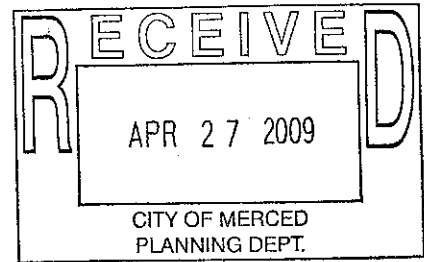


201A

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 Distribution Center ought to have a specific plan to regulate the equipment monitoring and during the construction process.

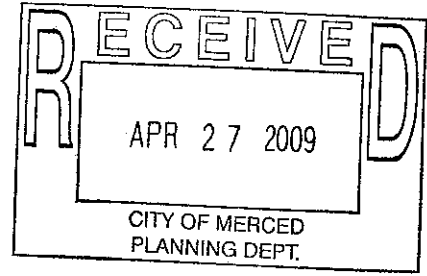
The current Draft eir lacks specific details regarding the type, size and frequency of construction equipment being operated. How will the equipment be monitored to make certain it meets manufacturing specs detailed in the DEIR? Please do a better job on the final EIR.

Many Thanks,

*Lucy Snyder*  
Lucy Snyder  
3554 Beals Ave  
Merced, CA 95348  
209-723-2342

March 22, 2009

Kim Espinosa  
Merced Planning Department  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Dear Kim,

While I have shopped at Wal-Mart before, I am concerned with the construction of the proposed distribution center. I read in the Draft EIR that the construction of the buildings and pavement could lead to many pollution issues. The Draft EIR states increased impervious surfaces in the area in and around the site has resulted in higher rates of runoff during rainy season previously which has been a source of water pollution. My concern is that this increased pollution will affect our groundwater when it is recharged from the various polluted surface waters.

Additionally, increased runoff leads to the question of whether excessive flooding may occur. While there are already some parts which can flood during the rainy season, the increase in runoff would make flooding more rampant.

For these reasons, I ask the City not approve the construction of the distribution center in our community.

Sincerely,

*Lucy Snyder*  
Signature

Lucy Snyder  
Print Name

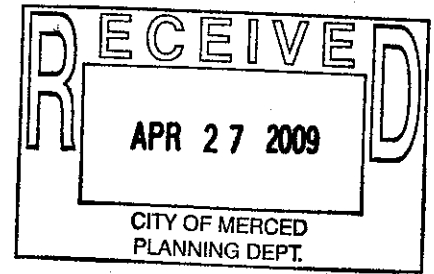
3554 Beals Ave Merced, CA 95348  
Address

209-723-2342  
Phone

201C

April 7, 2009

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



Re: Wal-Mart Distribution Center Project

Dear Ms. Espinosa:

In regards to the Draft Environmental Impact Report, I am opposed to the City building on this property.

This specific area is prime agriculture land and needs to be protected. There are economic benefits of this type of soil and building on it only hurts the local agriculture and farmland industry. The City has been responsible in protecting this type of land and should continue to support farmers and the agricultural community.

Please deny this application and keep this site farmland. Thank you for your consideration.

Thank you.

Lucy Snyder  
Signature

Lucy Snyder  
Print Name

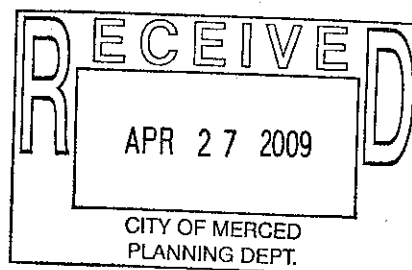
3554 Beals Ave  
Address

Merced, CA

209-723-2342  
Phone

4.14.2009

Kim Espinosa  
 Planning Manager  
 Merced Planning Department  
 678 West 18<sup>th</sup> Street  
 Merced, CA 95340



Re: Merced Wal-Mart Distribution Center Project

Dear Ms. Espinosa:

I am voicing my concern against the development of a distribution center in our City. Mainly, I am against the project for the following reasons:

- The construction of the distribution center would create more impervious land, which would exacerbate the current flooding situation, which sometimes occurs when there is too much stormwater in our drainage systems.
- The distribution center would lead to more traffic which would not only congest the surrounding roads more but would also lead to more pollution including oils from the semi-trucks polluting water runoff.
- The development of a distribution center could potentially harm wildlife in the area, which I have grown accustomed to and enjoy.

