

THOMAS H. TERPSTRA

ATTORNEY AT LAW
A PROFESSIONAL CORPORATION
578 N. WILMA AVENUE
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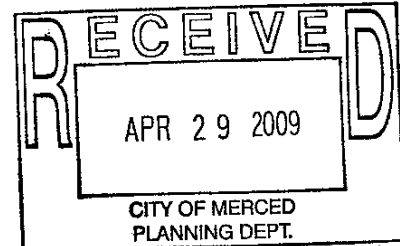
tterpstra@thtlaw.com

209.599.5003
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April 27, 2009

Via Electronic Mail, U.S. Mail and Facsimile

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



*Envelope Postmarked 4/27/09
Email Came In 4/27/09*

Re: Draft EIR for Wal-Mart Distribution Center

Dear Ms. Espinosa:

This office represents Lyons Investments in connection with the above-referenced matter, and has asked me to review the Draft EIR. My client is supportive of the proposed project, which will promote economic development and improve the employment base in the region. The project is located within, and is consistent with, the planned land uses in the Lyons Investments 484 acre industrial project which was approved by the City of Merced in 1998.

We have reviewed the Draft Environmental Impact Report, and would offer the following comments and questions.

1. Overall, the Draft EIR is well-written, and provides useful information to the decision-making bodies as to the environmental impacts associated with the proposed project. Our subsequent comments are intended to clarify certain issues raised within the Draft EIR.

213-1

2. Mitigation Measure 4.3-2, dealing with Swainson's Hawk and Burrowing Owl, is excessive and unnecessary under existing law. The mitigation measure for Swainson's Hawk specifically refers to the Department of Fish and Game's (DFG) Draft Non-Regulatory Guidelines for mitigation, requiring replacement habitat at specified ratios. The use of non-binding, non-regulatory guidelines from a 1994 Staff Report is inappropriate, given (a) 15 years have passed since the Staff Report was written, (b) the non-regulatory mitigation guidelines therein were never subsequently promulgated under applicable administrative procedures, and (c) the 1994 Staff Report expressly acknowledged its temporary status and contemplated subsequent revisions and refinements. Similarly, the Burrowing Owl mitigation requirements rely for their legal authority upon a 1995 DFG Staff Report to require a minimum of 6.5 acres of foraging habitat for each nesting pair of owls. This document shares the same non-regulatory, non-binding status as the 1994 Staff Report. A more

213-2

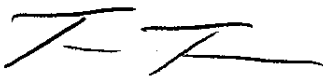
- appropriate mitigation measure, used in many jurisdictions, requires the applicant to consult with DFG at the time of project implementation, and to implement mitigation consistent with applicable law. | 213-2
Cont'd
3. Mitigation Measure 4.6-2 makes reference to several design criteria to be included in future updates to the City of Merced Storm Drain Master Plan and Standard Design requirements as well as aspects of the conceptual design prepared for the Project without specifically stating whether or not they are intended to be mandatory requirements. Please clarify the requirements of this mitigation measure. | 213-3
4. Impact 4.12-2, entitled "Demand for Wastewater Treatment and Conveyance Facilities", concludes that existing sewer trunk mains in Childs, Kibby and Gerard and the City's Wastewater Treatment Plant are sufficient to handle project sewage. There is a reference, however, to the Gerard trunk sewer needing to be replaced at a cost of \$6,000,000. The project's sewer connection charges are assumed to be "fair share" contributions toward this improvement. My client has discussed this issue with City staff, and has learned that portions of this facility have already been replaced, and that there is a funding mechanism (through sewer rates and connection fees) to fully fund this improvement. This should be stated in the EIR. | 213-4
5. Mitigation Measure 4.8-3 requires the construction of a sound barrier along the property line of certain affected residences. This should be clarified to apply only along the road frontage of affected parcels. | 213-5
6. On page 4.11-17 of the Draft EIR, the applicant is required to make "full right of way dedication and street improvements around the perimeter of the site, including Gerard Avenue, Childs Avenue and Tower Road". This should be more fully defined and explained. The term "full right of way dedication and street improvements" can vary from jurisdiction to jurisdiction. | 213-6
7. We have several questions regarding the Traffic Impacts section (Chapter 4.11 of the Draft EIR:
- a. Trip Generation. Were standard trip generation rates from the Institute of Transportation Engineers used in the analysis? If not, what is the source of the trip generation rates? | 213-7
- b. Intersection Analysis. We had some difficulty correlating the intersection delays on the LOS worksheets with the delay values shown in the Draft EIR. It is unclear from our review whether this would impact the LOS at intersections evaluated in the Draft EIR. Also, the peak hour factor of 1.0 assumes that traffic flows through the intersection at constant rates during the peak hour, which may not be the case. If the more commonly utilized peak hour factor of .92 was employed, would the resulting LOS be significantly different? | 213-8

- c. Gerard Avenue. The EIR concludes that in the cumulative condition, Gerard Avenue operates at Level of Service A with an average speed of 40 miles per hours. Would the operation of the site driveways on Gerard Avenue require a left turn pocket and acceleration and deceleration lanes to allow vehicles to turn into the site without impeding through travel? 213-9
- d. Significance Criteria. Did the EIR utilize the significance criteria of the City, the County or some other criteria? 213-10
- e. Mitigation Measures. For Mitigation Measures 6-1 through 6-8, we are unclear whether the applicant is being required to make a “fair share” contribution, and if so, the amount of such contribution. For Mitigation Measures 6-9, 6-10 and 6-11, we are unclear who is responsible for these improvements and the timing of the improvements. Finally, the DEIR indicates that the Project Applicant would be required to pay a special fee for traffic improvements as identified in the Development Agreement for Lyons Investments, which includes the Project site. The funds collected would be used to construct a “traffic signal at the SR 140 and Kibby Road and/or arterial roads, Eastern Beltway (now known as Campus Parkway), or collection streets within the vicinity of the Property.” All of the traffic improvements that would be funded by this special fee should be identified in the Final EIR. 213-11

Thank you for the opportunity to provide these comments. We would again emphasize our support for the project, and appreciate the opportunity to participate in the process.

Very truly yours,

Law Office of Thomas H. Terpstra



Thomas H. Terpstra
Attorney-at-Law

THT:rr

- 213-1 The comment compliments that quality of the Draft EIR and indicates that the comments following are intended to clarify certain issues raised in the Draft EIR. The comment is introductory to subsequent comments and does not, itself, raise environmental issues. The comment is noted.
- 213-2 The commenter states that Mitigation Measure 4.3-2 dealing with Swainson's hawk and burrowing owl is excessive and unnecessary under existing law. Please refer to Master Response 10, which addresses this comment and other comments regarding impacts and mitigation for Swainson's hawk and burrowing owl.
- 213-3 The comment requests clarification of Mitigation Measure 4.6-2. See response to comment 207-11.
- 213-4 The commenter requests that the DEIR text be clarified to indicate that the Gerard trunk sewer replacement would not be funded by "fair share" contributions. The commenter is correct, and the DEIR text has been revised. Please see Section 4 "Revisions and Corrections to the Draft EIR" for the specific text changes.
- 213-5 The comment states that sound barriers mentioned in Mitigation Measure 4.8-3 of the DEIR should be located along the road frontage rather than the property line of the affected residents. In Mitigation Measure 4.8-3, noise barrier location is stated as being along the property line of affected residences; this is synonymous with the road frontage of affected parcels. No changes have been made to the DEIR as a result of this comment.
- 213-6 The commenter requests clarification regarding "full right of way dedication and street improvements around the perimeter of the site, including Gerard Avenue, Childs Avenue, and Tower Road." The City of Merced requires that all development provide full dedication and improvement of adjacent streets when construction takes place (Merced Municipal Code sections 17.58.070, 18.32.010, 18.32.020, 18.32.030, and 18.20.180). Dedications were required with the parcel map that created the project site parcel. In the case of the applicant of the proposed project, they will be required to improve the streets to the standards contained in the City's Standard Designs (available at http://www.cityofmerced.org/depts/engineering_division/standard_designs/standard_designs___pdf_format.asp) and according to their designations in the General Plan Circulation Element. In the General Plan, Childs is a Minor Arterial (94 foot ROW), Gerard is a Collector (74 foot ROW) and Tower is a local road (64 foot ROW). Please refer to the street standards, ST-1 and ST-2.
- 213-7 The commenter asks for the source of the trip generation assumptions. The trip generation assumptions are described on page 4.11-20 and 4.11-21 of the DEIR. The forecast that was used in the traffic analysis was based on a survey of a similar facility in Apple Valley, CA, which has 1,201 employees and a similar fleet mix as the proposed facility in Merced. The survey of the Apple Valley facility analyzed the number of vehicles entering and exiting the site throughout the day and the type of vehicles (car, truck, etc.). The comment does not raise issues related to the adequacy of the DEIR's analysis.

- 213-8 The commenter asks for clarification regarding delay values and peak hour factor assumed in the DEIR. The summary of intersection analysis and impacted intersections are identified on Table 4.11-14 and Table 6-6 of the DEIR. A peak hour factor of 1.0 was applied consistently in the traffic analysis. This is often used for analysis of future conditions as it is not possible to forecast a future peak hour factor. The peak hour factor of 1.0 was also applied to existing conditions to allow for a common comparison between analysis conditions. This is an accepted analysis approach in planning level transportation studies. An analysis with a peak hour factor of 0.92 was not conducted, and thus it is not known if the analysis would be significantly different.
- 213-9 The commenter inquires whether turn lanes would be required for project driveways. The DEIR's analysis did not conclude that turn pockets and acceleration or deceleration lanes are required on Gerard Avenue. The commenter does not raise issues related to the adequacy of the DEIR's analysis.
- 213-10 The commenter inquires as to the sources of the significance criteria. The significance criteria are noted on page 4.11-17 of the DEIR, as prescribed by the City of Merced.
- 213-11 The commenter requests clarification regarding mitigation fees and timing for traffic mitigation. Please see Section 4 "Revisions and Corrections to the Draft EIR", which includes clarification to these mitigation measures. The "special fee" refers to a mitigation fee to pay for a traffic signal at the intersection of Kibby Road and State Route 140 and is described on page 4.11-17 of the DEIR.

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Espinosa, Kim

From: tom tran [tomtran86@yahoo.com]
Sent: Thursday, March 05, 2009 11:58 AM
To: Espinosa, Kim
Subject: WAL-MART

I am speaking Vietnamese and need no translation. Just build the Warehouse so people and students have something to do. Union folks look at GM/Ford - No profit equal to no jobs etc - Merced has 15 plus unemployment? Farm ??? no water ???

214-1

Address: 8311 Childs Ave, Le Grand

**Letter
214
Response**

Tom Tran
March 5, 2009

214-1

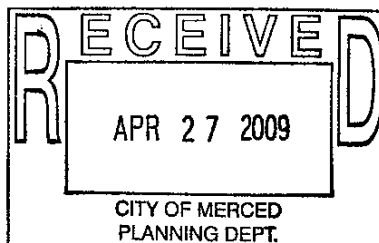
The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues regarding the adequacy of the Draft EIR. The comment is noted.

Kim Espinosa, Planning Manager

City of Merced Planning Division

678 West 18th Street

Merced, CA 95340



Dear Ms. Espinosa,

The EIR study for the Wal-Mart Distribution Center should include a detailed plan regarding the equipment monitoring and regulating during the project construction. The current DEIR lacks specific details regarding the type, size and frequency of construction equipment being operated. How will the equipment be monitored to make certain it meets manufacturing specs detailed in the DEIR? Please be more detailed in this area of the EIR.

215A-1

Thank you,

Anne Tressler

Name

2670 Ardell dr

Address

Merced CA 95348

City, State, Zip

Anne Tressler

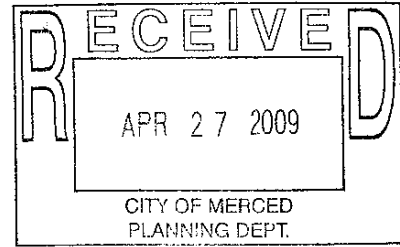
Signature

4-23-09

Date

April 2, 2009

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



Ms. Espinosa:

I have asthma. Members of my family have asthma. A lot of people in this community have asthma. Building a distribution center is not going to help the thousands of locals who suffer from illnesses caused by poor air quality. I saw that a Health Risk Assessment was completed, but where are the findings?

215B-1

I think we all deserve to know exactly how bad this facility will be for our health.

Sincerely,

Anne Trexler
Signature

Anne Trexler
Print Name

2870 Ardell Dr
Address

Merced
201 2507
Phone

**Letter
215A-B
Response**

Anne Tressler
➤ 215A–April 23, 2009
➤ 215B–April 2, 2009

- 215A-1 The commenter requests that the DEIR include more detail about the construction equipment expected to be used to construct the proposed project. Please refer to response to comments 30D-1 and 201A-1.
- 215B-1 The commenter expresses concern about the effects of project-generated emissions on people in Merced County who have asthma or other respiratory conditions. Please refer to Master Comment 13. The commenter also requests the results of the HRA. Please refer to response to comment 12-23.

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Espinosa, Kim

From: Robert Tussey [tusseyrobert@sbcglobal.net]
Sent: Friday, March 06, 2009 8:41 AM
To: Espinosa, Kim
Subject: Wall Mart Disp Center

I support the Wall Mart Distribution Center we are at 18.9% unemployment accord to yesterdays Merced Sun Star. We are, even in the best of times, always high in unemployment compared to the rest of the state or nation. So we need the jobs.

216-1

My only concern deals with the traffic flow to and from the center. I have looked over the report and do not see a map depicting traffic flow for construction equipment during construction, or for trucks once the center is build. Will they use Gerard from Parsons Ave? I hope not. Mission would be ok. I live on Gerard and when they build the new out past housing near and past Pioneer School, the heavy truck traffic trashed Gerard and it is still in sad shape needing to be resurfaced. If Gerard is used to access the center during construction than they Wall Mart should have to resurface Gerard, then not use it for truck traffic after it is built.

216-2

I fully support the Center and want it in Merced, I will accept in my neighborhood, but just need to know about the traffic flow and what will happen on Gerard between Parsons and the Center.

