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City of Utica Planning Board
1 Kennedy Plaza
Utica, NY 13502
Attention: Mr. Brian Thomas, Commissioner
City of Utica, Department of Urban & Economic Development

Ref: Draft Scoping Document, MVHS Proposed Downtown Hospital

Dear City of Utica Planning Board:

This letter is in response to the Utica Planning Board's request for public comment on the above-referenced Draft Scoping document. As detailed below, the Draft Scope contains incorrect and misleading statements, omits relevant information, and dismisses or fails to mention the need to develop certain topics in the Environmental Impact Statement (EIS). Without correction and further definition in the Final Scope, the EIS will provide involved agencies with an inaccurate, misleading, and incomplete picture of the proposed project upon which to base their SEQR findings "that consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided." (Environmental Conservation Law 8-0109 (8)). To ease reference, the discussion below applies the labels found in the Draft Scope.

Section 1.2 Project Purpose

(A) The Applicant failed to identify the purpose(s) to be served by locating its project in Downtown Utica as opposed to the other sites it considered. The public has been told numerous times that Mohawk Valley EDGE used the Applicant's criteria to produce the site selection study upon which the Applicant's choice of the Downtown location was based. That study is still secret, so the public still does not know the Applicant's criteria. Applicant's spokesperson, Mr. Scholefield, has advised that the site selection study would be made public as part of the SEQR process (eg., video at the 20:00 mark found at <http://www.uticaod.com/news/20180509/compassion-coalition-mvhs-deal-unclear>). That time has now arrived and **the siting study should be included in the EIS as an appendix.**

(B) Page 3 of the Draft Scope incorrectly states that "[t]he new MVHS IHC and hospital will replace the St. Luke's and SEMC campuses" and "consolidate patient services to one campus." As acknowledged elsewhere in the Draft Scope, MVHS will retain certain patient services at both St. Luke's and SEMC campuses. Not disclosed is MVHS' retention of the 202-bed skilled nursing facility (formerly called the St. Luke's Home) on the St. Luke's Campus. Although some functions from two buildings will be combined into a new building at MVHS IHC, significant patient services will be retained at the old sites, making the characterization of the project quoted above incorrect and misleading. There is no replacement of the SEMC and St. Luke's Campuses. Rather, the MVHS IHC Downtown campus is being added to the Applicant's responsibilities, potentially threatening its financial stability.

(C) The Applicant claims existence of a "growing demand for healthcare due to the rapidly increasing and aging population in this region." Applicant needs to substantiate this claim with actual numbers of people (not percentages). US Census statistics indicate that regional population continues a decades-long decline and the number of people in Utica over 65 years old has also declined.

(D) Applicant needs to substantiate how a new facility will attract specialists to our region when the prerequisite for specialists is a sufficient population base to make doctor specialization economically feasible. Our population is declining.

(E) Although Applicant references Public Health Law 2825-b which indicates that the purpose of the State Grant is to "consolidate multiple licensed health care facilities into an integrated system of care" the Applicant omitted any explanation of how its project meets the grant's objective. The explanation is needed because Applicant's proposal to move the hospital structure away from the retained services at the old sites (particularly the removal of the hospital from the St. Luke's Campus that will continue to hold a nursing home and rehab facility) seems to directly oppose the intent of the legislation. In addition, the removal of the hospital from the St. Luke's Campus to Downtown will place at least 2 miles between the new facility and the existing de facto "medical district" composed of the numerous medical providers that have recently located near St. Luke's along Burrstone and French Roads in New Hartford and in the Utica Business Park, including an outpatient surgical center. Because they are recent, these providers are unlikely to follow the hospital Downtown. Increasing the distance between the hospital and these providers seems contrary to good patient care.

