

FINAL

CITY OF MERCED

Mercy Medical Center Environmental Impact Report



July, 2006



Quad Knopf

FINAL

City of Merced

Mercy Medical Center
Environmental Impact Report

Submitted to:

City of Merced
Planning and Permitting Division
Kim Espinosa, Planning Manager
678 West 18th Street
Merced, California 95340

Submitted by:



Quad Knopf

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July, 2006

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SECTION ONE

INTRODUCTION

SECTION ONE INTRODUCTION

1.1 Background and Purpose

The *Draft Environmental Impact Report, Mercy Medical Center*, dated January 2006, was prepared to disclose, analyze, and provide mitigation measures for all potentially significant environmental effects associated with adoption of this project. Preparation of an Environmental Impact Report (EIR) is a requirement of the California Environmental Quality Act (CEQA) for all discretionary projects in California that have a potential to result in significant environmental impacts. As required under CEQA, the Draft EIR was published and circulated for review and comment by responsible agencies and interested members of the public for a 45-day review period beginning March 29, 2006 and ending on May 12, 2006.

CEQA requires that a Final EIR be prepared, certified and considered by public decision-makers prior to taking action on a project. The Final EIR provides the Lead Agency (i.e., City of Merced Planning and Permitting Division) an opportunity to respond to comments received on the Draft EIR during the public review period and to incorporate any additions or revisions to the Draft EIR necessary to clarify or supplement information contained in the Draft document. This document includes the responses to comments received during the public review period and any other errata or changes necessitated by comments on the Draft EIR. The Draft EIR and this document constitute the Final EIR for the Mercy Medical Center.

1.2 Scope and Format

This document includes this Section One, providing background and outlining the purpose, scope and format of the Final EIR. Section Two explains the public review process and lists all agencies and individuals who commented on the Draft EIR. Section Three consists of the actual letters of comment, reproduced in their entirety and the responses to each written comment received on the Draft EIR. These responses are intended to supplement or clarify information contained in the Draft EIR, as appropriate, based on the comments and additional research or updated information. Each response follows the associated letter. Additions to the Draft EIR are shown in underline and deletions shown in ~~strikeout~~ format. Each letter has been numbered (e.g., Letter 1, Letter 2). Within each letter, individual comments are assigned a numeric identification. For example, the first comment of Letter 1 is Comment 1-1, and the second is Comment 1-2. Section Four consists of select pages from the Draft EIR that were revised in response to comments, as referenced in Section Three. Section Five presents the Mitigation Monitoring and Reporting Program.

SECTION TWO

OVERVIEW OF COMMENTS RECEIVED

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2.1 Public Review and Comment Procedures

CEQA requires public disclosure in an EIR of all project environmental effects and encourages public participation throughout the EIR process. As stated in Section 15200 of the CEQA Guidelines, the purposes of public review of environmental documents are:

- (a) Sharing expertise,
- (b) Disclosing agency analyses,
- (c) Checking for accuracy,
- (d) Detecting omissions,
- (e) Discovering public concerns, and
- (f) Soliciting counter proposals.

Section 15201 of the CEQA Guidelines states that “Public participation is an essential part of the CEQA process.” A public review period of no less than 30 days nor longer than 60 days is required for a Draft EIR under Section 15105(a) of the CEQA Guidelines. If a State agency is a lead or responsible agency for the project, the public review period shall be at least 45 days. As required under CEQA, the Draft EIR was published and circulated for the review and comment by responsible and trustee agencies and interested members of the public. The public review period ran from March 29, 2006 to May 12, 2006. All written comments received on the Draft EIR are addressed herein.

In addition, Appendix A includes an errata sheet that provides additional language to clarify Mitigation Measure #3.12-1. The revisions to this mitigation measure are for clarifying purposes only and do not alter the meaning or intent of the mitigation measure. Appendix B provides supplemental information regarding the project submitted by the project applicant. This supplemental information is intended to amplify and clarify the existing information (Section 15088.5(b)) and does not represent significant new information as defined by the CEQA Guidelines (Section 15088.5(a)).

2.2 Agencies and Individuals Who Commented on the Draft EIR

- Letter 1: Terry Roberts, Governor’s Office of Planning and Research
- Letter 2: Tim Miles, Department of Toxic Substances Control
- Letter 3: Tom Dumas, Department of Transportation
- Letter 4: Sandy Hesnard, Department of Transportation, Aeronautics Division
- Letter 5: Marshall Krupp, Community Systems Associates, Inc.

Letter 6: W.E. Loudermilk, Department of Fish and Game

Letter 7: Jessica Willis, San Joaquin Valley Air Pollution Control District

Letter 8: Rory Randol, Merced Irrigation District

2.3 Comments Received After the Close of the Comment Period

It should be noted that CEQA does not require that letters received after the close of the comment period be addressed in the Final EIR; however, in the interest of full disclosure a response has been provided.

Letter 9: Mike Mirmazaheri, Department of Water Resources (Received June 7, 2006)

Letter 10: Kathy Norton, U.S. Army Corps of Engineers (Received May 31, 2006)

Letter 11: Dan Lynch, California Regional Water Quality Control Board (Received June 29, 2006)

SECTION THREE

RESPONSES TO COMMENTS

SECTION THREE RESPONSES TO COMMENTS

This section contains the letters of comment that were received on the Draft EIR. Following each comment letter is a response intended to either supplement, clarify, or amend information provided in the Draft EIR, or refer the commenter to the appropriate place in the Draft EIR where the requested information can be found. Those comments that are not directly related to environmental issues are noted for the record.

The review and comment procedure is designed to give interested parties an opportunity to identify missing information, uncover flaws in the analysis, express concerns, and to make counter proposals while the EIR is still in draft form (14 Cal Code Regs §§15200, 15204). The lead agency then must evaluate the comments on the Draft EIR and respond to criticisms, questions, and suggestions involving significant environmental issues (14 Cal Code Regs §§15088(a), (d)). The written responses may take the form of corrections, revisions, and additions to the text of the Draft EIR or be included in a separate section of the Final EIR (14 Cal Code Regs §§15088(d), 15132). This approach ensures that the EIR is thoroughly scrutinized by members of the public and other agencies before it is put into final form. It also ensures that the lead agency has an opportunity to correct identified deficiencies when it completes the Final EIR.

Under CEQA's comment and response process, the lead agency need only consider comments on the Draft EIR received during the public review and comment period. Pub Resources Code §21091(d)(1) (the lead agency "shall consider comments it receives" on Draft EIRs "if those comments are received within the public review period"). While the lead agency must respond to comments received during the comment period, it need not respond to comments received after the close of the comment period (Pub Res C §21091(d)(2)(A)). Reinforcing this statutory limitation, the Guidelines state that the lead agency may assume that a person or agency that does not submit a timely comment has no comment to make (14 Cal Code Regs §15207).

The lead agency must evaluate comments on the Draft EIR and prepare a written response to any significant environmental issues for inclusion in the Final EIR (14 Cal Code Regs §§15088(a), 15132). The response must be detailed and must provide a reasoned good faith analysis (14 Cal Code Regs §15088(c)), although a more general response is sufficient when the comments are general in nature. An agency need not respond to all comments on a Draft EIR, but only to the significant environmental issues presented (14 Cal Code Regs §§15088(c), 15132(d), 15204(a)). An EIR need not provide all information reviewers request, as long as the report, when looked at as a whole, reflects a good faith effort at full disclosure (14 Cal Code Regs §15204(a)). A specific response is required, however, when a comment raises a specific question about a significant environmental issue (14 Cal Code Regs §§15088(b), 15204(a)).



Arnold Schwarzenegger
Governor

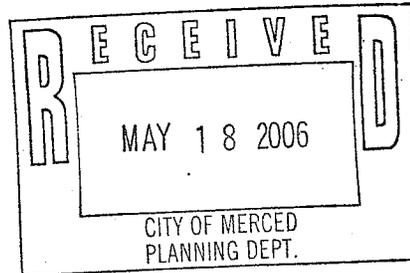
STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

May 15, 2006

Kim Espinosa
City of Merced
678 W. 18th Street
Merced, CA 95340



Subject: Mercy Medical Center
SCH#: 2004121055

Dear Kim Espinosa:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 12, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2004121055
Project Title Mercy Medical Center
Lead Agency Merced, City of

Type EIR Draft EIR
Description Change General Plan designation and zoning to Commercial Office/Planned Development to construct 607,428 sf, 460-bed hospital in 3 phases, 200,000 sf of medical offices, a 17,074 sf power plant, a helipad, and 1,990 parking spaces.

Lead Agency Contact

Name Kim Espinosa
Agency City of Merced
Phone (209) 385-6858 **Fax**
email
Address 678 W. 18th Street
City Merced **State** CA **Zip** 95340

Project Location

County Merced
City Merced
Region
Cross Streets G Street & Cormorant Drive
Parcel No. 231-010-06 and -07, 231-040-03
Township 7S **Range** 14E **Section** 8 **Base** MDB&M

Proximity to:

Highways 59
Airports
Railways
Waterways Cottonwood Creek, Fahrens Creek
Schools Cruickshank Middle School
Land Use Existing Cancer Center (Commercial Office zoning & GP); Remaining Vacant (Low Density & High Medium Density Residential)

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Parks and Recreation; Native American Heritage Commission; Department of Health Services; Office of Historic Preservation; Department of Fish and Game, Region 4; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 10; Caltrans, Division of Aeronautics; Department of Toxic Substances Control

Date Received 03/29/2006 **Start of Review** 03/29/2006 **End of Review** 05/12/2006

Letter 1: Terry Roberts, Governor's Office of Planning and Research

Response 1-1: Comment noted. Letters received from the Clearinghouse are included in Section Three and are responded to in Section 3 as well.



Department of Toxic Substances Control

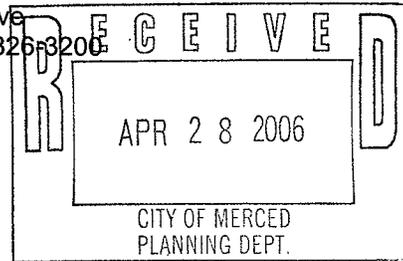


Dan Skopec
Acting Secretary
Cal/EPA

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Arnold Schwarzenegger
Governor

April 27, 2006



Ms. Kim Espinosa
Planning Manager
City of Merced
678 West 18th Street
Merced, California 95340

DRAFT ENVIRONMENTAL IMPACT REPORT FOR MERCY MEDICAL CENTER
(SCH # 2004121055)

Dear Ms. Espinosa:

The Department of Toxic Substances Control (DTSC) has reviewed the document described above that proposes rezoning agricultural property to commercial office/planned development and building a hospital on the land. DTSC considers this a sensitive facility and recommends that additional research be conducted to determine whether pesticides were used on the proposed development site. The site should be evaluated to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists.

In addition, although DTSC does not regulate pesticides legally applied to crops, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents and workers.

Please contact me by email at tmiles@dtsc.ca.gov or by telephone at (916) 255-3710 if you have any questions.

Sincerely,

Tim Miles
Hazardous Substances Scientist

cc: See next page.

Ms. Kim Espinosa
April 27, 2006
Page 2

cc: Mr. Jeff Palsgaard, Director
Merced County, Division of Environmental Health
777 West 22nd Street
Merced, California 95340

State Clearinghouse
Office of Planning and Research
1400 10th Street, Room 121
Sacramento, California 95814-0613

Planning & Environmental Analysis Section (PEAS)
CEQA Tracking Center
1001 I Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806

Letter 2: Tim Miles, Department of Toxic Substances Control

Response 2-1: According to the *Hazardous Materials Investigation for the Merced Replacement Hospital Report*, dated March 17, 2005 (Appendix C of the Final EIR), analytical results indicated that persistent pesticides and metals exist at the project site. According to the soils investigation, concentrations of identified contaminants are concentrated in the area of Phase II at the top 0 – 6 inches below grade surface. According to the soils investigation, the most effective and feasible mitigation is removal of the top six inches of soils in areas identified to contain elevated concentrations of identified pesticides and metals. Although it is not necessary to mitigate a less than significant impact, the following mitigation measure will be added to Impact 3.7-4 to further reduce any project impact.

Mitigation Measure

~~No mitigation measure is required.~~

Although it is not necessary to mitigate a less than significant impact, the following mitigation measure will further reduce any project impact.

Mitigation Measure #3.7-4:

Although not a “hazardous materials site,” the Hazardous Materials Investigation for the Merced Replacement Hospital Report indicated that persistent pesticides and metals exist at the project site. The City will require, prior to construction of Phase II, the hospital to remove the top six inches of soils in those areas of the site where pesticides and metals exist.

Response 2-2: Comment noted, see Response 2-1.

DEPARTMENT OF TRANSPORTATION

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May 2, 2006



10-MER-99-PM 14.41
Draft EIR
Mercy Merced Medical Center
SCH #2004121055

Kim Espinosa
City of Merced
Planning and Permitting Division
678 West 18th Street
Merced, CA 95340

*Clear
5/12/06
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Dear Ms. Espinosa:

The Department of Transportation (Department) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR), Mercy Merced Medical Center located on the northeast and southeast intersections of G Street and Cormorant Drive (east of State Route (SR) 59 and north of SR-99). The Department has the following comments:

TRAFFIC OPERATIONS:

In order to provide a professional assessment the Department will require the following traffic information to complete the review of this project.

1. Page 25 of the Traffic Impact Study (TIS) for the Mercy Merced Medical Center project shows a 1% trip distribution on Northbound SR-59 in the Existing Background and Future Cumulative Background conditions. For southbound SR-59 the values are 2% and 3%, respectively. Traffic Operations does not concur with the proposed trip distribution percentages as they are low. **Please provide an analysis of the impacts created by the Mercy Merced Medical Center on SR-59, SR-99 and SR-140 for the Existing Plus Project and Cumulative Plus Project Conditions for our review and comment. The locations of particular interest should include, but are not limited to the following:**

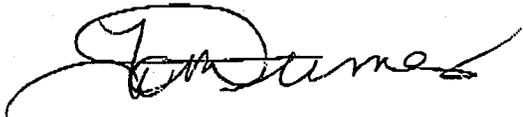
- SR-59/16th Avenue intersection
- SR-59/West Olive/Santa Fe intersection
- SR-59/Yosemite Avenue intersection
- SR-59/Cardella Road intersection
- SR-59/Bellevue Road intersection
- SR-99/G Street interchange
- SR-99/16th Avenue interchange
- SR-99/SR-140 East and West interchanges

Kim Espinosa
May 2, 2006
Page 2

2. Page 29 of the TIS states "As shown in Table 7, the proposed project would generate an estimated 16,807 vehicle trips per day to and from the project site. Of that daily total, an estimated 1,291 trips would be generated during the A.M. peak hour and 1,382 trips would be generated during the P.M. peak hour." However, on page 41 under the Cumulative Plus Project Impacts the estimated trips generated are 1,150 and 1,198 in the A.M. and P.M. peak hours respectively. **Traffic Operations does not agree with the net reduction in estimated trips generated in the Cumulative condition as extensive growth has occurred including planned development in the Merced area.**
3. Additional comments may follow after the above comments have been addressed.

If you have any questions, please contact Dec Maddox at (209) 942-6022 (email: dee_maddox@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,



TOM DUMAS, Chief
Office of Intermodal Planning

cc: Scott Morgan
State Clearinghouse

Letter 3: Tom Dumas, Department of Transportation

Response 3-1: As noted in the EIR, the trip distribution percentages are based on the Merced County Association of Governments (MCAG) travel model. A select link analysis was applied to the model for the Mercy Medical Center traffic analysis. Select link analysis was conducted for both near-term background conditions and long-term background conditions. Use of the MCAG model results in the trip distribution percentages reflecting:

- near-term and long-term land uses,
- near-term and long-term transportation systems,
- a mix of local and regional trips, and
- a mix of employment and non-employment trip types.

As a result, the EIR preparers have concluded the trip distribution percentages presented in the EIR are appropriate.

The EIR preparers acknowledge the commenter does not concur with the trip distribution percentages presented in the EIR. The commenter fails to provide either a basis or a reason for the conclusory statement that the trip distribution percentages on State Route (SR) 59 are low. Without a description of the basis or reason for the commenter's conclusion, the EIR preparers are not able to directly respond to the conclusion, or judge the validity of the conclusion. Comments made by public agencies must be supported by specific documentation. Comments made by public agencies must be supported by specific documentation (Pub Res Code §§ 21104(c), 21153, 14 Cal Code Regs §§ 15086(c)).

The commenter has requested analysis of a series of intersections along SR 59 and SR 99. Both SR 59 and SR 99 generally serve area wide travel, as opposed to local travel.

Based on the trip distribution percentages used in the traffic analysis (see the response to comment immediately above), the proposed project is not expected to result in a substantial increase in traffic on these facilities. In addition, as noted in Chapter 2 of the EIR, *Project Description*;

The proposed new structures and improvements will replace the existing County-owned facility located on 13th Street. The existing hospital facility to be replaced is approximately 186,000 square feet with 174 beds and is located on 13.5 acres approximately 3.5 miles from the proposed project location.

Thus, a substantial portion of the proposed project would replace activities currently taking place at the existing Mercy Medical Center Merced Community Campus. The relocation of these activities could potentially affect traffic patterns on a local basis, but would not result in a change in area wide travel patterns.

For the reasons described above, the EIR preparers would not expect the proposed project to have a significant impact on the additional study intersections requested by the commenter, and these intersections have not been added to the traffic impact study.

The difference in trip generation estimates noted by the commenter are due to the analysis of Cumulative No Project conditions assuming development of the proposed project site using current land use designations. As noted on page 41 of the traffic impact study;

The MCAG travel demand model was used to forecast future Cumulative No Project background traffic volumes. The MCAG model includes future land use development in Merced, including the project site. The MCAG travel model assumes development of the project site consistent with current General Plan land use designations, which includes single-family and multiple-family residential dwelling units. Therefore, for this traffic impact study, traffic volumes for the Cumulative Plus Project conditions were developed by adding the net project-related travel to future year No Project background traffic volumes.

The net number of vehicle trips that would be generated by the proposed Mercy Medical Center under Cumulative conditions would be the number of direct project-related trips, less the number of trips already assumed in the MCAG travel model. This approach avoids double-counting development of the project site as both residential land use and the proposed Mercy Medical Center at the same time.

The EIR preparers agree with the commenter's statement that extensive growth has occurred in the Merced area. However, the EIR preparers do not agree with the commenter's contention that gross, versus net, trip generation estimates should be used. Failing to use a net trip generation estimate would assume the site is developed both as the proposed project, and as residential uses; this assumption would be clearly incorrect. A substantial portion of the proposed project would replace activities currently taking place at the existing Mercy Medical Center Merced Community Campus. The relocation of these activities could potentially affect traffic patterns on a local basis, but would not result in a change in area wide travel patterns.

Response 3-2: As required by CEQA Guidelines Section 15105, this EIR has been circulated for a 45-day review period from March 29, 2006 to May 12, 2006. The public comment period has closed.

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S.#40

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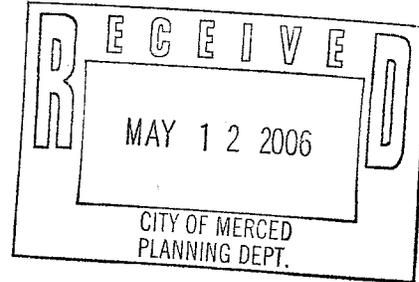
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May 3, 2006

Ms. Kim Espinosa
City of Merced Planning and Permitting Division
678 West 18th Street
Merced, CA 95340



Dear Ms. Espinosa:

Re: City of Merced's Draft Environmental Impact Report, Mercy Medical Center; SCH# 2004121055

The California Department of Transportation (Department), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public use airports and heliports. We offer the following comments for your consideration.

The proposal is for the three-phase construction of a 607,428 square foot eight-story (seven stories and one below grade level, plus a mechanical penthouse), 460-bed hospital on approximately 30 acres in the vicinity of G Street and Cormorant Drive. The proposal includes 200,000 square feet of medical office buildings, a 17,074 square foot power plant, a helipad/heliport, and 1,990 parking spaces.

As correctly noted on page 3-95 of the Draft Environmental Impact Report (DEIR), the hospital heliport will require a State Heliport Permit from the Division of Aeronautics. Information regarding the State Heliport Permit process is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/heliportpermit.php>. The applicant should also be advised to contact the Division's Aviation Safety Officer for Merced County, Ms. Chris Ferrell, at (916) 654-5216, for assistance with the State heliport permit process.

Prior to issuing the State Heliport Permit, the Division, as Responsible Agency, must ensure that the proposal is in full compliance with CEQA. The issues of primary concern to us include heliport-related noise and safety impacts on the surrounding community. Consideration given to the issue of compatible land uses in the vicinity of a heliport should help to relieve future conflicts between the heliports and its neighbors.

According to the page 3-76 of the DEIR, the proposed helipad/heliport will be "raised approximately eight feet above the surrounding grade to limit potential contact with users of the facility. The flight paths and angles of the helicopters will eliminate potential conflict points with persons on the site or on surrounding properties." Figure 2-2 depicts the helipad/heliport site at the north end of hospital property adjacent to Cottonwood Creek. Figure 2-2 depicts 3 different approach/departure flight paths including a southeastern flight path that will be used only during Phase 1 construction. Impact #3.7-5 also states that existing regulations "prohibit the flight of helicopters over the school site, thus eliminating potential conflicts at the landing site." Mitigation Measure #3.7-5 states "The helipad shall be a restricted and secured areas with warning signs, fence and or gate, to prevent unanticipated injury to non-authorized persons in the vicinity resulting from moving equipment or flying debris."

Figures 3.10-1, 3.10-2, and 3.10-3 depict the "Helicopter Noise Generation" for Flight Paths #1, #2 and #3. These flight paths and noise contours, however, appear to be centered south of the actual proposed

helipad/heliport site in Figure 2-2. If Figure 2-2 is correct, the noise contours should probably shift to the north as well.

Impact #3.10-5 recognizes potential for sleep disturbance due to nighttime helicopter noise. However, the hospital anticipates operations at approximately 220 arrivals and 220 departures per year, which averages to 1.2 operations per day. Mitigation Measure #3.10-5, weather permitting addresses the requirement to avoid noise sensitive uses, stating "The pilots shall avoid flights over noise sensitive areas at all times when weather permits. The predominant wind in that area is from the north, northwest. The helicopter operates by landing and taking off into the wind. A departure in the northwesterly direction is preferred. A modified approach procedure from the northwest may be possible during minimal and "no" wind conditions. However, if the wind velocity exceeds a specified criteria depending upon the model of aircraft, then the helicopter will need to approach from the northeast or southeast."

Please note the Federal Aviation Administration (FAA) will require the filing of a Notice of Landing Area Proposal (Form 7480-1). A copy of the form is available on the FAA website at <http://www.faa.gov/ARP/ane/forms/7480-1.pdf>.

In addition, existing and proposed structures in the vicinity of the proposed heliport site should not be at a height that will result in penetration of the approach imaginary surfaces. If the heliport is planned for operation prior to completion of the later phases of construction activities, impacts to the heliport imaginary surfaces from temporary construction-related impacts (e.g. construction cranes, etc.) should also be identified. FAA Advisory Circular 150/5370-2E "Operational Safety on Airports During Construction" is available at <http://www.faa.gov/ARP/publications/acs/5370-2e.pdf> and primarily deals with airport issues but may provide some assistance. The FAA may also require the filing of a Notice of Proposed Construction or Alteration (Form 7460-1) for certain project-specific activities in accordance with Federal Aviation Regulations Part 77 "Objects Affecting Navigable Airspace".

The proposal should also be submitted to the Merced County Airport Land Use Commission (ALUC) for review.

These comments reflect the areas of concern to the Department's Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our district office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. We will also require a copy of the Final EIR and the Notice of Determination when the project is approved. If you have any questions, please call me at (916) 654-5314.

Sincerely,



SANDY HESNARD
Aviation Environmental Planner

c: State Clearinghouse, Merced County ALUC

Letter 4: Sandy Hesnard, Department of Transportation, Aeronautics Division

Response 4-1: Comment noted. The applicant will apply for a State Heliport Permit as required by the Division of Aeronautics.

Response 4-2: Land use compatibility is discussed under each impact area where appropriate. For example, noise contours that could affect the Cruickshank Middle School are discussed under Impact 3.10-3, 3.10-4, and 3.10-5. Safety hazards resulting from helicopter operations are discussed on page 3-76.

Response 4-3: In order to meet the FAA and DOA heliport design criteria, the helipad was raised and the height of the landscaping and parking lot lamp poles were lowered several feet in order to provide the pilot and helicopter with an obstruction free flight path and protect the imaginary airspace environment. The Draft EIR statement that flights are “prohibited” over schools was incorrect because wind conditions may result in situations where there is no alternative but to position the flight paths over noise sensitive areas. Every effort has been made to avoid approach or departure flights directly over the occupied portion of the school. See Response 5-13.

Response 4-4: This comment has been acknowledged, and the flight paths and noise contours have been corrected. Please see revised Figures 3.10-1 through 3.10-6 in Section 4.0 of this Final EIR. The analysis of impacts has not changed.

Response 4-5: As noted by the commenter, helicopter operations are sensitive to the wind direction. Since the predominant wind in this area is from the northwest, the pilot will typically depart to the northwest. The approaching flight path is also dictated by the direction of the origin on the flight. The pilot in command maintains the final decision on the appropriate flight path and approach angle to use when conducting a helicopter operation. Wind conditions may create situations where there are no alternatives but to position the flight paths over noise sensitive areas. The Draft EIR contains mitigation to reduce this impact; however, due to the uncertainty of wind conditions, this impact remains significant and unavoidable.

Response 4-6: Federal Aviation Administration Application Form 7480 will be filed after the environmental assessment review is completed and before construction. All approvals from the FAA will be obtained prior to operation of the helipad.

Response 4-7: With Form 7460 (Notice of Proposed Construction), the FAA will be notified prior to construction of the remaining phases (Phase II and III). The hospital and contractor for the new phases will monitor crane and construction locations relative to the imaginary airspace of the existing helipad. Should there be construction equipment that penetrates the helipad’s airspace, the helipad could be temporarily closed until such time as the equipment is removed.

Response 4-8: The documents will be submitted to the Merced County Airport Land Use Commission (ALUC) for review after receiving approval from the FAA and the local government.

Response 4-9: Comment noted; however, this is not a comment related to the adequacy of the Draft EIR. A copy of the Final EIR and the Notice of Determination will be sent to the California Department of Transportation, Division of Aeronautics.

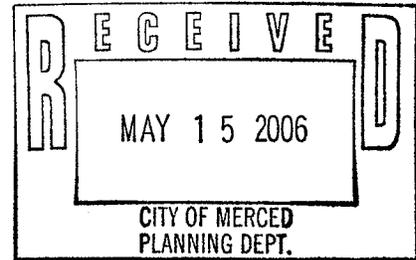


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May 12, 2006

Ms. Kim Espinosa, Planning Manager
Planning and Permitting Division
City of Merced
678 West 18th Street
Merced, California 95340



Subject: **Comments of the Merced City School District
Public Review of Draft Environmental Impact Report
Mercy Merced Medical Center
Catholic Healthcare West**

Dear Ms. Espinosa;

This letter is submitted on behalf of the Merced City School District ("MCSD"), and is presented as the District's comments with regards to the public review of the Draft Environmental Impact Report ("DEIR") for the proposed Mercy Merced Medical Center ("Project") and presents the current formal position of the District on the Project as described herein.

The District is in receipt of the City of Merced ("City") Notice and DEIR dated March 29, 2006 for the proposed Project. The Notice provides a 45-day review period ending on May 15, 2006 during which time written comments on the DEIR are being requested by the City. The development consists of a 659,100 square feet, eight story, 452-bed hospital; 200,000 square feet of medical office building; a 21,000 square foot power plant; a helipad; and 2,090 parking spaces within surface lots (1,514) and in a parking garage (567). The District understands that the Project is located on approximately 30-acres located between G Street, Mercy Avenue, Cormorant Drive and the Cottonwood Creek. We note that the Project consists of 15.81 net acres on the north side of Cormorant Drive and that Phase 2 parking is located on the south side of Cormorant Drive on 10.32 net acres.

5-1

The above Project description was used in the Notice of Preparation. The District notes that the Project EIR describes the Project differently as follows:

"The proposed project is the three-phase construction of a 607,428-square foot, eight story, 460- bed replacement hospital (seven stories and one below grade level plus a mechanical penthouse), 200,000 square feet of medical office buildings, a 17,074-square foot power plant, a helipad, and 1,990 parking spaces (1,405 within surface lots and 585 in a parking garage). The project site is approximately 30 acres in size

<p>which replaces the existing County owned facility located on 13.5 acres approximately 3.5 miles from the proposed project site. In total, the proposed project includes 1,011,171 square feet of building space (excludes existing Cancer Center), in structures ranging from one to seven stories in height, and 1,990 parking spaces. A helipad will be constructed to accommodate helicopter operations on the north end of the site.”</p>	5-1 cont.
<p>The two different Project descriptions need to be clarified and corrected as appropriate so that the public understand what the Project entails. In addition, the Draft EIR described the three phases of the Project. As one read through the Draft EIR it is unclear as to what phases of the development the Draft EIR talks to. Therefore, the Draft EIR needs to be formatted to clearly distinguish what phase of the Project discussions are addressing.</p>	5-2
<p>The Project is also located immediately adjacent to Cruickshank Middle School (“Cruickshank”) divided only by Mercy Avenue. It is also noted that Mercy Avenue is shown as a through street to the north with the south extension ending at Cormorant Drive.</p>	5-3
<p>The District is a responsible and affected agency that will be impacted by the development of the property by the proposed Project. The District has been invited by the City to offer comments with regards to the DEIR and the environmental review of the Project.</p>	5-4
<p>The District previously submitted its comments date January 14, 2006 responding to the Notice of Preparation. The comments requested that the City complete a comprehensive review of the Project and provide the qualitative and quantitative analysis of the project-specific and cumulative effects the Project will have on the District and on Cruickshank Middle School. To this end, the District asked that a Draft and Final Environmental Impact Report in compliance with the provisions of CEQA and the CEQA Guidelines be prepared and that it address the concerns of the District. The District suggested that the Project has project-specific and cumulative impacts on the students, teachers, employees, parents and facilities associated with Cruickshank Middle School and the District overall, in the following areas:</p>	5-5
<ol style="list-style-type: none"> Noise impacts and mitigation during and associated with the construction of the facility as a result of passenger vehicle traffic, construction vehicle traffic, and delivery vehicle traffic, etc. Impacts should be addressed for both within school buildings and in the outdoor areas. 	5-6
<ol style="list-style-type: none"> Noise impacts and mitigation during normal operation of the facility resulting from the general operation of the facility as a result of passenger vehicle traffic, construction vehicle traffic, delivery vehicle traffic, ambulance and law 	5-7

enforcement vehicle sirens, etc. Impacts should be addressed for both within school buildings and in the outdoor areas.	5-7 cont.
3. Noise impacts and mitigation during normal operations of the facility resulting from the general operation of the facility including paging and announcement systems, the power plant, and ambulance sirens, etc. Impacts should be addressed for both within school buildings and in the outdoor areas.	5-8
4. Traffic impacts and mitigation during normal operation of the facility as a result of increased vehicle counts, including but not limited to G Street, Cormorant Drive, Mercy Avenue, Sandpiper Avenue, Mansionette Drive, Yosemite Avenue, etc. and all related intersections.	5-9
5. Traffic impacts and mitigation during construction of the facility as a result of increased vehicle counts, including but not limited to G Street, Cormorant Drive, Mercy Avenue, Sandpiper Avenue, Mansionette Drive, and Yosemite Avenue, etc. and all related intersections	5-10
6. Specific traffic impacts and mitigation resulting from Project vehicles and school private vehicles conflicts, Project vehicles and school bus vehicles conflicts, Project vehicles and pedestrian/bicycle conflicts, primary access/egress of the Project from Cormorant Drive, service and emergency vehicles access/egress from Mercy Avenue passing directly by the school, and the use of Mansionette Drive by emergency vehicles and Project vehicles coming from Yosemite Avenue.	5-11
7. Traffic and pedestrian impacts and mitigation as a result of Phase 2 and Phase 3 additional parking provided on the south side of Cormorant Drive.	5-12
8. Flight pattern impacts on the middle school, including takeoff and landing patters of the helicopters using the helipad, associated noise and vibration, and associated safety concerns in the case of an emergency.	5-13
9. Deterioration of air quality in the areas as a result of increased vehicle trip emissions, the use of the helipad and helicopter emissions, and power plant emissions, etc.	5-14
10. Safety and hazardous conditions that may result from a lack of containment of hazardous materials and toxic substances that are used in the Project.	5-15
11. Visual impacts and mitigation of the hospital eight story structure and the parking structure from the middle school.	5-16

12. Light and glare impacts and mitigation of the Project's lighting on the middle school.	5-17
13. Shade and shadow impacts and mitigation of the structures on the middle school.	5-18
14. Growth inducing impacts of the Project on the community and the District in terms of new residential growth that would result in increased student enrollments and additional school facility requirements	5-19
The District requested that the DEIR be prepared to a level of detail that would fully and completely disclose the project-specific and cumulative impacts of the Project on the District and on Cruickshank Middle School.	
The Draft EIR has been prepared by Quad Knopf ("Consultant") who is designated as the consultant to the City. The DEIR contains the draft text and appendices.	5-20
The District is now provided an opportunity in accordance with CEQA and the CEQA Guidelines to review the DEIR.	
Early Public Consultation	
The District raises an initial concern with the drafting of the DEIR. The DEIR sets forth the specific "sources" that were used in the drafting of the DEIR by environmental topic. The District notes that the Merced City School District was not identified as a "source". The California Department of Education, Educational Data Partnership is identified in the DEIR.	5-21
The District is surprised and concerned that the City and the Consultant did not consult with the District and did not obtain information regarding the District and Cruickshank, even though the comments offered by the District were specifically focused on the impacts the Project would have on Cruickshank.	5-22
Section 15083 of the CEQA Guidelines states: "Prior to completing the draft EIR, the Lead Agency may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project. Many public agencies have found that early consultation solves many potential problems that would arise in more serious forms later in the review process. This early consultation may be called scoping. Scoping will be necessary when preparing an EIR/EIS jointly with a federal agency.	5-23

(a) Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.

(b) Scoping has been found to be an effective way to bring together and resolve the concerns of affected federal, state, and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds.

(c) Where scoping is used, it should be combined to the extent possible with consultation under Section 15082."

5-23

Although early consultation is not required, the District is surprised that the Consultant and City made no attempt to meet and consultant with the District on the issues raised and the topics needing discussion, as well as the relationship of these issues and topics with Cruickshank.

Further Section 15086 of the CEQA Guidelines states:

"(a) The Lead Agency shall consult with and request comments on the draft EIR from:

(1) Responsible Agencies,

(2) Trustee agencies with resources affected by the project, and

(3) Any other state, federal, and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project, including water agencies consulted pursuant to section 15083.5.

(4) Any city or county which borders on a city or county within which the project is located.

(5) For a project of statewide, regional, or areawide significance, the transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project. "Transportation facilities" includes: major local arterials and public transit within five miles of the project site, and freeways, highways and rail transit service within 10 miles of the project site.

5-24

(6) For a state lead agency when the EIR is being prepared for a highway or freeway project, the State Air Resources Board as to the air pollution impact of the potential vehicular use of the highway or freeway and if a non-attainment area, the local air quality management district for a determination of conformity with the air quality management plan.

(7) For a subdivision project located within one mile of a facility of the State Water Resources Development System, the California Department of Water Resources.

(b) The lead agency may consult directly with:

(1) Any person who has special expertise with respect to any environmental impact involved,

(2) Any member of the public who has filed a written request for notice with the lead agency or the clerk of the governing body.

(3) Any person identified by the applicant whom the applicant believes will be concerned with the environmental effects of the project.

5-24 cont.

(c) A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation.

(d) Prior to the close of the public review period, a responsible agency or trustee agency which has identified what that agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decision, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state.”

The District believes that its comments contained herein are in compliance with the provisions of these CEQA provisions.

Public Review of the Draft EIR

Section 15087 of the CEQA Guidelines provides for the public review of a draft EIR. Section 16087 of the CEQA Guidelines states, in part:

“(a) The lead agency shall provide public notice of the availability of a draft EIR at the same time it sends a notice of completion to the Office of Planning and Research. This public notice shall be given as provided under Section 15105 (a sample form is provided in Appendix L). Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures...

(c) The notice shall disclose the following:

- (1) A brief description of the proposed project and its location.
- (2) The starting and ending dates for the review period during which the lead agency will receive comments. If the review period is shortened, the notice shall disclose that fact.
- (3) The date, time, and place of any scheduled public meetings or hearings to be held by the lead agency on the proposed project when known to the lead agency at the time of notice.
- (4) A list of the significant environmental effects anticipated as a result of the project, to the extent which such effects are known to the lead agency at the time of the notice.
- (5) The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours....”

5-25

The District notes that the notice of March 29, 2006 did not contain “a list of the significant environmental effects anticipated as a result of the Project, to the extent which such effects were known to the City at the time of the Notice”. This is a flaw in the Noticing procedure.

Evaluation of and Response to Comments on the Draft EIR

5-26

Section 15088 of the CEQA Guidelines provides the procedures and requirements for evaluating and responding to comments offered on a Draft EIR. Section 15088 of the CEQA Guidelines states in part:

“(a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

(b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.

(c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

(d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:

- (1) Revise the text in the body of the EIR, or
- (2) Include marginal notes showing that the information is revised in the response to comments.”

The District requests that the City evaluate the comments of the District on environmental issues set forth in the Draft EIR and prepare written responses. The District requests that the written response to the District's comments be made available to the District at least ten (10) days prior to certifying an environmental impact report. The District requests that the written response describe the disposition of significant environmental issues raised by the District. In particular, the District request that when the major environmental issues set forth in the Draft EIR is at variance with the recommendations and objections raised by the District in these comments, that these be addressed in detail giving reasons why specific comments and suggestions were not accepted. The City must provide a good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

5-26 cont.

Threshold of Significance

Critical to the District's review of the Draft EIR is the level of significance of the impacts. The Draft EIR discusses "defined standards of significance". This is referred to as "threshold". Threshold is defined as "a level, point, or value above which something is true or will take place and below which it is not or will not take place."

Section 15064.7 of the CEQA Guidelines states the following with regards to "thresholds of significance":

"(a) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.

(b) Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence."

5-27

Section 15382 of the CEQA Guidelines defines "Significant Effect on the Environment" as follows"

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."

In reviewing the Draft EIR the District has viewed the data, analysis and conclusions against any stated thresholds or defined standards of significance.

The District also acknowledges the levels of significant as are stated in the Draft EIR as follows:

- Significant and Unavoidable Impact – Impacts that exceed the defined standards of significance and that cannot be eliminated or reduced to a less-than-significant level through the implementation of feasible mitigation measures.

- Significant Impact – Impacts that exceed the defined standards of significance and that can be eliminated or reduced to a less-than-significant level through the implementation of feasible mitigation measures.

- Potentially Significant Impact – Significant impacts which may ultimately be determined to be less-than-significant; the level of significance may be reduced in the future through implementation of local policies or guidelines (which are not required by statute or ordinance), or through further definition of the project detail in the future. Such impacts are equivalent to significant impacts and require the identification of feasible mitigation measures.

- Less-Than-Significant Impact – Impacts that do not exceed the defined standards of significance.

In accordance with the CEQA Guidelines, these various levels need to be justified based on evidence, data, and quantitative and qualitative analysis to support conclusions. The Draft EIR needs to address all environmental topics in detail and provide a comprehensive discussion of the impacts. The Draft EIR needs to provide a good faith, reasoned analysis in response to comments. Conclusory statements unsupported by factual information do not comply with the CEQA Guidelines.

Forecasting and Speculation

The District has raised issues on topics which directly affect the District and Cruickshank. As such, the District would have anticipated that the City and the Consultant would have contacted the District with regards to the issues raised. Some of the issues are directly related to the current conditions and operations of Cruickshank and the proximity of the school to the Project. For example, traffic, noise, shading of the structures upon District property, dust contamination are topics which require an understanding of the current conditions and operations of the school.

The CEQA Guidelines state with regards to “forecasting” the following

“Drafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.”

Further, the CEQA Guidelines states with regards to “speculation” the following:

“If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.”

5-27 cont.

5-28

5-29

The District suggest that the City and the Consultant did not use its best efforts to find out and disclose all that it reasonably could, did not do a thorough investigation, and where it found that particular impacts is too speculative for evaluation, the City and Consultant did not note its conclusion and terminate discussion of the impact in the Draft EIR. Best efforts and a thorough investigation would have included contacting the District and obtaining data and information relative to the analysis in the Draft EIR. This is a flaw in the environmental analysis and process.

5-29 cont.

State and Federal Laws Governing the Helicopter Use

From the District's perspective, one of the most critical aspects of the Project is the inclusion of the helipad and the helicopter operation as it relates to noise, safety, and vibration, and related environmental impacts. Although the District offered a significant number of comments which relate to this aspect of the Project, the Draft EIR fails to acknowledge the legal statues, requirements and provisions that would apply. All relevant statutes, requirements and provisions should be included as an appendix to the Draft EIR, included but not limited to those governed by the U.S. Department of Transportation, Federal Aviation Administration, the California Department of Transportation, California Division of Aeronautics, and the California Department of Education as it relates to:

1. The location of helipads in proximity to schools;
2. The location of helicopter flight paths in proximity to schools;
3. The mitigation of noise, vibration, air turbulence, and hazardous conditions caused by locating helipads in proximity to schools and locating helicopter flight paths in proximity to schools; and
4. Any other regulations, rules, policies, directives and guidelines regarding the location and operation of helipads and helicopters in proximity to schools.

5-30

The failure to provide these regulations, rules, policies, directives and guidelines in the Draft EIR is a flaw in the document and prevents a full disclosure of the possible mitigation measures to address the impacts of the Project. The Draft EIR should be revised accordingly. In any case, where there are potential noise, vibration, air turbulence, and hazardous conditions which result or could result in significant impacts, CEQA requires and the Draft EIR should contain all available mitigation measures and consider all available alternatives.

Comments on the Draft EIR

The following are the District comments to the Draft EIR text that was intended to respond to the District comments offered by the District with regards to the Notice of Preparation.

It is noted that although this is a multi phase development, it appears that the Draft EIR addresses only Phase 1 of the Project to determine impacts and mitigation measures, ignoring the development of subsequent phases. This is a flaw in the Draft EIR. The Draft EIR is required to consider all phases of the development. This is further discussed in the comments.

5-31

Land Use

The environmental issue associated with land use is primarily the consistency of the Project to the City of Merced Vision 2015 General Plan and the City of Merced Zoning Map, and the compatibility with surrounding and adjacent land uses. Although the District did not specifically raise this as an issue that should be addressed in the Draft EIR, it is a basic component of any analysis of a project.

The Impact Evaluation Criteria used in the Draft EIR for land use is stated as follows:

“3.9.3 IMPACT EVALUATION CRITERIA

Based upon common standards of land use compatibility, and on consideration of Appendix G of the State CEQA Guidelines, the proposed project is considered to have a significant land use impact if it will:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the City of Merced General Plan) adopted for the purpose of avoiding or mitigating an environmental effect;
- Conflict with any applicable habitat conservation plan or natural community conservation plan;
- Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);

5-32

- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere;
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.”

The Draft EIR sets forth some, but not all of the policies stated in the General Plan with regards to the Land Use Element and the Housing Element. The District notes that the Draft EIR does not state the Goals or the Implementation Actions which are also relevant to this discussion. The Draft EIR also fails to identify the Goals, Policies, and Implementation Actions of the other General Plan Elements which are relevant to this discussion. This is a flaw in the Draft EIR and is not full disclosure. Every Goal, Policy, and Implementation Action contained in the General Plan should be discussed and the Project should be weighed against those Goals, Policies, and Implementation Actions to determine if the Project is consistent with them.

5-32 cont.

The District suggests that the Project is required to be in compliance with the City of Merced Vision 2015 General Plan. The latest version of the General Plan was adopted by the Merced City Council on April 7, 1997. The General Plan Goals, Policies and Implementation Actions as contained in the originally adopted General Plan have not been amended since 1997. The General Plan does contain Appendix A which sets forth General Plan Amendments approved by the City since April 1997. Although an Updated Housing Element was adopted on December 15, 2003 and minor text revisions to the Housing Element on June 21, 2004, there does not appear to be any other amendments to the various elements of the General Plan. Therefore, all projects and proposal relating to the development of the Community is required to comply and conform to the language as set forth in the City’s General Plan date April 1997, as amended.

5-33

The concept of consistency is used regularly throughout State statues in order to ensure that decision-making by local agencies are congruent with the planning and policy guides of the local jurisdictions. As stated in the General Plan, “The General Plan shall be utilized as a whole. One section is not to be used at the expense of others, but all of them shall be used together, with flexibility. Employed in this way, the General Plan becomes a powerful tool for ensuring consistency of City actions, while remaining responsive to he changing needs of the times. When optional elements are added to the general plan, they have the same status as a mandated element, and no single chapter or subject supersedes the other.”

5-34

Therefore, the Project needs to be in compliance with ALL Goals, Policies, and Implementation Actions, together with the land use map and the other chapters of the General Plan for it to be found to be consistent with the General Plan. The District

would suggest that the Project and the Draft EIR needs to provide adequate evidence to support this finding of consistency.

5-34 cont.

The General Plan states:

“The heart of the *Merced Vision 2015 General Plan* is the goals, policies, and implementing actions. In the following directives, the City will chart the course of growth and development and determine the nature of the environment and future character if Merced. *Goal, Policy, and Implementing Action* are used in the Plan as defined below:

- Goal = A general, overall and ultimate purpose, aim, or end towards which the City will direct effort.
- Policy = A specific statement of principle or guiding action which implies clear commitment. A general direction that the City will follow in order to meet its goals by undertaking specific action programs. It is assumed that each policy statement is preceded by the phrase, “The City shall...”
- Implementation Action = An action, activity, or strategy carried out in response to adopted Policy to achieve a specific Goal.”

By its own admission, the General Plan clearly acknowledges the importance of the General Plan as a vehicle to “chart the course of growth and development in the City. It is the “heart” of the decision-making process and the goals, policies and implementation actions are foundations that enable the City and other local agencies to make sound decisions. The fact that the City by its own policies is to review a project for consistency with the City’s General Plan is at the foundation of any entitlement decision by the City.

5-35

The General Plan further states:

“Preparing the general plan serves the following purposes:

- To enable the Planning Commission and City Council to reach agreement on long-range development policies;
- To provide a basis for judging whether specific private development proposal and public projects are consistent with these policies;
- To allow other public agencies and private developers to design projects that are consistent with City policies, or to seek changes in these policies through the General Plan Amendment process;

- To identify the community's environmental, social and economic goals. To record the City's policies and standards for the maintenance and improvement of existing development and the location and characteristics of future development;
- To provide citizens with information about their community and with opportunities to participate in the local planning and decision-making process."

5-35 cont.

These provisions of the General Plan further reinforce the decision-making process of consistency and the City's intent to utilize the General Plan as a guide to good planning and decision-making.

Except for the Housing Element, it appears that all of the General Plan Elements are based on data that was used in the mid 1990's. At a minimum the General Plan contains data, analysis, conclusions, and findings that are not applicable to the City today due to the changes that have occurred in the City and the recent unprecedented growth. Before the City approves development applications that are based on an out-of-date General Plan, it should first update the General Plan through a comprehensive review and pursue a "pro-active" versus a re-active response to the changing conditions of the City.

Except for the revisions that have been discussed above, there has been no comprehensive review, analysis and amendment to the General Plan. The current General Plan does not acknowledge the changes in the environmental, physical, social, economic, and governmental conditions and characteristics of the City that have occurred since adoption of the General Plan, or the unprecedented growth that has occurred in recent years. Therefore, the General Plan is out-of-date, and needs to be updated in order to conform to the policies of the Government Code and the Guidelines for the Preparation of General Plans.

5-36

The City has previously acknowledged the inadequacies and out-of-date condition of the General Plan. Currently there are plans to begin the process, however, it is anticipated that this will be a multi-year program during which time the City will be continuing to experience unprecedented growth.

The City is required to prepare, adopt, implement and maintain the General Plan in accordance with the State's Planning and Zoning Laws set forth in Sections 65000 et. seq. of the Government Code ("Statutes"). In addition, the City is required to comply with the State of California 2003 General Plan Guidelines "(Guidelines)" as promulgated by the California Office of Planning and Research ("OPR").

5-37

As set forth in the OPR Director's message set forth in the Guidelines:

"...The State Legislature declared in 1976 that "decisions involving the future growth of the state, most of which are made and will continue to be made at the local level, should be guided by an effective planning process, including the local general plan, and should proceed within the framework of officially approved statewide goals and policies. In all of its work, OPR attempts to encourage more collaborative and comprehensive land use planning at the local, regional, and statewide levels to achieve sustainable development goals of protecting the environment, maintaining a healthy economy, and ensuring equitable treatment of all people..."

As stated in the Introduction to the Guidelines:

"...The *General Plan Guidelines* is advisory, not mandatory. Nevertheless, it is the state's only official document explaining California's legal requirements for general plans. Planners, decision-making bodies, and the public depend upon the *General Plan Guidelines* for help when preparing local general plans. The courts have periodically referred to the *General Plan Guidelines* for assistance in determining compliance with planning law. For this reason, the *General Plan Guidelines* closely adheres to statute and case law. It also relies upon commonly accepted principles of contemporary planning practice. When the words 'shall' or 'must' are used, they represent a statutory or other legal requirement. 'May' and 'should' are used when there is no such requirement..."

5-37 cont.

Therefore, the City has a fiduciary responsibility to comply with the Statutes and to follow the Guidelines.

Based on the current condition of the General Plan, one has to question the adequacy of the General Plan and the current status of the document to represent an updated statement of data and City policy. Consistency is a primary requirement of the elements of a General Plan.

The Guidelines state:

"California state law requires each city and county to adopt a general plan 'for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning' (Section 65300 of the Government Code). The California Supreme Court has called the general plan the 'constitution for future development.' The general plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, both public and private."

The Guidelines further state:

“In addition, preparing, adopting, implementing, and maintaining the general plan serves to:

- Identify the community’s land use, circulation, environmental, economic, and social goals and policies as they relate to land use and development.
- Provide a basis for local government decision-making, including decisions on development approvals and exactions.
- Provide citizens with opportunities to participate in the planning and decision-making processes of their communities.
- Inform citizens, developers, decision-makers, and other cities and counties of the ground rules that guide development within a particular community.”

5-37 cont.

The City General Plan has not been regularly maintained and is out-of-date with the current conditions of the City. As such, it is a poor decision-making document that citizens, developers, decisions-makers and other cities and the County can use as a guide for decision-making, and results in inconsistent decision-making or decision-making that is not based on current conditions that are not consistent with goals and policies.

One aspect of compliance with the Statutes is internal consistency. Section 65300.5 of the Government Code states:

“In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.”

The Guidelines state the following with regards to internal consistency:

5-38

“The concept of internal consistency holds that no policy conflicts can exist, either textual or diagrammatic, between the components of an otherwise complete and adequate general plan. Different policies must be balanced and reconciled within the plan. The internal consistency requirement has five dimensions, described below.

Equal Status Among Elements

All elements of the general plan have equal legal status. For example, the land use element policies are not superior to the policies of the open-space element.

A case in point: in *Sierra Club v. Board of Supervisors of Kern County (1981)* 126 Cal.App.3d 698, two of Kern County's general plan elements, land use and open space, designated conflicting land uses for the same property. A provision in the general plan text reconciled this and other map inconsistencies by stating that 'if in any instance there is a conflict between the land use element and the open-space element, the land use element controls.' The court of appeal struck down this clause because it violated the internal consistency requirement under Section 65300.5. No element is legally subordinate to another; the general plan must resolve potential conflicts among the elements through clear language and policy consistency.

Consistency Between Elements

All elements of a general plan, whether mandatory or optional, must be consistent with one another. The court decision in *Concerned Citizens of Calaveras County v. Board of Supervisors (1985)* 166 Cal.App.3d 90 illustrates this point. In that case, the county land use element contained proposals expected to result in increased population. The circulation element, however, failed to provide feasible remedies for the predicted traffic congestion that would follow. The county simply stated that it would lobby for funds to solve the future traffic problems. The court held that this vague response was insufficient to reconcile the conflicts.

5-38 cont.

Also, housing element law requires local agencies to adopt housing element programs that achieve the goals and implement the policies of the housing element. Such programs must identify the means by which consistency will be achieved with other general plan elements (§65583(c)).

A city or county may incorporate by reference into its general plan all or a portion of another jurisdiction's plan. When doing so, the city or county should make sure that any materials incorporated by reference are consistent with the rest of its general plan.

Consistency Within Elements

Each element's data, analyses, goals, policies, and implementation programs must be consistent with and complement one another. Established goals, data, and analysis form the foundation for any ensuing policies. For example, if one portion of a circulation element indicates that county roads are sufficient to accommodate the projected level of traffic while another section of the same element describes a worsening traffic situation aggravated by continued subdivision activity, the

element is not internally consistent (*Concerned Citizens of Calaveras County v. Board of Supervisors (1985) 166 Cal.App.3d 90*).

Area Plan Consistency

All principles, goals, objectives, policies, and plan proposals set forth in an area or community plan must be consistent with the overall general plan.

The general plan should explicitly discuss the role of area plans if they are to be used. Similarly, each area plan should discuss its specific relationship to the general plan. In 1986, the Court of Appeal ruled on an area plan that was alleged to be inconsistent with the larger general plan. The court upheld both the area plan and the general plan when it found that the general plan's "non-urban/rural" designation, by the plan's own description, was not intended to be interpreted literally or precisely, especially with regard to small areas. The court noted that the area plan's more specific "urban residential" designation was pertinent and that there was no inconsistency between the countywide general plan and the area plan (*Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles (1986) 177 Cal.App.3d 300*). However, the court also noted that in this particular case the geographic area of alleged inconsistency was quite small.

Text and Diagram Consistency

5-38 cont.

The general plan's text and its accompanying diagrams are integral parts of the plan. They must be in agreement. For example, if a general plan's land use element diagram designates low-density residential development in an area where the text describes the presence of prime agricultural land and further contains written policies to preserve agricultural land or open space, a conflict exists. The plan's text and diagrams must be reconciled, because "internal consistency requires that general plan diagrams of land use, circulation systems, open-space and natural resources areas reflect written policies and programs in the text for each element." (*Curtin's California Land-Use and Planning Law*, 1998 edition, p. 18).

Without consistency in all five of these areas, the general plan cannot effectively serve as a clear guide to future development. Decision-makers will face conflicting directives; citizens will be confused about the policies and standards the community has selected; findings of consistency of subordinate land use decisions such as rezonings and subdivisions will be difficult to make; and land owners, business, and industry will be unable to rely on the general plan's stated priorities and standards for their own individual decision-making. Beyond this, inconsistencies in the general plan can expose the jurisdiction to expensive and lengthy litigation."

It is the District's contention that the City's General Plan is not consistent in all five areas and that as such it is not a valid General Plan that the City can use for decision-making.

The Statutes and Guidelines provide that the General Plan shall take a long term perspective. The Guidelines state:

"Since the general plan affects the welfare of current and future generations, state law requires that the plan take a long-term perspective (Section 65300). The general plan projects conditions and needs into the future as a basis for determining objectives. It also establishes long-term policy for day-to-day decision-making based upon those objectives.

The time frames for effective planning vary among issues. The housing element, for example, specifically involves time increments of five years. Geologic hazards, on the other hand, persist for hundreds or thousands of years. Sewer, water, and road systems are generally designed with a 30- to 50-year lifespan. Capital improvement planning is typically based upon a five or seven-year term. Economic trends may change rapidly in response to outside forces.

5-38 cont.

Differences in time frame also affect the formulation of general plan goals, objectives, policies, and implementation measures. Goals and objectives are longer term, slowly evolving to suit changing community values or to reflect the success of action programs. Specific policies tend to be shorter term, shifting with the political climate or self-imposed time limits. Implementation programs tend to have the shortest span because they must quickly respond to the demands of new funding sources, the results of their own activities, and the jurisdiction's immediate needs and problems.

Most jurisdictions select 15 to 20 years as the long-term horizon for the general plan. The horizon does not mark an end point, but rather provides a general context in which to make shorter-term decisions. The local jurisdiction may choose a time horizon that serves its particular needs. Remember that planning is a continuous process; the general plan should be reviewed regularly, regardless of its horizon, and revised as new information becomes available and as community needs and values change. For instance, new population projections that indicate that housing will be needed at a greater clip than anticipated, an unexpected major development in a neighboring jurisdiction that greatly increases traffic congestion, or a ballot initiative that establishes an urban growth boundary may all trigger the need to revise the general plan. A general plan based upon outdated information and projections is not a sound basis for day-to-day decision-making and may be legally inadequate. As such, it will be susceptible to successful legal challenge."

In the case of the City's General Plan, not only is the current document out-of date, it sets forth no long-term perspective based on current conditions.

Adequate, accurate, and up-to-date data and analysis is critical to preparing, maintaining and implementing the General Plan. As stated in the Guidelines:

“The general plan must be based on solid data if it is to serve as the primary source of community planning policy. Identifying issues, constraints, and opportunities and defining a community vision helps to set the direction for studies and establishes the range of information and the level of detail that will be needed to complete the plan. Collecting and analyzing data can be expensive and the capacity of any government agency to process and use information is limited. Jurisdictions must consider their general objectives and use their best judgment when determining the types and amount of information they need for policymaking.

Background information for all of the elements should be referenced or summarized in the general plan. Technical appendices are a good place in the adopted general plan for this information. Placing background information in an appendix enables users of the plan to more easily find the plan's policies when they need them.

Information collection and analysis is important throughout the planning process. For example, additional information regarding the state of the community may be needed during the fine-tuning of Draft policies by the city council.

After the plan has been adopted, evaluating its implementation and making course corrections relies upon the local agency's ability to continue collecting and analyzing information. The general plan is a long term document. It must be regularly refreshed with new data as it becomes available in order to ensure that its long-term outlook does not become outdated. This ongoing revision and refreshment is particularly important where a master EIR is certified for the plan...”

The Guidelines go on to discuss data categories including:

1. Existing land uses
2. Planning ideas
3. The natural environment
4. Infrastructure capacity
5. Demographic information
6. Housing stock and needs

5-38 cont.

7. Economic conditions
8. Existing commitments and policies
9. Regulatory setting

The Guidelines finally state the following with regards to data and data analysis:

“The planning staff must distill the mass of raw data that has been collected during the early stages of plan preparation into a usable form. The analysis of data serves as the bridge of logic from raw data to policy. The staff’s methods and information base should be available for review by both decision-makers and the public. As part of the hearing process, it will be the task of the planning commission, the planning advisory body, and the city council or board of supervisors to make further refinements to the preliminary work done by staff.

At the conclusion of the analysis phase, the planning staff should have gathered not only enough information to complete the plan in accordance with the work schedule, but also to answer the pertinent questions of both the public and decision-makers. Ideally, the planners will act as a central source of information about the community’s history, environment, infrastructure, economy, and social characteristics...”

5-38 cont.

The City General Plan being out-of-date does not have current data and analysis in many areas, and as such does not provide decision-makers with the answers to the questions that are currently being asked with regards to good decision-making.

Based on the contents of the General Plan, the Statutes, and the Guidelines, the District contends that the current General Plan is not in conformance with the Statutes and the Guidelines, and even it could be concluded that it does conform to the Statutes and the Guidelines, the General Plan in its current state is out-of date and provides no effective foundation for decision-making by the City. The District is further confident that a thorough and comprehensive review of the various adopted and currently in effect elements of the General Plan would reveal internal inconsistencies, inadequacies, and non-compliance with the Statutes and Guidelines.

The continued decision-making by the City utilizing an out-of date and inadequate General Plan disserves the constituents of the City, other public agencies, the District, and the development community who are burdened by these inadequacies.

The District suggests detailed analysis of the Project consider in full and complete detail the Project’s consistency or inconsistencies with the Goals, Policies, and Implementation Actions Programs as set forth herein and as further contained in the City’s General Plan.

5-39

The District suggests that the current General Plan discussion, Goals, Policies and Implementation Actions do not take into consideration the unprecedented growth that has occurred over the last several years, and therefore the Goals, Policies and Implementation Actions are out of date. General plans which do not account for the current conditions of a community can not be good decision-making tools when it is clear that the decisions will lead to adverse consequences to the community and local jurisdictions and public agencies. The General Plan is therefore on its face flawed because it does provide a foundation for effective decisions-making.

5-39 cont.

The Draft EIR should be revised and provide the data, and qualitative and quantitative analysis that provides evidence that the Project complies with the Goals, Policies, and Implementation Actions that are set forth in the General Plan. To make findings of General Plan consistency and not set forth the data, and qualitative and quantitative analysis, would be in violation of the provisions of CEQA and the CEQA Guidelines and would further be in violation of the other Planning and Zoning Laws of the State of California, and the requirements of the City.