**IF ANYONE CAN ANSWER MY SIMPLE QUESTIONS PLEASE E-MAIL ME AT:
tusseyrobert@sbcglobal.net**

**ROBERT L. TUSSEY
2499 E. GERARD Spc 98
MERCED CA 95341
209-383-1752**

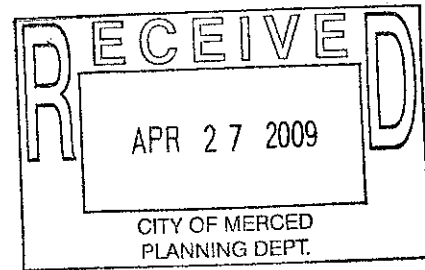
**Letter
216
Response**

Robert L. Tussey
March 6, 2009

- 216-1 The comment addresses the merits of the proposed project, recommends approval, and does not raise environmental issues or any issues regarding the adequacy of the Draft EIR. The comment is noted.
- 216-2 The commenter requests clarification regarding truck routes. Access to the proposed facility would be off of Gerard Avenue. Construction trip and other truck routing are discussed in Section 4.11 of the DEIR. Please also refer to Mitigation Measures 4.11-2b. Also see Master Response 6.

April 15, 2009

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



Ms. Espinosa:

In Section 4.2-21 of the DEIR on the Wal-Mart Distribution Center, you list "implementing actions" under the Merced Vision 2015 General Plan. Implementing Action 1.3a reads "The City of Merced will consider air quality when planning the land uses and transportation systems to accommodate the expected growth in this community". I appreciate this sentiment being included in our city's General Plan.

217-1

Does this action only address residential growth or does it also apply to commercial growth? If we are aware that a project will have negative impacts on the community, would the approval of said project violate our General Plan? As I understand, that is a violation of the law. I don't want to see Merced leaving itself open for legal actions.

217-2

Thank you,

Handwritten signature in cursive script.

Signature

Handwritten print name in cursive script.

Print Name

Handwritten address in cursive script.

Address

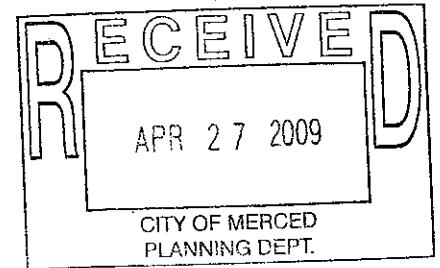
Handwritten city and zip code in cursive script.

Handwritten phone number in cursive script.

Phone

- 217-1 The comment expresses appreciation of the City’s General Plan policies related to air quality. The comment does not raise issues related to the proposed project or with the adequacy of the Draft EIR. The comment is noted.
- 217-2 The commenter questions whether the air quality policy mentioned in the previous comment applies only to “residential growth” or also to “commercial growth.” Note that the policy in question (Implementing Action 1.3a) directs the City to consider air quality when “planning the land uses and transportation systems to accommodate growth in this community.” The proposed project is a development project that is consistent with the land use designation identified in the City of Merced Vision 2015 General Plan. The proposed project does not include land use planning or transportation planning (beyond the immediate vicinity of the project site). Therefore, this specific policy does not apply to the proposed project. However, despite this fact, the City decision makers will consider impacts to air quality when they consider whether to certify the EIR for the project and whether to approve or deny the proposed project. It should be noted that the General Plan is a policy document and is not equivalent to a municipal code or ordinance; it is intended to guide decisions, and departure from policy is not enforceable by law. However, the Draft EIR includes as part of the “Regulatory Setting” (See Draft EIR page 4.2-20 as an example) the various General plan goals and policies that apply to the specific issue area. Any inconsistencies with those policies are addressed the Draft EIR. Therefore, the Draft EIR fully informs decision makers regarding the implications of their decision with respect to local, as well as state and federal, policy. The comment does not raise issues related to the adequacy of the Draft EIR.

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



Señorita Espinoza:

¿Por favor puido que la ciudad haga algo para hacer las partes del Wal-Mart EIR disponibles en idiomas diferentes? ¿Quizás escriba una informe más corto o más simple? Parece que tantas personas no podrán comprender lo que la propuesta dice, por lo menos pueden comunicarse con minorías.

1255 CAROL AV Merced CA
95341
MARIA VILLAFAN
[Handwritten signature]

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 10 (*Corresponds with LETTER #218*)

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

Miss Espinoza:

I please ask the city to do something to make parts of the Wal-Mart EIR available in different languages? Maybe write a shorter or simple inform? Seems that many persons will not comprehend what the proposal states, at least you can communicate with minorities.

218-1

1255 Carol Ave Merced CA 95341
Maria Villafán

218-1

This comment raises 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.

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Espinosa, Kim

From: Susan Wagoner [bluehalfmoon@sbcglobal.net]
Sent: Tuesday, April 21, 2009 1:47 PM
To: Espinosa, Kim
Subject: Wal-Mart

It sounds as if your minds are made up but I feel I need to let you know how I feel. I live in the Sand Castle subdivision that is very close to the proposed Wal-Mart Distribution Center. I drive on 99 every day back and forth to work. I see the hundreds of trucks that are already on the freeway and can't even imagine how horrible it will be to drive on that freeway once the Wal-Mart trucks are added to the problem. The gridlock it will create for people trying to access the new direct route (Mission Exit) and Campus Parkway to UC Merced will be effected in a very negative way, not to mention the pollution it will create. The Save Mart trucks are already using the Mission Exit. Doesn't UC Merced have a say in this??? I realize we need jobs but the valley doesn't need this type of polluting industry. We already have a huge pollution problem here where the dirty air just hangs over the valley trapped here by the surrounding mountains. I think the Wal-Mart Distribution Center is a bad idea. Michelle Obama (Washington DC) is coming to Merced and will no doubt be told about our problems here and pollution is a major problem not just jobs. There has to be a greener solution for Merced and I feel we should hold off the decision to build this monster here.

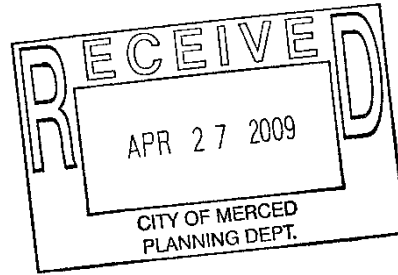
My name is Susan Wagoner and I live at 474 Hydrangea Court in Merced. I have lived here for almost seven years. I love Merced and one of the things I like the most about it is the traffic is so much better than say Modesto or even Turlock. That would certainly end with Wal-Mart trucks added on freeway.

219-1

219-1

The commenter raises concern regarding project-related truck traffic on local streets. The Draft EIR addresses truck traffic in Section 4.11 “Traffic and Transportation.” Please also refer to Master Response 6: Trucks and the Transportation Analysis. The comment does not raise issues regarding the adequacy of the DEIR’s analysis. It should be noted that UC Merced has opportunity to comment as part of the CEQA public review process.

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



Ms. Espinoza:

I'm seriously concerned by the proposal to build a Wal-Mart distribution center near a residential neighborhood. I'm a teacher at Golden Valley High School and I will have to deal every day with evading the big rig trucks rolling past the school and through all of South Merced.

220A-1

I read in the EIR that there are other potential sites where this project can be built, including an open site on the west side of Highway 99 near the airport. That would be a better location - it is not populated.

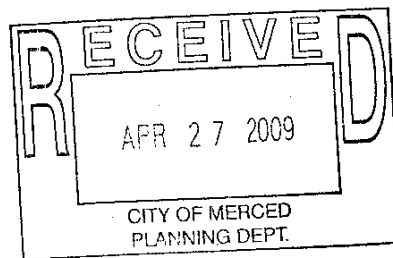
Why can't the City and Wal-Mart come to a sensible solution that at least one alternative is far better for this community than the current proposal? It isn't that I am against the distribution center as much as I am the location.

220A-2

Susan Wagoner
474 Hydrangea Ct.
Merced, CA 95341

Susan Wagoner
Susan Wagoner
Ph. 722-1374

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



Dear Ms. Espinosa,

As an educator in Merced schools, I'm deeply concerned that the Wal-Mart distribution center is a poorly chosen site because of the public safety dangers posed by the massive truck traffic near local schools.

220B-1

To mitigate such dangers, Wal-Mart should be barred from using the ramps at Childs and Highway 99 and from cutting through local streets to get to Highway 140.

220B-2

Although still a public safety impact on our school children, this would be one reasonable step toward making sure kids who walk to and from school will be safer.

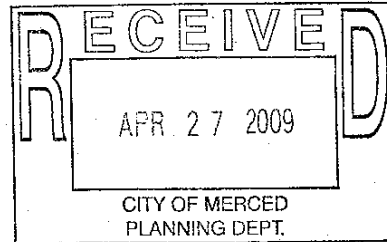
220B-3

Sincerely,

Susan Wagoner
474 Hydrangea Ct.
Merced, CA 95341

Susan Wagoner
Susan Wagoner
ph. 722-1374

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



Re: Wal-Mart Distribution Center

Dear Ms. Espinosa,

The environmental study by the City of Merced needs to require details on how Wal-Mart will reduce electricity use. The study says that the Porterville facility uses 13.3 million kilowatt-hours per year, however I would like to see some comparisons between this consumption and what other similar distribution centers tend to use on an annual basis.

220C-1

City staff should require more details because we have had blackouts in the past on hot days and we need to know how this project might burden our electrical grid.

Sincerely,

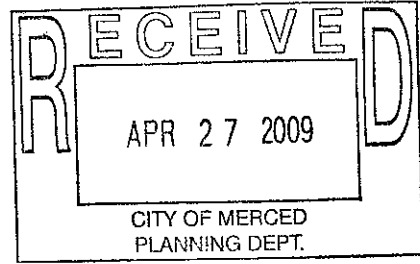
Susan Wagoner
474 Hydrangea Ct.
Merced, CA 95341

~~Susan Wagoner~~
Susan Wagoner
ph. 722-1374

- 220A-1 The commenter raises the issue of truck traffic in the proximity of schools. The issue of truck trips near schools was analyzed in the DEIR and Mitigation Measures 4.11-2b and 4.11-4 (an update to Safe Routes to School Plans) specifically address the issue of trucks and schools. Other mitigation measures were developed to address specific project impacts, including potential impacts at study intersections and on roadways. 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.
- 220A-2 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.
- 220B-1 The commenter raises the issue of truck traffic in the proximity of schools. Please see Response to Comment 220A-1, which addresses this issue.
- 220B-2 The commenter raises the issue of truck traffic in the proximity of schools. Please see Response to Comment 220A-1, which addresses this issue. Also, with implementation of Mitigation Measures 4.11-2b and 4.11-4 the impacts would be reduced to a less-than-significant level; therefore, no further mitigation is necessary.
- 220B-3 The commenter raises the issue of truck traffic in the proximity of schools. Please see Response to Comment 220A-1, which addresses this issue.
- 220C-1 The commenter requests energy demand information of other similar distribution centers besides the Wal-Mart distribution center in Porterville. Although additional information regarding energy demand from other facilities may provide a broader context of energy demand, the comparison of two very similar facilities is appropriate for a general estimate for analyzing impacts associated with energy supply and demand. Energy demand information for other similar facilities is neither available nor necessary for the analysis of this proposed project. Additional information would not likely alter the conclusions of the DEIR.

April 16, 2009

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



Dear Kim,

I believe the city has vastly underestimated how many trips per day a distribution center gets. First off, Wal-mart won't tell you how many stores they will service with this distribution center so how do we know how many trucks.

221A-1

Merced is in the middle of the State. How do we know Wal-mart won't close their distribution centers in other parts of the state and service all of their stores from the one center?

221A-2

Before the city approves this plan, we need to set a limit on exactly how many trucks can visit this center every day. I read the traffic plan – Wal-mart is saying 240 truck trips a day, but that seems very low.

221A-3

Thank you.

Toni Walery
Signature

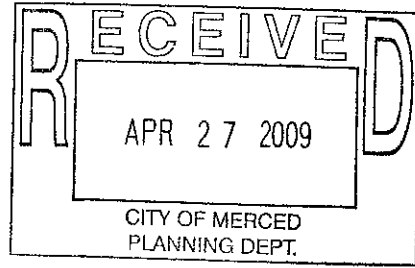
Toni Walery
Print Name

1140 E. 21st St.
Merced, CA 95340
Address

Phone

April 1, 2009

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



Ms. Espinosa:

I watched a special on CNBC about Wal-mart where they discussed the company's distribution methods. In the film Wal-mart would fill up one truck and then visit a series of stores making partial deliveries at each stop. This distribution method, as described by the film, helped keep Wal-mart's stocked because they didn't need to have large storage facilities. You can see the evidence of this when you drive on the 99 because there is ALWAYS a Wal-mart truck next to you.

It seems to me that there are a lot of Wal-mart trucks on the 99. Does the city have any idea how many trucks we're talking about? And you're always hearing about Wal-mart trying to build new stores. Is there a limit on how many stores that could be accommodated by this distribution center?

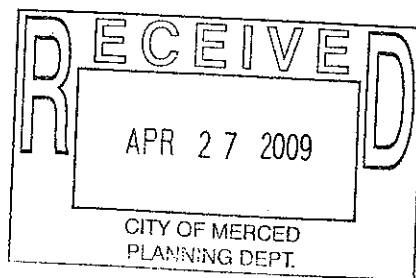
221B-1

Thank you,

Toni Walery
Signature
Toni Walery
Print Name
1140 E. 21st
Merced, CA 95340
Address

Phone

March 27, 2009



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

Ms. Espinosa,

I understand that the minimum level of traffic standards for the City of Merced and Caltrans is LOS D or better during peak traffic. That seems a little low to me, but this project doesn't appear to meet that goal. Why hasn't the city done more to require Walmart to fund better roads as part of the approval process?

221C-1

If built, this distribution center will be with us for generations. As a parent, I feel we need to make sure it meets our goals and not just minimum standards before we agree to having it built in our neighborhood.

221C-2

Sincerely,

Toni Walery

Signature

Toni Walery

Print Name

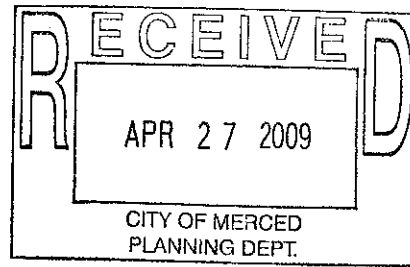
1140 E. 21st St.
Merced, CA 95340

Address

Phone

April 21, 2009

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



Ms. Espinosa,

I have a comment about mitigation measure 4.2-2b in the Air Quality section of the distribution center environmental impact report. You discuss incentives for employees to take their children to daycare centers near the site. That's a great idea. Unfortunately, there aren't any in Southeast Merced, unless you include the three schools.

221D-1

Looks like you'll have to find some more mitigation ideas.

