

## Record of Decision

# Replacement Robley Rex VA Medical Center, Louisville, Kentucky

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05/30/2017

## 1.0 Introduction and Summary of the NEPA Process

As required by the *National Environmental Policy Act* (NEPA), the U.S. Department of Veterans Affairs (VA) identified, analyzed, and documented the potential environmental impacts associated with the proposed replacement Robley Rex VA Medical Center (VAMC) in Louisville, Kentucky, in the Final environmental impact statement (EIS) issued on April 28, 2017. The EIS is incorporated by reference in its entirety into this Record of Decision. The Robley Rex VAMC and its eight community-based outpatient clinics (CBOCs) serve approximately 150,060 U.S. Veterans within the Louisville service area, which includes 35 counties in western Kentucky and southern Indiana.

### 1.1 Statutory and Regulatory Authorities

The EIS process was conducted in accordance with the *National Environmental Policy Act of 1969* (NEPA) (42 United States Code [U.S.C.] 4321 et seq.), the Council on Environmental Quality's (CEQ's) regulations for implementing the procedural provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), VA's NEPA regulations titled "Environmental Effects of the Department of Veterans Affairs Actions" (38 CFR Part 26), and VA's "NEPA Interim Guidance for Projects". NEPA and these regulations require that VA, as a federal agency, evaluate the potential environmental impacts of the agency's major actions significantly affecting the quality of the human environment.

### 1.2 Purpose and Need

The *purpose* of the proposed project is to provide Louisville area Veterans with facilities of sufficient capability (functional) and capacity to meet their current and projected future health care needs. These facilities would include a full-service (inpatient and outpatient) hospital, associated CBOCs, and a Veterans Benefits Administration (VBA) regional office.

The number of Veterans enrolled in health care services within the Louisville service area is expected to increase 11 percent from 60,943 in FY2014 to more than 68,000 by FY 2024. During this same time period, outpatient clinic stops are expected to increase 26 percent from 762,104 to over 963,000. Increased capacity is required to, at minimum, keep pace with increased enrollment and clinic stops while maintaining current levels of service. Optimally, that increased capacity would improve service levels by accommodating expanded diagnostic services and decreasing wait times for appointments. The increased capacity and services provided by the new VAMC would streamline and enhance the patient experience for users of the facility.

The proposed project is *needed* because the current hospital and CBOCs are operating at maximum capacity and are unable to accommodate the projected increase in the regional Veteran population. The configuration and condition of the existing 63-year-old Louisville VAMC facility offers limited options to expand to meet these needs, and parking at the Zorn Avenue VAMC is insufficient.

Between 1998 and 2004, VA completed a nationwide Capital Asset Realignment for Enhanced Services (CARES) study to identify the demand for VA care and assess appropriate function, size, and location for future VA facilities. The CARES study confirmed that the Louisville VAMC has significant space issues. In addition, VA conducted a feasibility study in 2009 that also considered various reconfiguration options for the existing VAMC. VA subsequently determined that new facilities constructed on a new site would be best suited to meet future needs.

Additionally, the existing VBA regional office requires relocation because VBA functions exceed the physical capacities of its existing regional office located in leased space at 321 West Main Street, Suite 390, Louisville. . These insufficient facilities challenge VA's ability to safely, economically, and consistently provide high-quality, integrated health care and services to the region's Veterans.

### **1.3 Site Selection Process**

From 2009 through 2011, VA undertook a sequential planning and screening process to identify all reasonable alternatives for the facilities that are necessary to meet the current and projected future health care needs of Veterans in the Louisville service area. The alternatives identified in this process ranged from reconfiguring the existing Louisville VAMC at Zorn Avenue through new construction and renovation, which is consistent with Veterans' stated preference, to constructing a replacement VAMC at a new site in the Louisville area. This included evaluation of a potential downtown location closer to the University of Louisville Hospital, which serves as a critical backup to the VAMC providing emergency and specialty care to Veterans. In 2009, VA conducted a study to evaluate the feasibility of constructing a new VAMC at a downtown or greenfield (previously undeveloped) location and reconfiguring the existing Zorn Avenue facility. The study concluded that a full replacement hospital on a greenfield (previously undeveloped) site would likely be least expensive, fastest to delivery, and with the least adverse impact on ongoing Veteran access to care and services.

In April 2010, following standard agency procedure for identifying potential new sites, VA's Real Property Service publicly advertised for expressions of interest from potential offerors of available property (including both developed and undeveloped properties) that might satisfy its need. VA received more than 20 responses, and a multi-disciplinary board of VA employees used a variety of criteria to screen that initial set of site options; those criteria included location, size, access, utilities, cost, availability and environmental considerations. One of the more important criteria was that the site be located within a 15-mile radius of the University of Louisville Hospital in downtown Louisville to facilitate continued collaboration between that facility and the VAMC.

Of the sites offered for VA's purchase, those referred to as the Brownsboro Site, the St. Joseph Site, and the Fegenbush Site scored the highest based on the screening criteria. VA also identified the Downtown Site (offered by the University of Louisville and the City of Louisville) and the potential to reconfigure the existing Louisville VAMC site as candidate sites for the replacement VAMC.

In 2011, VA subjected each of these initial five candidate sites to a more rigorous second round of screening, including Phase I environmental site assessments, American Land Title Association surveys, geotechnical investigations (except Downtown Site), and additional onsite environmental investigations. In addition, VA contacted federal, state, and local regulatory agencies concerning the potential to construct and operate a replacement VAMC on any of these five sites.

As the result of this second round of screening, VA identified the Brownsboro and St. Joseph sites as the ones that would best meet VA's needs to provide timely healthcare to Veterans and would have the least potential impact on the surrounding environment.

#### **1.4 Related NEPA Documents**

Based on the findings of the CARES Study, VA prepared a programmatic environmental assessment (PEA) that evaluated the environmental effects of selecting and acquiring a site for the construction and operation of a replacement VAMC. The PEA analyzed the effects of transferring operations from the existing VAMC to a replacement VAMC at either of two alternative sites—the Brownsboro Site (identified as the preferred site) or the St. Joseph Site—and the No Action alternative of continuing operations at the existing Zorn Avenue location. The Finding of No Significant Impact (FONSI) stated that VA had determined there would be no significant environmental impacts associated with either location provided that VA (1) implemented the mitigation, avoidance, and minimization measures identified in the final PEA; and (2) completed a subsequent site-specific environmental assessment (SEA), tiered from the PEA to analyze the potential environmental effects of the construction and operation of the VAMC on the selected site. The SEA would more fully develop and analyze the identified mitigation, avoidance, and minimization measures. Following the completion of the PEA in June 2012, the VA purchased the Brownsboro property on July 10, 2012. To date, no development has taken place on the Brownsboro property.