The Draft EIR addresses this topic of land use in part, as follows:

“Current and Proposed Land Uses

Figures 3.9-1 and 3.9-2 show the current land use designations and zoning for the project site and surrounding area, respectively. The 4-acre parcel (APN #6-004-20-07) on which the existing Cancer Center is located is designated by the Merced General Plan Professional/Commercial Office (CO) and is zoned Professional/Commercial Office (C O). The rest of the 30-acre project site includes two vacant parcels, including 10.5 acres (APN #6-004- 30-01) with a General Plan designation of High Medium Density Residential (HMD) and zoning of High Medium Density Residential (R-3-2) and 15.7 acres (APN #6-004-20-06) with a General Plan designation of Low Density Residential (LD) and zoning of Single-Family Residential (R- 1-6).

5-40

Figures 3.9-3 and 3.9-4 show the proposed land-use designation and zone changes for the project site, respectively. The applicant proposes changing the General Plan land-use designations to Professional/Commercial Office, which is consistent with the current designation as the Mercy Cancer Center. The applicant also proposes a zone change to Planned Development (P-D).

The Dominican Campus, located in central Merced, is designated “Public/General Use” and is zoned ‘Office Commercial’.”

The site is composed of various native and non-native vegetation, and has been used for illegal dumping in recent years. There is one creek (Cottonwood Creek)

flowing along the northern boundary of the site, as well as a portion of a partially undergrounded drainage and irrigation channel (Sells Lateral) across the northern part of the site. There is also a drainage ditch on the western side of the property.”

The Draft EIR acknowledges that the Project proposes a change in the General Plan Land Use designations of the site and the Zoning designations of the site.

The Draft EIR further addresses this topic in part, as follows:

“Surrounding Land Uses

The project site is bounded on the west by G Street, on the north by Cottonwood Creek, Mercy Avenue to the east, and vacant parcels to the south. The surrounding land uses include Merced College and agricultural lands to the west, Cruickshank Middle School and a vacant park site to the east, developed and vacant residential lands to the south, and vacant residential and parkland to the north.”

5-40 cont.

It is noted that Cruickshank is not only located to the east of the site, it is immediately adjacent to the site separated only by Mercy Avenue. In addition, it should be noted that the District acquired the Cruickshank site and obtained the approvals of the California Department of Education for development of the site as a middle school based in part on the General Plan land uses designations and zoning designations which indicated that based on the General Plan, the lands use to the south would be Low Density Residential, the land uses to the north would be Open Space-Recreation, the land uses to the east would be Low Density Residential and High to Medium Residential, and the land uses to the west (where the Project is located) would be Low Density Residential and High to Medium Residential. All of these uses were and are compatible with the land use of a middle school. The Zoning was consistent with the General Plan land use designations.

Now the Draft EIR suggests that the General Plan land use designation to the west is proposed as Commercial Office which is not compatible with the land use of a middle school, and results in impacts that were not contemplated at the time that the school site was purchased and developed.

The Draft EIR further addresses this topic in part, as follows:

5-41

“3.9.4 IMPACTS & MITIGATION MEASURES

Impact #3.9-1: Potential conflicts with land-use policies or regulations intended to avoid or mitigate environmental effects.

Discussion and Conclusion: Specific environmental impacts from potential land-use conflicts between the hospital and current and possible future residential developments in the vicinity of the project site are addressed under Aesthetics/Light & Glare (Section 3.1), Air Quality (section 3.2), Hazards and Hazardous Materials (Section 3.7), Noise (Section 3.10), and Transportation and Circulation (Section 3.15). In terms of land-use policies, the project may be inconsistent with General Plan Policy L-1.5, "Protect existing neighborhoods from incompatible developments." Existing neighborhoods are located to the south and east of the site, although not adjacent to the site. The undeveloped land east of the project site (south of Cormorant) is currently designated for development of single family homes (see Figures 3.9-1 and 3-9-2), which would be considered compatible with the existing homes.

The proposed location of the hospital complex is not adjacent to the existing neighborhood. However, the possibility exists that the presence of a hospital complex will generate interest by developers to propose complementary developments, such as medical offices and drug stores for the properties adjacent to this neighborhood. The development of commercial uses there might cause environmental impacts to existing neighborhoods as well as to Cruickshank Middle School to the north. The City of Merced has to date received no applications or inquiries regarding changing the designations and zoning for these parcels. Moreover, the mere existence of the proposed hospital does not guarantee that it will create pressures to convert this land for commercial uses. Nevertheless, the project is likely to generate demand for commercial sites in the Northeast Yosemite Specific Plan area, causing future land-use incompatibilities. Therefore, this impact is considered potentially significant.

There are no mitigation measures available to offset or reduce this impact. The development of a hospital complex in an area that is has been partly developed or planned for residential uses will create permanent land-use conflicts. Therefore, this impact will remain significant and unavoidable."

The District is concerned with the perspective of this discussion. The Project is located at the entrance to a residential neighborhood which is existing and is proposed by the General Plan to expand as development occurs. The Project is not in compliance with the planned land uses of the area pursuant to the General Plan. The District acknowledges that specific environmental impacts from potential land-use conflicts between the proposed Project and the current and possible future residential developments in the vicinity of the site are addressed in part in the Draft EIR, although the District questions much of the discussion. The Draft EIR states "In terms of land-use policies, the project may be inconsistent with General Plan Policy L-1.5, "Protect existing neighborhoods from incompatible developments." In actually, the Project is incompatible with the neighborhood, Cruickshank, and the surrounding

5-41 cont.

existing and proposed land uses. As such, the Project is not consistent with this General Plan policy.

5-41 cont.

The Draft EIR states "The proposed location of the hospital complex is not adjacent to the existing neighborhood." Webster's Dictionary defines "adjacent" as being **1 a** : not distant; **b** : having a common endpoint or border; **c** : immediately preceding or following. There are residential neighborhoods that currently exist in and around the Project site that meet this definition. Therefore, the statement that the Project is not adjacent to an exiting neighborhood is incorrect.

5-42

The Draft EIR states "However, the possibility exists that the presence of a hospital complex will generate interest by developers to propose complementary developments, such as medical offices and drug stores for the properties adjacent to this neighborhood." The Draft EIR goes on to state: "The development of commercial uses there might cause environmental impacts to existing neighborhoods as well as to Cruickshank Middle School to the north." The District would suggest that any commercial, industrial, office, o other similar non-residential land uses within proximity of Cruickshank will cause environmental impacts that will affect Cruickshank in terms of traffic, noise, and other environmental topics.

5-43

The District further believes that the Project is growth inducing and that the growth inducing impacts needs to be addressed in detail.

5-44

The Draft EIR states "There are no mitigation measures available to offset or reduce this impact. The development of a hospital complex in an area that is has been partly developed or planned for residential uses will create permanent land-use conflicts. Therefore, this impact will remain significant and unavoidable." The District would suggest that although there may not be mitigation measures to offset or reduce this impact, there are "alternatives" to the Project that may eliminate the impacts from the Project proposed. These need to be addressed in the Draft EIR.

The Draft EIR states that there are no mitigation measures available:

5-45

"Mitigation Measure

No mitigation measures are available."

As previously stated, the District would suggest that although there may not be mitigation measures to offset or reduce this impact, there are "alternatives" to the Project that may eliminate the impacts from the Project proposed. These need to be addressed in the Draft EIR.

The Draft EIR further addresses this topic in part, as follows:

“Impact #3.9-2: The project may contribute to blight in the area of the existing Mercy Medical Center as a result of that facility being relocated to the proposed new Mercy Medical Center site.

Discussion and Conclusion: Catholic Healthcare West (CHW) currently leases from the County of Merced most of the facilities at the old County Hospital site on 13th street for the Mercy Medical Center. The Medical Center will be moved to the proposed project site, which would leave the space vacant. Under a 31-year operating agreement with the County, CHW is obligated to provide outpatient services for south Merced. However, the agreement does not specify that the facilities must be located at the old County Hospital site (John Volanti, Director of Public Health, County of Merced, pers. comm. April 6, 2005). In addition, even if these services were provided at the current facility, they would require only a small portion of the space that will be vacated. The County has not determined how the space will be used. However, individual departments have various uses in mind—including healthcare-related uses—and the County intends to develop a plan to occupy the space once it becomes available (Paul Fillebrown, Director of Public Works, County of Merced pers. comm. April 6, 2005).

The City of Merced General Plan contains a policy (L-1.4) to “conserve residential areas that are threatened by blighting influences.” Residential neighborhoods are located south and west of the Merced Community Campus. However, given the interest in using the site and the lack of equivalent facilities in south Merced, it is unlikely that the departure of the Mercy Medical Center will cause the facility to be abandoned and left in a deteriorating state. Therefore, the potential of the project to contribute to blight in south Merced is considered less than significant.”

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments, the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

The Draft EIR states that there are no mitigation measure is required:

“Mitigation Measure

No mitigation measure is required.”

The inadequacy of the Draft EIR data, and quantitative and qualitative analysis with regards to this impact is carried over into the mitigation measures. The no mitigation measure is therefore an inadequate conclusion.

5-46 cont.

The Draft EIR further addresses this topic in part, as follows:

“Impact #3.9-3: The potential of the project to reduce the City of Merced’s housing stock by converting land currently designated for residential development to non-residential uses.

Discussion and Conclusion: The applicant has proposed General Plan amendments to convert 17.2 acres with a General Plan designation of High Medium Density Residential (HMD) and 18 acres with a General Plan designation of Low Density Residential (LD) to Professional/Commercial Office, which is the current designation for the Mercy Cancer Center. Table 3.9-6 shows the build-out potential of these parcels assuming the upper end of the density range with 20 percent of land set aside for required infrastructure such as streets, drainage features, and parks (80 percent of build-out potential)....

The City of Merced has calculated that its housing needs for all income groups through 2008 is 4,666 dwelling units. The City has estimated that if the current inventory of vacant land designated and zoned for residential uses could be built out to accommodate 16,130 dwelling units, which is far more than is needed to meet the projected need. Therefore the impact from the lost potential of 413 dwelling units as a result of the proposed General Plan amendments is less than significant.”

5-47

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments, the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

The Draft EIR states that there are no mitigation measure is required:

“Mitigation Measure

No mitigation measure is required.”

The inadequacy of the Draft EIR data, and quantitative and qualitative analysis with regards to this impact is carried over into the mitigation measures. The no mitigation measure is therefore an inadequate conclusion.

5-47 cont.

The Draft EIR further addresses this topic in part, as follows:

“Impact #3.9-4: Division of an established community

Discussion and Conclusion: The proposed project will convert more than 25 acres of land planned for residential development to medical office use. The creation of a medical center on the site could result in pressure to alter land use designations on surrounding properties to accommodate supporting commercial uses as well.

The creation of the Medical Center on the project site will add large scale buildings and nonresidential uses to the site. Lands immediately east and west of the site are currently in use with educational facilities, including the Merced College to the west. The existence of large buildings in the area, including non-residential structures, has not historically served as a division to the community. While land use conflicts between medical center uses and residential land uses may be present, it is not expected that such conflicts will result in the division of the community. The impact is considered less than significant.”

5-48

The General Plan shows that the area east of “G” Street and north of Yosemite Avenue is a sub-community of the Community which is primarily designated for residential land uses. One of the major entrances into this sub-community is Cormorant Drive. The Project is an office commercial land use that is proposed on the north and south side of Cormorant Drive and will now become the entrance into this residential sub-community. The conclusion that the Project will not divide the community is factually incorrect. The Project does significantly change the sub-community identity and the make-up of the sub-community. More importantly, it now divides Cruickshank from the intended population based that Cruickshank was intended to service.

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments, the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

The Draft EIR states that there are no mitigation measure is required:

“Mitigation Measure

No mitigation measure is required.”

The inadequacy of the Draft EIR data, and quantitative and qualitative analysis with regards to this impact is carried over into the mitigation measures. The no mitigation measure is therefore an inadequate conclusion.

5-48 cont.

The Draft EIR further addresses this topic in part, as follows:

“Impact #3.9-5: Inducement of population growth

Discussion and Conclusion: The proposed project will create additional demand for commercial businesses to support medical center operations, as discussed under Impact 3.9-1. The project is designed to accommodate the project population growth of the City, already planned for in the Merced Vision 2015 General Plan and expected to result from various factors beyond the project. The development of the project will not result in the inducement of substantial population growth. The impact is considered less than significant.”

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments, the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

5-49

The Draft EIR states that there are no mitigation measure is required:

“Mitigation Measure

No mitigation measure is required.”

The inadequacy of the Draft EIR data, and quantitative and qualitative analysis with regards to this impact is carried over into the mitigation measures. The no mitigation measure is therefore an inadequate conclusion.

Traffic

The Draft EIR acknowledges that the District offered the following comments with regards to Traffic impacts:

Traffic impacts and mitigation during normal operation of the facility as a result of increased vehicle counts, including but not limited to G Street, Cormorant Drive, Mercy Avenue, Sandpiper Avenue, Mansionette Drive, Yosemite Avenue, etc. and all related intersections.

Traffic impacts and mitigation during construction of the facility as a result of increased vehicle counts, including but not limited to G Street, Cormorant Drive, Mercy Avenue, Sandpiper Avenue, Mansionette Drive, and Yosemite Avenue, etc. and all related intersections

Specific traffic impacts and mitigation resulting from Project vehicles and school private vehicles conflicts, Project vehicles and school bus vehicles conflicts, Project vehicles and pedestrian/bicycle conflicts, primary access/egress of the Project from Cormorant Drive, service and emergency vehicles access/egress from Mercy Avenue passing directly by the school, and the use of Mansionette Drive by emergency vehicles and Project vehicles coming from Yosemite Avenue.

Traffic and pedestrian impacts and mitigation as a result of Phase 2 and Phase 3 additional parking provided on the south side of Cormorant Drive.

Flight pattern impacts on the middle school, including takeoff and landing patters of the helicopters using the helipad, associated noise and vibration, and associated safety concerns in the case of an emergency.

The Impact Evaluation Criteria used in the Draft EIR for traffic is stated as follows:

“3.12.3 IMPACT EVALUATION CRITERIA

Consistent with Appendix G of the CEQA Guidelines, the proposed project is considered to have a significant impact on the environment if it will:

- Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections);

5-50

5-51

- Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways;
- Result in a change in the air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;
- Substantially increase hazards due to design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- Result in inadequate emergency access;
- Result in inadequate parking capacity.

Consistent with Action T-1.8.b of the Merced Vision 2015 General Plan (City of Merced 1997), which establishes an acceptable LOS of D for intersections and roadways, this traffic impact study considers LOS A through D acceptable for roadways and signalized intersections.

In most cases, poor LOS (LOS E or F) at unsignalized intersections is not judged to be significant unless the volume of traffic also satisfies warrants for traffic signals. In circumstances where alternative travel routes do not exist or are restricted, the City may opt to identify an impact even when signal warrants are not met (City of Merced 2004b).

In this traffic impact study, the significance of the proposed Mercy Medical Center project's impact on traffic operating conditions is based on a determination of whether resulting LOS is considered acceptable by the agency responsible for the roadway facility. A project's impact on traffic conditions is considered significant if implementation of the project would result in LOS changing from levels considered acceptable to levels considered unacceptable, or if the project would worsen already unacceptable LOS at an intersection."

The issues of traffic are major concerns for the District. The Draft EIR is supported by a Traffic Impact Study which was completed for the Project dated April 1, 2005, more than twelve months ago. The Traffic Impact Study set forth in the appendices of the Draft EIR indicates that existing traffic conditions and level of service were determined based on a) 15-minute increment count data collected on November 3, 4 and 9, 2004 during two hour periods from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.; and b) segment levels of service base on data collected in March 2005. The Traffic Impact Study was not updated to address the unprecedented growth that has occurred north of Yosemite Avenue and east and west of "G" Street.

5-51 cont.

As it applies to traffic, the Traffic Impact Study provided no data as to the mix and type of vehicles that are part of the current existing traffic. Therefore, without having first contacted the District to obtain data on the number and type of Cruickshank vehicles (i.e. buses and other vehicles), and without having an understanding of the future Cruickshank vehicles as a result of further enrollment, employees and use of the school, the traffic analysis can not be substantiated as being an accurate forecast of the future impacts in terms of its speculative conclusions.

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Cruickshank is the most significant and sensitive current land use adjacent to the Project. Therefore, special attention should have been provided to address traffic issues to a level which acknowledges the seriousness of the potential impacts that might occur on Cruickshank. The District notes that the City and the Consultant did not contact the District to obtain information that could be used in the traffic analysis, including but not limited to:

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1. Hours of operation (bell schedule) of the Cruickshank school facility to determine the peak traffic times associated with the school;
2. Current and future school bus schedules, bus routes, and number of bus trips;
3. Current and future employee trips;
4. Current and future private passenger student vehicle trips and routes to and from Cruickshank;
5. Current and future student pedestrian and student bicycle trips and routes to and from Cruickshank; and
6. Data regarding other use of Cruickshank for non-school purposes that would generate traffic to be considered in the project specific and cumulative Project related traffic analysis.

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Traffic conditions at the Project will affect access/egress to Cruickshank in terms of additional time and conflicts. It appears that the basis of determining traffic impacts is solely the attainment or lack of attainment of certain LOS standards. Although this may be a good calculation of traffic volumes, it is not an accurate analysis of the traffic conflicts between parent and employee vehicles, District buses, student pedestrians, and student bicyclists that use Cormorant Drive, "G" Street, Mansionette Drive, and Paulson Road to gain access/egress to and from Cruickshank. The traffic issues are not only the level of traffic, but also traffic conflicts, hazardous conditions, and the additional time created for vehicles to get through the area.

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At a minimum, all traffic from the Project should be directed in/out of the Project on Cormorant Street east and west from Mercy Avenue to "G" Street. No Project traffic should be allowed to go west of Mercy Avenue or on Mansionette Drive, and Paulson Road. Appropriate signage, barriers, center islands, and turning movements should be designed into the local street network to discourage and prevent traffic from being directed westerly towards Cruickshank or come from the south and east along Mansionette Drive and Paulson Road. Failure to impose these measures will result in the Project not meeting the impact evaluation criteria.

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The District questions why specific attention was not offered in the Draft EIR to address the traffic impacts that might occur regardless of the level of significance on Cruickshank.

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The Draft EIR addresses this topic in part, as follows:

"3.12.4 IMPACTS & MITIGATION MEASURES

Impact #3.12-1: Exceedance of a level of service standard established by the City of Merced with regard to the intersection at Sandpiper Drive and Cormorant Drive.

Discussion and Conclusion: Implementation of the proposed Mercy Medical Center project would result in this intersection operating at LOS F. LOS F is considered unacceptable by the City of Merced. This is a potentially-significant impact.

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Absent mitigation, vehicles departing the south parking lot traveling toward the west would have a direct route to G Street via Cormorant Drive. These vehicles should be directed from the south parking lot toward the south on Sandpiper Drive, and west on Yosemite Avenue, to G Street. Sandpiper Drive between Cormorant Drive and Yosemite Avenue is not present; however, it may be present by the time Mercy Medical Center land uses are constructed south of Cormorant Drive. Because this portion of Sandpiper Drive would be used by land uses not related to the Mercy Medical Center, the project applicant should be reimbursed for a portion of the cost of this portion of Sandpiper Drive.

Vehicles departing the Cancer Center and the Hospital Drop-Off area traveling toward the east would be able to make a left-turn onto Cormorant Drive at the intersection of Sandpiper Drive and Cormorant Drive. These vehicles should be directed from the Cancer Center and the Hospital Drop-Off area along the on-site driveway to the east, towards the South Project Driveway on Mercy Avenue, and south on Mercy Avenue, to Cormorant Drive.

Implementation of the following mitigation measure would increase the number of vehicles making through movements, and left-turns at the intersection of Mercy Avenue and Cormorant Drive, and at the intersection of G Street and Yosemite Avenue, however these two intersections would operate at an acceptable LOS B.”

5-62 cont.

The District acknowledges the impacts that are stated in the Draft EIR. However, there is confusion in the text of the Draft EIR. For example. The text identifies the “south parking lot”. However, neither in the Draft EIR or the Traffic Impact Study is the south parking lot identified on a figure or in the text.

The Draft EIR states “These vehicles should be directed from the Cancer Center and the Hospital drop-off area along the on-site driveway to the east, towards the South Project Driveway on Mercy Avenue, and south on Mercy Avenue, to Cormorant Drive.” This directs the traffic to Mercy Avenue and to the intersection of Mercy Avenue and Cormorant Drive which is directly adjacent to Cruickshank. Rather than directing traffic away from Cruickshank, the Draft EIR directs traffic towards Cruickshank. A more appropriate recommendation would have been to direct traffic to the west around the Cancer Center to “G” Street, thereby directing traffic away from the intersection of Mercy Avenue and Cormorant Drive. The District notes that the Phase 3 Parking Structure at the northwest corner of Mercy Avenue and Cormorant Drive, and the surface parking lot at the southwest corner of Mercy Avenue and Cottonwood Creek directs traffic to Mercy Avenue via two driveways located on Mercy Avenue. Again, the two driveways direct traffic to the intersection of Mercy Avenue and Cormorant Drive and again impact the traffic conditions around Cruickshank. It appears that there is an on-site drive aisle which runs from “G” Street to Mercy Avenue along Cottonwood Drive. It is suggest by the District that in order to manage traffic more effectively and efficiently, this aisle should be removed and replaced with a public street cul-de sacing before Mercy Avenue with the same configuration and design as Mercy Avenue and with only rights turn-in off of “G” Street and only right turn-out on to “G” Street, and no access/egress on Mercy Avenue.

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Even though the Draft EIR concludes that the Project circulation improvement will direct traffic to the intersections of Mercy Avenue and Cormorant Drive and “G” Street and Yosemite Avenue, the Draft EIR concludes “these two intersections would operate at an acceptable LOS B. The District questions how Yosemite Avenue and “G” Street can have an acceptable LOS B when it is already in excess of LOS B.

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In addition to the traffic levels being considered at the intersection of Mercy Avenue and Cormorant Drive, the safety issues and hazardous conditions needs to be address as they relate to school buses, private passenger student vehicles, employee vehicles, student pedestrians, and student bicycles using Cormorant Drive and Mercy Avenue.

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The Draft EIR states the following mitigation measures with regards to traffic and states that the mitigation measure will improve operating conditions to a less than significant level:

“Mitigation Measure

Implementation of the following mitigation measure will improve operating conditions to a less than significant level.

Mitigation Measure #3.12-1:

Upon completion of Phase III (development of the south 10-acre parcel), outbound left turn movements onto Sandpiper Avenue from the southern driveway access shall be prohibited. If this portion of Sandpiper Avenue is not constructed at the time Mercy Medical Center land uses are constructed south of Cormorant Drive, the project applicant (subject to reimbursement) shall be required to construct this portion of Sandpiper Avenue.”

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There is no data, or quantitative or qualitative analysis with regards to this mitigation measures which addresses the impacts that have been raised with regards to the intersection of Mercy Avenue and Cormorant Drive, Mercy Drive, or Cormorant Drive. This is a flaw in the Draft EIR and the Traffic Analysis should be revised and corrected, and appropriate mitigation measures applied.

The Draft EIR addresses this topic in part, as follows:

“Impact #3.12-2: Exceedance of a level of service standard established by the City of Merced with regard to the intersection of Paulson Road and Yosemite Avenue.

Discussion and Conclusion: The previously unacceptable Level of Service at the intersection of Paulson Road and Yosemite Avenue has been mitigated by the activation and operation of a traffic signal at this intersection. This is a less-than-significant impact.”

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Again, the Draft EIR discusses direction traffic from the Project, through the intersection of Mercy Avenue and Cormorant Drive, Mansionette Drive and Cormorant Drive, west on Cormorant Drive pass Cruickshank to Paulson Road, and south to Yosemite Avenue. In addition to the traffic levels being considered at the intersection of Mercy Avenue and Cormorant Drive, along Cormorant Drive, the intersection of Paulson Road and Cormorant Drive, and Paulson Road and Yosemite Avenue, the safety issues and hazardous conditions needs to be address as they relate to school buses, private passenger student vehicles, employee vehicles, student

pedestrians, and student bicycles using Cormorant Drive, Mercy Avenue, Mansionette Drive, and Paulson Road.

The Draft EIR states no mitigation measures are required:

“Mitigation Measure

No mitigation measure is required.”

-5-68 cont.

There is no data, or quantitative or qualitative analysis with regards to this mitigation which addresses the impacts that have been raised with regards to the intersection of Mercy Avenue and Cormorant Drive, Paulson Road and Cormorant Drive, Paulson Road and Yosemite Avenue, Mercy Drive, Cormorant Drive, Mansionette Drive, and Paulson Road. This is a flaw in the Draft EIR and the Traffic Impact Analysis should be revised and corrected, and appropriate mitigation measures applied.

The Draft EIR addresses this topic in part, as follows:

“Impact #3.12-3: Increase in demand for public transit Discussion and Conclusion: Implementation of the proposed Mercy Medical Center project would result in an increase in demand for public transit service. Currently, there is no direct public transit service to the project site. The closest service is provided at the shopping center on the southeast corner of G Street and Yosemite Avenue. This is a potentially-significant impact.”

The District acknowledges the conclusions stated in the Draft EIR.

The Draft EIR states the following mitigation measures with regards to this impact and states the mitigation measure will reduce related impacts from the proposed project to a less-than-significant level:

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“Mitigation Measure

Implementation of the following mitigation measure would facilitate the provision of public transit service to residents, employees, and patrons of land uses within the project site, and reduce related impacts from the proposed project to a less-than-significant level.

Mitigation Measure #3.12-3:

The proposed project includes MMCM-paid transportation from the existing facility to the new hospital. This should be considered when evaluating the impact on demand for public transit. Provide public transit facilities (e.g., bus shelters,

public transit information kiosks, and park-and-ride lots) in those areas of the proposed project that would be accessible to potential patrons and transit vehicles. The selection and location of the facilities should be determined in consultation with Merced County Transit.”

The District is concerned that the public transportation buses will generate additional traffic on Mercy Drive, Cormorant Drive, Mansionette Drive, and Paulson Road due to bus routing to and from the Project. There is no data, or quantitative or qualitative analysis with regards to this mitigation measures which addresses the impacts that have been raised with regards to the Mercy Avenue, Cormorant Drive, Mansionette Drive, and Paulson Road regarding traffic levels and the safety issues and hazardous conditions relating to school buses, private passenger student vehicles, employee vehicles, student pedestrians, and student bicycles. This is a flaw in the Draft EIR and the Traffic Impact Analysis should be revised and corrected, and appropriate mitigation measures applied

5-69 cont.

The Draft EIR addresses this topic in part, as follows:

“Impact #3.12-4: Increase in demand for bicycle and pedestrian facilities

Discussion and Conclusion: Implementation of the proposed Mercy Medical Center project would result in an increase in demand for bicycle and pedestrian facilities. Currently, there are limited bicycle and pedestrian facilities in the vicinity of the project site. This is a potentially significant impact.”

The District acknowledges the conclusions stated in the Draft EIR.

The Draft EIR states the following mitigation measures with regards to this impact and states the mitigation measure will reduce related impacts from the proposed project to a less-than-significant level:

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“Mitigation Measure

Implementation of the following mitigation measure would facilitate the provision of bicycle and pedestrian services to residents, employees, and patrons of land uses within the project site- and reduce related impacts from the proposed project to a less-than significant level.

Mitigation Measure #3.12-4:

Provide sidewalks, bicycle lanes, and bicycle paths along roadways adjacent to the project site. Figure 4.10 in Chapter 4, Transportation and Circulation, of the Merced Vision 2015 General Plan (City of Merced 1997) shows:

- a Class 2 (on-street) bicycle facility along G Street, and
- a Class 1 (off-street) bicycle facilities along Cottonwood Creek north of the project site.”

The Distrust is concerned that the additional traffic on Mercy Drive, Cormorant Drive, Mansionette Drive, and Paulson Road due to vehicles traveling to and from the Project. There is no data, or quantitative or qualitative analysis with regards to this mitigation measures which addresses the impacts that have been raised with regards to the Mercy Avenue, Cormorant Drive, Mansionette Drive, and Paulson Road regarding traffic levels and the safety issues and hazardous conditions relating to school buses, private passenger student vehicles, employee vehicles, student pedestrians, and student bicycles This is a flaw in the Draft EIR and the Traffic Impact Analysis should be revised and corrected, and appropriate mitigation measures applied

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The Draft EIR addresses this topic in part, as follows:

“Impact #3.12-5: Violation of Merced Vision 2015 General Plan Standards related to driveway spacing on major arterials

Discussion and Conclusion: Implementation of the proposed Mercy Medical Center project would result in a driveway access point intersection on G Street for use by emergency and service vehicles. The driveway would be aligned along the northernmost edge of the project site, 730 feet north of the signalized intersection of G Street and Cormorant Drive. The intersection spacing standard, as specified in Section 4.3.2 and Implementing Action 1.3 K of the Merced Vision 2015 General Plan, is one-quarter mile (1,320) feet. The proposed location of the emergency driveway would violate this standard. This is a potentially-significant impact.”

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The District acknowledges the conclusions stated in the Draft EIR.

The Draft EIR states the following mitigation measures with regards to this impact and states the mitigation measure will reduce related impacts from the proposed project to a less-than-significant level:

“Mitigation Measure

Implementation of the following mitigation measure would reduce this impact to a less than significant level. This mitigation measure would be required by the City of Merced as a condition of exemption from this General Plan Standard.

Mitigation Measure #3.12-5:

The applicant shall install on-site circulation barriers; thereby ensuring this driveway access point will be used as an emergency entrance only, and does not directly connect to employee and visitor parking areas. The project applicant shall also install a median to ensure that this driveway is a "right turn in and out" intersection only."

The Distrust is concerned that the additional traffic on Mercy Drive, Cormorant Drive, Mansionette Drive, and Paulson Road due to vehicles traveling to and from the Project. There is no data, or quantitative or qualitative analysis with regards to this mitigation measures which addresses the impacts that have been raised with regards to the Mercy Avenue, Cormorant Drive, Mansionette Drive, and Paulson Road regarding traffic levels and the safety issues and hazardous conditions relating to school buses, private passenger student vehicles, employee vehicles, student pedestrians, and student bicycles This is a flaw in the Draft EIR and the Traffic Impact Analysis should be revised and corrected, and appropriate mitigation measures applied

5-72 cont.

The Draft EIR addresses this topic in part, as follows:

"Impact #3.12-6: Cumulative impacts on intersection levels of service

Discussion and Conclusion: Under Cumulative Plus Project conditions, the intersection of Sandpiper Drive and Cormorant Drive would operate at LOS F with a vehicle delay of 336.4 seconds during the a.m. peak hour. LOS F is considered unacceptable by the City of Merced. This is considered a potentially-significant impact."

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The District acknowledges the conclusions stated in the Draft EIR. The District notes that the cumulative conclusions are based on a superficial analysis of data. The other projects which were used to make up the cumulative basis from which the analysis was completed are not identified. The cumulative analysis should include all projects proposed, approved and under development which would affect the traffic in the areas of the Project. In addition, the cumulative analysis should be based on the build-out of the City's General Plan. It is interesting to note further that the cumulative analysis does not address traffic concerns beyond the intersection of Yosemite Avenue and "G" Street. There is no analysis of the impacts east and west of "G" Street south of Yosemite Avenue, even though the unprecedented growth in the community has shown that traffic impacts in one area of the community affects many of the highways and highway on-and off-ramps, arterial and collector streets, and

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intersections that are not directly within proximity of projects. The Draft EIR has therefore failed to provide a proper cumulative analysis.

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In addition, the cumulative Project impacts should be identified considering the build-out of the Bellevue Ranch Community Plan, the development of the U.C. Merced, the build-out of the University Community Plan, the other community plans and annexations approved and proposed in the northeast Merced area, and the proposed General Plan amendments that contemplate the expansion of annexation and sphere of influence areas to the north, west and east of the Project site.

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The Draft EIR states the following mitigation measures with regards to this impact and states the mitigation measure will reduce related impacts from the proposed project to a less-than-significant level:

“Mitigation Measure

Implementation of Mitigation Measure #3.12-1 will reduce this impact to a less-than significant level.

The Draft EIR addresses this topic in part, as follows:

Impact #3.12-7: Cumulative impacts on roadway segment levels of service Discussion and Conclusion: Under Cumulative plus Project conditions, the highest traffic volume of a two-lane roadway would be 6,130 vehicles per day on Sandpiper Drive south of Cormorant Drive. The highest traffic volume of a four-lane roadway would be 21,847 vehicles per day on Campus Parkway south of Yosemite Avenue. The highest traffic volume on a six lane roadway would be 22,592 vehicles per day on G Street south of Cormorant Drive. These volumes are well below the LOS D daily volume thresholds for these types of facilities, indicating these roadway segments would operate at acceptable LOS. Therefore, this impact is considered less than significant.

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The District acknowledges the conclusions stated in the Draft EIR. The District notes that the cumulative conclusions are based on a superficial analysis of data. The other projects which were used to make up the cumulative basis from which the analysis was completed are not identified. The cumulative analysis should include all projects proposed, approved and under development which would affect the traffic in the areas of the Project. In addition, the cumulative analysis should be based on the build-out of the City’s General Plan. It is interesting to note further that the cumulative analysis does not address traffic concerns beyond the intersection of Yosemite Avenue and “G” Street. There is no analysis of the impacts east and west of “G” Street south of Yosemite Avenue, even though the unprecedented growth in the community has shown that traffic impacts in one area of the community affects many

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of the highways and highway on-and off-ramps, arterial and collector streets, and intersections that are not directly within proximity of projects. The Draft EIR has therefore failed to provide a proper cumulative analysis.

5-76 cont.

In addition, the cumulative Project impacts should be identified considering the build-out of the Bellevue Ranch Community Plan, the development of the U.C. Merced, the build-out of the University Community Plan, the other community plans and annexations approved and proposed in the northeast Merced area, and the proposed General Plan amendments that contemplate the expansion of annexation and sphere of influence areas to the north, west and east of the Project site.

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The Draft EIR states no mitigation measures are required:

Mitigation Measure

No mitigation measure is required.”

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The inadequacy of the Draft EIR the data, and quantitative and qualitative analysis with regards to the cumulative traffic impacts is carried over into the mitigation measures.

The District is also concerned that the Draft EIR does not appear to address in detail the traffic circulation patterns, traffic impacts, and mitigation measures related to surface parking lots south of Cormorant Drive between “G” Street and Sandpiper Drive, and the medical office building at the southwest corner of Cormorant Drive and Sandpiper Drive. This needs to be included in the traffic analysis.

Noise

The Draft EIR acknowledges that the District offered the following comments with regards to Noise impacts:

Noise impacts and mitigation during and associated with the construction of the facility as a result of passenger vehicle traffic, construction vehicle traffic, and delivery vehicle traffic, etc. Impacts should be addressed for both within school buildings and in the outdoor areas.

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Noise impacts and mitigation during normal operation of the facility resulting from the general operation of the facility as a result of passenger vehicle traffic, construction vehicle traffic, delivery vehicle traffic, ambulance and law enforcement vehicle sirens, etc. Impacts should be addressed for both within school buildings and in the outdoor areas.

Noise impacts and mitigation during normal operations of the facility resulting from the general operation of the facility including paging and announcement systems, the power plant, and ambulance sirens, etc. Impacts should be addressed for both within school buildings and in the outdoor areas.

5-79 cont.

Flight pattern impacts on the middle school, including takeoff and landing patterns of the helicopters using the helipad, associated noise and vibration, and associated safety concerns in the case of an emergency.

The Impact Evaluation Criteria used in the Draft EIR for Noise is stated as follows:

“3.10.3 IMPACT EVALUATION CRITERIA

A project may have a significant effect on the environment if it will substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. In practice, more specific professional standards have been developed, as discussed previously in the Regulatory Setting heading of this Section. These standards state that a noise impact may be considered significant if it would generate noise that would conflict with local planning criteria or ordinances, or substantially increase noise levels to noise-sensitive land uses.

For this analysis, noise impacts associated with the proposed project would be considered significant if the following were to occur:

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- For transportation noise sources, an exceedance of the upper limit noise level criterion contained within the General Plan Noise Element, FAA regulations of the Caltrans Division of Aeronautics criteria.
- Expose the existing noise-sensitive land uses in the project vicinity to noise levels generated by on-site activities (sources other than off-site traffic) in excess of the City of Merced General Plan Noise Elements standards.
- The project results in a significant increase (+3 dB) in noise levels at noise sensitive land uses.
- In terms of sleep disturbance, there are no criteria which have been established which assess the rate of sleep disturbance which is considered acceptable or unacceptable. For the Draft EIR March, 2006 Mercy Medical Center Page 3-105 purposes of this report, the potential for sleep disturbance will be quantified to the best extent possible, with significance determined by any disturbance of sleep to residences in the area.

Additionally, consistent with Appendix G of the State CEQA Guidelines, a project will have a significant impact if it:

- Exposes persons to or generates noise levels in excess of standards established in the Merced Vision 2015 General Plan or noise ordinance, or applicable standards of other agencies;
- Expose persons to or generate excessive ground-borne vibration or ground borne noise levels;
- Causes a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- Causes a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels; or
- For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.”

5-80 cont.

The Draft ERIR noise discussion is supported by the April 21, 2005 Environmental Noise Analysis contained in Appendix G. Before proceeding into the District's detailed comments, the District wants to identify an inconsistency in the Draft EIR and Appendices. Upon a comparison review of the Environmental Noise Analysis and the Draft EIR, there appears to be significant data and issues described in the Environmental Noise Analysis which was not disclosed in the Draft EIR.

Figure 7, 8, and 9 of the Environmental Noise Analysis shows the annual average CNEL contours with helicopter arrivals and departures from different flight paths. Figures 10, 11, and 12 of the Environmental Noise Analysis shows the annual average SEL contours with helicopter arrivals and departures from different flight paths. The Draft EIR discusses CNEL and SEL and sets forth CNEL Figures 2.10-1, 3.10-2 and 3.1-3 and SEL Figures 3.10-1, 3.10-2 and 3.10-3. However there is no detailed discussion as to what SEL and CNEL means leaving the reader not being able to understand the analysis and conclusions. More importantly, the SEL and CNEL contours are not discussed in detail in term of the impact that they would have on the Cruickshank interior and exterior spaces.

The District understands that CNEL and SEL are described as follows:

1. Community Noise Equivalent Level (CNEL) measurements are a weighted average of sound levels gathered throughout a 24-hour period. This is essentially a measure of ambient noise. Different weighting factors apply to day, evening, and nighttime periods. This recognizes that community members are most sensitive to noise in late night hours and are more sensitive during evening hours than in daytime hours. CNEL depends not only on the noise level of individual approaches, but also on the number of approaches during the measurement period.

CNEL is an additional penalty applied to nighttime noise in states such as California, which require use of CNEL for state environmental analysis. CNEL is identical to DNL, except that CNEL applies a 5-dBA penalty for noise occurring between 7:00 p.m. and 10:00 p.m.

2. Single-event noise is the maximum sound level produced by an individual approach over-flight at a particular measuring point. A related acronym is SENEL, which stands for "Single Event Noise, Community Noise Exposure Level". In this context it means the maximum sound level caused by a single aircraft over a noise measurement site. The noise level is measured in decibels (dB, or dBA). This concerns the loudness of a single event -- in this case, a single over-flight by a helicopter.

SEL measures the precise dBA of one activity and considers duration and frequency. The noise produced by an individual aircraft over-flight, takeoff, or landing is usually measured in SEL.

The Draft EIR should provide a detailed explanation of what the impacts of the CNEL and the SEL contours would have on Cruickshank in comparison to each other.

The Draft EIR states the following with regards to the City of Merced Vision 2015 General Plan and provides the following policy with regards to receiver noise levels for schools:

Normally Acceptable: 50-60 Ldn or CNEL, db
Conditionally Acceptable: 60-70 Ldn or CNEL, db
Normally Unacceptable: 70-80 Ldn or CNEL, db
Clearly Unacceptable: 80-85 Ldn or CNEL, db

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The Draft EIR describes these as follow:

1. Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
2. Conditionally Acceptable: New construction development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction but with closed windows and fresh air supply systems or air conditioning will normally suffice.
3. Normally Unacceptable: New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features should be included in the design.
4. Clearly Unacceptable: New construction or development should generally not be undertaken

5-82 cont.

There has been no analysis of the design and construction of Cruickshank to determine if the interior of the buildings could meet the required noise level criteria. Rather the SEL contours show that the exterior noise at the Mercy Avenue property line of Cruickshank would be 90 dB or higher, far in excess of the 50-60 dB that the City has suggested to be "Normal". Therefore, appropriate mitigation measures are required to reduce the noise levels to a level of insignificance.

The Draft EIR states that the Bell 407 single engine helicopter is expected to be the primary helicopter to be used by the facility. It then goes on to state that the data on this vehicle is unavailable in the Federal Administration (FAA) Integrated Noise Model (INM) Version 6.1 data base. It proceeds to justify a noise level by comparing the Bell 407 to the Bell 206L. In reviewing the FAA Advisory Circular dated and entitled "Noise Levels for U.S. Certificated and Foreign Aircraft" (14 CFR Part 36, Appendix J) it was found that the Bell Heli Textron Helicopter has a flyover SEL of 85.1 dB. There are no take-off or approach dB data for the Bell 407. The Bell 206L has a flyover SEL of 85.2 dB, a take-off SEL of 88.4dB, and an approach SEL of 90.7 dB. The Environmental Noise Analysis states that the Bell 206L noise levels were used in the report and modified accordingly to equate to an estimate for the Bell 407. However, the report was printed unclear and the exact modifications can not be determined. More importantly, there is no data to support the modifications that were made. To make a modification of this kind and not provide the reasoning why the modification was made or provide the data to support the modification is a flaw in the analysis.

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The methodology of determining the helicopter noise impact suggests that the Federal Administration (FAA) Integrated Noise Model (INM) Version 6.1 data base and program was used. The District questions why the report did not use the Federal Administration (FAA) Heliport Noise Model Version 2.2 also. The Heliport Noise Model (HNM) is a computer program that is intended to serve as an aid in assessing the impact of helicopter noise in the vicinity of terminal operations. The helipad of the hospital can be considered a terminal of operation. As such, the most up-to date analysis and methodology should have been used to determine the noise impacts of the helipad.

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The Draft EIR states the following:

“Sensitive Noise Receptors

Existing land uses located within the City of Merced that are sensitive to intrusive noise include hospitals, convalescent facilities, parks, and residential areas, schools, and libraries. Some variability in standards for noise sensitivity map applies to different densities of residential development, and single-family uses are frequently considered the most sensitive. There is a range of land uses that are relatively insensitive to noise, such as commercial, retail, industrial, salvage yards, transit terminal, and others.

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Sensitive noise receptors in the proposed project site include existing single-family residential uses to the south and east, Cruickshank Middle School to the east, and Merced College to the west; the hospital itself is also classified as a sensitive noise receptor.”

The Draft EIR acknowledges that schools are a sensitive noise receptor and Cruickshank is identified as one of these receptors. However although noise mitigation measures are offered in the Draft EIR, there is no data, or quantitative or qualitative analysis to support the conclusion that noise impacts will be mitigated to the thresholds of a level of insignificance.

The Draft EIR states the following:

“Construction Noise Impacts

During the construction phases of the project, noise from construction activities would increase the noise environment in the immediate area. Activities involved in construction would generate noise levels ranging from 85 to 90 dB at a distance of 50 feet. Construction activities would be temporary in nature, typically occurring during normal working hours. Noise would also be generated during the

5-86

construction phase by increased truck traffic on area roadways. A significant project-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from construction site. Average maximum noise levels for construction equipment would range from 85-87 dB at 50 feet.”

The Draft EIR acknowledges that construction noise will be an impact. This is very serious for the District due to the fact that construction will take place at the same time that Cruickshank is operating as a school. The techniques intended to be used in the construction of the multi-story buildings needs to be identified in the Draft EIR. Specifically, it is assumed that the structures will be a steel-frame construction that will require the pile driving of vertical members of the structure. There will also be drilling, hammering, and other techniques that will create noise and vibration. These activities will have vibration impacts that will affect the adjoining properties. These impact needs to be discussed and the noise impacts mitigated. Pile driving, drilling, and hammering will create noise and vibration that will impact Cruickshank.

5-86 cont.

Noise data, and quantitative and qualitative analysis of these impacts need to be addressed in the Draft EIR to fully disclose these conditions and the required mitigation measures. Failure to do so is a flaw in the Draft EIR and not in compliance with the CEQA Guidelines.

The Draft EIR states the following:

“Traffic Noise Impacts

As a means of determining the potential future noise impacts associated with the project, Bollard & Brennan, Inc. used the FHWA Traffic Noise Prediction Model to analyze Existing plus Phase 1 traffic noise levels; the change in noise levels due to the project; cumulative traffic noise levels without the project; Cumulative plus Project traffic noise levels; and the change in noise levels due to the project. Results are shown in Tables 3.10-3 through 3.10-5.”

Without limiting the truck traffic, including diesel fuel and air brake trucks, going west bound on Cormorant Drive and requiring that such trucks access and egress the site from “G” Street, Cruickshank will experience noise impact during construction. In addition, the District will experience emergency vehicle siren noise during operation of the hospital during the normal school operating hours of Cruickshank.

5-87

Noise data, and quantitative and qualitative analysis of these impacts need to be addressed in the Draft EIR to fully disclose these conditions and the required mitigation measures. Failure to do so is a flaw in the Draft EIR and not in compliance with the CEQA Guidelines.

The Draft EIR states:

“Helicopter Noise Impacts

As a means of developing noise contours associated with the proposed helicopter operations, Bollard & Brennan, Inc., utilized the Federal Aviation Administration (FAA) Integrated Noise Model (INM) version 6.1. The INM has the ability to develop noise contours for both fixed wing aircraft and helicopter operations. The contours which were developed included CNEL contours and SEL contours. These contour maps are included in the full Noise Analysis document in Appendix G. Based upon information gathered by the helicopter planning consultant, there will be approximately 220 arrivals and 220 departures per year. This results in an annual daily average of 0.6 arrivals and 0.6 departures per day. The day/evening/nighttime split assumes 57% daytime (7 a.m. to 7 p.m.), 10 % evening (7 p.m. to 10 p.m.), and 33% night (10 p.m. to 7 a.m.)”

5-88

Many of the District’s comments have previously been presented. Further noise data and quantitative and qualitative analysis of these impacts need to be addressed in the Draft EIR to fully disclose these conditions and the required mitigation measures. Failure to do so is a flaw in the Draft EIR and not in compliance with the CEQA Guidelines.

The Draft EIR states:

“Central Plant Noise Impacts

The Central Power Plant is located in the northwest corner of the project site. The Central Plant is approximately 700 feet from the nearest residences to the west; related equipment includes chillers, boilers, cooling towers, and three 1500 kw emergency diesel generators. Although, there is a proposed mechanical equipment room, currently, specific equipment types are not available. In addition, the equipment room design is not completed. This analysis will focus on providing a preliminary analysis of the potential noise impacts, and the required performance standards for each type and piece of equipment.”

5-89

Neither the Draft EIR nor the Environmental Noise Analysis provided any data, or quantitative or qualitative analysis of the impacts of this noise source. In addition, there are no noise contours provided to show what these noise impacts would be at the property line of the site or at the property line of Cruickshank or in the interior of the Cruickshank classrooms. Noise data and quantitative and qualitative analysis of these impacts need to be addressed in the Draft EIR to fully disclose these conditions and the required mitigation measures. Failure to do so is a flaw in the Draft EIR and not in compliance with the CEQA Guidelines.

The Draft EIR states:

“EMERGENCY GENERATORS

“The emergency generators are expected to include three Caterpillar Model 3512B standby power generator sets. Typically, the emergency generators will be located within the mechanical room with the supply and exhaust air ducted through the roof. During emergencies, the use of emergency generators is considered to be exempt from the noise level criteria; however, approximately twice per month, the emergency generators are exercised for approximately 30 minutes. During the exercising of the equipment, the noise level criteria are applicable.

5-90

The primary noise sources associated with the generator operations are the exhaust systems, which create an overall noise level of 100 dBA, and the generator/engine, which accounts for an overall noise level of 98 dBA.”

Neither the Draft EIR nor the Environmental Noise Analysis provide any data, or quantitative or qualitative analysis of the impacts of this noise source. In addition, there are no noise contours provided to show what these noise impacts would be at the property line of the site or at the property line of Cruickshank or in the interior of the Cruickshank classrooms. Noise data and quantitative and qualitative analysis of these impacts need to be addressed in the Draft EIR to fully disclose these conditions and the required mitigation measures. Failure to do so is a flaw in the Draft EIR and not in compliance with the CEQA Guidelines.

The Draft EIR states:

“BOILER AND CHILLERS

Boiler and chiller equipment will generally run any time of the day and night. The boiler room is expected to consist of up to four boilers which are vented through the roof of the building. A typical boiler produces a sound power level of approximately 95 dBA. Ventilation is typically provided through louvers on the sides of the building.”

5-91

Neither the Draft EIR nor the Environmental Noise Analysis provide any data, or quantitative or qualitative analysis of the impacts of this noise source. In addition, there are no noise contours provided to show what these noise impacts would be at the property line of the site or at the property line of Cruickshank or in the interior of the Cruickshank classrooms. Noise data and quantitative and qualitative analysis of these impacts need to be addressed in the Draft EIR to fully disclose these conditions

and the required mitigation measures. Failure to do so is a flaw in the Draft EIR and not in compliance with the CEQA Guidelines.

5-91 cont.

The Draft EIR addresses this topic in part, as follows:

“3.10.4 IMPACTS & MITIGATION MEASURES

Impact #3.10-1: The project could result in an increase in existing traffic noise levels at existing land uses in the project vicinity on the existing local roadway network.

Discussion and Conclusion: Based upon the analysis of existing traffic noise levels and traffic noise levels associated with the proposed project Phase 1, the change in traffic noise levels resulting from the proposed project range between 0 dB and +2 dB at all but one roadway segment. A change in noise levels of 1 to 3 dBA is considered to be “just barely perceivable.” An increase in traffic noise levels of 3 dB Ldn has been identified along Cormorant Drive between G Street and Sandpiper Drive; however, this section of Cormorant Drive is adjacent to the project site, and no residential units will be affected. Therefore, this impact is less than significant.”

5-92

The District notes that this conclusion is only based on Phase 1 of the Project. There is no analysis of the remaining phases of the entire development as proposed as it relates to existing noise.

The District is also concerned that the Draft EIR does not appear to address in detail the noise impacts and mitigation measures related to surface parking lots south of Cormorant Drive between “G” Street and Sandpiper Drive, and the medical office building at the southwest corner of Cormorant Drive and Sandpiper Drive. This needs to be included in the noise analysis.

5-93

In order to understand the consequences of noise impacts on the surrounding properties including Cruickshank, noise contour associated with “G” Street, Yosemite Avenue, Cormorant Drive, Mercy Avenue, Sandpiper Drive, Mansionette Drive, and Paulson Road, as well as all of the related intersection should be prepared to offer and visual understanding of the noise impacts. These should be provided in 10 dB increments

5-94

As an example, the Draft EIR suggests that there is a range of additional noise impacts and that this is due to additional traffic. The Draft EIR sets forth a general conclusion even though the traffic increases vary in different locations which would suggest that the incremental noise impacts will be different in different locations. However, the differences are not noted in the Draft EIR. This could be easily shown through noise contours. The District is most concerned with the incremental noise

5-95

increases on Mercy Avenue and Cormorant Drive, and the related impacts on Cruickshank.

5-95 cont.

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District's comments. In response to the District's comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

5-96

The Draft EIR states that no mitigation measures are required as follows:

"Mitigation Measure

No mitigation measure is required."

The inadequacy of the Draft EIR the data, and quantitative and qualitative analysis with regards to the noise is carried over into the mitigation measures. The mitigation measures are therefore inadequate.

5-97

The Draft EIR addresses this topic in part, as follows:

"Impact #3.10-2: The project could result in an increase in future traffic noise levels at existing land uses in the project vicinity on the existing local roadway network.

Discussion and Conclusion: Based upon the analysis of future traffic noise levels and traffic noise levels associated with the proposed project, the change in traffic noise levels resulting from the proposed project range between 0 dB and +3 dB. A 3dB change in noise levels is considered to be "just barely perceptible" and is considered to be the test of significance. The only roadway segments which are predicted to experience a + 3 dB increase in noise levels are adjacent to the project site or vacant land. Therefore, this impact is considered less than significant."

It is unclear what phase of development this analysis is based on. Assuming the prior discussion, it is also assumed that this is also based on Phase 1 of the development. There is no analysis of the remaining phases of the entire development as proposed as it relates to existing noise.

The District is also concerned that the Draft EIR does not appear to address in detail the noise impacts and mitigation measures related to surface parking lots south of

5-98

Cormorant Drive between "G" Street and Sandpiper Drive, and the medical office building at the southwest corner of Cormorant Drive and Sandpiper Drive. This needs to be included in the noise analysis.

5-98 cont.

In order to understand the consequences of noise impacts on the surrounding properties including Cruickshank, noise contour associated with "G" Street, Yosemite Avenue, Cormorant Drive, Mercy Avenue, Sandpiper Drive, Mansionette Drive, and Paulson Road, as well as all of the related intersection should be prepared to offer and visual understanding of the noise impacts. These should be provided in 10 dB increments

5-99

As an example, the Draft EIR suggests that there is a range of additional noise impact and that this is due to additional traffic. The Draft EIR sets forth a general conclusion even though the traffic increases vary in different locations which would suggest that the incremental noise impacts will be different in different locations. However, the differences are not noted in the Draft EIR. This could be easily shown through noise contours. The District is most concerned with the incremental noise increases on Mercy Avenue and Cormorant Drive, and the related impacts on Cruickshank.

5-100

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District's comments. In response to the District's comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

5-101

The Draft EIR states that no mitigation measures are required as follows:

"Mitigation Measure

No mitigation measure is required."

The inadequacy of the Draft EIR the data, and quantitative and qualitative analysis with regards to the noise is carried over into the mitigation measures. The mitigation measures are therefore inadequate.

5-102

The Draft EIR addresses this topic in part, as follows:

"Impact #3.10-3: Proposed increases in helicopter noise levels may result in an exceedance of the City of Merced noise level criteria.

Discussion and Conclusion: The City of Merced established a normally acceptable noise level criterion for transportation noise sources of 60 dB Ldn/CNEL. A conditionally acceptable noise level criterion of 65 dB Ldn/CNEL is allowed, while using the best available practical application of noise control measures. An interior noise level criterion of 45 dB CNEL is also applied.

Based upon the INM model runs, the 50 dB CNEL contour is confined to the project site. The 60 dB CNEL contours do not encroach upon any residential uses. This is less than significant.

Assuming a typical exterior to interior noise level reduction of 25 dB under standard construction practices, the interior noise level criterion of 45 dB CNEL will not be exceeded. This impact is less than significant.”

The City is referred to the previous discussion of the concerns with the noise analysis stated earlier in this letter. In addition, the District is concerned that the criteria being used is CNEL. Helicopter noise is more accurately evaluated in SEL standards because it is a single activity and SEL considers duration and frequency. The noise produced by an individual aircraft over-flight, takeoff, or landing such as a helicopter, is usually measured in SEL. It is interesting to note that the SEL data was presented in the Draft EIR, but that the discussion and conclusions are based on CNEL. It is suggested by the District that if the criteria was based on SEL measurements at the property line of the Project, and particularly at the property line of Cruickshank and in the interiors of the school buildings, the impacts would be considered significant and would require mitigation.

By using the CNEL standard of the City, the Draft EIR minimizes the actual impacts on Cruickshank. This is further exacerbated by the location of the flight paths.

In addition the District would recommend that the CNEL and SEL noise contour lines be modified to reflect the noise impacts at the source of the helipad and each 5 dB increments from the helipad, and that the center point of the noise contours be the actual location of the proposed helipad. This would result in a modification of the figures and would show different impacts than is currently shown on the relevant figures.

The Draft EIR states that no mitigation measures are required as follows:

“Mitigation Measure

No mitigation measure is required.”

5-102 cont.

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5-105

The inadequacy of the Draft EIR the data, and quantitative and qualitative analysis with regards to the noise is carried over into the mitigation measures. The mitigation measures are therefore inadequate.

5-106

The District would recommend that in the event that the helipad is located on the site and the helicopter operations are conducted on the site, that the following additional mitigation measures be imposed:

1. The location of the helipad be relocated to the west side of the site between Cottonwood Creek and Cormorant Drive adjacent to "G" Street, subject to all approvals of the State of California Department of Education, the State Architect, or the U.S. Federal Aviation Administration, California Division of Aeronautics, or any other State and Federal government agency overseeing the operation and flight of helicopters.
2. Helicopter flight path and helipad noise contours shall not exceed 60 dB CNEL at any Cruickshank property line and 45dB CNEL in any interior building space on the Cruickshank property, and shall not exceed 60 dB SEL at any Cruickshank property line and 45dB SEL in any interior building space on the Cruickshank property not 60 dB SEL.
3. In the event that the District is required to construct additional buildings on the Cruickshank property and construction is required to reduce the interior space noise level to 45 dB CNEL and 45 dB SEL as a result of the helicopter operation, the operators of the Project shall pay to the District the incremental costs of the additional required remediation to bring the noise level down to 45 dB CNEL and 45 dB SEL.
4. The helicopter flight paths shall be as follows and no other flight patterns shall be permitted:
 - a. South bound approach and north bound departure parallel and over "G" Street.
 - b. North bound approach and south bound departure parallel and over "G' Street.
 - c. East bound approach and east bound departure perpendicular with "G" Street
 - d. There shall be no west bound approaches or west bound departures.

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5-110

The Draft EIR addresses this topic in part, as follows:

Impact #3.10-4: Helicopter Noise

Discussion and Conclusion: Operation of helicopters is regulated by the California Department of Transportation Division of Aeronautics. CalTrans uses noise thresholds in their determination of acceptable locations for helipads. CalTrans has established a noise level criterion of 65 dB CNEL. Based upon the INM runs, the 50 dB CNEL contours are confined to the project site. This impact is less than significant.

Please refer to the previous discussions of the noise generated from the helipad and the helicopter operations.

The Draft EIR states that no mitigation measures are required as follows:

“Mitigation Measure

No mitigation measure is required.”

The inadequacy of the Draft EIR the data, and quantitative and qualitative analysis with regards to the noise is carried over into the mitigation measures. The mitigation measures are therefore inadequate. Further, please refer to the previous discussions of the noise generated from the helipad and the helicopter operations.

The Draft EIR addresses this topic in part, as follows:

“Impact #3.10-5: Sleep disturbance due to nighttime helicopter noise

Discussion and Conclusion: The proposed helicopter operations may result in sleep disturbance at existing or proposed residential uses. Figures 3.10-1 and 3.10-2 show the predicted SEL contours associated with arrivals and departures of helicopters. The SEL contours which are shown to include the 85 dB and 90 dB contours. Comparing the exterior SEL contours to Figure 3.10-3 (FICAN Study), and assuming an exterior to interior noise level reduction of 25 dB, it can be expected that approximately 3% of the residences located under the 85 dB SEL contours could experience sleep disturbance. Approximately 5% of the residences located under the 90 dB SEL contours could experience sleep disturbance. This is a potentially significant impact.”

Please refer to the previous discussions of the noise generated from the helipad and the helicopter operations.

5-111

5-112

The Draft EIR states the following mitigation measures with regards to this impact and states the mitigation measure will reduce related impacts from the proposed project to a less-than-significant level:

“Mitigation Measure

Implementation of the following mitigation measure will not reduce impacts to a less than significant level. Following implementation of the mitigation measure, this impact remains significant and unavoidable.

Mitigation Measure #3.10-5:

The pilots shall avoid flights over noise sensitive areas at all times when weather permits. The predominant wind in that area is from the north, northwest. The helicopter operates by landing and taking off into the wind. A departure in the northwesterly direction is preferred. A modified approach procedure from the northwest may be possible during minimal and “no” wind conditions. However, if the wind velocity exceeds a specified criteria depending upon the model of aircraft, then the helicopter will need to approach from the northeast or southeast.”

5-112 cont.

The inadequacy of the Draft EIR data, and quantitative and qualitative analysis with regards to the noise is carried over into the mitigation measures. The mitigation measures are therefore inadequate. Further, please refer to the previous discussions of the noise generated from the helipad and the helicopter operations.

The Draft EIR addresses this topic in part, as follows:

“Impact #3.10-6: New boilers within the Central Plant could result in a significant increase in noise levels.