For these reasons, I believe the City should deny the construction of the Wal-Mart distribution center.

Whit Soans  
 Signature

Celeste Soans  
 Print Name

2355 Atwater Blvd.  
 Address

Atwater CA.

209 242-6187  
 Phone

**Espinosa, Kim**

---

**From:** sspitler [bertaandsyd@comcast.net]  
**Sent:** Saturday, April 18, 2009 10:13 AM  
**To:** Espinosa, Kim  
**Subject:** Hi Kim

Hi Kim,

Just a couple of thoughts about the Wal-Mart EIR.

The thing that I am having trouble understanding in this situation is why it is Wal-Mart feels it must be so intrusive. I can not argue the need for jobs is this city and county. But, I can argue with the placement of this business that will intrude on schools, noise levels (not just for the resedints in the immediate area, but for all of Merced [we hear train and 99 traffic noise out here on Bellevue Road near the University, which will ultimately affect the value of all Merced homes]), polution, and traffic. Wal-Mart does not have to place itself in an area that makes it the first and last thing Mercedians hear or think about every day.

Couldn't Wal-Mart move to an area in-between Merced and Chowchilla?

Will Wal-Mart be made to pay for its roads, take care of its wastewater and up-grade for its utilities? For the sake of just 900 (or more) jobs I'm wondering who's getting the best deal, our potential employees or Wal-Mart. And I'm quite tempted to this it is really Wal-Mart.

Syd Spitler

**Espinosa, Kim**

---

**From:** Walker, Dawn on behalf of city, council  
**Sent:** Tuesday, March 10, 2009 8:17 AM  
**To:** city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill  
**Cc:** Davidson, Dana; Quintero, Frank; Conway, Mike; Espinosa, Kim; Schechter, Jeanne  
**Subject:** FW: Wal mart vote!!

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:** Pamela Spiva [mailto:pamela.spiva@sbcglobal.net]  
**Sent:** Monday, March 09, 2009 9:41 AM  
**To:** city, council  
**Subject:** Wal mart vote!!

I vote YES for Walmart!!!!!! WE NEED IT!!!!!!

**Pamela M. Spiva, Realtor**  
Coldwell Banker Gonella Realty  
701 W. Olive Avenue  
Merced CA 95348  
Cell: 209.761.8251  
Office: 209.383.2171  
Fax: 209.725.0423

205

**Espinosa, Kim**

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**From:** Bingaman, Jamie  
**Sent:** Thursday, February 26, 2009 12:26 PM  
**To:** Espinosa, Kim  
**Subject:** FW: Wal-Mart Distribution Center

FYI

-----Original Message-----

**From:** Davidson, Dana  
**Sent:** Thursday, February 19, 2009 11:21 AM  
**To:** Bingaman, Jamie  
**Subject:** FW: Wal-Mart Distribution Center

For the record.

---

**From:** Walker, Dawn **On Behalf Of** city, council  
**Sent:** Thursday, February 19, 2009 10:00 AM  
**To:** city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill  
**Cc:** Davidson, Dana; Quintero, Frank; Conway, Mike; Espinosa, Kim; Rozell, Kenneth  
**Subject:** FW: Wal-Mart Distribution Center

From the website.