Subsequently, VA began master planning and validating space requirements for its programs in preparation for the conceptual design process. In March 2013, VA contracted with an Architect-Engineer team to produce concepts that were rigorously evaluated and eventually developed into schematic designs. In the same time frame (April 2013), VA contracted with an environmental consultant to perform the SEA stipulated by the PEA. The ultimate design provided sufficient detail to serve as the basis for the proposed action that was evaluated in the SEA. In December 2014, VA published for public comment the draft SEA evaluating the proposed action to construct and operate a replacement Robley Rex VAMC campus, including a regional VBA office, at 4906 Brownsboro Road in Louisville, Jefferson County, Kentucky (VA 2014 Draft SEA). The No Action alternative in the SEA was to continue operations at the existing Zorn Avenue location. However, based on the findings in the Draft SEA and upon further internal review, VA determined that the SEA process could not conclude with a FONSI and that an EIS was appropriate.

## **2.0 EIS Alternatives Analysis and Review**

### **2.1 EIS Alternatives Considered**

As a result of the site selection process described above, VA determined that the sites that best satisfied VA's needs to provide timely health care to Veterans were the Brownsboro Site (Alternative A), located at 4906 Brownsboro Road; and the St. Joseph Site (Alternative B), located at 13508, 13605, and 13615 Factory Lane. Continuing operations from the existing location at 800 Zorn Avenue is evaluated in this EIS as Alternative C, No Action. The Fegenbush Site, the Downtown Site, and reconfiguration of the existing VAMC were dismissed from further consideration for reasons described in Section 2.3 of the EIS.

These two action alternatives (A and B) were also evaluated in the previous PEA. The previous SEA only examined the Brownsboro Site location and No Action alternative.

Associated with both of the action alternatives is VA's plan to relocate VBA functions at the VBA regional office from its currently leased space at 321 West Main Street, Louisville, to the proposed new VAMC. Also included is VA's plan to relocate the health care services provided in three of the eight CBOCs in the Louisville service area from leased space to the new VAMC. The three CBOCs that would be affected are located at:

- 4010 Dupont Circle, Louisville
- 3430 Newburg Road, Louisville
- 3934 North Dixie Highway, Louisville

VA has determined that co-location of the VAMC and VBA assets would improve Veteran access to health care and benefits by allowing both to be accessed from the same location. The three Louisville clinics proposed for relocation are located closest to the VAMC and are easily within VA's access guidelines for primary care (i.e., 30 minute drive time). They were originally opened as stopgaps because the capacity was not available within the existing VAMC to deliver these outpatient services at the time. The proposed new VAMC is designed with sufficient capacity to accommodate the projected workload for the VAMC and the three CBOCs, thus allowing services to be more effectively and efficiently delivered. Relocating the CBOCs eliminates the costs associated with leasing the CBOC facilities while increasing VA's efficiency in providing primary care services. VA's proposal to consolidate the VBA and CBOC functions with the proposed new VAMC would provide more effective and efficient services to Veterans.

Features common to both action alternatives include a proposed campus with the following facilities or elements:

- Full service (inpatient/outpatient) 104-bed VA hospital with diagnostic and treatment facilities
- VBA regional office
- Central utility plant
- Geothermal system for heating and cooling the VBA regional office building
- Laundry facility
- Site lighting
- Parking decks for 3,000 vehicles
- Roads, sidewalks, and access (entrance/exit) points
- Storm water management

- Above-ground potable water storage (water tower)
- Subsurface utility distribution systems
- Landscaping
- Other required site amenities and improvements

VA would construct and operate a new replacement medical center and VBA regional office incorporating the Atrium conceptual design, which would consist of a four-story east bar and a five-story west bar, separated by a central atrium and courtyard.

- The VBA building, medical center administration and support, and inpatient units would comprise most of the east bar.
- The west bar would primarily house outpatient clinics and diagnostic and treatment spaces.
- An enclosed atrium would be placed between the west bar and the medical center portion of the east bar. Where the atrium ends, this central space would continue as an outdoor courtyard between the VBA building and the north parking structure.
- Service functions would be located along the west side, including the ambulance entrance, loading docks, central utility plant, laundry, and water tower.
- A basement would extend beneath the west bar. Service and utility tunnels would connect the basement to small service and support areas below the east bar and the VBA building.
- Each bar would have a mechanical penthouse, and the west bar would have an additional electrical penthouse. The total height of the east and west bars, including penthouses, would be approximately 102 and 162 feet, respectively.
- Two parking structures would accommodate parking for a total of 3,000 vehicles, at the north and south ends of the site. Both structures would have rooftop solar panels.
- A small (1,600-square-foot) maintenance/service outbuilding for servicing fleet vehicles may be added to the site plan.
- The site layout allows for future hospital expansion to the south, if needed, in the area between the VAMC and the south parking structure. Both the master plan and approved design have requirements to demonstrate that up to 25 percent expansion can be accommodated.
- During project design and construction, the Louisville District of the U.S. Army Corps of Engineers (USACE) would have oversight for implementing best management practices and ensuring that all permits are secured in a timely manner prior to the start of any work covered by those permits. USACE would also ensure that all construction activities are in compliance with applicable regulations, guidelines and policies.

Site specific differences between the two action alternatives (e.g., access and circulation, utilities, construction schedule) are addressed for each alternative in Chapter 2 of the EIS.

#### **A. Brownsboro Site**

Under Alternative A, VA would construct and operate a new replacement medical center and VBA regional office following the Atrium conceptual design at the Brownsboro Site in Louisville, Kentucky. The 34.9-acre site is located at 4906 Brownsboro Road in the Holiday Manor area, approximately seven miles east of downtown Louisville. The property is located on the south side of Brownsboro Road near its intersection with U.S. Highway 42 (US 42). The property is currently vacant, undeveloped, and predominantly grass-covered. VA purchased the Brownsboro Road property on July 10, 2012. The Brownsboro Site has not been improved or developed by VA and could be used by VA for another purpose or sold should VA choose another site for the proposed VAMC.

#### **B. St. Joseph Site**

Under Alternative B, VA would construct and operate a new replacement medical center and VBA regional office following the Atrium conceptual design at the St. Joseph Site in Louisville, Kentucky, approximately 10.8 miles east of the existing Louisville VAMC. The approximately 99-acre site is located east of I-265 and south of Factory Lane in Louisville, spanning street addresses 13508, 13605, and 13615 Factory Lane. The property is mostly unimproved, agricultural land with abandoned farmstead outbuildings in the northwestern portion of the site. The southern and central portions of the site are relatively level; the northern portion slopes downward to a creek that crosses the northern portion of the property.

Many commenters on the Draft EIS indicated that the St. Joseph site should be eliminated from further consideration, and that the EIS should be redone to consider other alternative sites. VA acknowledges that in the time that has elapsed since the start of the site selection process to the identification of reasonable alternatives and publication of the Draft EIS, the St. Joseph property has been put under option for possible sale to another party, pending successful rezoning of the property for mixed-use development. However, as of the date of publication of the Final EIS, no sale has been finalized. Further, VA could still potentially negotiate for the purchase of the property for a new VAMC even if a sale were finalized. Therefore, for purposes of the EIS, VA assumes that the site remains available for development for the proposed VAMC campus and has retained Alternative B as a viable alternative with the same scope as evaluated in the Draft EIS.

#### **No Action**

The No Action Alternative consists of not constructing and operating a replacement VAMC and VBA regional office. VA would continue to operate the existing Louisville VAMC at 800 Zorn Avenue, all eight CBOCs, and the VBA regional office at 321 West Main Street. The existing VAMC is more than 60 years old. It is an 816,000-square-foot hospital located on a 47-acre suburban site approximately five miles east of downtown Louisville. Its developable area, topography, existing layout, building design and other factors present costly challenges and limitations to reconfiguration and/or expansion.