Section 1.3 Project Description

A. Although the project description mentions the acreage of private property that Applicant will need to acquire, it fails to disclose that this will involve displacement and/or loss of approximately 40 businesses/not-for-profits and the Utica Police Garage, permanent loss of taxable properties, and the permanent loss of properties that have in-place the public infrastructure and zoning needed to support small business development. Arguably these are the best properties for small businesses in the region due to their location in Utica's Central Business District. Utica will lose current tax revenue, important social services, jobs, and opportunities to grow jobs and its tax-base in the future. Neither the Draft Scoping Document nor any of the Application documents make any attempt to estimate the sales tax currently generated within the project area that will be at risk, to estimate the cost to duplicate the police garage off-site, to estimate the cost to duplicate off-site the public infrastructure now available for entrepreneurial growth, to estimate the non-hospital jobs currently within the project area that will be lost, or estimate the cost to duplicate lost businesses and not-for-profits elsewhere. Based upon the history of actual projects in Utica and Rome, most of the small businesses and their jobs will be lost. Although the Applicant will be liable for only a small fraction of these losses, they are real and represent a regional social and economic cost of the proposed project that will fall upon individuals, business owners, and taxpayers. State and local governments have spent literally hundreds of millions of dollars to create a relative handful of jobs locally. Will we have to spend such huge amounts again just to make up for the jobs that this project will consume? The Applicant needs to clearly state what it is asking Utica and the region to risk in exchange for Applicant locating its proposed state-of-the-art health care facility in Downtown Utica.

B. The Draft Scope erroneously claims that +/- 373 inpatient beds will be transitioned to MVHS IHC in Downtown Utica. That statement is contradicted by the NYS Department of Health's Needs Analysis, which states that 24 of those beds will remain at the St. Luke's Campus for Physical Medicine and Rehab. That means that the MVHS IHC will only transition 349 beds to Downtown Utica. The Final Scope needs to contain an accurate description.

C. The Draft Scope indicates that the proposed project will involve construction of approximately 2650 parking spaces, or greater than 7.5 spaces per hospital bed. This far exceeds the design requirements used elsewhere (e.g., Houston, TX 2.2 per bed; Palm Beach County, FL

1 space per 2 beds; St. Paul, MN 0.5 spaces per bed). Every space impacts the environment. Unneeded spaces create unnecessary impacts. The EIS needs to substantiate the number of parking spaces planned.

D. Applicant's description of disposition and re-purposing of existing hospital campuses is unacceptably vague given the region's history of blight caused by the abandonment of hospital buildings at the Central New York Psychiatric Center. The EIS must contain assurances that Applicant's abandonment of facilities will not create new blight in South Utica and New Hartford. As mitigation, consideration should be given to requiring MVHS to post a performance bond to fund continued maintenance and/or demolition of the abandoned hospital buildings if they are not repurposed within an appropriate specified time period.

E. Given that Applicant proposes to abandon its hospital tower at St. Luke's and/or change its use, it must be determined whether Utica's decades-old agreement to provide fire protection for the building will still apply or whether that responsibility and cost will fall upon the Town of New Hartford.

Section 1.4 Potentially Significant Adverse Environmental Impacts

The Draft Scope needs expand to include the following information under the following "Environmental Topics":

A. Impact on Surface Water: Utica currently has a number of combined sewers and combined sewer overflows which pass untreated sewage and/or tainted runoff directly into the Mohawk River, bypassing the Water Pollution Control Plant, during periods of wet weather. (1) The new hospital building will produce a volume of raw sewage concentrated at one location. (2) The acres of new parking will produce a volume of tainted runoff. Both will empty in an area of Utica where sewer infrastructure is old and likely to combine stormwater and wastewater. The EIS needs to identify the routes wastewater and runoff from the proposed project will take to their ultimate point of disposal in the Mohawk River, whether the sewers same will pass through are separate, combined, or both; whether they are adequate to handle the flows calculated; and whether or not any wastewater or tainted runoff will bypass the Water Pollution Control Plant and enter the River untreated. Flows from the proposed "U-District" adjacent to the hospital site should also be considered as a cumulative impact. Relocating the proposed project to the St. Luke's Campus should be considered to avoid these and new all surface water impacts (see "E" under Section 1.9 Reasonable Alternatives below).

B. Impact on Groundwater: Relocating the proposed project to the St. Luke's Campus should be considered to avoid all new groundwater impacts (see "E" under Section 1.9 Reasonable Alternatives below).