Discussion and Conclusion: Four boilers are located within the Central Plant building. The boilers are expected to be contained within a concrete or masonry building. However, ventilation openings are generally provided through a plenum to the roof of a building or through the side of the building. The typical sound power level of a boiler is approximately 95 dB. The ventilation ducting is expected to reduce some of the noise, based on attenuation over distance. However, it is assumed that the total sound power level within the boiler room is approximately 100 dB with all four boilers operating, the predicted noise levels at the roof or side of the building are predicted to be 90 dBA. Mechanical equipment designs include acoustical louvers such as the Ruskin ACL845 stationary louvers which can be mounted on the openings in the roof. The expected noise level

5-113

reduction from the louvers is conservatively 20 dB. Therefore, the boiler room noise levels are expected to be 70 dB at the air ventilation openings. The nearest residences are approximately 700 feet from the building. The predicted noise levels are the nearest residences without any additional shielding would be less than 30 dB. The boiler operations are expected to comply with the City of Merced daytime and nighttime stationary noise source criteria of 55 dB Leq and 45 dB leq, respectively; however, without detailed designs for the boilers, noise generation cannot be known for certain. The impact is potentially significant.”

5-113 cont.

Noise contours of the generated noise should be prepared to show the impacts of this source at the property lines of the Project and at the property line and in the interior buildings at Cruickshank.

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

5-114

The Draft EIR states the following mitigation measures with regards to this impact and states the mitigation measure will reduce related impacts from the proposed project to a less-than-significant level:

“Mitigation Measure

Implementation of the following mitigation measure will reduce impacts to a less than significant level.

Mitigation Measure #3.10-6:

Noise measured at the property line shall be based upon the Merced Vision 2015 General Plan. This document states that an outdoor noise level of 60 Ldn or less is acceptable for residential areas and for schools. The measurement of these units shall be in terms of dB(A) Leq at all residential property lines. Include appropriate acoustical louvers, silencers or other noise control measures at all ventilation openings facing north and west, and on the roof tops as required so as not to exceed 45 dB(A) Leq at all residential property lines.”

5-115

The inadequacy of the Draft EIR data, and quantitative and qualitative analysis with regards to the noise is carried over into the mitigation measures. The mitigation measures are therefore inadequate. In addition, Cruickshank appears to be located

east of the source of this noise. The mitigation measure should be modified to insure that acoustical louvers, silencers or other noise control measures direct the noise in a westerly direction away from Cruickshank.

5-115 cont.

In addition, the following mitigation measures should be added and considered:

1. Source noise contours shall not exceed 60 dB CNEL at any Cruickshank property line and 45dB CNEL in any interior building space on the Cruickshank property, and shall not exceed 60 dB SEL at any Cruickshank property line and 45dB SEL in any interior building space on the Cruickshank property not 60 dB SEL.
2. In the event that the District is required to construct additional buildings on the Cruickshank property and construction is required to reduce the interior space noise level to 45 dB CNEL and 45 dB SEL as a result of the source noise, the operators of the Project shall pay to the District the incremental costs of the additional required remediation to bring the noise level down to 45 dB CNEL and 45 dB SEL.

5-116

The Draft EIR addresses this topic in part, as follows:

“Impact #3.10-7: Noise generated by the Central Plant due to the use of emergency generators.

Discussion and Conclusion: The central plant will contain three emergency generators which may create a significant increase in noise levels from engine noise and exhaust. Emergency generators are considered to be non-operational except under emergency conditions. However, emergency generators will be subject to the noise level criteria when they are exercised for maintenance purposes.

5-117

Generator equipment has been specified to include 3 caterpillar 3512B emergency generators, which are contained within the central plant. The supply air and exhaust air is vented through the roof through plenums.

The closest residences to the generator room building are approximately 700 feet from the roof. Assuming that up to two generators are operating within the generator room, the sound power level within the room is expected to be approximately 128 dBA. Since the engine noise will be reduced by approximately 10 dB within the plenum, the predicted sound power level at the roof is approximately 118 dBA. The predicted noise level at the nearest residences is 62 dB. If just one generator is operating, the predicted noise level at the nearest resident is 59 dB.

The sound power level from a single unmuffled exhaust is expected to be approximately 100 dBA at 23 feet. The predicted noise level, from exhaust noise, at the nearest residence is approximately 71 dB Leq. Therefore the predicted engine noise levels from the two emergency generators will exceed the daytime and nighttime 55 dB Leq and 45 dB Leq stationary noise source criteria, respectively. This impact is potentially significant.”

5-118

Noise contours of the generated noise should be prepared to show the impacts of this source at the property lines of the Project and at the property line and in the interior building at Cruickshank.

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

5-119

The Draft EIR states the following mitigation measures with regards to this impact and states the mitigation measure will reduce related impacts from the proposed project to a less-than-significant level:

“Mitigation Measure

Implementation of the following mitigation measures will reduce the impact to a level that is less than significant.

Mitigation Measure #3.10-7a:

5-120

Generators shall be specified with individual acoustical enclosures supplied by the manufacturer, which will limit the noise from the generator to 75 dB(A) at 10 feet.

Mitigation Measure #3.10-7b:

Exterior generators shall be acoustically attenuated in weatherized enclosures by the manufacturer.

Mitigation Measure #3.10-7c:

The emergency generators should be exercised only on weekdays between the hours of 8 a.m., and 5 p.m.

Mitigation Measure #3.10-7d:

Only one emergency generator should be exercised at any given time.

Mitigation Measure #3.10-7e:

Generators shall be specified with individual acoustical enclosures supplied by the manufacturer, which will limit the noise from the generator to 75 dB(A) at 10 feet.”

5-120 cont.

The inadequacy of the Draft EIR data, and quantitative and qualitative analysis with regards to the noise is carried over into the mitigation measures. The mitigation measures are therefore inadequate. In addition, Cruickshank appears to be located east of the source of this noise. The mitigation measure should be modified to insure that acoustical louvers, silencers, structure buffering, or other noise control measures direct the noise in an easterly direction away from Cruickshank.

In addition, the following mitigation measures should be added and considered:

1. Source noise contours shall not exceed 60 dB CNEL at any Cruickshank property line and 45dB CNEL in any interior building space on the Cruickshank property, and shall not exceed 60 dB SEL at any Cruickshank property line and 45dB SEL in any interior building space on the Cruickshank property not 60 dB SEL.
2. In the event that the District is required to construct additional buildings on the Cruickshank property and construction is required to reduce the interior space noise level to 45 dB CNEL and 45 dB SEL as a result of the source noise, the operators of the Project shall pay to the District the incremental costs of the additional required remediation to bring the noise level down to 45 dB CNEL and 45 dB SEL.

5-121

The Draft EIR addresses this topic in part, as follows:

“Impact #3.10-8: Generation of construction noise exceeding City regulations

Discussion and Conclusion: Noise impacts would be generated by construction activities.

5-122

These sounds generally range between 85 dB and 90 dB at a distance of 50 feet, and could exceed normally acceptable sound levels at neighboring receptor locations. This impact is potentially significant.”

5-122 cont.

Noise contours of the generated noise should be prepared to show the impacts of this source at the property lines of the Project and at the property line and in the interior building at Cruickshank.

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

5-123

The Draft EIR states the following mitigation measures with regards to this impact and states the mitigation measure will reduce related impacts from the proposed project to a less-than-significant level:

“Mitigation Measure

Implementation of the following mitigation measures will reduce the impact to a less than significant level.

Mitigation Measure #3.10-8a:

All heavy construction equipment and all stationary noise sources (such as diesel generators) shall be in good working order and have manufacturer installed mufflers.

5-124

Mitigation Measure #3.10-8b:

Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences and Cruickshank Middle School as is feasible. During Phases Two and Three, the Mercy Medical Center will be in use, therefore equipment warm up areas, etc. should be located as far away from the hospital, existing residences, and Middle School, as is feasible.

Mitigation Measure #3.10-8c:

All construction shall be between the hours of 7:00 a.m. and 9:00 p.m. daily except Sundays and holidays. Construction activities between the hours of 10:00

a.m. and 6:00 p.m. on Sundays and holidays shall meet at least one of the following noise limitations:

1. No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of twenty-five feet from the source. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty-five feet from the equipment as possible.

5-124 cont.

2. The noise level at any point outside of the property plane of the project shall not exceed 86 dBA.”

The inadequacy of the Draft EIR data, and quantitative and qualitative analysis with regards to the noise is carried over into the mitigation measures. The mitigation measures are therefore inadequate.

In addition, the following mitigation measures should be added and considered:

1. Source noise contours shall not exceed 60 dB CNEL at any Cruickshank property line and 45dB CNEL in any interior building space on the Cruickshank property, and shall not exceed 60 dB SEL at any Cruickshank property line and 45dB SEL in any interior building space on the Cruickshank property not 60 dB SEL.

5-125

2. In the event that the District is required to construct additional buildings on the Cruickshank property and construction is required to reduce the interior space noise level to 45 dB CNEL and 45 dB SEL as a result of the source noise, the operators of the Project shall pay to the District the incremental costs of the additional required remediation to bring the noise level down to 45 dB CNEL and 45 dB SEL.

3. Mitigation Measure #3.10-8b should be modified as follows:

Equipment warm up areas, water tanks, and equipment storage areas shall be located in the northwest corner of the site adjacent to “G” street and Cottonwood Creek. During Phases Two and Three, the Mercy Medical Center will be in use, therefore equipment warm up areas, etc. shall be located at the at the southwest corner of the proposed Hospital Staff Parking lot adjacent to “G” Street.

5-126

4. Mitigation Measure #3.10-8c should be modified as follows:

All construction shall be between the hours of 7:00 a.m. and 9:00 p.m. daily except Sundays and holidays. Construction activities between the

hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays shall meet at least one of the following noise limitations:

1. No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of twenty-five feet from the source. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty-five feet from the equipment as possible.
2. The noise level at any point at the property lines of the Project site shall not exceed 60 dBA CNEL.”

5-126 cont.

The Draft EIR addresses this topic in part, as follows:

“Impact #3.10-9: Construction of the proposed Mercy Medical Hospital would involve activities that could generate ground-borne vibration or ground-borne noise levels.

Discussion and Conclusion: Normal project construction activities would not generate substantial levels of vibration. Pile driving, if required during the construction phase of a project, could produce significant ground-borne vibration levels. This impact is potentially significant.”

The District did offer comments in the Notice of Preparation with regard to vibration created by the Project during construction or the vibration cause by the low flying helicopters during the normal operation of the hospital. Vibration is an environmental impact that is normally considered in a Draft EIR of a project of this magnitude.

5-127

The techniques intended to be used in the construction of the multi-story buildings needs to be identified in the Draft EIR. Specifically, it is assumed that the structures will be a steel-frame construction that will require the pile driving of vertical members of the structure. There will also be drilling, hammering, and other techniques that will create noise and vibration. These activities will have vibration impacts that will affect the adjoining properties. These impact needs to be discussed and the impacts mitigated. Pile driving, drilling, and hammering will create noise and vibration that will impact Cruickshank.

Vibration data, and quantitative and qualitative analysis needs to be included in the Draft EIR to fully disclose these conditions and the required mitigation measures. Appropriate vibration contours should be prepared to show the potential vibration for various sources at the property line and at Cruickshank.

Additionally, the low flying helicopter activity may also cause vibration and air turbulence that will impact Cruickshank. This impact needs to be discussed in the Draft EIR and data and quantitative and qualitative analysis needs to be conducted to provide the required disclosures and determine the appropriate mitigation measures.

5-128

The Draft EIR states the following mitigation measures with regards to this impact and states the mitigation measure will reduce related impacts from the proposed project to a less-than-significant level:

“Mitigation Measure

Implementation of the following mitigation measure will reduce the impact to a less than significant level.

Mitigation Measure #3.10-9:

5-129

Limit ground borne vibration due to construction activities in the direction of sensitive receptors. For construction adjacent to highly sensitive uses, apply additional measures as feasible, including advance notice to occupants of sensitive facilities to ensure precautions are taken in those facilities to protect ongoing activities from the effects of vibration.”

The inadequacy of the Draft EIR data, and quantitative and qualitative analysis with regards to the vibration is carried over into the mitigation measures. The mitigation measures are therefore inadequate.

At a minimum, the District would recommend that the following mitigation measure be a condition of approval of the Project:

1. Any pile driving activities, drilling, or metal to metal hammering or other construction activities that will create vibration shall be mitigated by prohibiting such activity during normal school hours when students are in classroom.

5-130

In the event that the Project proceeds and the helicopter operation is required for the facility, the District would recommend that the following be considered as conditions of approval and mitigation measures:

1. The location of the helipad be relocated to the west side of the site between Cottonwood Creek and Cormorant Drive adjacent to “G” Street, subject to all approvals of the State of California Department of Education, the State Architect, or the U.S. Federal Aviation Administration, California Division of

5-131

Aeronautics, or any other State and Federal government agency overseeing the operation and flight of helicopters.

5-131 cont.

2. Helicopter flight path and helipad noise contours shall not exceed 60 dB CNEL at any Cruickshank property line and 45dB CNEL in any interior building space on the Cruickshank property, and shall not exceed 60 dB SEL at any Cruickshank property line and 45dB SEL in any interior building space on the Cruickshank property not 60 dB SEL.

3. In the event that the District is required to construct additional buildings on the Cruickshank property and construction is required to reduce the interior space noise level to 45 dB CNEL and 45 dB SEL as a result of the helicopter operation, the operators of the Project shall pay to the District the incremental costs of the additional required remediation to bring the noise level down to 45 dB CNEL and 45 dB SEL.

5-132

4. The helicopter flight paths shall be as follows and no other flight patterns shall be permitted:

a. South bound approach and north bound departure parallel and over "G" Street.

b. North bound approach and south bound departure parallel and over "G" Street.

c. East bound approach and east bound departure perpendicular with "G" Street.

5-133

Air Quality

The Draft EIR acknowledges that the District offered the following comments with regards to Air Quality impacts:

"Deterioration of air quality in the areas as a result of increased vehicle trip emissions, the use of the helipad and helicopter emissions, and power plant emissions, etc."

5-134

The Impact Evaluation Criteria used in the Draft EIR for Hazards and Hazardous Materials is stated as follows:

"3.3.3 IMPACT EVALUATION CRITERIA

The SJVAPCD has established the following standards of significance for air quality impacts within the San Joaquin Air Basin:

- A project results in estimated carbon monoxide concentrations exceeding the California Ambient Air Quality Standard of 9 parts per million averaged over 8 hours and 20 ppm for 1- hour.
- A project results in new direct or indirect emissions of ozone precursors (ROG or NOx) in excess of 10 tons per year.
- A project has the potential to frequently expose members of the public to objectionable odors will be deemed to have a significant impact.
- A project has the potential to expose sensitive receptors (including residential areas) or the general public to substantial levels of toxic air contaminants would be deemed to have a potentially significant impact.

While SJVAPCD CEQA guidance recognizes that PM10 is a major air quality issue in the basin, it has not established numerical thresholds for significance for PM10. However, for the purposes of this analysis, a PM10 emission of 15 tons per year (82 pounds per day) was used as a significance threshold. This emission is the SJVAPCD threshold level at which new stationary sources requiring permits from the District must provide emissions "offsets." This threshold of significance for PM10 is consistent with the SJVAPCD's ROG and NOx thresholds of ten tons per year, which are also the offset thresholds established in SJVAPCD Rule 2201 New and Modified Stationary Source Review Rule. Despite the establishment of both federal and state standards for PM2.5 (particulate matter, 2.5 microns), the SJVAPCD has not developed a threshold of significance for this pollutant. For this analysis, PM2.5 impacts would be considered significant if project emissions of PM10 exceed 82 pounds per day.

5-134 cont.

SJVAPCD CEQA guidance does not recommend quantitative analysis of construction emissions. The SJVAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls. The SJVAPCD guidelines provide feasible control measures for construction emission of PM10 beyond that required by district regulations. If the appropriate construction controls are to be implemented, then air pollutant emissions for construction activities would be considered less than significant."

It appears that in this case of Air Quality, the levels of significance and "thresholds" have been identified. This appears to be supported by an Air Quality Impact Analysis. Included in the analysis are several standardized computer generated tables which appears to be the computer generated mathematical calculations of the air quality impacts of the Project.

The District questions the accuracy and comprehensiveness of the Air Quality Impact Analysis for the following reasons:

1. It appears that the Air Quality Impact Analysis does not consider the impacts of the air contaminants, pollutants, and emissions as a result of the helicopter operations.
2. It appears that the Air Quality Impact Analysis does not consider the impacts of the air contaminants, pollutants, and emissions as a result of the on-site power plant.
3. It appears that the Air Quality Impact Analysis does not consider the impacts of the air contaminants, pollutants, and emissions as a result of the emergency power generation facilities.
4. It appears that the Air Quality Impact Analysis does not considers the impacts of the air contaminants, pollutants, and emissions as a result of the operations in the hospital, including but not limited to cooking contaminants, air contamination as a result of a hazardous spill, etc.

5-135

It appears that the computer generated tables consider only vehicle emissions. There is no analysis of the contaminants, pollutants, and emissions that would be generated by the non-vehicle sources and operations of the hospital and medical office buildings. This needs to be addressed in the Draft EIR.

5-136

In addition, the District questions the accuracy of the vehicle emissions analysis. The computer generated tables appear to be based on certain assumptions. The Air Quality Impact Report does not indicate the source of these assumptions or the formulas used in the calculations to generate the results. The District notes that at least "school buses" are considered as part of the vehicle fleet used in the assumptions. The District further notes that the preparer of the Air Quality Impact Analysis did not contact the District and obtain information as to the number of bus trips generated to and from Cruickshank in order to include that in the analysis. The preparer did not contact the District and obtain information as to the number of other vehicles (i.e. teacher and employee trips, student trips, other trips, etc.) generated to and from Cruickshank in order to include that in the analysis.

5-137

5-138

A Traffic Impact Study was completed for the Project dated April 1, 2005, more than twelve months ago. The Traffic Impact Study set forth in the appendices of the Draft EIR, indicates that existing traffic conditions and level of service were determined based on a) 15-minute increment count data collected on November 3, 4 and 9, 2004 during two hour periods from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.; and b) segment levels of service base on data collected in March 2005. The Traffic

5-139

Impact Study was not updated to address the unprecedented growth that has occurred north of Yosemite Avenue and east and west of "G" Street.

5-139 cont.

As it applies to the air quality, the Traffic Impact Study provided no data as to the mix and type of vehicles that are part of the current existing traffic. Therefore, without having first contacted the District to obtain data on the number and type of Cruickshank vehicles (i.e. buses and other vehicles), and without having an understanding of the future Cruickshank vehicles as a result of further enrollment, employees and use of the school, the air quality analysis can not be substantiated as being accurate forecast of the future impacts in terms of its speculative conclusions.

5-140

Cruickshank is the most significant and sensitive current land use adjacent to the Project. Therefore, special attention should have been provided to address Air Quality issues to a level which acknowledges the seriousness of the potential impacts.

5-141⁺

The Draft EIR discusses the following two (2) air quality impacts:

Impact #3.3-2: Project traffic would result in an increase in carbon monoxide Concentrations.

Impact #3.3-3: Operation of the project would result in increases in emission of both ozone precursors and PM10

5-142

Except for the prior comments which might affect the data and analysis associated with these impacts, the District has no further comments at this time with regards to these two impacts.

The Draft EIR addresses this topic in part, as follows:

"3.3.4 IMPACTS & MITIGATION MEASURES

Impact #3.3-1: Increased Particulate Matter levels in the immediate vicinity during construction and operation

5-143⁺

Discussion and Conclusion: The project would result in new sources of emissions both during construction and operation. During construction, gaseous and particulate emissions would be released by equipment and vehicles on the site, trucks bringing materials to the site and construction employee vehicles. During portions of the construction period, fugitive particulate emissions (PM10 and PM2.5) would occur due to the action of vehicles/equipment and wind on unpaved areas.

The operation of the project land uses would include area sources (e.g., combustion of natural gas for heating), but the overwhelming source of emissions would be vehicle trips generated by project patrons and employees. Estimates of regional emissions generated by project traffic and on-site area sources were made using a program called URBEMIS-2002. URBEMIS-2002 is a program that estimates the emissions that result from various land use development projects. Land use projects can include residential uses such as single-family dwelling units, apartments and condominiums, and nonresidential uses such as shopping centers, office buildings, industrial parks and hospitals. URBEMIS-2002 contains default values for much of the information needed to calculate emissions. However, project-specific, user-supplied information can also be used when it is available.

Inputs to the URBEMIS-2002 program include trip generation rates, vehicle mix, average trip length by trip type and average speed. Average trip lengths, average speeds and vehicle mixes for the San Joaquin Valley Air Basin were used. Analysis year was 2006 for Phase 1 of the project and 2010 for Phase 2 and project build-out. The URBEMIS-2002 output is included in Appendix B.

Construction would result in numerous activities that would generate dust. The fine, silty soils in the project area and often strong afternoon winds exacerbate the potential for dust, particularly in the summer months. Grading, leveling, earthmoving and excavation are the activities that generate the most particulate emissions. Impacts would be localized and variable. Construction impacts would last for a period of several months. Construction dust impacts are considered to be potentially significant on a localized basis. The potential for dust nuisance would exist during early stages of construction when disturbance of soil is greatest.

5-143 cont.

Construction equipment and vehicles would also generate exhaust emissions during active construction. Although operated temporarily at construction sites, construction equipment is a substantial source category within the San Joaquin Valley Air Basin, generating ozone precursors as well as particulate matter. Since construction equipment is normally considered part of the existing inventory of sources quantification of this emission is not recommended by the SJVAPCD except for very large projects.

The San Joaquin Valley Air Pollution Control District regulates construction emissions through its Regulation VIII. The provisions of Regulation VIII pertaining to construction activities require:

- Effective dust suppression for land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill and demolition activities.

- Effective stabilization of all disturbed areas of a construction site, including storage piles, not used for seven or more days.
- Control of fugitive dust from on-site unpaved roads and off-site unpaved access roads.
- Removal of accumulations of mud or dirt at the end of the work day or once every 24 hours from public paved roads, shoulders and access ways adjacent to the site. Regulation VIII requires that a dust control plan be prepared, and violations of the requirements of Regulation VIII are subject to enforcement action. Violations are indicated by the generation of visible dust clouds and/or generation of complaints. This is a potentially significant impact.”

5-143 cont.

The Draft EIR acknowledges that there will be dust impacts during construction. The Draft EIR acknowledges that construction would result in numerous activities that would generate dust. The fine, silty soils in the site and often strong afternoon winds exacerbate the potential for dust, particularly in the summer months. Grading, leveling, earthmoving and excavation are the activities that generate the most particulate emissions. Impacts would be localized and variable. Construction impacts would last for a period of several months. The Draft EIR goes on to acknowledge that construction dust impacts are considered to be potentially significant on a localized basis. The District suggests that one of the local receptors of this impact is Cruickshank. The potential for dust nuisance would exist during early stages of construction when disturbance of soil is greatest, but it also would occur at all other times until landscape and hardscape improvements are completed.

The Draft EIR fails to provide the data, and quantitative and qualitative analysis of the magnitude of these impacts. For example, the Draft EIR does not provide any data with regards to the normal wind patterns or magnitudes in the area. The Draft EIR fails to provide the potential maximum wind patterns, the magnitude of the soil disturbance, or the amount of soil that could potentially be generated off-site as a result of these impacts. There is no threshold stated “impact evaluation criteria” that has been offered to measure the level of significance and whether or not the mitigation measures would reduce this to a less than significant level. This is a major flaw in the analysis as contained in the Draft EIR.

5-144

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

The Draft EIR states the following mitigation measures with regards to construction dust and particles and states that the mitigation measures will reduce the impact to a less than significant level:

“Mitigation Measure

Implementation of the following mitigation measure will reduce the impact to a level of less than significant.

Mitigation Measure #3.3-1:

Construction contracts shall require the primary construction contractor to prepare and submit a dust control plan to the SJVAPCD that incorporates all provisions of Regulation VIII and the following additional measures:

- Limit traffic speeds on unpaved roads to 15 mph.
- Install wheel washers or other forms of wheel cleaners at truck exits, and wash loose dirt from trucks and equipment leaving the site.
- Suspend excavation and grading activities when winds exceed 20 mph.
- Limit size of area subject to excavation, grading or other construction activity at any one time to avoid excessive dust.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Make maximum use of diesel equipment equipped with catalytic converters and particulate traps.
- Curtail construction during “Spare the Air Days” declared by the SJVAPCD.
- Equipment not in use for more than ten minutes should be turned off.
- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.
- Whenever feasible and cost effective, use electrically driven equipment (provided they are not run via a portable generator set) or alternatively-fueled equipment/vehicles.”

5-145

There is no threshold stated "impact evaluation criteria" that has been offered to measure the level of significance and whether or not the mitigation measures would reduce this to a less than significant level.

Because the Draft EIR presents an inadequate identification of the data, quantitative and qualitative analysis, and the resulting impacts, the mitigation measures can not be determined and the stated conclusion of "Implementation of the following mitigation measure will reduce the impact to a level of less than significant" can not be substantiated.

A "Less-Than-Significant-Impact" is defined in Chapter One of the Draft EIR as "Impacts that do not exceed the defined standards of significant".

5-145 cont.

The document does not identify any "defined standards of significance" for dust and particles created by the construction of the Project.

The Draft EIR does not present an identifiable quantitative, qualitative or performance level of significance with regards to construction dusts, non-compliance with which means the effect will normally be determined to be significant and compliance with which means the effect normally will be determined to be less than significant.

Therefore, the analysis and conclusions reached have no basis for acceptance. The District would suggest that there is a need for quantitative and qualitative defined standards. Without such standards the impacts can not be known and the evaluation of whether or not the mitigation measures would reduce the level of impact to a less than significant impact level can not be determined.

The District is concerned that without additional mitigation measures, the dust during construction from the Project site will have a significant impact on Cruickshank. The District would suggest that there are ways to address the impacts of these conditions. These include the following:

1. Maintain and operate water trucks on the site at all times during construction to wet down all exposed dirt areas to minimize dust particles.
2. Utilize street sweeper and washers (hourly) to clean all streets surrounding the property, including but not limited to:
 - a. "G" Street from Yosemite Avenue to Bellevue Road
 - b. Cormorant Drive from "G" Street to Paulson Road

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- c. Sandpiper Drive from Cormorant Road to Yosemite Avenue
 - d. Mercy Avenue from its north end to Cormorant Drive
 - e. Cottonwood Creek (proposed by District) from Mercy avenue to "G" Street
3. Utilize street sweeper and washers (daily) to clean all parking lots at Cruickshank.
 4. Utilize appropriate equipment (weekly) to clean the hardscape areas of Cruickshank.
 5. In the event that Cruickshank structures and roofs deteriorate due to construction dust, the Applicant shall fund the maintenance and repair of the structures and roof areas.
 6. In the event that Cruickshank landscaping deteriorates due to constructions dust, the Applicant shall fund the maintenance, repair, and/or replacement of the landscaping.
 7. The Applicant shall provide a car wash program that will enable employees of Cruickshank to wash their personal vehicles on a regular basis no less than once a week, that are impacted by the dust generated by the Project. A similar program shall be implemented for the washing of school bus vehicles or the Applicant shall pay the district the cost of washing buses that are impacted by the dust generated by the Project.
 8. Install temporary 8' solid fencing along the entire length of Mercy Avenue and for 300' feet east of Mercy Avenue, along Cottonwood Creek and Cormorant Drive to catch dust blown in an easterly direction towards Cruickshank.
 9. Prohibit the construction vehicles and other traffic to and from the Project site from using Mercy Avenue, Cormorant Drive west of Mercy Avenue, Mansionette Drive south of Cormorant Drive during construction.
 10. All construction vehicle access/egress to the site shall be from "G" Street at Cottonwood Creek (proposed).
 11. The Applicant shall weekly inspect the condition of Cruickshank with District's representative during the construction of the Project to determine

5-146 cont.

any further impacts of construction on the Cruickshank and shall implement further mitigation measures that may be required to eliminate the impacts.

5-146 cont.

Hazards and Hazardous Materials

The Draft EIR acknowledges that the District offered the following comments with regards to Hazards and Hazardous Materials impacts:

“Safety and hazardous conditions that may result from a lack of containment of hazardous materials and toxic substances that are used in the Project.”

The Impact Evaluation Criteria used in the Draft EIR for Hazards and Hazardous Materials is stated as follows:

“3.1.3 IMPACT EVALUATION CRITERIA

Based on consideration of Appendix G of the State CEQA Guidelines, the project is considered to have an adverse impact on the environment if it will:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.
- Create a safety hazard to residents and persons in the area through the routine operations of helicopters at the project site.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.”

5-147

The Draft EIR addresses this topic in part, as follows:

“3.7.4 IMPACTS & MITIGATION MEASURES

Impact #3.7-1: Use, transport, or disposal of hazardous materials

Discussion and Conclusion: The project includes construction and operation of a hospital facility and medical office buildings. The operation of these uses will include the regular and routine use, transport, and disposal of a variety of potentially hazardous materials, including medications, cleaning agents, and materials used in medical procedures, operations, and activities. Additional hazardous materials are also likely to be present on the site for use in the upkeep and maintenance of landscaping, including fuels for landscaping equipment and chemicals for plant health and maintenance.

The Office of Statewide Health Planning and Development (OSHPD) is responsible for setting and enforcing regulations related to the use, transport, and disposal of hazardous materials at California hospitals and medical facilities. The regulations in place are sufficient to ensure that the existence of these chemicals and hazardous materials will not have a significant adverse impact on the public or the surrounding environment.

Workers within the hospital buildings and medical offices are afforded protection from exposure or impact from hazardous materials by both OSHPD regulations and employment regulations set by the California Occupational Safety and Health Administration (Cal/OSHA), implemented by the California Department of Occupational Safety and Health. This State Department has enforcement and investigatory capabilities to ensure that standards are adhered to and that workers are protected from safety hazards in the workplace, including special regulations for medical office and hospital facilities.

Landscaping chemicals and fuels are expected to be on the site as well, for routine use by maintenance personnel. The use and storage of these chemicals is common in the area, and is not expected to produce a significant environmental hazard to users of the site. Impacts from the use, transport, and disposal of hazardous materials are considered less than significant.”

The Project site is located adjacent to Cruickshank. The spill of hazardous materials could have a significant impact on the students, teachers, and employees of the school. The Draft EIR acknowledges that there will be hazardous materials used, transported, and disposed of at or from the site. These materials need to be specifically identified and an emergency plan established for the possibility of a hazardous spill and contamination. The specific health, safety, and medical problems that students, teachers, and employees could experience in the case of a hazardous spill and contamination needs to be identified, and the consequences of such problems need to be identified.

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide

5-147 cont.

a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District's comments. In response to the District's comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

5-147 cont.

The Draft EIR states the following mitigation measures with regards to hazardous materials and states that the mitigation measures will reduce the impact to a less than significant level:

"Mitigation Measure

No mitigation measure is required."

Because the Draft EIR presents an inadequate identification of the data, quantitative and qualitative analysis, and the resulting impacts, the mitigation measures can not be determined and the stated conclusion of "Impacts from the use, transport, and disposal of hazardous materials are considered less than significant" can not be substantiated.

5-148

A "Less-Than-Significant-Impact" is defined in Chapter One of the Draft EIR as "Impacts that do not exceed the defined standards of significant".

Although the Draft EIR presented these evaluation criteria, the document does not identify any "defined standards of significance" for hazardous materials.

The Draft EIR does not present an identifiable quantitative, qualitative or performance level of significance with regards to hazardous materials, non-compliance with which means the effect will normally be determined to be significant and compliance with which means the effect normally will be determined to be less than significant.

Therefore, the analysis and conclusions reached have no basis for acceptance. What is "create a significant hazard" as discussed in the Impact Evaluation Criteria? These are not defined standards. The District would suggest that there is a need for quantitative and qualitative defined standards. Without such standards the impacts can not be known and the evaluation of whether or not the mitigation measures would reduce the level of impact to a less than significant impact level can not be determined.

5-149

The Draft EIR further addresses this topic in part, as follows:

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"Impact #3.7-2: Release of hazardous materials into the environment

Discussion and Conclusion: As discussed above, the project will include the routine use and storage of potentially hazardous materials on-site. The potential release of hazardous materials into the environment is considered low due to the existing regulations for the handling of such materials. OSHPD regulations include specific requirements for the handling, storage, and disposal of all hazardous materials associated with the hospital and medical operations of the facility, and are considered sufficient to ensure that the public health and safety will be preserved.

The storage of landscaping fuels and cleaners on site also creates the potential for release of hazardous materials. These chemicals and fuels are common in use throughout urban areas, and the exposure of persons to the small quantity of materials likely to be present is insufficient to pose a health risk to the general public or sensitive receptors on the site or in the surrounding area.

The impacts related to the potential release of hazardous materials into the environment are considered less than significant.”

5-150 cont.

The Project site is located adjacent to Cruickshank. The spill of hazardous materials could have a significant impact on the students, teachers, and employees of the school. The Draft EIR acknowledges that there will be hazardous materials used, transported, and disposed of at or from the site. These materials need to be specifically identified and an emergency plan established for the possibility of a hazardous spill and contamination. The specific health, safety, and medical problems that students, teachers, and employees could experience in the case of a hazardous spill and contamination needs to be identified, and the consequences of such problems need to be identified.

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District's comments. In response to the District's comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

The Draft EIR states the following mitigation measures with regards to hazardous materials and states that the mitigation measures will reduce the impact to a less than significant level:

“Mitigation Measure

No mitigation measure is required.”

Because the Draft EIR presents an inadequate identification of the data, quantitative and qualitative analysis, and the resulting impacts, the mitigation measures can not be determined and the stated conclusion of “The impacts related to the potential release of hazardous materials into the environment are considered less than significant” can not be substantiated.

5-151

A “Less-Than-Significant-Impact” is defined in Chapter One of the Draft EIR as “Impacts that do not exceed the defined standards of significant”.

Although the Draft EIR presented these evaluation criteria, the document does not identify any “defined standards of significance” for hazardous materials.

The Draft EIR does not present an identifiable quantitative, qualitative or performance level of significance with regards to hazardous materials, non-compliance with which means the effect will normally be determined to be significant and compliance with which means the effect normally will be determined to be less than significant.

Therefore, the analysis and conclusions reached have no basis for acceptance. What is “create a significant hazard” as discussed in the Impact Evaluation Criteria? These are not defined standards. The District would suggest that there is a need for quantitative and qualitative defined standards. Without such standards the impacts can not be known and the evaluation of whether or not the mitigation measures would reduce the level of impact to a less than significant impact level can not be determined.

5-152

The Draft EIR further addresses this topic in part, as follows:

“Impact #3.7-3: Handling of hazardous materials near a school site

Discussion and Conclusion: The project includes the operation of hospital and medical office facilities which are anticipated to utilize a variety of potentially hazardous materials as part of daily operations. The site is adjacent to the Cruickshank Middle School, part of the Merced City School District. The project

5-153

will handle hazardous materials within one-quarter mile of an existing school, resulting in potential conflicts with sensitive receptors at the school site.

The use of potentially hazardous materials and substances at the hospital and medical offices has the potential to impact sensitive receptors at the adjacent school site, if such materials or substances are released into the environment. The existing regulations for the facility, implemented and overseen by OSHPD, are sufficient to ensure that all hazardous materials and substances are not released into the environment. The OSHPD requirements will provide reasonable assurances that the school site will not be adversely affected by the use of hazardous materials at the project site. The impact is considered less than significant.”

The Project site is located adjacent to Cruickshank. The spill of hazardous materials could have a significant impact on the students, teachers, and employees of the school. The Draft EIR acknowledges that there will be hazardous materials used, transported, and disposed of at or from the site. These materials need to be specifically identified and an emergency plan established for the possibility of a hazardous spill and contamination. The specific health, safety, and medical problems that students, teachers, and employees could experience in the case of a hazardous spill and contamination needs to be identified, and the consequences of such problems need to be identified.

There is no evidence, data, and quantitative and qualitative analysis to support the conclusions. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

The Draft EIR states the following mitigation measures with regards to hazardous materials and states that the mitigation measures will reduce the impact to a less than significant level:

“Mitigation Measure

No mitigation measure is required.”

Because the Draft EIR presents an inadequate identification of the data, quantitative and qualitative analysis, and the resulting impacts, the mitigation measures can not be determined and the stated conclusion of “The impact is considered less than significant” can not be substantiated.

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5-154

A "Less-Than-Significant-Impact" is defined in Chapter One of the Draft EIR as "Impacts that do not exceed the defined standards of significant".

Although the Draft EIR presented these evaluation criteria, the document does not identify any "defined standards of significance" for hazardous materials.

The Draft EIR does not present an identifiable quantitative, qualitative or performance level of significance with regards to hazardous materials, non-compliance with which means the effect will normally be determined to be significant and compliance with which means the effect normally will be determined to be less than significant.

5-154 cont.

Therefore, the analysis and conclusions reached have no basis for acceptance. What is "create a significant hazard" as discussed in the Impact Evaluation Criteria? These are not defined standards. The District would suggest that there is a need for quantitative and qualitative defined standards. Without such standards the impacts can not be known and the evaluation of whether or not the mitigation measures would reduce the level of impact to a less than significant impact level can not be determined.

The Draft EIR further addresses this topic in part, as follows:

"Impact #3.7-5: Safety hazards resulting from helicopter operations

Discussion and Conclusion: The project is intended to accommodate the use of a planned helipad for takeoff and landing of helicopters. While full flight schedules will vary and be dependent on patient and staff needs, it is anticipated that the facility will have three to four takeoffs and landings per week. The flight paths for the facility are shown in Figures 3.10-1, 3.10-2, and 3.10-3 within the Noise Section of this EIR. The helipad is raised approximately eight feet above the surrounding grade to limit potential contact with users of the facility. The flight paths and angles of the helicopters will eliminate potential conflict points with persons on the site or on surrounding properties.

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Existing regulations prohibit the flight of helicopters over the school site, thus eliminating potential conflicts with helicopter flights at the school. The flight paths developed for the project do not include flight over the school site, and flight angles have been developed to remove potential conflict points with overhead power lines, vegetation, and other obstructions.

While flights and flight paths are not considered to have significant impacts, there is a potential for conflicts at the landing site. Conflicts between hospital users of

the helipad and pedestrians or stray animals are possible, and the impacts which could result from these conflicts cannot be fully discounted given the information available in the project description. The potential for significant safety impacts resulting from helicopter operations is considered potentially significant.”

This is a serious concern of the District and the Draft EIR does not address the issue comprehensively. The District is surprised that the City and the Consultant did not contact the State of California Department of Education, the State Architect, or the U.S. Federal Aviation Administration, California Division of Aeronautics, or any other State and Federal government agency overseeing the operation and flight of helicopters, particularly as they relate to creating a helicopter service within close proximity of the adjacent Cruickshank. The Draft EIR identifies several arrival and departure flight paths, and suggests that these are not in conflict with Cruickshank. The Draft EIR also suggest that there are regulations that prohibit flights over the school site, and that flight paths and flight angles have been developed to remove potential conflicts. However, these flight paths are simply lines on an aerial photo. There is no data to indicate the exact locations of these flight paths, the width of the flight paths, or the coordinates that would insure that helicopters remain on these flight paths.

5-155 cont.

In addition, the north bound arrival/northeast departure path actual crosses over a portion of Cruickshank contrary to the statements offered in the Draft EIR. The helicopter pad is located midway between “G” Street and Mercy Avenue adjacent to Cottonwood Creek in the parking areas south of Cottonwood Creek. The statements and depiction of the location of flight paths and the landing location as shown in the Draft EIR figures do not match the actual location of the helicopter pad as shown on the Site Plan. Therefore, either the site plan is incorrect or the flight paths and landing locations are incorrect.

5-156

The same flight paths were used in the Environmental Noise Analysis. However, there is no reference to who provided these flight paths and how they were determined. There is no analysis of the consequences of wind, weather conditions, or other environmental factor that could affect these flight patters, the landing location and capabilities, and how these flight paths would change as a result of these conditions.

5-157

Finally, there is no analysis of the consequences of emergency conditions that may come from a failed or aborted helicopter flight and the potential for a physical impact of a helicopter on the Cruickshank property or buildings.

5-158

It appears that there was no detailed technical analysis of the helicopter operations of the Project. There is no evidence, data, and quantitative and qualitative analysis. The Draft EIR does not address this topic in detail and does not provide a comprehensive

5-159

discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District's comments. In response to the District's comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

The Draft EIR states the following mitigation measures with regards to helicopter operations and states that the mitigation measures will reduce the impact to a less than significant level:

"Mitigation Measure

Implementation of the following mitigation measures will reduce the impact to a less-than significant level.

Mitigation Measure #3.7-5:

The helipad shall be a restricted and secured area with warning signs, fence, and or gate, to prevent unanticipated injury to non-authorized persons in the vicinity resulting from moving equipment or flying debris."

The Draft EIR states that "The potential for significant safety impacts resulting from helicopter operations is considered potentially significant". However, this conclusion and the mitigation measure refer to only that particular aspect the helipad.

Because the Draft EIR presents an inadequate identification of the data, quantitative and qualitative analysis, and the resulting impacts, the mitigation measure is inadequate, the other necessary mitigation measures can not be determined, and the stated conclusion of "Implementation of the following mitigation measures will reduce the impact to a less-than significant level" can not be substantiated.

A "Less-Than-Significant-Impact" is defined in Chapter One of the Draft EIR as "Impacts that do not exceed the defined standards of significant".

Although the Draft EIR presented these evaluation criteria, the document does not identify any "defined standards of significance" for hazardous materials.

The Draft EIR does not present an identifiable quantitative, qualitative or performance level of significance with regards to the operation of the helipad and the helicopter flight operations, non-compliance with which means the effect will normally be determined to be significant and compliance with which means the effect normally will be determined to be less than significant.

5-159 cont.

5-160

5-161

Therefore, the analysis and conclusions reached have no basis for acceptance. What is "create a significant hazard" as discussed in the Impact Evaluation Criteria? These are not defined standards. The District would suggest that there is a need for quantitative and qualitative defined standards. Without such standards the impacts can not be known and the evaluation of whether or not the mitigation measures would reduce the level of impact to a less than significant impact level can not be determined.

5-162

In the event that the Project proceeds and the helicopter operation is required for the facility, the District would recommend that the following be considered as conditions of approval and mitigation measures:

1. The location of the helipad be relocated to the west side of the site between Cottonwood Creek and Cormorant Drive adjacent to "G" Street, subject to all approvals of the State of California Department of Education, the State Architect, or the U.S. Federal Aviation Administration, California Division of Aeronautics, or any other State and Federal government agency overseeing the operation and flight of helicopters.

5-163

2. Helicopter flight path and helipad noise contours shall not exceed 60 dB CNEL at any Cruickshank property line and 45dB CNEL in any interior building space on the Cruickshank property.

3. In the event that the District is required to construct additional buildings on the Cruickshank property and construction is required to reduce the interior space noise level to 45 dB CNEL as a result of the helicopter operation, the operators of the Project shall pay to the District the incremental costs of the additional required remediation to bring the noise level down to 45 dB CNEL.

5-164

4. The helicopter flight paths shall be as follows and no other flight patterns shall be permitted:

a. South bound approach and north bound departure parallel and over "G" Street.

b. North bound approach and south bound departure parallel and over "G" Street.

c. East bound approach and east bound departure perpendicular with "G" Street

d. There shall be no west bound approaches or west bound departures.

5-165

Aesthetic/Light and Glare

The Impact Evaluation Criteria used in the Draft EIR for Aesthetic/Light and Glare is stated as follows:

“3.1.3 IMPACT EVALUATION CRITERIA

Impacts to aesthetic and visual resources will be assessed on the following thresholds of significance, based on criteria set forth in Appendix G of the State CEQA Guidelines. The project is considered to have a significant impact on the environment if it will:

- Have a substantial, adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings;
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area; or
- Cause physical adverse impacts to the environment resulting from shading of lands or structures.”

5-166

The Draft EIR acknowledges that the District offered the following comments with regards to Aesthetics/Light and Glare impacts:

“Visual impacts and mitigation of the hospital eight story structure and the parking structure from the middle school.”

The Draft EIR addresses this topic as follows:

“3.1.4 IMPACTS & MITIGATION MEASURES

Impact #3.1-1: Create adverse impacts on surrounding viewsheds.

Discussion and Conclusion: The proposed project will have an effect on the nature and quality of scenic views in the vicinity of the project site. The area surrounding the project site is relatively flat agricultural land providing expansive views in all directions. Consequently, views from all directions will be altered as the height of the proposed structures will be substantially taller than any

surrounding development. The views will be changed from natural landscape characterized by scattered vegetation to planted landscape characterized by non-native, manicured vegetation with buildings projecting from the site. Existing views of the site from surrounding areas are provided in Figure 3.1-1 and Photoplates 3.1-2 and 3.1-3.

Additionally, the proposed project will be in high contrast to the existing development surrounding the site. The project consists of a main, eight-story hospital structure, numerous multi-story medical office buildings, a power plant, parking structure and other related structures. The main hospital building will be primarily composed of steel framing and glass while the medical office buildings and other smaller structures will resemble the existing Cancer Center.

While the goal of the design of the project structures will be to reduce the adverse impacts on surrounding viewsheds, this impact is potentially significant.

5-166 cont.

There are no mitigation measures available to offset or reduce this impact. Disruption of existing viewsheds is a result of the height and scale of the proposed structures, and the viewsheds of and through the property will be permanently altered as a result of the project. This impact is significant and unavoidable.

Mitigation Measure

No mitigation measures are available”

There was no visual analysis completed to support the conclusions set forth in the Draft EIR. Although the Draft EIR presents several photos of the site, there were no superimposed structures and photographic views of what would be seen from Cruickshank. This is also critical to the shade and shadow analysis that was also requested by the District. There is no evidence, data, and quantitative and qualitative analysis. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

5-167

The Draft EIR concludes that “While the goal of the design of the project structures will be to reduce the adverse impacts on surrounding viewsheds, this impact is potentially significant. There are no mitigation measures available to offset or reduce this impact. Disruption of existing viewsheds is a result of the height and scale of the proposed structures, and the viewsheds of and through the property will be

permanently altered as a result of the project. This impact is significant and unavoidable.”

5-167 cont

The District is concerned that the view of the Project site from Cruickshank will impact the school. The District would suggest that there are ways to address the impacts of these conditions. These include the following:

1. Reduce the height of the eight-story building to be compatible with the multi-story medical office building and parking structures.
2. Establish a greater setback of the parking structure (3-stories) and medical office buildings (4-stories) along Mercy Avenue comparable to the proposed hospital building setbacks along “G” Street.
3. Create a step design of the buildings from at grade parking along Mercy Avenue, to one story, to two stories, etc. along Mercy Avenue.
4. Add a row of tall trees as landscaping along the entire length of Mercy Avenue from Cottonwood Creek to Cormorant Drive as a softscape screen to break up the hardscape of the structures.

5-168

At a minimum these should be considered as Alternatives to the proposed project and evaluated accordingly in Chapter 4 of the Draft EIR.

The Draft EIR did acknowledge that the District offered the following comment with regards to shade and shadow:

“Light and glare impacts and mitigation of the Project’s lighting on the middle school.”

The Draft EIR did address light and glare impacts. The Draft EIR states:

5-169

“Impact #3.1-2: Produce substantial light pollution or glare.

Discussion and Conclusion: Security lighting in the parking areas, pathways, and on buildings has the potential to create light pollution in the vicinity of the project site. Light pollution is a potential impact from the operation of any light source at night. Proper light shields, lighting design, and landscaping are commonly used to reduce light pollution generated from lighting by blocking the conveyance of light upwards. The result is that the lights are not visible from above, and do not add ambient light to the nighttime sky.

Interior lighting at night has the potential to create a source of light spillage onto adjacent development and roadways. Proper light shields, lighting design, landscaping and certain building materials can be used to reduce light spillage from project structures. The result is a reduction in the amount of light spillage that occurs from the interior of buildings.

Light reflecting off surfaces during daylight hours has the potential to create a source of glare in the vicinity of the project site. Glare reducing materials are needed to reduce the impact of glare from reflective surfaces such as windows and other building materials. The result of these design measures is that glare is less visible from adjacent development and roadways.

The project includes installation and operation of outdoor security lighting throughout parking areas and the parking structure, circulation paths, and on the exterior of buildings. Light production will also occur from within the buildings, which will be visible from adjacent areas through windows and glass doors. The steel frame of the main hospital structure as well as other building materials will have the potential to create glare.

The proposed project also includes a helipad for receiving helicopter transports which will create the potential for an additional source of light pollution. However, the proposed facility will not be a trauma center and will therefore only occasionally receive helicopter transports which will primarily occur during daylight hours. The light produced from helicopters is not expected to be significant.

This impact is considered potentially significant, and the following mitigation measures are required to address project impacts.”

There was no light and glare analysis to support the conclusions set forth in the Draft EIR. The lumens and candle power of outdoor light was not identified, and light dispersion contours were not developed to determine the extent of light penetration pollution of adjoining properties and specifically Cruickshank. In addition, there was no analysis for the glare that the structure would generate as a result of the lighting fixtures and sun light reflecting from the structure. There was no analysis of the movement of the sun during the various days of the year or an analysis of the various heights of the structure to determine the actual glare pattern that might reflect from the structures and would be reflected onto the grounds of Cruickshank. Although the Draft EIR indicates that night helicopter transports are limited (occasionally), there is no analysis of the light that would be generated by these limited trips. The candle power of landing lights should be identified and an analysis of the impacts this light would have on adjoining properties.

5-169 cont.

5-170

There is no evidence, data, and quantitative and qualitative analysis. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District's comments. In response to the District's comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

5-171

The Draft EIR states the following mitigation measures with regards to light and glare and states that the mitigation measures will reduce the impact to a less than significant level:

“Mitigation Measure

Implementation of the following mitigation measures will reduce the impact to a less than significant level.

Mitigation Measure #3.1-2a:

All lighting in the project area shall be shielded, directed downward and away from adjoining properties and rights-of-way. Light shields shall be installed and maintained consistent with manufacturer's specifications, and shall reduce the spillage of light on to adjacent properties to less than two foot-candles, as measured at the adjacent property line.

Mitigation Measure #3.1-2b:

Lighting fixtures shall be designed to produce the minimum amount of light necessary for safety purposes.

Mitigation Measure #3.1-2c:

The project design shall include the use of glass coatings to reduce the amount of light pollution and spillage from the interior lighting. Exterior glazing shall utilize performance coatings with an interior light reflectance in the range of 5-8%. Exterior glazing shall have a light reflectance out of less than 10%.

Mitigation Measure #3.1-2d:

The project site landscaping shall include vegetation designed to shield adjacent properties from project-generated light and glare. Exterior glazing shall have a light reflectance out of less than 10%.”

5-172

A "Less-Than-Significant-Impact" is defined in Chapter One of the Draft EIR as "Impacts that do not exceed the defined standards of significant".

Although the Draft EIR presented these evaluation criteria, the document does not identify any "defined standards of significance" for light and glare.

The Draft EIR does not present an identifiable quantitative, qualitative or performance level of significance with regards to light and glare, non-compliance with which means the effect will normally be determined to be significant and compliance with which means the effect normally will be determined to be less than significant.

5-172 cont.

Therefore, the analysis and conclusions reached have no basis for acceptance. What are "substantial damage", "substantially degrade", "adverse affect", and "cause physical adverse impacts"? These are not defined standards. The District would suggest that there is a need for quantitative and qualitative defined standards. Without such standards the impacts can not be known and the evaluation of whether or not the mitigation measures would reduce the level of impact to a less than significant impact level can not be determined.

The Draft EIR did acknowledge that the District offered the following comment with regards to shade and shadow:

"Shade and shadow impacts and mitigation of the structures on the middle school."

The Draft EIR did address shading patterns on adjacent uses. Cruickshank is an adjacent use. The Draft EIR states:

"Impact #3.1-5: Create new shading patterns on adjacent land uses.

Discussion and Conclusion: The potential shading patterns of the proposed project on adjacent land uses was observed during a site visit on January 27, 2005. The construction of the two hospital towers will result in the creation of large shaded areas in the early morning and evening hours of the day during most seasons. The shading will change with the position of the sun, and will generally transition from west to east over the course of the daylight hours. During the evening hours there is a possibility of shading on the western portion of the Cruickshank Middle School and a possibility of shading at midday on future residential development to the north of the site.

5-173

The shading that will occur as a result of the project will not result in a significant adverse effect on the environment. Shading of the adjacent school would occur in

the evening hours, and would not result in the loss of landscaped areas or the freezing of soils. Shading of a particular area will be temporary and will not result in the substantial change to the climate or the environment. Implementation of the proposed project will have a less-than significant impact with regards to this topic.

Mitigation Measure

No mitigation measure is required.”

There was no shading analysis to support the conclusions set forth in the Draft EIR. As acknowledge in the Draft EIR, the conclusions are based on a single site visit on January 27, 2006. There was no analysis of the movement of the sun during the various days of the year or an analysis of the various heights of the structure to determine the actual shade and shadow patterns which would fall on the grounds of Cruickshank. There is no evidence, data, and quantitative and qualitative analysis. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments the Draft EIR offers conclusory statements unsupported by factual information. This is a flaw in the Draft EIR and is not in compliance with the CEQA Guidelines.

5-173 cont.

The Draft EIR concludes that there is no impact based upon limited discussion and then concludes that no mitigation measure is required. This conclusion is not supported by the data, and the quantitative and qualitative analysis.

Consequences of Project Implementation (Mandatory CEQA Sections)

The Draft EIR acknowledges that the District offered the following comments with regards to Growth Inducing Impacts:

5-174

“Growth inducing impacts of the Project on the community and the District in terms of new residential growth that would result in increased student enrollments and additional school facility requirements.”

Section 15130 of the CEQA Guidelines provides the requirement that cumulative impacts are to be discussed in the Draft EIR. Section 1510 states:

5-175

“(a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider

that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

(1) As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

(2) When the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant.

(3) An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

(b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. The following elements are necessary to an adequate discussion of significant cumulative impacts:

(1) Either:

(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or

(B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated

5-175 cont.

regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

(2) When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.

(3) Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

(4) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available; and

(5) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

(c) With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

(d) Previously approved land use documents such as general plans, specific plans, and local coastal plans may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIR's may be incorporated by reference pursuant to the provisions for tiering and program EIR's. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the lead agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed, as defined in section 15152(f), in a certified EIR for that plan.

(e) If a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent

5-175 cont.

with that plan or action, then an EIR for such a project should not further analyze that cumulative impact, as provided in Section 15183(j).”

Section 5.4 states the following with regards to cumulative impacts:

“5.5 Cumulative Impacts

This EIR has identified significant and unavoidable cumulative impacts to air quality as a result of implementation of the proposed project.”

The Draft EIR discussion is not in compliance with Section 15130 of the CEQA Guidelines. The Draft EIR provides no data to support the conclusions. There is no evidence, data, and quantitative and qualitative analysis. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to these provisions. In response to these provisions the Draft EIR offers conclusory statements unsupported by factual information.

5-175 cont.

In other Chapters and sections of the Draft EIR there are statements that impacts have and don't have cumulative impacts. Although the District did not specifically state in its response to the Notice of Preparation that cumulative impacts should be considered, the CEQA Guidelines are clear as to the requirements for evaluating cumulative impacts. The Draft EIR should have considered cumulative impacts by considering this Project in conjunction with the other Project's within an impact area as well as the projected land uses within an impact area as set forth in the City of Merced and County of Merced General Plans. These impact areas will vary depending on the impact being looked at. For example, traffic impacts can have an area far greater the visual impacts.

The lack of a comprehensive cumulative impact analysis is a flaw in the Draft EIR and requires detailed consideration and evaluation.

Section 15126 of the CEQA Guidelines states in part:

“All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation. The subjects listed below shall be discussed as directed in Sections 15126.2, 15126.4 and 15126.6, preferably in separate sections or paragraphs of the EIR. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed...”

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(d) Growth-Inducing Impact of the Proposed Project.”

Further, Section 15126.2 (d) of the CEQA Guidelines state in part:

“...(d) Growth-Inducing Impact of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

Section 5.6 of the Draft EIR states the following with regards to Growth Inducing Impacts:

“5.6 Growth Inducing Impacts

CEQA Guidelines, Section 15126.2 (d) require than an EIR discuss ways in which the proposed project could foster economic or population growth, or the construction of additional housing, or the way in which the proposed project might encourage and facilitate other activities that could significantly affect the environment, either directly or indirectly, in the surrounding environment.

The build out of the proposed project could result in development of related projects, such as such as medical offices and drug stores for the properties adjacent to this neighborhood, which would foster economic and physical growth in the area.”

This discussion is not in compliance with Section 15126 and 15126.2 (d) of the CEQA Guidelines. The Draft EIR provides no data to support the conclusions. There is no evidence, data, and quantitative and qualitative analysis. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to the District’s comments. In response to the District’s comments the Draft EIR offers conclusory statements unsupported by factual information.

Section 15126.2 (c) of the CEQA Guidelines states:

“(c) Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented. Uses of nonrenewable resources

5-176 cont.

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during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.”

Section 5.4 of the Draft EIR states the following with regards to Growth Inducing Impacts:

“5.4 Irreversible Impacts

Development of the proposed project area will commit non-renewable resources during construction, and ongoing utility services provided to the project area. Energy resources and building materials consumed during construction will essentially be irreversible and irretrievable.”

This discussion is not in compliance with Section 15126.2 (c) of the CEQA Guidelines. The Draft EIR provides no data to support the conclusions. There is no evidence, data, and quantitative and qualitative analysis. The Draft EIR does not address this topic in detail and does not provide a comprehensive discussion of the impacts. There appears to have been no good faith, reasoned analysis in response to these provisions. In response to these provisions the Draft EIR offers conclusory statements unsupported by factual information. In particular, the Draft EIR does not provide an evaluation of the irretrievable commitments of resources to assure that such current consumption is justified.

Section 15128 of the CEQA Guidelines states:

“An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study.”

The Draft EIR does state the impacts that were found to not be significant. However although these statements identify the impacts, they do not provide “a statement briefly indicating the *reasons* that various possible significant effects of a project were determined not to be significant”. There appears to have been no good faith, reasoned analysis in response to these provisions. In response to these provisions the Draft EIR offers conclusory statements unsupported by factual information.

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Alternatives

The CEQA Guidelines require that the Draft EIR consider and evaluate alternatives. Section 15126 of the CEQA Guidelines state:

“All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation. The subjects listed below shall be discussed as directed in Sections 15126.2, 15126.4 and 15126.6, preferably in separate sections or paragraphs of the EIR. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed....

(f) Alternatives to the Proposed Project.”

Further, Section 15121 of the CEQA Guidelines state:

“(a) An EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency...”

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Further, Section 15123 of the CEQA Guidelines state:

“(a) An EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical.

(b) The summary shall identify:

(1) Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect;

(2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public; and

(3) Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

(c) The summary should normally not exceed 15 pages.”

Further, Section 15124 of the CEQA Guidelines state:

“The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact...

(b) A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project...”

Further, Section 15126 of the CEQA Guidelines state

“All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation. The subjects listed below shall be discussed as directed in Sections 15126.2, 15126.4 and 15126.6, preferably in separate sections or paragraphs of the EIR. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed...

(f) Alternatives to the Proposed Project.”

Finally, Section 15126.6 of the CEQA Guidelines state:

“(a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376).

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant

5-179 cont.

effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

(c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

(d) Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. (*County of Inyo v. City of Los Angeles* (1981) 124 Cal.App.3d 1).

5-179 cont.

(e) "No project" alternative.

(1) The specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline (see Section 15125).

(2) The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the "no project"

alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

(3) A discussion of the "no project" alternative will usually proceed along one of two lines:

(A) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

(B) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed. In certain instances, the no project alternative means "no build" wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.

(C) After defining the no project alternative using one of these approaches, the lead agency should proceed to analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

(f) Rule of reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible

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alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

(1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; see *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1753, fn. 1).

(2) Alternative locations.

(A) Key question. The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

(B) None feasible. If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR. For example, in some cases there may be no feasible alternative locations for a geothermal plant or mining project which must be in close proximity to natural resources at a given location.

(C) Limited new analysis required. Where a previous document has sufficiently analyzed a range of reasonable alternative locations and environmental impacts for projects with the same basic purpose, the lead agency should review the previous document. The EIR may rely on the previous document to help it assess the feasibility of potential project alternatives to the extent the circumstances remain substantially the same as they relate to the alternative. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 573).

(3) An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative. (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal. App.3d 274)."

The Draft EIR states the following with regards to the Project's objectives:

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“4.2 Project Objectives

As stated in Section Two of this DEIR, the objectives of the City of Merced for this project are as follows:

1. Build a new Medical Center in Merced to serve projected needs of the Merced community through the year 2015.
2. Construct a medical facility within the urban area of Merced, with public facilities and services generally available.
3. Construct a medical facility strategically located to serve future populations in the fast growing northern and eastern areas of the Merced Specific Urban Development Plan (SUDP).
4. Ensure adequate access is provided for patients and emergency vehicles, including emergency access by medical helicopter service.
5. Comply with all appropriate development and construction requirements of the City of Merced and the California Office of Statewide Health Planning and Development (OSHPD).
6. Create buildings and a site layout which are aesthetically pleasing to surrounding residential areas.”

5-179 cont.

Although the District acknowledges these objectives they should not be at the expense of the impacts on the District, Cruickshank, or the surrounding neighborhood, with the acceptance of the environmental impacts, or inconsistent with the General Plan of the City and the General Plan land uses and zoning authorized by the City.

