41

April 1, 2009

Ms. Kim Espinosa
Project Director
Merced Planning Department
678 W. 18th St.
Merced, CA 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Kim,

Why is it that Health Risk Assessments are only taken seriously in the Wal-Mart DEIR when it comes to the children of the employees? What happens if you admit that the health risks resulting from the distribution center are so bad for children that the distribution center should not have on-site child care, but the distribution center is fine for all the children who currently live in Southeast or attend our schools? What is NOT good for the goose it good for the gander? That's pretty insensitive and very insulting to me. 41-1

Mike Baldwin
Merced-Mariposa Asthma Coalition - Steering Committee
559-903-4570
41810 Rd 406
Coarsegold, Ca 93614

41-1 The commenter questions why the DEIR (and supporting HRA) concludes that the increased exposure of children, schools, and residents located near the project site to project-generated TACs is considered a less-than-significant impact (as discussed in Impact 4.2-4), but that an on-site child daycare center for employees' children shall not be provided. To clarify, Mitigation Measure 4.2-2b states that an on-site child daycare center for employees' children shall not be provided unless supported by the findings of a comprehensive HRA performed in consultation with SJVAPCD.

The comprehensive HRA prepared for the proposed project, which is included in Appendix C of the DEIR and discussed under Impact 4.2-4, analyzes the potential health effects of nearby off-site residents, workers, and schools. The HRA and impact discussion did not address the potential health effects to children at a possible on-site daycare facility because a daycare facility is not included in the project description. Therefore, the DEIR did not conclude that a daycare facility should not be located on the project site.

42

March 15, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

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

Ms. Espinosa,

According to Section 5 of the Wal-Mart Distribution Center, Wal-Mart did a search for alternative sites based on specific "physical criteria for the selection of potential sites." Really? And one of those criteria is "absence of development". Seriously? THEN WHY SELECT A SITE NEXT TO MY NEIGHBORHOOD!!!! 42-1

This is the WRONG site and a HORRIBLE location! Go with the "NO PROJECT" alternative!

Thank you.

Benny Banda

437 Hydrangea

(209)
756-9528

42-1 The commenter questions the selection criteria for potential sites identified in the DEIR's alternatives analysis. Specifically the commenter questions the "absence of development" criteria, given the fact that residences are located in the proximity of the project site. To clarify, the "absence of development" criteria refers to development on the project site. Particularly when searching for industrial zoned sites, existing development on a site may present a variety of environmental concerns, such as soil contamination and hazardous materials in existing structures. These environmental issues are often extremely costly to remediate. For additional discussion of the alternatives analysis, please refer to Master Response 12: Alternatives.

43

April 13, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

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

Ms. Espinosa:

Truckers have a tough life. They are required to take 10 hours of rest during a 24 hour period. Where is this going to take place? At the distribution facility? On the side of the road?

If the city is going to require WM to keep all trucks on site, that site needs to be equipped to support not only truckers working directly for Wal-mart, but their suppliers as well. Signs and an enforcement policy by the police must be adopted to keep truckers from resting not just on the main streets leading to the distribution center, but throughout the community. 43-1

Sincerely,

Priscilla Banda
Signature

Priscilla Banda
Print Name

437 Hydrangea Ct
Address

209 947-8582
Phone

Priscilla Banda
April 13, 2009

43-1 The commenter raises concerns about social and crime problems that could potentially arise as a result of an increase in long-haul truck drivers in the community. Please see Response to Comment 12-18, which addresses this issue.

Espinosa, Kim

From: Alma Delia [silverspring7@yahoo.com]
Sent: Friday, April 17, 2009 7:32 AM
To: Espinosa, Kim
Subject: Wal-Mart Distribution Center

Hello, I'd just like to write that I've been following the news on the Wal-Mart distribution center for the past couple of months. I understand that some members of the Merced community believe that bringing a distribution center to our area would greatly increase the pollution in our valley. Although I can see where they might be concerned, one has to realize that this county is made up of largely rural and agricultural communities.

One of our biggest problems is unemployment which is particularly high especially when seasonal workers are out of jobs. If we want to become more industrial and create more jobs, then we have to accept the good with the bad. This county needs those jobs badly for its residents and shooing away another large retailer is NOT going to help put food on peoples' tables. If we want to reduce dependence on our already taxed social programs, then we need to create jobs, not throw more money at the situation. 44-1

I vote that our city bring the Wal-Mart distribution center to town. I hope that the City of Merced does too!

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Alma Barocio
3112 Denver Ave #7
Merced, CA 95348
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

44-1 The comment addresses the merits of the proposed project, recommends project approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

45

Espinosa, Kim

From: Dale Beard [dale.beard@sbcglobal.net]
Sent: Sunday, April 19, 2009 9:40 PM
To: Espinosa, Kim
Subject: In Favor of Wal-Mart Distribution

Kim,
I received a flier opposing the center. I feel it would be a plus for our economy & the fear of pollution, property values & traffic bogus. 45-1
For what it's worth...
Dale Beard
3369 Tuolumne Ct.
Merced Ca. 95340
209 384-0932

45-1 The comment addresses the merits of the proposed project and indicates that environmental issues are not a concern. The comment does not raise issues related to the adequacy of the Draft EIR. The comment is noted.

46

March 23, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Kim Espinosa
Planning Manager
City of Merced
678 W. 18th St.
Merced, CA 95340

Re: Walmart Distribution Center

Dear Ms. Espinosa,

The proposed site for the Walmart distribution center consists of 70% prime farmland. We need to follow the Merced County General Plan and keep this land as is and protect its resources. If this site is developed it will have a significant impact. Converting 229 acres of prime farmland is not responsible and there will be negative impacts if so. 46-1

I don't think it is economically viable to turn prime agriculture land no agriculture use. This would be a substantial loss of prime soil and should be considered when reviewing this application.

Please deny development on this site.

Thank you.

Gayle Besecker
Signature

Gayle Besecker
Print Name

2545 E Childs
Address

(209) 723-6473
Phone

46-1 The commenter restates the percentage and acreage of prime farmland on the project site identified in the Draft EIR. The commenter states development of the project would result in a significant impact and the farmland should be protected. Please refer to Master Response 5: Agricultural Resources which addresses the issue related to conversion of important farmland.

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

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Dear Ms. Espinosa,

A large sound wall barrier between the Wal-Mart site and the nearby homes is very helpful, but it isn't without problems. Particularly, graffiti is a problem in these neighborhoods already, and it is guaranteed to spill over onto this sound wall. When that happens, how will that be addressed? Who will pay for cleanup of graffiti? How will homeowners be compensated for the reduced property values of living next to such an eyesore? 47-1

I'm very disappointed that your consultants took such a narrow view of this project and refused to study the effects of urban decay on the neighborhoods. Just because this isn't a store doesn't mean there won't be urban decay. The physical and surrounding area will look different (and not for the better) once this project is built. Property values will be hurt and these residents will have a hard time protecting their streets from urban decay. 47-2

Sincerely,

Kyle Boeder
2545 E. Childs Ave

Letter 47 Response	Kyle Besecker Undated

47-1 The comment raises concern related to graffiti on the sound wall, which is required by the DEIR to mitigate noise impacts. This issue is addressed in Responses to Comments 84-1 through 84-3.

47-2 The commenter indicates that the DEIR does not address the urban decay impacts to surrounding residential communities and corresponding impacts of decreasing property values. Please see Master Response 11: Economics and Urban Decay, which addresses this issue.

48

March 23, 2009

Kim Espinosa, Planning Manger
Merced Planning Department
678 West 18th Street
Merced, CA 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Re: Distribution Center EIR

Dear Ms. Espinosa:

I am writing in regards to the Wal-Mart distribution center proposal. This site should be protected and not developed on. This area serves as a nesting habitat for birds specifically the Swainson's hawk and it is likely to occur that it will nest in close proximity of the site. This is a protected bird and therefore should not have it's nesting interrupted by developers. 48-1

The CNDDB has documented occurrences of this specific type of bird nesting within five miles of this site. By developing on it, we risk effecting special status wildlife. –A distribution center is not worth the risk.

Do what's right and protect wildlife. Thank you for your consideration of my concerns.

Megan Besecker
Signature

Megan Besecker
Print Name

2545 E. Childs Ave
Address

Merced, CA 95341

Phone

48-1 The commenter makes a number of references to potential impacts to Swainson's hawk but does not disagree with the finding in the DEIR or otherwise question the adequacy of the document. Please refer to Master Response 10, which addresses this comment and other comments regarding impacts and mitigation for Swainson's hawk and burrowing owl.

49

March 23, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Kim Espinosa
Planning Department
City of Merced
678 West 18th Street
Merced, CA 95340

Re: Walmart Distribution Center

Dear Kim:

Based on the environmental studies recently released, I am opposed to Walmart distribution center going on this site. Building on prime ag land sets a bad precedent and the City should not develop at this area. By doing this, it can create incentives for farmland owners to sell their land for development and consequentially taking away our agricultural lands. 49-1

We don't need to development on this site, we need to keep and protect what we have. Please do the right thing and oppose this proposal.

Sincerely,

Pat Besecker
Signature

Pat Besecker
Print Name

2545 E childs ave
Address

209 723 6473
Phone

Pat Besecker
March 23, 2009

49-1 The commenter states opposition to the proposed project and states that developing on prime agricultural land sets a bad precedent, including incentives for other farmland owners to sell their land for development with resulting loss of agricultural lands. Please refer to Master Response 5: Agricultural Resources, which addresses the issue related to conversion of important farmland.

50

April 14, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Kim Espinosa, Project Director
Merced Division of Planning
678 W. 18th St.
Merced, CA 95340

Ms. Espinosa,

We're a city with an abnormally high asthma rate. I read about particulate matter in the distribution center draft environmental impact report, and discovered that Merced's General Plan has recommendations on how to reduce the PM10 emissions from roads maintained by the City. Are there certain actions that Wal-Mart will be required to fund, in order to achieve our goals of reducing PM10? I don't think it's fair to make us taxpayers pay this cost. 50-1

Thank you,

Aurora P. Bettencourt
Signature

AURORA P. Bettencourt
Print Name

686 San Antonio Ct
Address

Merced CA 95348

Phone

Aurora P. Bettencourt
April 14, 2009

50-1 The commenter would like to know if there are any actions that the project applicant would be required to fund in order to reduce PM_{10} emissions in the City of Merced. Please see mitigation measures 4.2-1 (pages 4.2-31 through 4.2-35) and 4.2-2 (pages 4.2-38 through 4.2-41) of the DEIR. The fair share of all required air quality mitigation measures would be funded by the applicant.

Espinosa, Kim

From: Walker, Dawn on behalf of city, council

Sent: Friday, March 06, 2009 8:39 AM

To: city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill

Cc: Davidson, Dana; Quintero, Frank; Conway, Mike; Espinosa, Kim; Schechter, Jeanne

Subject: FW: Wal-Mart Center in Merced

From the website.

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6834
Fax: (209) 385-1780

-----Original Message-----
From: Ray Blevins [mailto:blevins-r@sbcglobal.net]
Sent: Thursday, March 05, 2009 9:43 PM
To: city, council
Subject: Wal-Mart Center in Merced

Merced City Council Members:
I strongly support the development of the Wal-Mart Center in Merced. This is an opportunity to have a major business with a large employment. Merced needs this!! 51-1
W. Ray Blevins, DDS

51-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

52

Dear Sirs

I am writting in regards to the Wal Mart issue. I urge you to improve the building of the center. Due to the history of unemployment in Merced this is just the thing Merced needs 52-1

Sige Boardman
1901 Calimyrna ave
Merced Ca 95340

RECEIVED
MAR - 3 2009
CITY OF MERCED
PLANNING DEPT.

Letter 52 Response	Sige Borden Undated

52-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

53

Kim Espinoza, Planning Manager
City of Merced Planning Department
678 West 18th Street
Merced, CA 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Ms. Espinoza:

As a teacher in Merced I'm disappointed that the City Planning Department is considering a Wal-Mart distribution center near three local schools.

The kids I teach every day have enough on their plates that make their daily education challenging.

The distribution center adds more to their daily challenges in ways not expected at school. The proposed distribution center will significantly increase air pollution onto kids with serious respiratory problems. Students who walk to and from school will also have to worry about the hundreds of big delivery trucks driving all around them each week. 53-1

This project will bring impacts that these kids and schools don't need. The Planning Commission should recognize that this location is not a good fit and may cause harm to our kids.

Susan Boykin
115 E. 20th Street
Merced, CA 95340

Susan A. Boykin
4-23-2009

Susan Boykin
April 23, 2009

53-1 The commenter expresses concern that the project would be located near three local schools. The commenter states that kids with respiratory problems will be affected by increased air pollution and increased truck traffic in the area. Please refer to the response to comment 16-8 which discusses how the schools were included in the HRA performed for the project and comment 17-12, which discusses how the relative locations of these school was analyzed in the traffic analysis.

54

Espinosa, Kim

From: JUDITHBCA@aol.com
Sent: Friday, February 27, 2009 9:52 AM
To: Espinosa, Kim
Subject: Wal-Mart

Let's build the damn thing already. The Stop Wal-Mart Action Team will find something wrong with the report because if you look for trouble, you will find it, and they are hell-bent on stopping this wonderful project. Let the digging begin. 54-1

Judith Breckenridge
Atwater

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

2/27/2009

54-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

55

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

4.12.2009

Ms. Kim Espinosa
Merced Planning Department
678 West 18th Street
Merced, CA 95340

Dear Ms. Espinosa:

Regarding the Distribution Center site, the Draft EIR states that various pollutants attributable to the construction could harm groundwater and lead harm to aquatic organisms. The Draft EIR also says that in order for Wal-Mart to acquire the NPDES General Industrial Stormwater Permit the proponents must devise a Storm Water Pollution Prevention Plan using Best Management Practices.

The problem with this is that many cities and counties in California are abandoning Best Management Practices in favor of the more innovative and effective standard of Integrated Management Practices. The Governor's Office has even actively encouraged the new standards because they provide far greater provisions for waste and pollution management. 55-1

Given that IMP's seem to be the future of waste water and storm water management, why shouldn't we use this Project to start a trend of using IMP's by requiring the same with approval? A local truly concerned about its citizens would go beyond just allowing the bare minimum and would require standards that actually are proven to better protect its citizens. Thus, the Project should not be approved unless such approval is tied to a requirement of using IMP's.

Elvis A Brock
Signature

ELVIS BROCK
Print Name

5736 E. ST HWY 140
Address

723 6295
Phone

Elvis Brock
April 12, 2009

55-1 The comment raises concerns regarding potential of groundwater contamination from construction. Also, the commenter requests that integrated management practices (IMPs) are used instead of best management practices (BMPs). Mitigation Measure 4.6-1a describes the NPDES construction permit and SWPPP with the required performance standards that have been shown to prevent contamination to surface water and groundwater or reduce to less-than-significant levels. IMPs are types of BMPs such as bioswales, permeable pavements, and other low impact development approaches that can act as both flow control and water quality treatment facilities. IMPs are incorporated within the overall array of BMPs and do not replace them. See also, Master Response 8: Runoff Water Quality.

56

Espinosa, Kim

From: Judy` Brown [jdja3054@yahoo.com]
Sent: Friday, April 17, 2009 8:57 AM
To: Espinosa, Kim
Subject: Wal-Mart

My husband and I fully support bringing the Wal-Mart distribution center to Merced. It is time the city leaders quit trying to make Merced something that it isn't. The distribution center will bring jobs to Merced and the environmental issues will be dealt with in an appropriate manner. Merced should be doing everything in its power to bring jobs to Merced. 56-1

Judy and J.D. Brown

56-1 The comment addresses the merits of the proposed project, recommends approval, and indicates that environmental issues would be handled appropriately. The comment does not raise issues related to the adequacy of the Draft EIR. The comment is noted.

57

Espinosa, Kim

From: budgirl@surfbest.net
Sent: Sunday, March 22, 2009 2:33 PM
To: Espinosa, Kim
Subject: Walmart Distribution Center

Kim;
I wanted to give my view on this Walmart Distribution coming to Merced. With today's economic we Can't afford to Not let it come here.
We are living in a recession that our grandparents lived thru and can't believe I am or my grandchildren are having to experience this as well. Haven't we learned anything from History?
If it will brings jobs that will put money back into the city, how can we say NO.
As far as the trucks traveling the highway, they will travel the highway anyway's. WE only have one main highway in our community. Weather they come out of Merced or are passing through Merced, they will still be on the road.
I have heard they have one of the cleanest fleet of trucks in the state, and all trucks have an emission standards to follow anyway, what more can we ask?
By the time the City decides to allow this firm to join our city, it maybe too late, look at what happened in Fresno just a few weeks ago. Now they are trying to get other developers to come and clean up Central Fresno. 57-1
The way we are suffering as a State and Nation, how can we as a City say NO?
We Need Jobs to buy food, and keep our Homes, and get the basic items for day to day living. We have a opportunity offered by a Big Company wanting interest in Merced, I don't get why its such a Big Question!!
We need to think of tomorrow and our Children and Grandchildren and Ourselves, as what we need Now, TO KEEP our families together and surviving this terrible situation the government has allowed our Nation to get into..
Thank you for allowing me to express my view, and hope someone does read this.
Please Vote YES for the Walmart Distribution Center for Merced CA.
Thank you,

budgirl@surfbest.net
March 22, 2009

57-1 The comment primarily addresses the merits of the proposed project, recommends approval, and dismisses environmental concerns. The comment does not raise issues related to the adequacy of the Draft EIR. The comment is noted.

58

April 23, 2009

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

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Dear Ms Espinosa,

I am concerned about the proposed Wal-Mart distribution center. My greatest concern relates to the location of the proposed facility. In my opinion, the center is planned too close to schools and to housing and that it may degrade the aestetic appeal of the new parkway, which will become a major gateway not only to our city but to the new University. 58-1 58-2

Impacts which are unavoidable should be kept away from neighborhoods and school yards.

Thank you.

David Burke

David F. Burke
711 Junipero Ct
Merced, CA 95348

58-1 The commenter expresses concern that the project would be located too close to schools and housing. Please refer to the response to comment 16-8 which discusses how the schools were included in the HRA performed for the project. Please refer to the response to comment 12-23 for about the potential health effects of nearby residents, workers, and schools. Please refer to the response to comment 17-12, which discusses how the relative locations of nearby schools were analyzed in the traffic analysis.

58-2 The commenter states that the proposed project may degrade the aesthetic appeal of a nearby parkway. The project's aesthetic and visual impacts were evaluated consistent with the requirements of CEQA in Section 4.13, "Visual Resources." As described therein, implementation of the project would result in less-than-significant impacts on a scenic vista or scenic resources (see Impact 4.13-1, page 4.13-6). As described on page 4.13-7 (see Impact 4.13-2), the project would alter the visual character of the proposed project site and significantly impact the visual character of the surrounding area, resulting in a potentially significant impact. Mitigation is recommended to reduce this impact to a less-than-significant level (see page 4.13-13). The commenter does not offer any evidence on how the project would result in significant aesthetic impacts, and does not raise any issues with the environmental analysis provided in the DEIR; therefore, no further response can be provided.