Sincerely,

Toni Watery

Signature

Toni Watery

Print Name

1140 E. 21st St.

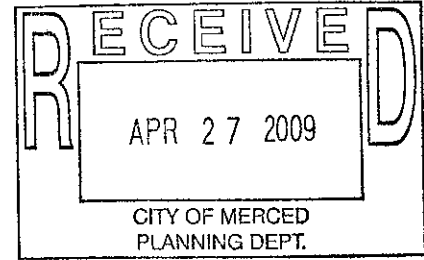
Address

Merced, CA 95340

Phone

April 5, 2009

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



Dear Kim:

I am confused. I read the traffic portion of the Wal-mart Distribution Center report. Why is a level of service of D and below allowed for traffic? Shouldn't we insist that the road be improved before Wal-mart opens?

221E-1

Creating new jobs is important – but we have to make sure the roads and infrastructure are good enough to support the jobs.

Thank you.

Toni Walery
Signature

Toni Walery
Print Name

1140 E. 21st St.
Merced, CA 95340
Address

Phone

Toni Walery

- 221A–April 16, 2009 ➤ 221B–April 1, 2009
 - 221C–March 27, 2009 ➤ 221C–April 21, 2009
 - 221D–April 5, 2009
-

- 221A-1 The commenter suggests that the project trip generation is underestimated. The trip generation forecast that was used in the traffic analysis was based on a survey of a similar facility in Apple Valley, CA, which has 1,201 employees and a similar fleet mix as the proposed facility in Merced. The survey of the Apple Valley facility analyzed the number of vehicles entering and exiting the site throughout the day and the type of vehicles (car, truck, etc.). The number of stores to be serviced from the Distribution Center is limited by the number of service bays, employees and other factors. However, the trip generation is based on the projected number of trucks likely to access the site, and the number of employees, and other delivery trips to the site (e.g., fuel, supplies, etc.).
- 221A-2 The commenter questions if Wal-Mart will close distribution centers in other parts of the state and service their stores from one center. Please refer to response to comment 150-2 regarding the project description for the proposed project, and associated CEQA matters. Please also refer to Master Response 1: Growth Inducement and Expansion. The DEIR is not required to speculate relative to future actions Wal-Mart may take relative to distribution centers elsewhere. No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the DEIR were raised.
- 221A-3 The commenter suggests setting a limit on the number of trucks that can access the site per day. However, the commenter does not provide specific information related to which impact this limit would reduce. Please see Master Response 1: Growth Inducement and Expansion for a discussion related to the requirement of the City to perform additional CEQA review if operation of the project exceeds the level of operation described in the EIR. The commenter also indicates that 240 truck trips per day seems like a low estimate. It should be noted that the Draft EIR indicates that the proposed project would generate 643 truck trips per day.
- 221B-1 The commenter is concerned about Wal-Mart trucks on Highway 99, and asks if there is a limit on how many stores could be accommodated by the distribution center. Regarding traffic, the project’s traffic impacts were evaluated consistent with the requirements of CEQA in Section 4.11, “Traffic and Transportation,” of the DEIR. As described therein, the project would result in potentially significant traffic impacts, and mitigation is proposed to reduce these impacts to less-than-significant levels (see pages 4.11-26 to 4.11-32). The commenter does not provide any specific disagreements with the analysis provided in the DEIR; therefore, no further response can be provided.
- Regarding the number of stores that could be accommodated by the distribution center, this issue is addressed in Master Response 1: Growth Inducement and Expansion. Please also refer to response to comment 150-2 regarding the project description for the proposed project, and associated CEQA matters. No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the DEIR were raised.
- 221C-1 The commenter indicates that the project does not seem to meet the City’s level of service standards. The thresholds for acceptable levels of service and assessment of impacts are outlined on page 4.11-17 of the DEIR. The comments regarding funding better roads and minimum standards are noted.

- 221C-2 The commenter indicates that the proposed project needs to meet “goals” as opposed to minimum standards. The comment does not raise issues with the adequacy of the DEIR. The comment is noted.
- 221D-1 The commenter questions the effectiveness of mitigation measure 4.2-2b, specifically noting that there are not any daycare centers near the project site. An option within this measure is to provide an on-site daycare center, if deemed appropriate by SJVAPCD as a result of further health risk studies. If on-site daycare is not provided, there are several daycare centers available in Merced within a few miles of the project site. Also, Mitigation Measure 4.2-2b is a performance standard that can be achieved in any number of ways.
- 221E-1 The commenter challenges the adequacy of the City’s level of service standards. The commenter does not raise issues with the adequacy of the DEIR’s analysis. The comment is noted.

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Espinosa, Kim

From: Edward Walters [ewalters@guildmortgage.net]

Sent: Wednesday, March 25, 2009 7:02 PM

To: Espinosa, Kim

Hi Kim,

You obviously get a lot of mail and I am just one more businessman who has a few employees and we want to see our town grow. WE NEED THE WAL MART DISTRIBUTION CENTER! Please add us to a list of concerned citizens who do not want to see us just sit and rot and let a few nay sayers stop a good thing. Thank you

222-1

Ed Walters

767 East Yosemite Ave Suite D

Merced, CA 95340

(209) 384-4480 office

(209) 968-6132 cell



222-1

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

Espinosa, Kim

From: Willy 91 [circle91racing@hotmail.com]

Sent: Thursday, April 23, 2009 7:59 PM

To: Espinosa, Kim

Subject: WalMART

NO WE WILL NOT TOLERATE THIS WALMART DISTRIBUTION CENTER. A STUPID PLACE TO PUT IT.

223-1

William Wasser
1523 Brimmer Rd.
Merced

Rediscover Hotmail®: Get e-mail storage that grows with you. [Check it out.](#)

223-1

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

Espinosa, Kim

From: rwebster@elite.net
Sent: Thursday, March 05, 2009 5:23 PM
To: Espinosa, Kim
Subject: To Ensure a fair CEQA/EIR process

Kim, This is a bit late getting to you- had the wrong email address-whoops.

Merced City Council Members and Planning Dept. Staff,
This is just a written follow-up to my comments at last night's city council meeting (March 2nd).
Now that the Draft E.I.R. for the Wal-Mart Regional Distribution Center is out, there are several things that would help insure that proper public review and input on this project is allowed.

1. An extension of the review period by 1-2 months.

Though the 60 day comment and review period is longer than the 45 required, it still is inadequate considering the formidable size and technical nature of the document. The Draft EIR plus its appendices are 1100 pages in length. To read through the material in its entirety would require almost 20 pages per day, every day, during the 60 day review period. And of course it does not read like a novel- it is complex and technical. After all, it was 3 years in the making. EDAW, who authored it, required several extensions to complete it- that with a team of technical experts and lawyers, guidance by Wal-Mart, and assistance from the Merced City Planning staff. Imagine the challenge for lay citizens to read and digest such content. In addition, time is needed to research other sources and to compose relevant and cogent comment.

224-1

As another speaker last night brought out- the council members themselves could probably use a wider window of time for them to adequately consider such a weighty and important project. It is very likely the largest, most ambitious, and most complex ever proposed within the city limits.

The CEQA review guidelines certainly allow an extension of the review period under "unusual circumstances" Besides the size and technical nature of the document, there are other "circumstances" that seem to demand more time. . . see item 2 that follows.

2. Critical information explaining the Wal-Mart regional distribution center project needs to be in multiple languages.

While understandably it is impractical to translate the entire document, certainly portions such as the executive summary, major impacts and mitigations, and opportunities for citizen involvement could be. Those living in the community nearby, hence those most impacted by the project, have a large number of residents who do not speak English or for whom it is a second language. Translations in Hmong and Spanish would not meet the needs of all groups but probably a large percentage. Even this effort would probably be minimal in encouraging public involvement in the CEQA process unless yet another step was taken . . . see item 3.

224-2

3. The City should hold public hearings and informational forums for those of all languages-

perhaps one dedicated to EACH of the major targeted groups (Hmong-speaking, Spanish-speaking, and English-speaking). Terms, concepts, and studies referred to in the EIR and its support appendices are technical in nature. Explanation and clarification are needed for all citizens, regardless of their language

224-3

3/6/2009

preference. Such sessions could also help citizens understand the CEQA process itself, its purpose, and their role and responsibility in it.

224-3
Cont'd

4. Make sure that an adequate supply of printed hard copies of all documents are available for purchase. Yesterday I went to city hall to purchase a copy of the Draft EIR and the supporting appendix. The appendix, by far the longer document, was not available. There have only been three working days since the EIR was made available to the public and supplies are depleted already. I paid for both volumes and have been assured that the second one will be available for pick up in one week. Granted not a major delay, but yet another example of why more time would be helpful to get materials into citizens hands and ensure an adequate review period. (I am aware that the entirety of the documents is available for viewing on line and on disc. But, reading off the computer screen for long periods does not work for me and also does not allow for highlighting, notes in the margin, and other working notations. It is important enough that I have paid \$90 to have hard copies to work from.)

224-4

In conclusion, CEQA (15105) has the expectation that the public is informed, has access to information, and has the opportunity to comment during the Draft EIR review process. Whatever can be done to ensure that this process is transparent and encourages citizen involvement (especially by those most impacted) should be seriously considered. All of the above seem reasonable and practical. Undoubtedly there are still other measures that can be added to make this a truly open and positive decision-making process.

224-5

Thank you for considering my comments,
Rod Webster
345 E. 20th St., Merced 95340
209-723-4747

**Letter
224
Response**

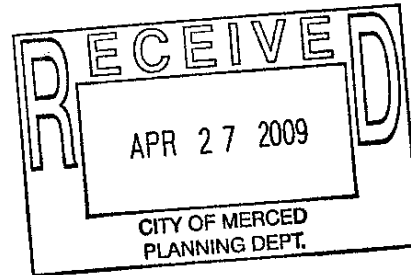
Rod Webster
March 5, 2009

- 224-1 This comment raises issues related to adequacy of the public review period of the Draft EIR. Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses this issue.
- 224-2 This comment raises 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.
- 224-3 This comment raises issues related to language barrier and translation of CEQA documents. The comment recommends holding public hearings and information forums for all languages. Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses these issues. As indicated in Master Response 2, the City considered the issue at its March 16, 2009 City Council hearing and adopted a motion directing staff to work with the Lao Family Community and the Hispanic Chamber of Commerce and other community organizations to provide translation services at public hearings related to the project.
- 224-4 The commenter indicates that the appendix of the Draft EIR was not available for purchase, due to depleted supplies, and that there was a one-week delay in the delivery of the appendix. It is important to note that the commenter did not comment on the ability to purchase a Draft EIR in hard copy, only the appendix. It should also be noted that, although the appendix was not available for purchase, it was available in hard copy for review at the City and a copy of the technical appendices was made available for him to purchase the next day. As noted by the commenter, the Draft EIR and appendices were also available on the City's website and on compact disc. Therefore, the appendix to the Draft EIR was widely available to the commenter and the public, including a hard copy available for review at the City, which is required under CEQA. CEQA does not require that hard copies be available for purchase.
- 224-5 The comment concludes the letter and broadly reiterates issues of access to information, transparency, and encouraging public involvement. This comment does not raise any issues that were not addressed in the previous comments. Please see Responses to Comments 224-1 through 224-4.

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March 26, 2009

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



RE: Wal-Mart Distribution Center

Kim,

I'm a teacher here in Southeast Merced and I encourage you and the city to look at moving the proposed site to the western side of 99. I think you can accomplish that the city is trying to do and at the same time, move it away from the neighborhoods down in Southeast. I sympathize with those folks and I wouldn't want to live across from a giant truck stop either. I certainly wouldn't want trucks driving down major roads in back of my house either.

225A-1

I really think you should explore alternative #2 and put it on the other side of Highway 99.

Sincerely,

Sheila A. Whitley
Signature

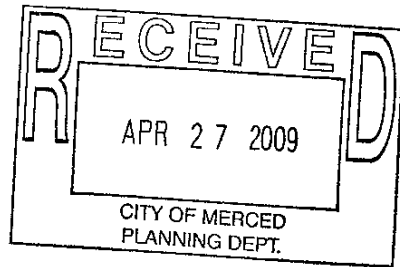
Sheila A. Whitley
Print Name

2579 Canal Dr.
Address

Atwater CA 95301

Phone
209-769-3260

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



Ms. Espinosa:

As a teacher in Merced I'm upset that the City of Merced is considering building the Wal-Mart distribution center near three local schools. The kids we teach every day have a number of different burdens on them that make their daily education unduly difficult. At school, they should be safe and able to focus on their studies. This distribution center will force more air pollution onto kids with serious respiratory problems. Kids who walk to school will have to dodge delivery trucks to and from school. Their homes and neighborhoods will become undesirable, depressed and will have a poor quality of life. This project will bring impacts that these kids and schools don't need. The City of Merced should recognize that this location just doesn't make any sense, and people's lives will be significantly hurt by it.

225B-1

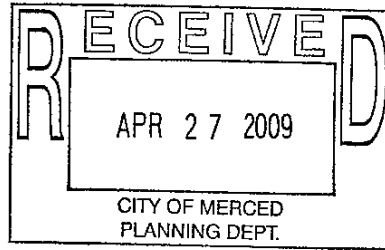
Sheila J. Whitley
Name

2579 Canal Dr
Address

Atwater CA 95301
City, State, Zip

Sheila J. Whitley
Signature

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



Ms. Espinosa:

I'm appalled by the recklessness of proposing to build a Wal-Mart distribution center at the edge of a residential neighborhood. I'm a teacher at Golden Valley High School and I will have to deal every day with dodging the big rig trucks rolling past the school and through all of South Merced. I read in the EIR that there are other potential sites where this project can be built, including an open site on the west side of Highway 99 near the airport. Nobody lives over there, the roads won't be made severely dangerous and the noise and pollution generated by this kind of operation won't diminish the immediate environment as directly as this current site. Why can't the City and Wal-Mart come to a sensible conclusion that at least one alternative is far better for this community than the current proposal?

225C-1

225C-2

Sheila G. Whitley
Name
2579 Canal Ave
Address
Atwater CA 95301
City, State, Zip
Sheila G. Whitley
Signature

**Letter
225A-C
Response**

Sheila A. Whitley
➤ 225A–March 26, 2009 ➤ 225B–Undated
➤ 225C–Undated

- 225A-1 The commenter recommends that the project be developed at Alternative Site #2 or #3, both located west of SR 99. The DEIR analyzes the relative impacts associated with placing the project at these alternative sites (see Section 5: “Alternatives to the Proposed Project”). Please also 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.
- 225B-1 Please refer to the response to comment 92-3 for discussion about whether TAC emissions generated by off-site truck travel associated with the project would result in an impact. Impact 4.2-4 and the supporting HRA analyzes the effects of on-site diesel truck emissions and other on-site TACs on nearby receptors, including schools, residents, and workers. Please also refer to the response to comment 16-8 which discusses how the schools were included in the HRA performed for the project.
- 225C-1 The comment expresses concern related to increase truck trips and driver safety. The Draft EIR addresses traffic safety in Section 4.11 “Traffic and Transportation.” Specifically, Impact 4.11-2 (See p. 4.11-26) analyzes potential traffic safety hazards. It should be noted that Mitigation Measure 4.11-2b requires development and implementation of a truck route plan to restrict truck traffic to designated routes. The comment does not raise issues with the adequacy of the Draft EIR. The comment is noted.
- 225C-2 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.