The Alternatives presented in the Draft EIR include:

1. No Project Alternative
2. Reduced Height Alternative
3. Bellevue Ranch Alternative

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The District would suggest that there are other alternatives that could be considered, including but not limited to:

1. Redevelopment of the existing Mercy Hospital site.

2. Relocation of the propose Project to another location where vacant land can accommodate the development and away from Cruickshank schools and any other school of the District.
3. Relocation of the proposed Project north of the Open Space – Park Recreation land use north of the current site.
4. Relocation of the proposed Project into the University Community Specific Plan area and away from any school locations.
5. Prohibition of the helipad and the helicopter operation at the hospital
6. Redesign of the site plan to orient the detrimental impacting components of the Project onto “G” Street.

5-180 cont.

The District suggest that the Draft EIR needs to include sufficient information about each Draft EIR stated alternative and the additional District recommended alternatives to allow meaningful evaluation, analysis, and comparison with the Project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. The District would suggest that if an alternative would cause one or more significant effects in addition to those that would be caused by the Project, the significant effects of the alternative should be discussed.

Although the same level of detail of the evaluation of the alternatives is not required to be the same as the Project, the District would suggest that there needs to be provided evidence, data, and quantitative and qualitative analysis to support the conclusions that the alternatives are or are not acceptable, and that the environmental impacts of the alternatives can be mitigated. The Draft EIR can not address this topic without a level of detail and must provide a comprehensive discussion of the alternatives and the impacts of the alternatives. There needs to be the same level of good faith, reasoned analysis in response to the alternatives as there is for the Project. Conclusory statements unsupported by factual information are not in compliance with the CEQA Guidelines.

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After reviewing the analysis of the alternatives stated in the Draft EIR, the District has found that it does not comply with the requirements of the CEQA Guidelines. In particular District would suggest that there is no evidence, data, and quantitative and qualitative analysis to support the conclusions that the alternatives are or are not acceptable, and that the environmental impacts of the alternatives can be mitigated. The Draft EIR does not address this topic with a level of detail required by CEQA and does not provide a comprehensive discussion of the alternatives and the impacts

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of the alternatives. There is not the same level of good faith, reasoned analysis in response to the alternatives as there should be for the Project. Conclusory statements are offered not supported by factual information presented in violation of the CEQA Guidelines. Finally, a conclusion as to the acceptability of any one alternative over the Project or other alternatives is not presented

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Adequacy of the Draft EIR

Based on solely the comments as contained herein, the District has concluded that the Draft EIR is inadequate and requires revisions and re-writing to address the concerns raised by the District. Section 15151 of the CEQA Guidelines states:

“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”

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The District would suggest that the Draft EIR has not been prepared with a sufficient degree of analysis to provide decision-makers with information that would enable them to make a decision which intelligently takes into account all of the environmental consequences of the Project. The evaluation contained in the Draft EIR is not of a sufficiency to be reviewed in the light of what is reasonably feasible. The District finds that this is a substantial project that has a number of significant components that can adversely affect the environment and adjoining land uses. The inclusion of conclusory statements not supported by data, and quantitative and qualitative analysis, is a clear indication of the incompleteness of the Draft EIR and the lack of a good faith effort to provide a full disclosure of the impacts and consequences of the development of the Project.

It is for this reason that the District would request that the Draft EIR be revised to address all of the comments that have been addressed in this letter, and that further data be provided and quantitative and qualitative analysis be performed. The District believes that the re-drafted EIR will require recirculation.

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Section 15088.5 of the CEQA Guidelines states:

“(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section,

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the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
 - (c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.
 - (d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.
 - (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.
 - (f) The lead agency shall evaluate and respond to comments as provided in Section 15088. Recirculating an EIR can result in the lead agency receiving more than one set of comments from reviewers. The following are two ways in which the lead agency may identify the set of comments to which it will respond. This dual approach avoids confusion over whether the lead agency must respond to comments which are duplicates or which are no longer pertinent due to revisions to the EIR. In no case

shall the lead agency fail to respond to pertinent comments on significant environmental issues.

(1) When an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR.

(2) When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

(3) As part of providing notice of recirculation as required by Public Resources Code Section 21092.1, the lead agency shall send a notice of recirculation to every agency, person, or organization that commented on the prior EIR. The notice shall indicate, at a minimum, whether new comments may be submitted only on the recirculated portions of the EIR or on the entire EIR in order to be considered by the agency.

(g) When recirculating a revised EIR, either in whole or in part, the lead agency shall, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR.”

The District would suggest that responses to the comments of the District as contained herein will result in significant new information be added to the Draft EIR. This new information will be "significant", and not recirculating the revised Draft EIR will deprive the public and the District of a meaningful opportunity to comment upon the substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such effects (including feasible project alternatives) that the Project Applicant has declined to implement. The District believes that the additional information and analysis responding to the District comments show that a) new significant environmental impacts will result

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Ms. Kim Espinosa, Planning Manager
Planning and Permitting Division
City of Merced
May 12, 2006
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from the Project or from new mitigation measures proposed to be implemented; b) there will be a substantial increase in the severity of the environmental impacts which would result unless mitigation measures are adopted that reduce the impacts to a level of insignificance; c) feasible project alternatives or mitigation measures considerably different from others previously analyzed and set forth in the Draft EIR can clearly lessen the environmental impacts of the Project; and d) the Draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment has been precluded.

5-185 cont.

The District would further suggest that the Draft EIR is inadequate and requires major revisions and modifications that can not simply be address by responding to these comments. Instead the Draft EIR needs to be re-drafted and re-circulated.

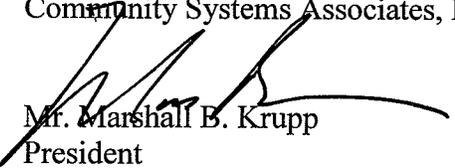
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These comments are submitted by the District as a part of the public record on this project in order to protect and preserve the District's administrative and legal remedies.

Thank you for your assistance and consideration.

Sincerely,

Community Systems Associates, Inc.



Mr. Marshall B. Krupp
President

MBK:mbk
Merced-mercy medical center DEIR Comments 05-08-06

CC: Mr. Terry Brace, Superintendent
Merced City School District
444 West 23rd Street
Merced, California 95340

Letter 5: Marshall Krupp, Community Systems Associates, Inc.

Response 5-1: The Notice of Preparation (NOP) contained in Appendix A of the Draft EIR was published on December 14, 2005 to fulfill CEQA requirements to provide sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response (§15082(a)(1)). The project description in Chapter 2 of the Draft EIR differs from the project description in the NOP because details of the project were slightly modified prior to publication of the Draft EIR. Impacts and mitigation measures discussed in the Draft EIR are based on the project description contained in Chapter 2 of the Draft EIR. CEQA does not require that the project description in the Draft EIR be identical to the description of the project in the NOP.

Response 5-2: The Draft EIR describes the three phases of the project in Chapter 2. The Draft EIR further discusses the three phases in Chapter 3 (Environmental Setting, Impacts, and Mitigation Measures) to the extent they are relevant to the analysis of impacts and in the formulation of mitigation measures. The effects of phasing on impacts are discussed in Section 3.3 (Air Quality) and Section 3.12 (Transportation/Circulation). Analyses in all other impact discussions are based on the complete build-out of the project (completion of all three phases).

Response 5-3: Comment noted. The Draft EIR acknowledges that the project site is adjacent to the Cruickshank Middle School.

Response 5-4: Comment noted. This is not a comment on the adequacy of the EIR.

Response 5-5: A Draft EIR has been completed for the project. This document is the Final EIR. These documents have been prepared in accordance with the State CEQA Guidelines and include all of the necessary elements required by CEQA.

Response 5-6: Passenger vehicle traffic during the construction and operation of the Mercy Medical Center is not expected to be a significant noise source. This is due to the fact that vehicle traffic during full buildout of the project was identified to have a less than significant noise impact. Construction noise impacts were identified in the EIR. In addition, mitigation measures were also identified. See Section 3.3.

Response 5-7: Passenger vehicle traffic, construction vehicle traffic and delivery vehicle traffic have been evaluated in the Draft EIR (see Section 3.3). Ambulance and law enforcement sirens are of short duration. Typical SEL values associated with an ambulance siren is approximately 90 dB at a distance of 50 to 75 feet. Assuming 30 siren events occur in a 24-hour period, the noise level at 75 feet would be 55 dB CNEL/Ldn. The overall noise levels would be considerably less than the traffic noise levels along the roadways.

Response 5-8: The hospital does not propose outdoor paging systems. The analysis of general operations, including the power plant, have been evaluated in the Draft EIR Section 3.3. The discussion on siren noise levels has been described in Response 5-7.

Response 5-9: In response to the Districts comments dated January 14, 2006, Section 3.12 of the EIR included a Traffic Impact Study in accordance with Caltrans "Guide for the Preparation of

Traffic Impact Studies,” to address cumulative impacts. Existing and future roadway segments in the vicinity of the project site were analyzed for the EIR. Impact #3.12-7 indicates that there will be a less-than-significant cumulative impact as a result of increased traffic. In addition, implementation of Mitigation Measure #3.12-1 will reduce impacts to roadways and intersections in the vicinity of the proposed project.

Response 5-10: Construction related traffic impacts are considered to be less than significant, based on generally fewer construction related trips in comparison with normal operation traffic. Section 3.12 identifies quantitative data for normal operation traffic for the proposed project.

Response 5-11: According to project plans, all emergency vehicle access and egress will be directed to G Street where the emergency room of the hospital has been proposed. Additionally, it has been determined in Section 3.12 that there will be some conflicts between normal operating traffic and school vehicles; however, based on the traffic analysis for roadways and intersections in the vicinity of the project site, such conflicts will result in a less than significant impact.

Response 5-12: In addition to Mitigation Measure #3.12-4 in Section 3.12 (Transportation and Circulation), the following Mitigation Measure, #3.12-4b is added to further reduce traffic related impacts to a level of less than significant. Mitigation Measure #3.12-4 is renamed #3.12-4a.

Mitigation Measure #3.12-4a:

Provide sidewalks, bicycle lanes, and bicycle paths along roadways adjacent to the project site. Figure 4.10 in Chapter 4, Transportation and Circulation, of the Merced Vision 2015 General Plan (City of Merced 1997) shows:

- *a Class 2 (on-street) bicycle facility along G Street, and*
- *a Class 1 (off-street) bicycle facilities along Cottonwood Creek north of the project site.*

Mitigation Measure #3.12-4b:

In the event that increases in traffic, as a result of the proposed hospital, creates a safety hazard for children of the adjacent school, the project proponent with the consent and approval of the City will provide one or more of the following safety measures; slow for school zone signs, or crosswalks near the intersections of Paulson Road - Cormorant Drive and Mansionette Drive – Cormorant Drive. Together with the other mitigation measures any one or a combination of these mitigation measures will reduce the impact to less than significant. If crosswalks are installed, they shall include imbedded flushing lights in the pavement, activated by a switch.

Response 5-13: Comment noted. Updated Figures 3.10-1 through Figure 3.10-3 show three inbound and outbound flight paths for the project helipad. The Figures do not indicate a flight path directly over Cruickshank Middle School. The California Department of Transportation,

Division of Aeronautics Public Utilities Code Section 21001 et seq. of the State Aeronautics Acts, Section 21662.5 states the following:

No helicopter may land or depart in any area within 1,000 feet, measured by air line, of the boundary of any public or private school maintaining kindergarten classes or any classes in grades 1 through 12, without approval of the department or by a public safety agency designated by the department, unless the landing or departure takes place at a permitted permanent heliport (also known as a helipad), or is a designated emergency medical service landing site.

Additional regulations include the California Department of Transportation (Caltrans), California Code Regulations (CCR), Title 21 Sections 3525, 3526, 3533, and 3550 through 3560, which contain regulations pertaining to the operation of helipads. These regulations are based on Federal Aviation Administration (FAA) regulations.

Response 5-14: Impacts to air quality as a result of increased vehicle trips and power plant emissions are addressed in Section 3.3 of the Draft EIR. See Response 5-135 regarding emissions from helicopter operations.

Response 5-15: Impact #3.7-1 and Impact #3.7-2 refer to the California Office of Statewide Health and Planning Development (OSHPD), which is responsible for setting and enforcing regulations pertaining to medical waste. The Medical Waste Management Act outlined in the California Health and Safety Code Sections 117600 – 118360 includes regulations for containment and storage of medical waste within Chapter 9. As indicated in the discussion, regulations set in place are sufficient to ensure that the existence of chemicals associated with medical facilities will not have a significant adverse impact on the public or the surrounding environment.

Response 5-16: There is a discussion of the projects impacts on surrounding viewsheds in Impact #3.1-1. As indicated, these impacts are potentially significant and unavoidable.

Response 5-17: Refer to Section 3.1, which provides mitigation for light and glare impacts. See Mitigation Measures #3.1-2c and #3.1-2d, which reduce these impacts to a less than significant level.

Response 5-18: Comment noted. Section 3.1, Impact #3.1-5 consider shading impacts to adjacent properties. This section indicates that shading is likely to occur in the early morning and evening hours of the day during most seasons. During the evening hours there is a possibility for shading on the western portion of the Cruickshank Middle School; however, shading impacts as a result of the proposed project will not result in a significant environmental impact, and will not require mitigation.

Response 5-19: Comment noted, see Response 5-44.

Response 5-20: Comment noted. This is a statement that is not related to the adequacy of the Draft EIR.

Response 5-21: The Draft EIR includes information on schools in the vicinity of the project site, including Cruickshank Middle School, on page 3-115. The source for this information, California Department of Education, Education Data Partnership, is listed at the end of Section 3.11. Since the information on schools was available from this source, it was not necessary to contact the Merced City School District.

Response 5-22: Although the Merced City School District was not consulted as a source for impact analysis in Chapter 3 of the Draft EIR, the Draft EIR did address the concerns raised by the District in its January 14, 2005 letter to the City of Merced in response to the Notice of Preparation (see Appendix A of the Draft EIR).

Response 5-23: Comment noted. This is a re-statement of Section 15083 of the State CEQA Guidelines and is not a comment on the Draft EIR.

Response 5-24: Comment noted, see Response 5-27.

Response 5-25: The Notice of Availability was completed in accordance with Appendix L of the State CEQA Guidelines. Although the notice did not explicitly identify the anticipated environmental effects, this information was previously transmitted to the commenter during the Notice of Preparation and circulation of the Initial Study.

Response 5-26: The District's comments will be reviewed by the City and have been responded to in this Final Environmental Impact Report according to Section 15088 of the CEQA Guidelines. The City need not respond to all comments on the Draft EIR, but only to the significant environmental issues presented (Section 15088(c), 15123(d), 15204(a) of the State CEQA Guidelines).

The City as a lead agency is not required to conduct every test or perform all research, studies, or experimentation at the commenter's request (Section 15204(a)). An EIR need not provide all information reviewers request, as long as the report, when looked at as a whole, reflects a good faith effort at full disclosure (Section 15204(a) of the CEQA Guidelines).

Response 5-27: The Draft EIR contains adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines.

Response 5-28: The Merced City School District received a Notice of Preparation for the project and was given the opportunity to comment on the project and raise any potential impacts to Cruickshank Elementary or the District. All data regarding the District and Cruickshank Elementary required for the environmental analysis was obtained from these comments, a site visit performed by Quad Knopf staff, and other sources as indicated in the Draft EIR.

Response 5-29: Comment noted, see Response 5-28.

Response 5-30: See Response 5-13. Regulations pertaining to emergency flights for medical purposes are covered in Sections 21662.4 and 21662.5 of the Caltrans Public Utilities Code Section 21001 et seq. of the State Aeronautics Act.

Response 5-31: Comment noted, see Response 5-2.

Response 5-32: The Land Use section of the Draft EIR contains those general plan policies that are relevant to the proposed project and to the environmental issues addressed in this section. All other general plan policies relevant to the proposed project are contained in the section that analyzes the environmental issues to which they apply (i.e. General Plan policies that relate to air quality are contained in Section 3.3 Air Quality). Therefore, the Draft EIR does provide full disclosure of all general plan policies that are relevant to the proposed project.

CEQA Guidelines Section 15125(d) does not require the Draft EIR to provide a consistency discussion for every general plan policy, instead it requires a discussion of any inconsistencies between the proposed project and the applicable general plan. An “applicable” plan is a plan which has been adopted and thus legally applies to a project; draft plans need not be evaluated (*Chaparral Greens v. Chula Vista*, (1996) 50 CA 4th 1134, 1145).

Response 5-33: The latest versions of all city documents were used for preparation of the Draft EIR including the City of Merced Vision 2015 dated April 1997, General Plan Appendix A dated April 2006, and the City of Merced Housing Element dated June 2004. Consistency with these documents was analyzed in the Draft EIR and all inconsistencies were identified.

Response 5-34: The Draft EIR contains those general plan policies that are relevant to the proposed project and identifies any inconsistencies between the proposed project and the applicable general plan.

According to CEQA case law, a given project need not be in perfect conformity with each and every general plan policy. To be consistent, a project must be compatible with the objectives, policies, general land uses and programs specified in the general plan (*FUTURE v. Board of Supervisors*, supra, 62 Cal. App. 4th. At p. 1336).

Response 5-35: Comment noted.

Response 5-36: This is a comment related to the City’s General Plan and is not a comment on the adequacy of this Draft EIR. There is no requirement to halt approval of development plans during a General Plan Update process.

Response 5-37: Comment noted, see Response 5-36.

Response 5-38: The City of Merced Vision 2015 General Plan was prepared in 1997 for the planning period of 1997 to 2015. An updated Housing Element was adopted in 2003 for the planning period of 2003 to 2008. OPR’s General Plan Guidelines state that “most jurisdictions select 15 to 20 years as the long-term horizon for the general plan.” Further, the Merced General Plan was prepared in anticipation of substantial population growth in California and the Merced area and its goals, policies, and implementation actions were based upon this assumption. The General Plan is not considered to be out-of-date and the commenter has not provided evidence to the contrary. The commenter has also not provided any evidence that the General Plan lacks internal consistency.

Response 5-39: Comment noted, see Response 5-38.

Response 5-40: The commenter has not provided examples of where the Draft EIR has not included evidence of a finding that the project complies with Goals, Policies, and Implementation Actions of the General Plan. In terms of land use policies, following a qualitative discussion, Impact #3.9-1 concluded that the project is not consistent with General Plan Policy L-1.5 (“Protect existing neighborhoods from incompatible developments”). Impact #3.9-2 provides qualitative data to support the finding that the project is consistent with General Plan Policy L-1.4 (“Conserve residential areas that are threatened by blighting influences”). See Response 5-46. This impact is significant and unavoidable.

Response 5-41: The discussion under Impact #3.9-1 concluded that the project is not consistent with General Plan Policy L-1.5, that no mitigation measures are available to offset or reduce the impact, and therefore the impact will remain significant and unavoidable.

Response 5-42: The meaning of the word *adjacent* in the first sentence of the last paragraph on Page 3-90 of the Draft EIR is based on definition “b:” in Webster’s Dictionary: “having a common endpoint or border.” The fifth paragraph of the Project Description (Page 2-1) describes land uses surrounding the site, including developed and vacant residential lands to the south. Figure 2-1 shows that the existing neighborhood south of the project site is on the south side of Yosemite Avenue and separated from the southern boundary of the project site by an approximately 1500-foot-wide block of vacant land. By this definition, the proposed hospital complex is not adjacent to an existing neighborhood.

Response 5-43: The discussion under Impact #3.9-1 concluded that the possibility that new commercial uses in the area could cause environmental impacts to existing neighborhoods and Cruickshank Middle School, and that therefore the project is not consistent with General Plan Policy L-1.5 (“Protect existing neighborhoods from incompatible developments”). It further concluded that no mitigation measures are available to offset or reduce the impact, and therefore the impact will remain significant and unavoidable. It would be speculative to conclude that commercial development will cause environmental impacts without environmental review of actual projects proposed for adjacent properties. As of the preparation of this Final EIR, no such projects have been proposed.

Response 5-44: Potential growth inducing impacts of the project are discussed in sections 3.9 *Population and Housing* and 5.6 *Growth Inducing Impacts*. The Draft EIR states that the project will not result in a significant population increase but may result in development of related projects, such as medical offices and drug stores for the properties adjacent to this neighborhood, which would foster economic and physical growth in the area. The Draft EIR also states that there have been no applications or inquiries for such development; therefore, any further detail regarding this potential impact would be too speculative at this time.

Response 5-45: Project alternatives are described and analyzed for potential environmental impacts in section 4.0 of the Draft EIR. Three project alternatives were evaluated in this section including the No Project Alternative, the Reduced Height Alternative, and the Bellevue Ranch Location Alternative. In accordance with CEQA Guidelines Section 15126.6(a), all of these

alternatives would impact at least one environmental issue at a lesser level than the proposed project.

Response 5-46: Impact #3.9-2 addresses the issue of whether the relocation of existing Catholic Healthcare West (CHW) operations currently using facilities at the old County Hospital site on 13th Street leased from Merced County would lead to blight in surrounding residential areas, which would be inconsistent with City of Merced General Plan Policy L-1.4 (“Conserve residential areas that are threatened by blighting influences”). Merced County officials were interviewed to assess the likelihood that the space would remain vacant for an extended period of time if CHW were to vacate the facilities. Since county officials interviewed indicated that various county departments had identified uses for the facilities, and the county was developing a plan for re-using the facility when CHW’s lease expires, it was concluded that the probability of the site being permanently abandoned and left in a state that could lead to blight in surrounding residential areas was extremely low. The commenter has not presented evidence to contradict this conclusion or otherwise show that the project is inconsistent with L-1.4. Section 15204(c) in the Guidelines of the California Environmental Quality Act states the following:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Under the CEQA Guidelines agencies must make their best efforts to find out and disclose all they reasonably can, although they are not required to foresee the unforeseeable (Section 15144 of the CEQA Guidelines). The Draft EIR cannot be more specific as to what will happen to the old hospital facilities as there is no way of knowing what interested party if any the county will lease to, as the City has no control over the County. Uncertain or speculative future activities not currently proposed for approval and that are not reasonable foreseeable consequences of the project that is proposed for approval need not be included in the description or analyzed in the EIR.

Response 5-47: Impact #3.9-4 addresses the issue of whether implementation of the proposed project will significantly reduce the City’s housing stock by converting land currently designated for residential development to non-residential uses. The potential residential development of the project site was estimated to be 413 based on maximum building densities of the site’s existing zoning districts. The City’s estimated housing needs for all income groups through 2008 was presented and was compared to the potential number of dwelling units that would be constructed if the current inventory of vacant land designated and zoned for residential uses were to be developed. It was found that the potential build out was 16,130 dwelling units and the estimated housing needs was 4,666 indicating that there is adequate acreage designated and zoned for residential use to meet the City’s housing needs and that the loss of 413 potential dwelling units represents an insignificant loss.

The commenter has not presented evidence to contradict this conclusion or otherwise show that the project will result in a significant impact to the City’s current housing stock or future housing

needs. Section 15204(c) in the Guidelines of the California Environmental Quality Act states the following:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Response 5-48: Impact #3.9-4 (“Division of an Established Community”) addresses the checklist item from Appendix G of the CEQA Guidelines, “Physically divide an established community.” In other words, would the project be a physical barrier to movement between the Northeast Yosemite Specific Plan area and neighborhoods west of “G” Street. The proposed project will maintain Cormorant Drive as a through road, providing continued access between Cruickshank Middle School and G Street. In addition, the project proponents will upgrade pedestrian and bicycle facilities along Cormorant Drive, which will improve access to and from Cruickshank Middle School from “G” Street from current conditions (see Mitigation Measure #3.12-4 in the Draft EIR).

Response 5-49: Impact #3.9-5 discusses whether the project will induce population growth and concludes that this impact is less than significant. The proposed project is a hospital complex and does not include dwelling units. Impact #3.9-3 notes that the project, by converting land designated for residential development to Professional/Commercial Office, will actually reduce potential residential development in the City of Merced by 413 dwelling units. In addition, Impact #3.9-1 notes that the project may encourage conversion of other parcels in the area, currently designated for residential development, to commercial uses, which would further reduce the available land for residential dwelling units in the city. Although the project will generate new jobs, which may contribute to population growth in the area as the project builds out, a significant proportion the employees who will work at the new facility will transfer from the current 174-bed facility at the Dominican Campus. Impact #3.9-5 notes that the project is designed to accommodate population growth. The project proponent planned the size of the proposed hospital complex based on a calculated need for inpatient beds driven primarily by projected population growth in Mercy Medical Center Merced’s service area (cities of Atwater, Livingston, Winton, and Merced).

Response 5-50: Comment noted. This is a restatement of the analysis in the Draft EIR and is not a comment on the adequacy of the document.

Response 5-51: This comment is a recitation of some of the assumptions and approaches used in the traffic analysis. It is not a comment on the Draft EIR or the traffic analysis.

Response 5-52: As documented in the technical appendix of the traffic impact study, the traffic analysis assumed 2% of the vehicle fleet is composed of heavy-duty vehicles. This percentage is considered a representative value for roadways that serve primarily residential areas, and was validated with on-site observations of vehicle travel.

Response 5-53: The EIR preparers agree that Cruickshank Middle School is an important land use. However, it should be noted that both G Street and Yosemite Avenue are major arterial

roadways, and that traffic conditions in the study area are affected by many important land uses in the North Merced area.

Although the EIR preparers may not agree with the contention that Cruickshank Middle School is the most significant and sensitive land use, the EIR preparers do recognize the school's adverse effects on traffic conditions in the study area. The adverse effects of school-related traffic have been directly measured in the Existing Conditions traffic volumes shown in Figure 6 of the traffic impact study, and in the Cumulative No Project traffic volumes shown in Figure 9 of the traffic impact study. Both of these figures show traffic volumes without the Mercy Medical Center project. The adverse effects of the school are most apparent at the intersection of G Street and Cormorant Drive, where high traffic volumes during the a.m. peak hour were measured on the westbound-to-southbound left-turn movement, and the northbound-to-eastbound right-turn movement. The increase in traffic volumes on these two movements from Existing Conditions to Cumulative No Project conditions reflects a recognition that the adverse effects of the school may increase in the future.

The relatively high traffic volumes at the intersection of G Street and Cormorant Drive on the westbound-to-southbound left-turn movement, and the northbound-to-eastbound right-turn movement on during the a.m. peak hour were not measured during the p.m. peak hour. This reflects the hours of operation of the school, and the school's adverse effect on traffic being greater during the a.m. peak hour than the p.m. peak hour.

The traffic counts and forecasts demonstrate the traffic analysis directly addresses the adverse effects of the school on traffic conditions. See revised Mitigation Measure 3.12-4b.

Response 5-54: As noted in the response to Comment 5-53, the adverse effects of Cruickshank Middle School on traffic conditions are directly reflected in the traffic analysis of Existing (current) conditions and Cumulative (future) No Project conditions.

Response 5-55: See Response 5-53.

Response 5-56: See Response 5-53.

Response 5-57: See Response 5-53.

Response 5-58: See Response 5-53.

Response 5-59: The traffic impact study's characterization of traffic conditions is based on "level of service" (LOS). As shown in Table 1 of the traffic impact study, LOS is directly determined by vehicle delay. The commenter contends the use of LOS standards in the EIR does not address the additional time needed for vehicles to travel in the study area. Contrary to the commenter's opinion, travel time (as measured by vehicle delay) is the quantitative basis for determining LOS. As a result, the EIR preparers consider the use of LOS standards to be quite effective at quantifying the effect of the proposed project on the time needed for vehicles to travel in the study area.

There is no commonly-accepted measure of forecasted safety conflicts between vehicles, or between vehicles and bicycles/pedestrians; however, the general magnitude of these potential conflicts is related to traffic volumes and the capacity of the transportation system. Because LOS directly reflects traffic volumes and system capacity, the EIR preparers consider LOS to be an indicator of potential conflicts. Relatively high traffic volumes and an inadequate transportation system would adversely affect LOS, and result in potential traffic-related conflicts.

For the reasons described above, the EIR preparers consider an LOS standard to be appropriate for use in the EIR.

Response 5-60: The commenter suggests that “No Project traffic should be allowed to go “west” of Mercy Avenue . . .,” and that measures should be imposed to “prevent traffic from being directed westerly towards Cruickshank” Middle School. It appears the commenter has misstated the direction of travel. The EIR preparers assume the commenter intended to state that project-related traffic should be prohibited from traveling east of Mercy Avenue towards Cruickshank Middle School.

The commenter suggests that all project-related traffic be directed to G Street, rather than Paulson Road or Mansionette Drive. G Street would be the primary access route used by project-related travel. The traffic analysis assumes approximately 95% of project-related traffic would not use Cormorant Drive east of Mercy Avenue, Paulson Road, or Mansionette Drive. The EIR preparers believe it would be unrealistic and unnecessary to direct 100% of traffic away from Cormorant Drive east of Mercy Avenue.

It should be noted that some residential land uses are planned for the area east of the proposed project site. While these residential land uses are not expected to generate a substantial amount of travel to the Mercy Medical Center, Cormorant Drive east of Mercy Avenue may be an important access route for the residents of these areas. While the commenter is focused on Cruickshank Middle School, the EIR preparers are cognizant of the importance of providing these residents with access to medical care.

The traffic analysis indicates that access to and from the east of the project site can be accommodated without exceeding the significance thresholds established in the impact evaluation criteria. Therefore, the travel prohibitions suggested by the commenter are not considered necessary to reduce the significance of impacts.

Response 5-61: The intent of the EIR and the traffic analysis is to identify and mitigate significant impacts of the proposed project. The EIR cannot responsibly address matters “regardless of the level of significance on Cruickshank” Middle School. The EIR preparers consider the analysis presented in the EIR to adequately disclose and mitigate these impacts.

Response 5-62: The south parking lot referred to in the traffic impact study is the parking lot south of Cormorant Drive.

Response 5-63: The commenter suggests that traffic should be directed “to the west around the Cancer Center to ‘G’ Street.” Pages 15 and 16 of the traffic impact study describe adopted City of Merced policies related to the spacing of intersections. According to Section 4.3.2 of the

Merced Vision 2015 General Plan, signalized intersections on G Street should be no less than one-half mile apart, and right-turn-in/right-turn-out unsignalized intersections should be no less than one-quarter mile apart. Thus, according to adopted City policy, there should be no access point onto G Street within one-quarter mile of the currently-signalized intersection at Cormorant Drive. Implementation of the traffic routing suggested by the commenter would result in a violation of adopted City policy. As a result, the EIR preparers do not consider the commenter's suggestion to be a feasible mitigation measure.

Response 5-64: Comment noted, see Response 5-63.

Response 5-65: As noted by the commenter, the text of the EIR describes the intersection of Mercy Avenue and Cormorant Drive, and the intersection of G Street and Yosemite Avenue, operating at acceptable LOS B with implementation of the mitigation measure recommended for the intersection of Sandpiper Drive and Cormorant Drive. This description is provided in a paragraph at the bottom of page 3-132, and the top of page 3-133 of the Draft EIR. The description of these intersections operating at LOS B is inadvertently erroneous.

Table 3.12-2 of the Draft EIR correctly shows the LOS with the recommended mitigation measure in italicized text. In addition, the traffic impact study correctly describes the LOS in both text and tables.

The paragraph at the bottom of page 3-132 and top of page 3-133 is hereby replaced with the following.

~~Implementation of the following mitigation measure would increase the number of vehicles making through movements, and left turns at the intersection of Mercy Avenue and Cormorant Drive, and at the intersection of G Street and Yosemite Avenue, however these two intersections would operate at an acceptable LOS B.~~

Implementation of the following mitigation measure would increase the number of vehicles making through movements, and left-turns at the intersection of Mercy Avenue and Cormorant Drive, and at the intersection of G Street and Yosemite Avenue. With implementation of the mitigation measure, the intersection of Mercy Avenue and Cormorant Drive would operate at acceptable LOS C during the a.m. peak hour and acceptable LOS B during the p.m. peak hour, and the intersection of G Street and Yosemite Avenue would operate at acceptable LOS C during the a.m. peak hour and acceptable LOS D during the p.m. peak hour.

Since all of the tables show the correct LOS, this is considered a minor revision of the text and does not introduce any new information.

Response 5-66: Comment noted, see Response 5-59.

Response 5-67: The potential effects of this mitigation measure on the intersection of Mercy Avenue and Cormorant Drive are specifically addressed in Table 8 and Table 9 of the traffic impact study. In both of these tables, the effects of the mitigation measure on the intersection of

Mercy Avenue and Cormorant Drive are shown in the italicized text for intersection #10 “*Mercy Avenue and Cormorant Drive – Mitigated.*”

In both Table 8 and Table 9, an asterisk and footnote also indicate the purpose of showing the information is to disclose the effects of this mitigation. The footnote in both tables states, “LOS presented to show the effects of prohibiting outbound left-turns at the intersection of the Sandpiper Avenue and Cormorant Drive.”

Lastly, the LOS calculation worksheets showing the effects of this mitigation measure on the intersection of Mercy Avenue and Cormorant Drive are presented in the Technical Appendices to the traffic impact study. Appendices K and L present the LOS calculation worksheets for mitigated Existing Plus Project conditions during the a.m. peak hour and p.m. peak hour, respectively. Appendices Q and R present the LOS calculation worksheets for mitigated Cumulative Plus Project conditions during the a.m. peak hour and p.m. peak hour, respectively.

Response 5-68: The effects of the mitigation measure recommended for the intersection of Paulson Road and Yosemite Avenue are specifically addressed in Table 8 of the traffic impact study. In Table 8, the effects of the mitigation measure on the intersection of Paulson Road and Yosemite Avenue are shown in the italicized text for intersection #16 “*Paulson Road and Yosemite Avenue.*”

The effects of the mitigation measure recommended for the intersection of Sandpiper Avenue and Cormorant Drive are specifically addressed in both Table 8 and Table 9 of the traffic impact study. In both Table 8 and Table 9, the effects of the mitigation measure on the intersection of Sandpiper Avenue and Cormorant Drive are shown in the italicized text for intersection #9 “*Sandpiper Avenue and Cormorant Drive.*”

As noted in the response to comment 5-67, the effects of the mitigation measures on the intersection of Mercy Avenue and Cormorant Drive are also address in Table 8 and Table 9. See revised Mitigation Measure 3.12-4b.

Lastly, the LOS calculation worksheets showing the effects of the mitigation measure recommended for the intersection of Paulson Road and Yosemite Avenue are presented in the Technical Appendices K and L to the traffic impact study. The LOS calculation worksheets showing the effects of the mitigation measure recommended for the intersection of Sandpiper Avenue and Cormorant Drive are presented in the Technical Appendices K, L, Q, and R to the traffic impact study. Appendices K and L present the LOS calculation worksheets for mitigated Existing Plus Project conditions during the a.m. peak hour and p.m. peak hour, respectively. Appendices Q and R present the LOS calculation worksheets for mitigated Cumulative Plus Project conditions during the a.m. peak hour and p.m. peak hour, respectively.

Response 5-69: In addition to providing a valuable public service, one of the important objectives of public transportation is to reduce traffic congestion by reducing the dependence on single-occupant vehicles. The commenter, as a school district, should be especially aware of this objective. Like the Mercy Medical Center, the school district offers public transportation as an alternative form of transportation, to provide a valuable public service and reduce school-related traffic congestion.

The EIR preparers acknowledge the importance of proper design of the public transportation facilities. It is for this reason that the mitigation measure specifies that the selection and location of the facilities should be determined in consultation with Merced County Transit.

Because the public transportation facilities have not yet been selected, located, or designed, no quantitative evaluation of the effects of these facilities is feasible. From a qualitative perspective, Mitigation Measure #3.12-3 has been proposed and these mitigation measures have been determined to reduce the impact to a less than significant level. The commenter has not presented any evidence that this mitigation measure does not reduce impacts to a less than significant level.

Response 5-70: The EIR identifies the increase in demand for bicycle and pedestrian facilities, in conjunction with the current lack of facilities in the vicinity of the project site, as a significant impact. The EIR also identifies a mitigation measure (#3.12-4) to reduce this impact to a less-than-significant level. A new mitigation is proposed to further reduce potential impacts. See response 5-12 and Mitigation Measures 3.12-4a and 3.12-4b.

Response 5-71: Vehicles traveling to and from the emergency vehicle entrance on G Street would not be expected to use Mercy Drive, Cormorant Drive, Mansionette Drive, or Paulson Road. Therefore, vehicles traveling to and from the emergency vehicle entrance would not affect these roadways.

Response 5-72: The EIR preparers disagree with the commenter's unsupported contention that the analysis of cumulative conditions was "based on a superficial analysis of data."

As specified by the City of Merced in the *Sample Traffic Study Scope of Work* (City of Merced 2004b), the forecasts of cumulative traffic conditions are based on the MCAG travel forecast model. The MCAG travel model includes land use designations, population forecasts, and circulation improvements consistent with the City of Merced General Plan. The MCAG model also comprehensively addresses the mix of current and forecasted land use development, and transportation system improvements. In doing so, the MCAG travel model is considered to be an appropriate basis for the analysis of Cumulative traffic conditions.

Response 5-73: The study intersections analyzed for the traffic impact study and the EIR identify project-related effects along all the potential access routes to the proposed project site. The EIR preparers consider the selection of the study intersections to adequately disclose both near-term direct project-related impacts, as well as long-term cumulative impacts.

Response 5-74: See Response 5-73.

Response 5-75: See Response 5-73.

Response 5-76: See Response 5-73.

Response 5-77: Please see the Response to comment 5-73.

In regards to the analysis of project components south of Cormorant Drive, the traffic impact study does include both the medical office building on the southwest corner of Cormorant Drive and Sandpiper Avenue, and the parking facilities south of Cormorant Drive.

The medical office building on the southwest corner of Cormorant Drive and Sandpiper Avenue is included in the trip generation estimates presented in Table 7 and Table 12 of the traffic impact study, and is included in the traffic analysis of the proposed project.

The parking facilities south of Cormorant Drive are also included in the traffic analysis. Intersections 11, 12, and 13 are the driveway entrances to the parking facilities south of Cormorant Drive.

Response 5-78: See Response 5-77.

Response 5-79: Comment noted. This is a restatement of the analysis and text of the Draft EIR and is not a comment on the adequacy of the Draft EIR.

Response 5-80: SEL is the Sound Exposure Level. The SEL is a rating of sound for a single noise event such as a helicopter arrival or departure. The SEL compresses the total sound energy of the event into a one second time period. Therefore, it not only accounts for the total sound energy of a noise event, it also accounts for the duration of the event. It also is the foundation for determining the contribution of each noise event in calculating the overall CNEL of all events. In this case, the SEL was used to determine the potential for sleep disturbance within residences.

The CNEL is the Community Noise Equivalent Level. This descriptor is defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three times, and nighttime hours weighted by a factor of 10 times, prior to calculating the average.

Since sleep disturbance was not considered to be a test of significance for the school, no analysis of noise impacts associated with the helicopter operations were performed. Based upon the locations of the CNEL contours, the school is located outside of the 50 dB CNEL sound level exposure. This is clearly considered to be within an acceptable level based upon the City of Merced, FAA and Caltrans criteria.

Response 5-81: See Response 5-80.

Response 5-82: The commenter is confusing the 90 dB SEL contour with the City criteria which utilize the CNEL descriptor. However, to address the issue of exterior noise affecting the Cruickshank School, the following mitigation measure is added to the Draft EIR. Mitigation Measure #3.10-6 is renamed #3.10-6a.

Mitigation Measure #3.10-6a:

Noise measured at the property line shall be based upon the Merced Vision 2015 General Plan. This document states that an outdoor noise level of 60 Ldn or less is acceptable for

residential areas and for schools. The measurement of these units shall be in terms of dB(A) Leq at all residential property lines.

Include appropriate acoustical louvers, silencers or other noise control measures at all ventilation openings facing north and west, and on the roof tops as required so as not to exceed 45 dB(A) Leq at all residential property lines.

Mitigation Measure #3.10-6b:

A total of ten (10) of Cruickshank's windows on the west side of the building facing Mercy Avenue in relation to the project site will be replaced with double-pane windows. The ten (10) windows to be replaced are as follows: six (6) narrow slotted windows facing east, one (1) window facing north and one (1) window facing south on the westerly most building, and one (1) window facing north and one (1) window facing south on the adjacent building just north and east of the westerly building. Catholic Health Care West will provide funding to the School District for the replacement of these windows prior to construction of Phase 1. The applicant will provide an estimate for the replacement of the windows. A check in the amount of the estimate shall be given to the Merced City School District for this purpose.

Response 5-83: The Bell 206L was used for the analysis as a conservative estimate of noise levels. The Bell 206L is also listed in the data base of the FAA's INM model. In addition, although it was not discussed in the analysis, a conservative +5 dB was added to each of the plotted CNEL and SEL contours. Therefore, the figures which depict the noise contours are actually labeled as 5 dB higher than what the INM plotted.

Response 5-84: The INM has the ability to evaluate both fixed-wing and rotary wing aircraft and is the FAA's state of the art aircraft noise model. The HNM is designed for use of evaluating only helicopter noise. The HNM has not kept pace with the INM's capability or the data base of noise emission factors. The INM is recognized by the FAA and Caltrans Aeronautics as an appropriate tool for evaluating noise impacts associated with helicopter operations.

Response 5-85: Refer to the data in the noise analysis and discussion in the Draft EIR. Mitigation measures were offered to mitigate noise level impacts so that they would be consistent with the General Plan and the CEQA noise thresholds.

Response 5-86: Comment noted. Earth borne vibration can be caused by activities by construction equipment such as pile driving activities. However, the project does not include any pile driving operations; therefore, vibrations will not be caused from pile driving. Also refer to the noise table below.

dB (Sound Pressure Level)	Source (with distance)
194	Theoretical limit for a sound wave at 1 atmosphere environmental pressure
180	Krakatoa (volcanic) explosion at 100 miles (160 km) in air
168	M1 Garand being fired at 1 meter
150	Jet engine at 30 m

dB (Sound Pressure Level)	Source (with distance)
140	Rifle being fired at 1 m
120	Threshold of pain; train horn at 10 m
110	Accelerating motorcycle at 5 m; chainsaw at 1 m
100	Jackhammer at 2 m; inside disco
90	Loud factory, heavy truck at 1 m
80	Vacuum cleaner at 1 m, curbside of busy street
70	Busy traffic at 5 m
60	Office or restaurant inside
50	Quiet restaurant inside
40	Residential area at night
30	Theatre, no talking
10	Human breathing at 3 m
0	Threshold of human hearing; sound of a mosquito flying 3 m away

Response 5-87: Sirens associated with emergency vehicles are inherent to any hospital. A siren may produce an SEL of 100 dB at 50 feet. It would require 20 siren events during the daytime period to pass within 50 feet of the Cruickshank School to equal 60 dB CNEL. It is not anticipated that the sirens will have a significant impact on the overall noise levels in the area based upon the CNEL descriptor.

Response 5-88: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines.

Response 5-89: Noise contours for the Central Plant were not shown due to the difficulty of analyzing the shielding effects from surrounding buildings. Due to shielding, noise levels will most likely have a lesser impact to the interior of the Cruickshank classrooms.

Response 5-90: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines, including the use of emergency generators.

Response 5-91: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines, including information on boilers and drillers.

Response 5-92: The commenter is correct in stating that only the Phase 1 was compared to the existing traffic noise levels. This is due to the fact that Phase 1 is what will be constructed in the near future. The entire project has traffic noise impacts have been compared to the cumulative future traffic. This is a fair assessment of impacts based upon the schedule of completion.

Response 5-93: The full buildout of the hospital expects approximately 6,837 vehicle trip generation along the driveways of Sandpiper Drive.

j.c. brennan & associates' staff have conducted noise level measurements for arrivals and departures of vehicles from parking lots. The noise levels associated with these events include the vehicle operations, car doors opening and closing, and people talking. The typical SEL for an arrival and departure is 72 dB at a distance of 50 feet. Based upon the number of vehicle trips and the noise level data described above, the CNEL can be calculated as follows:

$$\text{CNEL} = \text{SEL} + 10\log \text{Neq} - 49.4 \text{ dB}; \text{ where:}$$

SEL is the mean sound exposure of the event, $10 \log \text{Neq}$ is ten times the logarithm of the number of events, and 49.4 is ten times the logarithm of the number of seconds in a day.

Therefore, the CNEL is expected to be approximately 61 dB at a distance of 50 feet. The distance to the school from the parking lot is in excess of 200 feet. Therefore, the parking lot noise levels are expected to be less than 49 dB CNEL, and would not create a significant noise impact.

Response 5-94: Tables 3.10-3 through 3.10-5 contain data related to noise impacts from roadways. It is not necessary to provide actual noise contours associated with "G" Street, Yosemite Avenue, Cormorant Drive, Mercy Avenue, Sandpiper Drive, Mansionette Drive, and Paulson Road. The Draft EIR contains adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines.

Response 5-95: Comment noted, see Response 5-94. Incremental noise differences are shown in tabular format.

Response 5-96: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines.

Response 5-97: The analysis of Impact 3.10-2 is based on the development phase at buildout; hence the discussion of *future* traffic noise levels.

Response 5-98: Comment noted, see Response 5-93.

Response 5-99: Comment noted, see Response 5-94.

Response 5-100: Comment noted, see Response 5-94.

Response 5-101: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines.

Response 5-102: The CNEL descriptor is an appropriate noise level descriptor for evaluating noise impacts at a school. The helicopter operations are shown to avoid flying over the school, and the analysis indicates that the CNEL values at the school are between 45 dB and 50 dB. Therefore, the impact is less than significant at the school.

Response 5-103: The flight paths are not located over the school. See Response to Comment 5-102.

Response 5-104: The revised locations of the noise contours have been provided. No additional noise impacts are expected at the school. The contours which are shown on the figures provide adequate information to determine a significant noise impact.

Response 5-105: Comment noted. This is a restatement of text in the Draft EIR and is not a comment on the adequacy of the Draft EIR.

Response 5-106: The commenter has not provided any evidence that the mitigation measures are inadequate.

Response 5-107: It is not possible to relocate the helipad to the west side of the hospital between Cottonwood Creek and Cormorant Drive because there is not enough protected area to provide for the helipad and the unobstructed flight paths. Additionally, the helipad in this area would be far away from the emergency room entrance.

Response 5-108: The noise impacts at the school do not exceed 60 dB CNEL at the exterior or a 45 dB CNEL at the interior. There is no basis test of significance for requesting that the helicopter operations do not exceed 60 dB SEL exterior or 45 dB SEL interior.

Response 5-109: See Response 5-108. In the event that Cruickshank proposes constructing additional buildings, they will be required to comply with the criteria contained within the City of Merced General Plan Noise Element.

Response 5-110: The helicopter is sensitive to the wind direction. Since the predominant wind in this area is from the northwest, the pilot will typically depart to the northwest. The approaching flight path is also dictated by the direction of the origin of the flight. The pilot in command maintains the final decision on the appropriate flight path and approach angle to use when conducting a helicopter operation. In addition, the flight paths were determined after a site visit in April of 2005. Ricarda Bennett (Heliport Consultants) visited the site with a seasoned fire department pilot. Extensive in person interviews were conducted, with helicopter emergency medical pilots in Merced who are very familiar with the weather conditions in this area. The flight paths have been established based on significant study. The commenter has not provided any evidence that different flight paths would provide any benefit or any less impact.

Response 5-111: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines.

Response 5-112: See Response 4-5.

Response 5-113: See Response 5-91.

Response 5-114: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines. See Response 5-85 through 5-94.

Response 5-115: The design of noise control measures are for compliance at the project property line, and have been determined to mitigate impacts to a less than significant level.

Response 5-116: See Response 5-109. In the event that Cruickshank proposes constructing additional buildings, they will be required to comply with the criteria contained within the City of Merced General Plan Noise Element.

Response 5-117: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines. See Response 5-90.

Response 5-118: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines. See Response 5-90.

Response 5-119: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines. The commenter has not provided any evidence that there is insufficient detail in the Draft EIR.

Response 5-120: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines. In addition, there is no reason to have SEL standards. See Response 5-93, 5-102 and 5-108.

Response 5-121: Noise is regulated locally and is covered by municipal codes. The specific municipal code is located in Chapter 10 of the Merced Vision 2015 General Plan. In addition, the contractor (McCarthy) will comply with the EIR mitigation measures detailed in 3.10-8 which states noise limits and times of operation. In addition, refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines. See Response 5-109.

Response 5-122: Noise is regulated locally and is covered by municipal codes. The specific municipal code is located in Chapter 10 of the Merced Vision 2015 General Plan. In addition, the contractor (McCarthy) will comply with the EIR mitigation measures detailed in 3.10-8 which states noise limits and times of operation. In addition, refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines. The commenter has not provided any evidence that there is insufficient detail in the Draft EIR.

Response 5-123: Noise is regulated locally and is covered by municipal codes. The specific municipal code is located in Chapter 10 of the Merced Vision 2015 General Plan. In addition, the contractor (McCarthy) will comply with the EIR mitigation measures detailed in 3.10-8 which states noise limits and times of operation. In addition, refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines. The commenter has not provided any evidence that there is insufficient detail in the Draft EIR.

Response 5-124: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each environmental impact in accordance with CEQA Guidelines. The commenter has not provided any evidence that there is insufficient detail in the Draft EIR.

Response 5-125: Noise is regulated locally and is covered by municipal codes. The specific municipal code is located in Chapter 10 of the Merced Vision 2015 General Plan. In addition, the contractor (McCarthy) will comply with the EIR mitigation measures detailed in 3.10-8 which states noise limits and times of operation. The commenter has not provided any evidence that there is insufficient detail in the Draft EIR. See Response 5-109.

Response 5-126: The commenter has not provided any evidence to support modification of mitigation measures 3.10-8b and 3.10-8c. The Draft EIR has proposed adequate mitigation based on the evidence presented and standards set by the City of Merced.

Response 5-127: Helicopter operations could cause some air borne vibration. This is simply sound pressure through the air. Generally, this type of vibration will be associated with some window rattling when the windows are not firmly seated in the frames. At times this can cause some annoyance. However, helicopter operations will not cause vibration impacts which will impact a structure.

Response 5-128: Comment noted. See Response 5-127.

Response 5-129: Refer to the Noise Section in the Draft EIR, along with the Environmental Noise Analysis in the appendices, which contain adequate evidence, data, and quantitative and qualitative analysis to support all conclusions made regarding the level of significance of each

environmental impact in accordance with CEQA Guidelines. The commenter has not provided any evidence that there is insufficient detail in the Draft EIR.

Response 5-130: Vibration can be characterized as either earth borne or air borne. Earth borne vibration can be caused by activities by construction equipment such as pile driving activities. Activities associated with vibration through the ground generally include impacts upon the ground. Helicopter operations could cause some air borne vibration. This is simply sound pressure through the air. Generally, this type of vibration will be associated with some window rattling when the windows are not firmly seated in the frames. At times this can cause some annoyance. However, helicopter operations will not cause vibration impacts which will impact a structure. It should also be noted that the applicant has stated that there will be no pile driving during construction.

Response 5-131: Comment noted, see Response 5-107.

Response 5-132: See Response 5-109. In the event that Cruickshank proposes constructing additional buildings, they will be required to comply with the criteria contained within the City of Merced General Plan Noise Element.

Response 5-133: See Response 5-110.

Response 5-134: The Impact Evaluation Criteria used in the Draft EIR for Hazards and Hazardous Materials are contained in Section 3.7. Section 3.3 contains the Impact Evaluation Criteria for Air Quality.

Response 5-135: Helicopter emissions would be very small compared to vehicular and area-source emissions associated with the project. Based on the information provided by the project proponent that the helicopter model is a Bell 407, the anticipated 220 operations per year were forecast by the FAA's EDMS (Emissions and Dispersion Modeling System) to generate emissions of 0.02 tons per year of ROG and NOx. This would increase project emissions for ROG from 12.76 tons per year to 12.78 tons per year during Phase 1, when the helicopter is expected to be fully operating. NOx emissions would be increased from 20.61 tons/year to 20.63 tons per year in Phase 1. This minor refinement to the project emissions analysis would not change the conclusions regarding impact significance.

Impacts to air quality as a result of power plant emissions are addressed in section 3.3 of the Draft EIR. The emissions associated with the project's power plant were included in the emissions calculation for natural gas consumption. Emissions associated with the emergency power generation facilities were addressed in Section 3.3 of the Draft EIR. Cooking emissions would be included in the emissions associated with natural gas consumption. Hazard spills are addressed in Section 3.7 of the Draft EIR.

Response 5-136: Project auto and area-source emissions are shown in Table 3.3-3 of the Draft EIR. These emissions were calculated using the URBEMIS-2002 software program. Under Impact #3.3-1, area source (non-vehicle) emissions are identified as those from combustion of natural gas for heating.

Response 5-137: Assumptions upon which URBEMIS-2002 calculations are based are shown in Appendix 1 of the *Air Quality Impact Analysis for the Proposed Merced Medical Center Project, City of Merced* report, which is contained in Appendix B of the Draft EIR.

Response 5-138: The analysis of Air Quality impacts (Section 3.3 of the Draft EIR) generated by motorized vehicles is based on inputs from the Traffic Impact Study prepared by KdAnderson Transportation Engineers, Inc. (Appendix H of the Draft EIR). The Traffic Impact Study included impacts of traffic generated by Cruickshank Middle School. See Response 5-53.

Response 5-139: Comment noted, see Response 5-53.

Response 5-140: Comment noted, see Response 5-52.

Response 5-141: In response to District concerns about the impacts to Cruickshank Middle School during construction of the project, Mitigation Measure #3.3-1 is hereby amended as follows:

Mitigation Measure #3.3-1:

Construction contracts shall require the primary construction contractor to prepare and submit a dust control plan to the SJVAPCD that incorporates all provisions of Regulation VIII and the following additional measures:

- *Limit traffic speeds on unpaved roads to 15 mph.*
- *Install wheel washers or other forms of wheel cleaners at truck exits, and wash loose dirt from trucks and equipment leaving the site.*
- *Suspend excavation and grading activities when winds exceed 20 mph.*
- *Limit size of area subject to excavation, grading or other construction activity at any one time to avoid excessive dust.*
- *Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.*
- *Make maximum use of diesel equipment equipped with catalytic converters and particulate traps.*
- *Curtail construction during “Spare the Air Days” declared by the SJVAPCD.*
- *Equipment not in use for more than ten minutes should be turned off.*
- *Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.*

- *Whenever feasible and cost effective, use electrically driven equipment (provided they are not run via a portable generator set) or alternatively-fueled equipment/vehicles.*
- *A chain link fence shall be installed around the entire property during construction with screening on the east side and southeast corner of the project to control dust.*
- *A monthly site inspection during construction activity shall be conducted to monitor the effectiveness of the dust control measures contained in this mitigation measure to ensure their effectiveness in preventing dust impacts to adjacent land uses.*

Response 5-142: Comment noted. This is a restatement of two air quality impacts, Impact 3.3-2 and Impact 3.3-3.

Response 5-143: Comment noted, see Response 5-141.

Response 5-144: As noted on page 3-26 under 3.3.3 (Impact Evaluation Criteria), San Joaquin Valley Air Pollution Control District (SJVAPCD) CEQA guidance does not recommend quantitative analysis of construction emissions. The SJVAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls. The SJVAPCD guidelines provide feasible control measures for construction emission of PM₁₀ beyond that required by district regulations. If the appropriate construction controls are implemented, then air pollutant emissions for construction activities would be considered less than significant. Based on SJVAPCD CEQA guidance, implementation of Mitigation Measure #3.3-1 will reduce Impact #3.3-1 (Increased Particulate Matter levels in the immediate vicinity during construction and operation) to a level that is less than significant.

Response 5-145: Comment noted, see Response 5-144.

Response 5-146: Comment noted, see Response 5-141.

Response 5-147: Comment noted. In addition to Response 5-15, the California Occupational Safety and Health Associated (CAL/OSHA) requires that all facilities utilizing hazardous materials implement an Injury and Illness Prevention Program (IIPP). Similarly, the California Department of Health Services requires that all medical and hospital facilities implement a Hospital Pollution Prevention Program. As previously mentioned, OSHPD is responsible for setting and enforcing regulations pertaining to medical waste, and is sufficient to reduce potential impacts from hazardous materials associated with the operation of the proposed project to a level on insignificance.

Response 5-148: Based on State Regulations discussed in Section 3.7.1 of the EIR, the proposed project must comply with the Medical Waste Management Act, codified as California Health and Safety Code Section 117600 – 118360. This statute requires that all hospitals register with the State Department of Health Services, adopt a Medical Waste Management Plan, and conduct

regular inspections and monitor hazardous waste storage and disposal systems. Additional laws and regulations that apply are as follows:

- U.S. Environmental Protection Agency (EPA) - Chapter 4 of the RCRA Manual (regulating transport of hazardous waste)
- California Office of State Fire Marshall – Laws and Regulations for Transport, use and storage of hazardous materials – Section 1160.2 (US Department of Transportation Regulations).
- Hazardous Materials Transport Act, 1975

Response 5-149: Refer to CEQA guidelines Section 15382 for a definition of “Significant effects on the environment,” which is defined as follows:

Significant effect on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Response 5-150: Comment noted, see Response 5-147.

Response 5-151: Comment noted, see Response 5-149.

Response 5-152: Comment noted, see Response 5-149.

Response 5-153: Comment noted, see Response 5-147.

Response 5-154: Comment noted, see Response 5-148.

Response 5-155: Comment noted, see Response 5-13.

Response 5-156: Figures 3.10-1 through 3.10-3 have been updated, and flight paths shifted to the west in order to further avoid any potential fly over of the school’s property.

Response 5-157: The flight paths were determined after a site visit in April of 2005. A representative of the project proponent was onsite with a seasoned fire department pilot. They conducted extensive in person interviews with helicopter emergency medical pilots in Merced who are familiar with the weather conditions.

As a result, the flight paths that were chosen are due to the proposed helicopter sensitivity to wind directions. Since the predominant wind in this area is from the northwest, the pilot will typically depart to the northwest. The approaching flight path is also dictated by the direction of the origin of the flight. The pilot in command maintains the final decision on the appropriate flight path and approach angle to use when conducting a helicopter operation.

Response 5-158: FAA Notice N8000.318, effective March 2, 2006 contains efforts and actions on the part of the FAA regarding Public Helicopter Emergency Medical Services (HEMS) Operations. This FAA Notice is in response to a preliminary review of Civil HEMS Accidents between January 1998 and December 2004.

Response 5-159: The FAA, Code of Federal Regulations, Title 14, Chapter 4, Aeronautical Information Manual (AIM); Official Guide to Basic Flight Information and Air Traffic Control Procedures, is designed to provide the aviation community with basic flight information and ATC procedures for use in the National Airspace System (NAS) of the United States.

An additional United States Department of Transportation, FAA publication is the *Rotorcraft Flying Handbook* (h8083-21) in 2000, which is designed as a technical manual. This handbook supersedes Advisory Circular 61-13B, *Basic Helicopter Handbook*, dated 1978.

In order to prevent unauthorized personnel access to the helipad, the pad will be constructed 8 feet in height and a 5 foot fence will be erected around the helipad but below the pad elevation to avoid interference with the flight paths. Additionally, the pad is situated in the middle of a large grassy area at an increased distance from the pedestrians, and motor vehicles that circulate around the Hospital's emergency department entrance on the north site of the Hospital. This increased distance will help in decreasing the effect of the rotor wash or the wind generated by the turning rotor blades. Further, the helipad and the area in the vicinity of the pad will be monitored at all times for loose debris and will be swept clean. This will prevent the rotor wash from blowing around loose items on the pad or in the area.

Response 5-160: Comment noted, see Responses 5-158 and 5-159.

Response 5-161: Comment noted, see Response 5-158 and 5-159.

Response 5-162: Comment noted, see Response 5-107, 5-158 and 5-159.

Response 5-163: Comment noted, see Responses 5-107.

Response 5-164: Comment noted, see Response 5-109.

Response 5-165: Comment noted, see Responses 5-110.

Response 5-166: Comment noted, see Responses 5-16 through 5-18.

Response 5-167: Comment noted, see Response 5-16 through 5-18.

Response 5-168: See Response 5-45. Chapter 4 of the EIR evaluated project alternatives including No Project Alternative, which is required under CEQA. In addition, a Reduced Height Alternative and Bellevue Ranch Location Alternative were evaluated. Under CEQA guidelines [15126.6(e)(2)], the No Project alternative was determined to be the environmentally superior alternative. However, under CEQA guidelines [15126.6(e)(2)], if the No Project Alternative is identified as the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the alternatives involving site development. The

analysis identified the Reduced Height Alternative has the environmentally superior alternative among the other alternatives.

Response 5-169: Comment noted, see Responses 5-17 and 5-18.

Response 5-170: Helipad lighting is regulated by the Federal Aviation Administration (FAA) in accordance with Advisory Circular 70/7460-1J, and helipad operations with Advisory Circular 150/5390-2A. There will be flush inset lights around the edge of the helipad. These are omnidirectional lights that help the pilot identify the shape and location of the helipad. There will also be four low level (2 inch high) flood lights around the edge of the concrete pad. These lights would be activated for a short period of time. Even with all the helipad lights on, they would not significantly increase the ambient background light.