59

Espinosa, Kim

From: Manuel Byrd [mbyrd@transcountytitle.com]
Sent: Wednesday, March 25, 2009 3:27 PM
To: Espinosa, Kim
Subject: Walmart Distribution Center

Kim,

I really hope that this Walmart Distribution Center comes to Merced. In a very tough times where unemployment is high, our area desperately needs the jobs. When at times I think that we make it too hard for businesses to come into the area, we should be doing everything possible to bring the businesses in. 59-1

Thank you,

Manuel Byrd

59-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

60

Espinosa, Kim

From: Charlene Calhoun [chrclh@att.net]
Sent: Friday, February 27, 2009 10:48 AM
To: Espinosa, Kim
Cc: Charlene Calhoun

I feel that this would be a big plus to Merced. In this time where there aren't very many jobs we need to find a way to bring jobs here. The sooner ther it gets started the better. 60-1

2/27/2009

Charlene Calhoun
February 27, 2009

60-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

61

23 de Marzo de 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Señora Kim Espinosa
Departamento de Planificación
Ciudad de Merced
678 West 18th Street
Merced, CA 95340

Estimada Señora Espinosa,

Animo la ciudad a proporcionar unos, si no todo, del centro de distribución de Wal-Mart DEIR en Español. Esto es un proyecto grande para Merced y es un estudio importante. Es algo que impresionará la comunidad, así que usted debe sentirse obligado a traducirlo y permitir a la gente que solamente habla Español el proceso de comentar sobre el proyecto.

Gracias,

Edoardo Carmona
2499 E. Gerard Sp. #18
Merced, Ca.

The attached comment letter regarding the Wal-Mart Distribution Center Draft Environmental Impact Report has been translated by:

Juan F Olmos

Juan Olmos

Maintenance Worker III

Title

5-5-09

Date

English Transcription:

LETTER 9 *(Corresponds with LETTER #61)*

March 23 2009

Misses Kim Espinosa
Planning Department
City of Merced
678 West 18th St
Merced CA 95340

Dear Misses Espinosa,

I encourage the city to provide some, if not all, the Wal-Mart distribution center DEIR in Spanish. This a big project for Merced and it's an important study. It's something that will impress the community, therefore you must feel obligated to translate and allow the people that only speaks Spanish in the comments process for this project. 61-1

Thanks,

Edoardo Carmona
2499 E. Gerard Sp#18
Merced CA

61-1 This comment addresses issues related to language barrier and translation of CEQA documents. Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses these issues.

This page intentionally blank.

62

Espinosa, Kim

From: Ericka [erickac@yahoo.com]
Sent: Monday, April 27, 2009 10:22 AM
To: Espinosa, Kim
Subject: Wal-Mart Distribution Center

Dear City Council Members,

I can not see the advantage of having the Wal-Mart distribution center in Merced. Ever since moving to Merced from Los Angeles almost three years ago, I too have been concerned about the unemployment level in Merced, as well as the number of citizens struggling with poverty.

But this proposed project just doesn't seem to be the answer! There is going to be more pollution. Merced citizens are not guaranteed to get the jobs. Property values will probably go down in the area around the center. And a big center like this does not add to the beauty of Merced.

62-1

What about encouraging businesses that will move into the downtown area, create jobs, and create a more attractive downtown Merced that the citizens would like to go to, and will also attact shoppers that will spend their dollars in Merced?

We really have to think about the long term effects of all of this. If Merced wants to grow, what about doing it in a way that beautifies the City, instead of creating a more industrial, polluting, inner city atmosphere?

Sincerely,
Ericka Carr

What's growing in your garden?
http://mercedshares.blogspot.com

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Ericka Carr
April 27, 2009

62-1 The commenter primarily addresses the merits of the project, along with general economic effects, including property values. CEQA does not require lead agencies to evaluate economic or financial impacts. The Draft EIR appropriately focuses on environmental effects, as required by CEQA. The commenter also expresses concerns related to "pollution," in general. Project-related impacts to air quality are analyzed in the Draft EIR under Section 4.2 "Air Quality," impacts to water quality are analyzed in the Draft EIR under Section 4.6 "Hydrology and Water Quality," and impacts related to hazardous materials are addressed in the Draft EIR under Section 4.10 "Public Health and Hazards." The commenter does not raise issues related to the adequacy of the Draft EIR. The comment is noted.

63

Espinosa, Kim

From: Walker, Dawn on behalf of city, council

Sent: Monday, April 06, 2009 8:09 AM

To: city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill

Cc: Davidson, Dana; Conway, Mike; Quintero, Frank; Schechter, Jeanne; Espinosa, Kim

Subject: FW: WALMART CENTER

From the website.

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6834
Fax: (209) 385-1780

-----Original Message-----
From: Useopc30@aol.com [mailto:Useopc30@aol.com]
Sent: Saturday, April 04, 2009 6:05 PM
To: city, council
Subject: WALMART CENTER

PLEASE DO EVERYTHING YOU CAN TO APPROVE THE DISTRIBUTION CENTER ASAP. | 63-1

KENNETH CARTER
3415 PASEO VERDE AVE.
MERCED, CA 95348

WE NEED THE JOBS NOW.....

Hurry! April 15th is almost here. File your Federal taxes **FREE** with TaxACT.

Kenneth Carter
April 4, 2009

63-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

64

Espinosa, Kim

From: Walker, Dawn on behalf of city, council

Sent: Friday, March 06, 2009 8:36 AM

To: city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill

Cc: Davidson, Dana; Conway, Mike; Quintero, Frank; Espinosa, Kim; Schechter, Jeanne

Subject: FW: WAL-MART CENTER

From the website.

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6834
Fax: (209) 385-1780

-----Original Message-----
From: Useopc30@aol.com [mailto:Useopc30@aol.com]
Sent: Thursday, March 05, 2009 11:33 AM
To: city, council
Subject: WAL-MART CENTER

WE SUPPORT THE WAL-MART CENTER, MAINLY FOR THE NEW JOBS.

DON'T LET THE LOONS OF THE WORLD DELAY THE PROJECT. 64-1

THIS IS AMERICA, WE SPEAK AND READ ENGLISH.

THANK YOU,

KENNETH AND PEGGY CARTER
3415 PASEO VERDE AVE.
MERCED, CA. U.S.A.

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

64-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

Espinosa, Kim

From: Walker, Dawn on behalf of city, council

Sent: Friday, March 06, 2009 8:38 AM

To: city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill

Cc: Davidson, Dana; Conway, Mike; Quintero, Frank; Espinosa, Kim; Schechter, Jeanne

Subject: FW: Wal-Mart support

From the website.

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6834
Fax: (209) 385-1780

-----Original Message-----
From: Mike Carter [mailto:dmikecarter@sbcglobal.net]
Sent: Thursday, March 05, 2009 9:42 PM
To: city, council
Subject: Wal-Mart support

Council Members:

I strongly urge you to approve and support the proposed Wal-Mart facility in Merced. With our extremely high unemployment figures here the additional jobs will help our families.

I personally shop at Wal-Mart and enjoy doing so. Many of those in Merced do so as well-especially those needing to find a way to make their dollars go as far as they can.

Some have tried to make Wal-Mart a political issue for some reason but this is no time for petty bickering when so many jobs are at stake. We are fortunate that Wal-Mart has chosen to locate here in our community and we need to be thankful for this blessing and not let Wal-Mart go to another community who would welcome the new jobs. 65-1

Sincerely,

Mike Carter
Merced, CA

65-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

66

CA License # 710358

Outdoor Creations
204 West 27th Street
Merced, CA 95340
209 384-9020

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

April 27, 2009

Re: Review & Comment of D.E.I.R. for proposed Wal-Mart Distribution Center

To: Whom It May Concern

From: Alan Claunch
Owner

Dear Sir or Madam: After studying the D.E.I.R. I have compiled a list of comments that pertain to the information provided for public comment regarding the proposed Wal-Mart regional distribution center. The Section in question will be cited to help clarify and aid in a response.

Table 2-1 4.6-2 "Long term degradation of surface water quality from project related contaminants." I believe that a storm run off system can be designed and installed that would decrease the 24 Hour storm runoff volume for the entire 235 acre site from 26.2 af post development to 8-12 af. I believe that by increasing the holding capacity of storm runoff a greater amount of water would be made available to recharge ground water aquifers. I believe this system would be economically feasible and would be a benefit to the applicant and the City of Merced. 66-1

Table 2-1 4.12-1 "The increase demand for water supply and distribution is less than significant and no mitigation measures are required." I believe this to be an incorrect statement and this impact should be studied more. 66-2

The chart on Table 4.12-4 for domestic water usage fails to include the amount of water potentially used for landscape irrigation. 66-3

Table 2-1 4.12-4 "Increased demand for electricity and required extension of electrical infrastructure." I agree with the mitigation measures and would like to add the following: Study the feasibility of using electric vehicles on site to move products and people while taking advantage of the solar charging capabilities. Construct shade structures to include photovoltaic cells and misting systems. 66-4

Table 2-1 4.13-2 "Substantial degradation of the visual character or quality of the site and surroundings." I think the landscape plan should use California native plant material. I do not see a cost benefit to keeping any existing almond trees and I would use as little turf as possible. 66-5

66-1 The commenter suggests a decrease to the 24-hour storm runoff volume and increase to the detention pond holding capacity to make a greater volume of water available for groundwater recharge. A retention time of up to 72 hours has been approved by the City. Retention times as they pertain to potential groundwater recharge is described in Impact 4.6-4 of the DEIR. See also Master Response 7: Detention Basins and Drainage.

66-2 The commenter suggests that the statement on Table 2-1 in the DEIR that "The increase in water supply and distribution is less than significant . . ." is incorrect and should be studied more. Please see Response to Comment 30B-1, which addresses this issue.

66-3 The comment indicates that landscape irrigation water availability was not included in Table 4.12-4. See response to comment 30B-1. The WSA and UWMP include landscape uses.

66-4 The commenter recommends that the DEIR require or include a study of "the feasibility of using electric vehicles on site to move products and people while taking advantage of the solar charging capabilities" and to "construction shade structures to include photovoltaic cells and misting systems." Many of these features are discussed in the mitigation measures presented in the air quality analysis in Section 4.2 of the DEIR. Please refer to Mitigation Measures 4.2-2d and 4.2-6d regarding the use of on-site alternative energy, and Mitigation Measure 4.2-2d regarding the use of electric or hybrid-powered yard tractors. Implementing on-site shade features is discussed in Mitigation Measure 4.2-2b.

66-5 The commenter suggests that the landscaping plan use native plant materials, and that as little turf as possible should be used. The project's visual resources impacts were evaluated consistent with the requirements of CEQA in Section 4.13, Visual Resources," of the DEIR. As described therein, the project would result in potentially significant visual character and visual quality impacts, and mitigation measure 4.13-2 is recommended to reduce significant impacts to less-than-significant levels (see page 4.13-13). The commenter does not provide any specific disagreements with the analysis provided in the DEIR; therefore, no further response can be provided. This comment is noted for the City's consideration during review and approval of the project. No further response is necessary.

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67

Espinosa, Kim

From: Walker, Dawn on behalf of city, council

Sent: Tuesday, March 17, 2009 8:16 AM

To: city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill

Cc: Davidson, Dana; Quintero, Frank; Conway, Mike; Schechter, Jeanne; Espinosa, Kim

Subject: FW: Wal-Mart EIR Language Translation Request

From the website.

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6834
Fax: (209) 385-1780

-----Original Message-----
From: tom@clendeninbros.com [mailto:tom@clendeninbros.com]
Sent: Monday, March 16, 2009 2:08 PM
To: city, council
Subject: Wal-Mart EIR Language Translation Request

Dear City of Merced Council Members,

I am opposed to having the Wal-Mart EIR translated into different languages. This is just another stall tactic by those who oppose any type of development in our community. The planning department is already granting the community an extra 15 days to comment on the EIR. Please keep the hearing date on schedule. 67-1

Thank you for your time.

Sincerely,
Tom Clendenin

Tom Clendenin
April 27, 2009

67-1 The commenter expresses opposition to translation of the EIR into other languages. This comment does not raise environmental issues or any issues regarding the adequacy of the Draft EIR. The comment is noted.

Espinosa, Kim

From: Walker, Dawn on behalf of city, council

Sent: Friday, March 13, 2009 8:18 AM

To: city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill

Cc: Davidson, Dana; Conway, Mike; Quintero, Frank; Schechter, Jeanne; Espinosa, Kim

Subject: FW: WalMart

From the website.

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6834
Fax: (209) 385-1780

-----Original Message-----
From: Darlene Clouse [mailto:darlene.clouse@sbcglobal.net]
Sent: Thursday, March 12, 2009 9:32 PM
To: city, council
Subject: WalMart

Merced City Council Members,

Please do not extend the time frame on the WalMart vote. We have wasted enought time already.

68-1

We need WalMart and any other company that will offer jobs to our community. Our people need help finding employment now.

Vote yes.

Thank you,

Darlene Clouse

Darlene Clouse
March 12, 2009

68-1 The commenter expresses opposition to extension of the "time frame" for the decision on the project. This comment does not raise environmental issues or any issues regarding the adequacy of the Draft EIR. The comment is noted.

69

Espinosa, Kim

From: James Clouse [j.clouse@sbcglobal.net]
Sent: Tuesday, April 07, 2009 2:10 PM
To: Espinosa, Kim
Subject: WAL-LMART

MERCED NEEDS JOBS. YES YES TO WALL-MART DISTRIBUTION CENTER.

MERCED ALLIANCE FOR RESPONSIBLE GROWTH SHOULD GET OUT OF MERCED AND TAKE THEIR FAIRY SHRIMP WITH THEM. 69-1

EVERYONE WANTS GOOD JOBS, SO BE GLAD WALL-MART WANTS TO BUILD IN MERCED. LETS GET IT DONE.

JIM CLOUSE
2254 LAKESIDE DR
MERCED 95340
723-3995

Jim Clouse
April 7, 2009

69-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

70

April 2, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Kim Espinosa
Project Manager
Merced Planning Division
678 West 18th Street
Merced, CA 95340

Ms. Espinosa,

I am writing in support of project alternative #3 for the proposed Wal-Mart distribution center. I think it makes the most sense for the city to put the distribution center as far away from residential homes and schools as possible. I sympathize 100% with the folks in Southeast Merced. I wouldn't want it in my neighborhood or near my children either. I hope the city will do the right thing and move it away from residents. 70-1

Thank you,

Susan Coggin
Signature

Susan Coggin
Print Name

1836 Barnett Way
Address

Merced CA

Phone 384-2180

Susan Coggin
April 2, 2009

70-1 The commenter expresses support of Alternative #3. The commenter does not raise any issues regarding the adequacy of the DEIR's analysis. The comment is noted.

71

Espinosa, Kim

From: Bingaman, Jamie
Sent: Thursday, March 12, 2009 8:38 AM
To: Espinosa, Kim
Subject: FW: Walmart Distribution Center project

-----Original Message-----
From: Davidson, Dana
Sent: Thursday, March 12, 2009 8:36 AM
To: Bingaman, Jamie
Subject: FW: Walmart Distribution Center project

For the record.

From: Walker, Dawn **On Behalf Of** city, council
Sent: Thursday, March 12, 2009 8:28 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill
Cc: Davidson, Dana; Conway, Mike; Quintero, Frank; Schechter, Jeanne
Subject: FW: Walmart Distribution Center project

From the website.

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6834
Fax: (209) 385-1780

-----Original Message-----
From: Ann Crawford [mailto:anncbf@att.net]
Sent: Tuesday, March 10, 2009 8:25 AM
To: city, council
Subject: Walmart Distribution Center project

To the Merced City Council;

Please DO NOT delay the decision on the Walmart Distribution Center project.
Our community is in a desperate employment situation at this time. 71-1
A six month delay will not satisfy the opponents for this project.
Thank you,
Ann Crawford

Ann Crawford
March 10, 2009

71-1 The comment speaks against further delaying a decision on the proposed project and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

72

March 12, 2009

Kim Espinoza, Planning Manager
Planning Department-City of Merced
678 West 18th Street
Merced, CA 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Ms. Espinoza,

I think the traffic is very terrible already. Having this warehouse here will bring more truck traffic into out streets and close to our homes and children. People think that this isn't really a big problem now, but wait until reality is faced when the biggest corporation, Wal-Mart starts to own are town and run our are streets with there 900 diesel trucks. There's already lots of trucks using our streets in Merced and most of them are from an existing distribution center already in place in the area. 72-1

Our air quality is a health crisis in Merced and the San Joaquin valley already and bringing this warehouse will cause more health problems, and accidents throughout Merced. I understand we need the jobs but, the Wal-Mart distribution center is not the right choice. 72-2

Concerned Citizen,

Emzie Cubb
1950 Merced ave
Merced Ca. 95340
Emzie Cubb

72-1 The commenter expresses concern about increased truck traffic in the City. Section 4.11 of the DEIR, "Traffic and Transportation" analyzes impacts associated with truck traffic. Please also refer to Master Response 6: Trucks and the Transportation Analysis, which addresses truck traffic. The existing conditions analysis considered the mix of traffic on area roadways and at study intersections. The comment does not raise issues related to the adequacy of the DEIR.

72-2 The commenter expresses general concern regarding air quality and health, as well as traffic safety. The Draft EIR addresses project-related impacts to Air Quality in Section 4.2 "Air Quality," and impacts related to traffic safety are addressed in Section 4.11 "Traffic and Transportation." Please also refer to Master Response 13 regarding air quality-related public health concerns. The comment does not raise issues with the adequacy of the DEIR. The comment is noted.

73

March 19, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Kim Espinosa
Project Manager
City of Merced Planning Division
678 W. 18th Street
Merced, CA 95340

Ms. Espinosa,

Upon reading the Draft Environmental Impact Report on the Wal-Mart Distribution Center, it seems to me that some compromise could be made between you, the city who wants this project and the residents in South Merced, those who will be directly impacted. Reduce the size by half. A smaller DC will mean less truck traffic, something that is more appropriate for that location. 73-1

I agree that even if Wal-Mart is not approved to build on that site, then some other company will build on it. Maybe that is for the best. This Wal-Mart project is just too big. A smaller warehousing facility means fewer trucks and at the same time, will create some jobs. Both sides can win if everyone is willing to compromise. 73-2

Sincerely,

Emily DeCremer
493 Beckman Way
Merced, CA 95348
(209) 386-2577

73-1 The commenter suggests an alternative to the project, which includes a distribution center that is half of the size proposed and which operates at half the capacity. Section 5 of the DEIR evaluates impacts of a "Reduced Site Plan and Operations" Alternative relative to the proposed project. This alternative is similar to the commenter's suggestion, except that rather than a 50% reduction in size and operation, the Reduced Site Plan and Operations Alternative is a reduction of 25%. Please see Section 5 "Alternatives to the Proposed Project" for a discussion of this alternative (page 5-17) and Master Response 12: Alternatives.