The No Action Alternative would challenge VA's ability to safely, economically, and consistently provide high-quality, integrated health care and services to the region's Veterans and, therefore, would not meet the purpose of and need for action.

After completing the rigorous alternatives analysis and review described above, VA identified Alternative A as the preferred alternative in the Final EIS.

## 2.2 Alternatives Not Considered

VA initially considered two additional sites for a replacement VAMC campus that were later eliminated from further consideration and not evaluated further in the EIS for reasons identified in Section 2.3 of the Final EIS. These included the Fegenbush Site and the Downtown Site. VA also determined that reconfiguration (consisting of renovation and expansion) of the existing Robley Rex VAMC was not feasible, as explained in Section 2.3 of the Final EIS.

Many commenters on the Draft EIS indicated that the EIS should be expanded to consider other new alternative sites not previously considered by VA. In many instances, commenters identified specific sites for the VA to consider, both inside and outside the Louisville metro area. Regarding consideration of other sites, VA utilized a logical approach in its site selection process, as summarized above in Section 1.3, to narrow the universe of possibilities to determine reasonable site alternatives. As the Agency responsible for providing healthcare to our nation's Veterans, VA exercised its expertise and discretion to delineate a suitable area for identifying potential sites, and the criteria to be met for the sites offered. Use of reasoned criteria to narrow the range of reasonable alternatives is a long-standing and acceptable NEPA practice. VA also afforded an open and fair opportunity for offers from interested owners of properties in the "west end," "south end," or "downtown" that could meet VA's stated site selection criteria.

Of the sites offered for sale in response to VA's April 2010 public advertisement, over 20 sites were evaluated and ranked according to how well they met VA's criteria. The results were presented in the June 10, 2010, VA Site Selection Board Report. It is VA's view that the site selection process described in the EIS has been rigorous, transparent, and consistent with NEPA requirements and that there is no basis for repeating the earlier effort. **For these reasons, VA does not view the general locations or sites suggested in public comments as reasonable alternatives warranting additional investigation and detailed evaluation in the EIS.** Chapter 2 of the Final EIS includes a detailed description of the site selection process, as well as the reasons for eliminating the Fegenbush and Downtown sites, and for not reconfiguring the existing VAMC on Zorn Avenue.

## 3.0 Environmental Impact Analysis

Resource areas examined in the Final EIS for Alternatives A, B and the No Action Alternative include aesthetics, air quality, cultural resources, geology and soils, hydrology and water quality, wildlife and habitat, noise, land use, floodplains and wetlands, socioeconomics, community services, solid waste and hazardous materials, transportation and traffic, utilities, and environmental justice. The Final EIS also addresses potential cumulative impacts that may result from other reasonably foreseeable projects in the project area. The potential environmental impacts of each alternative are summarized below by resource area; proposed management and mitigation measures to help reduce adverse impacts are also identified where appropriate. There would be long-term adverse impacts on aesthetics, land use, and traffic and transportation.

### 3.1 Minor Impacts without Mitigation

Resource areas for which impacts were concluded to be negligible or minor without specific management or mitigation measures (other than best management practices and regulatory compliance, as described in Section 5.0 of the Final EIS) include: cultural resources, floodplains and wetlands, community services, and environmental justice. However some additional relevant discussion is provided with respect to cultural resources (unexpected discoveries), socioeconomics (property values) and community services (fire protection).

Cultural Resources: VA has agreed to take action in the unexpected event that archaeological materials, or any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA), are discovered during any phase of the project. VA would protect the discovery site until consulting with the appropriate authorities (i.e., Kentucky State Historic Preservation Office or Miami Tribe (or any other tribal) entity of jurisdiction for the location of discovery) on the appropriate next steps; specific language has been added to the Final EIS in response to a comment from the Miami Tribe.

Also with respect to cultural resources, VA's plans for disposition of the potentially National Register of Historic Places (NRHP)-eligible existing Zorn Avenue VAMC have not been determined and would be the subject of a future reutilization feasibility study, NEPA analysis, and consultation under Section 106 of the National Historic Preservation Act, as appropriate.

Socioeconomics: There would be short-term beneficial effects to the local economy during construction and operation. No long-term adverse effects to property values or local crime rates are expected, although property values of immediately adjacent neighborhoods, such as Crossgate, could be adversely affected given the change in visual character, and potential impacts from noise, traffic and air quality. VA cannot predict the fluctuation of surrounding property values over time but seeks to avoid adversely impacting property values in the surrounding area by being a good neighbor, as described in Section 4.10.3 of the Final EIS. For example, VA properties are typically landscaped, designed to be aesthetically and/or architecturally appealing and to provide serene healing environments. They are well maintained (including street plowing in winter months), and are monitored and patrolled by a full time security/police force. VA's proposed construction of a new substation to provide a redundant feed to the VAMC would have the added benefit of increasing capacity and reliability in the surrounding area.

Community Services: Negligible impacts have been identified during construction. General contractors would minimize needs related to emergency response and public safety services by properly maintaining construction equipment and implementing "good housekeeping" procedures to prevent fire ignition, educating construction workers in Occupational Safety and Health Administration-required safety standards, and securing and monitoring the construction site. Some public concern was noted regarding the potential for impact from operation on local fire services. It is anticipated that the current rate of two to three fire service responses per year would not increase and could decrease due to newer facilities and equipment. While this would have only a minor effect on the Lyndon Fire Protection District (LFPD), in terms of the number of annual responses, it would require additional planning and training to respond to emergencies in a significantly larger structure than they've trained for in the past. The LFPD is committed to partnering with VA to ensure that the facility would be constructed to be compatible with local firefighting practices; and with the Louisville Metro's Suburban Services ability to respond effectively during an emergency.

Current staffing levels and experience, and the existing response procedures in place, ensure that the new VAMC, its patients, staff and visitors would receive timely services and be protected against loss of life and property damage.

### **3.2 Minor Impacts with Mitigation**

Resource areas for which impacts were concluded to be minor with management and mitigation measures were Air Quality; Greenhouse Gas Emissions and Climate Change; Geology and Soils; Hydrology and Water Quality; Wildlife and Habitat; Solid Waste and Hazardous Materials; and Utilities. Mitigation measures are addressed in detail in Chapter 5 of the Final EIS. The Preferred Alternative would not substantially contribute - in conjunction with the effects from other projects or activities in the project area - to cumulative impacts on the affected environment related to these resource areas. However, impacts from cumulative air emissions and traffic congestion could result in local minor but adverse impacts to residents living in the immediate project vicinity.