*Dawn*

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

-----Original Message-----

**From:** 4everdodgerblue@sbcglobal.net [mailto:4everdodgerblue@sbcglobal.net]  
**Sent:** Saturday, February 14, 2009 3:14 PM  
**To:** city, council  
**Subject:** Wal-Mart Distribution Center

Let Wal-Mart in ! I can't believe that we are even debating this, It's a no-brainer. With unemployment at 15% in Merced county we need this distribution center more than ever and if we keep messing around, some other city will snag it up. Jobs are more important right now than any enviromental impact.

2/27/2009

John & Vickie Stephan  
1284 El Portal Dr.  
Merced CA 95340



**Espinosa, Kim**

**206**

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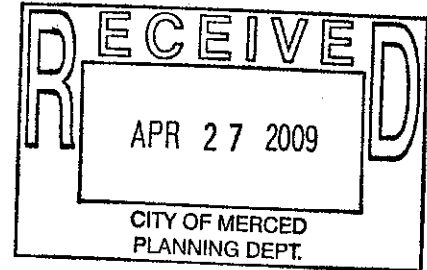
**From:** KEN STEPHENSON [ken.stephenson@sbcglobal.net]  
**Sent:** Friday, April 17, 2009 11:17 AM  
**To:** Espinosa, Kim  
**Subject:** Wal-Mart

Merced needs jobs !!. Not every one living here is wealthy. Lets get it done !. LETS GO FOR WAL-MART !.      KENNETH E. STEPHENSON 851 ALABASTER CT. ATWATER, CA 95301

**Espinosa, Kim**

**From:** Kyle Stockard [kylestockard@clearwire.net]  
**Sent:** Monday, April 27, 2009 11:28 AM  
**To:** Espinosa, Kim  
**Cc:** Kyle Stockard  
**Subject:** Wal-Mart Distribution Center DEIR

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



Dear Ms. Espinosa:

After reading the DEIR for the Wal-Mart Distribution Center I have several concerns about the feasibility of the location of this project. While there are many areas of the report that could pose potential problems, I will limit myself to four areas of greatest concern.

(1) AIR QUALITY Impact findings in the DEIR

\* 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.

\* 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.

\* The study indicates a potential of 4 diesel trucks idling at any given time during a one hour period. Because state law requires that no truck can idle longer than 5 minutes continuously, this is significant because it means trucks will be moving with extreme frequency.

\* 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.

(2) TRAFFIC Impact Findings in the DEIR

\* 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 the project's traffic impacts against a hypothetical future traffic conditions that includes traffic from housing that may never be built or occupied.

\* 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 AM peak and 5 intersections in the PM peak.

\* The DEIR Traffic Study underestimates the project's traffic impacts because its estimate of the project's trip generation is non-representative of the project's full potential. For example, for truck trips the DEIR's trip generation is based on observations taken in the month of August at

4/27/2009

only one other Wal-Mart Regional Distribution Center in Apple Valley, CA. Since sales of consumer shopping goods in some months are vastly higher than in August, the trip generation estimates do not represent a peak or even an average trip generation for the project. Auto trips may also be underestimated because the work force may also be supplemented in months of highest retail activity.

\* The DEIR Traffic Study underestimates the project's traffic impacts because its of the project's trip generation is implausible. Even if the DEIR assumes that all the 1756 projected auto trips to and from the site daily are trips to and from work by the 1200 employees, this equals an average Vehicle occupancy rate of 1.37 persons per car. This is implausible since average vehicle occupancy in similar areas is typically about 1.10. Since many employee shifts apparently start and end in off- peak times, there is little incentive for ride sharing and virtually no likelihood of transit usage for commuting. In compiling the above 1.37 average vehicle occupancy statistic, all 1756 projected auto trips have been assumed to be employee commute trips between home and work. It must be recognized that some proportion of the 1756 trips will be for other purposes such as employees departing and returning in mid-shift for lunch or personal business, and other non-employees arriving and departing for routine business calls or job applications and the like. Therefore, the actual vehicle occupancy among worker commute trips implicit in the DEIR trip generation would actually be even larger than the 1.37 persons per car occupancy rate noted above, an occupancy level that is even more implausible. Therefore, the DEIR's estimate of auto trip generation of the project must be significantly understated. If it is assumed that the employee's average vehicle occupancy on commute trips is realistic at 1.10 persons per vehicle and that there would be 100 non-commute auto trips to and from the site each day, the net auto trip generation for the project would be 2282, 30 percent higher than the 1756 trips the DEIR estimates.