73-2 The commenter agrees with the DEIR's assumption for the No Project Alternative that in the absence of approval of the proposed project, the site would not likely remain vacant and would most likely be developed with a similar use by a different company. The commenter re-emphasizes the idea for a reduced size alternative. Please see Response to Comment 73-1, which discusses the Reduced Site Plan and Operations Alternative in Section 5 of the DEIR.

74

Espinosa, Kim

From: midge eck [midgeyosemite51@hotmail.com]
Sent: Friday, April 10, 2009 9:34 AM
To: Espinosa, Kim
Subject: Walmart

I believe that we should move forward with the Walmart Distribution Center. I think we are displaying arrogant behaviors when we attempt to squash employment opportunities for our populace. It may not be a perfect plan but I believe Walmart has proved to be a good neighbor in other communities. 74-1

Mary Eck
629 Mockingbird Court
Merced, Ca. 95340

Windows Live™: Keep your life in sync. Check it out.

Mary Eck
April 10, 2009

74-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

75A

John Englert
855 South Orchard Dr
Merced, CA 95341
(209) 722-1323

April 26, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

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

Attention: Kim Espinosa

Dear Kim Espinosa, Planning Manager,

I question how we went from a new university with a new campus parkway with limited access to an interchange to service an Industrial complex. We were going to turn Merced into university town & make it cultural and appealing. Now we turn onto campus parkway full of trucks and drive by huge warehouses with trucks. I think the only winner here is Wal-mart. 75A-1

Thank you,

John Englert

75B

John Englert
855 South Orchard Dr
Merced, CA 95341
(209) 722-1323

April 26, 2009

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

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Attention: Kim Espinosa

Dear Kim Espinosa, Planning Manager,

Subject: Wall-Mart Distribution Center DEIR

In the DEIR the traffic reports appear to be based on how many trucks they plan to start with and add it to what traffic they say will be here in 20 years which makes there contribution to traffic much smaller. 75B-1

In the DEIR it suggests that everyone will come in on Gerard. A study should be done on impact of traffic coming in on back and side roads.

I question weather they will ever create enough extra taxes to pay for roads & upkeep, all of the extra infrastructure and services. 75B-2

I also believe that alternative site #2 would have much less visual impact and traffic impact. Save-Mart and overpass are already all light up, it is already noisy from freeway traffic, truck traffic would not have as many back ways to come in and it would not be the one of the first things you saw going to the university. There would not be as many homes effected. A better route for Save-Mart trucks could also be created. 75B-3

Thank you,

John Englert

75C

March 26, 2009

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

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Re: Opposition to Wal-Mart Distribution Center

Dear Ms. Espinosa,

The DEIR for the Wal-Mart Distribution Center states that the existing infrastructure is set to accommodate 644 tractor/trailer trips per day. However, it does not mention the number of vehicles associated with the 1,200 people that would be employed by such a center. The DEIR should specify what public transportation accommodations are being made for the proposal, particularly for the 1,200 potential employees. It should discuss the lighting, cross walks, bus routes, bicycle routes, and all safety items associated with public transportation. Is Wal-Mart going to provide an employee shuttle to reduce air quality issues? What devices is Wal-Mart going to implement to encourage employees to use alternative transportation methods to the distribution center? What infrastructure costs are affiliated with making the distribution center pedestrian friendly and accommodating? Thank you. 75C-1

Sincerely,

John Englent
855 S. Orchard Dr.
Merced, CA 95341

75D

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

March 13, 2009

Ms. Kim Espinosa
Merced Planning Division
678 W 18th St.
Merced, CA 95340

Dear Ms. Espinosa,

I am writing to advocate Alternative Site 3. While I do not want this large distribution center near Southeast Merced, if it has to come, keep it away from the neighborhoods! West of 99 makes much more sense, especially with the existing industrial activity. Please do what is fair. Keep it away from our schools and homes. 75D-1

Sincerely,

John Englert
855 S. Orchard Dr
Merced, CA 95341

75E

John Englert
855 South Orchard Dr
Merced, CA 95341
(209) 722-1323

April 26, 2009

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

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Attention: Kim Espinosa

Dear Kim Espinosa, Planning Manager,

Subject: Wall-Mart Distribution Center DEIR

During the construction of Mission interchange we had periods of trucks running 12hrs. A day 6 days a week. The noise was terrible. Sunday was the only peaceful day of the week. I understand the Distribution Center will be running 24 hours a day year round with no end and it is a Significant and unavoidable nuisance.

During the construction the roads around my home were torn up by trucks. The county keeps filling in pot holes but they are in need of more repair. The construction lasted only a short time and the roads deteriorated. The report did not address upgrading existing roads or where the money will come from to pay for it. 75E-1

During the construction I was run off the road several times, stuck behind trucks that couldn't male turns, lost one windshield from loose roadway being kicked up, was out of telephone service several times from trucks running over telephone boxes and this was only during a short construction period. At Kibby and Childs there is already not enough room for trucks to make turns onto Kibby if anyone is at stop sign. You either have to backup or trucks have to stop on Childs and wait for you. The report does not state if that is included in project or who pays for it.

The environmental impact report states that trucks waiting to unload would be able to park in long entrances. McLane is very small compared to Wal-Mart and have trucks stacked on both sides of Kibby many times two deep in the dirt (or mud when wet). Very often it has trucks blocking it down to one lane and is hard to get through. It looks like Kibby has more room than Wal-marts driveways. How will the city control the trucks at Wal-mart if they can't at McLane? 75E-2

At Save-Mart trucks are allowed to come without an appointment. The report does not state how they will control trucks with no place to go. I am concerned the will be parking anywhere they can pull off of road. This I believe will impact whole area not only my home. 75E-3

Thank you,

John Englert

75F

John Englert
855 South Orchard Dr
Merced, CA 95341
(209) 722-1323

April 26, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

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

Attention: Kim Espinosa

Dear Kim Espinosa, Planning Manager,

Subject: Wall-Mart Distribution Center DEIR

I have sent a prior letter addressing loss of property value and it's exclusion from DEIR. Having looked at DEIR and learning more about Wal-Mart Distribution Centers I am more concerned. The DEIR uses Significant and unavoidable for many of my concerns: Long term traffic operational noise; Substantial Degradation of Visual Character or Quality of Site and Surroundings; Cumulative Air Quality Impact; Cumulative Noise Impact; Cumulative Visual Impact. 75F-1 75F-2

I still do not believe this could be excluded from DEIR. I bought my home in 1981 in an area of protected AG land, not by a 1 million sq. ft. Distribution Center My home value will be lowered. Why would you want to by it with Wal-mart Distribution Center upwind of you? 75F-3

Thank you,

John Englert

75G

John Englert
855 South Orchard Dr
Merced, CA 95341
(209) 722-1323

April 26, 2009

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

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Attention: Kim Espinosa

Dear Kim Espinosa, Planning Manager,

Subject: Wall-Mart Distribution Center DEIR

My home is located down wind of building site. I will be getting dust, fumes, suit and any other airborne particles from operation of Wal-mart. I could not find mitigation in DEIR. 75G-1

In a previous letter I asked how much the wind air temperature would be raised coming off of roofs, solar panels and asphalt. I have no air conditioning. Irrigation lowers the wind temperature asphalt & roofs will raise it. I could not find study or mitigation in DEIR. 75G-2

This project states it will use landscaping for visual, lighting & sound mitigation. It also will use landscaping to clean runoff water. I have noticed that McLane does not have as much landscape as it started with and has not replaced fallen trees. Crown Cork started out with very nice landscaping and after they went out of business much of it died, new business keeps it clean but not as nice. Once Wal-mart is in how will the city enforce that they keep and maintain if they decide not to? 75G-3

There is a bicycle path proposed to go to West entrance I would like to see a bike and pedestrian path go to South East corner to provide safe access through site from East. 75G-4

I will object to draining water into Fairfield Canal I would already be getting airborne pollutants I do not want to irrigate with there waste water also. 75G-5

I also would want to have variety of trees as high as building and light standards. 75G-6

Thank you,

John Englert

Letter 75A-G Response	John Englert ➢ 75A–April 26, 2009 ➢ 75B–April 26, 2009 ➢ 75C–March 26, 2009 ➢ 75D–March 13, 2009 ➢ 75E–April 26, 2009 ➢ 75F–April 26, 2009 ➢ 75G–April 26, 2009

75A-1 The commenter focuses primarily on the merits of the project. The commenter does raise issues with truck traffic. DEIR Section 4.11 "Traffic and Transportation" appropriately addresses impacts related to truck traffic. Please also see Master Response 6: Trucks and the Transportation Analysis. The comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

75B-1 The comment suggests that the DEIR's traffic section inflates the baseline, which the commenter suggests reduces the project's contribution to traffic impacts. The proposed project's relative contribution to traffic and assessment of impacts was based on the City's traffic impact criteria and guidelines. Please also see Response to Comment 5-3, which addresses this issue.

75B-2 The commenter questions the ability of the project to generate taxes for infrastructure installation and maintenance. CEQA does not require the DEIR to analyze financial impacts; however, these individual issues, as they relate to environmental effects (as opposed to financial impacts) are analyzed in the Draft EIR for the proposed project. The comment does not raise environmental issues or issues regarding the adequacy of the Draft EIR. However, as a point of reference, it should be noted that the City would require the proposed project to pay approximately $4.2 million in impact fees (based on 2009 fee levels; see Response to Comment 16-5) for public services.

75B-3 The commenter expresses support for Alternative Site #2. The commenter does not raise issues with the adequacy of the DEIR. The comment is noted.

75C-1 The commenter suggests that the traffic section analyzed only trucks and not employee-generated traffic. Table 4.11-12 in the DEIR provides a summary of the expected number of trucks and autos, which includes the employees trips associated with full operation of the facility. The assumptions regarding mode choice and potential affect to pedestrian, bicycle and transit operations are described in more detail on page 4.11-4 and in the Traffic Impact Analysis report in Appendix E of the DEIR. Other issues raised by the commenter are identified as mitigation in the DEIR's "Air Quality" section (Section 4.2) including employee shuttles, encouragement of alternative modes of travel, and accommodations for alternate modes of transportation. Please see Mitigation Measures 4.2-2a through 4.2-2e in the DEIR. Issues associated with infrastructure costs are not analyzed in the DEIR because these are not environmental issues and therefore not required for analysis under CEQA.

75D-1 The commenter expresses support for Alternative Site #3. The commenter does not raise issues with the adequacy of the DEIR. The comment is noted.

75E-1 The commenter states that noise associated with construction of Mission Interchange was terrible and comments that the proposed project would run 24 hours a day year round and would be a significant nuisance. The commenter references road deterioration and driving hazards as a result of another construction project in the area and states that the DEIR did not address whether the applicant will make upgrades to existing roads. Commenter references utility and traffic safety issues she experienced associated with another construction project. Commenter states that the intersection at Kibby and Childs Road does not provide enough room for trucks to make turns

onto Kibby if others are stopped at stop sign. The commenter states the DEIR did not address whether improvements would be made to this intersection and who would pay for the improvement.

Truck noise associated with the project is analyzed in Section 4.8, 'Noise', of the DEIR. Specifically, Mitigation Measure 4.8-3 (pages 4.8-24 through 4.8-26) would require the project applicant to implement several measures to reduce the exposure of existing sensitive receptors to project generated traffic noise levels. After mitigation, the impact would remain significant and unavoidable because it would not be possible to design a sound barrier that provides enough reduction to reduce the resultant noise level to less than the City's "normally acceptable" standard of 60 dBA Ldn for residential land uses and meet the required aesthetic and design requirements. CEQA provides that lead agencies can consider significant environmental impacts and approve projects if there are overriding benefits.

Regarding roadway maintenance and disrepair, please see Response to Comment 96B-5.

Based on the particular operational characteristics of the proposed project, turning radii was addressed in Impact 4.11-2, Section 4.11, 'Traffic and Transportation', of the DEIR. Impact 4.11-4 addressed impacts of construction vehicles and equipment on traffic and local roadways. Implementation of Mitigation Measures 4.11-2a and 4.11-2b would reduce traffic design feature hazards and construction vehicle impacts on local roadways to a less-than-significant level.

75E-2 The commenter expresses concern related to truck staging. The issue of trucks parking and waiting was considered in the analysis and addressed in the DEIR under Mitigation Measure 4.11-2a. The commenter does not raise issues with the adequacy of the DEIR. The comment is noted.

75E-3 The commenter expresses concern related to truck staging and parking while awaiting to pick-up and deliver goods. The issue of trucks parking and waiting was considered in the analysis and addressed in the DEIR under Mitigation Measure 4.11-2a. See also the response to comment 12-18 concerns potential social effects associated with truck drivers. The commenter does not raise issues with the adequacy of the DEIR. The comment is noted.

75F-1 The comment expresses concern that property values will decrease with implementation of the project. Issues associated with property value are not considered environmental issues and are therefore not required to be analyzed under CEQA. Please see Master Response 11: Economics and Urban Decay, which addresses this issue.

75F-2 The commenter indicates that the DEIR uses the term "Significant and Unavoidable" as the conclusion for certain impacts. The commenter is correct, but does not take issue with the accuracy of these conclusions and does not raise further issues with the adequacy of the DEIR. The comment is noted.

75F-3 The commenter indicates that the DEIR does not address the impacts of decreasing home values. This is an economic effect and is not required to be analyzed under CEQA. Please see Master Response 11: Economics and Urban Decay, which provides a detailed response to the issue.

75G-1 The commenter is concerned about impacts of airborne particles and odors associated with the proposed project affecting his home. Please see Impacts 4.2-1, 4.2-2, and 4.2-5 and Mitigation Measures 4.2-1, 4.2-2 of the DEIR.

75G-2 The commenter states that the project would "likely create an urban heat island or heat sink" and questions why this issue was left out of the DEIR. According to EPA (See

http://www.epa.gov/hiri), "the term 'heat island' describes built up areas that are hotter than nearby rural areas. The annual mean air temperature of a city with 1 million people or more can be 1.8–5.4°F (1–3°C) warmer than its surroundings. In the evening, the difference can be as high as 22°F (12°C). Heat islands can affect communities by increasing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas emissions, heat-related illness and mortality, and water quality."

While information is available about the relationships between the surface parameters (i.e., albedo) of a site and a project's potential to generate waste heat, it would be difficult to determine whether a project's contribution to an existing UHI would be cumulatively considerable without speculation. This is particularly the case for the proposed project because its size, and the proportion of low-albedo surface area, are low relatively to the size of the city's urban area. In addition, there are no established methods for quantifying the UHI around the City of Merced.

75G-3 The commenter notes that the project will include landscaping, and questions how the landscaping will be maintained. The project's visual resources impacts were evaluated consistent with the requirements of CEQA in Section 4.13, Visual Resources," of the DEIR. As described therein, the project would result in potentially significant visual character and visual quality impacts, and mitigation measure 4.13-2, "Prepare and Submit a Landscaping Plan," is recommended to reduce significant impacts to less-than-significant levels (see page 4.13-13). As described in the mitigation measure, all vegetation shall be maintained by an automatic irrigation system. The landscaping and irrigation plans and details shall be subject to review and approval by the City. The City shall create and adopt a mechanism that will ensure that Wal-Mart Stores East, LP maintains the landscaping in accordance with the adopted plan. As part of the CEQA process, the City must adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval (CEQA Guidelines Sections 15091[d], 15097). The monitoring program is implemented to ensure that the mitigation measures identified in the EIR are implemented.

75G-4 The commenter recommends a bike path to the southeast corner of the site in order to provide safe access through the site from the east. The commenter does not identify any environmental impacts that this bike path would mitigate. This comment does not raise issues regarding the DEIR's adequacy. The comment is noted.

75G-5 The commenter expresses concerns regarding water drained to Fairfield Canal. The Fairfield Canal is preferred by MID as stated on page 4.6-11. See Master Response 7: Detention Basins and Drainage regarding MID conditions of approval for drainage from proposed project.

75G-6 The commenter requests to have a variety of trees as high as the building and light standards installed at the site. Please refer to response to comment 66-5. The commenter does not provide any specific disagreements with the analysis provided in the DEIR; therefore, no further response can be provided. This comment is noted for the City's consideration during review and approval of the project. No further response is necessary.

To: Kim Espinoza, Planning Manager
City of Merced Planning Division
678 West 18th Street
Merced, CA 95340

My name is Jaime Enrique. I am a teacher in Merced who is concerned about the young ~~children~~ childrens' health. When you make your decision, please think thoroughly how this distribution center will affect students with respiratory issues. On a regular basis I have students staying home with asthma which is affecting their education. You and other people will make that decision. Please concider all the advantages and disadvantages to this center. 76-1

Thank you for reading my letter.
Jaime Enrique 04/23/09

463 Petunia Ct.
Merced, CA 95341

Jaime Enrique

76-1 The commenter expresses concern about the project's affects to children's health, including students at nearby schools who have respirator issues. Please refer to the response to comment 16-8 which discusses how the schools were included in the HRA performed for the project. Please refer to the Master Response 13 regarding the commenter's concern about project-generated emissions of air pollutants and the public health concerns (including asthma). Please refer to the response to comment 17-12, which discusses how the relative locations of nearby schools were analyzed in the traffic analysis.

77

Espinosa, Kim

From: Keith Ensminger [keith@kramertranslations.com]
Sent: Monday, March 02, 2009 8:25 AM
To: Espinosa, Kim
Subject: Wal-Mart

Dear Kim,

I welcome the Wal-Mart distribution center, although I have a concern about its location. It would make much more sense to build the distribution center on the south side of Hwy 99 near the Savemart warehouse. Truck traffic would turn away from the city instead of being directed near residential neighborhoods and schools. The planned expressway would have much less traffic if Wal-Mart was on the south side of Hwy 99, thereby allowing residents and UC students safer and less congested travel. I understand a mall is planned for the south side of Hwy 99, but a mall could just as easily be located on the north side and have easier access for residents. 77-1

I support the Wall-Mart distribution center but would prefer the site be located on the south side of Hwy 99 for better traffic flow and safety.

Kind regards,

Keith Ensminger
Kramer Translation
893 Massasso St.
Merced, CA 95341
209-385-0425 tel
209-385-3747 fax

3/2/2009

77-1 The commenter expresses support for the project concept, but suggests that it be located on a different site south of Highway 99 to avoid impacts to neighborhoods and traffic safety. Section 5 of the DEIR, "Alternatives to the Proposed Project" includes an evaluation of three off-site alternatives. The commenter does not identify a specific location (other than South of SR 99) and does not raise issues with the adequacy of the DEIR. The comment is noted.

78

April 2, 2009

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

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Re: Merced Wal-Mart Distribution Center Project

Dear Kim,

As a long-time resident of Merced, I embrace the area's culture and Native-American history. The Draft EIR regarding the Project mentions that subsurface Native-American skeletal remains may be unearthed and disrupted due to the construction of the Distribution Center. Doing so would be to disrespect a race and culture which should be afforded more deference and in fact a reverence. Not much is known about the local Yokut tribe and damaging an area where burials may have occurred would not only harm their memory but also harm a chance to discover and learn more about them. I ask the City consider this when deciding on whether to approve this project. 78-1

Signature

ROBERT ESCOBEDO
Print Name

430 Lily Drive
Address

Merced CA 95340

(209) 722-4213
Phone

78-1 The commenter expresses concern about the potential to unearth and disrupt subsurface Native-American skeletal remains during construction of the project. The commenter asks the City to consider this when deciding whether to approve the project.