Espinosa, Kim

From: WIRUSSELLWILLIAM@aol.com
Sent: Thursday, April 23, 2009 9:48 AM
To: Espinosa, Kim
Subject: walmart distribution center

Hi, Kim

Can you please clarify how this development will affect residents of sandcastle subdivision and surrounding areas which I currently live in and would like to continue staying in? How will exhaust and pollution affect us since we're so close and will be able to look out our front windows and see the center? How will this affect our already depleted property value? Because I'm one of those homeowners who are in an upside down mortgage, but haven't consider letting my home go into foreclosure until the talk of the distribution center. We just had an increase in our utilities such as water an electric how much more will it increase? Since most likely residents of Merced will be hit with the increase especially residents in this area. I'm not against the project but don't think I want to live so close to something that I already know will affect my family an neighbor health since it's such massive construction. Can you please give me some insight on our OPTION because really I don't think that there's any BECAUSE FROM HEAR SAY IT'S ALREADY A DONE DEAL. It's easy to say YES to something when it doesn't affect you or your neighbors if you don't live in the area which I doubt anyone on the city council do. I'm from Louisiana an have never seen Walmart go into an already developed community. I guess since the community need job its okay. How many people can actually say yes to this if it was in their neighborhood **COULD YOU ? I just think there should have been other sights to consider instead of putting it in a residential area so close to schools and our homes since merced do have a lot of open land. Hope to hear back .**

226-1

226-2

226-3

226-4

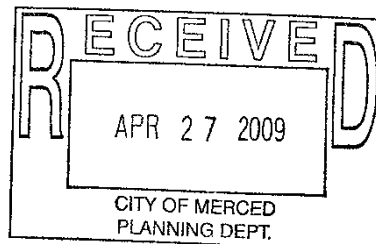
**ANGELA WILLIAMS
335 ALBERT DR.
MERCED, CA 95341**

[Big savings on Dell XPS Laptops and Desktops!](#)

- 226-1 The commenter requests information about how the project would affect residents of the Sandcastle subdivision. The DEIR analyzed environmental impacts to the residential communities affected by the proposed project, including Sandcastle subdivision. The commenter does not raise specific questions or issues related to the DEIR's analysis; therefore, no further response can be provided.
- The commenter also asks how project-generated exhaust would affect residents of the Sandcastle subdivision. A comprehensive HRA is included in Appendix C of the DEIR. 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 and long-term operation-related emissions of TACs. The methodology and results of the HRA are summarized in the discussion about long-term operation-related emissions of TACs on pages 4.2-43 through 4.2-45. This discussion analyzes the potential health effects of nearby residents, workers, and schools. Please also refer to Master Response 13.
- 226-2 The comment expresses concern that property values will remain low with implementation of the project, given the current downturn in the real estate market. 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.
- 226-3 The commenter states that utility costs, such as water and electric, just increased. The commenter asks how much more utilities costs will increase. The increasing cost of utilities in Merced is not relevant to the environmental impact analysis of this project and is not required to be analyzed under CEQA. Therefore, no further response is necessary.
- 226-4 The commenter indicates that other sites should have been considered that would reduce impacts to the community, particularly homes and schools, since Merced has an abundance of open land. The Draft EIR evaluated three alternative sites to the proposed project in Section 5 "Alternatives to the Proposed Project." 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 in a more "remote" location.

April 2, 2009

Kim Espinosa
Planning Department
City of Merced
Merced, CA 95340



Dear Kim Espinosa,

Let me get this straight. Your environmental impact report says and I quote "local emissions are thought to be primarily responsible for the SJVAB's worst ozone air quality" 4.2-2. I would define "local emissions" as emissions which are created in the area where one lives, would you? This report admits that the distribution center will make our ozone worse. Does this not concern you?

227-1

I hope this sends you the signal that this distribution center SHOULD NOT be built. Why would we allow a project to be built that harms our health? It's like approving a death sentence.

Amanda Wilson
Signature

Amanda Wilson
Print Name

1565 Fork Ave
Address

Merced Ca 95340
City, State Zip

6884932
Phone Number

**Letter
227
Response**

Amanda Wilson
April 2, 2009

227-1

The comment does not raise issues with the adequacy of the DEIR. The comment is noted. Please refer to Master Response 13.

Espinosa, Kim

From: Jan Wilson [wilsonss304@earthlink.net]
Sent: Friday, April 17, 2009 8:37 AM
To: Espinosa, Kim
Subject: WalMart reply

I am fully FOR the Wal-Mart Distribution Center.

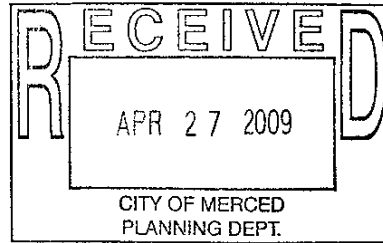
Jannis Wilson, 124 E. 21st Street, Merced, CA 95340

228-1

228-1

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

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



Dear Ms. Espinosa,

I am writing with regards to the Wal-Mart Distribution Center's Draft Environmental Impact Report (DEIR). The DEIR should have required a detailed landscaping plan from the applicant to better understand the water consumption issues associated with the project. I understand that the City has requirements regarding the implementation of water efficient landscaping, but the magnitude of this project requires further study at the steps they will take to a) downplay the visual magnitude of the distribution center through the use of landscaping and to b) be as water efficient with its landscaping without compromising the number of trees and bushes planted. The City should require the applicant to plant more mature trees, evergreen and deciduous trees, along the perimeter of the distribution center as a visual safeguard. It must further require a detailed irrigation and watering plan for all of its landscaping designs. Photos of Apple Valley's Distribution Center illustrate the lack of landscaping and greenery that should not be allowed at the Merced center.

229-1

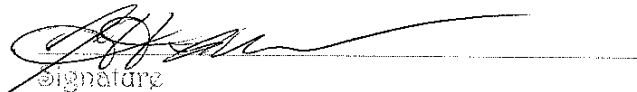
229-2

Sincerely,


Name

156 South Fork
Address

Merced CA, 95341
City, State, Zip


Signature

4-16-09
Date

- 229-1 The commenter states that the DEIR should have required a detailed landscaping plan from the applicant to better understand water consumption issues, and is also concerned about water efficient landscaping requirements and steps the applicant will take to downplay the project's visual impacts. These concerns are addressed in previous responses to comments. Please refer to response to comment 121C-1 regarding landscaping, water consumption, water supply, and mitigation measures for visual impacts. Please also refer to response to comment 22-18 regarding visual resources impacts of the proposed project and associated mitigation. The commenter does not provide any specific disagreements with the analysis provided in the DEIR; therefore, no further response can be provided.
- 229-2 The commenter states that the City should require the applicant to plant more mature trees along the perimeter of the site as a visual safeguard, and require a detailed irrigation and watering plan. Please refer to response to comment 121C-2 regarding visual resources impacts and mitigation measures. Please see response to comment 75G-3 regarding landscaping and irrigation plans. 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.

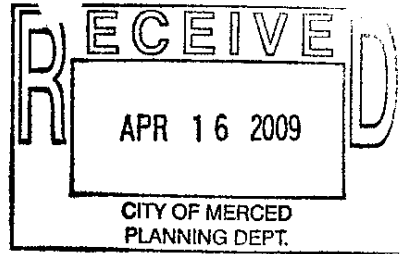
April 15, 2009

Kim Espinosa, Planning Manager

City of Merced Planning Division

678 West 18th Street

Merced, CA 95340



Dear City of Merced Planners and City Council,

RE: My comments on the Draft EIR.

You are being asked to make a decision that will affect not only the present generation but several generations to come, whether to allow the Wal-Mart Distribution Center to be built in South Merced. The California Air Board recommends that city planners take into account the configuration of existing distribution centers and avoid locating residences and other sensitive land uses near them. In this case it is the neighborhoods and schools who were there first, and you are considering locating a huge distribution center right in their midst! There are housing developments on either side of the planned distribution center and schools in very close proximity. The only sane plan is to scrap this project altogether!

230-1

The people in the San Joaquin Valley are already paying a high price for the bad air here, and the distribution center will make it worse. The cost of the health impacts from diesel pollution in California is \$21.5 billion per year. According to the California Air Resources Board report of Dec 2005, "The Californians who live near ports, rail yards and along high traffic corridors, are subsidizing the goods movement sector with their health." If this project is allowed to go through the people of Merced will have an increased risk of premature death, cardiovascular problems, asthma and allergies, which will be more pronounced in the children of the community.

EPS studies on diesel exhaust in the City of Commerce shows cancer rates are 180 times higher than the rest of the state. How can you consider putting the health and welfare of the citizens of Merced at risk this way? For the problems that will be brought upon the people of Merced if the Wal-Mart Distribution Center is allowed to be built, please see the power point presentation done for a similar area by the Air Resources Board, "BNSF Railroad Initial Draft Diesel PM Mitigation Plan for the Stockton Railyard" 3/19/09.

230-2

The Cumulative Air Quality Impact (Toxic Air Emissions). This impact is listed in the EIR as having Less-Than-Significant-Impact, and states that no mitigation is required. This is impossible! The EIR plainly states that the distribution center will cause the City of Merced to be out of compliance with the rules of the Air Board (CARB), rules and regulations that were painstakingly complied for the good of the whole. Diesel exhaust has 450 different chemicals, and 40 are known to cause cancer. Studies show that diesel emissions are extremely toxic and cancer-causing. The health of the residents of Merced are already endangered from train

locomotives that dump 5 tons of diesel particulate matter per year into the air, from diesel trucks on Highway 99 that dump 10 tons of diesel PM per year, and the millions of cars which contribute even more pollution than the diesel trucks!

230-2
Cont'd

4.2-1 (Generation of Short-Term Construction-Related Emissions of Criteria Air Pollutants and Precursors) The proposed mitigation for this impact states: “Construction of the proposed project shall comply with SJVAPCD’s ISR rule (Rule 9510) as required by law. The applicant shall submit and have approved an AIR Impact Assessment (AIR) application to SJVAPCD.” When will we see a copy of this Air Impact Assessment?

230-3

Cumulative Air Quality Impact (Construction and Operations), Cumulative Air Quality Impact (Carbon Monoxide) and Cumulative Air Quality Impact (Toxic Air Emissions). These are listed as “Less Than Significant” and state that “no mitigation is required.” I doubt the validity of these statements. It seems to me that they should be listed as “Significant.” These impacts in the EIR and the proposed mitigations (or lack of them) seem to be minimized, absent, confusing and incomplete, or need clarification.

If the Wal-Mart Distribution Center is built in South Merced it will have the cumulative effect of attracting similar projects in the area. To see what South Merced will look like in a few years if this is allowed to happen, please see “Air Quality in Mira Loma: Land Use is a Health Issue,” which can be found at www.CCAEJ.org. Click on Air Quality/Goods Movement, then Diesel Pollution. Mira Loma has the 4th highest levels of PM in the world, and a cancer rate of 1,265 per million. The pollution is highest around their distribution centers, and extends 50 -60 miles out.

230-4

I could not find a pollution calculation on the refrigeration units in the EIR. The California Air Resources Board states that “The activities associated with delivering, storing, and loading freight produces diesel PM emissions. Although TRU’s have relatively small diesel-powered engines, in the normal course of business, their emissions can pose a significant health risk to those nearby. In addition to onsite emissions, truck travel in and out of distribution centers contributes to the local pollution impact.” Source: (Air Quality and Land Use Handbook: A Community Health Perspective 2005, p 11).

4.2-2 Generation of Long-Term Operation-related (regional) Emissions of Criteria Air Pollutants & Precursor Emissions. The EIR states “Thus, project-generated, operation-related emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation, and/or expose sensitive receptors to substantial pollutant concentrations, especially considering the nonattainment status of Merced County. In addition, because SJVAPCD’s significance thresholds approximately correlate with reductions from heavy-duty vehicles and land use project emission reduction requirements in the SIP, project-generated emissions could also conflict with any air quality planning efforts.”

230-5

Part of the proposed mitigations for the above state that the “applicant shall fully fund or contribute its fair share of funding for the development of a Class 11 Bike Lane along Childs

Avenue and Gerard Avenue.” I have lived and worked in the area, and I know that these roads are unsafe for bicycles already. With the traffic generated from the proposed project they will be even more unsafe. How can you think it would be OK to have children on bicycles anywhere near diesel trucks, and to have them breathing diesel emissions while riding their bicycles? Would you allow your children to ride bicycles in that neighborhood?

230-5
Cont'd

4.3-5: Consistency with Local Plans, Policies, and Ordinances. The Merced Vision 2015 General Plan states one of their goals is “Clean air with minimal toxic substances and odor, clean air with minimal particulate content, effective and efficient transportation infrastructure, and coordinated and cooperative inter-governmental air quality programs.” Proceeding with the Wal-Mart Distribution Center will be a blatant disregard of the City’s General Plan. According to the EIR, “Implementation of the project could conflict or be inconsistent with the City of Merced General Plan. This impact would be significant.”

230-6

Mitigation measure 4.3-2, states, “it would reduce the impact on consistency with the City’s General Plan to a less-than-significant level.” If the General Plan can be changed to suit Wal-Mart, then the General Plan can also be changed to accommodate green and sustainable businesses! It is never too late to call for a complete review of the City and County General Plans, and to implement sustainable community development instead of unsustainable sprawl and pollution.

4.8-1: Short-Term Construction Noise, 4.8-3 Long-Term Operational Traffic Noise, 4.8-4: Intermittent Single-Event Noise from Trucks Passing Off-Site Sensitive Receptors, and Cumulative Noise Impact. The mitigations proposed minimize the risks to health and the environment from this project.

230-7

Even if some of the noise impacts can be mitigated, where the Wal-Mart Distribution Center is planned is absolutely the WRONG PLACE. It will cause an increase in traffic accidents, and pedestrian safety will deteriorate. Along with the increase in pollution and noise there will be lights going 24/7, and there is no way to mitigate this light pollution.