C. Impact on Flooding: Flooding is dismissed as an issue by the Applicant based upon the project area not being within a floodway or 100/500 year floodplain as shown on federal maps. However, the lack of a floodway designation does not eliminate flooding as a substantive and significant issue. On July 1, 2017, significant flooding (causing abandonment of cars, risk to human life, and property damage) occurred on a newly reopened section of the North-South Arterial and adjacent Lincoln Avenue in an area labeled "area of minimal flood hazard" on the federal map. Per media reports State DOT officials claimed that their drains worked properly but indicated there was insufficient capacity in the stormsewers or receiving stream to prevent the flooding from occurring. This flooding occurred approximately one half-mile from and at a higher elevation than the project site. The project description in the Draft Scope indicates that some storm sewers will be removed, some existing will be used, and others will be constructed with a connection to the State DOT stormsewer line. The proposed project will create acres of new, unbroken pavement (i.e., less able to retain/slow runoff than a patchwork of old/broken pavement, sidewalks, roofs, yards, etc.). Applicant's mere claim that the proposed project will increase pervious surfaces does not resolve the question. Given the proximity of the project area to a known area of urban flooding, the potential that some of the same overwhelmed systems may be depended upon to carry away storm water from the project site, the likely increase in amount and speed of runoff from new pavement (which would increase water depth wherever flow is impeded), and the potential of risk to human life and property, the EIS must contain calculations of the amount of runoff from the project site using appropriate design criteria, and identification and assessment of the capacities of the systems/streams that will be used to convey runoff away from the project site without creating new problems downstream. Runoff from the proposed "U-District" adjacent to the hospital site should also be considered as a cumulative impact. Relocating the proposed project to the St. Luke's Campus should be considered to avoid all potential flooding impacts (see "E" under Section 1.9 Reasonable Alternatives below).

D. Impact on Air: The proposed project will close portions of several streets including Cornelia (which connects Oriskany Boulevard with Court St.) and Lafayette (which connects Bleecker St. from East Utica with portions of West Utica), forcing drivers on these streets to detour over non-direct routes, lengthening their trips, increasing

traffic, and resulting in corresponding increases in air-pollution. The hospital itself will be a new traffic and air pollution generator. Cumulative impacts from anticipated projects nearby also need to be addressed. These impacts on air should be assessed in the EIS. Relocating the proposed project to the St. Luke's Campus should be considered to avoid the operational impacts to air, and minimize the numbers of persons exposed to construction impacts to air (see "E" under Section 1.9 Reasonable Alternatives below).

E. Impact on Aesthetic Resources including Lighting: Relocating the proposed project to the St. Luke's Campus will minimize both construction and operational impacts (see "E" under Section 1.9 Reasonable Alternatives below).

F. Impact on Historic and Archeological Resources: Relocating the proposed project to the St. Luke's Campus will completely avoid impacts to Historic and Archeological Resources (see "E" under Section 1.9 Reasonable Alternatives below).

G. Impact to Transportation: The proposed hospital will generate new traffic for Downtown that may exceed street capacity, particularly when considered cumulatively with other projects anticipated nearby. Traffic will be exacerbated by the project's proposed street closures described at D. above. Relocating the proposed project to the St. Luke's Campus will avoid all the operational transportation impacts and minimize most construction impacts (see "E" under Section 1.9 Reasonable Alternatives below).

H. and I. Impacts on Utilities and Impacts on Energy: Applicant fails to disclose, and the EIS needs to address, the impact of the proposed project on the Applicant's Co-Generation Facility recently constructed on the St. Luke's Campus but shared with Utica College, whether it will remain economically viable, or whether the power capacity will be wasted when the hospital tower is shut down. Cumulative impacts to Utilities and Energy from anticipated projects nearby also needs to be considered. Relocating the proposed project to the St. Luke's Campus will minimize the need to reconfigure utilities (water, sewer, electric) and the impacts from doing so (see "E" under Section 1.9 Reasonable Alternatives below).

J. Impact on Noise and Odor: Relocating the proposed project to the St. Luke's Campus can be expected to minimize construction impacts, and avoid operational impacts since the need to demolish old buildings and remove old public infrastructure and contaminated soil and debris would be minimized(see "E" under Section 1.9 Reasonable Alternatives below).

K. Impact on Human Health: Although the Applicant makes reference to the CSX Railroad Tracks about 900 feet north of the project site, the existence of an Oneida County Comprehensive Emergency Management Plan, and expected coordination with various Emergency Response entities, Applicant fails to mention that Bakken crude oil is regularly transported over railroad tracks within a half-mile of the project site, that accidents have occurred in the past on these tracks, and that when accidents involving such cargo occur, evacuation within a half mile of the accident site is often necessary. Although the probability of such an accident may be considered by some to be remote, the consequences can be disastrous, as demonstrated by the 7/6/2013 Lac-Mégantic, Quebec accident. These unstated facts substantiate that an issue exists. The potential consequences make the issue significant. Given the potential risk to human life, the EIS must contain an assessment of whether or not an evacuation of what will become Greater Utica's only hospital will be feasible in the event a Lac-Mégantic-style accident were to occur. If evacuation is determined to be feasible, an evacuation plan should be included as an Appendix to the EIS. Relocating the proposed project to the St. Luke's Campus, which is out of the danger zone, would avoid this particular potential impact to human health. It will also avoid introducing the new impacts already mentioned in the Draft Scope into the Downtown Utica neighborhood (see "E" under Section 1.9 Reasonable Alternatives below).