Please refer to Section 4.4, 'Cultural Resources', of the DEIR for analysis of the project's potential to uncover human remains or destroy/damage as-yet undiscovered prehistoric or historic cultural resources. Implementation of Mitigation Measure 4.4-1 and 4.4-2 (pages 4.4-5 through 4.4-6 of the DEIR) would reduce these potentially significant impacts to a less-than-significant level. The commenter does not provide any specific disagreements with the analysis provided in the DEIR; therefore, no further response can be provided.

79A

4/23/09

Dear Planning Manager: Kim Espinosa

I live on 2237 Concord Square, in Merced. Currently when I walk my dogs each evening I have to cover my face with a mask to avoid the truck exhaust as they pass us on Childs Ave. 20 years ago when I moved to Merced from Ohio to accept a teaching job with MCOE (Merced County Office of Education) I had no allergies. Today I fight sinus infections and have a yearly bought with Bronchitis. Merced's air is one of the worst in the nations. I attribute the air quality to the onset of my allergies.

I have recently paid

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79A-1

COPY OF REVERSE SIDE ATTACHED

off my house here, and consider Merced my home. If the Wal-Mart Distribution Center goes in to the Merced area, I will have to leave my home and job for health reasons. 79A-1 Cont'd

Please consider the air quality ramification due to 74,812.1 tons of unmitigated carbon monoxide on the health of children & area residents. Without our health what is the accumulation economic sources? 79A-2

I beg you to consider healthy options to rebuilding Merced's economic base.

Cordially,

Kris Eslick (Kristen E Eslick)
2237 Concord Square
Merced, CA 95341
H 209-725-1256

79B

April 20, 2009

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CITY OF MERCED
PLANNING DEPT.

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

Dear Ms. Espinosa:

I was reviewing the traffic portion of the Wal-mart distribution center EIR. I am concerned that the roadways in my neighborhood were not constructed in a manner such that they could support 2,400 vehicle trips in and out of the distribution center per day. 79B-1

A simple drive down the 99 shows how much those trucks rip up the road – and how quickly. I don't think the city is doing enough to prepare for maintaining the roads in the area for that level of truck service. 79B-2

Could a special fee be placed on WM based on truck traffic to and from the facility to help pay to maintain the roads in the area? Its not like we're talking about 2,400 compact car trips. These are big 18-wheelers that will carry heavy loads, make wide turns and quickly chew up the roadways. 79B-3

Thank you for your consideration.

Kristin E Eslick
Signature

Kristin E. Eslick
Print Name

2237 Concord Sq.
Merced, CA 95341
Address

209-725-1256
Phone

79C

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APR 27 2009
CITY OF MERCED
PLANNING DEPT.

3/26/09

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

Dear Ms. Espinosa:

Truck traffic on Childs Ave and Gerard Ave should be restricted during the school day and the period immediately before and after school when children are present. Students and parents should not have to navigate to and from school while fighting distribution center traffic. If Wal-mart doesn't like it they should find another location far away from our children. 79C-1

Perhaps trucks traffic should be restricted at all times on Gerard and Childs. That way our children would be safe. A truck route could be created to and from the 99 which is far away from schools and homes. 79C-2

Sincerely,

Kristin E Eshck
Signature

Kristin E. Eshck
Print Name

2237 Concord Dr.
Merced, CA 95341
Address

209-725-1252
Phone

79D

Kim Espinosa, Planning Manager
City of Merced Planning Department
678 West 18th Street
Merced, CA 95340

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CITY OF MERCED
PLANNING DEPT.

4/29/09

Ms. Espinosa:

The Wal-Mart distribution Center idea is a really bad one for south Merced. Local teachers and parents are upset because we know that south Merced will become less safe and more polluted just to win over a project that won't generate a dime of sales tax revenue for the City and doesn't guarantee that Merced residents will get the jobs created. As far as I've seen, Merced gets the traffic, pollution, bad property values and gets no trade-offs in return for the residents who live in the immediate area. Before the City Council approves this project it needs to do more to prevent the trucks and pollution from spilling into the neighborhood, and then it needs to cut a deal with Wal-Mart for that company to pay impact fees to Merced so take the sting out of the damage to this neighborhood. 79D-1

Kristin E Eshek 209-725-1256
Name

2237 Concord Square
Address

Merced, CA 95340
City, State, Zip

Kristin E Eshek
Signature

79E

March 13, 2009

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APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Kim Espinosa
Project Manager
Division of Planning
678 W. 18th St.
Merced, CA 95340

Dear Ms. Espinosa:

In regards to the draft environmental impact report for the Wal-Mart distribution center here in Merced, why doesn't the city annex the county land where alternative site 2 is currently located as well as some surrounding land? Put the center on the other side of 99 and create the necessary buffer zone between the industrial land and any potential residential land. 79E-1

Thank you.

Kristin E. Eslick
Signature

KRISTIN E. Eslick
Print Name

2237 Concord Square
Address

Merced, CA
95341

Phone 209-725-1256

79F

3/21/09

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APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Ms. Kim Espinosa
Project Manager
City of Merced Planning
678 W. 18th Street
Merced, CA 95340

Ms. Espinosa:

I wanted to share a few thoughts on the Wal-Mart distribution center environmental impact report. First, I encourage you and the city to explore a location that is as far away from residential neighborhoods as possible. If you look at other Wal-Mart distribution centers, they're located far away from people's homes. Perhaps you should look at possible sites that would be as far removed from neighborhoods, but still accessible to the highway. 79F-1

Second, as your own study suggests, a smaller sized distribution center will decrease the amount of negative impacts on air quality. The best thing you can do to minimize the air quality impacts on the city would be to not approve this project. 79F-2

Thank you,

Kristin E. Eslick
Signature

KRISTIN E. Eslick
Print Name

2237 Concord Square
Address

Merced Ca 95341

209 - 725 - 1256
Phone

Letter 79A-F Response	Kristin E. Eslick ➢ 79A–April 23, 2009 ➢ 79B–April 20, 2009 ➢ 79C–March 26, 2009 ➢ 79D–April 29, 2009 ➢ 79E–March 13, 2009 ➢ 79F–March 21, 2009

79A-1 The commenter expresses concerns about the poor air quality in Merced and high rates of health problems. Please refer to Master Response 13.

79A-2 The commenter is concerned about the impacts of the proposed project on air quality, and the associated health effects that she will experience as a direct result of the project's impact on air quality. Please see Master Response 13, regarding the relationship between the project, air quality, and public health.

79B-1 The commenter raises issues related to vehicle trips causing roadway wear. Issues associated with roadway maintenance are discussed in Response to Comment 96B-5 and 182B-1. Please also see the Master Response 6, which addresses trucks and the transportation analysis.

79B-2 The commenter raises issues related to vehicle trips causing roadway wear. Issues associated with roadway maintenance are discussed in Response to Comment 96B-5 and 182B-1. Please also see the Master Response 6, which addresses trucks and the transportation analysis.

79B-3 The commenter asks about the potential for the City to require a fee for roadway maintenance. Issues associated with roadway maintenance and financing are discussed in Response to Comment 96B-5 and 182B-1.

79C-1 The commenter raises issues related to conflicts between school-related pedestrians/traffic and heavy truck traffic. The issue of truck trips near schools was analyzed in Section 4.11 of the DEIR and Mitigation Measures 4.11-2b and 4.11-4 specifically address the issue of trucks and schools. The comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

79C-2 The commenter raises issues related to conflicts between school-related pedestrians/traffic and heavy truck traffic. The issue of truck trips near schools was analyzed in Section 4.11 of the DEIR and Mitigation Measures 4.11-2b and 4.11-4 specifically address the issue of trucks and schools. The comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

79D-1 The commenter addresses the merits of the project and also raises the issues of traffic, pollution, and economic effects. CEQA does not require analysis of economic effects and the DEIR does not address these non-environmental impacts. However, regarding traffic and pollution, the Draft EIR analyzes these environmental issues under sections 4.2 "Air Quality," 4.6 "Hydrology and Water Quality," 4.10 "Public Health and Hazards," and 4.11 "Traffic and Transportation." The commenter does not raise issues related to the Draft EIR's adequacy. The commenter recommends that the City Council require "impact fees;" however, the comment does not include any specific recommendations for such fees. It should be noted that the Draft EIR requires fee payment as mitigation for various impacts such as cumulative impacts to intersections. It should also be noted that the City will require the applicant to pay approximately $4.2 million in impact fees (based on 2009 fee levels; see Response to Comment 16-5) for public services. The comment is noted.

79E-1 The commenter expresses support of a slightly modified Alternative Site #2. The comment does not raise issues with the adequacy of the DEIR. The comment is noted.

79F-1 The commenter suggests that the project be located on a more remote site to avoid impacts to neighborhoods. Please see Response to Comment 94-3, which addresses this issue.

79F-2 The commenter underscores the DEIR's conclusions related to the Reduced Site Plan and Operations Alternative discussed in Section 5 of the DEIR. The commenter then recommends denial of the project to avoid air quality impacts. The commenter does not raise issues regarding the adequacy of the DEIR. The comment is noted.

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80

4.5.09

Ms. Kim Espinosa
Project Director
Merced Planning Division
678 West 18th Street
Merced, CA 95340

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PLANNING DEPT.

Ms. Espinosa,

I am writing in regards to the environmental report on the distribution center in Merced.

As I understand, there are monitoring stations all over the San Joaquin Valley and some are located within 5 miles of the proposed site. How about placing some monitoring stations right on the site itself? Therefore, you will get an even more accurate measure of air pollutants in Southeast Merced. Please ensure this happens during both the winter and summer months. 80-1

Thank you for you consideration of my request.

Alejandro Espinoza
Signature

Alejandro Espinoza
Print Name

2213 Birchwood Ct
Address

Merced CA 95341
City, State Zip

722-8806
Phone Number

80-1 The commenter argues that air quality monitoring stations should be placed onsite to get an accurate measure of air pollutants in southeast Merced. The purpose of reporting monitoring data in the Section 4.2.1 Environmental Setting is to characterize the *regional* air quality in the SJVAB. The monitoring stations in Merced are set up and operated by SJVAPCD. SJVAPCD selects the monitoring locations based on the physical location of the site with respect to the sources of regional pollutants and precursors and the population or the area represented a particular monitoring site. SJVAPCD uses the monitoring data for regional air quality planning in the SJVAB. The air emissions sources in the project area are not different from the representative emissions sources in the region. Setting up a monitoring station at the project site would not likely to offer any more information on existing air quality than already detailed in the DEIR and would not alter the impact conclusions supported in the DEIR analyses.

81

3/28/09

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PLANNING DEPT.

Kim Espinosa
Project Director
Merced Planning Division
678 W. 18th Street
Merced, CA 95340

Dear Ms. Espinosa,

I had the chance to review the Air Quality section of the Wal-Mart Distribution Center Environmental Impact Report. I'm curious as to why you didn't include Particular Matter 2.5 in your Toxic Air Contaminate Review? You state that there is no "routine way" to study diesel PM. 81-1

Hmm...seems to me that you need to find one. How many years have you been planning this distribution center? 5? At least give those of us who live near the site the courtesy to look at similar examples of distribution centers built next to schools and neighborhoods. Don't short change us on this project. 81-2

Thank you,

Linda Farias
348 Donner Rd
Merced, CA 95341

81-1 The commenter questions why $PM_{2.5}$ was not included in the analysis of TACs. The following information about PM_{10} and $PM_{2.5}$ is explained on page 4.2-4 of the DEIR:

> Respirable particulate matter with an aerodynamic diameter of 10 micrometers or less is referred to as PM_{10}. PM_{10} consists of particulate matter emitted directly into the air, such as fugitive dust, soot, and smoke from mobile and stationary sources, construction operations, fires and natural windblown dust, and particulate matter formed in the atmosphere by condensation and/or transformation of SO_2 and ROG (EPA 2006a). Fine particulate matter ($PM_{2.5}$) includes a subgroup of smaller particles that have an aerodynamic diameter of 2.5 micrometers or less (ARB 2006).

All forms of $PM_{2.5}$ are not considered TACs; however, diesel PM is a TAC and all emissions of diesel PM that would be generated on the project site were examined in Impact 4.2-4 and the HRA. Please see the response to Comment 12-23 for a summary of this analysis.

81-2 The commenter requests that the air quality analysis examine the emissions from similar examples of distribution centers. According to the applicant, construction and operation of the proposed project would be most similar to the existing Wal-Mart distribution center located in Apple Valley, CA. This includes the number of truck trips that would be generated by the facility, which is used in the traffic analysis in Section 4.11, and ultimately the emissions estimates in the air quality analyses presented in Section 4.2.

Espinosa, Kim

82

From: Leslie Fiedler [recarn8@netscape.net]
Sent: Sunday, April 19, 2009 11:16 AM
To: Espinosa, Kim
Subject: Walmart

My name is Leslie Fiedler. I live at 3025 Colony Park in Merced.

I am writing to voice my support for the Walmart Distribution Center. I am tired of watching environmentalists, good ole boys, Asthma Groups and people who are old fuddy duddies with their head in the sand running the whole agenda for the poeple of Merced.

They say they know what is best for us all. Well they haven't asked me my opinion on what I think is best for me and Merced. I do not agree with Lydia Miller and Kyle Stockard. Maybe they need to tour the town with me to see what I see. We need big business in the area.

I have lived here since 1985. I have watched Merced change from a booming, fun Air Force town with things to do, great businesses and quality people to a Welfare ridden, gang banging, meth town. My relatives back east hear nothing but the horrors of the forclosure rates, gang problems, and Merced being in the Meth Corridor. 82-1

The fact is we need jobs here. If the people who have asthna don't like that fact they can move. You are never going to get people to shop downtown if they don't have money. Downtown died a few years ago and the Farmer's Market became a gang heaven. Maybe if we get quality jobs for quality people we can drive out the riff raff and start rebuilding this town.

Walmart is a good idea. We need jobs here. Not in Madera or Livingston. It is not going to cause any more pollution than already blows in from the bay area or else where.

Please don't listen to these people who are old or too "green" to see what Merced really needs.PLEASE VOTE FOR THE WALMART CENTER

Thank You

Leslie Fiedler
209-383-6797

1

82-1 The comment primarily addresses the merits of the proposed project, recommends approval, and dismisses environmental concerns. The comment does not raise issues related to the adequacy of the Draft EIR. The comment is noted.

83

Merced City Council &
Kim Espinosa, Planning Manager
City of Merced Planning Division
678 West 18th Street
Merced, CA 95340

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PLANNING DEPT.

Re: Construction Noise Impacts

Dear Merced City Council and Ms. Espinosa,

While the construction hours outlined in the DEIR are reasonable, they are not reflective of the existing environment in Merced. There are many children walking and riding bicycles to school throughout the year. Obviously, this is much more frequent during the active school year, particularly during school hours. I would like the city to consider changing the hours of construction for the Wal-Mart Distribution Center to 8:30am to 3:30pm. This would significantly decrease the amount of harmful pollutants children might be exposed to on a daily basis. 83-1

Thank you,

Robin Fisher
Name

118 Sweetwater Ave
Address

MERCED CA. 95340
City, State, Zip

Robin Fisher
Signature

4-16-09
Date

83-1 The commenter requests that the City restrict hours of construction to 8:30 am to 3:30 pm to "significantly decrease the amount of harmful pollutants children might be exposed to on a daily basis." Impact 4.2-4, Exposure of Receptors to Toxic Air Contaminants, includes discussion about the potential health risk from short-term construction-related emissions of TACs. This analysis concludes the following:

Thus, because the use of off-road heavy-duty diesel equipment would be temporary in combination with the highly dispersive properties of diesel PM (Zhu and Hinds 2002) and further reductions in exhaust emissions, project-generated, construction-related emissions of TACs would not expose sensitive receptors to substantial emissions of TACs. Compliance with the ISR rule, as required by law, would also reduce diesel PM exhaust emissions. As a result, this impact would be less than significant.

No mitigation is required because the impact would be less than significant. Therefore, it is not necessary for the City to implement mitigation to reduce this impact. Furthermore, as shown on Figure 2 of the HRA, which is include Appendix of the DEIR, the closest school to the construction activity would be Weaver Elementary School located more than 2,500 feet away. At this distance school children are not anticipated to be exposed to substantial levels of construction-generated TAC emissions.

84

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

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APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Dear Ms. Espinosa,

I am writing with regards to the wall barrier discussed in "Mitigation Measures 4.8-3: Implement Measures to Reduce Exposure to Traffic from Project". I think it a fine gesture by the applicant to build a sound wall barrier between the affected residences and the distribution center. The final environmental impact report should address policing graffiti prevention on the wall barrier, perhaps at the cost of the applicant. Further, the applicant should have to pay for property value estimates both before and after the barrier wall is built, compensating the property owners the difference should the values decrease after the wall is built. Part of the current housing crisis is banks unwillingness to make loans to homeowners and homeowners unable to sell homes they cannot afford to keep. It's the responsibility of the City of Merced to protect any current or future homeowners from falling into another situation in which people's home values drop exceedingly because of a development project they city has approved. Please address this more thoroughly in the final environmental impact report.

84-1

84-2

84-3

Sincerely,

Timothy Fisher
Name

118 Sweetwater Ave
Address

Merced Ca 95341
City, State, Zip

Timothy Fisher
Signature

02/16/2009
Date

Timothy Fisher
April 16, 2009

84-1 The commenter suggests that the applicant should pay for policing of the sound walls for graffiti prevention. The City of Merced currently provides police service to the area and would be responsible for patrolling the area to prevent crime, such as vandalism. However, vandalism is not an environmental effect and the EIR does not need to consider non-environmental effects when identifying feasible mitigation measures.

84-2 The commenter suggests that the erection of a sound barrier may affect property value and that the applicant should pay for assessment and reimburse the owner for any decrease in property value due to the erection of the sound barrier. Property value alone is not an environmental issue and CEQA does not require that an EIR consider non-environmental issues when identifying feasible mitigation measures. For informational purposes, however, it is notable that the effect of sound barriers on property value is an emerging issue in the field of noise and acoustics analysis. Only a few studies are currently available, but these studies reach varying conclusions regarding the effect of noise barriers on property values. One study indicates that noise barriers increase property value by as much as 10% (Benoit 2002), while others indicate a slight decrease in value (Appraisal Journal 2008).

84-3 The commenter indicates that it is the responsibility of the City to keep property values from falling. While this is not an environmental issue and is not required to be addressed per CEQA, it is important to note that the City is not charged with controlling property values, and as exemplified by the recent nation-wide downturn in the real estate market, fluctuations in the real estate market are not generally within the control of municipalities.