230-8

230-9

4.10-1: Create a Safety Hazard to Construction Workers and the General Public from Potential Release of Unknown or Previously Undiscovered Hazardous Materials during Construction. 4.10-4: Create a Significant Hazard through the Transport of Hazardous Materials Adjacent to Schools in the Vicinity of the Project.? Hazardous materials and housing developments are not a healthy mix. Transporting hazardous materials adjacent to schools is completely unacceptable!

230-10

Cumulative Agricultural Land Impact. The City of Merced is negligent in designating Prime Farmland as Industrial Zoning in the first place. This should never have been done, and it is not too late to reverse this designation. The EIR states that there are impacts that not only cannot be mitigated but will lead to further denigration of the whole south side of Merced. Of gravest concern is the destruction of Prime Farmland, which will set precedence for further destruction

230-11

of farmland. The real value of this farmland will not even be realized until it is all gone. In this country we are now at the crossroads of dependence on foreign countries for our food supply. Relying on foreign countries for oil has not worked. It will be a complete disaster when we are totally dependent on them for food.

230-11
Cont'd

Cumulative Air Quality Impact (Greenhouse Gas Emissions), and 4.2-6 Generation of Emissions of Greenhouse Gases. The EIR states that “despite the mitigation measures, CO2 emissions attributable to the project would contribute to the existing and projected global warming trend.” In light of the fact that scientists now state that global warming is preceding much faster than known before, the City of Merced should be doing all that it can not to contribute to this problem! Has the EIR neglected to calculate the 6 to 10 tons of CO2 per year each car coming to the distribution center will release into the atmosphere? With over 1,000 workers coming to work each day, this will be significant and should not be left out.

The mitigation plans are woefully inadequate for the damage that will be inflicted on the area. Why does the EIR not give credit to the existing trees where the project is planned, for the work that they have been doing. The EIR states that it will provide a few trees for landscaping, when what is needed is a greenbelt to mitigate some of the traffic noise and air pollution. You should at least plant the same number of trees that you plan to destroy!

230-12

Urban trees improve the air, protect the water, save energy, and improve economic sustainability. Planting trees remains one of the cheapest, most effective means of drawing excess CO2 from the atmosphere. A healthy tree stores about 13 pounds of carbon annually - or 2.6 tons per acre each year. Each tree absorbs 10 pounds of air pollutants, including 4 pounds of ozone and 3 pounds of particulates, cleans 330 pounds of CO2 from the atmosphere, and returns oxygen back to the atmosphere. A single mature tree can absorb CO2 at a rate of 48 pounds per year, (the same amount of CO2 released by a car driven 500 miles), and release enough oxygen back into the atmosphere to support 2 human beings.

An acre of trees absorbs enough CO2 over one year to equal the amount produced by driving a car 26,000 miles. An estimate of carbon emitted per vehicle mile is between 0.88 lb. CO2/mi. – 1.06 lb. CO2/mi. (Nowak, 1993). Thus, a car driven 26,000 miles will emit between 22,880 lbs CO2 and 27,647 lbs. CO2. Thus, one acre of tree cover can compensate for automobile fuel use equivalent to driving a car between 7,200 and 8,700 miles. One acre of trees provides oxygen for 14 people every day.” Source(s): <http://www.coloradotrees.org/benefits.htm#carbon>

Cumulative Traffic Impact – Intersection Operations (2030 with Project). This is the only one of the traffic impacts that is listed as Significant. It doesn't take a specialist to determine that traffic around the three schools in the area is already overcrowded, and it will become a complete bottleneck if the distribution center is built.

230-13

Cumulative Visual Impact. As stated in the EIR, “Mitigation measures would not reduce these cumulative impacts to a less-than significant level.” The City Council must consider the quality

230-14

of life it will be imposing on the citizens of Merced. It is not too late to call for a complete review of the City and County General Plans, implementing Sustainable Community Development instead of unsustainable sprawl and pollution.

230-14
Cont'd

The Cumulative Social and Economic Impact of the Wal-Mart Distribution Center on South Merced was not included in the EIR. City Planners need to take a close look at the environmental justice aspect of this project. Other California studies have shown that lower income communities and communities of color were more likely to be close to major transportation routes and as a result, be exposed to excessive levels of diesel and gasoline exhaust in the air they breathe. To sacrifice the health and welfare of the community, especially vulnerable and defenseless children, is heartless, thoughtless and immoral.

230-15

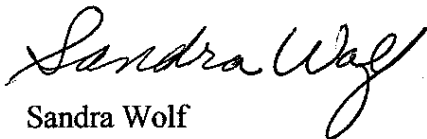
The jobs created by the distribution center will not be high-paying, with the overall effect of keeping the poor people down and stimulating medical need. People who already cannot afford medical insurance will be dependent on public assistance. People in south Merced and the workers at the distribution center will be using more medical services due to their increased exposure to air pollution and noise. This quick fix for the local economy will be more of the same stuff that has put our country into its present state. The jobs Wal-Mart provides will not bring more stability to our area.

Wal-Mart's economic monopoly will have an increasingly negative impact on Merced, and aiding the expansion of this giant should not be encouraged. Although Wal-Mart employs many people living in its communities, for most, the hours worked and the wages paid do not help these families transition out of poverty. Nationwide an estimated 20,000 families have fallen below the official poverty line as a result of the chain's expansion. Wal-Mart raises poverty rates in the counties where its stores are located (Social Science Quarterly - "Does Wal-Mart Increase Poverty Rates?" May 17, 2006).

230-16

During the last decade, dependence on the food stamp program nationwide increased by 8 percent, while in counties with Wal-Mart stores the increase was almost twice as large at 15.3 percent. The closing of "mom and pop" stores following the appearance of a Wal-Mart store leads to the closing of local businesses that previously supplied those stores including: wholesalers, transporters, logistics providers, accountants, lawyers and others. By displacing the local class of entrepreneurs, the Wal-Mart chain also destroys local leadership capacity.

Sincerely,



Sandra Wolf

601 Hemlock Avenue

Atwater, CA 95301

- 230-1 The comment does not raise issues with the adequacy of the DEIR. The comment is noted. Please refer to Master Response 13 for discussion about project-generated emissions of air pollutants and the public health concerns. Impact 4.2-4 and the supporting HRA in the DEIR analyzes the effects of on-site diesel truck emissions and other on-site TACs on nearby receptors, including schools, residents, and workers.
- 230-2 The commenter disputes the findings of the DEIR without providing any support for such dispute. Please refer to Master Response 13 for discussion about project-generated emissions of air pollutants and the public health concerns. Impact 4.2-4 and the supporting HRA in the DEIR analyzes the effects of on-site diesel truck emissions and other on-site TACs on nearby receptors, including schools, residents, and workers.
- The commenter also states that “the EIR plainly states that the distribution center will cause the City of Merced to be out of compliance with the rules of the Air Board (CARB).” The comment does not specify where this is stated in the DEIR, and this statement is incorrect. Please refer to Master Response 13.
- 230-3 The commenter would like to know when a copy of the Air Impact Assessment (AIA), which will be approved by SJVAPCD prior to issuance of building permits, will be available for review. There is no intended public involvement component anticipated as part of the AIA process.
- 230-4 The commenter questions the validity of the less-than-significant conclusions for cumulative air quality impacts. Cumulative impacts to air quality were evaluated in accordance with the guidance of SJVAPCD, which is to use project-level thresholds to determine the potential for the project to contribute considerably to a cumulative impact. Because mitigation measures 4.2-1a, 4.2-1b, 4.2-1c, 4.2-1d, 4.2-1e, 4.2-2a, 4.2-2b, 4.2-2c, and 4.2-2d would reduce impacts 4.2-1 and 4.2-2 to less-than-significant levels for project level impacts, it is reasonable to conclude (and is in accordance with the direction from the SJVAPCD) that the project would not contribute considerably to cumulative impacts. In addition, impacts 4.2-3, 4.2-4, 4.2-5, and 4.2-6 were evaluated as cumulative impacts. In other words, the CO, TAC, odor, and GHG analysis considered the effects of past, present, and foreseeable future projects when evaluating the proposed project’s contribution to cumulative effects.
- The commenter is also concerned about the potential for growth inducement that would occur in Merced as a result of the proposed project. Please see Master Response 1: Growth Inducement and Expansion, which addresses this issue.
- The commenter is concerned about diesel PM emissions generated by refrigeration units that would be present at the proposed project. Please see impact 4.2-4 (pages 4.2-43 through 4.2-45 of the DEIR) and appendix C of the DEIR, which includes a health risk assessment associated with the operation of TRUs and other sources of TACs. This impact analysis references the same source provided by the commenter (The California Air Resources Board’s Air Quality and Land Use Handbook, 2005).
- 230-5 The commenter questions the effectiveness of Mitigation Measure 4.2-2c, which recommends the project applicant contribute funds toward its fair share of bike lane improvements along roadways that access the project site. The commenter’s personal opinion is that the roads accessing the

project are unsafe for bicyclists. With addition of a Class II bike lane, bicyclist safety would be improved. Also, Mitigation Measure 4.2-2b is a performance standard that can be achieved in any number of ways.

- 230-6 The commenter misconstrues text in the DEIR related to biological resources with conclusions regarding the City’s air quality policies. The DEIR indicates that potential significant impacts related to conflicts with the City’s open space, conservation, and recreation policies would be mitigated to a less-than-significant level. Regarding operational air quality impacts associated with criteria pollutants, the DEIR also indicates that impacts would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.2-2a through 4.2-2e. Therefore, the proposed project would not conflict with the policies identified by the commenter. No changes to the DEIR are required.
- 230-7 This comment is in opposition to the project site and is not related to the adequacy of the DIER.
- 230-8 This comment is in opposition to the siting of the proposed project and is not related to the adequacy of the DIER. Please note that the DEIR includes a discussion of other sites considered and specifically compares three alternative locations. Please see Section 5 “Alternatives to the Proposed Project.”
- 230-9 The commenter raises issues related to light pollution. Please refer to Response to Comment 5-5, which addresses this issue.
- 230-10 The commenter indicates that the transport of hazardous materials adjacent to schools is unacceptable. The issue of transport of hazardous materials is addressed in the DEIR Section 4.10 “Public Health and Hazards” (See Impact 4.10-3). The DEIR concludes that this impact is less-than-significant. The commenter does not raise specific issues related to the adequacy of the DEIR’s analysis; therefore, no further response can be provided.
- 230-11 The commenter raises issues related to the conversion of farmland. Please refer to Master Response 5: Agricultural Resources, which addresses this issue.
- 230-12 The commenter asks whether the DEIR included calculations of GHG emissions from with mobile sources associated with the proposed project. Table 4.2-10 contains GHG emissions estimates associated with employee commute trips.
- The commenter also recommends that an equal number of trees should be planted as replacement for the trees that would be removed and provides a list of environmental benefits that trees provide. Please see mitigation measure 4.2-6d, which includes mitigation to require off-site tree planting that would result in the equivalent carbon sequestration potential as the trees that would be removed from the project site.
- 230-13 The comment notes the significant cumulative impact identified in the DEIR, and implies that the project’s traffic-impact would be significant. The comment does not raise specific issues related to the adequacy of the DEIR’s analysis; therefore, no further response can be provided.
- 230-14 The commenter restates language from the DEIR relative to cumulative visual impacts, and states that the City Council must consider quality of life and a review of General Plans. Because this comment does not address the environmental analysis provided in the DEIR, no further response is necessary.
- 230-15 The commenter indicates that environmental justice issues are not evaluated in the DEIR. The subject of environmental justice is not addressed in the Draft EIR because CEQA does not require

analysis of economic or social effects, except when such effects would elicit physical changes in the environment. (State CEQA Guidelines Section 15131) The proposed project would not result in economic or social effects that would elicit such changes in the environment. As required by CEQA, the Draft EIR appropriately focuses on environmental effects; therefore, no changes to the Draft EIR are necessary.

230-16

The commenter generally states that jobs created by the project will not be high paying and that Wal-Mart jobs do not help people transition out of poverty and instead raises poverty rates in the communities it opens in. The commenter states the project will stimulate medical need because of increased exposure to air pollution and noise. The commenter provides several statistics on Wal-Mart's impact on poverty and local economies in the U.S. An evaluation of the economic and social impacts of a project is not required by CEQA (State CEQA Guidelines Section 15382). For more discussion related to economic issues, please refer to Response to Comment 12-14. Also see Master Response 11: Economics and Urban Decay. The commenter does not provide any evidence that showing how an economic impact would result in a physical change to the environment.

Espinosa, Kim

From: sandra wolf [sandywolf@hotmail.com]
Sent: Tuesday, March 03, 2009 4:02 PM
To: city, council; Espinosa, Kim
Subject: Extension of time to reply to EIR

March 3, 2009

Merced City Council
678 West 18th Street
Merced, Ca 95340

Dear Council Members,

I spoke last evening at the Regular Session of the City Council at 7pm in the Council Chambers to request that the time to reply to the Environmental Impact Report for the Walmart Distribution Center be extended to 120 days instead of 60 days for the following reasons:

1. The report is very technical and lengthy, over 1,000 pages.
2. The scientific language of the report is difficult to understand.
3. People need more time to research the meanings of the impacts and proposed mitigations of the project, especially those marked Significant.

I just want it to go on record that I have asked for this extension of time. Thank you very much for considering this request.

Sincerely,

Sandra Wolf

231-1

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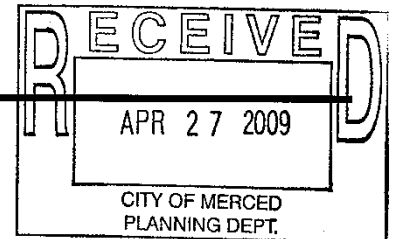
3/3/2009

231-1

This comment raises issues related to language barrier and translation of CEQA documents and also raises issues related to the adequacy of the public review period. Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses these issues.

Espinosa, Kim

From: Byerly Woodward [byerlyca@me.com]
Sent: Monday, April 27, 2009 3:31 PM
To: Espinosa, Kim
Subject: response to the DEIR for Wal-Mart Distribution Center



My objections to the Wal-Mart Distribution Center being built in Merced:

Personally I do not think so highly of Wal-Mart business model in general because I do not care for the way its goods are produced in underdeveloped countries where the workers are paid pennies and have no rights. I have lived in some of these countries and have seen first hand the environmental problems this has caused. Too, I think the way Wal-Mart thrives by undercutting everyone in town has changed the face of America in a negative way. It may have made the Walton family rich but it has not made the American culture richer. Drive across America someday and off the interstate you will see nothing but little towns whose centers are dead and a big Wal-Mart store the only thing around showing life. This seems an unsustainable model for America. I am sure the founder of Wal-Mart is turning over in his grave from the way the organization has changed since he died. But this is not why I oppose the Wal-Mart Distribution Center in the city of Merced.