L. Consistency with Community Character and Plans: Applicant fails to disclose that the site of the proposed project lies within the Gateway Historic Canal District (an area bounded by Genesee, State and Columbia Streets and the CSX Tracks) which has its own specific master plan, that said plan recommended amendment of the zoning regulations for the district to encourage mixed-uses by establishing building-form requirements, that the Utica Planning Board unanimously recommended approval of the zoning amendment, that the Oneida County Planning Department recommended approval of the amendment, and that on 3/16/2005 the Utica Common Council unanimously approved the amendment. This neighborhood-specific plan and building-form requirements are consistent with the more general Utica Master Plan approved by the Council in 2011 which envisions mixed uses and "walkability" Downtown. Because they have been approved by the Common Council, it is understood that these plans and requirements are binding on the Planning Board and all who propose building within this district, and cannot be overridden with a mere site plan approval. Based upon Applicant's plans revealed to the public thus far, the proposed project materially conflicts with these officially approved/adopted plans and goals. Furthermore, since the existing street grid was established by city ordinances over the years, Applicant's proposal to close portions of streets for the proposed

project also presents a "material conflict" with the community's plans and goals as officially adopted. Per 6 NYCRR 617.4(vi), these material conflicts are *per se* a substantive and significant adverse environmental impact that either must be mitigated by redesign of the proposed project to conform to the aforesaid requirements, or avoided by relocating the proposed project to either the St. Luke's Campus or the Psych Center Campus (see "E" under Section 1.9 Reasonable Alternatives below).

M. Impacts on Solid Waste Management: Relocating the project to the St. Luke's Campus will minimize impacts related to demolition.

N. Environmental Justice: The proposed project not only threatens the continued existence of non-hospital jobs in this environmental justice neighborhood, but also threatens several charitable services located there. Relocation of the proposed project to either the St. Luke's Campus or the Psych Center Campus would totally avoid these impacts.

Section 1.5 Cumulative Impacts

The EIS needs to develop the information on cumulative impacts identified at Section 1.4 A, C, D, G, H and I above, all of which could be avoided by relocating the proposed project to either the St. Luke's Campus or the Psych Center Campus (see "E" under Section 1.9 Reasonable Alternatives below).

Section 1.6 Unavoidable Adverse Environmental Impacts

Determination of unavoidable impacts must be made with reference to both the St. Luke's Campus and Psych Center Campus as reasonable alternative sites to allow a comparison regarding which site better minimizes or avoids adverse environmental impacts. Involved agencies will not have a sound basis for their SEQR findings without this information. For the reasons explained at "E" under Section 1.9 Reasonable Alternatives below, it is believed that the St. Luke's Campus best minimizes or avoids adverse environmental impacts.

Section 1.7 Irreversible and Irretrievable Commitment of Resources

The EIS summary should include the existing streets and other public infrastructure that will be removed; the buildings to be demolished including the police garage; the businesses and associated jobs, income and personal wealth that will be lost; the loss of taxes (property and sales) to local jurisdictions; and the lost potential for Utica to grow jobs and tax base through conversion of developable acreage into parking lots and hospital related structures. This topic

should also include a similar summary for the St. Luke's Campus and the Psych Center Campus alternatives to permit a comparison to be made.