85A

4/23/9

Kim Espinoza, Planning Mgr
City of Merced Planning Division
678 W. 18 St
Merced Ca 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Dear Ms. Espinoza,
I am concerned that the proposed Wal Mart D.C. approval process has not given sufficient consideration to the many negative impacts such as the many concerns over environmental impacts and quality of life for our community. 85A-1

I feel the process is being unnecessarily rushed, and more time given for the public to consider the project. 85A-2

Thank You

Douglas G Fleming
3624 Loyola Ct
Merced Ca 95348
209 947-4852

85B

Kim Espinoza, Planning Mgr
City of Merced Planning Div
678 W 18 St
Merced Ca 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Dear Ms Espinosa,

I am very concerned about the lack of consideration for the Record of WalMart as an employer. The employees are undercompensated, and turnover is atrocious. Employee rights are widely, routinely violated. WalMart has been convicted of knowingly & deliberately employing undocumented aliens in Federal Court.

They have overstated both the number of workers they will hire and the compensation they will recieve.

Thank You

[illegible]
3624 Loyola Ct
Merced Ca 95348
(209) 947 4852

85B-1

Letter 85A-B Response	Douglas G. Fleming ➢ 85A–April 23, 2009 ➢ 85B–Undated

85A-1 The comment expresses concern that the Draft EIR did not sufficiently evaluate environmental impacts and quality of life. However, the commenter offers no specific criticism of the Draft EIR's analysis. The Draft EIR appropriately evaluates the proposed project per the requirements of CEQA. The comment is noted.

85A-2 The commenter suggests that the public review period was inadequate. Issues related to the adequacy of the public review period are addressed in Master Response 2: Language Barrier and Public Review Period.

85B-1 The commenter raises issues associated with Wal-Mart's employment practices and employee compensation. These are not environmental issues, and are not required to be analyzed under CEQA. The Draft EIR, consistent with CEQA requirements, focuses on environmental issues and does not address employment practices or compensation. The comment is noted.

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86

April 1, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

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

Reading your assessment of what an "odor" means in the environmental impact report for the Wal-Mart distribution center, it's so reassuring that you report there is "no discrete source of odor in the vicinity of the project site." There are no repugnant smells in the Merced air. 86-1

Do you leave your office at all? Do you venture outdoors? As a commuter who travels from Merced to the Southside of the Bay Area, there is a noticeable smell between both regions.

I also appreciate your "1-day site visit" to the area where the distribution center will be built. Here is a suggestion. Travel up to Red Bluff or Porterville and stand outside their Wal-Mart distribution centers. Maybe take some Toxic Air Contaminant samples while you are at it. 86-2

Let us know what you find. Thank you.

Eleazar A. Flores
Signature

Eleazar A. Flores
Print Name

3496 San Bruno Ct.
Address

Merced, CA 95348

(209) 383-9052
Phone

86-1 The commenter states that there is a “noticeable smell” in the Merced air. As discussed on Page 4.2-11 of the DEIR, the ability to detect odors is quite subjective. The DEIR’s assertion that there are no discrete sources of odor in the vicinity of the project site is based on a 1-day visit to the proposed project site. The commenter does not provide clarification on the source of this “noticeable smell”; therefore no further response is necessary. The comment does not raise issues with the adequacy of the DEIR. The comment is noted.

86-2 The commenter suggests that TAC samples be collected at other Wal-Mart distribution centers in the region. The commenter does not state the purpose of this exercise and how it would add to the environmental analysis of the proposed project. Air quality measurements typically need to be performed in a continuous manner. The type of “grab samples” that the commenter is suggesting would be of little or no value to the analysis in question. A large number of samples over a range of local meteorological conditions would need to be collected to get any kind of representative data. SJVAPCD recommends the preparation of an HRA, which includes dispersion modeling, for projects that are likely to emit TACs. The project has met this requirement through the preparation of an HRA as detailed on Page 4.2-4. As stated in Section 3.2.2 of the HRA, which is included in Appendix C of the DEIR, the modeling analysis for emissions of [TACs] evaluated each of five years (2000-2004) of sequential hourly meteorological data to determine the highest annual concentrations for use in the HRA.

87A

Merced City Council &

Kim Espinosa, Planning Manager

City of Merced Planning Division

678 West 18th Street

Merced, CA 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Re: Noise Impacts

Dear Merced City Council and Ms. Espinosa,

While the construction hours outlined in the DEIR are reasonable, they still pose a public safety issue for children in Merced.

There are many children walking and riding bicycles to school throughout the year. Obviously, this is much more frequent during the active school year, particularly during school hours. I would like the city to consider changing the hours of construction for the Wal-Mart Distribution Center to 8:30am to 3:30pm. This would significantly decrease the amount of harmful pollutants children might be exposed to on a daily basis. 87A-1

Regards,

Jason Flores

Jason Flores
5740 E. Olive Ave.
Merced, CA 95340

87B

Kim Espinoza, Planning Manager
City of Merced Planning Department
678 West 18th Street
Merced, CA 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Hello

My name is Jason Flores; I am 26 years old and a lifelong resident of Merced, California. I grew up in east Merced with my parents and two siblings. Growing up in the area, and Central Valley, I have witnessed my older brother and my mother develop respiratory problems, such as slight cases of asthma. I am very concerned about the proposed Wal-Mart distribution center coming to Southeast Merced. I am concerned about the environmental hazards the distribution center poses for the surrounding community. I have nephews that are toddlers and live in the area, and I must say that I worry about the future of their health. 87B-1

With 3 public schools within 2 miles of the proposed Wal-Mart distribution center, the Merced City Council should be taking the health of the local community seriously, without a cornucopian mentality. 87B-2

Jason Flores

Jason Flores
5740 E. Olive Ave.
Merced, CA 95340

Letter 87A-B Response	Jason Flores ➢ 87A–Undated ➢ 87B–Undated

87A-1 The commenter raises concern related to construction hours and presence of school children. Please refer to response to comment 83-1, which addresses this issue.

87B-1 The commenter expresses concern that the project would be located too close to housing. Please refer to Master Response 13. The comment does not raise issues with the adequacy of the DEIR. The comment is noted.

87B-2 The commenter expresses concern that the project would be located too close to schools. Please refer to the response to comment 16-8 which discusses how the schools were included in the HRA performed for the project. Please also refer to Master Response 13. The comment does not raise issues with the adequacy of the DEIR. The comment is noted.

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88

Espinosa, Kim

From: Mike Flores [mikeflores2000@gmail.com]
Sent: Friday, April 17, 2009 2:12 PM
To: Espinosa, Kim
Cc: mikeflores2000@gmail.com
Subject: Wal-Mart distribution center report

Dear Ms. Espinosa,

Diversifying Merced's economy is long overdue. Based on the Air Quality portion of this detailed report I am confident Wal-Mart will
do an excellant job of mitigating the deleterious effects of the distribution center. Global warming is a global issue that will require a global effort to solve and reverse. No one firm can be held accountable nor can responsible industry be hampered.
I vote YES to Wal-Mart Distribution Center for Merced. 88-1

Regards,

Michael Flores
2626 Capella Dr.
Merced, CA 95341
(415) 675-1919

88-1 The comment primarily addresses the merits of the proposed project, recommends approval, and dismisses environmental concerns. The comment does not raise issues related to the adequacy of the Draft EIR. The comment is noted.

Espinosa, Kim

From: ghford@att.net

Sent: Thursday, March 19, 2009 9:47 PM

To: Espinosa, Kim

I would like to say this Wal Mart Warehouse is probably the best thing to happen to merced. Our growth in industry anhd jobs has allways been held back by the city fathers for years but it seems like we may be able to move ahead now. Since Castle AFB closed (which hurt) but the University came, The new race track would have been really great, now the warehouse will be a big boost. With the economy as it is jobs are needed badly and this is great, keep going we need it. It is allway amaizing that there are allway people that just want to stop anything good from happening. (Spend more money for translations (this is America and we speak English, I have nothing against and body but they have interpreters), worring about trucks that don't hurt anyone plus they will not be going throughthe city to get to the location,I have been atrucker for 32 years and my truck never hurt anybody and i had to travel into and around all cities picking up and delivering cars and if they are worried about a little smoak, that has been almost abolished now. Why do people have to be so discrimating and not wanting progression, more money for merced and more jobs. Get a life folks and let other people enjoy life and make a decent living, it won't hurt you, but may God bless you and talk to you stright because we all have a right to persuit of happyness. Merced don't let this fail and go down the tube. Personnaly I am far more concerned about the mess that is planned for Gst which is going to be a long drawn out disaster, Also thing about our econamic times now. 89-1

Thanks for the good work

Grant & Helen Ford
3240 Franklin Rd
Merced Ca., 95348
2097696341

89-1 The comment primarily addresses the merits of the proposed project, recommends approval, and dismisses environmental concerns. The comment does not raise issues related to the adequacy of the Draft EIR. The comment is noted.

Espinosa, Kim

From: ghford@att.net
Sent: Tuesday, March 03, 2009 12:29 PM
To: Espinosa, Kim
Subject: wal-mart dist center

i can not relate to someone not wanting positive growth for merced there are many people who would love a job which wal mart can provide.so lets roll !! 90-1

Helen

3/3/2009

90-1 The comment addresses the merits of the proposed project. The comment does not raise environmental issues or issues related to the adequacy of the Draft EIR. The comment is noted.

91

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

March 28, 2009

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

Re: Merced Wal-Mart Distribution Center Project

Ms. Espinosa:

The suggestions the Draft EIR makes, which Wal-Mart will likely take into consideration to protect against the potential problems with storm water runoff, are inadequate for our future needs. First of all, using BMP standards are on their way out and many cities are using IMP's (Integrated Management Practices). Many cities have already begun using IMP's as the standard and as such Merced should do the same.

The Draft EIR states that the usual regulatory measures will mitigate pollution from storm water impacts over time. That may happen - but this may be avoided sooner if IMPs were the standard. This begs the question of whether Merced should begin with a new standard and require Wal-Mart to switch to IMPs if their Distribution Center Project is to be approved. Without an IMP standard, storm water runoff and the associated pollution could wind up being more costly than expected. 91-1

Signature

Christopher Fox
Print Name

95343 Merced, CA
Address

N. Lake Rd. UC Merced

(562) 201-9196
Phone

91-1 The commenter prefers the use Integrated Management Practices (IMPs) instead of Best Management Practices (BMPs). See response to comment 51-1 regarding IMPs.

92

Jeff Freitas
Freitas.jeff.s@gmail.com
459 W. 25th St.
Merced, Ca 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Kim Espinosa, Planning Manager
City of Merced Planning Division
678 West 18th Street
Merced, CA 95340
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

RE: Public Comments for Wal-Mart Distribution Center DEIR

Air Quality Comments

1) **(2-13, from Table 2-1)** The last paragraph of 4.2-2a states: "*The (mitigation) requirements listed above can be met through any combination of on-site emission reduction measures* ***or offset fees****, including those required and additional measures listed in Mitigation Measures 4.2-2b, 4.2-2c, 4.2-2d, and 4.2-2e for emissions of CAPs; and Mitigation Meaures 4.2-6b and 4.2-6d for emissions of GHGs below; however, any on-site reductions of CAP emissions must be both quantifiable and verifiable to be credited towards the requirements of the ISR Rule.*"

   The inclusion of an "offset fee" alternative implies that Wal-Mart can bypass SJVAPCD's ISR Rule by simply writing a check to SJVAPCD in the form of "mitigation offset fees". Wal-Mart could then disregard any and all mitigation options such as constructing solar panels, participating in an employee trip reduction program or an urban forest program, etc. Paying "mitigation offset fees" will not prevent pollution from being dumped on Merced residents and will lead to increased exposure to toxic emissions. Increased exposure to diesel PM and other TACs also increases indirect health costs for the taxpaying public, as shown in a report titled "The Benefits of Meeting Federal Clean Air Standards in South Coast and San Joaquin Valley Air Basins" by Jane Hall and Victor Brajer. 92-1

2) **(4.2-46, from Table 4.2-9)** Outbound truck trip distances (and therefore emissions) are based on the assumption that trucks would only travel to the 49 existing Wal- 92-2

Mart stores, yet Wal-Mart distribution centers *typically service between 75-100 stores.* Wal-Mart has shown a clear history of growth and has already demonstrated interest in expanding current stores and building new ones, such as the case in Livingston. **The truck trip assumption should also present estimates that account for probable future regional growth and assume the Distribution Center running at full capacity, not only the minimum baseline of 49 existing stores.** (this is an environmental issue, apart from the regional Urban Decay issue which is dismissed by both the City of Merced and Wal-Mart on Page 1-3) 92-2 Cont'd

3) **(Appendix A – Air Quality Data, Health Risk Assessment Appendix A – Detailed Emission Calculations)** The particulate emissions from Diesel-Fueled Engines appear to only consider truck activity taking place directly on-site (the assumptions include only the total distances traveled by all trucks within the site boundaries). **Health risk assessment calculations should include *all* particulate emissions, <u>including those released in surrounding neighborhoods</u>.** Also, please provide a deeper explanation of the calculations, including assumptions for ingress/egress travel, the decrease of daily truck trips from 900 to 644, and the line-source statement: *"Travel distance determined by multiplying the number of ingress/egress volumes in the line source (102) by the per volume side length of 12 feet."* 92-3

4) **(4.9-9)** *"... the County currently experiences a 10.9% unemployment rate"* & *"... it is anticipated that the proposed project would likely draw largely from the local employment pool, including the unemployed."*

Again, this is non-binding. There are no real assurances that employees will come from the Southeast Merced unemployment pool. **With Central Valley unemployment reaching approximately 20%, many higher-qualified individuals could be willing to commute from Turlock, Modesto, or even Fresno for these jobs. To mitigate this situation, Wal-Mart should sign a local hiring contract to verify they will hire only from Merced or Southeast Merced.** 92-4

<u>Traffic Comments</u>

1) **(2-16, from Table 2-1)** *"The Applicant shall fully fund* ***or contribute its fair share of funding*** *for the development of a Class II Bike Lanes along Childs Avenue and Gerard Avenue from Parsons Avenue to the project's eastern boundary line..."*

(4.11-32) *"The project would be required to improve,* ***or contribute*** *to street improvements in accord with the mitigation measures identified in this EIR for cumulative impacts."* 92-5

These are not strong mitigation statements – they are non-binding promises Wal-Mart employs in the EIR in order to reduce impacts to *"less-than-significant"*. In the past, both the City and County of Merced have been given the short end of the stick by big developers who make promises they don't keep. These statements provide no assurance or method of deliberation for ensuring that Wal-Mart "pays its fair share" of the transportation infrastructure costs.

2) **(4.1-22)** The traffic scenario entitled, *"2010 Background Condition without project"*, appears to be inflating the trip counts using speculative data that incorporates future housing projects that may never come to pass. It seems possible that the speculative residential trip counts are surpassing the allowable LOS threshold and masking Wal-Mart impacts, whose trip count contribution becomes less-than-significant because they become 5% of the overall increased projected trip volume and are no longer the initial trigger of an intersection's LOS failure. 92-6

3) **(4.1-29)** *"The project design shall incorporate a designated on-site waiting area within the site between Gerard Road and the truck gate that is located further within the site."*

92-7

The site plan does not appear to provide for additional parking for waiting trucks, as given in the above statement.

4) **(4.1-66)** *"The widening of the roadway, however, may require right of way acquisition, the need for utility relocation and, approval by Caltrans. With implementation of this mitigation measure, the cumulative impact would be reduced to a less-than-significant level. "* 92-8

Impacts should still be considered ***Significant***, because the mitigation is purely speculative, and the Final EIR cannot provide any legal assurance that this mitigation can/will actually occur.

92-8
Cont'd

92-1 The commenter is concerned about the ability of the applicant to implement off-site air quality mitigation in the form of offset fees paid to SJVAPCD rather than choosing to do on-site mitigation. Please see pages 4.2-32 through 4.2-35 and pages 4.2-38 through 4.2-40 of the DEIR, which describes required mitigation measures that shall be implemented on-site. Thus, the applicant cannot circumvent doing some minimum amount of on-site mitigation as required in mitigation measures 4.2-1b-e and 4.2-2b-c. In addition, please see response to comment 118-5 regarding the ability of the ISR program to result in air quality mitigation inside the SJVAB, and thus, the residents of the City of Merced would experience a direct benefit of air quality mitigation.

It should also be noted that the pollutants and precursors addressed by the ISR program—NO_X and PM_{10}— are pollutants of regional concern. Therefore, effective mitigation can reduce these pollutants anywhere in the SVAB. For instance, NO_X is a precursor to ozone and, as explained on page 4.2-3 of the DEIR, ozone is not directly emitted into the air but is formed through complex chemical reactions between precursor emissions of ROG and NO_X in the presence of sunlight. Therefore, in order to reduce ozone levels in the SJVAB, NO_X can be reduced anywhere in the SJVAB. PM10 is also a pollutant of regional concern, except when it is emitted in large quantities from a single point or stationary source. In the case of the proposed project, most emissions of NO_X and PM_{10} would be generated by mobile sources operating throughout the region, including employee commute trips, outbound delivery truck trips, and inbound delivery truck trips. Even the smaller quantities of NO_X and PM_{10} that would be generated on-site would be from truck activity occurring throughout the project site rather than at one centralized location.

In addition, the commenter is concerned about increases in diesel PM, which is considered a TAC. Please see impact 4.2-4 of the DEIR which evaluates exposure of residents to increases in diesel PM. This impact was found to be less than significant.

92-2 The commenter suggests that the air quality analysis performed in the DEIR did not analyze the maximum potential for emissions associated with the proposed project. The air quality analysis was performed using the assumptions obtained from the traffic study prepared for the project (DKS 2008) and information provided by Wal-Mart about the number of existing stores that would be served by the proposed distribution center. In addition, if other retail stores would be developed in the future, the analysis of mobile-source and other sources of emissions associated with those future projects would be required in the environmental documents used to approve them, and mitigation would be required for significant levels of emissions. Please also refer to response to comments 17-8 and Master Response 1: Growth Inducement and Expansion, which addresses the potential for the proposed distribution center to spawn new retail stores.

92-3 The commenter states that the HRA should examine the diesel PM emissions generated by off-site truck activity in addition to on-site truck activity. The diesel PM emission generated by off-site truck travel was not addressed by the HRA for multiple reasons. High volumes of trucks would not pass in close proximity to any schools, worker sites, or residential dwellings. As stated on page 4.11-21 of the DEIR, 90% of the truck trips to and from SR 99 would be assumed to use the Mission Avenue Interchange and Campus Parkway and the other 10% of truck trips from and to SR 140 West would be assumed to continue on SR 140 and use Tower Road. As stated in Tables 4.2-7, 4.2-10, and 4.11-12 of the DEIR, the project would generate approximately 643 (one-way) truck trips per day. As stated on page 4.11-21 of the DEIR, 90% of the truck trips to

and from SR 99 would be assumed to use the Mission Avenue Interchange and Campus Parkway. This route would not pass by any local schools. The closest receptor to this route would be the farm house located on the south side of Gerard Avenue (east of Campus Parkway). Generally, the emission rates of trucks traveling at higher speeds along this segment of Gerard Avenue (and other local roads) would be substantially lower than the emission rates of slow-speed truck travel (i.e., less than 15 mph) and idling that would occur on the project site. Also, it is not anticipated that long queues of trucks would idle at the intersection of Gerard Avenue and Campus Parkway because, as stated Table 4.11-14 of the DEIR, the peak hour LOS of this intersection during both the morning and afternoon peak hours would be C with an average delay of approximately 30-35 seconds. Moreover, the roadway-segment LOS along Gerard Avenue and Campus Parkway are expected to be LOS A, as shown in Table 4.11-15.