\* 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 Calming Guidelines in January 2008. The DEIR makes no effort to evaluate whether project traffic conforms to or conflicts with goals and policies of the adopted traffic calming.

\* The DEIR Traffic Study underestimates the project's traffic impacts, because it assumes that trucks will access the site on the south side using Campus Parkway and Gerard Avenue. Infact, truck traffic to and from the north using State Highway 99 will be as likely to use East Childs Avenue and its interchange to transition between State Highway 99 and the site. The DEIR should analyze this more realistic probability.

\* The traffic assumptions input to the UBREMIS air quality model are not documented in the traffic section of the DEIR or its Appendix (E). The DEIR should document a quantified relationship between its traffic analyses and the traffic estimates assumed in the air quality modeling.

\* Although project access is limited to two points, both intersecting Gerard Avenue, the DEIR does not include an analysis of the project's access intersections. Such an analysis should be provided.

\* Although the project description claims that the project will provide a parking area for trucks tha arrive at hours when the project's entry gates are closed, the project site plan in the DEIR shows no such area.

### (3) URBAN DECAY Findings in the DEIR

\* The creation of a Wal-Mart distribution center will lower residential property values in the

areas near the site. Noise, pollution and a nearby industrial location have all been shown to reduce property values in numerous economic studies.

\* This area has already been hit hard by the current housing downturn, which is likely to persist for a while. Lower property values will make it even more difficult for some families to get out from under "upside down" mortgages thus increasing foreclosure rates.

\* 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 will create will go outside City limits.

\* 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 of Merced should be concerned.

\* The distribution center will increase urban decay and blight in the area as property prices fall. Some home sites are partially completed and abandoned in the area and it will be harder for these sites to be restored. Increased crime is a result of such urban decay impacts.

\* If Wal-Mart builds a distribution center in Merced it is very likely that it will expand its current store to a Supercenter or, as it often does, close its existing store (leaving a serious vacancy) and open a new Supercenter. Most of these new Supercenters in California are enormous---225,000 square feet---equal to about one and a half Costco's. They include a large grocery component and these stores typically sell at least as much as two very large grocery stores (e.g. Save Mart, Raleys, Food 4 Less) or 3-4 smaller grocery stores (e.g. Smart and Final, Grocery Outlet, etc.). In a city like Merced this can have a devastating impact on local shopping centers, which are typically anchored by grocery stores.

\* The DEIR does not properly evaluate the impact of this proposed distribution center on Merced or the surrounding area. It is very likely that the center will cater to Wal-Mart's expanding line of groceries and lead to the further development of their Supercenter format stores in the north central valley. Without this evaluation the DEIR is inadequate --a DEIR is supposed to inform citizens what to expect, so they can make an intelligent decision.

#### (4) WATER IMPACT Findings in the DEIR

\* The pattern of naturally occurring water runoff is at serious risk of being disturbed. By constructing on the 230 acre site, the project would reduce the amount of land that can absorb rain water, and such imperviousness could lead to bad flooding.

\* The DEIR 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.

\* 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.

\* 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.

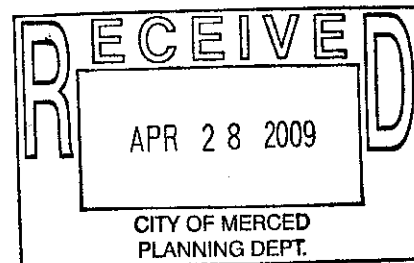
Without addressing the concerns of this letter, and the concerns of others in the community about the DEIR, I would conclude that this project is not a good fit for the community.