Response 5-171: The Draft EIR includes a comprehensive discussion of light and glare in Section 3.1. The commenter has not provided any evidence that the Draft EIR does not contain enough detail.

Response 5-172: Section 3.1 of the Draft EIR provides a qualitative standard of significance for the potential impact of light pollution and glare production taken directly from the CEQA Guidelines Appendix G. This standard states that “the project is considered to have a significant impact on the environment if it will create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.”

Impact #3.1-2 addresses the issue of potential light pollution and glare production that may result from the proposed project. The impact discussion includes a description of all potential sources of light and glare from the proposed project and presents several mitigation measures which will reduce light pollution and glare from each of these sources. Implementation of these mitigation measures will reduce these light and glare sources so that they do not represent a substantial new source of light or glare.

The commenter has not presented evidence to contradict this conclusion or otherwise show that the project will result in a substantial new source of light or glare. Section 15204(c) in the Guidelines of the California Environmental Quality Act states the following:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Response 5-173: See Response 5-18. Section 3.1 of the Draft EIR analyzes the proposed project’s potential impacts to aesthetics including the potential creation of new shading patterns on adjacent land uses. During a site visit, existing shading patterns were observed on and around the project site. Based on the general path of the sun from east to west and the proximity of the adjacent properties to the proposed hospital towers as observed on aerial photos, it was determined that shading would occur in the evening hours to the east of the site (Cruickshank Elementary School). Because shading would occur for short time in the evening hours, this

impact on the District was determined to be less than significant. Although it is not required to mitigate a less than significant impact, Mitigation Measure #3.1-5 is hereby added to further reduce any impact of the project:

Mitigation Measure

~~No mitigation measure is required.~~

Although it is not necessary to mitigate a less than significant impact, the following mitigation measure will further reduce any project impact.

Mitigation Measure #3.1-5:

Catholic Healthcare West will fund in the amount of thirty-thousand dollars (\$30,000) for the purpose of mitigating aesthetic impacts associated with the project a landscape plan which could include the planting of trees, shrubbery, and other vegetation with irrigation that will run along Mercy Drive on the school's property. Within one-hundred and twenty (120) days from receipt of all necessary permits CHW will deliver the landscape fund to the District. The funds are to be used at the discretion of the Merced City School District.

Response 5-174: Growth inducing impacts in terms of population growth are fully discussed in Section 3.9 of the Draft EIR. It was determined that the project will not result in substantial population growth as it does not include the construction of any residential units.

Response 5-175: Where appropriate, analyses of potential cumulative impacts of the proposed project are discussed in the individual sections of Chapter 3 according to environmental issue. As indicated in Section 5.5, it was determined that the proposed project will result in a significant cumulative impact to air quality. Potential cumulative impacts of the proposed project were analyzed in accordance with Section 15130 of the CEQA Guidelines.

Response 5-176: Growth inducing impacts are analyzed in both Section 3.9, *Land Use/Population and Housing*, and 5.6 *Growth Inducing Impacts* in compliance with CEQA Guidelines sections 15126 and 15126.2. The potential population inducing impacts are discussed in Impact #3.9-5 and were determined to be less than significant (see Response 5-173).

Economic growth inducement is discussed in Impact # 3.9-1 and Section 5.6 of the Draft EIR. The Draft EIR states that the proposed project will foster economic growth in the City based on the likelihood that the proposed project will create demand for medically-related businesses such as pharmacies and medical offices. Applications for development in the City were reviewed and it was determined that no such medically-related businesses have been proposed in the vicinity of the project site. Regardless, there is potential for the project to foster economic growth in the future.

The commenter has not presented evidence to contradict these conclusions or otherwise show that the project will foster population growth or will not foster economic growth. Section 15204(c) of the Guidelines of the California Environmental Quality Act states the following:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Response 5-177: Irreversible impacts of the proposed project are described in Section 5.4 of the Draft EIR. It was determined that the proposed project will result in irreversible impacts related to the commitment of non-renewable resources during construction and through ongoing utility services provided to the project during its operation.

The commenter has not presented evidence to contradict this conclusion or otherwise show that the project will result in additional irreversible impacts. Section 15204(c) in the Guidelines of the California Environmental Quality Act states the following:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Response 5-178: Section 5.1 of the Draft EIR lists all potential project impacts that were determined to be less than significant. These impacts were fully analyzed in Chapter 3 of the Draft EIR. Section 5.1 provides a reference to the analyses contained in Chapter 3. The Draft EIR is in compliance with Section 15126 of the CEQA Guidelines.

Response 5-179: See Response 5-180.

Response 5-180: Comment noted. According to CEQA Guidelines Section 15126.6(a), the EIR “need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation” The Draft EIR provides an analysis of a reasonable range of alternatives including an alternative location for the project.

Response 5-181: Section 15126.6(d) of the CEQA Guidelines states that an “EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” Chapter 4 of the Draft EIR contains an analyses of three project alternatives: (1) No Project Alternative; (2) Reduced Height Alternative; and (3) Bellevue Ranch Location Alternative. The analysis of these project alternatives includes discussion of each environmental issue and a determination of the alternatives potential impact to each issue in comparison to the proposed project. Qualitative and, where feasible, quantitative data is presented to support these analyses and conclusions.

The commenter has not presented evidence to contradict any conclusions made regarding project alternatives or otherwise show that the project alternatives analysis contained in the Draft EIR is inadequate.

Response 5-182: The commenter has not provided any evidence that the Draft EIR is inadequate. Section 15204(a) of the State CEQA Guidelines state:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of the EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need to provide all information requested by reviews, as long as a good faith effort at full disclosure is made in the EIR.

Response 5-183: The City has reviewed all comments made by the District as contained in the District's letter dated May 12, 2006 and has responded to each comment in this Final EIR. Based on the information contained in these responses and with incorporation of the changes indicated in this document, it has been determined that the Draft EIR was prepared with a sufficient degree of analysis and is considered adequate, complete and in compliance with the CEQA Guidelines.

Response 5-184: See Response 5-183. Revisions have been made to the Draft EIR in this Final EIR in response to some of the District's comments in order to clarify or to otherwise make insignificant modifications to the document. According to CEQA Guidelines Section 15088.5(b), recirculation of the Draft EIR is not required in this instance.

Response 5-185: Comment noted, see Responses 5-182, 5-183 and 5-184.



DEPARTMENT OF FISH AND GAME

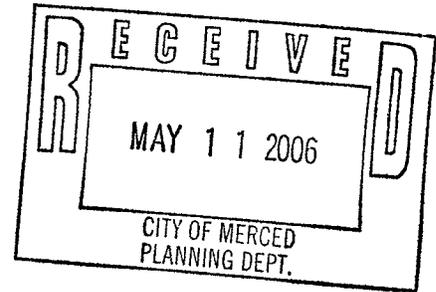
http://www.dfg.ca.gov



San Joaquin Valley and Southern Sierra Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4014

May 5, 2006

Kim Espinoza, Planning Manager
City of Merced Planning Division
678 West 18th Street
Merced, California 95340



Dear Ms. Espinoza:

Mercy Medical Center Draft Environmental Impact Report
SCH# 2004121055

Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Report (DEIR) submitted by the City of Merced (City) for the above Project. Approval of this Project would allow for the three-phase construction of a 607,428 square-foot, eight story, 460-bed replacement hospital; 200,000 square feet of medical office buildings; a 17,074 square-foot power plant; a helipad; and 1,900 parking spaces. The Project site is approximately 30 acres in size. The Project also proposes General Plan land use designation change to Professional/Commercial, and a zone change to Professional Development. The Project area is located northeast of the City of Merced, in Section 8, at the intersection of G Street and Cormorant Drive. Cottonwood Creek and Sells Lateral (water conveyance ditch) traverse the site.

The Department has concerns about the Project-related impacts to the stream and waterways present within the Project site, as well as, the associated impacts to species that utilize these habitat types.

Department Jurisdiction

Trustee Agency Authority: The Department is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities as those terms are used under CEQA.

As a Trustee Agency for fish and wildlife resources of this State, we believe the following Project-related impacts to sensitive plant and wildlife resources could occur:

- "Take" ("take" as defined in Fish and Game Code Section 86) of State-listed species and State Species of Special Concern.

- “Take” (“take” as defined in Section 3 of the Federal Endangered Species Act of 1973) of Federally-listed species and Federal Species of Concern.
- Loss or degradation of riparian habitat or wetlands due to the removal of riparian vegetation and the fill and/or re-routing of surface waters within the Project area.
- Loss or degradation of wildlife habitat value from increased aerial traffic, vehicle traffic, noise, and lighting.
- Degradation of water quality from Project-related erosion, siltation, and storm water runoff.
- Increased wildlife mortality from vehicle and equipment strikes.

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the “take” of any species listed by the State as threatened or endangered pursuant to Fish and Game Code Section 2081. If the Project could result in the “take” of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code Section 2080. Our comments on the potential for Project-related take follow in subsequent portions of this letter.

The Project has the potential to reduce the number or restrict the range of several endangered, rare, or threatened species (as defined in Section 15380 of CEQA). Federal and/or State-listed species known to occur in the Project area vicinity include:

<u>Species</u>	<u>Listing</u>
Succulent owl’s cover <i>Castilleja campestris ssp. Succulenta</i>	Federally-listed Threatened
Hairy orcutt grass <i>Orcuttia pilosa</i>	State and Federally-listed Endangered
Colusa grass <i>Neostapfia colusana</i>	State-listed Endangered Federally-listed Threatened
San Joaquin Valley orcutt grass <i>Orcuttia inaequalis</i>	State-listed Endangered Federally-listed Threatened

<u>Species</u>	<u>Listing</u>
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	Federally-listed Threatened
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	Federally-listed Threatened
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	State-listed Endangered Federally-listed Threatened
California tiger salamander <i>Ambystoma californiense</i>	Federally-listed Threatened State species of special concern
Swainson's hawk <i>Buteo swainsoni</i>	State-listed Threatened

The following special status species may also be present: Sanford's arrowhead (*Sagittaria sanfordii*), Merced phacelia (*Phacelia ciliate* var. *opaca*), California linderiella (*Linderiella occidentalis*), shining navarretia (*Navarretia nigelliformis* ssp. *Radians*), dwarf downingia (*Downingia pusilla*), spiny-sepaled button celery (*Eryngium spinosepalum*), midvalley fairy shrimp (*Branchinecta mesovallensis*), mountain plover (*Charadrius montanus*), and burrowing owl (*Athene cunicularia*).

Stream Alteration Notification: The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. As currently proposed in the DEIR, the Project would result in activities occurring within Cottonwood Creek, including the removal of several trees, as well as the fill and re-routing of Sells Lateral. We concur with the DEIR that a Streambed Alteration Agreement (SAA) is likely necessary prior to Project implementation. However, it should not be assumed that the fill and rerouting of Sells Lateral, nor the extensive removal of riparian trees associated with Cottonwood Creek would be authorized by the Department in a SAA. Generally, the Department requires minimization of impacts to waterways under the jurisdiction of Fish and Game Code Section 1600 et seq. We recommend contacting Gerald Hatler, Environmental Scientist, at (559) 243-4014, extension 231, to discuss the feasibility of waterway fill and rerouting and riparian vegetation removal, as well as for further information regarding notification requirements.

Bird Protection: The Department also has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs, and nests include Section 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory non-game bird).

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into the "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. The Regional Water Quality Control Board also has jurisdiction regarding discharge and pollution to "Waters of the State".

Potential Project Impacts and Recommendations

Listed Plant Species: There are several State and Federally-listed plant species known to occur in the Project area vicinity and could potentially occur within a portion of the Project area. Focused, repeated surveys should be conducted multiple times during the appropriate floristic period(s) in order to adequately assess the potential Project-related impacts to listed plant species. If State-listed plants are detected during surveys, consultation with the Department is warranted to discuss the potential for take under CESA. Plants listed as threatened or endangered under CESA cannot be addressed by methods described in the Native Plant Protection Act without incidental "take" authority secured under Sections 2080.1 or 2081 of the Fish and Game Code.

Riparian Habitat and Wetlands: Riparian habitat and wetlands are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat and wetlands (vernal pools and waterways) are known to exist adjacent to and within the proposed Project site footprint. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, impacts to wetlands should be compensated for with the creation of new habitat, preferably on-site, on a minimum of an acre-for-acre basis. Potential impacts to special status resources posed by wetland creation should also be considered. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy.

A formal wetland delineation should be conducted by a qualified biologist to determine the location and extent of wetland habitat on site, including vernal pools and swales. The wetland delineation should be submitted to the United States Army Corps of Engineers (ACOE) for verification. A hydrologic study should also be conducted to determine whether the Project footprint, access routes, and the fill and re-location of Sells Lateral will impact water flow to existing wetlands and/or vernal pools located downstream. Wetlands should be designated on a site map and included in the final environmental documents.

In addition, we recommend delineating all surface waters and wetlands with a minimum 50-foot no-disturbance buffer around the outer edge of these areas, with the exception of necessary road crossings over drainages. A 100-foot no-disturbance buffer around the high water mark of Cottonwood Creek should be clearly identified. The riparian vegetation along Cottonwood Creek and Sells Lateral should also be protected with a 200-foot no-disturbance buffer delineated from the high water mark of both surface water bodies.

San Joaquin kit fox: San Joaquin kit fox populations are known to fluctuate over years and absence during any one survey does not necessarily indicate the potential for kit fox to occur on a site at a future time. The Department recommends that the United States Fish and Wildlife Service's (USFWS) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance," (1999) be followed prior to any ground disturbing activities occurring within the non-irrigated agriculture portion of the Project area. These surveys should also be conducted a maximum of 30 days prior to ground disturbing activities. In the event that this species is detected during protocol-level surveys, consultation with the Department is warranted to discuss how to implement the Project and avoid take.

Take under the Federal Endangered Species Act (FESA) is more stringently defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of Project implementation.

California tiger salamander: Protocol biological surveys should be conducted by qualified biologists at the appropriate time of year to determine the existence and extent of wildlife resources and special status species on site, such as the California tiger salamander. It is important to note that protocol surveys for the California tiger salamander includes both wetland and upland habitat surveys, and may require more than one survey season. The results of these surveys should be submitted to the Department and USFWS.

Swainson's hawk: This State-threatened species is known to nest within 10 miles of the Project site, and it is highly probable that this species nests on or closer to the site than the observations currently reported in the California Natural Diversity Database (CNDDDB). If there are not nesting Swainson's hawks closer to the Project site (see below regarding additional surveys) than currently reported in the CNDDDB, we concur with DEIR Mitigation Measure 3.4-3 that impacts to potential Swainson's hawk foraging habitat should be mitigated by the purchase of conservation easements and or fee title acquisition of suitable foraging habitat at a 0.5:1 ratio (e.g. 0.5 acres conserved for every acre impacted), as well as establishment of an associated management endowment to fund management of these lands in perpetuity. However, Section 15126.4 of the CEQA Guidelines states that mitigation measures should be fully enforceable through permit conditions, agreements, or other legally-binding agreements. *As a result, prior to the discretionary approval of this Project by the City of Merced, the City should adopt this mitigation measure as an enforceable permit condition of approval of the rezone, general plan amendment, and site plan. In addition, prior to Project implementation (e.g. ground breaking) acquisition of these mitigation lands and the establishment of the funding mechanism should be secured and evidence of these transactions provided to the Department.* Mitigation at a higher ratio would be warranted if Swainson's hawks are nesting closer to or within the Project site.

The DEIR discusses the removal of several large trees (cottonwood and eucalyptus) along Cottonwood Creek and the Sells Lateral water supply canal. However, the DEIR does not discuss the approximate location, number, and size of the trees to be removed. Removal of

this riparian vegetation is a potentially significant impact that should be mitigated. The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and in the case of Swainson's hawk could also result in take under CESA. This is especially true with species such as Swainson's hawk that exhibit high site fidelity to their nest and nest trees year after year.

To avoid such impacts, surveys for nesting raptors should be conducted following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to any disturbance within 5 miles of a potential nest tree (DFG, 1994). These surveys, the parameters of which were designed to optimize detectability, must be conducted to reasonably assure the Department that take of this species will not occur as a result of disturbance associated with Project implementation. In the event that this species is detected during protocol-level surveys, consultation with the Department is warranted to discuss how to implement the Project and avoid take.

Impacts to known nest trees should be avoided at all times of the year. If avoidance of a known nest tree is not feasible, consultation with the Department is warranted prior to taking any action and a determination of take potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made.

Regardless of nesting status, trees that must be removed should be replaced with an appropriate native tree species planting at a ratio of 3:1 in an area that will be protected in perpetuity. This mitigation is needed to offset potential impacts to the loss of potential nesting habitat along Cottonwood Creek and through the fill and re-routing of Sells Lateral. We concur with the DEIR that impacts to potential Swainson's hawk foraging habitat should be mitigated regardless of whether or not "take" will occur. Mitigation for impacts to Swainson's hawk foraging habitat should occur within 10 miles from nest trees. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

Burrowing Owl: Burrowing owls and burrowing owl burrows are known to occur near the Project area. Mitigation Measure 3.4-5 states:

"If burrowing owls are detected on site during the non-breeding season, placing one-way doors in the burrows and leaving them in place for a minimum of three days can passively relocate them. Once it has been determined that the owls have vacated the site, the burrows can be collapsed and ground disturbance can proceed. Although this recommended mitigation measure avoids a direct take of the species, it is an indirect impact on the species...and would be considered a significant and unavoidable impact."

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The Department disagrees that sealing owl burrows to encourage "passive relocation" prior to initiating ground disturbance activities qualifies as a mitigation measure; it is simply a minimization measure that avoids direct take of adults, nestlings, or eggs. Avoidance of direct take is required by the Migratory Bird Treaty Act (MBTA), as well as Fish and Game Code Sections 3503, 3503.5, and 3513. In general, CEQA requires that, for each significant impact identified, feasible measures to avoid or substantially reduce the Project's significant environmental effect must be discussed. The CEQA Guidelines (Section 15370) provide for five categories of mitigation; measures that avoid, minimize, rectify, reduce or eliminate, or compensate for the significant environmental effect of the proposed Project. To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions and should be measurable to allow monitoring of their implementation. Encouraging burrowing owls to "passively" relocate with the stated outcome of the measure "considered a significant and unavoidable impact" does not constitute mitigation as described under the CEQA Guidelines.

Therefore, if any ground disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31) implementation of avoidance measures is required. The Department's Staff Report on Burrowing Owl Mitigation (CDFG 1995) recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum distance of 250 feet, unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure.

The Department's Staff Report on Burrowing Owl Mitigation also recommends that a minimum of 6.4 acres of foraging habitat per pair or unpaired resident burrowing owl should be acquired and permanently protected to offset the loss of foraging and burrowing habitat.

Depending upon the results of the previously mentioned biological surveys, we may have additional comments and recommendations regarding avoidance, minimization, and mitigation of Project impacts to habitat and special status species. If you have any questions on these issues, please contact Annee Ferranti, Staff Environmental Scientist, at the address or telephone number (extension 227) provided on this letterhead.

Sincerely,



W. E. Loudermilk
Regional Manager

cc: See Page Eight

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cc: Susan Jones
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Annee Ferranti
Department of Fish and Game

Gerald Hatler
Department of Fish and Game

Letter 6: W.E. Loudermilk, Department of Fish and Game

Response 6-1: Comment noted.

Response 6-2: The project site has been highly disturbed by human-caused disturbances such as agricultural practices, roadway improvements, and adjacent commercial and residential development. Existing vegetation on the site is typical of such disturbed settings and includes non-native annual grasses and forbs. Sensitive habitats, such as vernal pools, are absent from the site. The project site is considered low quality habitat and may provide foraging and nesting habitat for Swainson's hawks and burrowing owls. Although, the proposed project would not result in degradation of high quality habitat it would result in a cumulative loss of suitable foraging habitat for Swainson's hawks and burrowing owls (discussed under Impact #3.4-8, page 3-49 of the DEIR). This has been identified as a significant and unavoidable impact. Conservation easements will be established on other lands as discussed under Impact #3.4-3 (page 3-49 of the DEIR) to reduce the level of this impact.

All lighting and associated lighting fixtures used for the operation of the building will add a new source of light pollution. However, as discussed under Impact #3.1-2 (page 3-5 of the DEIR), Mitigation Measures #3.1-2a through #3.1-2e will reduce the lighting by use of light shields, minimization designs, special glass coatings and vegetation to help shield nighttime illumination. Vehicle traffic will increase upon build out of the project. Traffic on G Street will increase by no more than 1,291 vehicles per day and Yosemite Avenue will increase by no more than 1,382 vehicles per day. Existing traffic can reach a maximum of 13,571 and 15,279 vehicles per day on G Street and Yosemite Avenue respectively. Measures to reduce light pollution will be implemented. Wildlife habitat value on, and within the vicinity of, the project site has been substantially reduced by agricultural practices, transportation and utility improvements, and commercial and residential development. Traffic increases of up to eight percent in this urban environment comprising degraded habitat is not expected to result in significant impacts to sensitive wildlife resources.

As stated on page 3-42 of the DEIR, the project site has the potential to provide foraging and nesting habitat for two special-status avian species: burrowing owl and Swainson's hawk. As discussed under Impact #3.4-3 and #3.4-5 (DEIR pages, 4-45 through 3-47), potential impacts to foraging or nesting habitat in result of the proposed project would be mitigated to a less than significant level by implementation of Mitigation Measure #3.4-3 and #3.4-5. These mitigation measures involve avoidance measures such as pre-construction surveys, establishment of no-work buffer areas around active nests and passive relocation of burrowing owls (where necessary) to avoid "take" of special-status species. As a result, it is not anticipated that the project related construction activities would result in a "take."

The project will avoid impacts to Cottonwood Creek and include a 39-foot, fenced exclusion zone south of Cottonwood Creek. The project will reroute Sells Lateral in a concrete box culvert. This box culvert will be constructed prior to connecting the upstream and downstream section of the new structure with the existing underground culverts. Just prior to making the new connections, Sells Lateral will be dewatered in coordination with the Merced Irrigation District. The project will comply with state and federal water quality regulations, including Section 401

Water Quality Certification and California's General Construction Stormwater Permit, which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP). SWPPPs are designed to manage storm water quality degradation through best management practices during and after construction. These practices may include temporary drainage ditches, culverts, berms, and/or straw bales that confine storm water and prevent it from carrying sedimentation off of the project site.

Response 6-3: As discussed under Section 3.4.2 of the Draft EIR (page 3-34), observed plant and wildlife species were documented during a biological survey of the entire project site. During the survey no special-status plant species were identified on the project site (Table 3.4-1 of the Draft EIR). Vernal pool wildlife species were not found on the project site as no vernal pool habitats were identified on the site. The Draft EIR did determine that a low probability exists for Sanford's arrowhead (*Sagittaria sanfordii*; CNPS 1B) to occur within Cottonwood Creek. Based upon the latest project design plans (dated April 29, 2005 and December 12, 2005), this waterway will not be impacted during project construction or operation, and this feature occurs outside of the current project boundaries. Therefore, although the reconnaissance-level survey conducted by Quad Knopf biologists occurred outside the blooming period (May-October) for Sanford's arrowhead, focused surveys for this species are not required due to the absence of project impacts to Cottonwood Creek. San Joaquin kit fox, burrowing owl and Swainson's hawk were identified as having potential to use the project site. The project has the potential to impact foraging and nesting habitat for Swainson's hawks and burrowing owls, and San Joaquin kit fox in the unlikely event that an individual creates and occupies a den on the site or utilizes a small diameter pipe during construction. Implementation of the mitigation measures referenced in the EIR and these response to comments would avoid "take" of special-status species and preclude reductions in their numbers or restrictions in their range.

Response 6-4: Sells Lateral, an irrigation ditch that supports freshwater emergent vegetation (e.g., cattails), will be filled and flows will be directed through an underground pipe that will be routed underneath a proposed roadway south of Cottonwood Creek. H. T. Harvey & Associates conducted a site review with Gerald Hatler, Environmental Scientist, CDFG, and the USACE and RWQCB on July 7, 2006 to finalize information for permit applications and arrive at an acceptable, off-site mitigation solution for this impact. As this comment is a statement, further response is not required.

Response 6-5: Fish and Game Code Sections 3503, 3503.5 and 3513 are discussed on page 3-33 of the DEIR. Mitigation Measure #3.4-5 is revised as follows to include all nesting birds:

Mitigation Measure #3.4-5:

- ~~• A qualified biologist shall conduct a pre construction survey for nesting raptors (including both tree and ground nesting species) on site within 30 days of the onset of ground disturbance, if ground disturbance is to occur during the breeding season (February 1 to September 15). These surveys shall be based on the accepted protocols for the target species. If a nesting raptor were detected, an appropriate construction buffer would be needed (up to 250 feet or more). The actual size of the buffer would depend on the species, topography, and type of construction activity that would occur near~~

~~the nest. If construction occurs during the non-breeding season, a qualified biologist shall conduct pre construction surveys for burrowing owls. Pre construction surveys during the non breeding season are not necessary for raptors.~~

- ~~• If burrowing owls are detected on site during the non-breeding season, placing one way doors in the burrows and leaving them in place for a minimum of three days can passively relocate them. Once it has been determined that the owls have vacated the site, the burrows can be collapsed and ground disturbance can proceed. Although this recommended mitigation measure avoids a direct take of the species, it is an indirect impact on the species. This indirect impact on the species, if they are detected on the project site, would be considered a significant and unavoidable impact.~~

Raptors may begin nest-building as early as January, and might have young in the nest through August. Other avian species may establish nests from March 1 through July 1. During these periods, preconstruction surveys for nesting raptors and other avian species shall be conducted by a qualified ornithologist to ensure that no nests would be disturbed during project implementation. The preconstruction surveys shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees and electrical towers in and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the demolition/construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest. This mitigation measure will reduce potential project-related impacts to a less than significant level, avoid "take" of birds, and conform to federal and state regulations protecting birds.

Response 6-6: Section 401 of the Clean Water Act is discussed on page 3-32 of the DEIR. The project will not result in fill material entering into Cottonwood Creek; however an application for a Water Quality Certification for impacts to Sells Lateral is being prepared. An on-site meeting with Margarita Gordus representing the Regional Water Quality Control Board was conducted on July 7, 2006. As this comment is a statement, further response is not required. The comment is noted.

Response 6-7: Prior to the biological site survey, a CNDDDB and CNPS search was used to develop a list of special-status plant species with potential to occur on the project site (Table 3.4-2 of the Draft EIR). Biologists focused their survey efforts to identify suitable habitat for those listed species. The Draft EIR did determine that a low probability exists for Sanford's arrowhead (*Sagittaria sanfordii*; CNPS 1B) to occur within Cottonwood Creek. Based upon the latest project design plans (dated April 29, 2005 and December 12, 2005), this waterway will not be impacted during project construction or operation, and this feature occurs outside of the current project boundaries. Therefore, although the reconnaissance-level survey conducted by Quad

Knopf biologists occurred outside the blooming period (May-October) for Sanford's arrowhead, focused surveys for this species are not required due to the absence of project impacts to Cottonwood Creek. Further plant surveys are not required, as suitable habitat for other sensitive plants species was not found on the project site.

Response 6-8: Sells Lateral, an irrigation ditch that supports freshwater emergent vegetation (e.g., cattails), will be filled and flows will be directed through an underground pipe that will be routed underneath a proposed roadway along the northern project boundary. H. T. Harvey & Associates is currently working with Gerald Hatler (CDFG), Ramon Aberasturi (USACE), and Margarita Gordus (RWQCB) to arrive at an acceptable, off-site mitigation solution for this impact.

Response 6-9: H. T. Harvey & Associates conducted a formal wetland delineation of the project site on March 30, 2006. A report was prepared and submitted to the U. S. Army Corps of Engineers for verification in June 2006. H. T. Harvey & Associates met on the site with Gerald Hatler (CDFG), Ramon Aberasturi (USACE), and Margarita Gordus (RWQCB) on July 7, 2006 and is finalizing the delineation based on the field verification conducted with these agency representatives. The determination by the Corps is pending.

Response 6-10: Potential wetlands and other waters subject to USACE Section 404 jurisdiction that will be impacted by the project are limited to the reach of Sells Lateral that occurs on the site and ephemeral ditches that connect to Sells Lateral parallel to Avenue G. The entire reach of this irrigation ditch on the site will be filled and flows rerouted via an underground pipe. Therefore, a no-disturbance buffer is not feasible.

Regarding Cottonwood Creek, the applicant is providing the City of Merced with a 50-foot easement area from the center of the creek southward onto the property. Although the legal parcel extends to the top of the southern bank of the creek, actual hospital facility improvements begin 39 feet south of the top of bank. Given that the creek is channelized and supports significant numbers of non-native eucalyptus trees, a 39-foot setback from the top of bank is adequate to protect the biological functions and values of this waterway.

Response 6-11: The potential exists for San Joaquin kit fox (*Vulpes macrotis mutica*) to use the project site. A CNDDDB search revealed that a fox had been observed within five miles of the project site and additional information for the USFWS indicates that this species is known to occur throughout the area.

The Discussion/Conclusion paragraph for Impact #3.4-1 on page 3-46, Section 3.4.4 Impacts and Mitigation Measures, is hereby replaced with the following.

~~**Discussion and Conclusion:** The CNDDDB search identified several documented special status species within the region. There are no records of special status species present on the project site and there have been no observations of any during a reconnaissance survey. The biotic habitats of the project site, like most of the remaining lands in the region, have been drastically altered from their original form by human caused disturbances, principally intensive agriculture and residential development. Because of the frequent disturbance regime from~~

agricultural activities the baseline conditions at the project site is considered low quality habitat for plants and animals and no special status species are expected to occupy the project site. The project site may provide foraging habitat for two avian special status species and may provide nesting habitat for raptors. These issues are discussed in a separate impact discussion (Impact 3.4-3 and 3.4-5). There may be temporary occupancies of the project site by animals that are highly mobile such as migratory birds, although this would be considered a rarity and the stay would be short lived because of the lack of optimal habitat. Implementation of the proposed project would result in a *less-than-significant* impact.

Mitigation Measure

No mitigation measure is required.

Discussion/Conclusion: The CNDDDB search identified several documented special-status species within the region. There are no records of special-status species present on the project site and there have been no observations of any during a reconnaissance survey. The biotic habitats of the project site, like most of the remaining lands in the region, have been drastically altered from their original form by human-caused disturbances, principally intensive agriculture and residential development. Although a frequent disturbance regime from agricultural activities is the baseline conditions and considered low quality habitat for special-status plants and animal species, three special-status species have the potential to occupy the site: San Joaquin kit fox, Swainson's hawk and burrowing owl as well as may provide nesting habitat for other raptors. Potential impacts to San Joaquin kit fox, Swainson's and nesting raptors is discussed in a separate impact discussion (Impact 3.4-3 and 3.4-5). In addition, potential exists for San Joaquin kit fox to use the site, as this species is known to occur throughout the area and migrate up to ten miles. The CNDDDB search revealed that a fox had been observed within five miles of the project site. The project may result in a *potentially significant* impact to special-status species.

Mitigation Measure

Implementation of the following mitigation measure would reduce the impact to a *less-than-significant* level.

Mitigation Measure #3.4-1:

To avoid and/or minimize any potential impacts, project implementation shall be carried out consistent with USFWS (1999) pre-construction and construction guidelines, including, but not limited to, a preconstruction survey conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, and an employee education program covering endangered species that is conducted by a qualified biologist.

Response 6-12: On March 22, 2005, a site survey was conducted by qualified biologists. Existing habitat conditions were documented, which indicated the project was devoid of vernal pool habitat and the majority of the site is actively plowed by disk for agricultural practices. The California tiger salamander's preferred breeding habitat is pond environments persisting a minimum of three to four months on an annual basis. Examples of such environments include vernal and ephemeral pools, and human-made ponds surrounded by uplands that contain small mammal burrows. Portions of Sells Lateral pond when the lateral is not conveying agricultural water. The duration of this ponding in relation to periods of flow and desiccation are not fully understood, but a reasonable conclusion based on the lateral's primary purpose of conveying agricultural water is that the ponded environments on the project site are only marginally suitable breeding habitat for California tiger salamanders.

Where California tiger salamanders are present, juvenile and adult salamanders use burrows in upland habitats that have been excavated by small mammals such as California ground squirrels (*Spermophilus beecheyi*) and Botta's pocket gophers (*Thomomys bottae*). Burrows suitable for aestivation are limited on the Mercy Medical project site and occur mainly along the margins of Sells Lateral that have not been routinely disked as part of the agricultural activities occurring on the site.

Based upon the low quality of the potential breeding habitat and limited availability of aestivation habitat, the probability of California tiger salamanders occurring on the site is low.

Response 6-13: During the spring of 2005, a Swainson's hawk successfully nested along Cottonwood Creek within 1,500 feet (457 m) of the project site (C. Johnson pers. comm.). Therefore, the presence of an active nest within one mile of the project site results in an increased mitigation ratio relative to the ADEIR mitigation requirements. Project implementation would result in the loss of approximately 27 acres (10.9 ha) of foraging habitat for Swainson's hawks. Because the site comprises foraging habitat (or did so within the recent past) for Swainson's hawks and is within one mile (1.6 km) of an active nest (used during one or more of the last five years) off-site Habitat Management (HM) lands will be provided as described in the CDFG's *Staff Report regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* (CDFG 1994b).

The text on page 3-45, Mitigation Measure #3.4-3 is hereby replaced with the following.

Mitigation Measure #3.4-3:

~~*The project proponent shall provide .5 acres of habitat mitigation land for each acre authorized for conversion (.5:1 ratio). All habitat mitigation lands protected under this requirement may be protected through fee title acquisition or a conservation easement (acceptable to the Department of Fish and Game) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.*~~

The project proponent shall provide for the long-term management of the habitat mitigation land by funding a management endowment (the interest on which shall be used for managing the habitat management lands) at a rate per acre that is acceptable to the Department of Fish and Game.

In order to assure that nesting Swainson's hawks will not be disturbed by construction activities, a qualified ornithologist shall conduct pre-construction surveys of the project site and adjacent areas within one mile of the project site. Survey Period I occurs from January 1 to March 20, Period II from March 20 to April 5, Period III from April 5 to April 20, Period IV from April 21 to June 10 (surveys not recommend during this period because identification is difficult as the adults tend to remain within the nest for longer periods of time), and Period V from June 10 to July 30. No fewer than three surveys shall be completed, in at least each of the two survey periods immediately prior to project initiation. If a nest site is found, consultation with CDFG shall be required to ensure project initiation will not result in nest disturbance.

If Swainson's hawk nest trees are found on the project site, they should not be removed unless avoidance measures are determined to be infeasible. If a nest tree must be removed, a Management Authorization (including conditions to offset the loss of the nest tree) must be obtained. The Management Authorization will specify the tree removal period, generally between October 1 – February 1. If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the developer) by a qualified biologist should be required to determine if the nest is abandoned. If it is abandoned, and if the nestlings are still alive, the developer shall fund the recovery and hacking (controlled release of captive reared young) of nestling(s).

Based on CDFG's staff report (CDFG 1994), the project shall provide off-site HM lands as follows:

- One acre of HM land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk) for each acre of development authorized (1:1 ratio); or
- One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on the HM lands) for each acre of development authorized (0.5:1 ratio).

- Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of \$400 per HM acre (adjusted annually for inflation and varying interest rates).

Comments regarding the adoption of this mitigation measure as a permit condition by the City of Merced are noted.

Response 6-14: The proposed project will result in the removal of a few native riparian trees. This includes two relatively small Fremont cottonwood trees along Sells Lateral. Mitigation Measure #3.4-3 has been replaced as discussed under Response 6-13. The revised mitigation measure addresses potential impacts to nesting Swainson's hawks prior to construction and tree removal to avoid a significant impact or "take" as defined under the California Endangered Species Act (CESA).

Response 6-15: Mitigation Measure #3.4-3 has been replaced as discussed under Response 6-13. The revised mitigation measure addresses potential impacts to nesting Swainson's hawks prior to construction and tree removal to avoid a significant impact or "take" as defined under the FESA and CESA.

Response 6-16: Mitigation Measure #3.4-3 has been replaced as discussed under Response 6-13. The revised mitigation measure provides measures to avoid "take" potential under CESA and Fish and Game Code 3503.3 and 3513.

Response 6-17: Comment noted.

Responses 6-18 through 6-20: Mitigation Measure #3.4-5 is hereby modified to include the following in addition to the changes made under Response 6-5.

Mitigation Measure #3.4-5:

In conformance with federal and state regulations regarding the protection of raptors, a habitat assessment in accordance with CDFG protocol for Burrowing Owls should be completed prior to the start of construction. Burrowing owl habitat on the project site and within a 500-foot (150 m) buffer zone shall be assessed ("Assessment Area"). If the habitat assessment concludes that the Assessment Area lacks suitable Burrowing owl habitat, no additional action would be warranted. However, if suitable habitat is located on the Assessment Area, all ground squirrel colonies shall be mapped at an appropriate scale, and the following mitigation measures should be implemented:

1. In conformance with federal and state regulations regarding the protection of raptors, a pre-construction survey for burrowing owls, in conformance with CDFG protocol, should be completed no more than 30 days prior to the start of construction within suitable habitat at the project site(s) and buffer zone(s).

Three additional protocol-level surveys should also be completed per CDFG protocol prior to construction.

2. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies through non-invasive methods that wither: 1) the birds have not begun egg – laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction.
3. A 250-foot (76 m) buffer, within which no new activity will be permissible, will be maintained between project activities and nesting burrowing owls during the nesting season. This protected area will remain in effect until August 31, or at the CDFG’s discretion and based upon monitoring evidence, until the young owls are foraging independently.
4. If accidental take (disturbance, injury, or death of owls) occurs, the CDFG will be notified immediately.

If preconstruction surveys determine that burrowing owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management (HM) lands comprising existing burrowing owl foraging and breeding habitat should be acquired and preserved. An area of 6.5 acres (2.6 ha) (the amount of land found to be necessary to sustain a pair or individual owl) should be secured for each pair of owls, or individual in the case of an odd number of birds. As part of an agreement with the CDFG, the project applicant should secure the performance of its mitigation duties by providing the CDFG with security in the form of funds that would:

- Allow for the acquisition and/or preservation of 6.5 acres (2.6 ha) of HM lands;
- Provide initial protection and enhancement activities on the HM lands, potentially including, but not limited to, such measures as fencing, trash clean-up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFG;
- Establish an endowment for the long-term management of the HM lands, and;
- Reimburse the CDFG for reasonable expenses incurred as a result of the approval and implementation of this agreement.

Pending CDFG approval, HM lands providing foraging habitat for Swainson's hawks (see "Loss of Swainson's Hawk Foraging Habitat" below) may also be used to mitigate impacts to burrowing owls provided the HM lands provide existing burrowing owl foraging and breeding habitat.

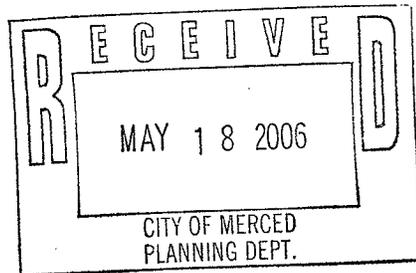
Response 6-21: This comment is statement that does not require a response.



San Joaquin Valley Air Pollution Control District

May 15, 2006

Kim Espinosa
City of Merced
Planning Division
678 West 18th Street
Merced, CA 95340



Reference No. C20060758

Subject: Draft Environmental Impact Report (DEIR) #04-18 (SCH #2004121055) for the Mercy Medical Center Project

Dear Ms. Espinosa:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

Required Documentation

The air quality section included in the DEIR adequately describes the environmental setting but it does not adequately address the potential air quality impacts of the project. In a letter dated January 12, 2005 (District Reference No. 20040649), the District stated that a Health Risk Assessment (HRA) was needed if the project was near sensitive receptors. The DEIR states that a junior high school lies to the east of the project and a college lies to the west. The DEIR also recognizes that the schools are considered to be sensitive receptors. Although a discussion was provided in Appendix B, Impact AQ-3 that concluded, "...the project would have a less than significant impact with respect to Toxic Air Contaminant risk..." an HRA was not included to validate these findings.

An HRA should include a discussion of the toxic risk associated with the proposed project, including project equipment, operations, and vehicles. The project consultant should contact the District to review the proposed modeling approach before modeling begins. For more information on Hazardous Air Pollutants (HAPs) analyses, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at (559) 230-6000 or hramodeler@valleyair.org.

Air Quality Impact Analysis

The District agrees with the mitigation measures recommended to reduce air quality impacts. The District also agrees that the operation of the project will result in significant air quality impacts, but does not concur that these impacts are unavoidable. These impacts may be mitigated down to a less than significant impact through a combination of compliance with the District's Indirect Source Review Rule (Rule 9510) and entering into a voluntary Air Quality Mitigation Agreement with the District. The District agrees with the mitigation measures recommended to reduce air quality impacts.

Rule 9510 was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. This rule requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 and NOx emissions, and potentially mitigate a portion of those emissions. Rule 9510 also requires construction exhaust emissions to be reduced by 20

percent for NOx and 45 percent for PM10 when compared to the statewide fleet average or to pay an in lieu mitigation fee.

The District has entered into mitigation agreements with several developers as an alternative approach to further reducing air quality impacts. These agreements require the District and the applicant to quantify operational emissions, and identify on-site mitigation to reduce the proposed project's net impact on air quality. The developer commits to providing funding on a per-ton of emissions basis to the District to purchase emission reductions through its grant and incentive programs to fully mitigate the net emissions. The District commits to reduce the net emissions and to manage and monitor the emission reduction projects over time. The reductions would be over and beyond those required by Rule 9510. The District asks that developers interested in a Mitigation Agreement meet with District staff to discuss the specifics of the project and the contract. District staff is available to meet with project proponents to discuss Mitigation Agreements for specific projects. For more information, or questions concerning this topic, please call Mr. Dave Mitchell, Planning Manager, at (559) 230-5807.

Applicable District Regulation

As stated in the DEIR, the project will be subject to the following District Rules: Rule 2201 (New and Modified Stationary Source Review Rule); Rule 4002 (National Emission Standards for Hazardous Air Pollutants); Rule 4102 (Nuisance); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations); and Regulation VIII (Fugitive PM10 Prohibitions).

The project will be subject to the following District Rules in addition to those listed above. This project may be subject to additional District Rules not enumerated below. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (209) 557-6446. Current District rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.

Rule 2010 (Permits Required) This rule requires any person constructing, altering, replacing or operating any source operation, which emits, may emit, or may reduce emissions to obtain an Authority to Construct or a Permit to Operate.

Rule 4103 (Open Burning) This rule regulates the use of open burning and specifies the types of materials that may be open burned. Agricultural material shall not be burned when the land use is converting from agriculture to non-agricultural purposes (e.g., commercial, industrial, institutional, or residential uses). Section 5.1 of this rule prohibits the burning of trees and other vegetative (non-agricultural) material whenever the land is being developed for non-agricultural purposes. In the event that the project applicant burned or burns agricultural material, it would be in violation of Rule 4103 and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) This rule limits volatile organic compounds from architectural coatings by specifying architectural coatings storage, clean up and labeling requirements.

Rule 9510 (Indirect Source Review) This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 and NOx emissions, and potentially mitigate a portion of those emissions. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For more information and instruction, please contact the District's ISR staff by phone at (559) 230-5800 or by email at ISR@valleyair.org.

District Permitting – Certain equipment that may be used in a hospital such, as boilers, emergency generators, etc. require District permits. The applicant should contact the District's Permit Services division in regards to any permits that may be required for the operation of this project. Any equipment subject to the district's Permit to Operate requirements must obtain an Authority to

Construct (ATC) from the District. Construction of equipment, which requires an ATC and intimately related appurtenances such as foundation and utility hookups for the equipment, cannot begin until an ATC is obtained. Depending upon the nature and complexity of the application and staff workload, ATC approval can take several months. For more information please contact the District's small business assistance office at (209) 557-6446.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5818 or Mr. Dave Mitchell, Planning Manager, at (559) 230-5807 and provide the reference number at the top of this letter.

Sincerely,



Jessica R. Willis
Air Quality Specialist
Central Region

C: File

Letter 7: Jessica Willis, San Joaquin Valley Air Pollution Control District

Response 7-1: Emergency diesel generators are normally utilized a few hours per week or month for testing and maintenance. No emergency diesel generators could be installed or operated without a permit from the San Joaquin Valley Air Pollution Control District. State law and SJVAPCD rules and regulations provide that a permit would only be approved if it can be shown that installation of the generator would not result in a significant air quality impact (exceedance of the SJVAPCD TAC thresholds of significance). The above regulations and procedures are already established and enforced as part of the permit review process and would ensure that any potential impacts due to installation of emergency diesel generators would be reduced to a level of insignificance. The proximity of a school would trigger notification requirements prior to approval of the permit.

Response 7-2: Comment noted.

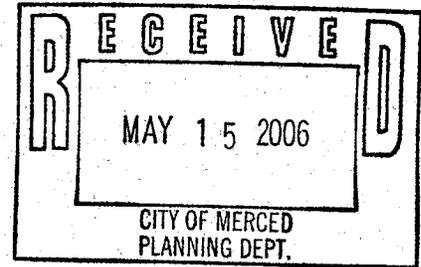
Response 7-3: Comment noted.

Response 7-4: Comment noted.

Response 7-5: Comment noted.

Response 7-6: Comment noted.

MID MERCED IRRIGATION DISTRICT



May 12, 2006

Kim Espinosa, Planning Manager
City of Merced Planning and Permitting Division
678 West 18th Street
Merced, CA 95340

Re: Mercy Medical Center Draft Environmental Impact Report

Dear Ms. Espinosa:

The Merced Irrigation District (MID) has reviewed the above referenced application and offers the following comments:

MID operates and maintains the Sells Lateral within a 40-foot wide easement meandering east to west through the subject property as evidenced by a Grant Deed for Easement recorded December 11, 1989 in Volume 2790, Official Records, Page 422, Merced County Records. MID takes exception to the many references that state the Sells Lateral may be considered jurisdictional waters.

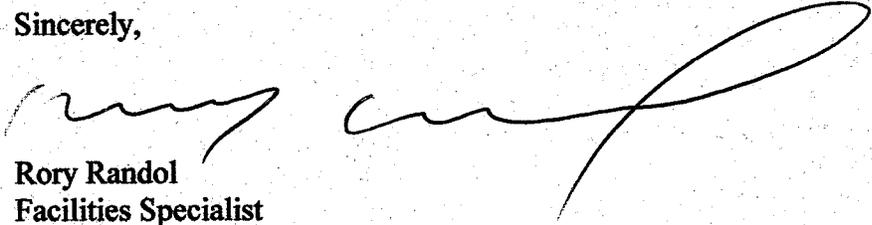
MID respectfully requests the City require, as conditions of approval, the following:

1. That the property owner must obtain a "Non-exclusive Driveway License Agreement" for all crossings over or under any MID facilities, including utilities, bridges, roadways and pipelines.
2. A signature block will be provided for MID on all Improvement Plans.
3. Placing the Sells Lateral in an underground pipeline meeting MID standards within a new MID approved alignment. MID would then ask for an appropriate width deeded easement in exchange for the quitclaiming of the existing easement now in place.
4. No buildings or permanent structures will be allowed within the new alignment of the Sells Lateral.
5. A "Construction Agreement" with MID will be required for all work associated with MID facilities.

In addition to providing reliable, low-cost power, the Merced Irrigation District has developed a New Construction Rebate Program for new businesses. Rebates are available for projects estimated to exceed a Title-24 or standard practice baseline by at least 10% on a whole building performance basis. The maximum rebate is \$125,000 per year, per customer and will not exceed 50% of the project's cost (equipment plus labor). These incentives encourage owners to make energy efficiency a major goal in new building projects. For more information, please contact Isaias Franco at 722-5761.

Thank you for the opportunity to comment on the above referenced application. If you have any questions, please contact me at 722-5761.

Sincerely,



Rory Randol
Facilities Specialist

cc: Garith Krause, General Manager
Ted Selb, Deputy General Manager
Robert Acker, Director of Facilities and Streams
Hicham ElTal, Assistant General Manager - Water Resources Engineering
Ron Price, Associate Engineer - Water Resources
Vanessa Lara, Account Representative - Electrical Services

Letter 8: Rory Randol, Merced Irrigation District

Response 8-1: Comment noted. The conditions listed are not required to mitigate potential impacts, but are comments that will be considered by the city as part of the project.

Response 8-2: Comment noted. The proposed hospital is located in the Merced Irrigation District-Electric Services territory. The Merced Irrigation District (MID) is interested in promoting conservation for electric usage and has implemented a New Construction Program. Financial incentives are available to owners when the efficiency of the new building exceeds the baseline kWh by at least 10% or better than Title-24 standards. The maximum rebate is \$125,000 per year, per customer and will not exceed 50% of the project's cost (equipment plus labor). These incentives encourage owners to make energy efficiency a major goal in their new buildings, and help to defray some of the costs of energy efficient building components.

The hospital will comply with Title 24 Energy Efficiency Standards and will purchase and install energy-saving products. In addition, the hospital will consider applying for the Merced Irrigation District's New Construction Rebate Program.

SECTION FOUR

RESPONSES TO COMMENTS RECEIVED AFTER THE CLOSE OF THE REVIEW PERIOD

SECTION FOUR RESPONSES TO COMMENTS RECEIVED AFTER THE CLOSE OF THE REVIEW PERIOD

This section contains the letters of comment that were received on the Draft EIR after the close of the review period. It should be noted that CEQA does not require that letters received after the close of the comment period be addressed in the Final EIR; however, in the interest of full disclosure, a response has been provided below.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



JUN 06 2006

Kim Espinosa, Planning Manager
City of Merced
678 West 18th Street
Merced, California 95340

Mercy Medical Center
State Clearinghouse (SCH) Number: 2004121055

Staff for the Department of Water Resources has reviewed the subject document and provides the following comments:

Portions of the proposed project may be located within a regulated stream over which The Reclamation Board has jurisdiction and exercises authority. If the project includes any "channel reconfiguration" that was not previously permitted, new plans must be submitted. Section 8710 of the California Water Code requires that a Board permit must be obtained prior to start of any work, including excavation and construction activities, within floodways, levees, and 10 feet landward of the landside levee toes. A list of streams regulated by the Board is contained in the California Code of Regulations, Title 23, Section 112. The application and Title 23 regulations can be found on the Reclamation Board's website at www.recbd.ca.gov.

Section 8(b)(2) of the Regulations states that applications for permits submitted to the Board must include a completed environmental questionnaire that accompanies the application and a copy of any environmental documents if they are prepared for the project. For any foreseeable significant environmental impacts, mitigation for such impacts shall be proposed. Applications are reviewed for compliance with the California Environmental Quality Act.

Section 8(b)(4) of the Regulations states that additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to Board action on the application.

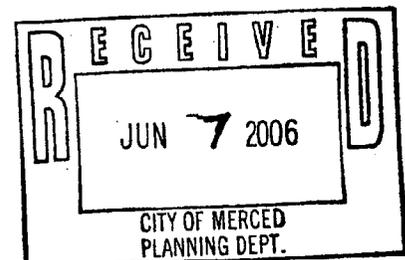
You may disregard this notice if your project is outside of the Board jurisdiction. For further information, please contact me at (916) 574-1249.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Mirmazaheri".

FOR
Mike Mirmazaheri, Chief
Floodway Protection Section

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814



Letter 9: Mike Mirmazaheri, Department of Water Resources

Response 9-1: The Reclamation Board does not have jurisdiction over Sells Lateral and the portion of Cottonwood Creek that may be impacted by the project activities. As listed in Title 23 of the California Code of Regulations, Chapter 1, Article 8 stretches of Cottonwood Creek that do fall under the Reclamation Board jurisdiction are located in the county limits of Shasta and Tehama divides to Dutch Gulch Dam, Tehama County, and Tulare County from St. John's River to Grapevine Creek. A current list of steams regulated by the Reclamation Board may be found at <http://government.westlaw.com/linkedslice/default.asp?SP=CCR-1000&SPC=Timeout>. These areas are not located near the project site. As stated in Section 3.8, page 3-77 and depicted in Figure 3.8-2 of the DEIR, the project site is not located within a FEMA designated flood plain. A permit from the Reclamation Board is not required prior to project approval as the proposed project is outside of Reclamation Board jurisdiction.

Response 9-2: Comment noted, see Response 9-1.

Response 9-3: Comment noted, see Response 9-1.

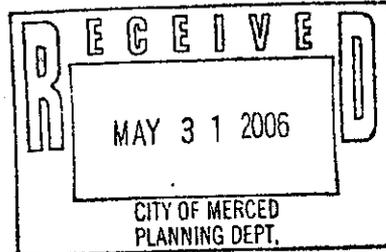


DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

May 26, 2006

Regulatory Branch (200600288)



Kim Espinosa
City of Merced Planning Division
678 West 18th Street
Merced, California 95340-4708

Dear Ms.Espinosa:

We are responding to your March 20, 2006 request for comments on the Mercy Medical Center project. This project is located at Latitude 037° 20' 28.2", Longitude 120° 27' 59.4", Section 8, Township 7 South, Range 14 East, in Merced County, California. Your identification number is Environmental Impact Report (EIR) #04-18 (SCH #2004121055) for the Mercy Medical Center Project.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

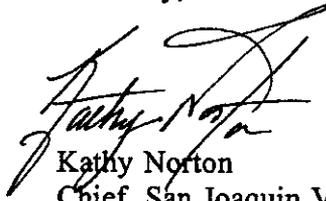
To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Specifically, strict avoidance of both Sells Lateral and Cottonwood Creek with appropriate buffers is advised. Consideration and implementation of alternate project configurations that avoid filling into waters of the United States must be considered. If fill into waters of the United States is proposed, a permit from our office must be authorized prior to the placement of fill.

Please refer to identification number 200600288 in any correspondence concerning this project. If you have any questions, please contact Ramon Aberasturi at our San Joaquin Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email Ramon.Aberasturi@usace.army.mil, or telephone 916-557-6865. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Norton", is written over the typed name and title.

Kathy Norton
Chief, San Joaquin Valley Office

Letter 10: Kathy Norton, U.S. Army Corps of Engineers (Received May 31, 2006)

Response 10-1: Please see Response 6-8 and 6-9.

Response 10-2: Please see Response 5-45 and Response 5-180.



California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair



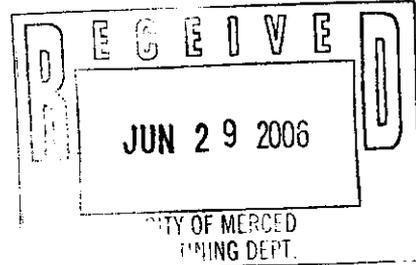
Arnold Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental
Protection

Fresno Branch Office
1685 E Street, Fresno, California 93706
(559) 445-5116 • Fax (559) 445-5910
<http://www.waterboards.ca.gov/centralvalley>

27 June 2006

Kim Espinosa
Planning Manager
City of Merced
678 West 18th Street
Merced, CA 95340



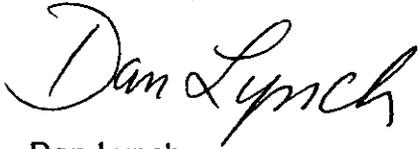
REQUEST FOR COMMENTS , DRAFT ENVIRONMENTAL IMPACT REPORT, MERCY MEDICAL CENTER, ASSESSOR'S PARCEL NO. 231-010-06&07; 231-040-03, CITY OF MERCED, MERCED COUNTY, SCH NO. 2004121055

We received your request for comments on the subject project on 3 April 2006. The proposed project is a three-phase construction of a 607,428-square foot, eight-story, 460 bed replacement hospital; a 200,000 square foot medical office building; a 17,074-square foot power plant; a helipad; an outside parking lot; and an inside parking garage.

Impact # 3.4-6d, indicates construction activities may inadvertently cause fill material to enter cottonwood creek. If the project results in discharge of dredged or fill material into navigable waters, wetlands, or other waters of the U.S. (jurisdictional waters), the City of Merced must obtain a permit pursuant to Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers and a Section 401 Water Quality Certification (Certification) to ensure that discharges will not violate water quality standards. If the project will result in the discharge of dredged or fill material into waters or wetlands that are determined by the Corps to be non-jurisdictional, the City of Merced will not be required to obtain a Certification, but may be required to submit a Report of Waste Discharge (RWD). Pursuant to California Water Code, Section 13260, all persons proposing to discharge waste that may affect the quality of waters of the State must submit to the Regional Water Board a RWD, following which the Regional Water Board will either prescribe waste discharge requirements or issue a waiver thereof.

If the project will involve the storage of petroleum products in above ground tanks, with a single tank capacity of greater than 660 gallons or a cumulative capacity of greater than 1,320 gallons, the City of Merced will be subject to State above ground petroleum tank regulations. The City of Merced must file a storage statement with the State Water Resources Control Board, pay a facility fee, and prepare a federal spill prevention control and countermeasure plan.

Thank You for the opportunity to comment on this proposed Mitigated Negative Declaration. If you have any questions regarding our comments, please call me at (559) 445-6071.

A handwritten signature in cursive script that reads "Dan Lynch".

Dan Lynch
Environmental Scientist
Storm Water Unit

cc: State Clearinghouse, Sacramento

**Letter 11: Dan Lynch, California Regional Water Quality Control Board
(Received June 29, 2006)**

Response 11-1: The Draft EIR discusses the biological resources regulatory setting on pages 3.33. The discussion of Impact 3.4-6d also states that avoidance of the area would eliminate the need for obtaining a Section 404 or 401 permit. Mitigation Measure #3.4-6d requires that disturbance to Cottonwood Creek be avoided.

Response 11-2: The project will be subject to all rules and regulations in compliance with the State Water Resources Control Board, including regulations pertaining to the storage of above ground petroleum tanks.

SECTION FIVE

REVISED PAGES OF DRAFT EIR IN
RESPONSE TO COMMENTS

least two years between the start of each construction phase. These impacts will only temporarily affect foreground views within the area and be visible from adjacent developments. Although temporary impacts can be considered significant, the site of construction equipment in the project area is common, and is considered a normal part of the urban environment in a growing area. The visibility of construction equipment, vehicles, and temporary structures are not substantially different than those found on construction sites throughout the area, and do not represent a major change in the visual character of the area. Therefore, implementation of the proposed project will have a *less-than-significant* impact.

Mitigation Measure

No mitigation measure is required.

Impact #3.1-4: Visibility of aesthetically undesirable materials, equipment and facilities during normal facility operations.

Discussion and Conclusion: The proposed project will include a number of support structures including a power plant with a utility yard and service yard, a waste incinerator with loading docks and waste disposal equipment, etc. These structures and associated equipment have the potential for being visible by the public and aesthetically undesirable. Implementation of the proposed project will have a *potentially significant* impact.

Mitigation Measure

Implementation of the following mitigation measure will reduce the impact to a *less-than-significant* level.

Mitigation Measure #3.1-4:

The power plant and all outdoor storage areas shall be screened off by fencing and landscaping to reduce their visibility from surrounding areas. Landscaping and fencing shall be designed to reduce visibility from surrounding properties, including the selection of plant materials which provide screening year-round.

Impact #3.1-5: Create new shading patterns on adjacent land uses.

Discussion and Conclusion: The potential shading patterns of the proposed project on adjacent land uses was observed during a site visit on January 27, 2005. The construction of the two hospital towers will result in the creation of large shaded areas in the early morning and evening hours of the day during most seasons. The shading will change with the position of the sun, and will generally transition from west to east over the course of the daylight hours. During the evening hours there is a possibility of shading on the western portion of the Cruickshank Middle School and a possibility of shading at midday on future residential development to the north of the site.

The shading that will occur as a result of the project will not result in a significant adverse effect on the environment. Shading of the adjacent school would occur in the evening hours, and would not result in the loss of landscaped areas or the freezing of soils. Shading of a particular area will be temporary and will not result in the substantial change to the climate or the environment. Implementation of the proposed project will have a *less-than-significant* impact with regards to this topic.

Mitigation Measure

~~No mitigation measure is required.~~

Although it is not necessary to mitigate a less than significant impact, the following mitigation measure will further reduce any project impact.

Mitigation Measure #3.1-5:

Catholic Healthcare West will fund in the amount of thirty-thousand dollars (\$30,000) for the purpose of mitigating aesthetic impacts associated with the project a landscape plan which could include the planting of trees, shrubbery, and other vegetation with irrigation that will run along Mercy Drive on the school's property. Within one-hundred and twenty (120) days from receipt of all necessary permits CHW will deliver the landscape fund to the District. The funds are to be used at the discretion of the Merced City School District.