In addition, the combined traffic volumes on these local routes, including all vehicle types, are not expected to be high enough to necessitate an analysis of TAC emissions from the vehicle traffic. The highest traffic volumes are expected to be on Campus Parkway and SR 140 but they would not exceed 20,000 ADT, even under future conditions (2030 plus project). These traffic volumes are not considered substantial with respect to the guidance in ARB's Air Quality and Land Use Handbook: A Community Health Perspective (ARB's Handbook), which is discussed on page 4.2-25 of the DEIR. ARB's Handbook provides guidance concerning land use compatibility with TAC sources and offers advisory recommendations for the siting of sensitive receptors near uses associated with TACs including freeways and high-traffic roads. ARB's Handbook recommends that planners avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. Due to their low traffic volumes this recommendation would not apply to any of the local roads in the project area. This is why the diesel PM emissions generated by off-site truck activity were not addressed in the HRA. This analysis and source types included is consistent with common practice and recommendations from SJVAPCD for such project types where the analysis shall focus on on-site sources.

The commenter also requests an explanation of the calculations used in the HRA, including the assumptions for ingress/egress travel, the number of daily truck trips. The assumptions in the HRA are consistent with the information included in Section 4.11 of the DEIR, "Traffic and Transportation" and also in the Traffic Impact Analysis included as Appendix E of the DEIR. Please also refer to Master Response 6: Trucks and the Transportation analysis for more information related to truck traffic.

The commenter also requests clarification regarding the following statement about line-sources: "Travel distance determined by multiplying the number of ingress/egress volumes in the line source (102) by the per volume side length of 12 feet."A line source was used to characterize truck travel, as recommended in SJVAPCD's Guidance for Air Dispersion Modeling (August 2006), Appendix A (Appendix A), Section 2.0 CEQA Health Risk Assessments (available at <http://www.valleyair.org/busind/pto/tox_resources/modeling%20guidance%20w_o%20pic.pdf>). A line source consists of a row of evenly-spaced volume sources. The width, which equal to a volume source's length, of 12 feet was used for each volume source in the line source because that is the typical length of a travel lane. Thus, there is a mathematical relationship between the width of the volume sources used to make up a line source and the length of the travel route represented by the line source. In this case, the egress travel route is 36 feet longer than the ingress travel route and consists of 5 more volume sources (105 vs. 102).

92-4 The comment indicates that there is no guarantee that the "project would likely draw largely from the local employment pool, including the unemployed," as assumed in the DEIR, and the comment expresses concern that the project may draw employees willing to commute from

outlying communities, especially given the high unemployment levels in the region. The comment is based on a quotation from the Draft EIR's discussion of population and housing (Section 4.9). However, the Draft EIR does not indicate that the "local employment pool" is restricted to the city of Merced. Furthermore, the analysis of impacts related to population and housing is not concerned with commuters from outlying communities, but rather from employees relocating from areas outside the region, which would increase the population of the local communities and could subsequently result in impacts to the environment. The comment is correct in the assertion that there are no assurances that employees will come from the Southeast Merced unemployment pool; CEQA does not require that an EIR analyze indirect physical impacts (such as those resulting from population growth) based on assurances, but on events and occurrences that are "reasonably foreseeable." (*State CEQA Guidelines* Section 15064[d]) As described in the Draft EIR (p. 4.9-9), based on Merced's high unemployment rate combined with the relatively low level of education and advanced training required for most of the jobs generated by the proposed project, it is reasonably foreseeable that the project would draw largely from the local unemployment pool. However, the commenter's concern that employment will not be restricted only to Southeast Merced is not an environmental issue, and is consequently not required to be analyzed under CEQA. Please also see Response to Comment 29-19, which includes additional information related to this issue. The comment is noted.

92-5 The commenter references statements in the DEIR and suggests that the mitigation text, specifically for traffic impacts, is "non-binding." However, the mitigation measure identified by the commenter clearly indicates that Wal-Mart "shall" completely or partially fund the improvement. Please see Response to Comment 105-1, which explains the City's process for mitigation enforcement. Please also see Response to Comment 96B-5, which explains the City's process for calculating "fair share" contributions.

92-6 The comment suggests that the DEIR's traffic section inflates the baseline, which the commenter suggests reduces the project's contribution to traffic impacts. The proposed project's relative contribution to traffic and assessment of impacts was based on the City's traffic impact criteria and guidelines. Please also see Response to Comment 5-3, which addresses this issue.

92-7 The commenter indicates that the site plan does not include the waiting area required in the stated mitigation measure. The mitigation measure in question, Mitigation Measure 4.11-2a, requires a change to the project site plan and provides a clear description in the mitigation measure text of the precise location for the waiting area. If the site plan had indicated a waiting area the mitigation measure would not be necessary, since the waiting area would have already been part of the proposed project. No changes to the DEIR are necessary.

92-8 The commenter questions the "less-than-significant" conclusion for the cumulative traffic impact at SR 140 between Santa Fe Avenue and Kibby Road Roadway Segment, suggesting that the success of this implementation measure is speculative. Note that the page number provided by the commenter (4.1-66) is not correct. This impact can be seen in the DEIR on page 6-30. While this mitigation measure does require actions by the City that may be time-consuming and difficult to achieve, the City is dedicated to this improvement and will work with Caltrans and property owners to ensure that the mitigation measure is implemented.

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93

April 2, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

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

Dear Ms. Espinosa,

It's unfortunate that the DEIR says Wal-Mart will only comply with 'recommended control measures' regarding exposure to contaminants through airborne emissions. This is particularly alarming given the size and scope of this development, both during construction and once it's built.

As the Planning Manager, it is your duty to make recommendations to the city council regarding the city's position on the DEIR. I implore you to recommend that Wal-Mart do more than just the recommended control measures to control exposure of airborne pollutants. There is nothing that Wal-Mart can do curb a significant increase in particulate matter generated by diesel truck traffic. A more detailed mitigation plan should be included in the DEIR. Thank you. 93-1

Sincerely,

Chris Ballery MD
3554 Beals Ave
Merced, CA 95348
209-723-2342

93-1 The commenter suggests that the applicant will only comply with the SJVAPCD's "recommended control measures" to reduce air quality impacts during construction and operation and expresses concern about truck-generated emissions of diesel PM.

The DEIR does, in fact, go above and beyond SJVAPCD's recommended control measures for construction emissions. The project shall comply with SJVAPCD Regulation VIII. The purpose of Regulation VIII is to reduce the amount of PM10 entrained into the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. The DEIR includes enhanced and additional fugitive dust control measures that go beyond compliance with Regulation VIII. The SJVAPCD's recommended approach to mitigating construction emissions focuses on a consideration of whether all feasible control measures are being implemented, which the project is complying with. The commenter does not clarify on why compliance with these recommended measures is not adequate and does not offer any additional mitigation measures.

SJVAPCD's GAMAQI includes a short list of recommended construction equipment mitigation measures. Mitigation measures 4.2-1a, 4.2-1b, and 4.2-1c all apply to construction equipment exhaust and are more specific and detailed than SJVAPCD's recommended list of measures. Thus, the DEIR includes all feasible mitigation measures to reduce construction emissions and is not restricted to SJVAPCD "recommended mitigation measures." In addition, implementation of these measures would reduce construction-related emissions to a less-than-significant level.

Similarly, SJVAPCD's GAMAQI recommends mitigation measures for different categories of operational emissions. In addition to compliance with SJVAPCD Rule 9510: Indirect Source Review, the DEIR includes Mitigation Measure 4.2-2e whereby the applicant will enter into an emissions reduction agreement with SJVAPCD. This measure is not "recommended" by the DEIR or required by SJVAPCD; it is required by the DEIR. Under this measure, the applicant shall fund projects in the SJVAB, such as replacement and destruction of old engines with new more efficient engines. The agreement requires the applicant to identify and propose opportunities for the reduction of emissions to fully mitigate the project's operational emissions of ROG and NOx to less than 10 TPY, and includes opportunities for removal or retrofit of stationary, transportation, indirect, and/or mobile-source equipment. Thus, the project is doing its fair share to reduce or offset its emissions beyond compliance with SJVAPCD Rules and recommended mitigation measures. Implementation of these measures would reduce construction-related emissions to a less-than-significant level.

The commenter further argues that a more detailed mitigation plan be included in the DEIR. The DEIR lists required mitigation measures that will be incorporated into the project. In addition, construction and operation of the proposed project shall comply with SJVAPCD's ISR rule (Rule 9510), as required by law. The applicant shall have an AIA application approved by SJVAPCD before issuance of a building permit from the City of Merced. The AIA shall quantify operational NO_X and PM_{10} emissions associated with the project. This shall include the estimated operational baseline emissions (i.e., before mitigation), and the mitigated emissions for each applicable pollutant for the project, or each phase thereof, and shall quantify the offsite fee, if applicable. The ISR rule states that the applicant shall include in the AIA application a completed proposed MRS for on-site emission reduction measures selected that are not subject to other public agency enforcement. The MRS is a form listing on-site emission reduction measures committed to by the applicant that are not enforced by another public agency along with the implementation schedule

and enforcement mechanism for each measure. A proposed MRS shall outline how the measures will be implemented and enforced, and will include, at minimum, a list of on-site emission reduction measures included; standards for determining compliance, such as funding, record keeping, reporting, installation, and/or contracting; a reporting schedule; a monitoring schedule; and identification of the responsible entity for implementation. The AIA and MRS prepared for the project, and the emissions reduction agreement entered into with SJVAPCD, will be established and enforced and will ensure that the required emissions reductions are realized.

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94

Chris Gallery MD
Lucy Snyder RN
3554 Beals Ave.
Merced, CA 95348
209-723-2342

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

April 25, 2009

Kim Espinosa
City of Merced - Planning Department
678 W. 18th
Merced, CA 95340

Re: Opposition to the Proposed Wal-Mart Distribution Center

Dear Ms. Espinosa,

We are opposed to the Wal-Mart development. Wal-Mart is proposing to build it's Merced distribution center in the middle of a residential neighborhood, less than two miles away from four public schools. The central valley is already one of the most polluted air basins in the country. The truck exhaust will worsen this problem severely.

In the table 4.2 - 10 of the DEIR, the project is estimated to produce 12,708 tons of unmitigated carbon dioxide per year. The San Joaquin Valley cannot afford any increase of unmitigated pollutants to it's air. We are already experiencing crisis level asthma and respiratory illnesses in Merced County. The Air Impact Assessment process as described in the DEIR does not adequately address mitigation measures. How specifically will Wal-Mart mitigate on-site actual emissions from vehicles entering and exiting the center? Off-setting mitigation measures in another area in the future does not help the residents that live in Merced. We need immediate mitigation measures both regionally and locally. 94-1

Wal-Mart is not stating that all trucks coming into the center will be hybrid diesel engines. Even if Wal-Marts fleet of trucks were hybrids, how will Wal-Mart regulate subcontracted trucks coming into the facility? 94-2

The only valid argument for the center is job creation. If this center were located in a more remote region of the county, the jobs would still be created, but the neighborhood impact would be lessened. Has Wal-Mart guaranteed that all job positions would be filled by local employees? This project if approved will lessen the quality of life in our city. Yes, Merced county needs jobs, but not at any cost. 94-3

Sincerely,
C Gallery & Lucy Snyder
Chris Gallery MD & Lucy Snyder RN

94-1 The commenter expresses concern about the air quality in Merced County and the high rates of asthma and other respiratory illnesses among the population. Please refer to Master Response 13.

The commenter also states that the AIA process as described in the DEIR does not adequately address mitigation measures. Please refer to responses to comments 17-14, 22-1, and the fifth paragraph of response to comment 93-1.

The commenter also states that "off-site mitigation measures in another area in the future does not help the residents that live in Merced." On-site emissions of CAPs would be reduced by Mitigation Measures 4.2-1b, 4.2-1d, 4.2-1e, and 4.2-2d. These measures, along with Mitigation Measures 4.2-1a, 4.2-1c, 4.2-2a, 4.2-2b, 4.2-2c, and 4.2-2e would reduce construction- and operational emissions of CAPs (regionally and locally) to a less than significant level, as discussed under Impacts 4.2-1 and 4.2-2.

With regard to the commenter's concern about the localized effect of project-generated emissions, on-site emissions of TACs are analyzed under Impact 4.2-4 and determined to be less than significant.

94-2 The commenter indicates that the applicant does not identify the percentage of "hybrid" trucks and questions how non-Wal-Mart trucks would be regulated. Wal-Mart is not proposing to use a hybrid fleet for its tractor trailers. Please see Response to Comment 96B-9 for more information on regulating non-Wal-Mart trucks. The comment does not raise issues related to the adequacy of the DEIR's analysis.

94-3 The comment suggests that placement of the proposed project in a more remote location would reduce impacts to the neighborhood (the commenter does not identify specific impacts). Three off-site alternatives were evaluated in the Draft EIR (See DEIR Section 5 "Alternatives to the Proposed Project." Alternative Site #3 is located in southwest Merced near the Merced Municipal Airport, which is a relatively "remote" location. Section 5 of the Draft EIR compares the impacts of this Alternative to the impacts of the proposed project. As indicated in Table 5-8, the impacts associated with Alternative Site #3 are generally greater than those resulting from the proposed project. Therefore, the Draft EIR appropriately analyzes an alternative site that is more remote than the project site. The commenter also raises issues related to filling of positions by local employees, which is not an environmental issue. For more discussion on the topic of local employment, see Response to Comment 92-4. For more discussion related to project alternatives, see Master Response 12: Alternatives. The commenter does not raise issues regarding the adequacy of the Draft EIR's analysis.

95

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Kim Espinosa, Directora de Planificación
Ciudad de Merced Departamento de Planificación
678 West 18th Street
Merced, CA 95340

Re: El Reporte del Impacto Ambiental de Wal-Mart

Kim Espinosa,

¿Por qué será que guías de votante, formas de DMV, formas médicos y formas de IRS son escritos en muchos idiomas differentes estos dias, pero el reporte del impacto ambiental de Wal-Mart no es? ¿Cómo puede la cuidad privar el derecho de la gente que no habla Inglés por no traducir ninguna parte de esto en Español?

Nadie gustaría vivir al lado de un grande edificio feo industrial como esto, pero es muy conveniente para descargar esta cosa donde minorías viven para que sea aprobado antes que nuestra comunidad comprenda realmente lo que la ciudad y Wal-Mart tienen planeado.

Haga lo que es el razón y permite que las minorías estén aparte de un proceso VERDADERO.

Fernando Garcia
3042 Bellevuard
Atwater Ca 95301
Fernando García

The attached comment letter regarding the Wal-Mart Distribution Center Draft Environmental Impact Report has been translated by:

Juan F. Olmos

Juan Olmos

Maintenance Worker III

Title

5-5-09

Date

English Transcription:

LETTER 3 *(Corresponds with LETTER #95)*

Kim Espinosa, Planning Director
City of Merced Planning Department
678 West 18th Street
Merced, Ca 95340

RE: Wal-Mart Environmental Impact Report

Kim Espinosa,

Why would it be that voting guides, DMV forms, medical forms and IRS forms are written in many different languages these days, but the Wal-Mart's environmental impact report it is not? How could the city deprive the right of the people who do not speak English by not translating any of it in Spanish?

Nobody would like to live next to a big ugly industrial building like this, but it is very convenient to discharge this thing where minorities live to be approved before our community really understands what the City and Wal-Mart had planned. 95-1

Do what is right and permit the minorities to be part of a TRUE process.

Fernando Garcia
3042 Bellevue Rd.
Atwater CA 95301

Fernando Garcia
Undated

95-1 This comment addresses issues related to language barrier and translation of CEQA documents. Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses these issues. The comment also raises issues related to the aesthetics of an industrial building. Regarding the aesthetics of an industrial building, it should be noted that the project site is currently designed and zoned for industrial use by the City's General Plan and Zoning Ordinance, respectively. Therefore, the development of this site with these uses has been previously evaluated in the EIR prepared for the City's General Plan Update. Also, even if the project is denied, the site would almost certainly be developed with a similar industrial use. However, the Draft EIR for the proposed project analyzed the aesthetic impacts associated with development of the proposed project. The Draft EIR concludes that, with implementation of mitigation measures (submittal of a landscape plan and lighting plan), the impacts to visual resources would be reduced to a less-than-significant level. The comment does not raise issues with the adequacy of the Draft EIR's analysis.

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96A

Espinosa, Kim

From: Tom Grave [tgrave@sbcglobal.net]
Sent: Wednesday, March 04, 2009 3:42 PM
To: city, council; Espinosa, Kim
Subject: Public Review Period for Wal-Mart Draft EIR

Good Afternoon-

I would like to respectfully request that the review period for the Wal-Mart Distribution Center Draft EIR be extended from the announced 60 days to at least 90 days. According to the California Environmental Quality Act (CEQA), a review period of more than 60 days would be warranted in the case of "unusual circumstances" (15105). I would submit that the following factors would support a claim of unusual circumstances: (1) the sheer volume of the EIR; (2) the highly technical nature of the document; (3) the magnitude and importance of this project; and (4) the language groups (primarily Spanish and Hmong) who lack ready access to the contents of the EIR; time will be required to provide outreach to these groups. 96A-1

CEQA (15140) says "EIRs shall be written in plain language..."
CEQA (15141) says "The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages."

I would like to further request than consideration be given to placing this matter as an action item on the agenda of the next City Council meeting, March 16.

Thank you.

Tom Grave
3425 Sueno Ct.
Merced, CA 95348
385-3503

96B

3425 Sueno Ct.
Merced, CA 95348
April 27, 2009

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Kim Espinosa, Planning Manager
City of Merced
678 West 18th Street
Merced, CA 95340

RE: Draft Environmental Impact Report: Proposed Wal-Mart Regional Distribution Center

Dear Ms. Espinosa,

I offer the following comments regarding the Draft Environmental Impact Report for the proposed Wal-Mart Regional Distribution Center. Please give them consideration and response pursuant to the California Environmental Quality Act (CEQA).

Executive Summary, page 2-69

The following statement is made at the top of the page above Table 2-2: "Note that the City may wish to calculate and require the project to contribute on a pro-rata basis to the improvements (Improvement Measures) described below and based on the information in Table 2-2 below, or identified in Table 6-7 on page 6-29."