Sincerely,

Kyle Stockard  
2499 E. Gerard Ave. #12  
Merced, CA 95341  
(209)722-0620

April 1, 2009

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



Postmark 4-27-09

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?

Thank you,

William Stockard  
 Signature

William Stockard  
 Print Name

2640 E. Car de la Rd.  
Merced, CA 95340  
 Address

(209) 722-0620  
 Phone

USA FIRST-CLASS FOREVER

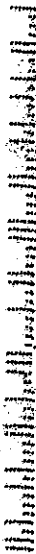


STOCKTON/STKN  
CA 952 1 L  
27 APR 2009 PM

HUMAN RIGHTS WATCH  
Mr. & Mrs. William Stockard  
2640 E Cardella Rd  
Merced CA 95340  
WWW.HRW.ORG

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

95340+4700



**Espinosa, Kim**

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**From:** Walker, Dawn on behalf of city, council  
**Sent:** Tuesday, March 10, 2009 8:17 AM  
**To:** city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill  
**Cc:** Davidson, Dana; Quintero, Frank; Conway, Mike; Espinosa, Kim; Schechter, Jeanne  
**Subject:** FW: Wal-Mart

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:** Teri Strickland [mailto:tstrickland@gonellarealty.com]  
**Sent:** Monday, March 09, 2009 10:12 AM  
**To:** city, council  
**Subject:** Wal-Mart

I want to voice my opinion regarding the Wal-Mart distribution center. Since Wal-Mart is known to be a "green" company and has tough restrictions on how long their trucks can continue to run when waiting in the yard, I feel this should not keep them from coming to Merced. Our city has suffered with many layoffs in recent months. We have an obligation to our citizens to do what we can to bring new jobs into the area.

I am in favor of the Wal-Mart distribution center making its home in Merced.

**Teri Strickland, Realtor**

Coldwell Banker Gonella Realty  
701 W. Olive Avenue  
Merced, Ca. 95348  
(209) 386-3880 cell  
(209) 383-2171 office  
(209) 725-1242 fax  
www.teristrickland.com

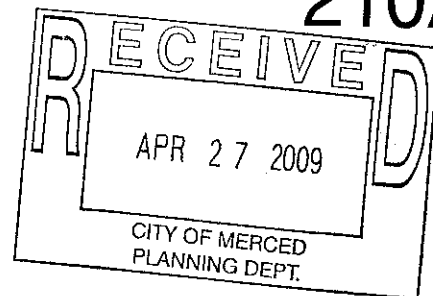
*Oh by the way, I'm never too busy for your referrals.*



210A

March 21, 2009

Kim Espinosa  
Planning Department  
City of Merced  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Re: Merced Wal-Mart Distribution Center Project

Dear Ms. Espinosa:

I am very concerned with the proposed Wal-Mart Distribution Center Project and the ramifications it may have on the local environment. In particular, the Draft EIR for the project makes clear that construction may be contrary to the Open Space, Conservation and Recreation section of the City's Vision 2015 General Plan. The General Plan makes a specific goal to protect endangered or threatened species and their habitats. Among other things, the Distribution Center project would pose a threat to certain animal species including the Swainson's hawk.

As a supporter of conservation for reasons such as the protection of existing animal species I question whether the City has really considered the impact the Project will have on local animal species. Given that the land has historically been undeveloped and agricultural in nature with orchards and fields, the creation of a Distribution Center and the associated movement of traffic would disrupt the natural habitat of many animal species.

For such reasons, I beg the City to not approve this Project.