#### **Air Quality and Greenhouse Gas Emissions**

Air emissions during construction and operation would be controlled to acceptable levels by compliance with permit limits and regulatory requirements. Measures to minimize particulate emissions during construction are specified by Louisville Metro Air Pollution Control District (APCD) Regulation 1.14 on controlling fugitive dust. VA would require the general construction contractor to prepare and submit a dust control plan to be reviewed and approved by the APCD and/or the USACE as appropriate, before the start of any site preparation and construction activities. The plan will specify the abatement measures to minimize visible dust emissions beyond the property boundaries, and will include the following measures (also outlined in Section 5.2):

- Provide the approved dust control plan to subcontractors and establish expectations for compliance with the plan.
- Post site rules for dust control.
- Install and maintain trackout control devices at the construction entrance and exit locations.
- Establish type and frequency of application of dust suppression methods, such as water sprays or dust palliatives.
- Apply dust suppression (water or palliative) on all disturbed ground surfaces and material stockpiles.
- Cover loaded haul trucks entering and exiting the project site.
- Limit vehicle speed to 15 miles per hour or less on the project site.
- Clean paved road surfaces adjacent to the project site of dirt and mud from construction traffic and activities.
- Suspend earth-moving activities during high wind conditions.

- Establish a schedule to monitor abatement measures for effectiveness and make adjustments as necessary.

Operating the new VAMC campus would have long-term effects on air quality from pollutant emissions from stationary and mobile sources. Air emissions would also be generated from underground and above-ground fuel storage tanks and fuel dispensing pumps. The primary fuel source for the boilers would be natural gas. Fuel oil would be stored in tanks as an emergency fuel source for the boilers and to power the emergency generators. The different items of equipment would be sources of nitrogen oxides, sulfur dioxide, volatile organic compounds, PM, carbon monoxide, and hazardous air pollutant emissions. Combustion of natural gas and fuel oil would also emit the greenhouse gases carbon dioxide and methane.

Because Louisville is in non-attainment for PM<sub>2.5</sub>, the VAMC would be subject to Title V and New Source Review Permitting criteria which would ensure the facility meets the federal Clean Air Act requirements.

### **Geology and Soils**

Construction- and operation-related geology and soils impacts, including erosion and sedimentation impacts, would be minimized through implementation of the following abatement measures:

- Design, install, and maintain erosion and sediment controls during the duration of construction activities and any subsequent soil disturbance activities near site drainages. Such controls may include silt fences, runoff control berms, erosion control fabric, and rip-rap.
- Minimize the disturbance of steep slopes.
- Provide an undisturbed natural buffer between the activity area and surface drainages, and direct storm water runoff to vegetated areas.
- Develop a storm water pollution prevention plan, consistent with the requirements of the construction general permit.
- Implement spill and leak prevention and response procedures.
- Use appropriate dust control methods during construction activities. Dust control methods include water sprays, chemical soil additives, and wheel washers.
- Suspend construction activities during periods of high winds.

The presence of karst features has been studied through extensive geotechnical investigations which would be factored into project design and would not be associated with an adverse effect. Designing and constructing the facilities of the VAMC campus following the karst-related guidelines of the Louisville Metro Government Land Development Code will ensure that the potential for adverse impacts of development on karst terrain are addressed. VA will ensure the requisite karst survey or geological assessment has been or is completed by the Commonwealth of Kentucky licensed engineer, and construction performance standards that address karst features are included in the site design.

During construction, a geotechnical engineer will be present to observe the excavation, rock removal, and geothermal bore drilling to determine whether treatment methods will be required for any exposed sinkholes and to minimize the potential for karstic activity. Continuous monitoring of site work will facilitate real time observation of water and soil behavior that may not be evident during testing. Treatment methods would be based on the size of the karst or sinkhole opening and would be a site-specific and condition-specific determination made by the geotechnical engineer. Examples might include concrete plugs or various sizes of rock rip-rap and aggregate overlain by compacted clay backfill. VA notes that karst risk has been acceptable for previous site development for the adjacent land owners.

The need for blasting is not anticipated at the Brownsboro site but, if required, adherence to vibration standards and requirements of the Kentucky Revised Statute 351.330 for blasting operations, advance notification of adjacent city governments and immediately adjacent residents, and pre-blast survey (if determined necessary) would avoid damage to nearby buildings and houses. Contractor compliance with applicable federal and state laws for blasting and safety would be enforced by USACE who would oversee all construction activities.

Specifically, any blasting operations, if needed, will be conducted by a person licensed by the Kentucky Department of Natural Resources. Contractor compliance with applicable federal and state laws for blasting and safety would be enforced by the USACE. If blasting is determined to be needed, the contractor would be required to follow the USACE blasting guide specifications as follows:

- Perform blasting in conformance with federal, state, and local laws and safety regulations, including EM 385-1-1 (USACE Safety and Health Requirements Manual);
- Submit notice 15 days prior to starting work to facilitate advance notification of cities of Crossgate and Graymoor-Devondale and adjacent property owners.
- Submit a blasting plan; the plan would also be submitted to the Kentucky Department of Natural Resources if requested by the Department;
- Obtain written approval prior to performing any blasting; and
- Notify the Contracting Officer 24 hours prior to blasting.

The blasting plan will be prepared and sealed by a registered professional engineer, and include calculations for overpressure and debris hazard. Provisions for storing, handling and transporting explosives as well as for the blasting operations also will be included in the plan. The early notification requirements allow the VA Public Affairs Office time to notify the affected public well in advance of when blasting activities would occur.

Even though not required by existing blasting regulations, VA has agreed to provide advance written notice of the blasting schedule to the cities of Crossgate and Graymoor-Devondale and area residents immediately adjacent to the site boundary. The notice will include a point of contact for requesting a pre-blast survey as well as for additional questions related to any blasting activities. In particular, residents immediately adjacent to the project site would have the opportunity to request a

pre-blast survey of their structure though the contractor would determine on a case-by case basis whether conditions warrant such a survey.

Finally, as with any other commercial development, if needed, the building would be constructed to incorporate a radon mitigation system in compliance with all applicable design and construction standards, if such a system is required to ensure that building occupants would not be exposed to radon in excess of 4 picocuries per liter.

### **Hydrology and Water Quality**

Construction- and operation-related hydrology and water quality impacts, including erosion and sedimentation impacts, would be minimized through implementation of the best management practices listed for Geology and Soils above. The Storm water Pollution Prevention Plan and Erosion Prevention and Sediment Control Plan will outline required measures and best management practices to implement, monitor, and maintain to ensure storm water runoff during construction is controlled and water quality is not adversely affected. VA (and/or USACE on its behalf) will ensure the construction contractor adheres to both plans, as well as the groundwater protection plan and agency specifications for borehole drilling.

Additional impacts would be minimized through implementation of the following:

- Design new facilities to minimize the area of impervious surfaces (to rely more on natural hydrology), or mitigate the effects; the current design does that to the extent feasible by designing multi-story buildings and using parking garages instead of surface lots.
- Route storm water runoff from impervious surfaces to storm water retention and drainage areas.
- Implement spill and leak prevention and response procedures, including maintaining a complete spill kit at the project area, to reduce the impacts of incidental releases of vehicle fluids.
- Design onsite construction staging areas to minimize storm water runoff from these areas directly to drainages.

Potential construction impacts to surface water quality and groundwater are predicted to be localized and negligible with implementation of the required control and protection plans. Site wide storm water management would meet predevelopment discharge rates for the 2-, 10-, 25-, and 100-year storm events in accordance with the Metropolitan Sewer District (MSD) Design Manual and should therefore have minimal adverse effects on the hydrology of the project site and adjacent properties, surface water quality, and the rate of groundwater recharge.