I think it is inappropriate to put a huge warehouse complex in close proximity to schools and neighborhoods. The Central Valley is already a very bad place for a person with breathing problems and adding a lot of diesel trucks coming and going twenty-four hours a day is not going to help, especially the people who live in the surrounding houses and the children in the nearby school. I have heard a lot of talk about all the jobs that this warehouse will bring into the area, but I do not believe there are any assurances from Wal-Mart that they will be bringing in sufficient jobs that will satisfy the unemployed people who live locally. This job argument is reminiscent of the arguments for building various housing tracts near Merced. Perhaps the developments caused a minor blip in construction employment in the area, but look what is left: acres of housing standing empty and vandalized and of course no jobs.

232-1

The community has a right to see a report about the ways the health of the community would be affected by the addition of this complex, especially what effects long-time exposure to CO, CO2, NOx, diesel particles and PAH could have on children. I think if the city does not address these issues now, there could come a time when they could be forced to in a court, should Wal-Mart build this. The University of California campus in Merced though it has just begun will eventually bring in industry and technology that will provide jobs with good futures that will sustain families in the Merced area. The Merced city government should show it can think long term about things--not approve projects that have only short term-or questionable gain for them and the community.

232-2

Byerly Woodward
5531 Canyon Drive
Merced, CA

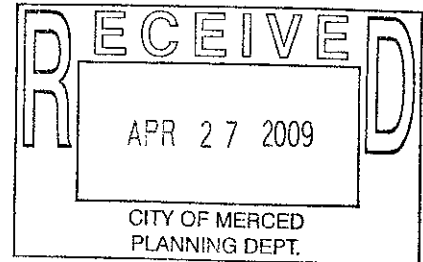
**Letter
232
Response**

Byerly Woodward
April 27, 2009

- 232-1 The commenter expresses concern about the project's close proximity to schools and neighborhoods. Please refer to responses to comments 29-21, 17-12, and 12-13.
- 232-2 The commenter expresses concerns about the long-term health effects and the emissions generated by the project. Please refer to Master Response 13.

April 11, 2009

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



Dear Ms. Espinosa,

I know the proposed development site for the Wal-Mart Distribution Center has been sprayed with pesticides for many years. I have concerns about the potential of these pesticides being re-circulated into the air and into the groundwater during construction of the distribution center.

233-1

Will the contracted DTSC consultant be on task throughout the construction process? And will this consultant be testing before ground is broken? How frequent will the testing take place? How will the nearby and public at large be notified?

233-2

Also, will construction be halted on days when Merced has a poor air quality levels? For instance, any days children are forced to stay inside each day, construction should be halted. The details of this should be more thoroughly defined in the DEIR.

233-3

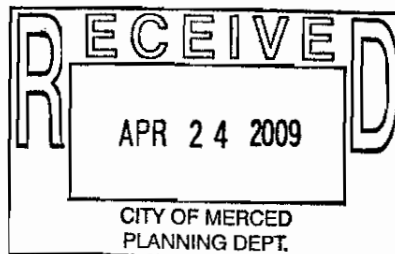
Best,

Dao Xiong
Signature
Name: Dao Xiong
Address: 844 Carol Ave
City: Merced, Ca, 95341

- 233-1 The commenter expresses concern about the potential for pesticides at the site to be re-circulated into the air and groundwater during construction of the project. Mitigation Measure 4.10-1 of the DEIR (see Section 4.2, 'Public Health and Hazards', page 4.10-10 and 4.10-11) would reduce the potential exposure to hazardous materials that could pose a health risk to construction workers and the general public to a less than significant level. In addition, implementation of Mitigation Measures 4.2-1c and 4.2-1d of the DEIR would reduce exposure to contaminants through airborne emissions by ensuring compliance with Regulation VIII, which is required by law, and include additional San Joaquin Valley Air Pollution Control District-recommended control measures. As a result, generation of construction-related dust emissions would be reduced to a less-than-significant level. The commenter does not raise issues with the adequacy of the DEIR. The comment is noted.
- 233-2 The commenter asks questions concerning DTSC monitoring of potential hazardous materials. The commenter provides no specifics, but is assumed that the commenter is referring to the "qualified consultant registered in DTSC's Registered Environmental Assessor Program", which is required by Mitigation Measure 4.1-10 in the event that evidence of hazardous materials is observed during construction. It should be noted that Mitigation Measure 4.1-10 does not specify frequency of monitoring, but requires a DTSC Remedial Action Work Plan if required by the DTSC Preliminary Endangerment Assessment (only required if the qualified consultant identifies potential contamination). As specified in the mitigation measure, the agencies involved in the remediation activity would depend on the type and extent of contamination.
- 233-3 The commenter asks if construction activity would be "halted on when Merced has a poor air quality levels." Mitigation Measure 4.2-1a (page 4.2-32 of the DEIR) includes the requirement to "Cease construction activity on forecasted Spare the Air Days."

April 23, 2009

Mayor Ellie Wooten
City of Merced
678 W. 18th Street
Merced, CA 95340



RE: Wal-Mart Distribution Center

Dear Mayor Wooten:

As a community member of the City of Merced, I would like to forward the following petition from 233 Southeast Asian community members in support of the Wal-Mart Distribution Center to you and City Council members.

With the nation's current economic crisis, Merced has been deeply affected, having one of the highest unemployment rates in the nation (19.9%). As a Limited English Proficient (LEP) and low skilled workforce, the Southeast Asian community has been especially hard hit by this crisis. The distribution center will greatly benefit these community members by creating numerous attainable jobs.

We as community members strongly believe that the development of the distribution center will greatly enhance employment opportunities and the economy in Merced, and urge you to support the Wal-Mart Distribution Center.

Sincerely,

A handwritten signature in cursive script that reads "Henry Xiong".

Henry Xiong
Community Member

Encls.

234-1

10/13

**PETITION TO SUPPORT JOB CREATION
AND TO SUPPORT THE WAL-MART DISTRIBUTION CENTER**

To: Honorable Mayor and Members of the Merced City Council

November 21, 2008

As you may probably know Merced has one of the highest unemployment rates in the Nation. The high unemployment rate disproportionately impacts ethnic communities and the less educated. The Asian community, particularly those of Hmong, Lao, and Mien descent, in Merced City suffer disproportionately from the effects of the high rate of unemployment: poverty, gang violence, lack of health insurance, poor health and health care, among others. As elected leaders, we urge you to support policies that will create jobs, so that all communities can benefit. In particular, we support and urge you to support the Wal-Mart Distribution Center.

	Name	Address	Signature
1	Henry Xiong	1284 Hansen Ave, Merced 95340	Henry Xiong
2	Go Thao	473 Tolman Way Merced 95348	Go Thao
3	Diacha Vany	4398 N. Tamara Fresno 93722	Diacha Vany
4	Pao Ly Xiong	3156 Loughborough Ln 6312979 - Fresno	Pao Ly Xiong
5	Cheng Thao	868 Marion Ct Merced	Cheng Thao
6	Cher Pao Vang	2273 Fern St Merced, CA 95318	Cher Pao Vang
7	Andy L. Yang	195 Della Dr. Atwater, CA 95301	Andy L. Yang
8	Kellen Vang	1226 Cavallaro Ct Merced, CA	Kellen Vang
9	Fisher man	615 San Pedro St	Fisher man
10	Phan Anh	3214 Monte Vista Ct	Phan Anh
11	Lue Yang	2823 Elm Ave Merced, CA	Lue Yang
12	Nha Bee Thao	430 Vargas Ct Merced	Nha Bee Thao
13	Youna Sam Paul	405 Rice Ct Merced	Youna Sam Paul
14	Way Her Lee	3222 Dudley St Merced	Way Her Lee
15	Vang Pao Xiong	1292 HANSEN AVE - MERCED	Vang Pao Xiong
16	Yawa m qua	2071 Cambridge Atwater	Yawa m qua
17	Za Dan Hter	669 Junipero Ct Merced	Za Dan Hter
18	Vally Mova	2565 Stony Brook AVE	Vally Mova
19	Chong sue Xiong	117 La Parisima Ct Merced	Chong sue Xiong
20	Chong Za Xiong	1553 Sacramento St	Xiong Chong

2 of 13

21	Loe Chang	2882 Bea Ct merced	Loe Chang
22	Solution h	935. S. St Merced CA 95341	Solution h
23	Diana Gao	1015 Fawn Ct. Merced	Diana Gao
24	Paul Ge yan	732. W St merced CA	95340209 383 2636
25	Moonhao	103 Montauk Ave Merced, CA 95340	(209) 384-8160
26	Hany	3344 Bismark Dr Merced	95348 261-2748
27	Paul Thao	514 Swite Way merced	Paul Thao
28	James Vang	1840 Phoenix Way Merced, CA 95348	723-4388 Vang
29	Maly Thao	674 Seville Dr. merced	726-0346 maly Thao
30	Brian Dang	6693 Meadowlark Ave, Winter CA 95398	Brian Dang
31	Herpyang	1493 Hunters Dr.	Herpyang
32	Pell yan	3532 San Moritz Ave	Pell yan
33	LEE Xinyi	1302 W 1st St	LEE Xinyi
34	Kennedy Xiong	1282 Hansen Ave	489-0398
35	Tou Yang	2432 Driftwood merced	Tou Yang
36	Chae VUE	2432 Driftwood dr	Chae VUE
37	Panhia Xiong	1493 Hunters Drive	Panhia Xiong
38	Wendy Xiong	1302 West 1st Street	Wendy Xiong
39	Mai Ker Xiong	1302 W. 1st St.	Mai Ker Xiong
40	CHUE YANG	511 Margaret Ct	CHUE YANG
41	Juachan	3660 Syracuse Ct merced	Juachan
42	Jawua Xiong	2933 Tenayadr	Jawua Xiong
43	Ka Xiong	1892 Hansen Ave	Ka Xiong
44	Chong Chang	1284 Hansen Ave	Chong Chang
45	Lang Xiong	1301 N Denain Apt 58	Lang Xiong
46	Thu Ying Lee	1493 Hunters Dr.	Thu Ying Lee
47	Yeng Xiong	1284 Hansen Ave.	Yeng Xiong
48	Jin yan	3532 San Moritz Ave	Jin yan
49	Hastey Xiong	3660 Syracuse Ct.	Hastey Xiong
50	Kou Her	3312 Tabin Hark et	Kou Her

**PETITION TO SUPPORT JOB CREATION
AND TO SUPPORT THE WAL-MART DISTRIBUTION CENTER**

To: Honorable Mayor and Members of the Merced City Council

November 21, 2008

As you may probably know Merced has one of the highest unemployment rates in the Nation. The high unemployment rate disproportionately impacts ethnic communities and the less educated. The Asian community, particularly those of Hmong, Lao, and Mien descent, in Merced City suffer disproportionately from the effects of the high rate of unemployment: poverty, gang violence, lack of health insurance, poor health and health care, among others. As elected leaders, we urge you to support policies that will create jobs, so that all communities can benefit. In particular, we support and urge you to support the Wal-Mart Distribution Center.

	Name	Address	Signature
1	Ving Cha	9586 Liberty Ave Atwater	Ving Cha
2	Fai pha	3665 Bea Dr	Fai pha
3	Song Doua Cha	1803 Augusta Dr. Atwater	Song Doua Cha
4	Fong Chan	4745 N. Hwy 59 Merced	Fong Chan
5	Kong Chang	3065 Bea Dr.	Kong Chang
6	Keng Chang	3065 Bea Dr.	Keng Chang
7	Bona Tone Chang	-	Bona Tone Chang
8	Jonathan	480 E. Santa Isc	Jonathan
9	Jianling	1516 Deaver Way, Merced, CA 95340	Jianling
10	Mou Chang	6974 cottage st winter co 95354	Mou Chang
11	Xi Chang	405 Woodro w s 87530	Xi Chang
12	Kuo Chang	1111 Monticello Ct	Kuo Chang
13	CHENG SUE	579 Sainthteressa st Merced	Cheng Sue
14	Wanghwe Chang	851 Brittany way	Wanghwe Chang
15	Ricky Chang	2536 N DUE	Ricky Chang
16	Jou Hou Chang	1111 Monticello Ct merced	Jou Hou Chang
17	Nhiang Chang	527 Staccata Merced	Nhiang Chang
18	Chue Vne	7148 Tokay Cir. Wilton	Chue Vne
19	Cher Chang	4585 N. Highway 59 #A	Cher Chang

21	Fong Chang	1093 Kelso St Atwater, CA	Fong Chang
22	Her Chang	1244 W 3rd St Merced, CA 95341	Her Chang
23	Cha xia Chang	7096 Asuzie St. Winton.	Cha xia Chang
24	Chester Chang	Merced CO, 95341	Chester Chang
25	Bee Lee	Merced 95300	Bee Lee
26	Tiong Vang	Merced CA 95348	Tiong Vang
27	Chou Toua Chang	Merced CA 95340	Chou Toua Chang
28	Teng Vang		Teng Vang
29	Houa Chang	530 East Santa Fe Ave. Merced CA, 95340	Houa Chang
30	Chia Chang		Chia Chang
31	Aong Chang	7147 Tokay Cir. Winton CA	Aong Chang
32	Shamee Vang	480 E. Santa Fe Ave Merced CA	Shamee Vang
33	Bilida	1503 Laska Ave	Bilida
34	Joua Vang	9586 Liberty Avenue Atwater CA 95301	Joua Vang
35	Kalia Cha	9586 Liberty Avenue Atwater CA 95301	Kalia Cha
36	Pa Chang	1159 Monticello Ct Merced CA 95341	Pa Chang
37	Soua Vang	Merced 95341	Soua Vang
38	Ka Vang	Merced 95341	Ka Vang
39	Kaboo Thao	Merced 95341	Kaboo Thao
40	Julie Thao	4745 N. Hwy 59 Merced, CA 95348	Julie Thao
41	Mancy Vang	5820 N. Santa Fe Dr. Atwater 95301	Mancy Vang
42	Bao Nhia Xiong	809 San Juan Rd. 224 Sacramento 95834	Bao Nhia Xiong
43	Soua Vang	2204 Lobo Ave. Merced CA 95348	Soua Vang
44	Lee Vang	2204 Lobo Ave, Merced, CA 95348	Lee Vang
45	Bla Vue	2204 Lobo Ave. Merced, CA 95348	Bla Vue
46	See Vang	809 San Juan Rd. APT Sacramento CA 95834	See Vang
47	Mai Vue	6695 Hastings Dr Winton, CA 95358	Mai Vue
48	Her Chang	Merced CA	Her Chang
49	Her Chang	1623 Sacramento Dr	Her Chang
50	Ku Su	165 San Clemente	Ku Su