First, the use of "may" conveys uncertainty and perhaps it indicates that a decision will be deferred to some time in the future. How and when will the determination be made to require or not a pro-rata contribution? What facts will be brought to bear in order to make this decision? The lack of clarity about these points is not acceptable. Second, it is not clear at Table 2-2 or at Table 6-7 what the "Improvement Measures" are. These need to be identified in a less confusing manner. 96B-1

Project Location and Site Development, page 3-1

It is stated that City of Merced Water Well 10-R2 is located on the project site. What is the future of this well if the project is built? Will the well continue to be in operation to support the City's water supply and conveyance system? Will an easement be dedicated to permit continued City maintenance of the well? Will fees be involved? How will these be determined? How will the well be expected to affect the water supplied to the project? What measures will be instituted to safeguard the well from contamination from hazardous materials handled at the site? How will the well be protected from contaminants occurring in storm water run-off from the site? 96B-2

Necessary Entitlements, page 3-4

One of the entitlements required for the proposed project would be the abandonment of the Kibby Road right-of-way. This action would involve a General Plan amendment. How will the Kibby Road closure affect traffic patterns in southeast Merced? Has this 96B-3

been studied? Where are the analyses and data? Should Wal-Mart be assessed a fee for the right-of-way abandonment? 96B-3 Cont'd

Project Background, page 3-11

One of the reasons given by Wal-Mart for selection of this site is "the location's proximity to the labor pool of Merced." What are the characteristics of this labor pool? Do they match the requirements of the Wal-Mart jobs? What type of training will there be for prospective employees? What are the assurances that jobs will be given to Merced residents? 96B-4

The possible location of the Wal-Mart distribution center in the City of Merced represents a business relationship between the two entities. Accordingly, a contract should be drawn up, stipulating the number of jobs to be allocated to Merced residents, the hourly wages to be paid, the health and other benefits, including deductibles and co-payments, and so forth. There should also be specified the penalties that would be incurred by Wal-Mart in the event any terms of the contract are violated.

City Objectives, page 3-11

One of the objectives listed: "To encourage development of projects that will contribute toward improving roadways adjacent to the proposed development site."

Where are the agreements that set forth just how Wal-Mart will contribute toward improving roadways adjacent to the site? How will fees be determined? How would a "fair share" be identified? How will Wal-Mart be expected to defray costs associated with on-going wear and tear to surrounding roadways? How will nearby county-maintained roads be affected? Has the County of Merced been contacted regarding these issues? 96B-5

Right now, the Campus Parkway is being constructed. It will directly serve the needs of the Wal-Mart distribution center, yet this roadway has not been funded in any great measure, if at all, by Wal-Mart. Taxpayers have also funded the Mission Interchange at state highway 99, which will directly serve both Wal-Mart and the University of California at Merced. How will the needs of UC Merced at full build-out be served when the Mission Interchange and the Campus Parkway are glutted by 900 diesel trucks per day?

Buildings and Operations, page 3-12

The main building for the Wal-Mart distribution center is identified as a 1.1 million-square-foot warehouse. Where will the aggregate material come from to pour this huge concrete slab? What will be the impact on current aggregate mining operations in eastern Merced County? Will there be an expansion of these mines? Has this issue been analyzed? When and where? 96B-6

A large number of trucks will be hauling aggregate and/or mixed concrete to the site. How many truck trips are estimated? What will be the impact on County roadways? Are there agreements between Wal-Mart and the County concerning road degradation and necessary maintenance and repairs? How much dust will likely be generated by the truck

trips? Will there be other air contaminants? How will these be studied? How will they be mitigated? 96B-6 Cont'd

Proposed Sustainability and Energy Conservation Measures, pages 3-14, 15

"According to Wal-Mart representatives" is not an adequate basis for establishing assurance that the measures will actually be implemented. What are the guarantees that steps will be taken toward the sustainability goals as set forth? To what degree do these goals need to be reached? What are the consequences if there is not a high level of effort toward reaching these goals? 96B-7

Construction and Operation, page 3-15

"According to Wal-Mart representatives" again is not acceptable. Where are the assurances?

"Wal-Mart has indicated its intention to continue to monitor these technologies and incorporate those that are effective, reliable and make business sense." What is the standard? There needs to be a stronger commitment, and Wal-Mart needs to be held accountable. The welfare of the overall community needs to take precedence over issues related to "business sense." 96B-8

Transportation, pages 3-15, 16

"According to Wal-Mart representatives..." does not offer an adequate level of assurance that the stated actions will occur.

Throughout the discussions of the Wal-Mart truck fleet, there is no mention whatsoever of the many trucks serving the distribution center that are independently owned and operated. The other Wal-Mart distribution centers in California are served by a significant percentage of non-Wal-Mart trucks. To what standard of "superior" environmental performance will these independent trucks be held? What are the assurances? How is Wal-Mart to be held accountable? Why was no mention made in the EIR of independent trucks and truck operators? 96B-9

Agricultural Resources, pages 4.1-1 to 4.1-13

The Environmental Impact Report (EIR) for the Merced Vision 2015 General Plan states that the General Plan designates urban growth areas that contain less productive agricultural lands. But in the case of the proposed Wal-Mart project, 70% of the 230 acres to be developed are considered "prime farmland". This means it is the best land for the long-term production of agricultural crops. Indeed, application of the California Land Evaluation and Site Assessment (LESA) model to the proposed Wal-Mart parcel yields a significance score of 88.4 out of 100 possible points. Why would the City of Merced wish to contribute to the alarming pace of conversion of prime soils to non-agricultural uses? Surely a site could be found for the Wal-Mart distribution center that would not involve such loss of productive land. Not only is the 230-acre parcel of concern, but as the current EIR sets forth, "...industrial uses adjacent to agricultural land can result in land use conflicts and create incentives for agricultural producers to discontinue agricultural operations and sell their land for development." (p. 4.1-11) 96B-10

The Wal-Mart EIR is unequivocal in its assertion that the conversion of farmland involved in the proposed project is a significant impact. There is the further statement that no mitigation is available. This is not accurate. Rather, it is commonly the case that counties and municipalities in California mitigate for the loss of productive agricultural land by setting aside through permanent easements similar parcels of land. In the present instance, we would recommend a 4:1 mitigation, whereby Wal-Mart would be required to offset their use of 230 acres of farmland by purchasing and placing in easements a total of 920 acres of agricultural land in the vicinity of Merced. 96B-10 Cont'd

Air Quality: Environmental Impacts
During discussion of vehicle trips and associated emissions, the following was stated:

> No adjustments were made to account for increased fuel efficiency of Wal-Mart's truck fleet due to its participation in the U.S. EPA's SmartWay Transport Partnership. The Partnership is a voluntary program; therefore, although the current Wal-Mart fleet would have better than average fuel efficiency, nothing mandates them to continue to stay in the program. (p. 4.2-26) 96B-11

Would there be any reason not to require, through the City's contract with Wal-Mart, that Wal-Mart continue its participation in this program? Such a requirement should be made, along with specified penalties in the event participation is discontinued.

On page 4.2-27, the following sentence appears: "Modeling was based on project-specific data (e.g., size and type of proposed use and vehicle trip information from the traffic analysis prepared for this project (DKS Associates 2008) and truck trip information from an existing Wal-Mart distribution centers in California (McAlexander, pers. comm., 2007)". (emphasis added) It is unclear whether the truck trip information was obtained from one or more than one distribution center. This needs to be clarified. Which distribution center or centers? How was it determined that the data obtained would be relevant to the proposed project? 96B-12

Air Quality: Mitigation Measure 4.2-1d
How are opacity and porosity measured? What type of equipment is required? How will this process be monitored?

On page 4.2-33 there is mention of carryout and trackout "within rural areas, construction projects 10 acres or more in size..." Why is this reference even included? After all, the site is urban and 230 acres in size. Is this simply a "boilerplate" specification that EDAW routinely pumps out? 96B-13

Air Quality: Mitigation Measure 4.2-2b
"Elements of the employee trip reduction program may include..." (emphasis added) The requirement is too vague. What will Wal-Mart be held to? How will the standard be enforced? Why would a 25% reduction in single occupancy vehicle trips by employees 96B-14

take 3 years to accomplish? Is this just an arbitrary figure? How will the baseline be established, given that the number of employees will increase over time? 96B-14 Cont'd

Air Quality: Mitigation Measure 4.2-2c
How will the City determine the applicant's fair share monetary contribution toward the costs of bicycle lanes? What factors will be considered? 96B-15

Geology, Minerals, etc.: Mitigation Measure 4.5-5
"On-site monitoring by a geotechnical engineer..." Would monitoring occur daily, on a periodic basis, or what other frequency? This needs to be specified. 96B-16

Hydrology: Mitigation Measure 4.6-2
How would the proposed stormwater detention ponds prevent contaminants from invading the groundwater? The basins are described as having a maximum depth of 5 feet below ground surface (page 4.6-10) , yet on page 4.6-22 "stormwater treatment system detention basins" are said to be 10 feet deep. Which is the correct figure? What assurances are there that during periods of heavy runoff the finer particles of contaminants will be able to fall out of suspension and remain in the detention basin, rather than moving on to infect groundwater or surface sources of water? Detention basins are said to be "conceptually designed". This suggests that an actual system similar to that proposed has not been identified, observed, and studied to assess its effectiveness. Is that the case? 96B-17

Noise: Mitigation Measure 4.8-3
"The applicant shall maintain its truck fleet in proper working condition, including truck mufflers and exhaust systems, according to manufacturers' specifications."
Here, as elsewhere in the EIR document, there is no mention of standards or requirements that would apply to independent (non Wal-Mart) trucks. Failure to address standards, monitoring and enforcement for independent trucks is unacceptable. What is the percentage of independent trucks at the existing Wal-Mart distribution centers? How will this figure change if the proposed distribution center becomes operational? How will the percentage of independent trucks change as additional Wal-Mart stores and Super Centers are built throughout the region? 96B-18

Public Health and Hazards
Page 4.10-10: "The project site is located over 4 miles west of the Merced Municipal Airport and approximately 10 miles northwest of the Castle Airport." (emphasis added) A quick check of the map reveals that the project site is actually east of Merced Airport and southeast of Castle. It is puzzling that such an error could have escaped the attention of the many reviewers of the EIR document. What other inaccuracies and errors might there be in the EIR? Wasn't there a standard or a process in place to prevent this type of mistake? 96B-19

Traffic and Transportation
Page 4.11-3: "Parsons Avenue is a two-land urban street serving as a minor arterial road from Childs Avenue north to Old Lake Road." This is a very misleading statement. At 96B-20

some future time, say 10 years from now, the various segments of Parsons Avenue might be joined to form an arterial road as described. But many obstacles exist, not the least of which is the lack of a bridge across Bear Creek! Again, how was this error missed by the many individuals who reviewed the document? How many other misstatements and factual errors might there be? 96B-20 Cont'd

Traffic and Transportation: Mitigation Measure 4.11

Without any details set forth in the EIR, how can the conclusion be drawn that an update of the Safe Routes to School Plan will reduce potential conflicts between school and Wal-Mart traffic to a less-than-significant level? Is the update solely the City's responsibility? Who will pay the costs? 96B-21

Utilities and Public Services: Mitigation Measure 4.12-4

Statements using the words "such as" and "and/or" are not specific enough. Without specificity, how can it be concluded that the impact is less-than-significant? 96B-22

Utilities and Public Services: Impact 4.12-7

How could fire service vehicles respond to the project site, 3.9 miles from Station 54, within a response time of 4 to 6 minutes? Emergency vehicles would have to navigate a variety of intersections in an urban environment, with the potential of significant traffic. 96B-23

Utilities and Public Services: Impact 4.12-8

The Police Department Central District Station, which provides first response to the project area, is 5.2 miles away. How could a police vehicle cover that distance for an in-progress call in a response time of 2 to 4 minutes? 96B-24

Other Issues

1. **Prostitution.** This type of facility is ripe for prostitution. Indeed, similar warehouse operations in California have identified prostitution as a problem. In the case of Merced, this situation takes on a particularly ominous aspect, since there is a high school nearby. Have there been conversations with the Merced Police Department regarding enforcement as it relates to prostitution? Have you questioned other warehouse facilities to learn about this potential problem? 96B-25

2. **Property Values.** Can it be imagined that residences in the vicinity of the project will hold their value once the distribution center becomes a reality? Who would be interested in purchasing a home located so close to this huge facility, with its hundreds of trucks rolling by 24 hours a day, 7 days a week? This impact should have been thoroughly addressed in the EIR. Certainly, it should be included in the Final EIR, and I so request. 96B-26

3. **Other Air Basins.** How will adjacent air basins be affected by this project? With a distribution center located in Merced, trucking routes will be significantly altered, with the potential of impacts on air quality in other air basins. Have these entities been contacted about the proposed project? Why wasn't this topic addressed in the EIR? 96B-27

4. **Heat Island.** This massive building, surrounded by many acres of paved surfaces, will likely create a heat island or heat sink. What will be the impact? Why was this issue left out of the EIR? 96B-28

In conclusion, I appreciate the opportunity to comment of the Draft EIR for the proposed Wal-Mart distribution center in Merced. I reserve the right to comment further, especially upon circulation of the Final EIR. Please keep me informed of any and all meetings, hearings, and publications relating to this project.

Yours truly,

Thomas C. Grave
3425 Sueno Ct.
Merced, CA 95348

96A-1 The commenter raises issues associated with availability of the CEQA documents in languages other than English and the size and complexity of the document, and requests an extension of the public review period. The issues raised in this comment are fully addressed in Master Response 2: Language Barrier and Public Review Period.

96B-1 The commenter examines text above Table 2-2 in the DEIR and indicates that the word "may" suggests a lack of enforceability. However, the purpose of Table 2-2 is to allow the City the option of using the table as a tool for calculating the project's fair share of traffic improvements. The word "may" does not suggest that the mitigation measures actually requiring the fair share contribution are optional. Furthermore, since the DEIR was released to the public, City staff has made revisions to the DEIR to provide additional clarity. Specific fair share percentages have been added to the traffic mitigation requiring fair share payments. These revisions to the DEIR can be seen in Section 4 "Revisions and Corrections to the Draft EIR."

96B-2 The comment raises concerns over potential effects of the project on domestic Well No. 10-R2, located on the proposed project site. See Master Response 9: Groundwater Quality regarding potential for well contamination from leaking storage tanks. See Master Response 8: Runoff Water Quality which addresses comments pertaining to stormwater quality to groundwater.

96B-3 The commenter questions whether the abandonment of Kibby Road right-of-way was assumed in the traffic analysis. As one of the project entitlements, the abandonment of the Kibby Road right-of-way between Childs Avenue and Gerard Avenue would be carried out by the City to allow for development of the proposed project. The effect of this action was considered in the traffic analysis, including the potential re-routing of traffic associated with the Kibby Road project.

96B-4 The comment raises specific questions related to the nature of the local labor pool and the degree to which the project would employ Merced residents. The commenter offers suggestions that would help ensure Merced residents are employed by the proposed facility. However, the issue of employment practices with respect to local labor is not an environmental issue, and CEQA does not require EIRs to examine this issue. Please see Response to Comment 92-4 for additional discussion related to this topic.

96B-5 Merced Municipal Code Section 17.04.060 requires full public improvements be installed and streets dedicated prior to a certificate of final inspection being issued in accordance with the City's Standard Designs and the General Plan. The design and manner of these improvements are further spelled out in Merced Municipal Code Sections 17.58 (Road Improvements), MMC 18.12 (Design), MMC 18.32 (Improvements), and the latest adopted edition of the City's "Standard Designs of Common Engineering Structures Manual." The applicants will need to install full public improvements per the above for those roads along the project's perimeter (Gerard, Childs, and Tower).

In addition to those roadway improvements, the applicants are required to pay the City's Public Facilities Impact Fees per MMC 17.62 and the Regional Transportation Impact Fees per MMC 17.64. For those additional roadway improvements called for in the mitigation measures in the Draft EIR, the applicant's "fair share" of those improvements will be determined by the City Engineer in conformance with professional engineering practices and in proportion to the project's proportion of roadway traffic per Table 2-2 in the Draft EIR.

Roadway maintenance for all City streets and roads are funded by the City through various sources including gas taxes, state bond monies, Measure C sales tax revenue, maintenance districts, and the City's Community Facilities District (CFD) for Services, etc. Besides the Services CFD, which new discretionary residential, commercial, and industrial developments throughout the City have been required to annex to since 2004, there is no other legal mechanism in place for the City or County to charge developers, business owners, or residents for the maintenance of City or County roadways. The Draft EIR spells out the project's impacts on City and County roadways in the vicinity of the project site. The County of Merced was one of the public agencies asked to provide comments on the Draft EIR and the County's comments can be seen at Letter 11.

Regarding the Campus Parkway, the portion of the Parkway currently under construction from the Mission Interchange to Childs Avenue has been funded by the City's Public Facilities Impact Fees, Regional Transportation funds, federal and state funds. As noted above, the applicants will be required to pay the City and Regional impact fees thus contributing to the funding for the Campus Parkway. The Mission Interchange and the Campus Parkway were designed to accommodate traffic from various sources, including the UC Merced Campus, the City's northern growth areas, the residential neighborhoods and future commercial development in Southeast Merced, and current and future development in the more than 750-acre Heavy Industrial area in southeast Merced, which includes the 230-acre subject site.

96B-6 The commenter raises several questions related to the project's potential impact to local aggregate mining operations resulting from the large quantity of aggregate needed to pour the project's pad foundation. It should be noted that Section 3 "Project Description" of the DEIR indicates that the proposed distribution center would "include use of concrete that mixes traditional concrete with industrial bi-products, including fly ash and slag." (p. 3-15) This would reduce the amount of concrete materials necessary for the foundation. Furthermore, although the proposed structure is large, it is not conceivable that the foundation of one structure could increase aggregate production to the point that local quarries would require expansion, especially given the current downturn in the building industry. Furthermore impacts associated with construction, including trucks hauling materials such as aggregate, are analyzed in the DEIR under Section 4.2 "Air Quality." (See Table 4.2-6 "On-Road Diesel Exhaust.") Traffic-related impacts associated with these trucks is also analyzed in the DEIR under Section 4.11 "Traffic and Transportation." Mitigation Measure 4.11-2b requires development of a construction truck traffic safety plan, as well as a measure to minimize dirt and mud on local roadways. This mitigation measure reduces impacts associated with construction truck traffic to a less-than-significant level.

96B-7 The commenter suggests that the sustainability and energy conservation measures outlined in the project description of the Draft EIR may not be enforceable. The commenter further questions the degree to which the measures must be implemented, as well as whether any consequences exist if the measures are not substantially implemented. It should be noted that these measures are, in fact, part of the Draft EIR's project description; failure to develop or operate the project in a manner that is not consistent with the project, as described in the Draft EIR, would constitute a change in the project and additional CEQA review would be necessary. CEQA states that when an EIR has been certified […] no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, [that] changes are proposed in the project which will require major revisions of the previous EIR […] due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (*State CEQA Guidelines* 15162[a][1]) Consequently, if the actual project construction or operation differs from the project as described in the Draft EIR such that a new environmental effect could occur that was not analyzed in the Draft EIR, the City is required by CEQA to prepare additional environmental analysis. Regarding

the issue of enforceability, the Draft EIR (p. 3-15) indicates that Wal-Mart would submit a sustainability plan to the City of Merced, which outlines how each of the sustainability measures would be incorporated. This provides the City with an additional tool for ensuring that these measures are implemented.