Because the proposed site is located in an area with potential for karst development where groundwater is susceptible to direct contamination from surface activities, VA would prepare a groundwater protection plan (GPP) in accordance with Kentucky Administrative Regulation (Title 40, Chapter 5:037) before drilling any geothermal bores. A GPP establishes the minimum acceptable groundwater protection practices for such construction. A state-certified water supply well driller would construct the geothermal bores; the driller would provide project-specific details in the GPP, identifying the construction practices that would be implemented to protect groundwater for this

specific project, such as full-depth grouting for each borehole to prevent shallow, often lower-quality groundwater from reaching deeper groundwater.

VA proposes to control infiltration of storm water from the site into the underground water by proactively managing with grading and the installation of lined storm water ponds. This mitigation strategy would reduce the amount of groundwater recharge coming from the site by adding impervious ground cover and conveying water into lined detention basins on the site.

VA has committed to not adversely impacting the adjacent properties and would improve the drainage along its east property line as required by MSD.

The discharge of groundwater to surface water from dewatering during construction or a sump during operation would be permitted in accordance with the Kentucky Pollutant Discharge Elimination System and would be monitored to ensure water quality standards are maintained to prevent adverse impacts from occurring.

The geothermal system would be constructed in accordance with VA's Master Construction Specification, Division 23 81 49, Ground-Source Heat Pumps, which specifies strict requirements related to the chemical and physical properties and limits on the toxicity of the heat transfer fluid used in closed loop geothermal systems at VA facilities. The specification also requires installation of an Underwriter Laboratories-listed leak detection system with a sensor probe, control panel, and LED indicators.

### **Wildlife and Habitat**

Best management practices that would be employed to minimize wind erosion of soils would also avoid noxious weed infestations, such as minimizing the amount of exposed soils at any given time during construction activities, quickly revegetating disturbed areas following completion of activities, and maintaining landscaping during the campus operation. Monitoring and eradication will also be implemented, as needed, to reduce noxious weeds from invading the project site after ground disturbance occurs and before landscaping is installed.

To protect migratory birds if construction is scheduled to begin between April and July, the project site will be surveyed by a USACE qualified biologist to confirm the absence of nests and nesting activity. If found, active nests (containing eggs or young) of threatened or endangered species will be avoided until they are no longer active or the young birds have fledged. The Kentucky Department of Fish and Wildlife Resources will be contacted for guidance on appropriate avoidance measures for specific species and distances to keep away from active nests. These actions would be coordinated in consultation with the Kentucky Ecological Services field office of the U.S. Fish and Wildlife Service (FWS) to ensure compliance with Section 7 of the Endangered Species Act.

To avoid impacts to roosting northern long-eared bats, VA would ensure that any unavoidable tree removal would only occur between October 1 and March 31, or that tree removal during roosting season was preceded by a mist net survey to confirm the absence of any northern long-eared bats from the site. No other listed species or critical habitat has been identified onsite.

VA recently completed northern long-eared bat 4(d) rule streamlined consultation. A final 4(d) rule for the species was published on January 14, 2016. While this project may affect the bat, FWS has determined that there are no effects beyond those previously disclosed in the U.S. FWS's

programmatic biological opinion for the final 4(d) rule dated January 5, 2016. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR §17.40(o)). No further consultation is required for the northern long-eared bat.

### **Solid Waste and Hazardous Materials**

Construction would generate solid waste. Solid, medical, and hazardous waste would be generated by operation of the VAMC at the existing or a new location.

Construction- and operation-related solid waste and hazardous materials impacts would be minimized through implementation of the following:

- Conduct proper vehicle maintenance and inspection to reduce the potential for incidental releases of vehicle fluids.
- Should environmental contamination be encountered during construction activities, all waste would be abated and managed in accordance with regulations and disposed in appropriate disposal facilities.
- In the event that a new underground storage tank and/or piping is installed as part of facility construction, Kentucky Department for Environmental Protection must be notified. A permit is also required to install aboveground storage tanks for petroleum products or hazardous substances.
- Maximize reuse and recycling of wastes to minimize quantities destined for disposal.

VA would continue to comply with VA's Waste Prevention and Recycling Program, strategic sustainability performance plan, Sustainability Management Policy, and related agency guidance to minimize waste generation and improve energy and resource efficiency.

### **Utilities**

Energy (electricity and natural gas) and water would be consumed during construction and operation. Sufficient capacity exists and connections can be developed without significant environmental impacts for utility services to be provided to the site, although Louisville Gas & Electric (LG&E) would construct a new substation to provide primary electrical service required for the hospital.

Two separate sources of electrical supply are needed because the proposed VAMC would be a mission critical facility. Although there is no existing nearby electrical source that is capable of serving the site, LG&E has stated their commitment to providing service and is confident that they will be able to provide required redundant single-service sources to the site. Ordinarily, LG&E would provide a single-service source at its cost, requiring customary payment of up-front fees to cover initial capital costs that would be rebated as electricity was consumed and billed. But because VA requires redundant, physically separated sources, LG&E would provide primary service through design and construction of a new substation. This substation would provide service to both the VAMC and the surrounding area, but VA would be required to pay up to 25 percent of the cost for design and construction, which would be rebated over time as electricity was consumed and billed. VA would also be required to pay 100 percent of the cost of a secondary feed from an existing

substation to meet its need for a redundant electrical source. LG&E identified three possible locations from which primary and secondary services can be extended to the campus. In all three of these options, a circuit would be brought into the site from the north along Brownsboro Road. The electrical utility's capacity and infrastructure could be expanded to accommodate the new VAMC facility.

Construction and operation of a new substation would result in permanent conversion to urban/industrial land. Overall impacts would be expected to be minor, although visual effects (including 24-hour lighting) and noise could adversely affect some nearby residences; landscape (e.g., vegetation berm/buffer) and lighting designs (e.g., to minimize glare) could be implemented to help reduce impacts. The new substation would increase the capacity and reliability of electrical service to the surrounding areas.

MSD has indicated that they have capacity to handle the estimated sanitary sewerage flow of 170,500 gallons per day from the facility, as well as a peak flow of 875,000 gallons per day. MSD has indicated they would reserve capacity for the proposed VAMC project and VA contractors continue to coordinate with the MSD on a regular basis regarding overall project status.

Construction- and operation-related utilities impacts would be minimized through implementation of the following:

- Consider use of renewable energy generation and energy/water conservation measures in the design of new and renovated facilities.
- Utilize native vegetation and drought-resistant vegetation for area landscaping to reduce irrigation requirements.
- Comply with Louisville Water Company, MSD, and LG&E requirements.

### **3.3 Significant Adverse Impacts and Mitigation Measures**

Resource areas that would be adversely impacted even with management and mitigation measures are aesthetics, noise (short-term during construction), land use and traffic and transportation. Mitigation measures are addressed in detail in Chapter 5 of the Final EIS. The Preferred Alternative would not substantially contribute, in conjunction with the effects from other projects or activities in the project area, to cumulative impacts on the environment related to these resource areas. However, cumulative impacts from noise emissions and traffic congestion could result in local minor but adverse impacts to residents living in the immediate project vicinity.