SOURCES

California Department of Transportation, California Scenic Highway System
<<http://www.dot.ca.gov/hq/LandArch/scenic/scpr.htm>>

Merced Vision 2015 General Plan

Northeast Yosemite Specific Plan

The San Joaquin Valley Air Pollution Control District regulates construction emissions through its Regulation VIII. The provisions of Regulation VIII pertaining to construction activities require:

- Effective dust suppression for land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill and demolition activities.
- Effective stabilization of all disturbed areas of a construction site, including storage piles, not used for seven or more days.
- Control of fugitive dust from on-site unpaved roads and off-site unpaved access roads.
- Removal of accumulations of mud or dirt at the end of the work day or once every 24 hours from public paved roads, shoulders and access ways adjacent to the site.

Regulation VIII requires that a dust control plan be prepared, and violations of the requirements of Regulation VIII are subject to enforcement action. Violations are indicated by the generation of visible dust clouds and/or generation of complaints. This is a *potentially significant* impact.

Mitigation Measure

Implementation of the following mitigation measure will reduce the impact to a level of *less than significant*.

Mitigation Measure #3.3-1:

Construction contracts shall require the primary construction contractor to prepare and submit a dust control plan to the SJVAPCD that incorporates all provisions of Regulation VIII and the following additional measures:

- *Limit traffic speeds on unpaved roads to 15 mph.*
- *Install wheel washers or other forms of wheel cleaners at truck exits, and wash loose dirt from trucks and equipment leaving the site.*
- *Suspend excavation and grading activities when winds exceed 20 mph.*
- *Limit size of area subject to excavation, grading or other construction activity at any one time to avoid excessive dust.*
- *Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.*

- *Make maximum use of diesel equipment equipped with catalytic converters and particulate traps.*
- *Curtail construction during “Spare the Air Days” declared by the SJVAPCD.*
- *Equipment not in use for more than ten minutes should be turned off.*
- *Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.*
- *Whenever feasible and cost effective, use electrically driven equipment (provided they are not run via a portable generator set) or alternatively-fueled equipment/vehicles.*
- *A chain link fence shall be installed around the entire property during construction with screening on the east side and southeast corner of the project to control dust.*
- *A monthly site inspection during construction activity shall be conducted to monitor the effectiveness of the dust control measures contained in this mitigation measure to ensure their effectiveness in preventing dust impacts to adjacent land uses.*

Impact #3.3-2: Project traffic would result in an increase in carbon monoxide concentrations.

Discussion and Conclusion: Project traffic would increase concentrations of carbon monoxide along streets providing access to the project. Carbon monoxide is a local pollutant (i.e., high concentrations are normally only found very near sources). The major source of carbon monoxide, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations, therefore, are usually only found near areas of high traffic volumes and congestion.

The SJVAPCD’s *Guide for Assessing and Mitigation Air Quality Impacts* provides the following screening criteria to identify situations where modeling is warranted:

- The Level of Service (LOS) on one or more streets or at one or more signalized intersections in the project vicinity will be reduced to LOS E or F, and
- The project will substantially worsen an already existing LOS F on one or more streets or at one or more signalized intersections in the project vicinity.

The traffic impact analysis examined Level of Service (LOS) for intersections affected by the project. No existing or future signalized intersection is forecast to operate at LOS E or LOS F with the proposed project and cumulative traffic growth. Since the project is within an attainment area for carbon monoxide (ambient air quality standards are currently attained) and in an area with low background concentrations, changes in carbon monoxide levels resulting from the project would not result in violations of the ambient air quality standards, are considered a *less-than-significant* impact.

3.4.3 IMPACT EVALUATION CRITERIA

For the purposes of this report, specific project impacts to biological resources may be considered “significant” if they will:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFG or USFWS;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan.

3.4.4 IMPACTS & MITIGATION MEASURES

Impact #3.4-1: Substantial adverse impacts on candidate, special-status or sensitive species

~~**Discussion and Conclusion:** The CNDDDB search identified several documented special status species within the region. There are no records of special status species present on the project site and there have been no observations of any during a reconnaissance survey. The biotic habitats of the project site, like most of the remaining lands in the region, have been drastically altered from their original form by human caused disturbances, principally intensive agriculture and residential development. Because of the frequent disturbance regime from agricultural activities the baseline conditions at the project site is considered low quality habitat for plants and animals and no special status species are expected to occupy the project site. The project site may provide foraging habitat for two avian special status species and may provide nesting habitat for raptors. These issues are discussed in a separate impact discussion (Impact 3.4-3 and 3.4-5). There may be temporary occupancies of the project site by animals that are highly mobile such as migratory birds, although this would be considered a rarity and the stay would be short lived because of the lack of optimal habitat. Implementation of the proposed project would result in a *less-than-significant* impact.~~

Mitigation Measure

No mitigation measure is required.

Discussion/Conclusion: The CNDDDB search identified several documented special-status species within the region. There are no records of special-status species present on the project site and there have been no observations of any during a reconnaissance survey. The biotic habitats of the project site, like most of the remaining lands in the region, have been drastically altered from their original form by human-caused disturbances, principally intensive agriculture and residential development. Although a frequent disturbance regime from agricultural activities is the baseline conditions and considered low quality habitat for special-status plants and animal species, three special-status species have the potential to occupy the site: San Joaquin kit fox, Swainson's hawk and burrowing owl as well as may provide nesting habitat for other raptors. Potential impacts to San Joaquin kit fox, Swainson's and nesting raptors is discussed in a separate impact discussion (Impact 3.4-3 and 3.4-5). In addition, potential exists for San Joaquin kit fox to use the site, as this species is known to occur throughout the area and migrate up to ten miles. The CNDDDB search revealed that a fox had been observed within five miles of the project site. The project may result in a *potentially significant* impact to special-status species.

Mitigation Measure

Implementation of the following mitigation measure would reduce the impact to a *less-than-significant* level.

Mitigation Measure #3.4-1:

To avoid and/or minimize any potential impacts, project implementation shall be carried out consistent with USFWS (1999) pre-construction and construction guidelines, including, but not limited to, a preconstruction survey conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, and an employee education program covering endangered species that is conducted by a qualified biologist.

Impact #3.4-2: Loss of habitat to special-status plants

Discussion and Conclusion: The CNDDDB search identified several documented special status plant species within the region. There are no records of special status plant species present on the project site and there have been no observations of any during a reconnaissance survey. Because of the frequent disturbance regime from agricultural activities the baseline conditions at the project site are not conducive to special status plants. Implementation of the proposed project would result in *no impact*.

Mitigation Measure

No mitigation measure is required.

Impact #3.4-3: Loss of Swainson's hawk foraging habitat

Discussion and Conclusion: Currently, the project site provides suitable habitat for only two special-status animal species; both are avian species (burrowing owl and Swainson's hawk) and may forage and potentially nest on the project site. Different terrains and crop types support different levels of prey abundance. Swainson's hawks are known to forage in certain low lying agricultural crops (e.g., alfalfa fields and other hay crops), grasslands, and fallow fields. Although no nesting habitat for Swainson's hawk was observed on the project site, foraging opportunities do exist and documented nests are located within a 10 mile radius of the project site. Although the foraging conditions on the project site are not considered optimal, the conversion of the project site to urbanized land would result in a permanent loss of available foraging habitat for Swainson's hawk. This is considered a *potentially significant* impact.

Mitigation Measure

Implementation the following mitigation measure would reduce the impact to a *less-than-significant* level.

Mitigation Measure #3.4-3:

~~The project proponent shall provide .5 acres of habitat mitigation land for each acre authorized for conversion (.5:1 ratio). All habitat mitigation lands protected under this requirement may be protected through fee title acquisition or a conservation easement (acceptable to the Department of Fish and Game) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.~~

~~The project proponent shall provide for the long term management of the habitat mitigation land by funding a management endowment (the interest on which shall be used for managing the habitat management lands) at a rate per acre that is acceptable to the Department of Fish and Game.~~

In order to assure that nesting Swainson's hawks will not be disturbed by construction activities, a qualified ornithologist shall conduct pre-construction surveys of the project site and adjacent areas within one mile of the project site. Survey Period I occurs from January 1 to March 20, Period II from March 20 to April 5, Period III from April 5 to April 20, Period IV from April 21 to June 10 (surveys not recommend during this period because identification is difficult as the adults tend to remain within the nest for longer periods of time), and Period V from June 10 to July 30. No fewer than three surveys shall be completed, in at least each of the two survey periods immediately prior to project initiation. If a nest site is found, consultation with CDFG shall be required to ensure project initiation will not result in nest disturbance.

If Swainson's hawk nest trees are found on the project site, they should not be removed unless avoidance measures are determined to be infeasible. If a nest

tree must be removed, a Management Authorization (including conditions to offset the loss of the nest tree) must be obtained. The Management Authorization will specify the tree removal period, generally between October 1 – February 1. If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the developer) by a qualified biologist should be required to determine if the nest is abandoned. If it is abandoned, and if the nestlings are still alive, the developer shall fund the recovery and hacking (controlled release of captive reared young) of nestling(s).

Based on CDFG's staff report (CDFG 1994), the project shall provide off-site HM lands as follows:

- One acre of HM land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk) for each acre of development authorized (1:1 ratio); or
- One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on the HM lands) for each acre of development authorized (0.5:1 ratio).
- Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of \$400 per HM acre (adjusted annually for inflation and varying interest rates).

Impact #3.4-4: Interference with movement of native wildlife

Discussion and Conclusion: Although formal studies of wildlife movement in the study area were not conducted, it is not considered likely that any portions of the project site serve as an important linkage between wildlife habitats, although some wildlife species may pass through. Surrounding biotic habitats are similar, with intensively managed agricultural land further diminishing the possibility that the project site is important for terrestrial wildlife movement.

According to the *Recovery Plan for Upland Species of the San Joaquin Valley* (USFWS 1998), no wildlife linkage corridors are located in the project area. In addition, the project site is situated within an existing development area further reducing a possible linkage potential. Therefore, the proposed project will have a **less-than-significant** impact on the regional movements of terrestrial wildlife.

Mitigation Measure

No mitigation measure is required.

Impact #3.4-5: Loss of habitat for special-status species

Discussion and Conclusion: Suitable habitat for tree-nesting raptors exists on the project site. The proposed project would include the removal of the trees located along Cottonwood Creek and Sells Lateral. Construction activities that would adversely affect future raptor nesting activity (even off site), or result in mortality of individual birds, would be a violation of state and federal law. In addition, although no burrowing owls were detected during the field survey, suitable habitat for this species exists adjacent to the project site. Construction activities during the raptor breeding season (February through September) that would result in the abandonment of active nests (if any occurred) or direct mortality to these birds would constitute a significant impact. This is a potentially significant impact to nesting raptors (e.g., tree nesting raptors immediately on and off-site and burrowing owls). Additionally, construction activities that would harm or kill a burrowing owl (a ground nesting raptor) during the non-breeding season would also constitute a *potentially-significant* impact.

Mitigation Measure

Mitigation measures for potential impacts to special-status species habitat are set forth by the California Department of Fish and Game, and have been shown to effectively minimize the potential loss of such habitat. Implementation of the following mitigation measure would reduce this potential impact to a *less-than-significant* level and would keep the applicant in compliance with the state and federal laws governing raptor nests.

Mitigation Measure #3.4-5:

- ~~• A qualified biologist shall conduct a pre-construction survey for nesting raptors (including both tree and ground nesting species) on site within 30 days of the onset of ground disturbance, if ground disturbance is to occur during the breeding season (February 1 to September 15). These surveys shall be based on the accepted protocols for the target species. If a nesting raptor were detected, an appropriate construction buffer would be needed (up to 250 feet or more). The actual size of the buffer would depend on the species, topography, and type of construction activity that would occur near the nest. If construction occurs during the non-breeding season, a qualified biologist shall conduct pre-construction surveys for burrowing owls. Pre-construction surveys during the non-breeding season are not necessary for raptors.~~
- ~~• If burrowing owls are detected on site during the non-breeding season, placing one-way doors in the burrows and leaving them in place for a minimum of three days can passively relocate them. Once it has been determined that the owls have vacated the site, the burrows can be collapsed and ground disturbance can proceed. Although this recommended mitigation measure avoids a direct take of the species, it is an~~

indirect impact on the species. This indirect impact on the species, if they are detected on the project site, would be considered a significant and unavoidable impact.

Raptors may begin nest-building as early as January, and might have young in the nest through August. Other avian species may establish nests from March 1 through July 1. During these periods, preconstruction surveys for nesting raptors and other avian species shall be conducted by a qualified ornithologist to ensure that no nests would be disturbed during project implementation. The preconstruction surveys shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees and electrical towers in and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the demolition/construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest. This mitigation measure will reduce potential project-related impacts to a less than significant level, avoid “take” of birds, and conform to federal and state regulations protecting birds.

In conformance with federal and state regulations regarding the protection of raptors, a habitat assessment in accordance with CDFG protocol for Burrowing Owls should be completed prior to the start of construction. Burrowing owl habitat on the project site and within a 500-foot (150 m) buffer zone shall be assessed (“Assessment Area”). If the habitat assessment concludes that the Assessment Area lacks suitable Burrowing owl habitat, no additional action would be warranted. However, if suitable habitat is located on the Assessment Area, all ground squirrel colonies shall be mapped at an appropriate scale, and the following mitigation measures should be implemented:

- 1. In conformance with federal and state regulations regarding the protection of raptors, a pre-construction survey for burrowing owls, in conformance with CDFG protocol, should be completed no more than 30 days prior to the start of construction within suitable habitat at the project site(s) and buffer zone(s). Three additional protocol-level surveys should also be completed per CDFG protocol prior to construction.*
- 2. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction.*
- 3. A 250-foot (76 m) buffer, within which no new activity will be permissible, will be maintained between project activities and nesting burrowing owls during the nesting*

season. This protected area will remain in effect until August 31, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.

4. If accidental take (disturbance, injury, or death of owls) occurs, the CDFG will be notified immediately.

If preconstruction surveys determine that burrowing owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management (HM) lands comprising existing burrowing owl foraging and breeding habitat should be acquired and preserved. An area of 6.5 acres (2.6 ha) (the amount of land found to be necessary to sustain a pair or individual owl) should be secured for each pair of owls, or individual in the case of an odd number of birds. As part of an agreement with the CDFG, the project applicant should secure the performance of its mitigation duties by providing the CDFG with security in the form of funds that would:

- Allow for the acquisition and/or preservation of 6.5 acres (2.6 ha) of HM lands;
- Provide initial protection and enhancement activities on the HM lands, potentially including, but not limited to, such measures as fencing, trash clean-up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFG;
- Establish an endowment for the long-term management of the HM lands, and;
- Reimburse the CDFG for reasonable expenses incurred as a result of the approval and implementation of this agreement.

Pending CDFG approval, HM lands providing foraging habitat for Swainson's hawks (see "Loss of Swainson's Hawk Foraging Habitat" below) may also be used to mitigate impacts to burrowing owls provided the HM lands provide existing burrowing owl foraging and breeding habitat.

Impact #3.4-6a: Construction impacts to federally protected wetlands or jurisdictional waterways – Rerouting of Sells Lateral

Discussion and Conclusion: Quad Knopf, Inc. conducted a wetland delineation and has prepared a wetland determination for verification by the COE. This EIR assumes that the COE will verify the wetland determination that both Cottonwood Creek and Sells Lateral are jurisdictional waters and regulatory permits would be required prior to any disturbance to these jurisdictional waters. The proposed project includes rerouting Sells Lateral, which would cause fill material to enter into the existing Sells Lateral and construction of an alternate route for the lateral. This is a potentially significant impact. Implementation of this portion of the proposed project would be a violation of the federal Clean Water Act and the Fish and Game Code unless a Section 404 permit, a Section 401 water quality certification, and a Stream Bed Alteration Agreement are

The storage of landscaping fuels and cleaners on site also creates the potential for release of hazardous materials. These chemicals and fuels are common in use throughout urban areas, and the exposure of persons to the small quantity of materials likely to be present is insufficient to pose a health risk to the general public or sensitive receptors on the site or in the surrounding area.

The impacts related to the potential release of hazardous materials into the environment are considered *less than significant*.

Mitigation Measure

No mitigation measure is required.

Impact #3.7-3: Handling of hazardous materials near a school site

Discussion and Conclusion: The project includes the operation of hospital and medical office facilities which are anticipated to utilize a variety of potentially hazardous materials as part of daily operations. The site is adjacent to the Cruickshank Middle School, part of the Merced City School District. The project will handle hazardous materials within one-quarter mile of an existing school, resulting in potential conflicts with sensitive receptors at the school site.

The use of potentially hazardous materials and substances at the hospital and medical offices has the potential to impact sensitive receptors at the adjacent school site, if such materials or substances are released into the environment. The existing regulations for the facility, implemented and overseen by OSHPD, are sufficient to ensure that all hazardous materials and substances are not released into the environment. The OSHPD requirements will provide reasonable assurances that the school site will not be adversely affected by the use of hazardous materials at the project site. The impact is considered *less than significant*.

Mitigation Measure

No mitigation measure is required.

Impact #3.7-4: Location of site on a known hazardous materials site

Discussion and Conclusion: The project site is not located on a known hazardous materials site, as identified on any local, state, or federal database of hazardous materials sites. The site is not listed within the databases of the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), National Priority List (NPL), No Further Remedial Action Planned Sites (NFRAP), or Municipal Solid Waste Landfills (MSWLF), as maintained by the U.S. Environmental Protection Agency. The site is also not listed on any state databases, most notably the Leaking Underground Storage Tank (LUST) database of the California Department of Toxic Substances Control (DTSC). The impact is considered *less than significant*.

Mitigation Measure

No mitigation measure is required.

Although it is not necessary to mitigate a less than significant impact, the following mitigation measure will further reduce any project impact.

Mitigation Measure #3.7-4:

Although not a “hazardous materials site,” the Hazardous Materials Investigation for the Merced Replacement Hospital Report indicated that persistent pesticides and metals exist at the project site. The City will require, prior to construction of Phase II, the hospital to remove the top six inches of soils in those areas of the site where pesticides and metals exist.

Impact #3.7-5: Safety hazards resulting from helicopter operations

Discussion and Conclusion: The project is intended to accommodate the use of a planned helipad for takeoff and landing of helicopters. While full flight schedules will vary and be dependent on patient and staff needs, it is anticipated that the facility will have three to four takeoffs and landings per week. The flight paths for the facility are shown in [Figures 3.10-1, 3.10-2, and 3.10-3](#) within the Noise Section of this EIR. The helipad is raised approximately eight feet above the surrounding grade to limit potential contact with users of the facility. The flight paths and angles of the helicopters will eliminate potential conflict points with persons on the site or on surrounding properties.

Existing regulations prohibit the flight of helicopters over the school site, thus eliminating potential conflicts with helicopter flights at the school. The flight paths developed for the project do not include flight over the school site, and flight angles have been developed to remove potential conflict points with overhead power lines, vegetation, and other obstructions.

While flights and flight paths are not considered to have significant impacts, there is a potential for conflicts at the landing site. Conflicts between hospital users of the helipad and pedestrians or stray animals are possible, and the impacts which could result from these conflicts cannot be fully discounted given the information available in the project description. The potential for significant safety impacts resulting from helicopter operations is considered *potentially significant*.

Mitigation Measure

Implementation of the following mitigation measures will reduce the impact to a *less-than-significant* level.

shown to include the 85 dB and 90 dB contours. Comparing the exterior SEL contours to [Figure 3.10-3](#) (FICAN Study), and assuming an exterior to interior noise level reduction of 25 dB, it can be expected that approximately 3% of the residences located under the 85 dB SEL contours could experience sleep disturbance. Approximately 5% of the residences located under the 90 dB SEL contours could experience sleep disturbance. This is a *potentially significant* impact.

Mitigation Measure

Implementation of the following mitigation measure will not reduce impacts to a less than significant level. Following implementation of the mitigation measure, this impact remains *significant and unavoidable*.

Mitigation Measure #3.10-5:

The pilots shall avoid flights over noise sensitive areas at all times when weather permits. The predominant wind in that area is from the north, northwest. The helicopter operates by landing and taking off into the wind. A departure in the northwesterly direction is preferred. A modified approach procedure from the northwest may be possible during minimal and “no” wind conditions. However, if the wind velocity exceeds a specified criteria depending upon the model of aircraft, then the helicopter will need to approach from the northeast or southeast.

Impact #3.10-6: New boilers within the Central Plant could result in a significant increase in noise levels.

Discussion and Conclusion: Four boilers are located within the Central Plant building. The boilers are expected to be contained within a concrete or masonry building. However, ventilation openings are generally provided through a plenum to the roof of a building or through the side of the building. The typical sound power level of a boiler is approximately 95 dB. The ventilation ducting is expected to reduce some of the noise, based on attenuation over distance. However, it is assumed that the total sound power level within the boiler room is approximately 100 dB with all four boilers operating, the predicted noise levels at the roof or side of the building are predicted to be 90 dBA. Mechanical equipment designs include acoustical louvers such as the Ruskin ACL845 stationary louvers which can be mounted on the openings in the roof. The expected noise level reduction from the louvers is conservatively 20 dB. Therefore, the boiler room noise levels are expected to be 70 dB at the air ventilation openings. The nearest residences are approximately 700 feet from the building. The predicted noise levels at the nearest residences without any additional shielding would be less than 30 dB. The boiler operations are expected to comply with the City of Merced daytime and nighttime stationary noise source criteria of 55 dB Leq and 45 dB leq, respectively; however, without detailed designs for the boilers, noise generation cannot be known for certain. The impact is *potentially significant*.

Mitigation Measure

Implementation of the following mitigation measure will reduce impacts to a *less-than-significant* level.

Mitigation Measure #3.10-6a:

Noise measured at the property line shall be based upon the Merced Vision 2015 General Plan. This document states that an outdoor noise level of 60 Ldn or less is acceptable for residential areas and for schools. The measurement of these units shall be in terms of dB(A) Leq at all residential property lines.

Include appropriate acoustical louvers, silencers or other noise control measures at all ventilation openings facing north and west, and on the roof tops as required so as not to exceed 45 dB(A) Leq at all residential property lines.

Mitigation Measure #3.10-6b:

A total of ten (10) of Cruickshank's windows on the west side of the building facing Mercy Avenue in relation to the project site will be replaced with double-pane windows. The ten (10) windows to be replaced are as follows: six (6) narrow slotted windows facing east, one (1) window facing north and one (1) window facing south on the westerly most building, and one (1) window facing north and one (1) window facing south on the adjacent building just north and east of the westerly building. Catholic Health Care West will provide funding to the School District for the replacement of these windows prior to construction of Phase 1. The applicant will provide an estimate for the replacement of the windows. A check in the amount of the estimate shall be given to the Merced City School District for this purpose.

Impact #3.10-7: Noise generated by the Central Plant due to the use of emergency generators.

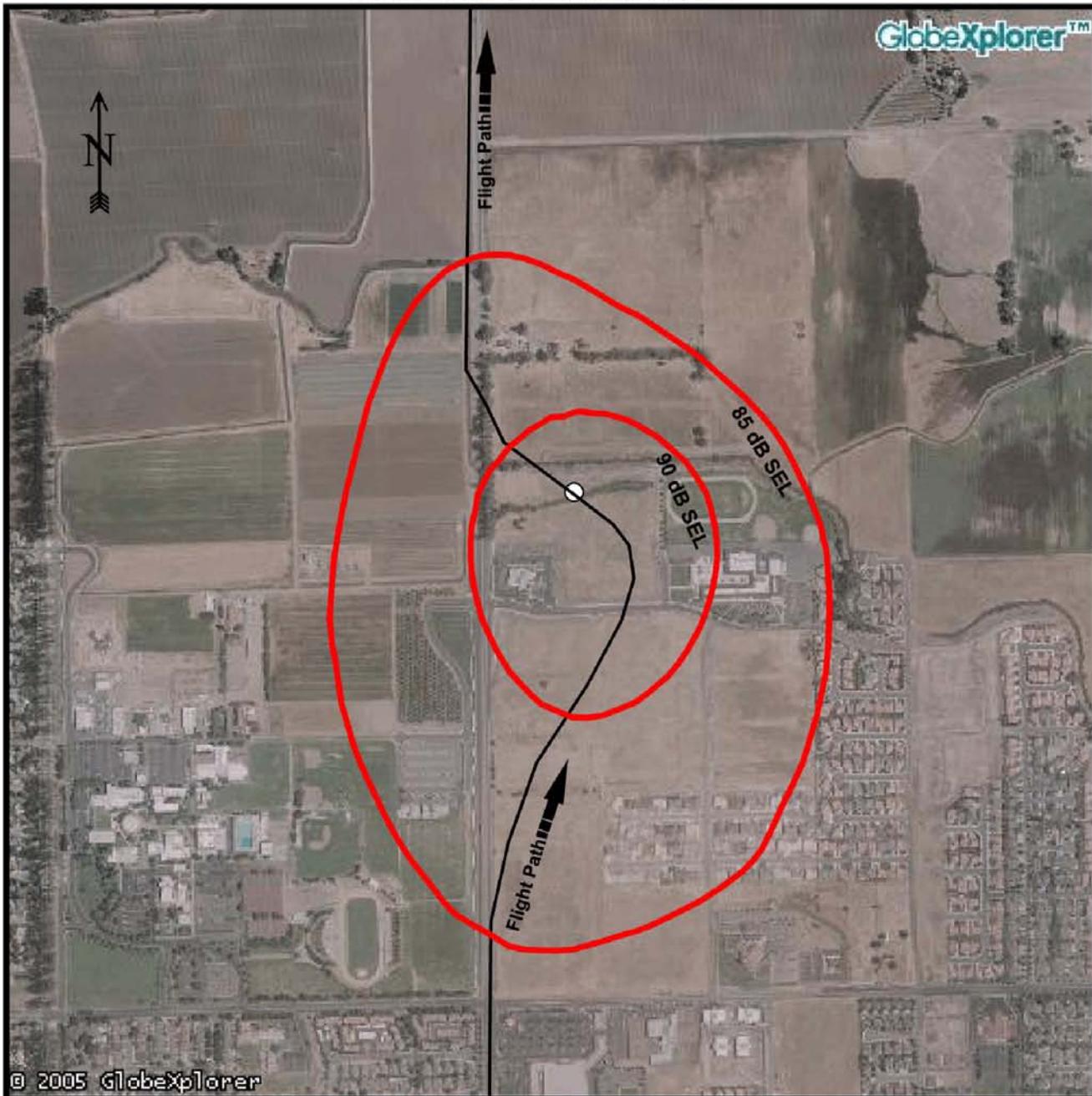
Discussion and Conclusion: The central plant will contain three emergency generators which may create a significant increase in noise levels from engine noise and exhaust. Emergency generators are considered to be non-operational except under emergency conditions. However, emergency generators will be subject to the noise level criteria when they are exercised for maintenance purposes.

Generator equipment has been specified to include 3 caterpillar 3512B emergency generators, which are contained within the central plant. The supply air and exhaust air is vented through the roof through plenums.

The closest residences to the generator room building are approximately 700 feet from the roof. Assuming that up to two generators are operating within the generator room, the sound power level within the room is expected to be approximately 128 dBA. Since the engine noise will be reduced by approximately 10 dB within the plenum, the predicted sound power level at the roof is approximately 118 dBA. The predicted noise level at the nearest residences is 62 dB. If just one generator is operating, the predicted noise level at the nearest resident is 59 dB.

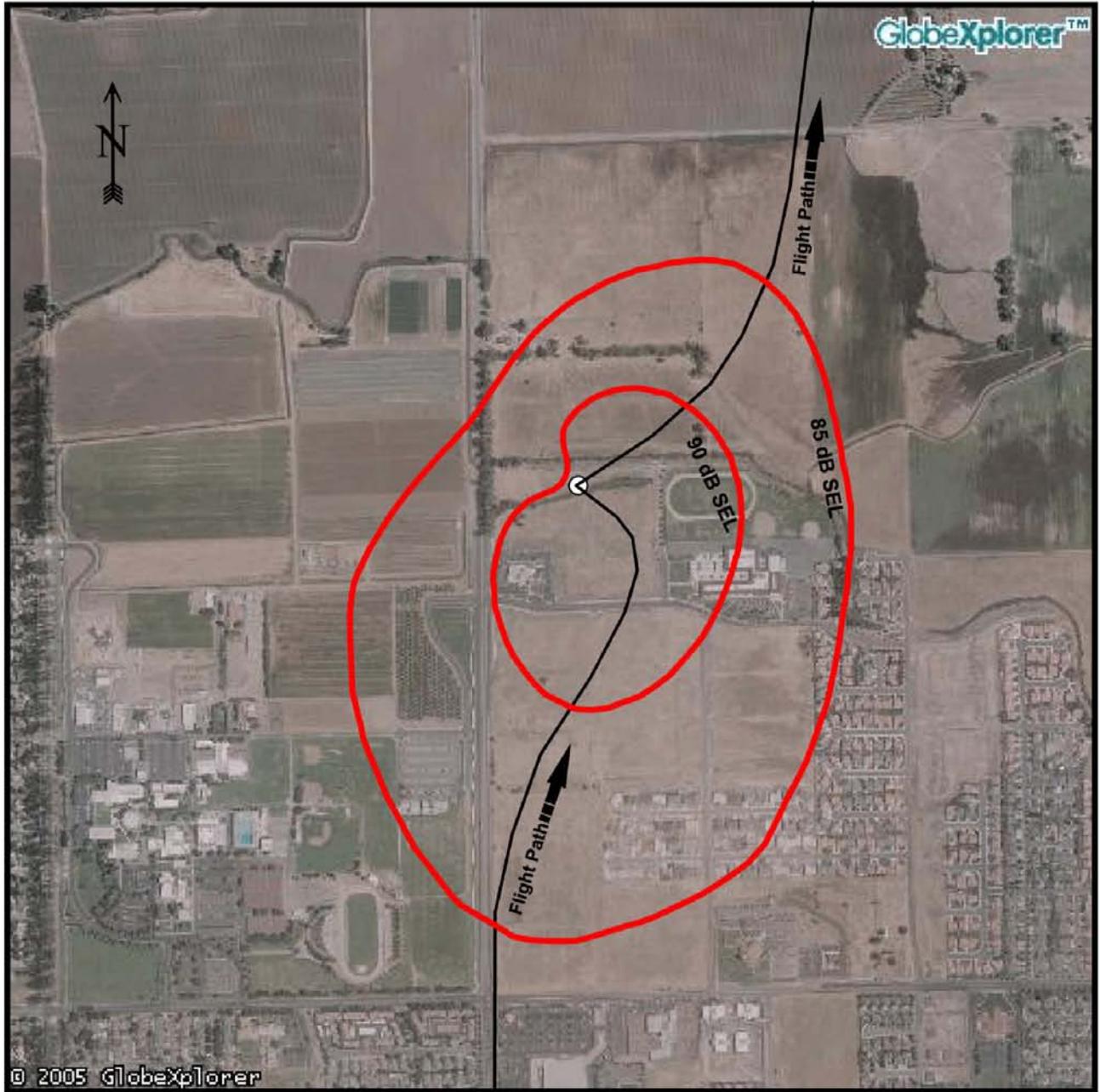
The sound power level from a single unmuffled exhaust is expected to be approximately 100 dBA at 23 feet. The predicted noise level, from exhaust noise, at the nearest residence is

NORTHBOUND ARRIVAL /
NORTHWEST DEPARTURE SEL



Source: Bollard & Brennan, 2005 / Quad Knopf, 2005

NORTHBOUND ARRIVAL /
NORTHEAST DEPARTURE SEL



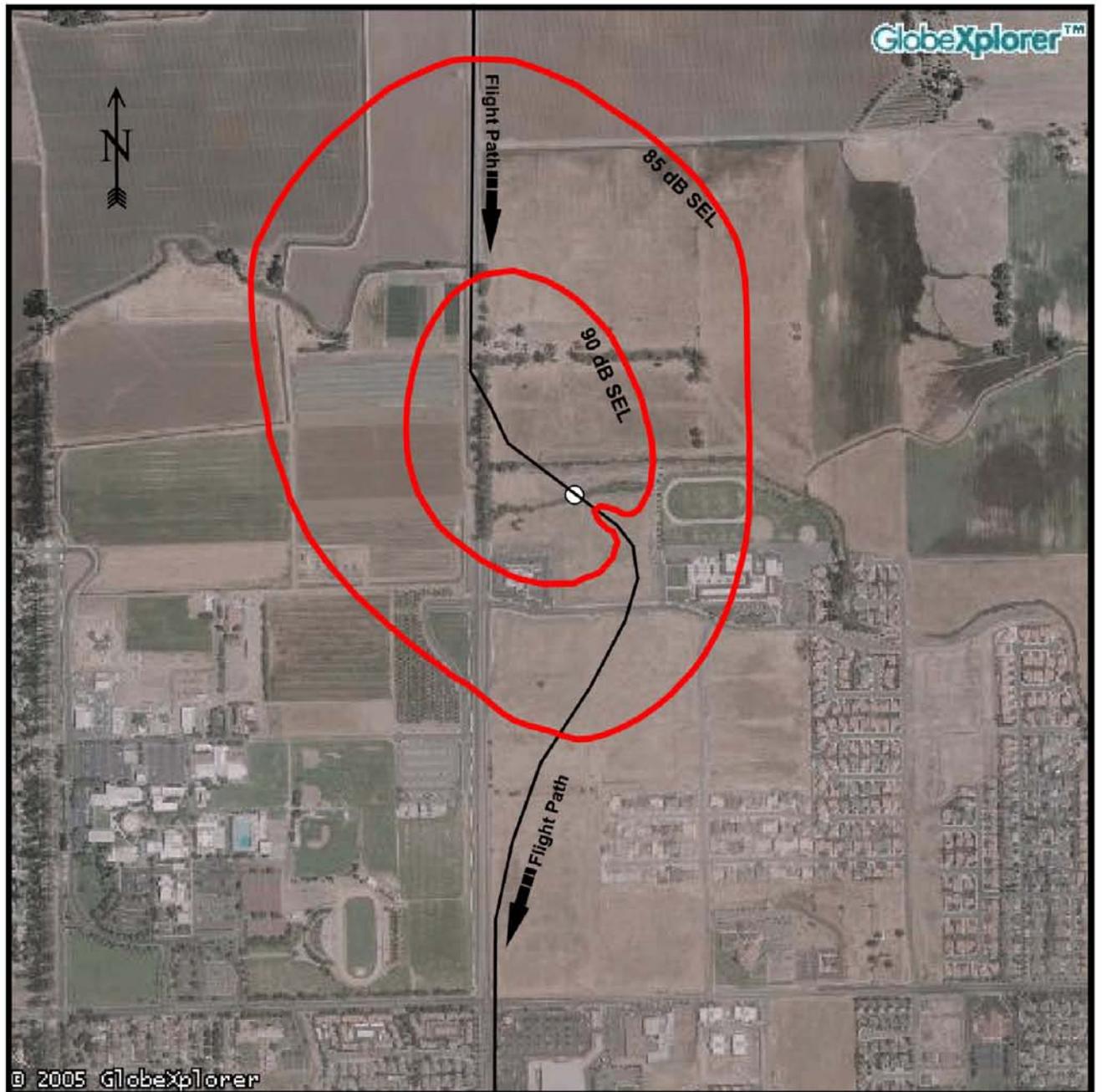
Source: Bollard & Brennan, 2005 / Quad Knopf, 2005



HELICOPTER NOISE GENERATION
FLIGHT PATH #2 SEL

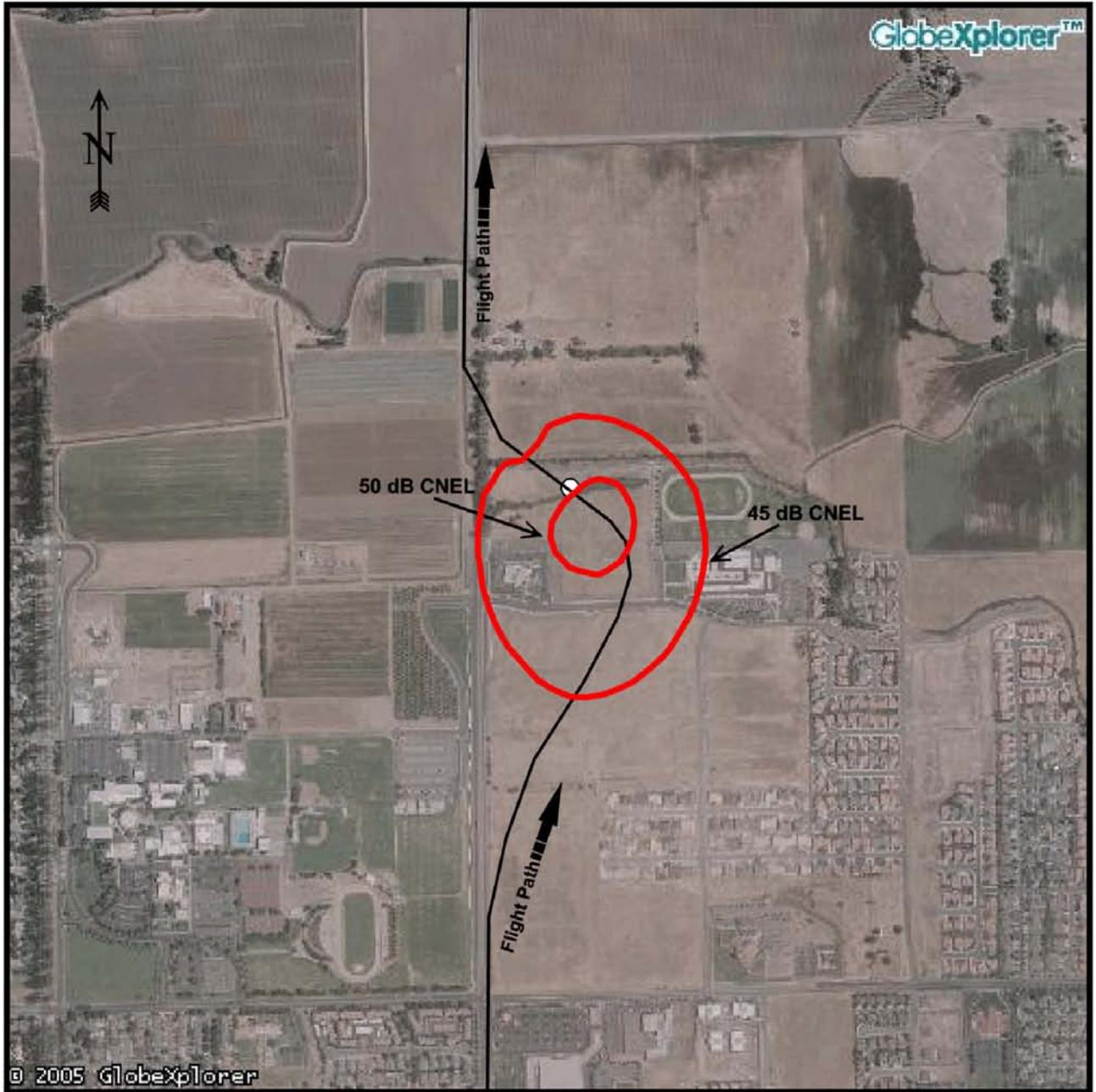
Figure 3.10-2

SOUTHBOUND ARRIVAL /
DEPARTURE SEL



Source: Bollard & Brennan, 2005 / Quad Knopf, 2005

NORTHBOUND ARRIVAL /
NORTHWEST DEPARTURE CNEL



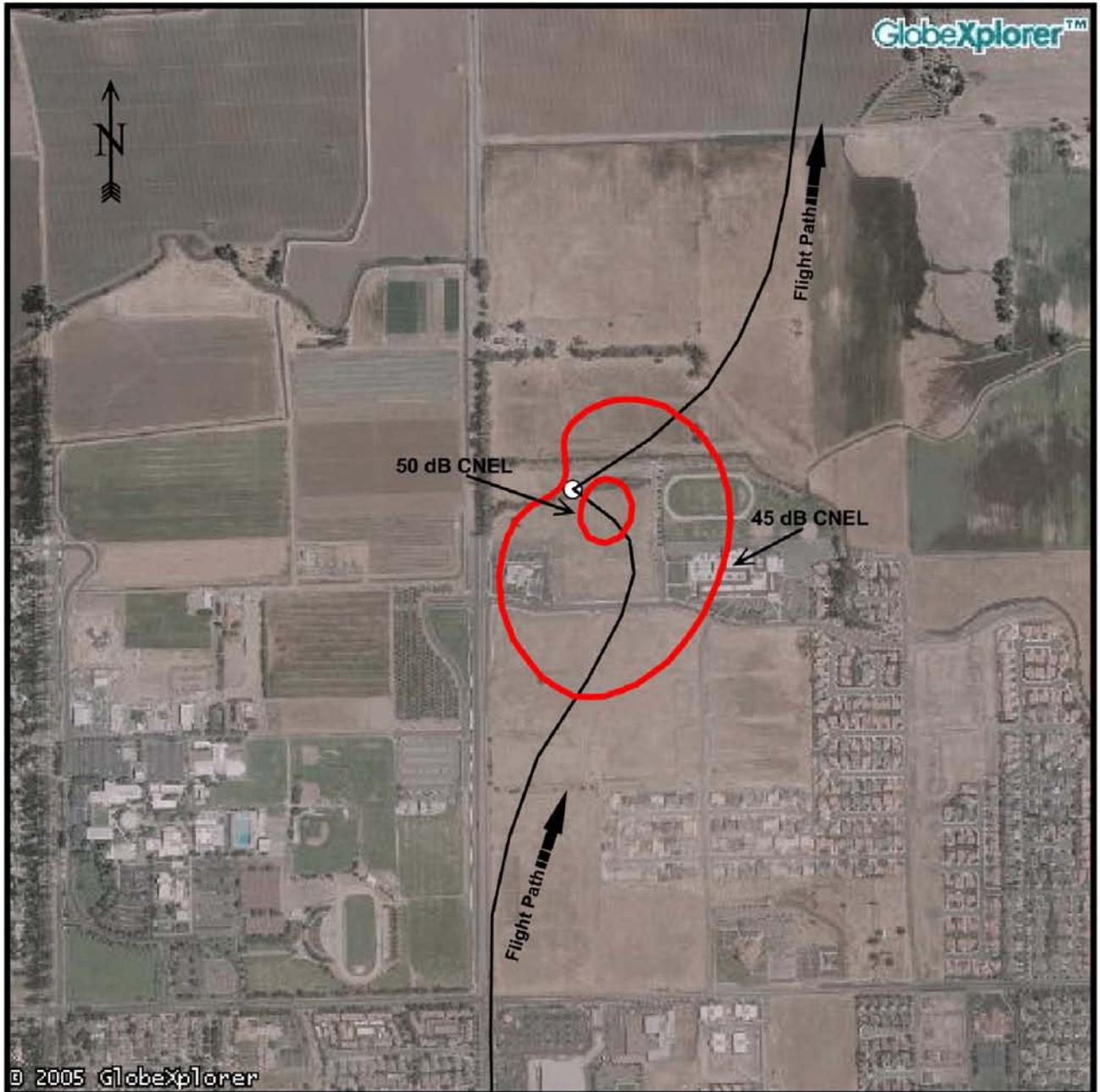
Source: Bollard & Brennan, 2005 / Quad Knopf, 2005



HELICOPTER NOISE GENERATION
FLIGHT PATH #1 CNEL

Figure 3.10-4

NORTHBOUND ARRIVAL /
NORTHEAST DEPARTURE CNEL



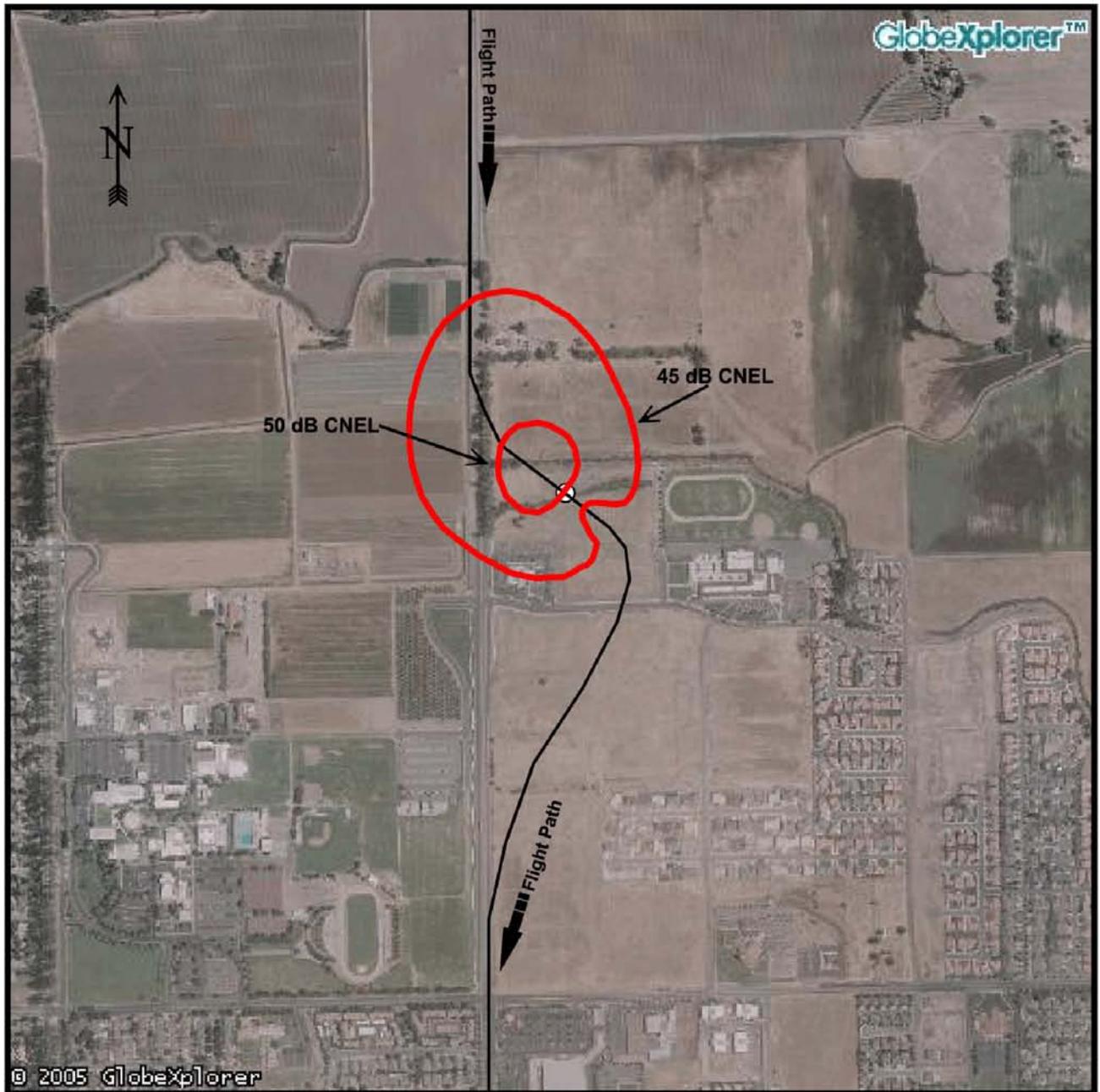
Source: Bollard & Brennan, 2005 / Quad Knopf, 2005



HELICOPTER NOISE GENERATION
FLIGHT PATH #2 CNEL

Figure 3.10-5

SOUTHBOUND ARRIVAL /
DEPARTURE CNEL



Source: Bollard & Brennan, 2005 / Quad Knopf, 2005

APPENDICES

APPENDIX A

ERRATA SHEET

ERRATA SHEET

Mitigation Measure #3.11-1b:

Pursuant to the City of Merced General Plan Policy P-1.3.c, and Merced Municipal Code Sections 17.62 and 17.64, the project applicant shall pay Public Facilities Impact Fees along with Merced County Regional Transportation Fees to address impacts of growth on city and regional infrastructure. In addition, Community Facilities District (CFD) formation is required for annual operating costs for city services. CFD procedures shall be initiated before final improvement plans are approved by the City. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest their inclusion in the District, and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received. In consultation with the Developer/Owner, the City's CFD consultant shall conduct a study to determine the proper rate and method of apportionment based on Phase I of the hospital project. The Owner/Developer reserves the right to appeal the consultant's findings to City Council for a final decision.

Mitigation Measure #3.11-2:

Pursuant to the City of Merced General Plan Policy P-1.3.c, and Merced Municipal Code Sections 17.62 and 17.64, the project applicant shall pay Public Facilities Impact Fees along with Merced County Regional Transportation Fees to address impacts of growth on city and regional infrastructure. In addition, Community Facilities District (CFD) formation is required for annual operating costs for city services. CFD procedures shall be initiated before final improvement plans are approved by the City. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest their inclusion in the District, and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received. In consultation with the Developer/Owner, the City's CFD consultant shall conduct a study to determine the proper rate and method of apportionment based on Phase I of the hospital project. The Owner/Developer reserves the right to appeal the consultant's findings to City Council for a final decision.

Mitigation Measure #3.12-1:

Upon completion of Phase III (development of the south 10-acre parcel), outbound left-turn movements at the intersection of ~~onto Sandpiper Avenue Drive~~ Drive and Cormorant Drive from the ~~southern driveway access~~ north leg and south leg of the intersection shall be prohibited. ~~If this portion of Sandpiper Avenue Drive south of the south parking lot is not~~ constructed at the time Mercy Medical Center land uses are constructed south of Cormorant Drive, the project applicant (subject to reimbursement) shall be required to construct this portion of Sandpiper ~~Avenue Drive~~.

APPENDIX B

UNDERSTANDING OUR MARKET AND STRATEGIC POSITION

Service Area Definition

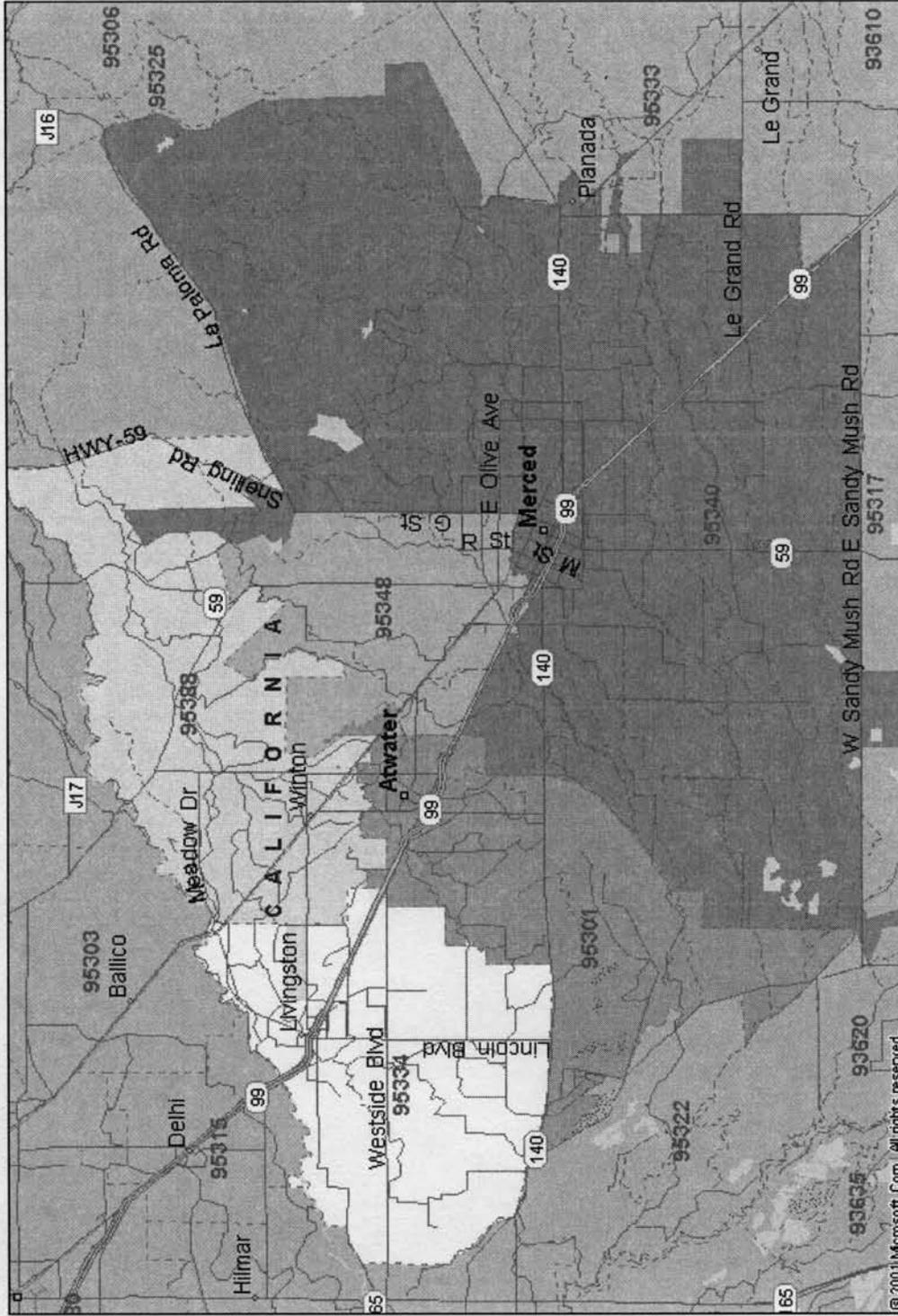
- MMCM's primary service area (PSA) is comprised of the Cities of Atwater, Livingston, Winton, and Merced.
- MMCM's secondary service area is comprised of outlying areas in the County of Merced as well as portions of the County of Mariposa.

Demographics

- The County of Merced is projected to grow by 24 percent over the next decade, before taking into account the growth anticipated to result from the development of UC Merced, a growth rate of 2.4 percent per year (Source: *State of California Department of Finance and 2000 U.S. Census*).

MMCM Primary Service Area Map

PSA Zip Code	Area
95340	Merced
95301	Atwater
95348	Merced
95334	Livingston
95388	Winton



Catholic Healthcare West

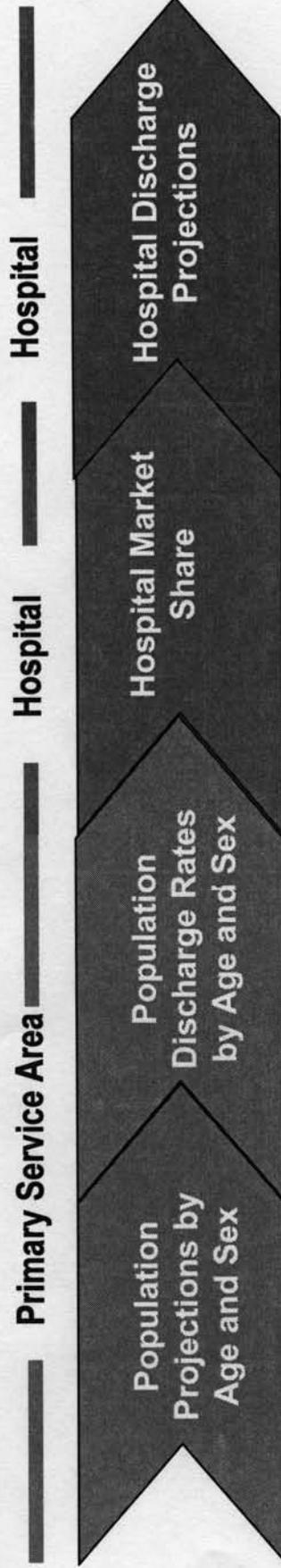


Understanding the Projections

- After inpatient bed need was calculated, meetings were scheduled with stakeholders to confirm the accuracy of the projections:
 - Department directors/managers and Administrative Team
 - Community experts, including representatives from the county and city governments and UC – Merced
- All stakeholders, including the community experts, agreed with the general range of growth projections
 - Community experts agreed that using a 2.5 percent growth factor adequately accounted for projected growth
 - Several of the experts cautioned that growth may not be a dramatic as originally projected given the State's economic situation

Supporting the Need

- In general, a hospital's size is determined by its service area's need for inpatient beds
- Inpatient bed need is primarily determined by population growth, use rates, and length of stay
- Population growth is a primary, but not the only, factor in determining bed need



Population Growth Projections

- Claritas projects that Merced County's population will increase, on average, by 4,413 people or 1.98 percent per year between 2003 and 2008

Zip Code (City)	2003 Population	2008 Population	Growth 2003-2008	% Growth 2003-2008
93620 (Dos Palos)	10,079	10,756	677	6.70%
93635 (Los Banos)	33,169	39,583	6,414	19.30%
95301 (Atwater)	27,709	29,661	1,952	7.00%
95303 (Ballico)	1,134	1,238	104	9.20%
95315 (Delhi)	11,086	12,855	1,769	16.00%
95317 (El Nido)	898	945	47	5.20%
95322 (Gustine)	8,858	10,048	1,190	13.40%
95324 (Hilmar)	7,647	8,374	727	9.50%
95333 (Le Grand)	4,623	5,184	561	12.10%
95334 (Livingston)	14,487	15,944	1,457	10.10%
95340 (Merced)	64,677	68,313	3,636	5.60%
95348 (Merced)	24,342	26,489	2,147	8.80%
95369 (Snelling)	1,174	1,174	0	0.00%
95374 (Stevinson)	1,793	1,960	167	9.30%
95388 (Winton)	12,344	13,562	1,218	9.90%
Total	224,020	246,086	22,066	9.90%

Catholic Healthcare West



CHW

Discharge Growth Projections – 2003 and 2008

Product	Data	2003 Discharges	2008 Discharges	Growth 2003-2008 Discharges	% Growth 2003-2008 Discharges
CARDIOLOGY		2,449	2,822	373	15.20%
DENTISTRY		14	16	2	15.90%
DERMATOLOGY		210	239	29	13.90%
ENDOCRINE		559	630	71	12.70%
GASTROENTEROLOGY		1,272	1,442	170	13.40%
GENERAL MEDICINE		545	616	71	13.00%
GENERAL SURGERY		1,771	1,999	227	12.80%
GYNECOLOGY		648	720	72	11.20%
HEMATOLOGY		167	188	21	12.60%
HIV		17	18	2	9.80%
NEONATOLOGY		1,139	1,243	105	9.20%
NEPHROLOGY		470	535	65	13.80%
NEUROLOGY		825	935	110	13.40%
NEUROSURGERY		145	162	17	12.00%
NORMAL NEWBORNS		3,500	3,823	322	9.20%
OB/DELIVERY		3,970	4,407	437	11.00%
ONCOLOGY MEDICAL		418	477	59	14.00%
OPEN HEART		240	272	32	13.20%
OPHTHALMOLOGY		31	35	4	11.90%
ORTHOPEDECS		1,495	1,699	204	13.60%
OTHER		48	52	5	9.40%
OTHER OB		329	365	36	11.00%
OTOLARYNGOLOGY		170	188	18	10.60%
PSYCH/DRUG ABUSE		190	213	23	12.20%
PULMONARY		1,877	2,131	254	13.50%
RHEUMATOLOGY		47	53	7	14.10%
THORACIC SURGERY		132	149	17	13.20%
TRAUMA		99	111	12	12.20%
UROLOGY		390	444	55	14.00%
VASCULAR SURGERY		400	457	57	14.30%
Total		23,566	26,442	2,876	12.20%

Catholic Healthcare West



CHW

Supporting the Need

- Using Claritas population projections and County of Merced discharge rates (based on OSHPD data), MMCM calculated that inpatient discharges will increase by an annual average of 2.4 percent between 2003 and 2008
- To account for additional growth, MMCM applied a discharge growth factor of 2.5 percent to MMCM's FY 2003 discharges and length of stay to calculate bed need through 2013

June 7, 2006

Laura Armstrong
Catholic Healthcare West
3400 Data Drive
Rancho Cordova, CA 95670

Re: Mercy Medical Center Merced
Environment Impact Report
McCarthy Project Number: 606057

Subject: Contractor Noise and Dust

Dear Laura:

As requested, we are writing this letter to respond to construction concerns (dust and noise) that were raised when the Draft Environmental Impact Report for the Mercy Medical Center Merced was returned to Catholic Healthcare West. As you know, McCarthy Building Companies has been building in California and the Central Valley for nearly 25 years. McCarthy will comply with the Environmental Impact Report and all published State, County and Local codes as they apply to not only dust and noise, but all construction matters.

Noted in the Draft Environmental Impact Report as a construction concern, is fugitive dust. McCarthy will comply with all San Joaquin Valley Air Pollution Control District "SJVAPCD" requirements as they apply to fugitive dust control. These requirements by SJVAPCD are outlined in Regulation-VIII rules 8011 thru 8081. These regulations require that the contractor (McCarthy) submit a Dust Control Plan that meets all requirements established by SJVAPCD prior to the start of construction, and then follow that plan during the entire course of construction.

Another construction related item noted in the Draft Environmental Impact Report is street sweeping. Street sweeping is a routine operation that is performed by McCarthy and/or our earthwork subcontractor on all construction projects. As required by SJVAPCD, street sweeping will be performed on this project by a specified PM10 Efficient Street Sweeper so that track out is reduced to a minimum.

The Dust Control Plan that will be approved by SJVAPCD for this project will also detail the use of soil binders and water trucks. The basic premise is to use soil binders to stabilize all disturbed soil and then, as routine maintenance, use a water truck to loop the project and at areas under construction to assure dust suppression. Please note that Soil binders can be added multiple times if required.

