

## Appendix A-2

### Public Comments

#### On the VA Response to Comments Document for VAMC Building # 2

Public comments on VA's Response to Comments document were received during a two-week public comment period extending from 17 July through 31 July 2009. The public provided comments by submitting emails and letters. All comments were reviewed and those pertinent to the environmental scoping of the project are summarized below. Every attempt has been made to adequately respond to these comments and incorporate them into the Final Site-Specific Environmental Assessment (SEA). Public involvement in development of the SEA is discussed in Section 1.3 of the SEA.

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#### Alternatives

Approximately 45% of the comments related to alternatives:

- Additional alternatives should be reconsidered:
  - Lease of existing parking lots or empty lots in New Orleans for installation of the medical support units.
  - A significant portion of the existing VAMC campus, approximately 250,000 square feet or one quarter of the facility, is currently being used for patient care. Therefore, it should be possible to use additional space within the existing buildings to provide supply, processing, and distribution (SPD) services.
  - Use existing open space on the campus for installation of the medical support units.

#### RESPONSE:

- The alternative of leasing commercial parking or empty lots in the vicinity of the VAMC campus was eliminated from further consideration due to a lack of availability and accessibility. The critical need for SPD services to be located as close as possible to the medical facilities limits the number of off-campus locations that meet the basic proximity criteria. Two options were identified and investigated, nearby Louisiana State University (LSU) property and the Central Parking lot located on the corner of Poydras Street and S. Claiborne Avenue. LSU indicated there were no parcels available within the proximity or of appropriate size. The parking lot is actively in use; therefore, the requested price for leasing would include compensation to the owners for loss of the daily income. Additionally, the utility services available on this lot do not adequately meet the stringent VA SPD protocols regarding the type and amount of utilities necessary for proper processing of medical equipment. Installation of appropriate utilities would add additional cost and time to the project. The owners were not

interested in leasing this lot to VA. No other vacant parcels or parking lots were identified within the proximity required to meet the stringent SPD protocols. Therefore, due to availability, asset, and cost constraints, the alternative of leasing a nearby vacant lot or parking lot was eliminated from further consideration. Section 2.2.4 of the SEA discusses this alternative in additional detail.

- Currently, there is no space available within usable buildings that comprise the SLVHCS that are proximate to the Urgent Care Center and New Orleans clinic for compliance with new mandates. The current space being utilized on the VAMC includes two enclosed floors located above the parking garage and two modular buildings either undamaged by Hurricane Katrina or added after the storm. Modification/renovation of the existing New Orleans VAMC facility was considered but eliminated from further consideration during the environmental review for the PEA due to health risks and mold concerns. These conditions render the facility unfit for any patient care or SPD services.
- There is no open space on the VAMC campus large enough to house the medical support functions without adversely impacting outpatient services. The purpose and need of the project is to enhance patient care. The units are too large to install within the existing parking garages on campus.

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**Impact on New Orleans Medical Historic District (NOHMD)**

Approximately 24% of the comments related to the impact on the NOMHD in general or on specific buildings within the NOMHD. These comments are summarized below:

- Loss of one of 15 contributing elements to the NOMHD is significant.
- Lynchpin element is not a standard term.
- Demolition of a historic structure to install a “temporary parking lot” constitutes a significant impact.
- Concern over the impact of demolition on the neighboring Sister Stanislaus building.
- Suggested need for more consideration of vibration impacts, especially to the Sister Stanislaus building.
- Recordation treatment measures do not “reduce” the impact of demolition.

**RESPONSE:**

In consultation with Federal, State, and local agencies, tribes, and organizations per the Advisory Council on Historic Preservation (ACHP) regulations for implementing NHPA Section 106, VA identified the three mitigation measures to reduce potential adverse impacts on historic resources. These measures are described in brief in Section 5.0 and in

detail in the Memorandum of Agreement (MOA), which can be found in full in appendix B of the SEA. Three of these measures have been expanded upon:

- **Effects to the NOMHD/Lynchpin Element:** The term “lynchpin element” was used as a descriptive term. For example, Charity Hospital and the Sister Stanislaus Memorial Building are both individually eligible for listing on the National Register for Historic Places. Their historic status, importance, and size make them the most visible and significant buildings in the NOMHD, and adverse effects to these buildings could pose a serious threat to the integrity of the entire district. Hence, VA would consider these facilities as “lynchpin elements” to the NOMHD. VAMC Building # 2 is a contributing element to the district, and its demolition will be an adverse effect to the NOMHD. However, VA, SHPO, and the ACHP agree that demolition of this building will not result in an impact to the NOMHD that would invalidate the district’s eligibility for the NRHP. VA has consulted with the SHPO, ACHP, and consulting parties regarding ways to avoid, minimize, and/or mitigate impacts to this structure and the district as a result of the proposed actions. VA has agreed to measures to avoid and mitigate impacts to the district as described in the MOA in Appendix B.
  