#### **Aesthetics**

Over the long term, the VAMC campus buildings would create a noticeable contrast to the existing landscape and would have an adverse visual effect because the buildings would obstruct or detract from what some observers would consider a scenic view, or would introduce visual elements that some observers would consider out of scale or character with the surrounding area. The extent of these impacts could be significant, depending on the observer.

VA would consult with local officials and consider recommendations on setbacks, landscaping, lighting, and exterior facades in accordance with 40 United States Code 619(c) and (d). The current

building setbacks, transitional zones, and landscape buffers for the VAMC campus exceed the minimum Land Development Code requirements (see related discussion under Land Use) for a conditional use; therefore, the site layout adequately addresses aesthetic concerns associated with the scenic corridor designation of Old Brownsboro Road. However, portions of the VAMC facility would stand up to 42 feet taller than the maximum (120 feet) for a town center form district, and another portion would exceed by up to 38 feet the height specified for the transition zone of this form district. In developing the design concept for the site, VA determined that, on balance, the greater setbacks and more open space afforded by a somewhat taller facility resulted in an overall site design that was more visually pleasing compared to lower heights with a larger building footprint on the site. Nonetheless, based on the visual impact criteria related to the zoning requirements, the building heights are identified as an adverse aesthetic impact.

VA has incorporated various elements into the design to help further reduce impacts to the viewshed and adjacent neighborhoods, including the planting of trees (as landscape buffers), installation of a perimeter fence and lighting designs to minimize glare. To provide additional screening between the VA facilities and the residential neighborhoods on the east and south sides, a combination of shade and ornamental trees would be planted to form a row within the perimeter fence. Exterior lighting of the campus would be controlled to minimize light trespass but would be designed to meet physical security requirements. Light fixtures (or luminaires) would use the cutoff design that directs light downward and minimizes glare. Fixtures for the security fence would be a similar style as adjacent neighborhood fixtures provided that cutoff design requirements are met. The exterior lighting would be generally consistent with the Land Development Code; therefore, no aesthetic impacts associated with light trespass would be expected.

## Noise

Construction-related noise and vibration impacts would be adverse, short-term, and potentially moderate in magnitude (approaching EPA threshold levels) in the immediate vicinity of the construction activities), depending on the receptor type and proximity to the project location. Operation-related noise impacts would be minor.

VA and/or USACE will conduct a community outreach effort to local elected officials, businesses, and residents to provide early information and schedules on construction activities and expected noise levels and durations.

The construction activities associated with the project will be performed in accordance with the Louisville-Jefferson County Metro Government noise ordinance and will generally occur between 7:00 a.m. and 9:00 p.m. daily. Exceptions to this will be addressed through community outreach.

Construction contractors will be required to shut down heavy equipment and stationary construction equipment if not actively being used for construction and maintenance operations.

VA (or USACE on its behalf) will include in the construction bid documents the requirement for offerors to submit details of their plan to manage site use, including limited onsite parking during construction. VA anticipates that such plans may also mitigate noise impacts to the extent it decreases the number of construction worker vehicles commuting to the site.

Any blasting operations, if needed, will be conducted by a person licensed by the Kentucky Department of Natural Resources. Contractor compliance with applicable federal and state laws for blasting and safety would be enforced by the USACE who would oversee construction. If blasting is determined to be needed, the contractor would be required to follow the USACE blasting guide specifications as follows:

- Perform blasting in conformance with federal, state, and local laws and safety regulations, including EM 385-1-1 (USACE Safety and Health Requirements Manual);
- Submit notice 15 days prior to starting work to facilitate advance notification of cities of Crossgate and Graymoor-Devondale and adjacent property owners.
- Submit a Blasting Plan; the plan would also be submitted to the Kentucky Department of Natural Resources if requested by the Department;
- Obtain written approval prior to performing any blasting; and
- Notify the Contracting Officer 24 hours prior to blasting.

The Blasting plan will be prepared and sealed by a registered professional engineer, and include calculations for overpressure and debris hazard. Provisions for storing, handling and transporting explosives as well as for the blasting operations also will be included in the plan. The early notification requirements allow the VA Public Affairs Office time to notify the affected public well in advance of when blasting activities would occur.

Even though not required by existing blasting regulations, VA has agreed to provide advance written notice of the blasting schedule to the cities of Crossgate and Graymoor-Devondale and area residents immediately adjacent to the site boundary. The notice will include a point of contact for requesting a pre-blast survey as well as for additional questions related to any blasting activities. In particular, residents immediately adjacent to the project site would have the opportunity to request a pre-blast survey of their structure though the contractor would determine on a case-by case basis whether conditions warrant such a survey.

Finally, given the potential for construction related noise concerns to approach or exceed the noise abatement criteria and the fact that construction activities such as pile driving and blasting events may occur, VA (or USACE on its behalf), in response to a recommendation by EPA on the Draft EIS, will establish a mechanism for reporting construction related noise concerns.

### **Land Use**

The proposed VAMC would result in a significant change from vacant undeveloped land to full development of the Brownsboro Site which would result in a major impact of altering the character and use of a vacant site to full development use. As discussed for aesthetic impacts, the design heights of the VAMC buildings and parking decks would not be compatible with the height limitations in existing zoning, and would therefore be an adverse impact to adjacent land use.

While the change in land use would be significant, it is important to note that VA, as a government entity, is not subject to the local zoning requirements. The Louisville Metro Planning and Design

Services Office also recognized this situation and granted a waiver to the VA in April 2012. The Amendment to Certificate of Land Use Restriction dated April 23, 2012, documents VA's contact with the Louisville Metro Planning and Design Services office and documents that the "Binding Elements and approved development plan in Docket No. 9-15-06 do not apply to the use of the Subject Property by the Federal Government, or any agency or instrumentality thereof, including the Department of Veterans Affairs for any governmental purpose, including a VA hospital/medical center, for and during the time the Subject Property is used for a governmental purpose".

Also, given how much of the surrounding area is developed, future development of the Brownsboro property would be expected with or without the proposed VAMC, and whether or not VA was the entity developing the site. Previous plans to rezone the vacant Brownsboro Site as a planned development district to accommodate "The Midlands" proposed development would have introduced mixed land uses, including multiple-family residential buildings, retail and office buildings, and a hotel that also would have altered the character and use of a vacant site to full development. However, the structures proposed for the VAMC campus would likely be higher than for a mixed use development plan, and therefore could result in greater adverse impact to adjacent land use.

VA's approach has been to voluntarily consider local land use requirements to the extent possible. During the conceptual design phase of the new VAMC campus, VA made every effort to adjust the length and height of the buildings and modify the location and orientation of structures on the Brownsboro Site to be less intrusive compared to adjacent land uses. The taller buildings were placed along the north and west sides of the site, farthest from residential areas. Traffic circulation for service vehicles and ambulances follows the north and west sides to also be farther from the residential areas along the east and south sides of the site. These footprint modifications of the buildings provided more flexibility and options for landscaping plans that meet setback requirements for transitional zones, noise, and security.