Section 1.8 Growth Inducing Aspects

This section of the EIS should include (A) consideration of "negative growth" with associated impacts (the spread of blight and waste of community resources), (B) discussion of whether the intent of the State's Smart Growth Policy (Environmental Conservation Law Article 6) will be implemented, and (C) substantive evidence and reasoned elaboration to back up conclusions rather than speculation and forward looking statements. Currently available information suggests that the proposed project, when completed, will exacerbate the region's *negative* population trends through the *destruction* of jobs. Hospital jobs will be reduced due to the reduction in hospital beds from 571 to 373 (see the NYS Department of Health's Needs Analysis). Most non-hospital jobs (as yet uncounted) associated with the approximately 40 entities currently within the downtown hospital footprint will disappear based upon the 90%+ closure rate experienced by Rome, NY businesses previously in the footprint of its Ft. Stanwix urban renewal project. The proposed project's occupation of 25 Central Business District Acres, primarily for parking, not only will remove this acreage from private development but also drive up the cost of remaining CBD property by restricting supply. That will discourage new startups and the creation of new jobs. Meanwhile the City of Utica will be burdened with providing municipal services to new facilities that do not generate taxes, raising taxes for everyone else and making Utica less attractive for investment. The excessive parking facilities will foster more dependency on the automobile. Simply put, the proposed project will replace an urban neighborhood that contributes to its upkeep with suburban sprawl that will not. The EIS needs to not only address these concerns, but also acknowledge that they could be minimized by placing the new facility on the St. Luke's Campus.

Section 1.9 Reasonable Alternatives

A. This section of the Draft Scope repeats the inaccurate, misleading statements and omissions addressed in "Section 1.2 Project Purpose" above. My comments there are incorporated here by reference. Please correct these elements in the Final Scope.

B. In its Certificate of Need Application, Applicant has interpreted the State's Grant as requiring a site within Oneida County's "largest population center" by appending the words "which is Utica" that do not appear in the law. Applicant now, inconsistently, lists the St.

Luke's Campus (in New Hartford) and the New Hartford Shopping Center as "reasonable alternatives" to be considered. Since it would be "unreasonable" for agencies to consider alternate sites that do not qualify for the Grant, the listing of New Hartford sites as "reasonable alternatives" should be construed as both a waiver of future arguments that the legislation requires the proposed project to be within Utica, and as an admission that the identified sites in New Hartford are located "within the largest population center" of Oneida County.

C. The New Hartford Shopping Center must be rejected as a "reasonable alternative" to be considered in the EIS because:

1. It was not one of the several sites considered in Applicant's secret siting study and presumably does not meet the Applicant's criteria.

2. Applicant neither owns nor has a purchase option on the site (see 6 NYCRR 617.9(b)(5)(v) ('g')).

3. The proposed use is inconsistent with the Village of New Hartford's zoning ordinance.

4. Conversion to tax-exempt status would likely create unacceptable and destabilizing financial consequences to the Village.

5. Forcing the existing businesses to move will likely result in permanent closures, unacceptable job losses, potential blight elsewhere in the Village, and sprawl.

D. The Utica Psychiatric Center is appropriately considered as a reasonable alternate site because it is located within the County's "largest population center," was included in Applicant's secret siting study, and, thus, presumably meets the Applicant's base criteria. This site needs to be weighed against the proposed Downtown and St. Luke's sites as to environmental impacts (both those identified above and, perhaps, others) and a determination made as to which site minimizes adverse impacts to the maximum extent. In discussing this site, the EIS needs to elaborate on or note the following:

1. Applicant lacks ownership or a purchase option to the site (see 6 NYCRR 617.9(b)(5)(v) ('g')).

2. The proposed use of the site would be consistent with zoning, applicable local plans, the street grid, and prior site history (involving hundreds of patients and staff on site at any particular time). There would be no adverse change to community character. Bringing back a healthcare related use to the site could reverse the neighborhood decline that followed abandonment of Psych Center buildings.

3. Operational impacts to the environment could be expected to

be similar to those of the past but without an actual study and comparison of what needs to be constructed to what is now there, their significance is unclear.

4. Construction impacts to the environment and sensitive receptors off site could be buffered by both the larger site (several times the size of the Downtown site), and by less intense land uses in the surrounding neighborhood than what is Downtown. Fewer buildings to raze on this site also suggest fewer impacts than at the proposed Downtown site.

5. This site presents fewer opportunities to minimize impacts through the reuse of ancillary facilities than is possible on the St. Luke's Campus.

6. The larger campus suggests that the need for a parking garage could be replaced with surface parking.

7. Since the land is already tax-exempt institutional and existing uses would not have to be dislocated, all the adverse economic, social, business, jobs, smart growth, sprawl, environmental justice and tax consequences associated with the Downtown site would be avoided.