- **Recordation Treatment Measure:** As part of the recordation process per Stipulation V.B.4 (b) of the PA, VA will also be documenting the other buildings and structures on the VAMC campus. In one of the stipulations of the MOA, VA would reevaluate the National Register eligibility for these other buildings and structures. VA would reevaluate the contributing/noncontributing status of the various components of VAMC Building #1 and all structures on the VAMC. Depending on the findings, VA may recommend an amended period of significance for the NOMHD. VA would consult with SHPO on these eligibility determinations.
  
- **Demolition Treatment Measure:** Prior to commencement of any site disturbance under Alternative #2, VA will require the contractor to develop a Demolition and Protection Plan (D&P Plan) and establish protocols for vibration monitoring. The D&P Plan will detail specific procedures and measures to be taken to avoid direct or indirect adverse impacts to the neighboring buildings, particularly contributing buildings to the NOMHD such as Sister Stanislaus, during demolition of Building #2. The consulting parties, SHPO, and ACHP will all be afforded the opportunity to provide comments on the D&P Plan before it is finalized. Additionally, VA will require the contractor to monitor vibrations to limit potential adverse impacts to neighboring buildings. Vibrations at the building closest to the demolition site will be limited to no more than 0.2 inches per second and monitored regularly during vibration-inducing construction activities.

### **Purpose & Need**

Approximately 14% of the comments related to the project's purpose and need. These comments are summarized below:

- Purpose and need does not justify demolishing an historic building.
- Purpose and need has significantly changed since the Draft SEA.
- The revised Purpose and Need relies on VA regulations regarding SPD put in place *after* the previous Section 106 comment deadline, and after the SEA had already been released.

#### **RESPONSE:**

The mandate forced the VA to redesign the purpose and need statement as the risk to patient and staff health caused a greater need for acceptable SPD services. SPD services were one of several possible options for the mobile support services as described in the Draft SEA. Therefore, with the addition of new regulations and information, the purpose and need statements were simply narrowed down, rather than changed significantly.

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### **NEPA Public Participation**

Approximately 10% of the comments focused on the process used for soliciting public comments:

- Methods of notification and sharing of information have been inadequate.
- More wide-spread notification of NHPA processes than NEPA processes.
- Request opportunity to see all the comments that were submitted on the Draft SEA.

#### **RESPONSE:**

On 17 July 2009, three avenues of public notification were utilized to distribute information about the availability of the Response to Comments Document, the public comment period, and the 31 July 2009 closing date of the comment period. The Notice of Availability (NOA) for the Response to Comments document was published in *The Times-Picayune* on page A-6. Additionally, the NOA was distributed to all individuals who provided contact information at the public meetings held in relation to the Tier I and Tier II process. The NOA was delivered via email to those individuals who provided their email address, including all consulting parties, while a hardcopy version was distributed to individuals who provided a complete mailing address. Also, on 17 July 2009, the project website (<http://valsmedcenters.com>) was updated to include a copy of the Response document, and the closing date for comments.

The VA believes that the notification which was provided regarding the availability of all proceedings and documents related to the SEA for Building #2 has been more than adequate.

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### **Cumulative Impacts**

Approximately 5% of the comments related to potential cumulative impacts. These comments are summarized below:

- The SEA fails to address the cumulative impacts of the proposed demolition of Building # 2 in conjunction with the nearby demolition of the State Office Building and former State Supreme Court Building.
- Potential adverse impacts due to the unknown future disposition if the existing VAMC. No actions should be taken now that could cause further negative impacts in the area.

#### RESPONSE:

**State Office Building:** Due to damages from Hurricane Katrina, the State elected to demolish the Modernist International style State Office Building and former State Supreme Court. In 2007, FEMA determined these structures were individually eligible for inclusion in the NRHP and initiated Section 106 proceedings; demolition is in progress. No information is currently available regarding future development at these locations. Should these properties and the Building # 2 property remain vacant after VA removes the mobile support facilities, there could potentially be cumulative impacts to the NOMHD and CBD due to the existence of an additional vacant lot. The future disposition of the Building # 2 footprint will be addressed during the environmental compliance process regarding disposition of the full VAMC campus. The State projects are outside of VA control and the ultimate disposition of these properties is indeterminate at this time. However, the cumulative impacts of demolitions throughout New Orleans in the wake of Hurricane Katrina and the recovery from Katrina are beyond the scope of the current undertaking. Cumulative impacts associated with the State Office Building and Former State Supreme Court are discussed in Section 4.2.2 of the SEA.

**Future Disposition of the Existing VAMC:** VA's mandate is to provide the best care possible for the nation's veterans. New VA regulations make it imperative that SPD functions are brought into compliance as soon as possible. Currently both patients and staff are at risk. VA cannot compromise patient care and staff safety in the name of potential, undetermined future impacts. VA believes demolition of Building # 2 remains the most viable alternative for meeting the purpose and need of the project. VA has committed to treatment measures in the MOA to reduce reasonably foreseeable potential adverse impacts.