VA or its designated representative (e.g., USACE) would notify adjacent property owners of construction schedules and activities to minimize disturbance to land uses during construction. Outdoor construction activities would generally cease at sunset to minimize disruption to access to residential areas. Construction would not block ingress/egress to adjacent businesses during their business hours of operation. Construction activities will generally occur between 7:00 a.m. and 9:00 p.m. daily but as noted above, exceptions may occur and will be addressed through community outreach.

### **Traffic and Transportation**

The VA conducted traffic studies for the two action alternatives, the Brownsboro and St. Joseph sites. The traffic studies compared the existing conditions in 2015 with proposed conditions in 2025. For the Brownsboro site, two 2025 proposed development scenarios were analyzed. The first was the construction of a new VAMC with 954,225 gross square feet as proposed. The second scenario analyzed a mixed use development based on a real development plan approved for the Midlands in 2006, but never constructed; this second scenario reflected a likely future development scenario for the Brownsboro property if the VAMC were not built. Levels of service, intersection delay, and travel times were compared for each scenario. The comparison showed very little difference in levels of service and travel time between the two scenarios since the trip generation is similar for each alternative. Comparisons were also provided both with and without the construction of the

Kentucky Transportation Cabinet's (KYTC's) planned Single-Point Urban Interchange and associated improvements that are in the design process. Significant differences in level of service and delay are seen between constructing the interchange and local roads improvements and no roadway improvements. With the exception of the US 42 intersection with KY 22 and Northfield Drive, all intersections in the project area operate at an acceptable level of service of D or better in 2025 with either the construction of the VAMC or the mixed use development coupled with the interchange improvements planned by KYTC. The US 42 intersection with KY 22 and Northfield Drive operates at level of service E in the morning commute and F in the evening commute in either alternative in 2025.

While responding to public comments, the VA performed a qualitative analysis of a no-build alternative for the Brownsboro site where neither the VAMC nor an alternative development is constructed by 2025. Level of service and travel time analyses were not performed for the no build alternative, but differences in peak hour traffic volumes were compared to the build alternatives. Traffic on US 42 was 7 to 14 percent higher if the Brownsboro Site were developed as compared to a no build scenario. KY 22 (Old Brownsboro Road) had 10 to 15 percent higher traffic in the build condition east of the site and volumes between the Brownsboro site and US 42 were 34 to 60 percent higher in the build condition than with the no build. While the Brownsboro site remaining a greenfield is improbable, if that were the case, traffic volumes would be lower and congestion would be diminished compared to the build alternatives.

Both alternative sites have current traffic congestion issues that will be increased through the construction of a new VAMC. The Brownsboro area does have planned KYTC improvements that will mitigate the increase of traffic with the VAMC. If the VAMC is not constructed at the Brownsboro site, it is highly likely that any alternative development would result in similar additional traffic and congestion. The only intersection showing an unacceptable level of service in 2025 is the US 42 intersection with KY 22 and Northfield Drive.

VA will continue to coordinate with the Kentucky Transportation Cabinet (KYTC) on the planning, design, and construction of the Watterson Expressway (I-264) and US 42 interchange improvement project, which includes construction of the intersection at KY 22 (Old Brownsboro Road) and the entrance/exit to the VAMC campus, so that the interchange construction would be complete and open to traffic prior to the completion of construction at that site.

VA also continues to provide KYTC with information from studies it has conducted and to keep KYTC informed of progress throughout the NEPA process. Selection of the Brownsboro Site will result in VA funding any required signalization improvements at the main entry to the site and coordination with both KYTC and Louisville Metro to schedule and pay for this signalization.

Communication with the Transit Authority of River City (TARC) also will continue as VA develops construction documents and finalizes site details after a site is selected. VA will encourage TARC to extend bus routes onto the VAMC campus to serve the VAMC and Veterans Benefit Administration buildings for patients, visitors, and staff to reduce personal vehicle trips.

VA will include in the construction bid documents the requirement for offers to submit details for their plan to manage site use, including limited onsite parking during construction. VA anticipates that such plans may also mitigate impacts to local traffic to the extent it decreases the number of construction worker vehicles commuting to the site.

VA's goal to achieve Leadership in Energy and Environmental Design Silver certification for the VAMC campus upon completion of construction requires implementation of energy conservation measures where cost effective and feasible within budget constraints. The goal of some of these measures is reducing air pollutants associated with combustion sources, including reducing vehicle trips. This may be achieved in a number of ways including promoting vehicle-sharing (carpool) programs through parking incentives, promoting public transit programs, and providing bicycle storage racks.

VA will implement, if practicable and feasible, flextime and variable staff work schedules with the objective of avoiding morning and evening peak hour traffic.

VA will request service and supply deliveries be scheduled, if practicable and feasible, to avoid morning and evening peak hour traffic.

Brownsboro Road would be designated as the primary site entry and exit for waste transport during construction. Given the close proximity of local residents to the proposed site, VA would further assist residents and city officials with proper traffic routing through the use of appropriate temporary signage and onsite construction supervisors who would provide instruction and pre-job briefings to employees and drivers.

VA will advocate for potential solutions that KYTC could implement to improve traffic along the Brownsboro Road corridor, including:

- Widen KY 22 to five lanes.
- Widen Herr Lane to three or five lanes to improve the connection between US 42 and Westport Road.
- Convert the US 42 intersection with KY 22 and Northfield Drive to right-in/right-out. This option was recommended in the 2011 Scoping Study for the US 42 interchange, but was not carried forward into Phase 1 Design or included in the Interchange Modification Report. Reductions in traffic from the opening of the Westport Road interchange and the ramp split from the I-264 eastbound off-ramp directly to KY 22 along with heavy public opposition led the KYTC to drop converting the intersection from consideration.
- Relocate the US 42 / KY 22 intersection to Glenview Avenue and construct a connector road. This option was explored as part of the 2011 Scoping Study for the US 42 interchange and as part of the construction of the ramp split from the eastbound I-264 off-ramp directly to KY 22. The connector road would be needed if the US 42 intersection with KY 22 and Northfield Drive was converted to right-in/right-out.
- Consider adding an interchange along I-71 at the US 42 underpass.
- Consider a direct connection between KY 22 and I-264 westbound using a flyover ramp. As part of the Value Engineering Study performed for the US 42 interchange in December 2014, KYTC considered a direct flyover ramp connection from KY 22 traffic directly over the I-264 eastbound off-ramp and I-264 before merging with the I-264 westbound on-ramp. This addition would remove a considerable amount of traffic from the single-point urban interchange (SPUI) intersection and from the US 42 intersection with KY 22 and Northfield

Drive. The additional construction cost of \$4.4 million and concerns for driver expectancy with this configuration led the KYTC to drop this option. However, the current design of the SPUI will be developed to not preclude the option of adding a direct flyover connection.

### **3.4 Environmentally Preferable Alternative**

Based on the potential environmental impacts identified in Chapter 4 and the mitigation measures and best practices identified in Chapter 5, the environmentally preferable alternative is Alternative C, No Action.