E. The St. Luke's Hospital Campus is appropriately considered as a reasonable alternate site because it is located not only within, but at the virtual center of the County's "largest population center" making its location convenient to the entire region that will be served by the new facility. As Applicant's acknowledged "back-up" to the Downtown site (Applicant was not required to choose a back-up), the Applicant cannot now credibly deny that the St. Luke's Campus will meet ALL its needs. This site needs to be weighed against the proposed Downtown and Psych Center sites as to environmental impacts and a determination made as to which site minimizes adverse impacts to the maximum extent. In discussing this site, the EIS needs to elaborate on or note the following:

1. The St. Luke's Campus is the ONLY site under consideration for the proposed project that the Applicant actually owns or controls(see 6 NYCRR 617.9(b)(5)(v) ('g')).

2. Per the following Table (taken from the NYS Department of Health's Needs Analysis) if the new facility were to be constructed on the St. Luke's Campus, it would result in a negligible increase of **THREE BEDS**.

Beds: Existing and Proposed				
	St. Elizabeth	St Luke's	Change	New Facility
Coronary Care		8	0	8
Intensive Care	20	22	0	42
Maternity		26	-3	23
Medical / Surgical	149	238	-147	240
Neonatal Continuing Care		4	-4	
Neonatal Intermediate Care		8	0	8
Pediatric	8	14	-14	8
Physical Medicine and Rehab		**24	0	**24
Psychiatric	24	26	-6	44
Total	201	370	-174	373
** Remaining at St Luke's Campus				

Source: HFIS 2017

This suggests that the variety and intensity of operational environmental impacts of locating the new facility on the St. Luke's Campus should be virtually identical to those associated with the facility that is there now, **i.e., NO new or increased impacts to the environment should be expected at the St. Luke's site.** This includes impacts to surface water, groundwater, flooding, air, aesthetic resources, transportation, utilities, energy, noise, odor, human health, and solid waste management.

3. Locating the new hospital facility on the St. Luke's Campus (which is more than double the size of the proposed Downtown MVHS IHC) will minimize the environmental impacts associated with construction because (a) the need to bulldoze an entire neighborhood that is likely to contain asbestos and other contaminants from prior uses is eliminated; (b) **the proposed project can and should be scaled back to be essentially a replacement of the existing hospital tower,** eliminating the need to duplicate existing ancillary, non-healthcare related facilities that can be re-used, such as the recently constructed medical office building, new cafeteria, new co-generation plant, helipad, and parking lots; (c) the excessive parking proposed for Downtown can be eliminated; (d) the larger site and less intense land uses in the surrounding neighborhood with much space between nearby buildings and the site will buffer impacts to off-site receptors.

4. New areas of environmental concern would be sensitive receptors on site, and a small federal wetland on site. The sensitive receptors can be dealt with as they were in the past given that the existing hospital tower has undergone several major additions over the years of its existence without interruption in service. The emergent wetland is of minimal environmental significance, has been previously encroached upon by the Applicant for a roadway and parking lot without regulatory problem, could be easily replaced or moved to a more convenient location, or be avoided altogether given the large size of the site.

5. The St. Luke's site is far enough away from the Bakken Crude

transport route to eliminate all possibility of having to evacuate the facility in the event of a rail accident.

6. The proposed project at the St. Luke's Campus would be fully consistent with Town of New Hartford zoning, plans, and involve no change to community character.

7. Since the St. Luke's Campus is already tax-exempt, institutional, and existing uses would not have to be dislocated, the adverse economic, social, business, jobs, smart growth, sprawl, environmental justice and tax consequences associated with moving services to the Downtown site would be avoided.

8. Placing the new hospital tower on the St. Luke's Campus (a) eliminates the need for the Applicant to establish and maintain an additional medical campus, (b) advances the Grant's purpose to "consolidate multiple licensed health care facilities into an integrated system of care," (c) will maintain the proximity of hospital treatment to the providers in the region's de facto medical district consistent with good patient care.

Section 1.10 Elements of the DEIS

A. The Draft Table of Contents for the Draft EIS will have to be revised to reflect the concerns detailed above.

B. Appendices must include the complete Site Selection Study and an Evacuation Plan.

Section 1.11 Irrelevant or Non-Significant Issues or Impacts

Impacts on Flooding must be eliminated from this list for the reasons detailed above under Section 1.4 C.

Thank you for your attention to these matters.

Very truly yours,

Frank Montecalvo

Via Certified Mail and E-Mail bthomas@cityofutica.com

CC: LIST ATTACHED