McCarthy will also install fabric fence covering at the entire East border of the property and a portion of the Northeast corner of Cormorant which will provide dust suppression due to prevailing winds.

Also noted in the Draft Environmental Impact Report as a construction concern, is noise. Beyond what is required by the Environmental Impact Report, noise is regulated locally and is covered by municipal codes. The specific municipal code is Chapter-10 of the Merced Vision 2015 General Plan. McCarthy will comply with the EIR Mitigation Measures detailed in 3.10-8 which states noise limits and times of operation. Also noted as a noise concern is pile driving operations. Fortunately, this project does not include a pile driving scope of work!

In closing, McCarthy considers itself a community builder whose normal course of business is to meet our project neighbors and communicate with them throughout the project. Our goal when meeting our project neighbors is to understand all of their needs/concerns and do what we can to address and resolve them. Please advise us when it will be an appropriate time to contact the project neighbors. This will be a great project and we look forward to a becoming a trusted part of the local community. If you have any questions, please do not hesitate to contact our office.

Sincerely,
McCarthy Building Companies, Inc.



Brendan Mulholland
Project Manager

cc: File, Rod Attebery, Rodney Riddle





June 7, 2006

Ms. Laura Armstrong
Area Manager
Catholic Healthcare West
3400 Data Drive
Rancho Cordova, CA 95670

Re: Mercy Medical Center Replacement Hospital

**Public Review of the Draft Environmental Impact Report
COMMUNITY SYTEMS ASSOICATES INC, letter of May 15, 2006
HELIPAD PLACEMENT
MMCM 0116704**

RBB ARCHITECTS INC

Joseph A. Balbona, AIA
Arthur E. Border, AIA
Sylvia Botero, AIA
Joel A. Jaffe, AIA
Deneys Purcell, AIA

10980 Wilshire Boulevard
Los Angeles, California
90024-3905

Telephone 310 473 3555
Facsimile 310 312 3646
www.rbbinc.com

Dear Laura:

This letter is in response to EIR comments outlined in the above referenced letter from the Merced City School District (MCSD) relating to the Helipad placement and or relocation.

As you know there are important functional adjacencies that determined the placement of the Helipad that cannot be changed or moved. The placement of the helipad must be immediately proximate to the emergency entrance of the Emergency Department in order to have rapid access to the Trauma Rooms to minimize transport times.

Best practices demand that the emergency entrance be functionally separated from the walk-in entrance to the Emergency Department (ED) and not proximate to the main hospital entry. This has resulted in the current departmental adjacencies with the emergency entrance on the north façade, walk-in entrance to the ED on the east and the main entry to the south.

The helipad placement allows for a flight path from the Northwest and Northeast directions without encroachment into the required glide paths or impact from the proposed seven-story hospital structure to the south. This current placement takes advantage of Cottonwood Creek and the bike path as buffers between future developments on the north side of campus.

The placement of the Central Utility Plant (CUP) is zoned to allow for segregation of service and emergency vehicles to the north access road and to permit future hospital expansion without encumbering relocation of the CUP. Its one story building height is low enough to mitigate interference with the proposed glide path.

HELIPORT CONSULTANTS

148 GAZANIA COURT
THOUSAND OAKS, CA 91362
TEL: (805) 496-0986
FAX: (805) 494-5151
E-Mail: ricardaesq@aol.com

MEMORANDUM

TO: Laura Armstrong, Catholic Healthcare West

FROM: Ricarda Bennett

DATE: June 13, 2006

SUBJECT: Mercy Medical Center Merced
Environmental Impact Report
Heliport - Response to Comments

This letter is in response to comments concerning the proposed heliport from the Department of Transportation/ Division of Aeronautics and from Community Systems Associates, Inc. who represented the Merced City School District.

DIVISION OF AERONAUTICS - LETTER FROM SANDY HESNARD - MAY 3, 2006

1. Ms. Hesnard is correct in stating that the Division of Aeronautics (DOA), as the designated Responsible Agency for issuing the heliport permit, needs to be notified. The first time we notified Chris Ferrell and Sandy Hesnard in writing that we were working on a hospital heliport for Mercy Medical Center was on December 23, 2004. Then at various times in 2005 we corresponded back and forth with Ms. Ferrell sending her draft copies of the helipad plans including the location and direction of the proposed flight paths.
2. Comments were made regarding the submission of the Federal Aviation Administration Application Forms 7480 (Notice of Landing Area Proposal) and FAA 7460 (Notice of Proposed Construction). FAA 7480 will be filed after the environmental assessment review is completed and before construction. All approvals from the FAA will be obtained prior to operation of the helistop.
3. With Form 7460 (Notice of Proposed Construction), the FAA will be notified prior to construction of the remaining phases (Phase II and III). The hospital and contractor for

**DEIR - Response to Comments
Mercy Medical Center Merced**

- the new phases will monitor crane and construction locations relative to the imaginary airspace of the existing helipad. Should there be construction equipment that penetrates the helipad's airspace, the helipad could be temporarily closed until such time as the equipment is removed.
4. In order to meet the FAA and DOA heliport design criteria, the helipad was raised and the height of the landscaping and parking lot lamp poles were lowered several feet in order to provide the pilot and helicopter with an obstruction free flight path. A great deal of consideration was given to the substitution of shrubs for trees and increases in the number of lower lamp poles in an effort to continually protect the imaginary airspace environment.
 5. There was a comment regarding the southeast flight path which will be used until Phase II begins construction. The hospital is wise in planning for the future expansion even though this project is not yet built. While Phase II and III may not be started for 10 or 20 years, depending upon community need, with this site plan, it is possible to evaluate the impact the new buildings will have on the helipad. Until such time as the buildings begin construction, the use of the southeast flight path will be a valuable asset to the operation of the helipad.
 6. There are no federal or state regulations that "prohibit the flight of helicopters over the school site." In fact, some schools have cooperated with the local fire departments and have allowed the air support divisions of the fire departments to designate the school's athletic field as an emergency landing site for rescue or fire fighting work. Additionally, schools of all grades invite Mercy Air and the air support divisions of the California Highway Patrol, the fire and police departments to land their aircraft at the schools to explain to the students how the helicopters save lives and are an integral part of the community they service. It is important to note that the physical location of the helipad cannot be achieved without identifying the adequacy of the imaginary airspace around the pad to accommodate the flight paths. Because of wind conditions or geographical restraints, in some situations there are no alternatives but to position the flight paths over noise sensitive areas. However, every effort is made, as in this situation, to avoid approach or departure flights directly over the occupied portion of the school.
 7. In order to prevent unauthorized persons access to the helipad, a 5 ft high fence will be erected around the helipad but below the pad elevation to avoid interference with the flight paths. Additionally, the pad is situated in the middle of a large grassy area at an increased distance from the pedestrians, and motor vehicles that circulate around the Hospital's emergency department entrance on the north side of the Hospital. This increased distance will help in decreasing the effect of the rotor wash or the wind generated by the turning rotor blades. Further, the helipad and the area in the vicinity of

**DEIR - Response to Comments
Mercy Medical Center Merced**

the pad will be monitored at all times for loose debris and will be swept clean. This will prevent the rotorwash from blowing around loose items on the pad or in the area.

8. Ms. Hesnard recommended submitting the project to the regional Airport Land Use Commission. It is planned to submit the documents and request for approval to the ALUC after receiving approval from the FAA and the local government. The heliport will not be permitted to operate until obtaining ALUC approval.

MERCED CITY SCHOOL DISTRICT ("MCS D"): LETTER FROM CSA - MAY 12, 2006

- Proposed relocation of the helipad - It is not possible to relocate the helipad to the westside of the hospital between Cottonwood Creek and Cormorant Drive because there is not enough protected area to provide for the helipad and the unobstructed flight paths. Additionally, the helipad in this area would be far away from the emergency room entrance.
- Proposed flight paths- The helicopter is sensitive to the wind direction. Since the predominant wind in this area is from the northwest, the pilot will typically depart to the northwest. The approaching flight path is also dictated by the direction of the origin of the flight. The pilot in command maintains the final decision on the appropriate flight path and approach angle to use when conducting a helicopter operation.
- Flight path determination - The flight paths were determined after a site visit in April of 2005. I visited the site with a seasoned fire department pilot. We conducted extensive in person interviews with helicopter emergency medical pilots in Merced who are very familiar with the weather conditions in this area.
- Unplanned landings - In the event of an unplanned landing, the pilot, who is experienced in autorotating (i.e. landing without power) the helicopter, will land on one of the streets such as Mercy Ave. or the service street to the north of the helipad. Any flat area such as street intersections and parking lots would qualify as alternative landing sites.
- Lights - There will be flush inset lights around the edge of the helipad. These are

**DEIR - Response to Comments
Mercy Medical Center Merced**

omnidirectional lights that help the pilot identify the shape and location of the helipad. There will also be 4 low level (2 in.high) flood lights around the edge of the concrete pad. These lights will be activated by the pilot upon arrival and turned off upon departure. The lights would be activated for a short period of time. Even with all the pad lights on, they would not significantly increase the ambient background light.

Ricarda L. Bennett, Esq.

RLB:wk



H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

June 26, 2006

Laura Armstrong
Area Manager
Catholic Healthcare West
3400 Data Drive
Rancho Cordova, CA 95670

RE: Response to Comments on Mercy Medical Center Draft Environmental Impact Report

Dear Ms. Armstrong:

The purpose of this letter is to recommend responses to comments by the United States Army Corps of Engineers (USACE) made May 26, 2006 and the California Department of Fish and Game (CDFG) made May 5, 2006 on the Mercy Medical Center Draft Environmental Impact Report.

USACE COMMENTS FOR EIR #04-18 (SCH #2004121055) FOR THE MERCY MEDICAL CENTER PROJECT – MAY 26, 2006

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations" under "Jurisdiction" on our website.... and submit it to this office for verification.

Response: H. T. Harvey & Associates completed formal wetland delineation and submitted the report to the USACE for verification in June 2006.

Every effort should be made to avoid project features that require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Response: Since the preparation of the draft EIR, the project design has been modified to avoid any discharge of fill material into Cottonwood Creek. Impacts to potential waters of the U.S. are limited to Sells Lateral, which will be filled. Flows will be directed through a pipe underneath an access roadway along the northern project boundary.



H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

CDFG COMMENTS FOR MERCY MEDICAL CENTER DRAFT EIR SCH# 2004121055 – MAY 5, 2006

Listed Plant Species: *Focused, repeated surveys should be conducted multiple times during the appropriate floristic period(s) in order to adequately assess the potential Project-related impacts to listed plant species.*

Response: The 30-acre project site has historically been used for agricultural production. The property continues to be periodically disked. In addition, illegal dumping has taken place in recent years. Existing vegetation on the site is typical of such disturbed settings and includes non-native annual grasses and forbs. Sensitive habitats, such as vernal pools and seasonal wetlands are absent from the site per a 2006 wetland delineation conducted by H. T. Harvey & Associates. Based upon these observations, H. T. Harvey & Associates agrees with the draft EIR that suitable site conditions are not present for the listed plant species described in the CDFG letter dated May 5, 2006. Therefore, focused, repeated surveys during the blooming periods of these species are not warranted.

The draft EIR did determine that a low probability exists for Sanford's arrowhead (*Sagittaria sanfordii*; CNPS 1B) to occur within Cottonwood Creek. Based upon the latest project design plans (dated April 29, 2005 and December 12, 2005), this waterway will not be impacted during project construction or operation. Therefore, although the reconnaissance-level survey conducted by Quad Knopf biologists occurred outside the blooming period (May-October) for Sanford's arrowhead, focused surveys for this species are not required due to the absence of project impacts to Cottonwood Creek.

Riparian Habitat and Wetlands: *When wetland habitat cannot be avoided, impacts to wetlands should be compensated for with the creation of new habitat, preferably on-site, on a minimum of an acre-for-acre basis. Potential impacts to special status resources posed by wetland creation should also be considered.*

Response: Based upon recent conversations between H. T. Harvey & Associates and project engineers, Sells Lateral, an irrigation ditch that supports freshwater emergent vegetation (e.g., cattails), will be filled and flows will be directed through an underground pipe that will be routed underneath a proposed roadway along the northern project boundary. H. T. Harvey & Associates is currently working with Gerald Hatler, Environmental Scientist, CDFG, and the USACE and RWQCB to arrive at an acceptable, off-site mitigation solution for this impact.



H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

A formal wetland delineation should be conducted by a qualified biologist to determine the location and extent of wetland habitat on site, including vernal pools and swales.

Response: H. T. Harvey & Associates conducted a formal wetland delineation of the project site on March 30, 2006. A report was prepared and submitted to the U. S. Army Corps of Engineers for verification in June 2006.

Wetlands should be designated on a site map and included in the final environmental documents.

Response: H. T. Harvey & Associates will provide a wetland figure that can be included in the final environmental documents.

We recommend delineating all surface waters and wetlands with a minimum 50-foot no disturbance buffer around the outer edge of these areas, with the exception of necessary road crossings over drainages. A 100-foot no disturbance buffer around the high water mark of Cottonwood Creek should be clearly identified. The riparian vegetation along Cottonwood Creek and Sells Lateral should also be protected with a 200-foot no-disturbance buffer delineated from the high water mark of both surface water bodies.

Response: Potential wetlands and other waters subject to USACE Section 404 jurisdiction are limited to that reach of Sells Lateral that occurs on site. The entire reach of this irrigation ditch on site will be filled and flows rerouted via an underground pipe. Therefore, a no-disturbance buffer is not feasible.

Regarding Cottonwood Creek, the applicant is providing the City of Merced with a 50-foot easement area from the center of the creek southward onto the property. Although the legal parcel extends into the creek, the actual hospital facility improvements begin 39 feet south of the top of bank. Given that the creek is channelized and supports significant numbers of non-native eucalyptus trees, we believe that a 39-foot setback from the top of bank is adequate to protect the biological functions and values of this waterway.

Vernal pool fairy shrimp and vernal pool tadpole shrimp: The project has the potential to reduce the number or restrict the range of several endangered, rare, or threatened species.

Response: There is no potential habitat for these species on the site. Therefore, the project does not have the potential to reduce numbers of, or reduce the range of, vernal pool fairy shrimp or vernal pool tadpole shrimp. No further surveys or actions are warranted.



H.T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

San Joaquin kit fox: CDFG recommends that United States Fish and Wildlife Service's (USFWS) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance," (1999) be followed prior to any ground disturbing activities occurring within the non-irrigated portion of the Project area.

Response: San Joaquin kit foxes are unlikely to utilize poor quality habitats such as those occurring on the project site unless occupied suitable habitat occurs nearby. Incompatible land uses isolate the project site from suitable habitat several miles to the east where San Joaquin kit foxes have been recorded. Therefore, the permanent loss of agricultural lands at the project site would not result in the reduction of habitat capable of sustaining kit foxes. Kit foxes can disperse long distances and dispersal can occur within marginal habitats not capable of sustaining permanent occupancy. The entrapment or death of a kit fox during construction activities would constitute a significant impact. To avoid direct take of a kit fox, the United States Fish and Wildlife Service's "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance," (1999) should be implemented.

California tiger salamander: Protocol biological surveys should be conducted by qualified biologists at the appropriate time of year to determine the existence and extent of wildlife resources and special status species on site, such as the California tiger salamander.

Response: The California tiger salamander's preferred breeding habitat is pond environments persisting a minimum of three to four months on an annual basis. Examples of such environments include vernal and ephemeral pools, and human-made ponds surrounded by uplands that contain small mammal burrows. Portions of Sells Lateral pond when the lateral is not conveying agricultural water. The duration of this ponding in relation to periods of flow and desiccation are not fully understood, but a reasonable conclusion based on the lateral's primary purpose of conveying agricultural water is that the ponded environments on the project site are only marginally suitable breeding habitat for California tiger salamanders.

Where California tiger salamanders are present, juvenile and adult salamanders use burrows in upland habitats that have been excavated by small mammals such as California ground squirrels (*Spermophilus beecheyi*) and Botta's pocket gophers (*Thomomys bottae*). Burrows suitable for aestivation are limited on the Mercy Medical project site and occur mainly along the margins of Sells Lateral that have not been routinely disked as part of the agricultural activities occurring on the site.



H.T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

Based upon the low quality of the potential breeding habitat and limited availability of aestivation habitat, the probability of California tiger salamanders occurring on the site is low. In coordination with the USFWS and CDFG, small mammal burrows should be examined with a remote video probe as the burrows are carefully excavated to verify the absence of California tiger salamanders.

Swainson's Hawk: It is highly probable that this species nests on or closer to the site than the observations currently reported in the California Natural Diversity Data Base (CNDDDB).

Response: During the spring of 2005, a Swainson's Hawk nest located along Cottonwood Creek within 1,500 feet (457 m) of the project site was monitored (C. Johnson pers. comm.). Therefore, the presence of an active nest within one mile of the project site results in an increased mitigation ratio relative to the ADEIR mitigation requirements. Project implementation would result in the loss of approximately 27 acres (10.9 ha) of foraging habitat for Swainson's Hawks. Because the site comprises foraging habitat (or did so within the recent past) for Swainson's Hawks and is within one mile (1.6 km) of an active nest (used during one or more of the last five years) off-site Habitat Management (HM) lands should be provided as described in the CDFG's *Staff Report regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* (CDFG 1994b).

Based on CDFG's staff report (CDFG 1994), the project should provide off-site HM lands as follows:

- One acre of HM land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk) for each acre of development authorized (1:1 ratio); or
- One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on the HM lands) for each acre of development authorized (0.5:1 ratio).
- Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of \$400 per HM acre (adjusted annually for inflation and varying interest rates).



H.T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

Surveys for nesting raptors should be conducted following the survey methodology developed by the Swainson's hawk Technical Advisory Committee (SWHA TAC 2000) prior to any disturbance within 5 miles of a potential nest tree (DFG 1994).

Response: If construction (including site preparation activities such as scraping and grading) is planned to occur during the typical raptor-breeding season (February-August), pre-construction surveys should be conducted for nesting raptors (including Burrowing Owls). Species-specific surveys for Swainson's Hawks should follow the CDFG survey methodology. If nests are found, CDFG should be consulted to avoid take of eggs or young.

The Department considers removal of known raptor nest trees, even outside the breeding season, to be significant under CEQA.

Response: The degree to which impacts to nesting trees outside the breeding season are significant under CEQA is dependent upon the status of a particular species of raptor and the degree to which potential nest trees are limited within a given territory. In cases where potential nest trees are not limited, we do not consider the loss significant under CEQA.

If avoidance of a known [Swainson's Hawk] nest tree is not feasible, consultation with the Department is warranted prior to taking any action.

Response: The Department would be consulted prior to the taking of a Swainson's Hawk nest tree.

***Burrowing Owl:** If any ground-disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31) implementation of avoidance measures is required.*

Response: If ground-disturbing activities are planned between February 1 and August 31, protocol-level surveys should be conducted for breeding Burrowing Owls, and the measures listed in the CDFG comments should be followed if an active nest is present. In addition, "passive relocation" of owls during the nonbreeding season (CDFG will not permit relocation of Burrowing Owls during the breeding season) should be conducted in consultation with CDFG.



H.T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

If you have questions or comments on these recommended responses, feel welcome to contact me at 559.449.1423 ext. 107.

Sincerely,

Brian B. Boroski, Ph.D.
Associate Ecologist

APPENDIX C

HAZARDOUS MATERIALS INVESTIGATION REPORT
MERCED REPLACEMENT HOSPITAL

**HAZARDOUS MATERIALS
INVESTIGATION REPORT
MERCED REPLACEMENT HOSPITAL
Merced County, California**

**Catholic Healthcare West, Design & Construction, CRE
Rancho Cordova, California**

**17 March 2005
Project No. 3874.02**

17 March 2005
Project No. 3874.02

Ms. Laura Armstrong
Catholic Healthcare West, Design & Construction, CRE
3400 Data Drive
Rancho Cordova, California 95670

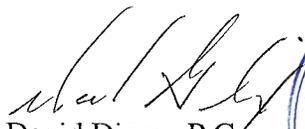
Subject: Hazardous Materials Investigation Report
Merced Replacement Hospital
Merced County, California

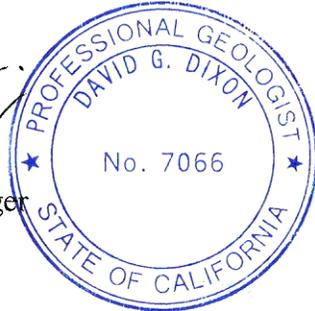
Dear Ms. Armstrong:

We are pleased to submit our Hazardous Materials Investigation Report for the Merced Replacement Hospital property in Merced, California.

We appreciate the opportunity to be of service to you on this project. If you have any questions or require additional information please call.

Sincerely yours,
TREADWELL & ROLLO, INC.


David Dixon, P.G.
Senior Project Manager



38740201.DGD

Enclosure


Patrick B. Hubbard P.G.
Senior Associate Geologist for

**HAZARDOUS MATERIALS
INVESTIGATION REPORT
MERCED REPLACEMENT HOSPITAL
Merced County, California**

**Catholic Healthcare West, Design & Construction, CRE
Rancho Cordova, California**

**17 March 2005
Project No. 3874.02**

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**HAZARDOUS MATERIALS INVESTIGATION
MERCED REPLACEMENT HOSPITAL
Merced, California**

1.0 INTRODUCTION

This report presents the results of our hazardous materials investigation conducted at the proposed Merced Replacement Hospital (Site) located in Merced, California (Figure 1). This investigation was performed for Catholic Healthcare West (CHW) as outlined in our proposal dated 21 July 2004 (Treadwell & Rollo, 2004a).

CHW is planning to construct a hospital complex at the Site and retained Treadwell & Rollo to perform a geotechnical evaluation for the proposed development (Treadwell & Rollo 2004b) and a hazardous materials investigation. The objectives of the hazardous materials investigation were to: 1) evaluate if potential previous agricultural pesticide use at the Site during may have impacted soil quality, 2) evaluate the significance of investigation findings, and 3) provide options for further action and a scope of potential further action if necessary. The scope of the investigation and the cleanup goals were developed using California Environmental Protection Agency (Cal-EPA) and United States Environmental Protection Agency (USEPA) guidance documents, which are discussed in Section 5.0.

2.0 SCOPE OF SERVICES

The scope of work included in this hazardous materials investigation consisted of:

- Advancing thirty soil borings using a truck-mounted direct-push drill rig and hand-augering techniques;
- Collecting soil samples and submitting them for laboratory analyses;
- Evaluating the analytical data;

- Identifying potential remedial options, and;
- Preparing this report.

3.0 SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The Site encompasses 35-acres area located in Merced, California and is comprised of a north lot and a south lot which are separated by Cormorant Drive (Figure 2). The Site is bounded by G Street to the west, Mercy and Sandpiper Avenues to the east, Cottonwood Creek to the north, and an open field to the south. The Site is generally level with ground surface elevations ranging from 180 to 185 feet above mean sea level (MSL) throughout most of the Site. Surface elevation increases to 190 feet above MSL at the southeast corner of the Site.

Mercy Cancer Center currently occupies a one-story wood-frame structure at the northeast corner of G Street and Cormorant Drive and is surrounded by paved parking areas with adjacent landscaping. The Mercy Cancer Center portion of the Site, identified as the Mercy Cancer Lot on Figure 2, is already developed and was not included in our soil investigation. A 40-foot wide by five-foot deep irrigation canal, trending east-west from Mercy Street to G Street, bisects the northern portion of the Site. A backfilled irrigation canal, trending north-south, formerly crossed the Site between Cormorant Drive and the existing canal. The remainder of the Site is currently a vacant lot covered with vegetation (Figure 2). The site history performed during the geotechnical evaluation identified only agricultural uses at the Site and vicinity.

The proposed development will be constructed in three phases. Phase 1 will include a hospital building, Medical Office Building (MOB) and Central Plant on the northern lot. Phase 2 will include another hospital building and MOB and the expansion of the Central Plant on the northern lot. Phase 3 will include a third hospital building, another Central Plant expansion and a parking garage on the northern lot, and surface parking and a MOB on the southern lot.

4.0 GEOLOGIC AND HYDROGEOLOGIC SETTING

The geotechnical investigation included advancing 23 soil borings and 28 cone penetration tests to evaluate site geology and preparing a geologic hazard evaluation. The investigation results indicate that the Site is blanketed by medium stiff to hard clay extending to depths of seven feet below ground surface (bgs). The surface clay is underlain by sand and silt, interbedded with occasional clay and gravel layers, to the maximum depth explored of approximately 50 feet bgs. The sand is dense to very dense, with varying amounts of clay and silt. The silt is stiff to hard, with varying amounts of sand. Clay is stiff to hard. Very dense gravel layers were encountered in some of the borings advanced near the center of the Site. Neither the site history performed for the geologic hazard evaluation or the geotechnical investigation identified the presence of significant fill present on the undeveloped portions of the site (Treadwell & Rollo, 2004b).

The depth to the top of the groundwater encountered at the Site has ranged from approximately 40 to 50 feet bgs and may fluctuate with seasonal rainfall. The City of Merced operates three water wells in the vicinity of the Site (Treadwell & Rollo, 2004b).

5.0 HAZARDOUS MATERIALS INVESTIGATION

The following sections discuss the regulatory guidance that was used to develop the sampling program and evaluate the results and the soil sampling and laboratory methods.

5.1 Regulatory Background

The California Department of Toxic Substances Control (DTSC), a branch of the Cal-EPA, recommends that “sensitive use” sites such as hospitals and schools be cleaned up to residential land use standards, which are more conservative than commercial and industrial land use standards (DTSC 2002a). The DTSC generally relies on the United States EPA Region 9 Preliminary Remediation Goals (PRGs) for soil to evaluate chemical concentrations on a screening level and evaluate the need for further action (USEPA 2004). Sampling results from this investigation were compared to the PRGs for residential use sites. A site that meets

residential cleanup standards is generally considered by regulatory agencies as being suitable for unrestricted uses.

The DTSC has identified organochlorine pesticides and metals as the primary contaminants of concern at former agricultural sites. Pesticides were generally applied directly to crops and metals are components of both pesticides and fertilizers that have commonly been used in California. Our analytical program included analyses for pesticides and California Title 22 Metals. Sampling guidelines used in this investigation are presented in the DTSC document titled *Interim Guidance for Sampling Agricultural Fields for School Sites (Second Revision)* (DTSC 2002).

5.2 Sampling and Analytical Rationale

The DTSC guidelines recommend different sampling frequencies according to the acreage of a site. For a site up to 35-acres, the guidelines recommend collecting fifteen composite samples from a total of thirty discrete samples taken on one acre centers. The guidelines further recommend collecting one surface sample (0- to 6-inches bgs) and one subsurface sample (24- to 36-inches bgs). During this investigation, samples were also collected at 12- to 18-inches bgs to provide more refined characterization.

The thirty sampling locations at the Site were located on a 200-foot-spaced grid pattern (Figure 2). Eighteen of the sample locations were within the north lot and twelve were located on the south lot.

In compliance with DTSC guidelines, the proposed analytical plan included analyzing all 0- to 6-inch composite samples for chlorinated pesticides and holding the deeper samples pending the results of the shallow sampling Title 22 Metals (CAM 17) analyses were performed on four composite samples in compliance with the guidelines.

To estimate background metal concentrations, the guidelines recommend collecting four off-site 0- to 6-inch deep samples adjacent to the Site in areas that have not been impacted by

agricultural chemicals. Because the entire vicinity of the Site has had agricultural uses, we did not collect offsite samples and instead compared the on-site metals results to naturally-occurring metals concentrations in California soils identified in studies conducted by Lawrence Berkeley National Laboratory (LBNL, 2003) and United States Geological Survey (USGS, 1984).

5.3 Subsurface Soil Sampling

A project Health and Safety Plan (HSP) was prepared prior to sampling. Prior to drilling activities, Underground Service Alert (USA) was contacted to mark underground utility locations. In addition, Cruz Brothers Locators of Milpitas, California conducted an underground utility clearance at the proposed boring locations. Prior to sampling, boring locations were marked by surveyors Tolladay, Fremming & Parson of Merced, California.

On 13 and 14 December 2004, surface and shallow soil samples were collected from 30 locations (EB-1 through EB-30) at the Site (Figure 2). Soil borings were advanced using a combination of direct-push and hand auger equipment. One discrete surface (0- to 6-inches bgs) and two discrete shallow (12- to 18-inches and 24- to 30-inches bgs) soil samples were collected at each sampling location. Portions of corresponding surface samples from two adjacent borings were combined to create a total of 15 composite samples (Composite 1 through Composite 15). The remaining portion of each discrete sample was retained for further analyses if needed. Soil samples from borings EB-1 through EB-5 were collected using a truck mounted direct push drill rig. Samples at these locations were collected using a 4-foot long continuous core barrel fitted with clear acetate liners.

Due to muddy conditions at the site, the truck-mounted drill rig was unable to reach the remaining boring locations, which were completed with hand sampling equipment. Borings EB-6 through EB-10 were completed using a hand auger. Surface and shallow samples collected in the hand auger were transferred to 6-inch sections of clear acetate liners. Due to the clayey consistency of the shallow soils and the difficulty encountered during the decontaminating of the hand auger equipment between borings, borings EB-11 through EB-30 were advanced by driving a clean acetate liner into the ground using a rubber mallet. Upon collection, the end of each

sample was covered with a Teflon sheet and a tight fitting plastic end cap. All samples were labeled and placed in an ice-cooled chest for delivery to the analytical laboratory under chain-of-custody procedures. The holes were backfilled with soil cuttings after sampling.

All samples were delivered under chain-of-custody control to Curtis and Tompkins, Inc., a California Department of Health Services certified analytical laboratory located in Berkeley, California. Selected soil samples were analyzed by the following methods in accordance with the analytical rationale described in Section 5.2:

- Pesticides by EPA 8081
- CA Title 22 Metals (CAM 17) by EPA 6010B and 7471

6.0 ANALYTICAL RESULTS

Table 1 summarizes the pesticide analytical results and compares the results to residential PRGs. Table 2 summarizes metal analytical results and compares them to residential PRGs. The laboratory analytical reports are attached as Appendix A.

6.1 Pesticide Analytical Results

All fifteen composite samples were analyzed for pesticides. Composite samples 5, 7, 8, and 15 had pesticide concentrations above the laboratory reporting limit. The following eight pesticides were detected above the laboratory reporting limits: Beta-BHC, Dieldrin, dichlorodiphenyltrichloroethane (DDT), dichlorodiphenyldichloroethylene (DDE), endosulfan II, alpha-chlordane, methoxychlor, and toxaphene. Our review of the laboratory reports and their associated laboratory quality assurance and quality control data indicate that the laboratory data are valid for the purposes of this project. All of the concentrations were below the residential PRGs.

The highest reported concentration of toxaphene was 210 micrograms per kilogram ($\mu\text{g}/\text{kg}$) in Composite 15, which is close to one-half the residential PRG value. Therefore, the two discrete

surface samples that comprise Composite 15 (EB-27 and EB-30) were analyzed separately for pesticides. In addition, the 12- to 18-inch deep samples from EB-27 and EB-30 were composited into Composite 16 for pesticide analyses. Both the surface sample from EB-30 nor Composite 16 had pesticide concentrations at or above the laboratory reporting limit. The concentration of toxaphene in discrete sample EB-27 was 1,200 $\mu\text{g}/\text{kg}$, which exceeds the residential PRG of 440 $\mu\text{g}/\text{kg}$.

Because DDT and DDE were detected in Composite 7, the two discrete samples that comprise Composite 7 (EB-12 and EB-15) were analyzed separately for pesticides. In addition, the 12- to 18-inch and the 24- to 30-inch deep samples from EB-12 and EB-15 were composited into Composites 17 and 18 respectively, to determine if DDT and DDE is present deeper than 6-inches bgs. Neither the surface sample from EB-12, nor Composites 16 and 17 had pesticide concentrations at or above the laboratory reporting limit. DDT and DDE were detected in the discrete surface sample from EB-15 but at concentrations approximately two magnitudes below the residential PRGs of 1,700 $\mu\text{g}/\text{kg}$ for these compounds.

6.2 Total Metals Analytical Results

Five surface composite samples were analyzed for metals. Antimony, molybdenum, selenium, silver, and thallium were not detected in any of the samples at or above the laboratory reporting limit. Concentration ranges of metals detected are:

- Arsenic ranging from 2.7 mg/kg to 3.6 mg/kg;
- Barium ranging from 140 mg/kg to 190 mg/kg;
- Beryllium ranging from 0.36 mg/kg to 0.46 mg/kg;
- Cadmium ranging from 0.23 mg/kg to 0.24 mg/kg;
- Chromium ranging from 26 mg/kg to 30 mg/kg;
- Cobalt ranging from 7.3 mg/kg to 10 mg/kg;
- Copper ranging from 17 mg/kg to 21 mg/kg;

- Lead ranging from 4.7 mg/kg to 6.6 mg/kg;
- Mercury ranging from 0.019 mg/kg to 0.063 mg/kg;
- Nickel ranging from 16 mg/kg to 21 mg/kg;
- Vanadium ranging from 38 mg/kg to 48 mg/kg; and
- Zinc ranging from 35 mg/kg to 41 mg/kg.

These concentrations are within naturally occurring background ranges for California soils (LBNL, 2003, USGS, 1984). With the exception of arsenic, all concentrations are below the applicable residential PRGs. Composite samples 7 and 14 had the highest arsenic concentrations, and the four discrete samples that comprised these composite samples were also analyzed for arsenic. Arsenic concentrations for the discrete samples ranged from 2.3 mg/kg to 3.3 mg/kg, which is a similar range as the composite samples. The residential PRG for arsenic is 0.39 mg/kg. However, arsenic is a naturally occurring metal within many California soils, with typical natural background concentrations typically averaging approximately 5.5 mg/kg (LBNL 2003, USGS 1984).

7.0 SUMMARY AND RECOMMENDATIONS

The Site was historically used for agriculture (Treadwell & Rollo 2004b). The Site remains undeveloped, with the exception of the two-story wood-structure on the northeast corner of G Street and Cormorant Drive. An irrigation canal traverses the northern portion of the Site (Figure 2). Land use in the immediate vicinity of the Site is predominantly agricultural and commercial.

Shallow soil sampling and analyses were performed at the Site in general conformance with appropriate regulatory guidance documents (DTSC 2002a, 2002b, USEPA 2004). Arsenic was detected above the residential PRG value in all samples but was within natural background ranges for California soils. Regulatory agencies generally do not require further action at a site where naturally-occurring elements are present within the range of background concentrations,

and therefore we do not recommend further action related to the arsenic concentrations at the Site.

Toxaphene was detected above the residential PRG in one surface sample on the southern lot (EB-27). The pesticide-impacted area appears to be less than 12-inches deep and limited to this one sampling location. The soil impacted with pesticides around boring EB-27 should be addressed prior to development to mitigate potential health risks associated with the pesticides. Potential options for further action include:

- Using statistical methods to demonstrate to the satisfaction of a regulatory agency that that the one exceedance at boring EB-27 is an anomaly, that the average mean arsenic concentration is below the residential PRG, and that no further action is warranted.
- Leaving the pesticide-impacted soil on-site and mitigating potential exposure to the soil to the satisfaction of a regulatory agency. It is our understanding that the area around boring EB-27 is proposed to be developed as a paved, surface grade parking lot. It is possible that a regulatory agency would allow the pesticide-impacted soil to remain in place below the paved area. However, deed restrictions could be required to limit the impacted portion of the Site to commercial uses.
- Excavating the soil and disposing of it at an appropriate landfill.

Due to the apparently limited volume of pesticide-impacted soil, excavating and disposing of the soil is likely to be the most effective option. This option depends on the results of further soil sampling. The scope of this option could include 1) collection of soil samples on each side of the proposed excavation and at locations stepped-out at locations beyond each side to define the limits of the excavation and 2) removal and disposal of the upper 6 to 12 inches of soil in a 10 by 10-foot square area centered on boring EB-27. A one foot deep 10 by 10-foot square area represents approximately four cubic yards of soil. The final size of the excavation and soil volume excavated will be determined by additional sampling to ensure soil is below the residential PRG for toxaphene.

The excavation should be extended to samples that are below the residential PRG for toxaphene.

8.0 LIMITATIONS

Activities undertaken as part of this investigation were conducted to assess the presence of recognized releases of hazardous materials at the Site. The conclusions presented in this report are professional opinions based on the specific activities conducted.

Treadwell & Rollo, Inc. makes no guarantees or warranties with respect to the accuracy or completeness of this information. Opinions and recommendations presented herein apply to Site conditions existing at the time of our assessment and cannot necessarily be taken to apply to Site changes or conditions of which we are not aware and have not had the opportunity to evaluate.

REFERENCES

DTSC. 2002a. *Final Draft - Site Mitigation Program Management Memo. Response Actions for Sites Where Future Use May Include Sensitive Uses*. March 26

Department of Toxic Substances Control. 2002b. *Interim Guidance for Sampling Agricultural Fields for School Sites (Second Revision)*. 26 August

Environmental Assessment Services. 1998. *Phase I Limited Site Investigation, Merced, California*. 17 June

Lawrence Berkeley National Laboratory (LBNL). 2002. *Analysis of Background Distributions of Metals in the Soil at Lawrence Berkeley National Laboratory*. Environmental Restoration Program. June.

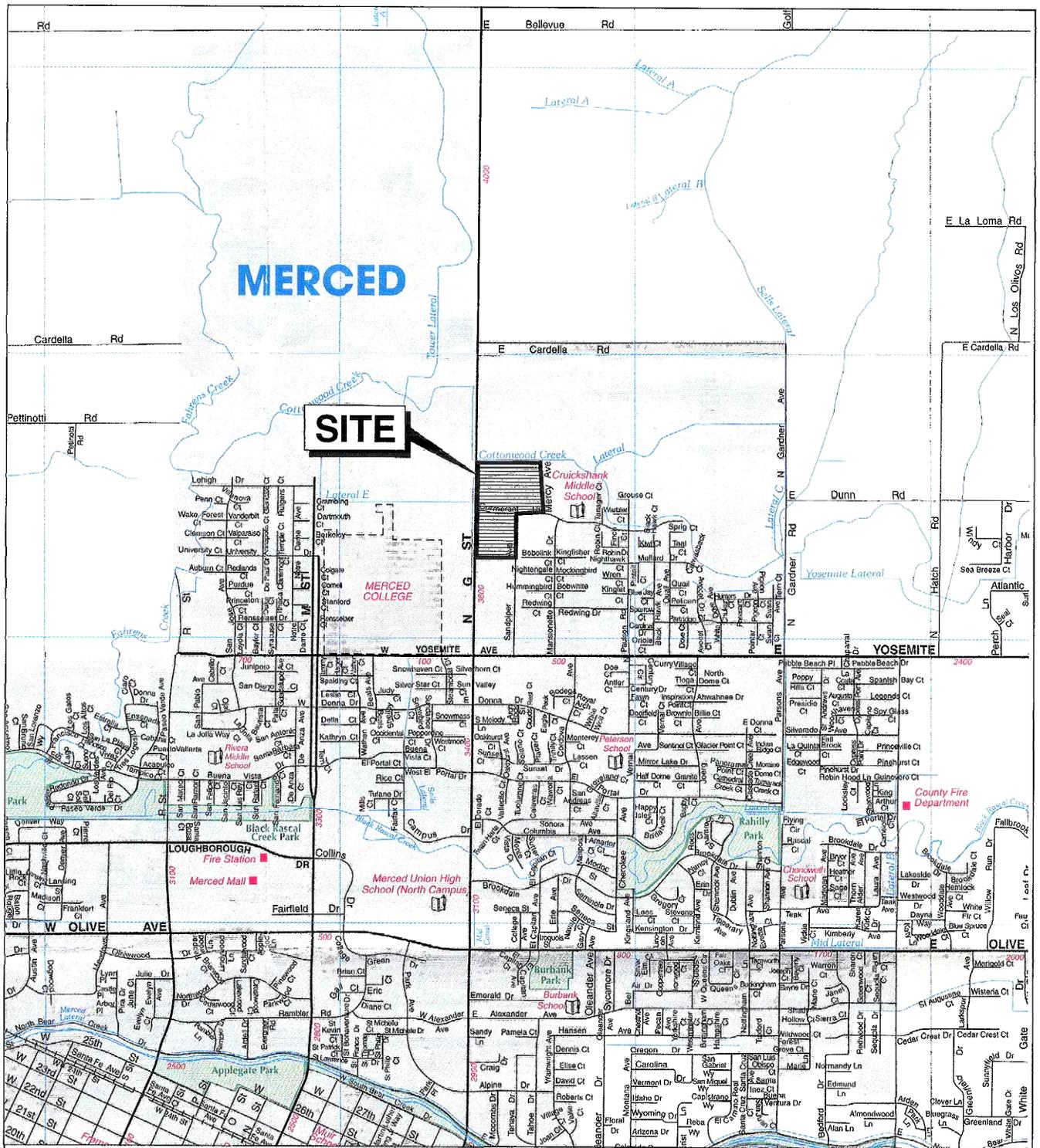
Treadwell & Rollo, Inc. 2004a. *Geologic Hazard Evaluation and Geotechnical Investigation*. 20 July.

Treadwell & Rollo, Inc. 2004. *Environmental Soil Investigation Proposal, Merced Replacement Hospital, Merced Hospital*. 21 July

United States EPA Region 9. 2004. *Preliminary Remediation Goals (California Modified)*. 1 October.

United States Geological Survey. 1984. *Element Concentrations In Soils and Other Surficial Materials in the Conterminous United States*. Professional Paper 1270.

FIGURES



Base map: Map of Merced and Atwater
 Merced County
 2003

0 1/4 1/2 Mile



Approximate scale



MERCED REPLACEMENT HOSPITAL
 Merced, California

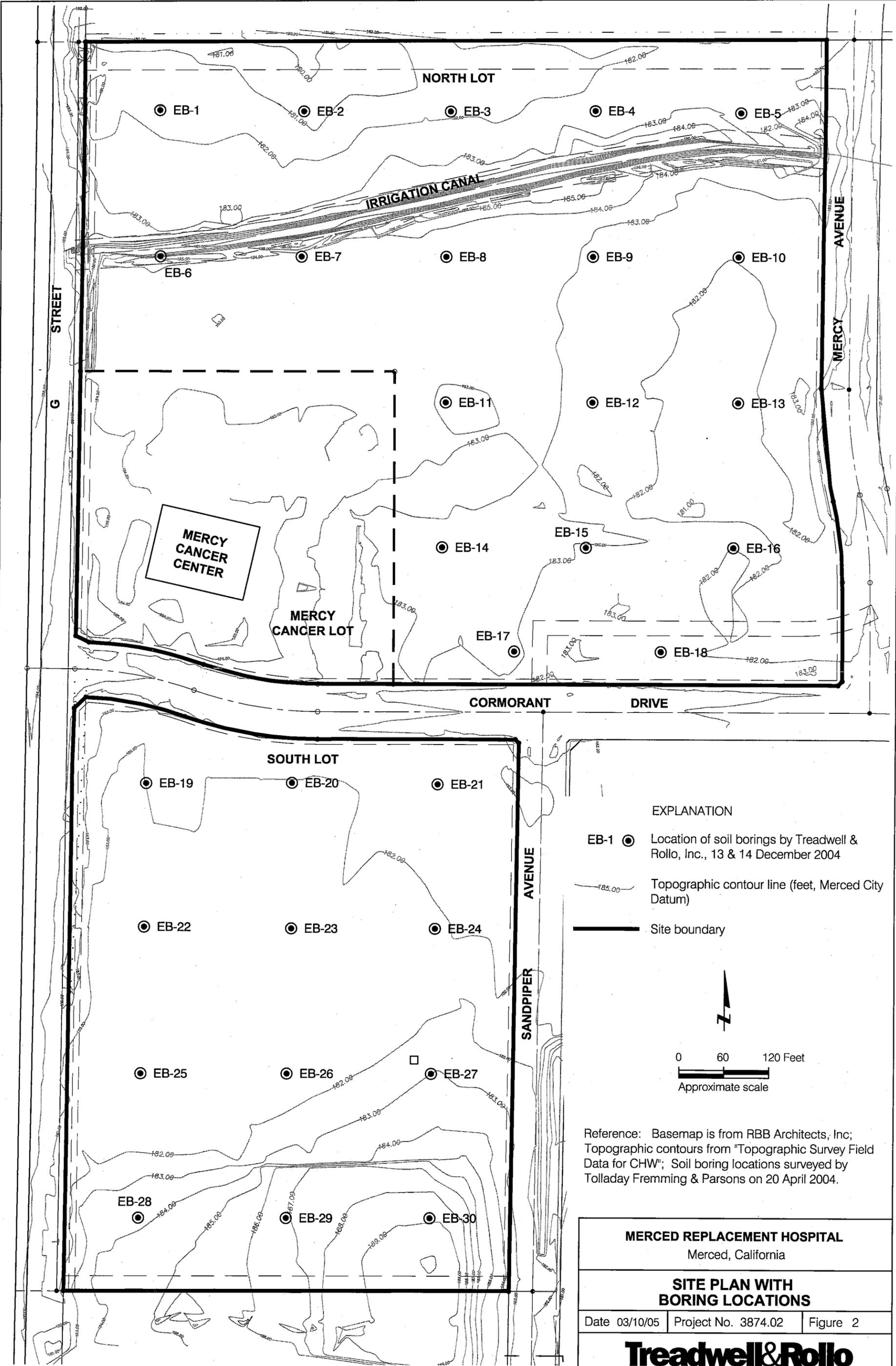
SITE LOCATION MAP

Treadwell & Rolb

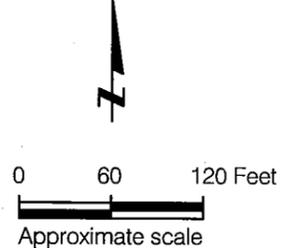
Date 03/17/05

Project No. 3874.02

Figure 1



- EXPLANATION**
- EB-1 ● Location of soil borings by Treadwell & Rollo, Inc., 13 & 14 December 2004
 - 185.00— Topographic contour line (feet, Merced City Datum)
 - Site boundary



Reference: Basemap is from RBB Architects, Inc; Topographic contours from "Topographic Survey Field Data for CHW"; Soil boring locations surveyed by Tolladay Fremming & Parsons on 20 April 2004.

MERCED REPLACEMENT HOSPITAL Merced, California		
SITE PLAN WITH BORING LOCATIONS		
Date 03/10/05	Project No. 3874.02	Figure 2
Treadwell & Rollo		

TABLES

Table 1
Soil Analytical Results for Pesticides
Merced Replacement Hospital
Merced, California

Boring ID	Depth of Sample (inches bgs)	Sample ID	Sample Date	Pesticides* by EPA Method 3620B							
				beta-BHC (µg/kg)	Dieldrin (µg/kg)	4,4-DDE (µg/kg)	4,4-DDT (µg/kg)	Endosulfan II (µg/kg)	alpha-Chlordane (µg/kg)	Methoxychlor (µg/kg)	Toxaphene (µg/kg)
EB-1 EB-6	0 - 6 0 - 6	Composite 1	13-Dec-04	<1.7	<3.3	<3.3	<3.3(a)	<3.3	<1.7	<17	<60
EB-2 EB-7	0 - 6 0 - 6	Composite 2	13-Dec-04	<1.7	<3.3	<3.3	<3.3(a)	<3.3	<1.7	<17	<60
EB-3 EB-8	0 - 6 0 - 6	Composite 3	13-Dec-04	<1.7	<3.3	<3.3	<3.3	<3.3	<1.7	<17	<60
EB-4 EB-9	0 - 6 0 - 6	Composite 4	13-Dec-04	<1.7	<3.3	<3.3	<3.3	<3.3	<1.7	<17	<60
EB-5 EB-10	0 - 6 0 - 6	Composite 5	13-Dec-04	1.7	<3.3	<3.3	<3.3	<3.3	<1.7	<17	<59
EB-11 EB-14	0 - 6 0 - 6	Composite 6	13-Dec-04	<1.7	<3.3	<3.3	<3.3	<3.3	<1.7	<17	<60
EB-12 EB-15	0 - 6 0 - 6	Composite 7	13-Dec-04	<1.7	<3.3	11	7.9	<3.3	<1.7	<17	<60
EB-13 EB-16	0 - 6 0 - 6	Composite 8	13-Dec-04	<1.7	<3.3	59	24	<3.3	<1.7	<17	<60
EB-17 EB-18	0 - 6 0 - 6	Composite 9	13-Dec-04	<1.7	<3.3	<3.3	<3.3	<3.3	<1.7	<17	<60
EB-19 EB-22	0 - 6 0 - 6	Composite 10	14-Dec-04	<1.7	<3.3	<3.3	<3.3	<3.3	<1.7	<17	<59
EB-20 EB-23	0 - 6 0 - 6	Composite 11	14-Dec-04	<1.7	<3.3	<3.3	<3.3	<3.3	<1.7	<17	<60
EB-21 EB-24	0 - 6 0 - 6	Composite 12	14-Dec-04	<1.7	<3.3	<3.3	<3.3	<3.3	<1.7	<17	<60
EB-25 EB-28	0 - 6 0 - 6	Composite 13	14-Dec-04	<1.7	<3.3	<3.3	<3.3(a)	<3.3	<1.7	<17	<60
EB-26 EB-29	0 - 6 0 - 6	Composite 14	14-Dec-04	<1.7	<3.3	<3.3	<3.3(a)	<3.3	<1.7	<17	<60
EB-27 EB-30	0 - 6 0 - 6	Composite 15	14-Dec-04	<1.7	<3.3	<3.3	4.8(a,b)	4.4	<1.7	<17	210
EB-27 EB-30	12 - 18 12 - 18	Composite 16	14-Dec-04	<1.7	<3.3	<3.3	<3.3(a)	<3.3	<1.7	<17	<60
EB-12 EB-15	12 - 18 12 - 18	Composite 17	13-Dec-04	<1.7	<3.2	<3.2	<3.2	<3.2	<1.7	<17	<59
EB-12 EB-15	24 - 30 24 - 30	Composite 18	13-Dec-04	<1.7	<3.4	<3.4	<3.4	<3.4	<1.7	<17	<61
EB-12	0 - 6	EB-12	13-Dec-04	<1.7	<3.3	<3.3	<3.3(a)	<3.3	<1.7	<17	<59
EB-15	0 - 6	EB-15	13-Dec-04	<1.7	<3.3	25	16(b)	<3.3	<1.7	<17	<59
EB-27	0 - 6	EB-27	14-Dec-04	6.8(b)	12(b)	9.4	<3.3	37(b)	13(b)	36(b)	1,200
EB-30	0 - 6	EB-30	14-Dec-04	<1.7	<3.4	<3.4	<3.4(b)	<3.4	<1.7	<17	<62
Regulatory Criteria											
Residential PRG				NA	30	1,700	1,700	370,000	1,600	310,000	440

Notes:
 * = Pesticides not included in this table were not detected above the laboratory reporting limit
 4,4-DDT = Dichlorodiphenyltrichloroethane
 4,4-DDE = Dichlorodiphenyldichloroethylene
 bgs = Below ground surface
 µg/kg = Micrograms per kilogram
 <5.0 = Analyte was not detected above the laboratory reporting limit (0.005 mg/kg)
BOLD = Analyte detected above laboratory reporting limit.
 a = CCV drift outside limits; average CCV drift within limits per method requirements
 b = Presence confirmed, but relative percent difference (RPD) between columns exceeds 40%
 NA = Not Available
 PRG = Preliminary Remediation Goal (USEPA Region 9)

Table 2
Soil Analytical Results for Metals
Merced Replacement Hospital
Merced, California

Boring ID	Depth of Sample (Inches bgs)	Sample ID	Sample Date	Metals by EPA Methods 6010B or 7471A																	
				Antimony (mg/kg)	Arsenic (mg/kg)	Barium (mg/kg)	Beryllium (mg/kg)	Cadmium (mg/kg)	Chromium (mg/kg)	Cobalt (mg/kg)	Copper (mg/kg)	Lead (mg/kg)	Mercury (mg/kg)	Molybdenum (mg/kg)	Nickel (mg/kg)	Selenium (mg/kg)	Silver (mg/kg)	Thallium (mg/kg)	Vanadium (mg/kg)	Zinc (mg/kg)	
EB-2	0-6	Composite 2	13-Dec-04	<2.5	2.7	160	0.39	0.29	27	8.0	19	6.4	0.019	<0.84	16	<0.21	<0.21	<0.21	41	37	
EB-7	0-6																				
EB-4	0-6	Composite 4	13-Dec-04	<2.7	2.7	140	0.36	0.23	26	7.3	17	6.6	<0.019	<0.89	16	<0.22	<0.22	<0.22	38	36	
EB-9	0-6																				
EB-12	0-6	Composite 7	13-Dec-04	<2.3	2.8	160	0.41	0.29	28	9.0	20	5.8	0.022	<0.76	18	<0.19	<0.19	<0.19	42	36	
EB-15	0-6																				
EB-20	0-6	Composite 11	14-Dec-04	<1.6	2.7	170	0.43	0.34	30	10	21	4.7	0.063	<0.55	21	<0.14	<0.14	<0.14	45	35	
EB-23	0-6																				
EB-26	0-6	Composite 14	14-Dec-04	<2.9	3.6	190	0.46	0.28	29	8.7	20	6.5	<0.019	<0.98	18	<0.25	<0.25	<0.25	48	41	
EB-29	0-6																				
EB-12	0-6	EB-12	13-Dec-04	--	2.9	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
EB-15	0-6	EB-15	13-Dec-04	--	2.7	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
EB-26	0-6	EB-26	14-Dec-04	--	2.3	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
EB-29	0-6	EB-29	14-Dec-04	--	3.3	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Regulatory Criteria																					
Residential PRG				31	0.39*	5,400	150	1.7**	210	900	3,100	150**	0***	390	1,600	390	390	390	5.2	550	23,000

Notes:
 bgs = Below ground surface
 mg/kg = Milligrams per kilogram
 -- = Not analyzed
 <5.0 = Analyte was not detected above the laboratory reporting limit (5.0 mg/kg)
 PRG = Preliminary Remediation Goal (USEPA Region 9)
 * = Cancer endpoint
 ** = CAL-Modified PRG
 *** = Elemental mercury

APPENDIX A
Analytical Laboratory Reports

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3550
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 1	Batch#:	97720
Lab ID:	176665-003	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/21/04
Basis:	as received	Analyzed:	12/23/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND #	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	90	41-137
Decachlorobiphenyl	80	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements

ND= Not Detected

RL= Reporting Limit

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Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3550
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 2	Batch#:	97720
Lab ID:	176665-006	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/21/04
Basis:	as received	Analyzed:	12/23/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND #	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	103	41-137
Decachlorobiphenyl	87	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements
 ND= Not Detected
 RL= Reporting Limit
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Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 3	Batch#:	97582
Lab ID:	176665-009	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/22/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	78	41-137
Decachlorobiphenyl	78	42-160

ND= Not Detected
 RL= Reporting Limit
 Page 1 of 1

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 4	Batch#:	97582
Lab ID:	176665-012	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/22/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	75	41-137
Decachlorobiphenyl	71	42-160

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 5	Batch#:	97582
Lab ID:	176665-015	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/22/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	1.7	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	59

Surrogate	%REC	Limits
TCMX	79	41-137
Decachlorobiphenyl	77	42-160

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 6	Batch#:	97582
Lab ID:	176665-018	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/22/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	79	41-137
Decachlorobiphenyl	87	42-160

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	EB-12 0-6"	Batch#:	97833
Lab ID:	176665-019	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/27/04
Basis:	as received	Analyzed:	12/30/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND #	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND #	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	59

Surrogate	%REC	Limits
TCMX	92	41-137
Decachlorobiphenyl	99	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements
 ND= Not Detected
 RL= Reporting Limit
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Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	EB-15 0-6"	Batch#:	97833
Lab ID:	176665-020	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/27/04
Basis:	as received	Analyzed:	12/30/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	25	3.3
Endrin	ND #	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	16 C	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	59

Surrogate	%REC	Limits
TCMX	97	41-137
Decachlorobiphenyl	108	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements

C= Presence confirmed, but RPD between columns exceeds 40%

ND= Not Detected

RL= Reporting Limit

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 7	Batch#:	97582
Lab ID:	176665-021	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/22/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	11	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	7.9	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	78	41-137
Decachlorobiphenyl	82	42-160

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 8	Batch#:	97582
Lab ID:	176665-024	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/22/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	59	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	24	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	90	41-137
Decachlorobiphenyl	85	42-160

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 9	Batch#:	97582
Lab ID:	176665-027	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/22/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	80	41-137
Decachlorobiphenyl	84	42-160

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 10	Batch#:	97582
Lab ID:	176665-030	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/22/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	59

Surrogate	%REC	Limits
TCMX	76	41-137
Decachlorobiphenyl	85	42-160

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 11	Batch#:	97582
Lab ID:	176665-033	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/22/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	81	41-137
Decachlorobiphenyl	84	42-160

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 12	Batch#:	97582
Lab ID:	176665-036	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/22/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	73	41-137
Decachlorobiphenyl	76	42-160

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 13	Batch#:	97582
Lab ID:	176665-039	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/23/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND #	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	75	41-137
Decachlorobiphenyl	79	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements

ND= Not Detected

RL= Reporting Limit

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Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 14	Batch#:	97582
Lab ID:	176665-042	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/23/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND #	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	73	41-137
Decachlorobiphenyl	83	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements
 ND= Not Detected
 RL= Reporting Limit
 Page 1 of 1

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	EB-27 0-6"	Batch#:	97833
Lab ID:	176665-043	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/27/04
Basis:	as received	Analyzed:	12/30/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	6.8 C	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	12 C	3.3
4,4'-DDE	9.4	3.3
Endrin	ND	3.3
Endosulfan II	37 C	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	13 C	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	36 C	17
Toxaphene	1,200	59

Surrogate	%REC	Limits
TCMX	110	41-137
Decachlorobiphenyl	89	42-160

C= Presence confirmed, but RPD between columns exceeds 40%
 ND= Not Detected
 RL= Reporting Limit
 Page 1 of 1

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	EB-30 0-6"	Batch#:	97833
Lab ID:	176665-044	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/27/04
Basis:	as received	Analyzed:	12/30/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.4
4,4'-DDE	ND	3.4
Endrin	ND #	3.4
Endosulfan II	ND	3.4
Endosulfan sulfate	ND	3.4
4,4'-DDD	ND	3.4
Endrin aldehyde	ND	3.4
4,4'-DDT	ND #	3.4
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	62

Surrogate	%REC	Limits
TCMX	108	41-137
Decachlorobiphenyl	121	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements

ND= Not Detected

RL= Reporting Limit

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Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 15	Batch#:	97582
Lab ID:	176665-045	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/23/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	4.4	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	4.8 C #	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	210	61

Surrogate	%REC	Limits
TCMX	77	41-137
Decachlorobiphenyl	70	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements

C= Presence confirmed, but RPD between columns exceeds 40%

ND= Not Detected

RL= Reporting Limit

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Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 16	Batch#:	97582
Lab ID:	176665-049	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/23/04
Diln Fac:	1.000		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND #	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	73	41-137
Decachlorobiphenyl	69	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements
 ND= Not Detected
 RL= Reporting Limit
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Batch QC Report

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Type:	BLANK	Diln Fac:	1.000
Lab ID:	QC276676	Batch#:	97582
Matrix:	Soil	Prepared:	12/17/04
Units:	ug/Kg	Analyzed:	12/17/04
Basis:	as received		

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	93	41-137
Decachlorobiphenyl	90	42-160

Batch QC Report

Organochlorine Pesticides			
Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3550
Project#:	3874.02	Analysis:	EPA 8081A
Type:	BLANK	Diln Fac:	1.000
Lab ID:	QC277208	Batch#:	97720
Matrix:	Soil	Prepared:	12/21/04
Units:	ug/Kg	Analyzed:	12/22/04
Basis:	as received		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	61

Surrogate	%REC	Limits
TCMX	120	41-137
Decachlorobiphenyl	130	42-160

ND= Not Detected
 RL= Reporting Limit
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Batch QC Report

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Type:	BLANK	Diln Fac:	1.000
Lab ID:	QC277669	Batch#:	97833
Matrix:	Soil	Prepared:	12/27/04
Units:	ug/Kg	Analyzed:	12/28/04
Basis:	as received		

Cleanup Method: EPA 3620B

Analyte	Result	RL
alpha-BHC	ND	1.7
beta-BHC	ND	1.7
gamma-BHC	ND	1.7
delta-BHC	ND	1.7
Heptachlor	ND	1.7
Aldrin	ND	1.7
Heptachlor epoxide	ND	1.7
Endosulfan I	ND	1.7
Dieldrin	ND	3.3
4,4'-DDE	ND	3.3
Endrin	ND	3.3
Endosulfan II	ND	3.3
Endosulfan sulfate	ND	3.3
4,4'-DDD	ND	3.3
Endrin aldehyde	ND	3.3
4,4'-DDT	ND	3.3
alpha-Chlordane	ND	1.7
gamma-Chlordane	ND	1.7
Methoxychlor	ND	17
Toxaphene	ND	60