## **4.0 NEPA and the Public Involvement Process**

The public involvement process for the EIS began with issuance of the Notice of Intent (NOI) in the Federal Register on October 30, 2015, announcing the preparation of an EIS for a Replacement Robley Rex Veterans Affairs Medical Center in Louisville, Kentucky, and the start of the public scoping period. The public scoping period was open for 31 days from October 30 through November 30, 2015. There were 63 unique comment letters, email, and website comments received; the majority of the comments focused on the details of or preference for an alternative, and the impacts related to traffic. In addition, all in-scope issues raised as comments during preparation of the PEA and SEA were also considered and are addressed in this EIS to the extent they are relevant to the NEPA analysis and support identification and comparison of the environmental impacts of the alternatives.

VA and the Environmental Protection Agency published a Notice of Availability (NOA) of the Draft EIS in the Federal Register concurrently on October 27, 2016, inviting public comments on the content of this document. Publication in the Federal Register officially started a 45-day public comment period running through December 12, 2016. VA hosted two public comment meetings in Louisville in a location convenient to the existing facility on Zorn Avenue and in close proximity to the preferred location at Brownsboro Road, as identified in the Draft EIS. The public comment period was extended an additional 30 days to January 11, 2017 in response to public requests. Notice of the extended comment period was published in the Federal Register on December 13, 2016 and the Louisville Courier Journal on December 11, 2016. Responses to comments received during the comment period are provided in Appendix E of the Final EIS.

Comments on the Draft EIS were received from government agencies, including the U.S. EPA, Department of Interior/Fish and Wildlife Service and Kentucky Department of Environmental Protection; one Native American Tribe (Miami Tribe), local government officials, organizations and individuals. VA has revised the Final EIS to address federal and state agency environmental concerns, where appropriate, including recommended measures to help further reduce or minimize impacts in select resource areas; and all agency and other substantive comments have been addressed in full in Appendix E. The majority of other non-agency substantive comments were provided by two law firms - on behalf of the "Cities" of Crossgate, Graymoor-Devondale, Old Brownsboro Place, Northfield and Windy Hills (neighboring communities to the Brownsboro location), and on behalf of Grow Smart Louisville. While the majority of commenters agreed that a new VAMC was necessary, the overwhelming majority opposed the VA's Preferred Alternative location on Brownsboro Road, primarily due to the potential for significant traffic impacts in an area that already experiences heavy traffic congestion. Approximately one third of the commenters opposing the Brownsboro Site suggested one or more new alternative locations for the VA to

consider. Approximately twenty commenters expressed support of the proposed location, many because they wanted no further delays in providing Veterans with a new replacement hospital.

The EPA published the NOA of the Final EIS in the Federal Register on April 28, 2017. A minimum 30-day waiting period is required following publication of the Final EIS before VA can implement the preferred alternative.

## **5.0 Agency Preference and Factors in Decision**

Based on the detailed analysis in the Final EIS along with public input and the implementation of identified management and mitigation measures to minimize impacts identified in Chapter 5.0 of the Final EIS, Alternative A is fully consistent with the Agency's mission to provide high-quality, safe and accessible health care for Veterans well into the twenty-first century; and has been shown to fully meet the VA's purpose and need for action. Through a rigorous site selection process and for reasons described in Chapter 2 of the Final EIS, VA narrowed the list of most suitable sites to the Brownsboro and St. Joseph sites; and has determined that the existing VAMC cannot be expanded or rebuilt to fully meet the current and projected health care needs of Louisville-area Veterans. The Brownsboro Site is located in closer proximity to the University of Louisville Hospital in downtown Louisville and thus would better facilitate continued collaboration between that facility and the VAMC. Its more central location is also closer to Veterans and VAMC employees living in other parts of the Louisville Metro area (e.g., west and south), and it offers more direct access via multiple interstates and major roads for those Veterans coming from other parts of the service area. With respect to environmental concerns, it contains no surface water resources or wetlands and fewer protected species than the St. Joseph Site.

VA acknowledges there would be potential adverse impacts associated with the Brownsboro Site, although similar adverse effects would also occur at the St. Joseph Site, particularly related to traffic, which is one of the main reasons for public opposition to the Brownsboro Site. With respect to the St. Joseph Site, it would experience Levels of Service below the acceptable urban level of D for four intersections in 2025 including Old Henry Road at Bush Farm Road, Old Henry Road at Factory Lane, LaGrange Road at Factory Lane, and LaGrange Road at the I-265 southbound ramp termini. The lack of currently planned improvements by KYTC to the LaGrange Road corridor makes this site undesirable although it does have redundant access to I-265 from both Old Henry Road and LaGrange Road. In addition, the Factory Lane corridor does have potential for future development. A planned 406 single-family home development along Factory Lane would add 305 additional trips in the AM and 406 additional trips in the PM to surrounding roadways. This development would add 134 percent to the AM peak hour traffic on Factory Lane while increasing Old Henry Road by 34 percent and LaGrange Road by 13 percent. PM peak hour traffic will increase by 96 percent on Factory Lane, 44 percent on Old Henry Road, and 15 percent on LaGrange Road.

In addition, while the public transit options at Brownsboro are limited, the potential for expansion of bus routes does exist. This is in contrast to the St. Joseph Site where there is no public transit option available.

Both sites are located near residential neighborhoods whose residents could be adversely affected by the change in land use and visual resources, as well as from air and noise emissions (e.g., from potential cumulative impacts), although any health effects are expected to be minor. While more residents live in closer proximity to the Brownsboro Site and thus could potentially be more

adversely affected in certain ways, VA has thoroughly revisited the findings and has determined that the advantages of the Brownsboro Site, with implementation of the mitigation and management measures outlined in this ROD, outweigh its proximity to adjacent residences and has determined it will build the VAMC at the Brownsboro Site.

VA has committed to the measures to avoid and/or minimize effects when possible, and to mitigate the adverse effects when avoidance and/or minimization will impede VA's ability to perform its mission of providing quality healthcare to Veterans.

## 6.0 Recommendation and Decision

### 6.1 Recommendation

I recommend approval of Alternative A (the Brownsboro Site) for the Replacement Robley Rex VAMC, less the construction of the VBA regional office building, and the parking garage reduced in size by the amount that would have supported the VBA need. The decision would be subject to the terms, conditions, stipulations, and environmental protection measures reflected in this Record of Decision.

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Glenn Elliot  
VA NEPA Implementation Officer  
U.S. Department of Veterans Affairs

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Date

Martin J. Traxler  
417682

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Date: 2017.07.21 15:47:50 -0500

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Martin Traxler  
Director, Louisville VAMC  
U.S. Department of Veterans Affairs

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Date

Todd D. Burnett 462494


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Todd Burnett  
Acting Director, VISN 9  
U.S. Department of Veterans Affairs

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Date

  
Ezra (Ed) Safdie  
Acting Executive Director, Office of Construction & Facilities Management  
U.S. Department of Veterans Affairs

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Date

## 6.2 Decision

It is my decision to approve and implement Alternative A (the Brownsboro Site) for the Replacement Robley Rex VAMC, less the construction of the VBA regional office building, and the parking garage reduced in size by the amount that would have supported the VBA need. This decision is subject to the terms, conditions, stipulations, and environmental protection measures reflected in this Record of Decision.



David J. Shulkin, MD  
VA Secretary  
U.S. Department of Veterans Affairs

10/12/17  
Date