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	Name	Address	Signature
1	CRAW SHONGHER	1575 Thurman Ct	[Signature]
2	DAVID HONG	6538 Deann Ct Winston	[Signature]
3	Boua Souther	7730 Juniper Ct	[Signature]
4	Chouy HONG	687 Truckway	[Signature]
5	Chat HONG	648 Trudy way	[Signature]
6	Kham HONG	648 Trudy way	[Signature]
7	YONGCHUETHER	Merced	[Signature]
8	Wesling THAO	4538 Deann Ct.	[Signature]
9	HT KHONG	6538 Deann Ct Winston	[Signature]
10	YONG LOR HONG	778 SONOR AVE	95340
11	[Signature]	338 Leslie Ct	[Signature]
12	Wang Yung		[Signature]
13	Chang Yung	1933 Saratoga Ct	[Signature]
14	Lina HONG	1575 Thurman Ct, Merced	[Signature]
15	Nao Vang		[Signature]
16	THAO HONG		[Signature]
17	[Signature]		[Signature]
18	[Signature]		[Signature]
19	Phoua Vang		[Signature]
20	YEE VANG	1933 Saratoga Ct.	YEE VANG

21	Kang Her	1933 Sarasota Ct.	Kang Her
22	Chau Her	778 Sonora Ave Merced	Chau Her
23	Sandy Mowa	400 Brian Ct	M. Mowa
24	Kamoua	669 Junipero	Kamoua
25	Zang Ying/A	22 San Jose Ct	Zang Ying/A
26	Moua Mowa	Merced, CA	Moua Mowa
27	Tou Her	1933 Sarasota Court	Tou Her
28	Richard Her	1276 Hansen Ave	Richard Her
29	Mhia Her	22 Sunset Ct	Mhia Her
30	Crystal Vang	319 Noble Drive.	Crystal Vang
31	Oheng Lee	1276 Hansen Ave.	Oheng Lee
32	Yong Her	22 Sunset Ct	Yong Her
33	Yah gyeng	22 sunset ct	Yah gyeng
34	James Moud	5418 N. Hwy 99	James Moud
35	Seekhai Sangsanying	5418 HWY 99	Seekhai Sangsanying
36	Xiao's World	3517 BISMARCK DR	Xiao's World
37	Bing Chau Her	181 El Verano Way	Bing Chau Her
38	Lou Her	533 Santa Clara St.	Lou Her
39	Blakhan Her	479 Judy Ct Merced	Blakhan Her
40	Xang Thao	3670 Painter Ct	Xang Thao
41	MUON VONG	NVA 5418 59	MUON VONG
42	Winda Her	3931 Temple Ct	Winda Her
43	Long Thang Her	2961 Temple Ct	Long Thang Her
44	Lee Vang	316 S. Parsons Ave Apt #2	Lee Vang
45	Mai Her	316 S. Parsons Ave Apt. 2	Mai Her
46	CHAO HER	5323 CARRINGTON CR. #31	CHAO HER
47	Wang Jia Her	8128 Phinney Dr Sac, CA	Wang Jia Her
48	LA Her	8128 Phinney Dr Sac, CA	LA Her
49	Michelle VANG	8128 Phinney Dr Sac, CA	Michelle VANG
50	Diane Vang	18 Butterwick Ct. CA	Diane Vang

70713

**PETITION TO SUPPORT JOB CREATION
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To: Honorable Mayor and Members of the Merced City Council

November 21, 2008

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	Name	Address	Signature
1	Yanva Mena	2071 Cambridge Avenue	[Signature]
2	Mona Lia	1207 Devonwood Dr.	[Signature]
3	Cha Mue	1078 Independence St	[Signature]
4	Kishar ma	61 San Pedro St	[Signature]
5	Xiachor Mena	1725 Cedar Ave	[Signature]
6	Chue Mung	1853 22 St	[Signature]
7	Ge Moun	6691 W. Yale Ave	[Signature]
8	Chong Moun	61 San Pedro St	[Signature]
9	Yong Yee Mwa	6538 Deann Ct	[Signature]
10	Billy Moun	5418 N HW 59	[Signature]
11	Kar Moun	2575 San Vincent Ave	[Signature]
12	Johnny Moun	1921 Lopez Ave	[Signature]
13	Jim Moun	61 San Pedro St	[Signature]
14	Hua Moun	61 San Pedro St	[Signature]
15	Nou Moun	61 San Pedro St.	[Signature]
16	Chang Yang	4780 E. Lane Ave	[Signature]
17	Tom Moun	340 Olive Ave	[Signature]
18	See Moun	632 El St	[Signature]
19	Vang Koun	335 Town Ave	[Signature]
20	Paul Moun	942 W. Sam St	[Signature]

8713

**PETITION TO SUPPORT JOB CREATION
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To: Honorable Mayor and Members of the Merced City Council

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	Name	Address	Signature
1	Jennifer Krumm	539 Leslie Ct. Merced CA 95348	
2	Adam Cox	1015 W. 23RD St. Merced	
3	EMMA Merino	1397 Esplanada Merced	
4	BRANDON Williams	10217 N. BURNACH RD WINTON 95386	
5	Sepranic Raymond	27101 Lexington merced, CA 95340	
6	Crystal Andersen	5727 W. Leland Ct., Atwater, CA 95301	
7	Sarima Thao	1386 W 1st St Merced, CA 95341	
8	Khao Nou Vang	2220 Dinkey Creek Ave Merced CA	
9	Lee Lee	777 Loughborough APT 3 Merced, CA 95348	
10	Sarn Saefern	353 LA Mesa Ct Merced CA 95341	
11	Meng Xiong	575 Santa Clara St Merced 95340 CA	
12	Chang Xiong	575 Santa Clara St Merced CA 95340	
13	Youa Thao	575 Santa Clara St Merced CA 95340	
14	Sou Saeter n	1337 W. 2nd St Merced CA 95341	
15	Mamy Thao	1674 Seville Dr. Merced, CA 95341.	
16	Dao Lor	573 Santa Clara St Merced, CA 95341	
17	Ker yang	17 E Lu purissima St CA Merced, 95341	
18	Shoua Thao	508 Santa Clara St Merced, CA 95341	
19	Zhi Lee	3465 Pinos Ave #4 Merced CA 95340	
20	Zei Lee	3465 Pinos Ave #4 Merced CA 95340	

9/7/13

21	Xang Xue	966 W 19 St	Xang
22	Kan Xue	564 N Pulson Ave	Kan
23	Zao Xue	422 Samana Ave	Zao Xue
24	Moua Kong	438 W. 12th St	Bong Moua
25	KHAO NON VANG	2220 DINKY CREEK AVE.	Chau Nong
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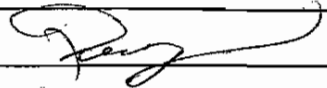
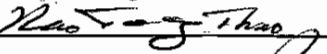
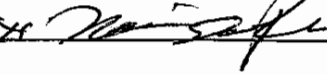
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	Name	Address	Signature
1	NAPANTE	33376 # B Merced	Napante
2	Shelly Lu	405 Rice Ct Merced	Shelly Lu
3	Koua Neng	1560 ELLEN CT APT#6	Neng
4	Mai V Lis	1560	Mai V Lis
5	Yia Xiong	346 S parsons AVE #3	Yia Xiong
6	Yee Jans	2861 N Franklin RD	Yee Jans
7	Kong Yang	1896 E 22nd street	Kong Yang
8	Chan Moua	540 N. St. Apt. A	Chan Moua
9	Wally Yang	2419 N. Shoemaker Ave	Wally Yang
10	Neng Vang	625 W 7th St	Neng Vang
11	Teng Moua	40 colony Ln Merced	Teng Moua
12	Zoua Xiong	2582 ashby RD	Zoua Xiong
13	Mang Dee	218 R St Merced, CA	Mang Dee
14	Choua Thao	1586 Massassa Ct Merced, CA	
15	Koua Cha	249 Julian Ct Merced, CA	
16	Ploua Thao		
17	NHA B Lee		
18	Chong Lee	442 N ST APT-B	
19	Chang Gen Xiong	2025 stretch rd merced	Chang Gen Xiong
20	Truman Xiong	2025 stretch rd. merced	Truman Xiong

21	Otto Xiong	2025 stretch net Merced	
22	NAO Tong Thu	1442 Conestoga Merced	
23	Nai Saephan	275 E 105th Merced CA9534	
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12 of 13

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	Name	Address	Signature
1	Teresa Cromwell	2332 Mariner Blvd	Teresa Cromwell
2	Neng Fung	9336 12th St Merced	Neng Fung
3	Richi Vang	579 Saint Teresa St.	Richi Vang
4	Solieda Mouna	289 S. P. St.	Solieda Mouna
5	Joshua Thur	2006 Knight's Feary Dr.	Joshua Thur
6	Faith Vang	1269 Esplanade Dr.	Faith Vang
7	Xun Yang	P.O. Box Atwater, CA 95301	Xun Yang
8	Chuck Yang	493 Briktang Way, Merced, CA 95341	Chuck Yang
9	Kc Xiong	2748 N. Weber Ave, Fresno, CA	Kc Xiong
10	ARCELIAG	1876 Belcher on	Arce Liag
11	Betty Cha	8837N CEDAR 101, FRESNO	Betty Cha
12	Konk Vants	2304 CRENSHAW MERCEDES 95301	Konk Vants
13	Lo Vern	3783 Alameda DR Merced	Lo Vern
14	Nov Mary	423 Petunia Ct	Nov Mary
15	Kec Chang	1772 Willowbrook	Kec Chang
16	Chio Suedern	1327 W 2nd St	Chio Suedern
17	Sung Sapper	577 Monique CT	Sung Sapper
18	Yun Vang	1149 G. 18th 2113	Yun Vang
19	Thao Hu	2307 S. Clara Ave Fresno	Thao Hu
20	XOZ THAO	3309 S. 10th	XOZ THAO

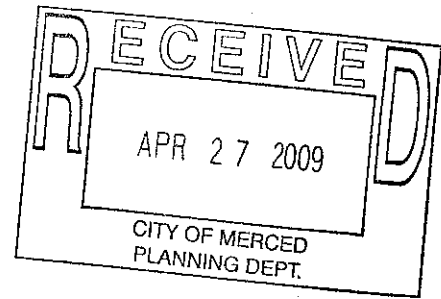
21	SAM Lee	29 Creeks EDGE LAY # B	916) 427-1306
22	Ron Van	2651 W. Big Sandy Ave	(209) 725 9101
23	Nancy Lee	116 SISCO DE ASIS	(209) 383-1004
24	Vang Cheng		722 80116
25	Nhat Chon Hoa		304-2426
26	Sia Mouahel		725-8928
27	Junon Lee		726-7454
28	SYNTHIA SEY		631-8020
29	Mary Vang		916) 395-7128
30	Dr. Pak. Cha		(59) 360-4520
31	Kara Lee	1512 Rippaway, su, mend	209-726-1027
32	Polly Lee		722 3069
33	Tony King		209 384-2600
34	Chris		
35	DANNY		
36	XIANG		
37	Tony Vang		
38	TOU		
39	ROBERT F CHANG		
40	Kong		
41	Cheng		
42	Kim YN		
43	Xai		
44	Kao		
45	Melicy Mon		
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234-1

The comment addresses the merits of the proposed project recommends approval, and does not raise environmental issues or any issues regarding the adequacy of the Draft EIR. The comment letter serves as a transmittal to which several pages of a signed petition are attached. The comment is noted.

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



Dear Ms. Espinosa,

The EIR for the Wal-Mart project needs to adopt higher standards for the handling of airborne contaminants at the site during and after construction. "Recommended control measures" sounds very vague and non committal – please explain what this means. Are these measures the strictest and most effective measures available, or just the bare minimum?

235-1

The City should demand more than mediocre from this project. If we're hanging our economic future on this project as everyone says, why would we use less than the best environmental control methods? If Wal-Mart needs this project so badly, shouldn't Merced have leverage to demand the highest standards and quality in environmental protection?

235-2

Sincerely,

MAYNA YA

460 HYDRANGEA CT.
MERCED, CA 95341

235-1

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 NO_x 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 the SJVAPCD before issuance of a building permit from the City of Merced. The AIA shall quantify operational NO_x and PM₁₀ 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.

Please also refer to Response to Comment 93-1.

235-2

The commenter primarily addresses the merits of the project, but makes general statements regarding environmental impacts. The DEIR analyzes environmental impacts related to the project. The commenter does not raise issues related to the adequacy of the DEIR. The comment is noted. Please refer to response to comment 93-1 for more information related to air quality impacts.

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Espinosa, Kim

From: Bev Young [by94030@pacbell.net]
Sent: Monday, March 16, 2009 6:08 PM
To: Espinosa, Kim
Subject: Wal Mart Distribution Environmental Impacts

Dear. Ms. Espinosa,

It appears from the report that all environmental impacts of any significance will be satisfactorily mitigated.

This project must go forward; do not let another opportunity to help this community be squandered.

Thank you,

Bev Young
1884 Creekside Dr.
Merced, CA
95348

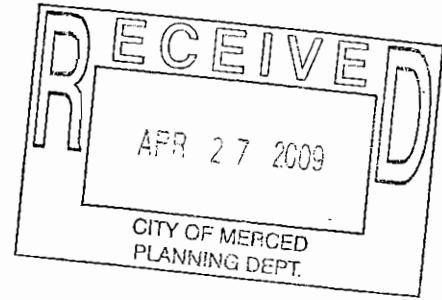
236-1

236-1

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

April 7, 2009

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



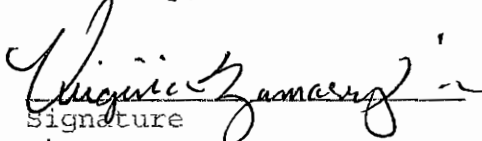
Re: Noise impacts of Wal-Mart Distribution Center

Dear Ms. Espinosa,

I have read the Section 4.8 Noise in the Wal-Mart Distribution Center DEIR and I have concerns with several issues. In particular I have concerns about noise. I have done some research on other Wal-Mart Distribution Centers and have learned that nearby residents can anticipate a diesel truck coming or leaving the distribution center every two minutes, 24 hours a day, every day of the year. The DEIR should specify the frequency of the 322 diesel trucks into and out of the distribution center by minute per hour. Additionally, it should detail the frequency in which the 1,200 employees will be entering and exiting the distribution center. In essence, my concern is that residents will be exposed to constant truck noise that currently does not exist. A sound wall will not mitigate diesel truck traffic every two minutes.