96B-8 The commenter raises the issue of enforceability of the proposed sustainability and energy conservation standards. This issue is addressed above in Response to Comment 96B-7.

96B-9 The commenter asks to what standards of superior performance the "non-Wal-Mart" trucks will held. Approximately 40% of the trucks associated with the proposed distribution center would be Wal-Mart trucks and would therefore be required to meet Wal-Mart's required performance standards. However, the City cannot legally place performance standards on trucks operating outside of its jurisdiction. In addition, it is not feasible for the applicant to place performance standards on the remaining 60% of the trucks that would be coming from outside operators. Wal-Mart does not have control over the other trucking companies and distributors and even if a performance requirement was put in place, Wal-Mart would not be able to monitor or enforce this requirement. These trucks are required to meet all applicable federal and state standards. The DEIR did not assume that all of the trucks would be Wal-Mart trucks and the analysis did not differentiate between Wal-Mart trucks and other trucks, but conservatively assumed all trucks would be typical diesel trucks, not subject to the additional requirements of the Wal-Mart fleet; therefore, the analysis in the DEIR remains appropriate.

96B-10 The commenter identifies the percentage and acreage of important farmland on the project site. The commenter restates conclusions of the LESA analysis in the DEIR. The commenter suggests a better site can be found for the proposed distribution center that would not involve loss of important farmland. The commenter restates conclusions in the DEIR regarding other changes in the environment that could result in conversion of farmland to nonagricultural use. The commenter states conclusions made in the DEIR that no mitigation is available is not accurate. The commenter identifies other municipalities that mitigate for loss of important farmland. The commenter recommends mitigation requiring a 4:1 ratio for conservation of farmland in the vicinity of Merced. Please refer to Master Response 5: Agricultural Resources, which addresses the issue related to conversion of important farmland.

96B-11 Please see mitigation measure 4.2-2c, which requires Wal-Mart to continue participation in the SmartWay program.

96B-12 The commenter requests clarification regarding the trip generation assumptions in the traffic study. Please see Response to Comment 2-2, which addresses this issue.

96B-13 The commenter asks how opacity and porosity are measured, in reference to the requirements of SJVAPCD Regulation VIII, which is required by Mitigation Measure 4.2-1d of the DEIR to reduce fugitive dust emissions during construction of the proposed project. The definition of opacity, and methods for measuring opacity, are provided in Appendix A of Regulation VIII. Information about ways to determine the stabilization of bulk materials (and related porosity) is provided in Appendix B of Regulation VIII. Both Appendix A and B of Regulation VIII can be found at http://www.valleyair.org/rules/currntrules/r8011.pdf. SJVAPCD does not provide a definition or measurement methodology for determining porosity in Regulation VIII; therefore, the City recommends consulting directly with SJVAPCD. Please see Section 4.4 of the FEIR for specific changes to the DEIR Section 4.2, "Air Quality."

The commenter also seeks clarification about the requirements regarding trackout in Mitigation Measure 4.2-1d of the DEIR. Please see Section 4.4 of the FEIR for specific changes to the DEIR Section 4.2, "Air Quality."

96B-14 The commenter asks why Mitigation Measure 4.2-2b in the DEIR states that "elements of the employee trip reduction program *may* include…" Mitigation Measure 4.2-2b establishes a performance standard which requires that "the program shall ensure that at least 25% of employee commute trips occur by some other transportation mode than a single occupancy vehicle," as stated on page 4.2-38 of the DEIR.

The text of Mitigation Measure 4.2-2b has been altered so that a performance standard (i.e., a 25% reduction in SOV employee commute trips) is no longer required. Instead, optional measures are provided to provide incentive to employees to commute in ways other than by SOVs. Pursuant to California Health and Safety Code Section 40717.9, no city, air district, city, or congestion management agency can *require* an employer to implement an employee trip reduction program. However, the City can require feasible mitigation measures, including design features and program incentives, that strive to reduce the total number of employee commute trips. Please see Section 4.4, "Revisions and Corrections to the DEIR Air Quality Section 4.2," of Chapter 4.

The commenter also questions how Mitigation Measure 4.2-2b would be enforced. Text has been added to Mitigation Measure 4.2-2b, which states that "the design measures and program incentives and their effectiveness shall be evaluated annually and reported to the City of Merced." Please see Section 4.4 of the FEIR for specific changes to the DEIR Section 4.2, "Air Quality."

The commenter also questions why Mitigation Measure 4.2-2b would take 3 years to accomplish. The City believes that a year is necessary to optimize all the design features and incentives as more employees are hired to work at the facility. The comment does not include any reasoning about whether implementation of these measures should require a different length of time.

The commenter asks how the baseline would be established "given that the number of employees will increase over time." Revised Mitigation Measure 4.2-2b does not require the establishment of a baseline. Please see Section 4.4 of the FEIR for specific changes to the DEIR Section 4.2, "Air Quality." Also, it cannot be presumed that the number of employees would increase substantially after 3 years of operation.

96B-15 The commenter asks how the fair share contribution of bike lanes would be calculated. Please see Response to Comment 96B-5, which explains the city's process for calculating "fair share" contributions.

96B-16 The commenter asks for specificity as to how often on-site monitoring by a geotechnical engineer will occur. Mitigation Measure 4.5-3 (see page 4.5-17) of the DEIR explains that monitoring by a geotechnical engineer will occur during all earthwork activities at the site and that oversight by the geotechnical engineer shall occur during all excavation, placement of fill, and disposal of materials removed from and deposited on the subject site and other sites. More specificity cannot be given at this time as it is unknown how many days of earthwork will occur for the project; however, it is important to note that the mitigation measure requires that monitoring will occur during "all" earthwork activities and oversight will occur during "all" excavation, placement of fill, an disposal of materials. Therefore, monitoring and oversight would be frequent.

96B-17 The commenter asks several questions related to the proposed detention basins and surface and groundwater quality. Specifically, stormwater detention basin sizing and depth inconsistencies were cited and concerns expressed regarding stormwater facility effectiveness in removing

suspended solids. A question was asked regarding the contextual meaning of "conceptually designed". Actual systems similar to that proposed are commonly used and have proven effective when implemented as designed. See Master Response 7: Detention Basins and Drainage which addresses comments pertaining to stormwater volume. See Master Response 8: Runoff Water Quality which addresses comments pertaining to stormwater facility effectiveness. See Master Response 9: Groundwater Quality, which addresses comments related to the potential impacts to groundwater quality.

96B-18 The comment states that the EIR fails to address the noise mitigation requirements of independent trucks; the standards, monitoring, and enforcement of restrictions on independent trucks; the percentage of trucks that will be independent; and how that percentage will change over time. Independent trucks are not subject to Mitigation Measure 4.8-3 because it is considered administratively infeasible for the applicant to create and enforce rules regarding the specifications of trucks that are not under its control. It is currently estimated that 55-60% of trucks calling on the distribution center would be independent. No changes in trucking ownership percentages are predicted or can be predicted at this time. It should be noted that the analysis associated with Mitigation Measure 4.8-3, Impact 4.8-3 "Long-term Operational Traffic Noise," assumes that no noise control would be in place on trips created by the project beyond those that are part of the original manufacturer specifications. The noise levels presented in Impact 4.8-3 would therefore represent the loudest noise levels from trucks possible. The sound barriers and associated acoustical analysis required under Mitigation Measure 4.8-3 would reduce noise levels from all truck traffic and would contribute the majority of noise reduction applicable to the mitigation.

96B-19 The commenter notes a minor typographical error in the Draft EIR's Public Health and Hazards Section (p. 4.10-10): the description of airport locations with respect to the project site should be revised to indicate that the project site is actually "east" of Merced Municipal Airport, as opposed to "west," and that the site is actually "southeast of Castle Airport," as opposed to "north." The Draft EIR has been revised accordingly; please see Section 4 "Revisions and Corrections to the Draft EIR" for the revised text.

96B-20 The commenter suggests that a statement in the DEIR regarding the roadway configuration of Parsons Avenue is misleading. DKS Associates, preparers of the traffic impact analysis for the DEIR, reviewed this comment and indicate that the DEIR description regarding Parsons Avenue on page 4.11-3 is correct as it refers to the current status of this roadway. No changes to the DEIR are required.

96B-21 The commenter expresses concern that the mitigation measure requiring update to the Safe Routes to School Plan will not reduce impacts to a less-than-significant level and also inquires about the monitoring and the cost. The City of Merced is responsible for execution of a Mitigation and Monitoring Program, which outlines the responsible party and timing of all mitigation measures. This would include Mitigation Measure 4.11-4, the update to Safe Routes to School Plans. Safe Route to School Plans identify measures to improve school commuting, including issues associated with crossing the street, bicycling, walking and potential sources of conflicts with school-related vehicles. Please also refer to Response to Comment 105-1, which discusses issues associated with mitigation enforcement. Regarding cost, CEQA requires the EIR to analyze environmental impacts; CEQA does not require the EIR to evaluate financial impacts.

96B-22 The commenter states that Mitigation Measure 4.12-4 of the EIR (Section 4.12, Utilities and Public Services') uses language that is not specific enough to conclude that the impact would be reduced to less than significant. Mitigation Measure 4.12-4 requires the project applicant prepare and submit to the City a sustainability plan that incorporate the energy efficiency features listed.

The last bullet-point in the required sustainability features reads "using clean alternative energy features, such as photovoltaic cells, solar panels, small wind turbines, and/or fuel cells, to generate power and reduce power consumption." This mitigation measure allows a combination of these alternative energy features to be used in order that these energy features can be more flexibly integrated into the final design of the project. It should further be noted that this mitigation measure is required in conjunction with Mitigation Measure 4.2-2d, which requires the project to "include as many clean alternative energy features as possible to promote energy self-sufficiency (e.g., photovoltaic cells, solar thermal electricity systems, small wind turbines)," as well as Mitigation Measure 4.2-6d, which requires the applicant to "[i]nstall solar panels <u>or other types of alternative energy sources (e.g., wind turbines) on-site or alternative energy sources are installed</u> in all available areas of the project site, including the roof of the warehouse building, the buffer areas surrounding the paved truck yards and employee parking lot, and covered parking areas, walkways, and outdoor areas, to supply electricity for on-site use…."

96B-23 The commenter asks how the fire station 54 response time is 4 to 6 minutes from the project site given its distance (3.9 miles), various intersections, and the potential of significant traffic. As described in Impact 4.12-7 under Section 12, 'Utilities and Public Services', page 4.12-20 of the DEIR, the Department has indicated that average response time to emergency calls is between 4 and 6 minutes. The City of Merced Fire Department has indicated it would be capable of responding to fires and emergencies within the desired response time (Franco, pers. comm.). This comment does not raise any issues about the adequacy of environmental analysis in the DEIR. Therefore, no further response is necessary.

96B-24 The commenter asks how the Police Department Central Station, located 5.2 miles from the project site, could have a response time between 2 and 4 minutes. It is anticipated that officers would typically be responding to calls from their police vehicles and not the police station. The response time for in-progress calls referred to in the DEIR is an average.

96B-25 The commenter raises issues related to increased prostitution and law enforcement. Please see Responses to Comments 12-18 and 43-1, which address this issue.

96B-26 The commenter indicates that the DEIR does not address the impacts of decreasing home values. This is a socioeconomic effect and is not required to be analyzed under CEQA. Please see Master Response 11: Economics and Urban Decay, which provides a detailed response to the issue.

96B-27 The commenter questions how adjacent air basins would be affected by this project given the changes that would occur to existing truck routes. With regard to the outbound delivery truck trips from the proposed distribution center in Merced, the addition of this distribution center would result in a net reduction in truck VMT in California. This is because 49 existing retail stores, which are currently supplied from more-distant distribution centers in Red Bluff and Porterville, would then be supplied by the proposed distribution center in Merced. While this would result in a net increase in truck VMT inside the SJVAB, which is accounted for in Table 4.2-7 and the associated discussion under Impact 4.2-2 as well as Table 4.2-10 and the associated discussion under Impact 4.2-6, it would result in a net decrease in truck VMT outside the SJVAB (i.e., in other air basins).

While, truck VMT associated with deliveries from Wal-Mart's distribution centers to retail stores can be accurately estimated, the truck VMT associated with inbound truck trips to the proposed distribution center in Merced cannot be estimated without extensive speculation. Please refer to response to comment 17-11 for more discussion about the estimation of VMT and emissions associated with inbound delivery trips.

96B-28 The commenter states that the project would "likely create an urban heat island or heat sink" and questions why this issue was left out of the DEIR. According to EPA (See http://www.epa.gov/hiri), "the term 'heat island' describes built up areas that are hotter than nearby rural areas. The annual mean air temperature of a city with 1 million people or more can be 1.8–5.4°F (1–3°C) warmer than its surroundings. In the evening, the difference can be as high as 22°F (12°C). Heat islands can affect communities by increasing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas emissions, heat-related illness and mortality, and water quality."

While information is available about the relationships between the surface parameters (i.e., albedo) of a site and a project's potential to generate waste heat, it would be difficult to determine whether a project's contribution to an existing UHI would be cumulatively considerable without speculation. This is particularly the case for the proposed project because its size, and the proportion of low-albedo surface area, are low relatively to the size of the city's urban area. In addition, there are no established methods for quantifying the UHI around the City of Merced.

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97

Ms. Kim Espinosa
Merced Planning Department
678 W. 18th Street
Merced, CA 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Ms. Espinosa,

I've been reviewing some of the alternative sites for the distribution center which are mentioned in the draft environmental impact report. I am against putting the project at the proposed site, so I hope you will seriously consider site alternative #3 and put it on the other side of Highway 99. 97-1

I understand that is County land and not owned by the City, but if the City Council wants to jobs to be available to its residents, I hope it will work with the County Board of Supervisors and make the project a reality.

Thank you for your time.

Michelle Gray
Signature

Michelle Gray
Print Name

Home
2416 Whipplewood Dr
Address
Atwater, CA 95301

Phone
(209) 769-6002

Work
Sheehy School
1240 W. 6th
Merced, CA 95341

Letter 97 Response

Michelle Gray
Undated

97-1 The commenter recommends that the project be developed at Alternative Site #3. Please see the discussions under Responses to Comments 94-3, 111-2, and 203-1, which describe the impacts associated with placement of the project at the Alternative Site #3 location. The comment does not raise issues with the adequacy of the DEIR.

98

Espinosa, Kim

From: Shirley Gregory [shirleygregory2@yahoo.com]
Sent: Friday, April 17, 2009 9:28 AM
To: Espinosa, Kim
Subject: Wal-Mart

Who are these people who oppose Wal-Mart coming to Merced? Are they on the government dool or welfare assistance? We need all the help we can get in Merced for workers. I am FOR WAL-MART DISTRIBUTION CENTER! The environmental people care more about the fish and wildlife than they do human beings. 98-1

Count my vote for WAL-MART!

SHIRLEY GREGORY
2240 YOSEMITE PKWY. SP. 125
MERCED, CA 95341

Shirley Gregory
April 17, 2009

98-1 The comment addresses the merits of the proposed project, recommends project approval, and does not raise environmental issues or any issues regarding the adequacy of the Draft EIR. The comment is noted.

99

3/28/09

Kim Espinosa
Project Director
Merced Planning Division
678 West 18th Street
Merced, CA 95340

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Ms. Espinosa:

After the reading the mitigation measures in the Air Quality section of the distribution center EIR, I have a question about measure 4.2-1b. Why would the staging area for heavy-duty construction equipment be located as far as possible from sensitive receptors? 99-1

Shouldn't there be some type of measuring receptors on the site, to make sure the amounts of pollution released do not exceed acceptable levels? 99-2

Sincerely,

V. Gresham
Signature

Valarie Gresham
Print Name

124 W 6th 1240 ?
Address

Merced, CA

Phone

99-1 The commenter queries about the location of the staging areas for heavy-duty construction equipment and the reason for locating them as far as possible from sensitive receptors. This measure is included as Mitigation Measure 4.2-1b to ensure that the exposure of sensitive receptors (residences, schools etc.) to CAPs and TACs is minimized. Please also refer to response to comment 22-2 for information about minor text changes that will be made to Mitigation Measure 4.2-1b.

99-2 The commenter suggests that emissions onsite should be monitored to ensure that they do not exceed acceptable levels. The project's construction and operational air emissions were estimated using methodologies recommended by SJVAPCD. SJVAPCD has recommended thresholds for a project's construction and operational emissions in its GAMAQI. The GAMAQI also includes a discussion of the basis for these thresholds. These thresholds are the acceptable levels of emissions that a project is evaluated against, and are in place since it is not feasible to monitor the emissions from every single project subject to CEQA. The DEIR relies on these thresholds to make the significance determination for the project's air quality impacts. Please also refer to Master Response 13.

100

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

RECEIVED
APR 27 2009
CITY OF MERCED
PLANNING DEPT.

Dear Kim Espinosa,

Please enter the following study from the Center for Transportation Research Argonne National Laboratory titled "Estimation of Fuel Use by Idling Commercial Trucks," January 2006. The figures stated in the attached study should be weighed against those estimates conducted in the Merced Wal-Mart Distribution's DEIR study. Thank you. 100-1

Sincerely,

Chansamay Guzman
Name

157 Sweetwater Ave
Address

Merced, CA 95341
City, State, Zip

Signature

4-20-09
Date

100-1 The commenter requests that a January 2006 study from the Center for Transportation Research Argonne National Laboratory titled "Estimation of Fuel Use by Idling Commercial Trucks" be entered into the DEIR. Although the comment does not specify why this particular study should be included in the DEIR, the City presumes that the commenter is suggesting that the study would improve the air quality or greenhouse gas analysis in some way.

The City's consultants have reviewed the study, which is available at http://www.transportation.anl.gov/pdfs/TA/373.pdf. The abstract states that the study "uses the recently published 2002 Vehicle Inventory and Use Survey (VIUS) to determine the number of commercial trucks in the categories that are most likely to idle for periods of over 0.5 h at a time. On the bases if estimated numbers of hours for both overnight idling by sleepers and long-duration idling by all [vehicle] size classes during their workdays, the total fuel use by idling trucks is estimated to be over 2 billion gallons per year." The commenter provides no justification regarding why this study should be used. The study was published in 2006 and is based on data reports (i.e., VIUS) produced in 2002 that represent the national fleet of commercial trucks. In the DEIR, the estimation of emissions from truck idling used to support the discussion under Impacts 4.2-2, 4.2-4, and 4.2-6 used emission factors specific to the type of trucks that would be used at the proposed distribution center and specific to the vehicle fleet in California. As stated in note 8 of Table 4.2-7 and note 9 in Table 4.2-9 in the DEIR, "emissions generated by on-site travel and idling by haul trucks were estimated separately using emission factors from the EMFAC2007 Version 2.3 model (ARB 2006b)." The estimates of emissions from truck idling also account for the type of truck movement patterns expected at the distribution center the amount of time trucks would idle. Assumptions about truck movement activity were based on observations collected during a visit to the existing Wal-Mart distribution center in Apple Valley. For these reasons, the study recommended by the commenter would not help generate more accurate estimations of the project's operational emissions. Therefore, the comment does not raise issues with the adequacy of the DEIR.