Surrogate	%REC	Limits
TCMX	141 *	41-137
Decachlorobiphenyl	172 *	42-160

*= Value outside of QC limits; see narrative

ND= Not Detected

RL= Reporting Limit

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Batch QC Report

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Type:	LCS	Diln Fac:	1.000
Lab ID:	QC276677	Batch#:	97582
Matrix:	Soil	Prepared:	12/17/04
Units:	ug/Kg	Analyzed:	12/17/04
Basis:	as received		

Analyte	Spiked	Result	%REC	Limits
gamma-BHC	13.32	11.69	88	44-123
Heptachlor	13.32	12.90	97	52-137
Aldrin	13.32	12.82	96	49-120
Dieldrin	26.63	24.46	92	40-124
Endrin	26.63	25.48	96	41-146
4,4'-DDT	26.63	26.20	98	36-152

Surrogate	%REC	Limits
TCMX	94	41-137
Decachlorobiphenyl	95	42-160

Batch QC Report

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3550
Project#:	3874.02	Analysis:	EPA 8081A
Type:	LCS	Diln Fac:	1.000
Lab ID:	QC277209	Batch#:	97720
Matrix:	Soil	Prepared:	12/21/04
Units:	ug/Kg	Analyzed:	12/22/04
Basis:	as received		

Cleanup Method: EPA 3620B

Analyte	Spiked	Result	%REC	Limits
gamma-BHC	13.32	14.87	112	44-123
Heptachlor	13.32	15.61	117	52-137
Aldrin	13.32	15.32	115	49-120
Dieldrin	26.65	30.99	116	40-124
Endrin	26.65	31.70	119	41-146
4,4'-DDT	26.65	30.90	116	36-152

Surrogate	%REC	Limits
TCMX	135	41-137
Decachlorobiphenyl	145	42-160

Batch QC Report

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Type:	LCS	Diln Fac:	1.000
Lab ID:	QC277670	Batch#:	97833
Matrix:	Soil	Prepared:	12/27/04
Units:	ug/Kg	Analyzed:	12/28/04
Basis:	as received		

Cleanup Method: EPA 3620B

Analyte	Spiked	Result	%REC	Limits
gamma-BHC	13.66	14.03	103	44-123
Heptachlor	13.66	14.98	110	52-137
Aldrin	13.66	13.99	102	49-120
Dieldrin	27.32	29.64	108	40-124
Endrin	27.32	30.09	110	41-146
4,4'-DDT	27.32	33.00 #	121	36-152

Surrogate	%REC	Limits
TCMX	116	41-137
Decachlorobiphenyl	132	42-160

Batch QC Report

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 15	Batch#:	97582
MSS Lab ID:	176665-045	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/23/04
Diln Fac:	1.000		

Type: MS Cleanup Method: EPA 3620B
 Lab ID: QC276716

Analyte	MSS Result	Spiked	Result	%REC	Limits
gamma-BHC	<0.3700	13.42	11.51	86	36-120
Heptachlor	<0.4900	13.42	14.32	107	45-141
Aldrin	<0.4100	13.42	12.09	90	35-130
Dieldrin	1.485	26.85	26.47	93	40-137
Endrin	<0.6800	26.85	27.39	102	46-148
4,4'-DDT	4.758	26.85	29.09 #	91	15-167

Surrogate	%REC	Limits
TCMX	81	41-137
Decachlorobiphenyl	75	42-160

Type: MSD Cleanup Method: EPA 3620B
 Lab ID: QC276717

Analyte	Spiked	Result	%REC	Limits	RPD	Lim
gamma-BHC	13.24	11.04	83	36-120	3	56
Heptachlor	13.24	13.52	102	45-141	4	55
Aldrin	13.24	11.32	86	35-130	5	47
Dieldrin	26.47	25.87	92	40-137	1	42
Endrin	26.47	28.00	106	46-148	4	48
4,4'-DDT	26.47	31.37 #	101	15-167	9	55

Surrogate	%REC	Limits
TCMX	76	41-137
Decachlorobiphenyl	74	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements

RPD= Relative Percent Difference

Batch QC Report

Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3550
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	COMP 1	Batch#:	97720
MSS Lab ID:	176665-003	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/21/04
Basis:	as received	Analyzed:	12/23/04
Diln Fac:	1.000		

Type: MS Cleanup Method: EPA 3620B
 Lab ID: QC277210

Analyte	MSS Result	Spiked	Result	%REC	Limits
gamma-BHC	<0.7700	13.39	11.23	84	36-120
Heptachlor	<1.000	13.39	14.85	111	45-141
Aldrin	1.291	13.39	13.03	88	35-130
Dieldrin	<1.900	26.77	25.72	96	40-137
Endrin	<2.000	26.77	27.00	101	46-148
4,4'-DDT	<2.700	26.77	25.53 #	95	15-167

Surrogate	%REC	Limits
TCMX	92	41-137
Decachlorobiphenyl	86	42-160

Type: MSD Cleanup Method: EPA 3620B
 Lab ID: QC277211

Analyte	Spiked	Result	%REC	Limits	RPD	Lim
gamma-BHC	13.24	11.43	86	36-120	3	56
Heptachlor	13.24	14.53	110	45-141	1	55
Aldrin	13.24	13.30	91	35-130	3	47
Dieldrin	26.47	25.06	95	40-137	1	42
Endrin	26.47	26.38	100	46-148	1	48
4,4'-DDT	26.47	23.72 #	90	15-167	6	55

Surrogate	%REC	Limits
TCMX	110	41-137
Decachlorobiphenyl	91	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements

RPD= Relative Percent Difference

Batch QC Report
Organochlorine Pesticides

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3545
Project#:	3874.02	Analysis:	EPA 8081A
Field ID:	EB-27 0-6"	Batch#:	97833
MSS Lab ID:	176665-043	Sampled:	12/14/04
Matrix:	Soil	Received:	12/15/04
Units:	ug/Kg	Prepared:	12/27/04
Basis:	as received	Analyzed:	12/30/04
Diln Fac:	1.000		

Type: MS Cleanup Method: EPA 3620B
 Lab ID: QC277671

Analyte	MSS Result	Spiked	Result	%REC	Limits
gamma-BHC	0.8488	13.42	11.38	78	36-120
Heptachlor	<0.2990	13.42	11.37	85	45-141
Aldrin	<0.6956	13.42	10.80	80	35-130
Dieldrin	12.22	26.85	28.15	59	40-137
Endrin	<0.7338	26.85	33.19 b	124	46-148
4,4'-DDT	<1.811	26.85	24.38 # b	91	15-167

Surrogate	%REC	Limits
TCMX	109	41-137
Decachlorobiphenyl	105	42-160

Type: MSD Cleanup Method: EPA 3620B
 Lab ID: QC277672

Analyte	Spiked	Result	%REC	Limits	RPD	Lim
gamma-BHC	13.74	15.24	105	36-120	27	56
Heptachlor	13.74	15.43	112	45-141	28	55
Aldrin	13.74	15.41	112	35-130	33	47
Dieldrin	27.47	49.08	134	40-137	53	* 42
Endrin	27.47	41.59 b	151 *	46-148	20	48
4,4'-DDT	27.47	37.77 # b	137	15-167	41	55

Surrogate	%REC	Limits
TCMX	122	41-137
Decachlorobiphenyl	161 *	42-160

#= CCV drift outside limits; average CCV drift within limits per method requirements
 *= Value outside of QC limits; see narrative
 b= See narrative



California Title 26 Metals

Lab #:	176665	Project#:	3874.02
Client:	Treadwell & Rollo	Location:	3850 G Street
Field ID:	COMP 2	Basis:	as received
Lab ID:	176665-006	Diln Fac:	1.000
Matrix:	Soil	Sampled:	12/13/04
Units:	mg/Kg	Received:	12/15/04

Analyte	Result	RL	Batch#	Prepared	Analyzed	Prep	Analysis
Antimony	ND	2.5	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Arsenic	2.7	0.21	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Barium	160	0.42	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Beryllium	0.39	0.084	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Cadmium	0.29	0.21	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Chromium	27	0.42	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Cobalt	8.0	0.84	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Copper	19	0.42	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Lead	6.4	0.13	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Mercury	0.019	0.017	97635	12/20/04	12/20/04	METHOD	EPA 7471A
Molybdenum	ND	0.84	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Nickel	16	0.84	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Selenium	ND	0.21	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Silver	ND	0.21	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Thallium	ND	0.21	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Vanadium	41	0.42	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Zinc	37	0.84	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B

California Title 26 Metals

Lab #:	176665	Project#:	3874.02
Client:	Treadwell & Rollo	Location:	3850 G Street
Field ID:	COMP 4	Basis:	as received
Lab ID:	176665-012	Diln Fac:	1.000
Matrix:	Soil	Sampled:	12/13/04
Units:	mg/Kg	Received:	12/15/04

Analyte	Result	RL	Batch#	Prepared	Analyzed	Prep	Analysis
Antimony	ND	2.7	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Arsenic	2.7	0.22	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Barium	140	0.45	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Beryllium	0.36	0.089	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Cadmium	0.23	0.22	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Chromium	26	0.45	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Cobalt	7.3	0.89	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Copper	17	0.45	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Lead	6.6	0.13	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Mercury	ND	0.019	97635	12/20/04	12/20/04	METHOD	EPA 7471A
Molybdenum	ND	0.89	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Nickel	16	0.89	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Selenium	ND	0.22	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Silver	ND	0.22	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Thallium	ND	0.22	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Vanadium	38	0.45	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Zinc	36	0.89	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B

California Title 26 Metals

Lab #:	176665	Project#:	3874.02
Client:	Treadwell & Rollo	Location:	3850 G Street
Field ID:	COMP 7	Basis:	as received
Lab ID:	176665-021	Diln Fac:	1.000
Matrix:	Soil	Sampled:	12/13/04
Units:	mg/Kg	Received:	12/15/04

Analyte	Result	RL	Batch#	Prepared	Analyzed	Prep	Analysis
Antimony	ND	2.3	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Arsenic	2.8	0.19	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Barium	160	0.38	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Beryllium	0.41	0.076	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Cadmium	0.29	0.19	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Chromium	28	0.38	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Cobalt	9.0	0.76	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Copper	20	0.38	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Lead	5.8	0.11	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Mercury	0.022	0.017	97635	12/20/04	12/20/04	METHOD	EPA 7471A
Molybdenum	ND	0.76	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Nickel	18	0.76	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Selenium	ND	0.19	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Silver	ND	0.19	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Thallium	ND	0.19	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Vanadium	42	0.38	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Zinc	36	0.76	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B

California Title 26 Metals

Lab #:	176665	Project#:	3874.02
Client:	Treadwell & Rollo	Location:	3850 G Street
Field ID:	COMP 11	Basis:	as received
Lab ID:	176665-033	Diln Fac:	1.000
Matrix:	Soil	Sampled:	12/14/04
Units:	mg/Kg	Received:	12/15/04

Analyte	Result	RL	Batch#	Prepared	Analyzed	Prep	Analysis
Antimony	ND	1.6	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Arsenic	2.7	0.14	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Barium	170	0.27	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Beryllium	0.43	0.055	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Cadmium	0.34	0.14	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Chromium	30	0.27	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Cobalt	10	0.55	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Copper	21	0.27	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Lead	4.7	0.082	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Mercury	0.063	0.019	97635	12/20/04	12/20/04	METHOD	EPA 7471A
Molybdenum	ND	0.55	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Nickel	21	0.55	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Selenium	ND	0.14	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Silver	ND	0.14	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Thallium	ND	0.14	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Vanadium	45	0.27	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Zinc	35	0.55	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B

California Title 26 Metals

Lab #:	176665	Project#:	3874.02
Client:	Treadwell & Rollo	Location:	3850 G Street
Field ID:	COMP 14	Basis:	as received
Lab ID:	176665-042	Diln Fac:	1.000
Matrix:	Soil	Sampled:	12/14/04
Units:	mg/Kg	Received:	12/15/04

Analyte	Result	RL	Batch#	Prepared	Analyzed	Prep	Analysis
Antimony	ND	2.9	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Arsenic	3.6	0.25	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Barium	190	0.49	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Beryllium	0.46	0.098	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Cadmium	0.28	0.25	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Chromium	29	0.49	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Cobalt	8.7	0.98	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Copper	20	0.49	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Lead	6.5	0.15	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Mercury	ND	0.019	97635	12/20/04	12/20/04	METHOD	EPA 7471A
Molybdenum	ND	0.98	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Nickel	18	0.98	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Selenium	ND	0.25	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Silver	ND	0.25	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Thallium	ND	0.25	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Vanadium	48	0.49	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B
Zinc	41	0.98	97578	12/17/04	12/19/04	EPA 3050B	EPA 6010B

Batch QC Report

California Title 26 Metals

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3050B
Project#:	3874.02	Analysis:	EPA 6010B
Type:	BLANK	Diln Fac:	1.000
Lab ID:	QC276661	Batch#:	97578
Matrix:	Soil	Prepared:	12/17/04
Units:	mg/Kg	Analyzed:	12/19/04
Basis:	as received		

Analyte	Result	RL
Antimony	ND	3.0
Arsenic	ND	0.25
Barium	ND	0.50
Beryllium	ND	0.10
Cadmium	ND	0.25
Chromium	ND	0.50
Cobalt	ND	1.0
Copper	ND	0.50
Lead	ND	0.15
Molybdenum	ND	1.0
Nickel	ND	1.0
Selenium	ND	0.25
Silver	ND	0.25
Thallium	ND	0.25
Vanadium	ND	0.50
Zinc	ND	1.0

Batch QC Report

California Title 26 Metals

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	METHOD
Project#:	3874.02	Analysis:	EPA 7471A
Analyte:	Mercury	Basis:	as received
Type:	BLANK	Diln Fac:	1.000
Lab ID:	QC276892	Batch#:	97635
Matrix:	Soil	Prepared:	12/20/04
Units:	mg/Kg	Analyzed:	12/20/04

Result	RL
ND	0.020

Batch QC Report

California Title 26 Metals

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3050B
Project#:	3874.02	Analysis:	EPA 6010B
Matrix:	Soil	Batch#:	97578
Units:	mg/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/19/04
Diln Fac:	1.000		

Type: BS Lab ID: QC276662

Analyte	Spiked	Result	%REC	Limits
Antimony	100.0	98.00	98	80-120
Arsenic	50.00	49.75	100	80-120
Barium	100.0	93.50	94	80-120
Beryllium	2.500	2.530	101	80-120
Cadmium	10.00	9.900	99	80-120
Chromium	100.0	98.00	98	80-120
Cobalt	25.00	24.45	98	80-120
Copper	12.50	12.15	97	80-120
Lead	100.0	98.50	99	80-120
Molybdenum	20.00	19.80	99	80-120
Nickel	25.00	24.35	97	80-120
Selenium	50.00	47.70	95	80-120
Silver	10.00	9.600	96	80-120
Thallium	50.00	47.95	96	79-120
Vanadium	25.00	24.60	98	80-120
Zinc	25.00	23.85	95	80-120

Type: BSD Lab ID: QC276663

Analyte	Spiked	Result	%REC	Limits	RPD	Lim
Antimony	100.0	98.50	99	80-120	1	20
Arsenic	50.00	49.55	99	80-120	0	20
Barium	100.0	93.50	94	80-120	0	20
Beryllium	2.500	2.520	101	80-120	0	20
Cadmium	10.00	9.850	99	80-120	1	20
Chromium	100.0	98.00	98	80-120	0	20
Cobalt	25.00	24.35	97	80-120	0	20
Copper	12.50	12.20	98	80-120	0	20
Lead	100.0	98.00	98	80-120	1	20
Molybdenum	20.00	19.70	99	80-120	1	20
Nickel	25.00	24.25	97	80-120	0	20
Selenium	50.00	47.90	96	80-120	0	20
Silver	10.00	9.650	97	80-120	1	20
Thallium	50.00	47.75	96	79-120	0	20
Vanadium	25.00	24.60	98	80-120	0	20
Zinc	25.00	23.80	95	80-120	0	20

Batch QC Report

California Title 26 Metals			
Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	METHOD
Project#:	3874.02	Analysis:	EPA 7471A
Analyte:	Mercury	Diln Fac:	1.000
Matrix:	Soil	Batch#:	97635
Units:	mg/Kg	Prepared:	12/20/04
Basis:	as received	Analyzed:	12/20/04

Type	Lab ID	Spiked	Result	%REC	Limits	RPD	Lim
BS	QC276893	0.5000	0.5470	109	80-120		
BSD	QC276894	0.5000	0.5140	103	80-120	6	20

Batch QC Report

California Title 26 Metals

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3050B
Project#:	3874.02	Analysis:	EPA 6010B
Field ID:	COMP 4	Batch#:	97578
MSS Lab ID:	176665-012	Sampled:	12/13/04
Matrix:	Soil	Received:	12/15/04
Units:	mg/Kg	Prepared:	12/17/04
Basis:	as received	Analyzed:	12/19/04
Diln Fac:	1.000		

Type: MS Lab ID: QC276664

Analyte	MSS Result	Spiked	Result	%REC	Limits
Antimony	0.7723	76.34	41.22	53	16-120
Arsenic	2.710	38.17	36.87	90	62-120
Barium	136.2	76.34	203.8	89	51-137
Beryllium	0.3603	1.908	2.179	95	70-120
Cadmium	0.2272	7.634	7.099	90	61-120
Chromium	25.94	76.34	95.42	91	60-120
Cobalt	7.277	19.08	24.69	91	56-120
Copper	17.01	9.542	26.30	97	47-144
Lead	6.607	76.34	75.95	91	47-126
Molybdenum	0.2942	15.27	13.44	86	57-120
Nickel	15.67	19.08	33.28	92	41-138
Selenium	<0.1600	38.17	34.01	89	35-122
Silver	<0.08800	7.634	6.908	91	71-120
Thallium	<0.1900	38.17	33.40	88	53-120
Vanadium	37.90	19.08	55.34	91	48-136
Zinc	36.07	19.08	53.44	91	38-144

Type: MSD Lab ID: QC276665

Analyte	Spiked	Result	%REC	Limits	RPD	Lim
Antimony	96.15	51.92	53	16-120	0	31
Arsenic	48.08	44.47	87	62-120	3	25
Barium	96.15	216.8	84	51-137	3	20
Beryllium	2.404	2.591	93	70-120	2	20
Cadmium	9.615	8.654	88	61-120	3	20
Chromium	96.15	111.1	89	60-120	3	20
Cobalt	24.04	28.51	88	56-120	3	20
Copper	12.02	27.64	88	47-144	4	20
Lead	96.15	92.31	89	47-126	2	28
Molybdenum	19.23	16.44	84	57-120	2	20
Nickel	24.04	36.92	88	41-138	3	22
Selenium	48.08	41.97	87	35-122	2	27
Silver	9.615	8.462	88	71-120	3	20
Thallium	48.08	41.63	87	53-120	1	23
Vanadium	24.04	59.13	88	48-136	2	20
Zinc	24.04	56.25	84	38-144	3	20

Batch QC Report

California Title 26 Metals

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	METHOD
Project#:	3874.02	Analysis:	EPA 7471A
Analyte:	Mercury	Diln Fac:	1.000
Field ID:	ZZZZZZZZZZ	Batch#:	97635
MSS Lab ID:	176696-007	Sampled:	12/15/04
Matrix:	Soil	Received:	12/16/04
Units:	mg/Kg	Prepared:	12/20/04
Basis:	as received	Analyzed:	12/20/04

Type	Lab ID	MSS Result	Spiked	Result	%REC	Limits	RPD	Lim
MS	QC276895	0.06817	0.4545	0.4773	90	68-135		
MSD	QC276896		0.4808	0.4913	88	68-135	2	20

Arsenic

Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3050B
Project#:	3874.02	Analysis:	EPA 6010B
Analyte:	Arsenic	Batch#:	97822
Matrix:	Soil	Received:	12/15/04
Units:	mg/Kg	Prepared:	12/27/04
Basis:	as received	Analyzed:	12/27/04
Diln Fac:	1.000		

Field ID	Type	Lab ID	Result	RL	Sampled
EB-12 0-6"	SAMPLE	176665-019	2.9	0.21	12/13/04
EB-15 0-6"	SAMPLE	176665-020	2.7	0.24	12/13/04
EB-26 0-6"	SAMPLE	176665-040	2.3	0.24	12/14/04
EB-29 0-6"	SAMPLE	176665-041	3.3	0.23	12/14/04
	BLANK	QC277626	ND	0.25	

Batch QC Report

Arsenic			
Lab #:	176665	Location:	3850 G Street
Client:	Treadwell & Rollo	Prep:	EPA 3050B
Project#:	3874.02	Analysis:	EPA 6010B
Analyte:	Arsenic	Diln Fac:	1.000
Field ID:	ZZZZZZZZZZ	Batch#:	97822
MSS Lab ID:	176833-001	Sampled:	12/22/04
Matrix:	Soil	Received:	12/23/04
Units:	mg/Kg	Prepared:	12/27/04
Basis:	as received	Analyzed:	12/27/04

Type	Lab ID	MSS Result	Spiked	Result	%REC	Limits	RPD	Lim
BS	QC277627		50.00	51.00	102	80-120		
BSD	QC277628		50.00	50.50	101	80-120	1	20
MS	QC277629	4.538	43.86	46.93	97	62-120		
MSD	QC277630		48.54	51.94	98	62-120	1	25

176665

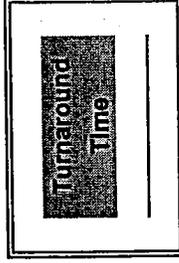
Treadwell & Rollo

Environmental and Geotechnical Consultant

CHAIN OF CUSTODY RECORD

555 Montgomery Street, Suite 1300, San Francisco, CA 94111 Ph: 415-955-9040 / Fax: 415-955-9041
2 Theatre Square, Suite 216, Orinda CA 94563 Ph: 925-253-4980 / Fax: 925-253-4985
501 14th Street, 3rd Floor, Oakland, CA 94612 Ph: 510-874-4500 / Fax: 510-874-4507

Site Name: 3850 G Street
Job Number: _____
Project Manager/Contact: R. Evans
Samplers: D. Dixon
Recorder (Signature Required): [Signature]



Field Sample Identification No.	Date	Time	Lab Sample No.	No. Containers & Preservative							Remarks					
				Matrix	Soil	Water	Other	HCL	H ₂ SO ₄	HNO ₃		Ice	Other			
EB-1 0-6"	13 Dec	845		X									Composite EB-1			
EB-6 0-6"	"	1100		X									EB-6			
Comp 1																
EB-2 0-6"	13 Dec	910		X									Composite EB-2			
EB-7 0-6"	"	1210		X									+ EB-7			
Comp 2																
EB-3 0-6"	13 Dec	920		X									Composite EB-3			
EB-8 0-6"	"	1255		X									+ EB-8			
Comp 3																
EB-4 0-6"	13 Dec	930		X									Composite EB-4			
EB-9 0-6"	"	1400		X									+ EB-9			
Comp 4																
EB-5 0-6"	13 Dec	940		X									Composite EB-5			
EB-10 0-6"	"	1445		X									+ EB-10			
Relinquished by (Signature): <u>[Signature]</u>				Date	14 Dec 04	Time	2100						Date	12/15/04	Time	1230
Relinquished by (Signature): _____				Date		Time							Date		Time	
Relinquished by (Signature): _____				Date		Time							Date		Time	

Analysis Requested		Hold	Silica gel clean-up	Remarks
Asbestos				
DMSP Metals		X		EB-6
		X		Composite EB-2
		X		+ EB-7
		X		Composite EB-3
		X		+ EB-8
		X		Composite EB-4
		X		+ EB-9
		X		Composite EB-5
		X		+ EB-10

Received by: (Signature) _____ Date _____ Time _____
 Received by: (Signature) _____ Date _____ Time _____
 Received by Lab: (Signature) _____ Date _____ Time _____

Method of Shipment: Hand Carried Private Courier (Co. Name) _____ Fed Ex Airborne UPS

COC Number: 002879

White Copy - Original Yellow Copy - Laboratory Pink Copy - Field

-15 Comp 5 Collect aliquot from middle of each sample

176665

Treadwell & Rollo

Environmental and Geotechnical Consultant

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Site Name: 3850 G Street
Job Number: _____
Project Manager/Contact: D. Dixie
Samplers: A. Evans
Recorder (Signature Required): [Signature]



Field Sample Identification No.	Date	Time	Lab Sample No.	Matrix					No. Containers & Preservative					Remarks		
				Soil	Water	Other	HCL	H ₂ SO ₄	HNO ₃	Ice	Other					
-10 EB-11 0-6	13 Dec	1300		X							X			Composite EB-11 + EB-14		
-11 EB-14 0-6		1530		X							X					
-12 Comp 6																
-13 EB-12 0-6		1345		X							X			Composite EB-12 + EB-15		
-14 EB-15 0-6		1600		X							X					
-15 Comp 7																
-16 EB-13 0-6		1510		X							X			Composite EB-13 + EB-16		
-17 EB-16 0-6		1620		X							X					
-18 Comp 8																
-19 EB-17 0-6		1700		X							X			Composite EB-17 + EB-18		
-20 EB-18 0-6		1730		X							X					
-21 Comp 9																
-22 EB-19 0-6	14 Dec	1730		X							X			Composite EB-19 + EB-22		
-23 EB-22 0-6		1120		X							X					
Relinquished by: (Signature) <u>[Signature]</u>				Date	14 Dec 04	Time	2100	Received by: (Signature) <u>[Signature]</u>					Date	12/15/04	Time	1230
Relinquished by: (Signature) _____				Date		Time		Received by: (Signature) _____					Date		Time	
Relinquished by: (Signature) _____				Date		Time		Received by Lab: (Signature) _____					Date		Time	

Sent to Laboratory (Name): _____
Laboratory Comments/Notes: _____

Method of Shipment: Hand Carried Private Courier (Co. Name) Lab courier Fed Ex Airborne UPS

COC Number: 002276

Pink Copy - Field

Yellow Copy - Laboratory

White Copy - Original

-36 Comp 10

176665

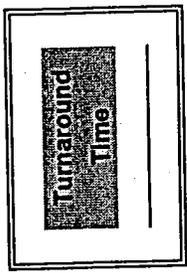
Treadwell & Rollo

Environmental and Geotechnical Consultant

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555 Montgomery Street, Suite 1300, San Francisco, CA 94111 Ph: 415-955-9040 / Fax: 415-955-9041
2 Theatre Square, Suite 216, Orinda CA 94563 Ph: 925-253-4980 / Fax: 925-253-4985
501 14th Street, 3rd Floor, Oakland, CA 94612 Ph: 510-874-4500 / Fax: 510-874-4507

Site Name: 3880 G Street
Job Number: _____
Project Manager/Contact: D. Dixon
Samplers: R. G. ...
Recorder (Signature Required): [Signature]



Field Sample Identification No.	Date	Time	Lab Sample No.	Matrix							No. Containers & Preservative					Remarks
				Soil	Water	Other	HCL	H ₂ SO ₄	HNO ₃	Ice	Other	Hold	Silica gel/clean-up			
-31 EB-20 0-6	14 Dec	955		X							X	X				Composite EB-20 + EB-23
-32 EB-23 0-6		1200		X							X	X				Composite EB-24 + EB-28
-33 Comp 11																Composite EB-25 + EB-28
-34 EB-21 0-6		1045		X							X	X				Composite EB-26 + EB-28
-35 EB-24 0-6		1250		X							X	X				Composite EB-27 + EB-30
-36 Comp 12																
-37 EB-25 0-6		1330		X							X	X				Composite EB-26 + EB-28
-38 EB-28 0-6		1505		X							X	X				Composite EB-27 + EB-30
-39 Comp 13																
-40 EB-26 0-6		1410		X							X	X				Composite EB-27 + EB-30
-41 EB-29 0-6		1540		X							X	X				Composite EB-27 + EB-30
-42 Comp 14																
-43 EB-27 0-6		1435		X							X	X				Composite EB-27 + EB-30
-44 EB-30 0-6		1610		X							X	X				Composite EB-27 + EB-30
Relinquished by: (Signature)	Date															
Relinquished by: (Signature)	Date															
Relinquished by: (Signature)	Date															

Sent to Laboratory (Name):
Laboratory Comments/Notes:

White Copy - Original
Yellow Copy - Laboratory
Pink Copy - Field
COC Number: 002264

-45 Comp 15

Subject: RE: Metals Reports for C&T job 176665
From: "David Dixon" <dgdixon@treadwellrollo.com>
Date: Wed, 22 Dec 2004 16:52:20 -0800
To: "Steve Stanley" <steve@ctberk.com>

Steve,

Please analyze the following samples (C&T job 176665) for arsenic (method 6010):

EB-26 0-6
EB-29 0-6
EB-12 0-6
EB-15 0-6

Thanks,

David G. Dixon, RG
Senior Project Manager
Treadwell & Rollo
555 Montgomery Street, Suite 1300
San Francisco, California 94111
Phone 415 955-9040
Fax 415 955-9041
e-mail dgdixon@treadwellrollo.com <<<mailto:dgdixon@treadwellrollo.com>>>

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-----Original Message-----

From: Steve Stanley [<mailto:steve@ctberk.com>]
Sent: Wednesday, December 22, 2004 3:22 PM
To: David Dixon
Subject: Metals Reports for C&T job 176665

Attached is a PDF version of the hardcopy reports for C&T job 176665.

Email compiled and sent 12/22/04 03:22 PM.

Subject: Additional analyses for C&T job 176665
From: "David Dixon" <dgdixon@treadwellrollo.com>
Date: Thu, 23 Dec 2004 14:40:26 -0800
To: "Steve Stanley" <steve@ctberk.com>

Steve,

Please analyze the following samples (C&T job 176665) for Pesticides (method 8081A)

These samples must be extracted prior to 13:30 on Monday, 27 December

- 1. Discrete sample EB-12 0-6 ~~176837-026~~ 176665-019 -057
- 2. Discrete sample EB-15 0-6 176665-020
- 3. Composite of samples EB-12 12-18 and EB-15 12-18 176837-025 ; -027 COMP 17
- 4. Composite of samples EB-12 24-30 and EB-15 24-30 -026 ; -028 COMP 18

These samples must be extracted prior to 14:30 on Tuesday, 28 December

- 5. Discrete sample EB-27 0-6 176665-043
 - 6. Discrete sample EB-30 0-6 -044
 - ~~7. Composite of samples EB-27 12-18 and EB-30 12-18~~ COMP 19
- ~~-046 -047~~ Already done

Thanks,

David G. Dixon, RG
Senior Project Manager
Treadwell & Rollo
555 Montgomery Street, Suite 1300
San Francisco, California 94111
Phone 415 955-9040
Fax 415 955-9041
e-mail dgdixon@treadwellrollo.com <<mailto:dgdixon@treadwellrollo.com>>

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-----Original Message-----

From: Steve Stanley [<mailto:steve@ctberk.com>]
Sent: Wednesday, December 22, 2004 3:22 PM
To: David Dixon
Subject: Metals Reports for C&T job 176665

COOLER RECEIPT CHECKLIST

Login#: 176665 Date Received: 12/15/04 Number of Coolers: 1
Client: Readwell + Lollo Project: 3850 G Street

A. Preliminary Examination Phase

Date Opened: 12/15/04 By (print): [Signature] (sign) [Signature]

1. Did cooler come with a shipping slip (airbill, etc.)?..... YES NO
- If YES, enter carrier name and airbill number: _____
2. Were custody seals on outside of cooler?..... YES NO
- How many and where? _____ Seal date: _____ Seal name: _____
3. Were custody seals unbroken and intact at the date and time of arrival?..... YES NO N/A
4. Were custody papers dry and intact when received?..... YES NO
5. Were custody papers filled out properly (ink, signed, etc.)?..... YES NO
6. Did you sign the custody papers in the appropriate place?..... YES NO
7. Was project identifiable from custody papers?..... YES NO
- If YES, enter project name at the top of this form.
8. If required, was sufficient ice used? Samples should be 2-6 degrees C. YES NO

Type of ice: None Temperature: _____
Samples were cold to touch

B. Login Phase

Date Logged In: 12/15/04 By (print): [Signature] (sign) [Signature]

1. Describe type of packing in cooler: None
2. Did all bottles arrive unbroken?..... YES NO
3. Were labels in good condition and complete (ID, date, time, signature, etc.)?..... YES NO
4. Did bottle labels agree with custody papers?..... YES NO
5. Were appropriate containers used for the tests indicated?..... YES NO
6. Were correct preservatives added to samples?..... YES NO N/A
7. Was sufficient amount of sample sent for tests indicated?..... YES NO
8. Were bubbles absent in VOA samples? If NO, list sample Ids below..... YES NO N/A
9. Was the client contacted concerning this sample delivery?..... YES NO

If YES, give details below.

Who was called? _____ By whom? _____ Date: _____

Additional Comments:

APPENDIX D

MITIGATION MONITORING PROGRAM

MERCY MEDICAL CENTER ENVIRONMENTAL IMPACT REPORT CITY OF MERCED

Appendix D *Mitigation Monitoring Program*

MITIGATION MONITORING CONTENTS

This mitigation monitoring program includes a brief discussion of the legal basis and purpose of the mitigation monitoring program, a key to understanding the monitoring matrix, a discussion of noncompliance complaints, and the mitigation monitoring matrix itself.

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

Public Resource Code (PRC) 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an environmental impact report or mitigated negative declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

The City of Merced has adopted its own “Mitigation Monitoring and Reporting Program” (MMC 19.28). The City’s program was developed in accordance with the advisory publication, *Tracking CEQA Mitigation Measures*, from the Governor’s Office of Planning and Research.

As required by MMC 19.28.050, the following findings are made:

- 1) The requirements of the adopted mitigation monitoring program for the Mercy Medical Center shall run with the real property that is the subject of a General Plan Amendment, rezone and site plan. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted program.
- 2) Prior to any lease, sale, transfer, or conveyance of any portion of the subject real property, the applicant shall provide a copy of the adopted program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

MITIGATION MONITORING PROCEDURES

In most cases, mitigation measures can be monitored through the City’s construction plan approval/plan check process. When the approved project plans and specifications, with mitigation measures, are submitted to the City Development Services Department, a copy of the monitoring checklist will be attached to the submittal. The Mercy Medical Center EIR Mitigation Monitoring Checklist will be filled out upon project approval with mitigation

measures required. As project plans and specifications are checked, compliance with each mitigation measure can be reviewed.

In instances where mitigation requires on-going monitoring, the Mitigation Monitoring Checklist will be used until monitoring is no longer necessary. The Development Services Department will be required to file periodic reports on how the implementation of various mitigation measures is progressing or is being maintained. Department staff may be required to conduct periodic inspections to assure compliance. In some instances, outside agencies and/or consultants may be required to conduct necessary periodic inspections as part of the mitigation monitoring program. Fees may be imposed per MMC 19.28.070 for the cost of implementing the monitoring program.

NONCOMPLIANCE COMPLAINTS

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the project. The complaint shall be directed to the Director of Development Services in written form providing specific information on the asserted violation. The Director of Development Services shall cause an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the Director of Development Services shall cause appropriate actions to remedy any violation. The complainant shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance issue. Merced Municipal Code (MMC) Sections 19.28.080 and 19.28.090 outline the criminal penalties and civil and administrative remedies which may be incurred in the event of noncompliance. MMC 19.28.100 spells out the appeals procedures.

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures proposed specifically for the Mercy Medical Center. The columns within the tables are defined as follows:

Mitigation Measure:	Summarizes the Mitigation Measure (referenced by number) identified in the <i>Draft Mercy Medical Center Environmental Impact Report</i> .
Timing:	Identifies at what point in time or phase of the project that the mitigation measure will be completed.
Agency/Department Consultation:	This column references any public agency or City department with which coordination is required to satisfy the identified mitigation.
Verification:	These columns will be initialed and dated by the individual designated to verify adherence to the project specific mitigation.

**MERCY MEDICAL CENTER EIR
MITIGATION MONITORING CHECKLIST**

Project Name: _____ **File Number:** _____
Approval Date: _____ **Project Location:** _____
Brief Project Description: _____

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented, and fulfills the City of Merced's Mitigation Monitoring Requirements (MMC 19.28) with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
3.1 AESTHETICS/LIGHT AND GLARE			
<p>Mitigation Measure #3.1-2a:</p> <p><i>All lighting in the project area shall be shielded, directed downward and away from adjoining properties and rights-of-way. Light shields shall be installed and maintained consistent with manufacturer's specifications, and shall reduce the spillage of light on to adjacent properties to less than two foot-candles, as measured at the adjacent property line.</i></p>	<i>Building Permits</i>	<i>City Planning & Inspection Services</i>	
<p>Mitigation Measure #3.1-2b:</p> <p><i>Lighting fixtures shall be designed to produce the minimum amount of light necessary for safety purposes.</i></p>	<i>Building Permits</i>	<i>City Planning Division & Inspection Services</i>	
<p>Mitigation Measure #3.1-2c:</p> <p><i>The project design shall include the use of glass coatings to reduce the amount of light pollution and spillage from the</i></p>	<i>Building Permits</i>	<i>City Planning Division & Inspection Services</i>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p><i>interior lighting. Exterior glazing shall utilize performance coatings with an interior light reflectance in the range of 5-8%. Exterior glazing shall have a light reflectance out of less than 10%.</i></p>			
<p>Mitigation Measure #3.1-2d:</p> <p><i>The project site landscaping shall include vegetation designed to shield adjacent properties from project-generated light and glare. Exterior glazing shall have a light reflectance out of less than 10%.</i></p>	<p><i>Building Permits</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	
<p>Mitigation Measure #3.1-4:</p> <p><i>The power plant and all outdoor storage areas shall be screened off by fencing and landscaping to reduce their visibility from surrounding areas. Landscaping and fencing shall be designed to reduce visibility from surrounding properties, including the selection of plant materials which provide screening year-round.</i></p>	<p><i>Building Permits</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	
<p>Mitigation Measure #3.1-5:</p> <p><i>Catholic Healthcare West will fund in the amount of thirty-thousand dollars (\$30,000) for the purpose of mitigating aesthetic impacts associated with the project a landscape plan which could include the planting of trees, shrubbery, and other vegetation with irrigation that will run along Mercy Drive on the school's property. Within one-hundred and twenty (120) days from receipt of all necessary permits CHW will deliver the landscape fund to the District. The funds are to be used at the discretion of the Merced City School District.</i></p>	<p><i>Building Permits</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
3.3 AIR QUALITY			
<p>Mitigation Measure #3.3-1:</p> <p><i>Construction contracts shall require the primary construction contractor to prepare and submit a dust control plan to the SJVAPCD that incorporates all provisions of Regulation VIII and the following additional measures:</i></p> <ul style="list-style-type: none"> • <i>Limit traffic speeds on unpaved roads to 15 mph.</i> • <i>Install wheel washers or other forms of wheel cleaners at truck exits, and wash loose dirt from trucks and equipment leaving the site.</i> • <i>Suspend excavation and grading activities when winds exceed 20 mph.</i> • <i>Limit size of area subject to excavation, grading or other construction activity at any one time to avoid excessive dust.</i> • <i>Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</i> • <i>Make maximum use of diesel equipment equipped with catalytic converters and particulate traps.</i> • <i>Curtail construction during “Spare the Air Days” declared by the SJVAPCD.</i> • <i>Equipment not in use for more than ten minutes should be turned off.</i> 	<p><i>Building Permits, on-going during construction</i></p>	<p><i>SJVAPCD, City Planning Division & Inspection Services</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<ul style="list-style-type: none"> • <i>Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.</i> • <i>Whenever feasible and cost effective, use electrically driven equipment (provided they are not run via a portable generator set) or alternatively-fueled equipment/vehicles.</i> • <i>A chain link fence shall be installed around the entire property during construction with screening on the east side and southeast corner of the project to control dust.</i> • <i>A monthly site inspection during construction activity shall be conducted to monitor the effectiveness of the dust control measures contained in this mitigation measure to ensure their effectiveness in preventing dust impacts to adjacent land uses.</i> 			
<p>Mitigation Measure #3.3-3:</p> <p><i>The following design features/programs shall be implemented:</i></p> <ul style="list-style-type: none"> • <i>Use energy efficient design including automated control system for heating/air conditioning and energy efficiency; utilize lighting controls and energy-efficient lighting in buildings and use light colored roof materials to reflect heat.</i> • <i>Plant deciduous trees on the south and west elevations of the MOB.</i> • <i>Provide low nitrogen oxide (NOx) emitting and/or high efficiency water heaters.</i> 	<i>Building Permits</i>	<i>City Planning Division, Building Division & Inspection Services</i>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<ul style="list-style-type: none"> • <i>Appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas, and shelters.</i> • <i>Purchase low-emission, alternatively-fueled or electrical-driven maintenance vehicles and equipment.</i> • <i>Designate an on-site TSM coordinator.</i> • <i>Implement carpool/vanpool program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.</i> • <i>Provide lockers for employees bicycling or walking to work.</i> 			
3.4 BIOLOGICAL RESOURCES			
<p>Mitigation Measure #3.4-1</p> <p><i>To avoid and/or minimize any potential impacts, project implementation shall be carried out consistent with USFWS (1999) pre-construction and construction guidelines, including, but not limited to, a preconstruction survey conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, and an employee education program covering endangered species that is conducted by a qualified biologist.</i></p>	<p><i>Prior to construction activity</i></p>	<p><i>City Planning Division</i></p>	
<p>Mitigation Measure #3.4-3:</p> <p><i>In order to assure that nesting Swainson's hawks will not be disturbed by construction activities, a qualified ornithologist</i></p>	<p><i>Prior to construction activity</i></p>	<p><i>City Planning Division</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p><i>shall conduct pre-construction surveys of the project site and adjacent areas within one mile of the project site. Survey Period I occurs from January 1 to March 20, Period II from March 20 to April 5, Period III from April 5 to April 20, Period IV from April 21 to June 10 (surveys not recommend during this period because identification is difficult as the adults tend to remain within the nest for longer periods of time), and Period V from June 10 to July 30. No fewer than three surveys shall be completed, in at least each of the two survey periods immediately prior to project initiation. If a nest site is found, consultation with CDFG shall be required to ensure project initiation will not result in nest disturbance.</i></p> <p><i>If Swainson's hawk nest trees are found on the project site, they should not be removed unless avoidance measures are determined to be infeasible. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained. The Management Authorization will specify the tree removal period, generally between October 1 – February 1. If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the developer) by a qualified biologist should be required to determine if the nest is abandoned. If it is abandoned, and if the nestlings are still alive, the developer shall fund the recovery and hacking (controlled release of captive reared young) of nestling(s).</i></p> <p><i>Based on CDFG's staff report (CDFG 1994), the project shall provide off-site HM lands as follows:</i></p>			

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<ul style="list-style-type: none"> ▪ <i>One acre of HM land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk) for each acre of development authorized (1:1 ratio); or</i> ▪ <i>One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on the HM lands) for each acre of development authorized (0.5:1 ratio).</i> ▪ <i>Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of \$400 per HM acre (adjusted annually for inflation and varying interest rates).</i> 			
<p>Mitigation Measure #3.4-5:</p> <p><i>Raptors may begin nest-building as early as January, and might have young in the nest through August. Other avian species may establish nests from March 1 through July 1. During these periods, preconstruction surveys for nesting raptors and other avian species shall be conducted by a qualified ornithologist to ensure that no nests would be disturbed during project implementation. The preconstruction surveys shall be</i></p>	<p><i>Prior to construction activity</i></p>	<p><i>City Planning Division</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p><i>conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees and electrical towers in and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the demolition/construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest. This mitigation measure will reduce potential project-related impacts to a less than significant level, avoid “take” of birds, and conform to federal and state regulations protecting birds.</i></p> <p><i>In conformance with federal and state regulations regarding the protection of raptors, a habitat assessment in accordance with CDFG protocol for Burrowing Owls should be completed prior to the start of construction. Burrowing owl habitat on the project site and within a 500-foot (150 m) buffer zone shall be assessed (“Assessment Area”). If the habitat assessment concludes that the Assessment Area lacks suitable Burrowing owl habitat, no additional action would be warranted. However, if suitable habitat is located on the Assessment Area, all ground squirrel colonies shall be mapped at an appropriate scale, and the following mitigation measures should be implemented:</i></p> <p><i>1. In conformance with federal and state regulations regarding the protection of raptors, a pre-construction survey for burrowing owls, in conformance with CDFG protocol,</i></p>			

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p><i>should be completed no more than 30 days prior to the start of construction within suitable habitat at the project site(s) and buffer zone(s). Three additional protocol-level surveys should also be completed per CDFG protocol prior to construction.</i></p> <p>2. <i>Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies through non-invasive methods that wither: 1) the birds have not begun egg –laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction.</i></p> <p>3. <i>A 250-foot (76 m) buffer, within which no new activity will be permissible, will be maintained between project activities and nesting burrowing owls during the nesting season. This protected area will remain in effect until August 31, or at the CDFG’s discretion and based upon monitoring evidence, until the young owls are foraging independently.</i></p> <p>4. <i>If accidental take (disturbance, injury, or death of owls) occurs, the CDFG will be notified immediately.</i></p> <p><i>If preconstruction surveys determine that burrowing owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management (HM) lands comprising existing burrowing owl foraging and breeding</i></p>			

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p><i>habitat should be acquired and preserved. An area of 6.5 acres (2.6 ha) (the amount of land found to be necessary to sustain a pair or individual owl) should be secured for each pair of owls, or individual in the case of an odd number of birds. As part of an agreement with the CDFG, the project applicant should secure the performance of its mitigation duties by providing the CDFG with security in the form of funds that would:</i></p> <ul style="list-style-type: none"> ▪ <i>Allow for the acquisition and/or preservation of 6.5 acres (2.6 ha) of HM lands;</i> ▪ <i>Provide initial protection and enhancement activities on the HM lands, potentially including, but not limited to, such measures as fencing, trash clean-up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFG;</i> ▪ <i>Establish an endowment for the long-term management of the HM lands, and;</i> ▪ <i>Reimburse the CDFG for reasonable expenses incurred as a result of the approval and implementation of this agreement.</i> <p><i>Pending CDFG approval, HM lands providing foraging habitat for Swainson’s hawks (see “Loss of Swainson’s Hawk Foraging Habitat” below) may also be used to mitigate impacts to burrowing owls provided the HM lands provide existing burrowing owl foraging and breeding habitat.</i></p>			

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>Mitigation Measure #3.4-6b:</p> <p><i>The project proponent shall prepare a restoration plan that provides measures to restore the area where the new Sells Lateral would connect to Cottonwood Creek and in the area where tree removal or any other disturbance would occur in Cottonwood Creek. The restoration plan shall provide for the re-contouring and replanting of convergence area and the tree removal area. The restoration plan shall provide a plan for grading, soil preparation, planting, and maintenance and monitoring for the restoration area. The restoration plan shall provide recommendations on the use of vegetation, rock material, or a combination of both, in the convergence area to minimize erosion as appropriate based on the expected water flows. The restoration plan is subject to approval by the Army Corps of Engineers.</i></p>	<p><i>Building Permits</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	
<p>Mitigation Measure #3.4-6d:</p> <p><i>The project proponent shall avoid disturbance to Cottonwood Creek during construction by establishing a minimum 20-foot buffer. The 20-foot buffer shall be clearly marked with orange construction fencing so that it is visible to equipment operators.</i></p>	<p><i>Building Permits</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	
<p>3.5 CULTURAL RESOURCES</p>			
<p>Mitigation Measure #3.5-1:</p> <ul style="list-style-type: none"> <i>To ensure that buried cultural resources or human remains, if encountered, are recognized by construction crews, a worker education plan shall be initiated prior to project implementation. Information describing potentially significant resource characteristics and the procedures to be</i> 	<p><i>On-going during construction</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p><i>followed in the event of such a discovery shall be provided.</i></p> <ul style="list-style-type: none"> <i>Should any artifacts, exotic rock types, or unusual amounts of bone, or shell be uncovered during construction activities, a qualified archaeologist shall be consulted for an on-the-spot-evaluation.</i> 			
3.6 GEOLOGY AND SOILS			
<p>Mitigation Measure #3.6-2:</p> <p><i>All recommendations set forth on pages 27-46 in the Treadwell & Rollo Geologic Hazard Evaluation and Geotechnical Investigation (see Appendix F) shall be incorporated into construction and grading plans. The Office of Statewide Health Planning and Development (OSHPD) shall ensure that the recommendations are followed.</i></p>	<i>Building Permits</i>	<i>City Planning Division & Inspection Services</i>	
3.7 HAZARDS AND HAZARDOUS MATERIALS			
<p>Mitigation Measure #3.7-4:</p> <p><i>Although not a “hazardous materials site,” the Hazardous Materials Investigation for the Merced Replacement Hospital Report indicated that persistent pesticides and metals exist at the project site. The City will require, prior to construction of Phase II, the hospital to remove the top six inches of soils in those areas of the site where pesticides and metals exist.</i></p>	<i>Prior to construction of Phase II</i>	<i>City Inspection Services</i>	
<p>Mitigation Measure #3.7-5:</p> <p><i>The helipad shall be a restricted and secured area with warning signs, fence, and or gate, to prevent unanticipated injury to non-authorized persons in the vicinity resulting from moving equipment or flying debris.</i></p>	<i>Building Permits</i>	<i>City Planning Division, Building Division & Inspection Services</i>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
3.10 NOISE			
<p>Mitigation Measure #3.10-5:</p> <p><i>The pilots shall avoid flights over noise sensitive areas at all times when weather permits. The predominant wind in that area is from the north, northwest. The helicopter operates by landing and taking off into the wind. A departure in the northwesterly direction is preferred. A modified approach procedure from the northwest may be possible during minimal and “no” wind conditions. However, if the wind velocity exceeds a specified criteria depending upon the model of aircraft, then the helicopter will need to approach from the northeast or southeast.</i></p>	<i>On-going</i>	<i>City Inspection Services</i>	
<p>Mitigation Measure #3.10-6a:</p> <p><i>Noise measured at the property line shall be based upon the Merced Vision 2015 General Plan. This document states that an outdoor noise level of 60 Ldn or less is acceptable for residential areas and for schools. The measurement of these units shall be in terms of dB(A) Leq at all residential property lines.</i></p> <p><i>Include appropriate acoustical louvers, silencers or other noise control measures at all ventilation openings facing north and west, and on the roof tops as required so as not to exceed 45 dB(A) Leq at all residential property lines.</i></p>	<i>Building Permits</i>	<i>City Inspection Services</i>	
<p>Mitigation Measure #3.10-6b:</p> <p><i>A total of ten (10) of Cruickshank’s windows on the west side of the building facing Mercy Avenue in relation to the project site</i></p>	<i>Building Permits</i>	<i>City Inspection Services</i>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p><i>will be replaced with double-pane windows. The ten (10) windows to be replaced are as follows: six (6) narrow slotted windows facing east, one (1) window facing north and one (1) window facing south on the westerly most building, and one (1) window facing north and one (1) window facing south on the adjacent building just north and east of the westerly building. Catholic Health Care West will provide funding to the School District for the replacement of these windows prior to construction of Phase 1. The applicant will provide an estimate for the replacement of the windows. A check in the amount of the estimate shall be given to the Merced City School District for this purpose.</i></p>			
<p>Mitigation Measure #3.10-7a:</p> <p><i>Generators shall be specified with individual acoustical enclosures supplied by the manufacturer, which will limit the noise from the generator to 75 dB(A) at 10 feet.</i></p>	<p><i>Building Permits</i></p>	<p><i>City Inspection Services</i></p>	
<p>Mitigation Measure #3.10-7b:</p> <p><i>Exterior generators shall be acoustically attenuated in weatherized enclosures by the manufacturer.</i></p>	<p><i>Building Permits</i></p>	<p><i>City Inspection Services</i></p>	
<p>Mitigation Measure #3.10-7c:</p> <p><i>The emergency generators should be exercised only on weekdays between the hours of 8 a.m., and 5 p.m.</i></p>	<p><i>On-going</i></p>	<p><i>City Inspection Services</i></p>	
<p>Mitigation Measure #3.10-7d:</p> <p><i>Only one emergency generator should be exercised at any given time.</i></p>	<p><i>On-going</i></p>	<p><i>City Inspection Services</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>Mitigation Measure #3.10-7e:</p> <p><i>Generators shall be specified with individual acoustical enclosures supplied by the manufacturer, which will limit the noise from the generator to 75 dB(A) at 10 feet.</i></p>	<p><i>Building Permits</i></p>	<p><i>City Inspection Services</i></p>	
<p>Mitigation Measure #3.10-8a:</p> <p><i>All heavy construction equipment and all stationary noise sources (such as diesel generators) shall be in good working order and have manufacturer installed mufflers.</i></p>	<p><i>Building Permits</i></p>	<p><i>City Inspection Services</i></p>	
<p>Mitigation Measure #3.10-8b:</p> <p><i>Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences and Cruickshank Middle School as is feasible. During Phases Two and Three, the Mercy Medical Center will be in use, therefore equipment warm up areas, etc. should be located as far away from the hospital, existing residences, and Middle School, as is feasible.</i></p>	<p><i>On-going during construction</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	
<p>Mitigation Measure #3.10-8c:</p> <p><i>All construction shall be between the hours of 7:00 a.m. and 9:00 p.m. daily except Sundays and holidays.</i></p> <p><i>Construction activities between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays shall meet at least one of the following noise limitations:</i></p>	<p><i>On-going during construction</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>1. No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of twenty-five feet from the source. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty-five feet from the equipment as possible.</p> <p>2. The noise level at any point outside of the property plane of the project shall not exceed 86 dBA.</p>			
<p>Mitigation Measure #3.10-9:</p> <p>Limit groundborne vibration due to construction activities in the direction of sensitive receptors. For construction adjacent to highly sensitive uses, apply additional measures as feasible, including advance notice to occupants of sensitive facilities to ensure precautions are taken in those facilities to protect ongoing activities from the effects of vibration.</p>	<p>On-going during construction</p>	<p>City Planning Division & Inspection Services</p>	
<p>3.11 PUBLIC SERVICES AND FACILITIES</p>			
<p>Mitigation Measure #3.11-1a:</p> <p>Pursuant to the recommendation of the City of Merced Police Chief, the project applicant shall provide a minimum of three onsite private security guards at all times during the operation of the proposed project. These security guards shall be trained to meet Department of Consumer Affairs standards.</p>	<p>Building Permits</p>	<p>City Planning, Merced City Police & Inspection Services</p>	
<p>Mitigation Measure #3.11-1b:</p> <p>Pursuant to the City of Merced General Plan Policy P-1.3.c, and Merced Municipal Code Sections 17.62 and 17.64, the project</p>	<p>Building Permits</p>	<p>City Planning, Inspection Services, & Building Division</p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p><i>applicant shall pay Public Facilities Impact Fees along with Merced County Regional Transportation Fees to address impacts of growth on city and regional infrastructure. In addition, Community Facilities District (CFD) formation is required for annual operating costs for city services. CFD procedures shall be initiated before final improvement plans are approved by the City. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest their inclusion in the District, and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received. In consultation with the Developer/Owner, the City's CFD consultant shall conduct a study to determine the proper rate and method of apportionment based on Phase 1 of the hospital project. The Owner/Developer reserves the right to appeal the consultant's findings to City Council for a final decision.</i></p>			
<p>Mitigation Measure #3.11-1c:</p> <p><i>Pursuant to the City of Merced General Plan Policy P-2.1.h, the design of the proposed project shall utilize modern public protection concepts such as "defensible space," security lighting, access, visibility, etc. to reduce policing problems and improve police effectiveness.</i></p>	<p><i>On-going</i></p>	<p><i>City Planning, Inspection Services & City Police</i></p>	
<p>Mitigation Measure #3.11-2:</p> <p><i>Pursuant to the City of Merced General Plan Policy P-1.3.c, and Merced Municipal Code Sections 17.62 and 17.64, the project applicant shall pay Public Facilities Impact Fees along with Merced County Regional Transportation Fees to address</i></p>	<p><i>Building Permits</i></p>	<p><i>City Planning, Inspection Services, & Building Division</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p><i>impacts of growth on city and regional infrastructure. In addition, Community Facilities District (CFD) formation is required for annual operating costs for city services. CFD procedures shall be initiated before final improvement plans are approved by the City. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest their inclusion in the District, and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received. In consultation with the Developer/Owner, the City's CFD consultant shall conduct a study to determine the proper rate and method of apportionment based on Phase 1 of the hospital project. The Owner/Developer reserves the right to appeal the consultant's findings to City Council for a final decision.</i></p>			
3.12 TRANSPORTATION/CIRCULATION			
<p>Mitigation Measure #3.12-1:</p> <p><i>Upon completion of Phase III (development of the south 10-acre parcel), outbound left-turn movements at the intersection of Sandpiper Drive and Cormorant Drive from the north leg and south leg of the intersection shall be prohibited. If Sandpiper Drive south of the south parking lot is not constructed at the time Mercy Medical Center land uses are constructed south of Cormorant Drive, the project applicant (subject to reimbursement) shall be required to construct this portion of Sandpiper Drive.</i></p>	<p><i>Completion of Phase III</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>Mitigation Measure #3.12-3:</p> <p><i>The proposed project includes MMCM-paid transportation from the existing facility to the new hospital. This should be considered when evaluating the impact on demand for public transit. Provide public transit facilities (e.g., bus shelters, public transit information kiosks, and park-and-ride lots) in those areas of the proposed project that would be accessible to potential patrons and transit vehicles. The selection and location of the facilities should be determined in consultation with Merced County Transit.</i></p>	<p><i>Building Permits</i></p>	<p><i>City Planning Division, Inspection Services & Merced County Transit</i></p>	
<p>Mitigation Measure #3.12-4a:</p> <p><i>Provide sidewalks, bicycle lanes, and bicycle paths along roadways adjacent to the project site. Figure 4.10 in Chapter 4, Transportation and Circulation, of the Merced Vision 2015 General Plan (City of Merced 1997) shows:</i></p> <ul style="list-style-type: none"> <i>• a Class II (on-street) bicycle facility along G Street, and</i> <i>• a Class I (off-street) bicycle facilities along Cottonwood Creek north of the project site.</i> 	<p><i>Building Permits</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	
<p>Mitigation Measure #3.12-4b:</p> <p><i>In the event that increases in traffic, as a result of the proposed hospital, creates a safety hazard for children of the adjacent school, the project proponent with the consent and approval of the City will provide one or more of the following safety measures; slow for school zone signs, or crosswalks near the intersections of Paulson Road - Cormorant Drive and Mansionette Drive – Cormorant Drive. Together with the other</i></p>	<p><i>Building Permits</i></p>	<p><i>City Planning Division & Inspection Services</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<i>mitigation measures any one or a combination of these mitigation measures will reduce the impact to less than significant. If crosswalks are installed, they shall include imbedded flushing lights in the pavement, activated by a switch.</i>			
<p>Mitigation Measure #3.12-5:</p> <p><i>The applicant shall install on-site circulation barriers; thereby ensuring this driveway access point will be used as an emergency entrance only, and does not directly connect to employee and visitor parking areas. The project applicant shall also install a median to ensure that this driveway is a “right turn in and out” intersection only.</i></p>	<i>Building Permits</i>	<i>City Inspection Services</i>	

Copies of This Form Distributed To:

_____ City Council _____ City Manager _____ Dev Serv Director _____ Public Works Director _____ City Engineer _____ Fire Chief
 _____ Police Chief _____ Leisure Serv. Dir. _____ County of Merced (Dept. _____) _____ Other (List _____)
 _____ Responsible Agency: (List _____)

I hereby certify that I have inspected the project site and that the above information is true to the best of my knowledge.

Name: (Print) _____ Representing: (Agency/Firm) _____

Signature: _____ Date: _____

APPLICABLE MITIGATION MEASURES OF THE GENERAL PLAN EIR — MERCY MEDICAL CENTER

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
XX			
XX			
XX			

**MERCED VISION 2015 GENERAL PLAN
MITIGATION MEASURE MONITORING CHECKLIST – FORM B**

Monitoring Phase: _____ Pre-Construction _____ Construction

Project File Number: _____

Project Name: _____

Brief Project Description: _____

Project Location: _____

Requirement Met:

Date	Yes	No	Description of Mitigation Measures
_____	_____	_____	1. _____
_____	_____	_____	2. _____
_____	_____	_____	3. _____
_____	_____	_____	4. _____
_____	_____	_____	5. _____

Requirement On-Going:

Date	Yes	No	Description of Mitigation Measures
_____	_____	_____	1. _____
_____	_____	_____	2. _____
_____	_____	_____	3. _____
_____	_____	_____	4. _____
_____	_____	_____	5. _____

Trustee Agency

	Date	Yes	No
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

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 _____ County of Merced (Dept _____) Other (List _____)
 _____ Responsible Agency: (List _____)

I hereby certify that I have inspected the project site and that the above information is true to the best of my knowledge.

Name: (Print) _____ Representing: (Agency/Firm) _____

Signature: _____ Date: _____