237-1

Sincerely,


Signature

Virginia Zamarripa
Print Name

445 Hydrangea Ct .
Address

(209) 383-4618
Phone

237-1

The comment states that the EIR should state how many trucks would be accessing the distribution center per minute and that the EIR should account for the employee's vehicle trips into the distribution center. Please see Response to Comment 126A-1,2,3.

The comment states that residents will be exposed to noise that does not currently exist and that a sound wall will not mitigate the noise generated by the additional traffic on affected streets. Noise resulting from increased truck traffic is discussed under Impact 4.8-3 and 4, as stated in these impacts noise mitigation in the forms of sound walls and sound proofing of buildings would reduce noise from increased truck traffic. As stated in Impact 4.8-3, noise from increased truck traffic would be significant and unavoidable.

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Monday, March 09, 2009 9:37 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

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: HappyHoppy2@aol.com [mailto:HappyHoppy2@aol.com]
Sent: Saturday, March 07, 2009 6:37 PM
To: city, council
Subject: Wal-Mart

Build it we need the jobs and the money it will bring to Merced. Thanks Steve

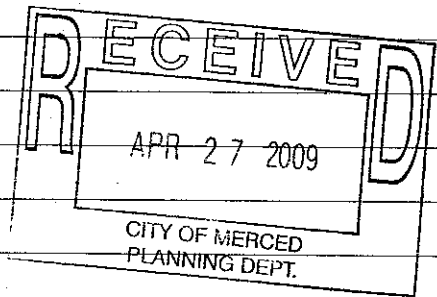
| 238-1

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

238-1

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

MINOR USE ES BENIGNO CONTRA LAS - I VIVO
En. 387 ALV EST. DR. MERCED, CA
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The attached comment letter regarding the Wal-Mart Distribution Center Draft Environmental Impact Report has been translated by:

Juan Olmos
Juan Olmos

Maintenance Worker III
Title

5-5-09
Date

English Transcription:

Letter 4 (Corresponds with LETTER #239)

My name is Benigno Contreras I live at 387 Alvest Dr. Merced. CA 95341
I do not agree with the project because it will bring many diseases for everybody especially the children and the older persons and persons with asthma. And will not let you sleep comfortable for those of us that work. Also when you have an emergency and you have to leave fast and you can't because of the trucks.

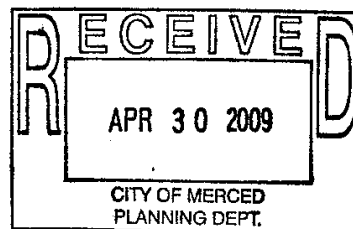
| 239-1

| 239-2

- 239-1 The commenter expresses concern about how the project's emissions would affect people with asthma. Please refer to Master Comment 13.
- 239-2 The commenter raises issues related to emergency access. This impact is addressed in the DEIR Section 4.11 "Traffic and Transportation", specifically under Impact 4.11-3. The DEIR concludes that with implementation of mitigation (providing an emergency access gate and driveway) the impact would be reduced to a less-than-significant level. If the commenter is referring to the project affecting the rate at which a resident could leave in case of an emergency, the DEIR includes an analysis of the project's affects on the level of service of the local roadway network, including intersections. The commenter does not raise issues related to the DEIR's analysis.

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John Honnette
2543 15th Avenue
Kingsburg, CA 93631
559-859-7800



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

Fax #: 209-725-8775

To City of Merced Planners:

I am opposed to the building of the proposed Wal-Mart distribution center near Merced for these reasons:

Air Quality Impact:

1. The project is estimated to produce 74,812.1 tons of unmitigated carbon dioxide per year. For perspective, the world's largest cruise ship weighs 74,000 tons.
2. In 2005, Merced County emitted 167 tons of carbon dioxide per day. That works out to 60,955 tons per year. This facility would more than double greenhouse gas emissions for the county.
3. Wal-Mart's Apple Valley distribution center uses multiple hybrid diesel trucks to reduce the impact of air emissions, but they have made no such commitments to Merced for doing anything like that.
4. Approving this project will create many more days of the year when children suffering from asthma won't be able to play outside because of the poor air quality.

240-1

240-2

Traffic Impact:

1. The DEIR Traffic Study underestimates the Project's traffic impacts because it fails to measure those impacts against existing traffic conditions. Instead, the DEIR examines those impacts against hypothetical future traffic conditions that include traffic from housing that may never be built or occupied.
2. As a result, the DEIR masks the extent to which this project is a direct cause of traffic conditions going from acceptable to unacceptable at 4 intersection locations in the a.m. peak and 5 intersections in the p.m. peak.
3. The DEIR fails to estimate, disclose or mitigate the Project's traffic impacts on residential quality of life along affected streets. The City of Merced adopted Neighborhood Traffic Calming Guidelines in January 2008. The DEIR makes no effort to evaluate whether Project traffic conforms to or conflicts with the goals and policies of the adopted traffic calming.
4. Although the project description claims that the Project will provide a parking area for trucks that arrive at hours when the Project's entry gates are closed, the Project site plan in the DEIR shows no such area.

240-3

240-4

240-5

Urban Decay Findings:

1. The creation of a Wal-Mart distribution center will lower residential property values in the area near the site. Noise, pollution and a nearby industrial location have all been shown to reduce property values in numerous economic studies.
2. This area has already been hit hard by the current housing downturn, which is likely to persist for awhile. Lower property values will make it even more difficult for some families to get out from under their "upside down" mortgages thus increasing foreclosure rates.

240-6

3. There is no guarantee that the few jobs created by this project will go to residents of Merced. You can expect that workers as far away as Modesto and Fresno will also take many of these jobs. It is likely that most of the benefits that these jobs create will go outside City limits.

4. The increased crime from urban decay, the costs of policing for noise mitigation, fire service, etc. will add considerably to the costs for the City of Merced. Will these costs be offset by taxes generated? Very possibly NO--the DEIR does not examine this issue, but citizens in Merced should be concerned.

240-7

Water Impact Findings:

1. The pattern of naturally occurring water runoff is serious at risk of being disturbed. The area of construction on the 230 acre site by this Project would reduce the amount of open land that can absorb rainwater, and such imperviousness could lead to bad flooding.

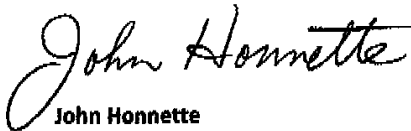
2. The Draft EIR proposes to use an outdated Storm Water Pollution Plan called Best Management Practices to prevent flooding--but many cities and counties in California have replaced that method with a far more effective standard called Integrated Management Practices which has been endorsed by the Governor and leaders of both political parties.

3. The construction of the Distribution Center will lead to increased pollution of the area's water, including groundwater, in certain instances even to toxic levels. The DEIR notes that construction wastes such as solvents, fuels, and the like could lead to the degradation of the existing water quality.

4. The oil and grease associated with having semi-trucks going to and from the Distribution Center could seep not only into drainage, but possibly also Merced's groundwater supply.

240-8

Thank you for considering my concerns with the proposed Wal-Mart distribution center near Merced.


John Honnette

TOTAL P.02

- 240-1 The first two points in this comment are not about the adequacy of the DEIR. This is not a comment about the adequacy of the DEIR. Also, the commenter does not provide the source of the information stated in the comment.
- 240-2 The commenter states that hybrid diesel trucks are used at the Wal-Mart's distribution center in Apple Valley, CA but no such requirement is included in the DEIR. This is not a comment about the adequacy of the DEIR. It shall be noted, nonetheless, that Mitigation Measure 4.2-2d includes the following requirement, where feasible:
- ▶ Purchase and operate electric or hybrid-powered yard tractors (e.g., Volk-brand tractors) to serve as "yard trucks" that move trailers to and from the trailer yard and loading docks.
- Impact 4.2-2 in the DEIR discusses operational emissions, including emissions from on-site yard trucks and long-haul truck trips. Mitigation Measures 4.2-2a, 4.2-2b, 4.2-2c, and 4.2-2e will ensure that operational emissions would be reduced to a less-than-significant level, as discussed on pages 4.2-41 and 4.2-22 of the DEIR. It is noted that Wal-Mart has launched a pilot program to test the feasibility of hybrid freight trucks; however, no data is available on the technical or economic feasibility of the program.
- 240-3 The commenter criticizes the DEIR's assumption for baseline. The traffic analysis was prepared using industry standard methodologies and the traffic impact analysis guidelines of the City of Merced. Known approved projects were included in the 2010 Background Condition, and the traffic analysis was based on the information and appropriate assumptions at the time of the analysis.
- 240-4 The commenter indicates that the DEIR does not address the City's Neighborhood Traffic Calming Guidelines adopted in 2008. Please see Response to Comment 207-4, which addresses this issue.
- 240-5 The commenter questions why the DEIR's project description indicates a parking area for trucks that arrive at hours when the project's entry gates are closed, but not such area is indicated on the site plan. Please see Response to Comment 207-8, which addresses this issue.
- 240-6 The commenter suggests that the project-related increase in truck traffic and subsequent noise and air pollution will decrease property values. The DEIR analyzes the potential for the proposed project to result in environmental impacts. Impacts related to air quality are discussed in Section 4.2 and impacts related to noise are discussed in Section 4.9. Project effects on property values alone do not constitute environmental impacts and therefore are not required to be analyzed under CEQA. However, urban decay resulting from such socioeconomic effects may be considered an impact to the environment. Please see Master Response 11: Economics and Urban Decay, which addresses this issue. With respect to local hiring policies please see Response to Comment 29-19.
- 240-7 The commenter indicates that the increased crime resulting from urban decay and noise mitigation will increase the need for police protection and other public services. Please see Responses to Comments 207-9 and 34-1, which address these issues.

240-8

The comment expresses concerns regarding flooding, requested Integrated Management Practices, and contaminated runoff to surface and groundwater and domestic water supply from construction and operational activities of the proposed project. Section 4.6 “Hydrology and Water Quality” presents analyses of pre- and post-development conditions and Mitigation Measure 4.6-2 addresses both volume and quality of stormwater runoff from proposed impervious surfaces. The final design specifications would be required to demonstrate to the City and MID that runoff generated as a result of the project would be properly contained and conveyed. See response to comment 55-1 regarding Integrated Management Practices. See response to comment 210B-1 addressing concerns of potential contamination to the domestic well water supply through contaminated runoff to surface and groundwater from construction and operational activities of the proposed project.

May 2, 2009

From:
Charles M. Ashley
Tollhouse, CA 93667
559-855-6376

To:
City of Merced Planning Division
678 West 18th Street, Merced

Re: Proposed Wal-Mart Distribution Center in Merced

Honored Members of the Merced Planning Commission:

Please do not approve construction of the Wal-Mart Distribution Center in Merced.

A huge distribution center such as this would affect not only Merced but all of the San Joaquin Valley in terms of negative impacts on air quality, traffic, water use, and community and cultural issues.

In terms of air quality, this project would produce an estimated 75,000 tons of CO₂ annually. This will double the amount of CO₂ currently produced in Merced. Moreover, because of the nature of air masses and currents in the San Joaquin Valley, this project would affect all areas in the Valley, especially areas located south and east of Merced.

241-1

As for water, this project would both use more of the limited water available in the San Joaquin Valley and contribute to water pollution. Effluvia from these vehicles (including oil, grease, and antifreeze) would cause water pollution.

241-2

As for traffic, the hundreds of large trucks entering and leaving this facility each day would add unacceptably to the already high traffic not only in Merced but throughout the San Joaquin Valley. Not only would traffic place unnecessary stress on infrastructure, but it would negatively impact neighborhoods through which trucks would drive.

241-3

Finally, negative effects to the culture, community, and economy of Merced would be devastating. Residential property values would decline in nearby neighborhoods. Noise and pollution would increase. Wal-Mart has decimated small business in the Valley, particularly “mom and pops” who can’t compete with Wal-Mart. So presumably building a large distribution center in Merced would lead to building more big box stores throughout the Valley and put even more small business owners out of business. Wal-Mart and similar big box stores lead to a monoculture that destroys community diversity. Therefore, even though these big box stores offer lower prices that are attractive to those with lower incomes, their negatively impact exceeds their positive contributions to lower income communities.

241-4

Thank you,
Charles M. Ashley
President, Save the Foothills Coalition— www.savethefoothills.org
Executive Board Member, Sierra Club Tehipite Chapter

- 241-1 The commenter raises issues related to GHG emissions and subsequent effects to the region. Please see Response to Comment 12-4, which addresses this issue.
- 241-2 The commenter expresses general concerns regarding effects on the water supply for the region, and water pollution. See response to comment 30B-1 for concerns regarding the amount of water the project would use. See response to comment 105-3 regarding an explanation of the stormwater treatment system to control water pollution from the proposed project.
- 241-3 The commenter expresses concern related to truck traffic on local streets. This impact is analyzed under DEIR Section 4.11 "Traffic and Transportation". Please also refer to Master Response 6: Trucks and the Transportation Analysis. The commenter does not raise issues with the adequacy of the DEIR's analysis. The comment is noted.
- 241-4 The commenter states that negative effects to the culture, community, and economy of Merced would be devastating. In addition, the commenter states that residential property values would decline, and building a distribution center in Merced would lead to building more big box stores throughout the Valley. The commenter does not substantiate these claims, and does not offer any evidence on how the project would result in a physical change in the environment. In addition, potential property value, small business failure, community diversity and related social and economic effects are not physical effects. Effects analyzed under CEQA must be related to a physical change in the environment (CEQA Guidelines Section 15358[b]). Economic and social effects are not considered environmental effects under CEQA. The commenter does not offer any evidence on how the project would result in significant physical change in the environment; therefore, no further response can be provided. Furthermore, no further response is necessary because no issues related to the adequacy of the environmental impact analysis in the DEIR were raised. Refer also, to Master Response 11: Economics and Urban Decay.
- The commenter states that noise and pollution would increase, but does not provide any specificity related to these issues. The project's potential noise, water quality, and air quality impacts were evaluated consistent with the requirements of CEQA in Sections 4.8, "Noise," 4.2, "Air Quality," and 4.6, "Hydrology and Water Quality," of the DEIR. As described therein, project impacts have been identified and mitigation recommended to reduce significant impacts to a less-than-significant level where feasible. Because the commenter does not provide any specific disagreements with the analysis provided in the DEIR, no further response can be provided.