by the decision makers that determine whether and how an action may be taken.

²¹ A ministerial action is an action performed upon a given state of facts in a prescribed manner imposed by law without the exercise of any judgment or discretion as to the propriety of the act (*e.g.*, a building permit); ministerial actions are not subject to review under the SEQRA.

²² Proposed emissions may be considered “trivial or exempt activities” (see Section 3.4); a permit or registration may not be required.



	Permit/Approval	Activity	Agency
Local			
9	Project Funding	Financial benefits & incentive support	Oneida County Local Development Corporation (LDC)
10	Potential Property Condemnation/Eminent Domain	Potential condemnation and acquisition of private property within project footprint.	Oneida County Oneida County IDA City of Utica Urban Renewal Agency
11	Site Plan Review	Review and approval of site plan ²³	Utica Planning Board
12	Multiple	Approval of public property transfers/road closures; funding of parking garage; review and approval of structures located within City rights-of-way (i.e., pedestrian bridges, walkways, canopies, etc.)	Utica Common Council
13	Highway Work Permit	Work within highway rights-of-way (road and utility improvements, curb cuts).	Utica Department of Engineering
14	Consolidation & Re-Subdivision	Potential consolidation of parcels within area of potential effect.	Utica Department of Engineering or City Planning Board
15	Special Use Permit/Variances	Medical use in Central Business District (CBD); area variances depending upon location of specific project elements	Utica Zoning Board of Appeals
16	General Municipal Law (GML) § 239-m	County Planning review of activities located within 500-feet of State or County highway, municipal boundary or park.	Oneida County Department of Planning
17	Water and Wastewater System Improvements Approval of Plans	Approval of water and wastewater infrastructure improvements and connections.	Mohawk Valley Water Authority (MVWA)
			Oneida County Health Department
			City of Utica
			Oneida County Department of Water Quality & Water Pollution Control
18	Building & Demolition Permits	Building code compliance.	Utica Codes Department
19	Certificate of Occupancy	Approval to occupy building.	Utica Codes Department
20	Various	Specific hospital operations will require multiple registrations, licensing, notifications, and/or certifications. Such activities are considered nondiscretionary (ministerial) approvals.	Various

1.2.3 New York State Executive Orders and Policies

Environmental Justice

Environmental justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.²⁴ In March 2003, the NYSDEC issued policy²⁵ to guide the incorporation of EJ concerns into the Department’s environmental permit review process, as well as in their application of the SEQR process. The policy focuses on the integration of public participation in NYSDEC’s permit review process for projects located in potential EJ areas. The policy is written to assist NYSDEC staff, the regulated community and the public in understanding the requirements and review process.

²³ Installation of a utility/pedestrian bridge over a City street (Columbia Street) will require review and approval by the City Engineer.

²⁴ <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

²⁵ http://www.dec.ny.gov/docs/permits_ej_operations_pdf/cp29a.pdf



The IHC project area is located in the City of Utica, which has been identified by the NYSDEC as a “Potential EJ Area²⁶.” In addition, as identified in Section 1.2.2, implementation of the project may require several approvals from the NYSDEC, which will require conformance with the NYSDEC’s EJ policy.

Specifically, CP-29 states that where a Potential EJ area is identified by the NYSDEC, the applicant shall submit a written public participation plan as part of its complete NYSDEC application. At a minimum, the plan must demonstrate that the applicant will:

- Identify stakeholders to the proposed action
- Distribute and post written information on the proposed action and the environmental permit review process
- Hold a public information meeting or meetings to keep the public informed about the proposed action and the permit review process
- Establish an easily accessible document repository or repositories in or near the Potential EJ area
- Provide a report or reports which summarize all progress to-date in implementing the plan, all substantive concerns raised to-date, all resolved and outstanding issues, the components of the plan yet to be implemented and an expected time line for completion of the plan
- Upon completion of the plan, submit written certification that the applicant has complied with the plan and submit a final report detailing the activities that occurred pursuant to the plan.

A summary of MVHS-sponsored public engagement efforts is provided below.

MVHS-Sponsored Public Engagement Efforts

Since 2015, the project sponsor and/or its team has coordinated and participated in over 130 meetings with decision-makers and stakeholders. These efforts have complemented additional public engagement and outreach initiated in conjunction with the on-going SEQR process (see Section 1.2.1). These efforts have included meetings with the following groups:

- Clinton Chamber of Commerce
- St. Elizabeth Medical Center – College of Nursing (Board of Directors)
- St. Elizabeth Medical Center – Neighbors Group
- Greater Utica Chamber of Commerce (Board)
- Local Business Leaders Meeting (with Legislators)
- Patient Advisory Council
- Association of Block Coalitions (Community Group)
- Mohawk Valley Latino Association
- Mohawk Valley Center for Refugees
- Court Street Children’s Center
- Bagg’s Square Association
- Community Forum
- Utica Common Council
- Genesis Group

²⁶ http://www.dec.ny.gov/docs/permits_ej_operations_pdf/oneidaej.pdf

- Resource Center for Independent Living
- Mohawk Valley Regional Economic Development Council
- Mohawk Valley Water Authority
- Westside Senior Center
- Wilcor International
- Oneida County Healthcare Coalition
- Utica Comets/Aud Authority
- Oneida County Board of Legislators
- Mayor, City of Utica
- Oneida County Executive
- Women’s Giving Circle
- No Hospital Downtown (Leadership)
- MVHS Foundation (Board of Directors)
- MVHS Patient & Family Advisory Council
- East Utica & Cornhill Neighborhood Members
- Matt Brewing
- Mohawk Valley EDGE
- Keeler In the Morning (Radio)
- Interfaith Coalition
- Talk of the Town (Radio)
- Observer Dispatch Editorial Board
- Retired St. Luke’s Nurses
- Partners in Giving
- FSLH Volunteer Association
- South Utica Neighborhood Group
- Community Foundation of Herkimer and Oneida Counties (Community Foundation)
- Office of the Aging Board (Livable Community Steering Committee)