Peter T Swaney

Signature

Peter Swaney

Print Name

2164 E Bellevue Rd

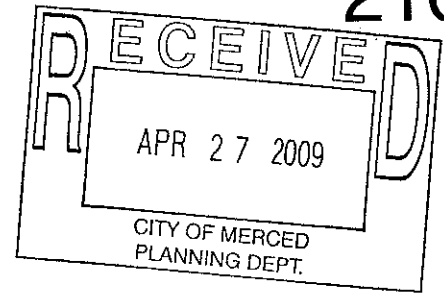
Address

(510) 593-3344

Phone

April 17, 2009

Ms. Kim Espinosa  
Merced Department of Planning  
678 West 18<sup>th</sup> St.  
Merced, CA 95340



Kim,

I am concerned that construction of the Wal-Mart Distribution Project will have unintended consequences to the area's water supply. The Draft EIR notes that a groundwater well is located on a portion of the site of the proposed Project. 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 Draft EIR notes that construction wastes such as solvents, fuels, and the like could lead to the degradation of the existing water quality. Additionally, 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. If the City were to consider the ramifications that construction wastes and the many years of use of the site as a distribution center may have on the City's water supply, they would see that this Project is not a good idea.

Peter T Swaney

Signature

Peter Swaney

Print Name

2164 E Bellevue Rd.

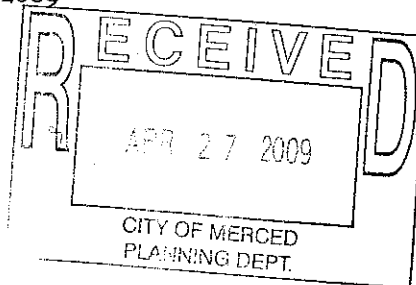
Address

(510)593-3344

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?

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

Thank you.

*John A. Tabera*  
Signature

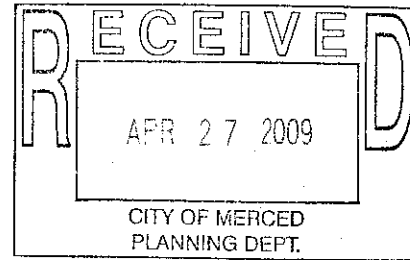
John A. Tabera  
Print Name

1235 Pleasant Lane  
Merced 95340  
Address

Phone

April 20, 2009

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



Dear Ms. Espinosa:

I was reviewing the traffic portion of the Wal-mart distribution center EIR. I am concerned that the roadways in the area were not constructed in a manner such that they could support 2,400 trucks trips per day.

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

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

Thank you for your consideration.

  
 Signature

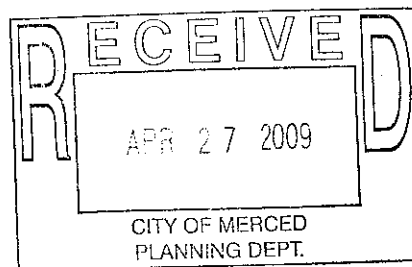
JORY A. TABER  
 Print Name

1235 Pleasant lane  
 Merced 95340  
 Address

\_\_\_\_\_  
 Phone

April 17, 2009

Ms. Kim Espinosa, Project Director  
City of Merced Planning Division  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Ms. Espinosa:

In Mitigation Measure 4.2-2b, Wal-Mart would be required to hire and appoint an on-site Employee Transportation Coordinator to encourage car pooling among employees. While employee carpooling should be encouraged, I don't think it is realistically achievable in a rural county where employees reside sporadically around the Central Valley.

You make a correlation that carpooling will result in quantifiable decreases in NO<sub>x</sub> and PM<sub>10</sub>. Vanpools make sense in smart growth urban areas like large cities, but rural communities still require single-occupancy cars to drive to a van pool location. It's a nice theory, but it won't work in Merced. Therefore, this Mitigation Measure should be dismissed and the application be required to present a new one.

Sincerely,

*Nancy Tapia*  
NANCY TAPIA  
3581 CABRILLO CT.  
MERCED, CA 95341

# THOMAS H. TERPSTRA

ATTORNEY AT LAW  
A PROFESSIONAL CORPORATION  
578 N. WILMA AVENUE  
SUITE A  
RIPON, CA 95366

tterpstra@thtlaw.com

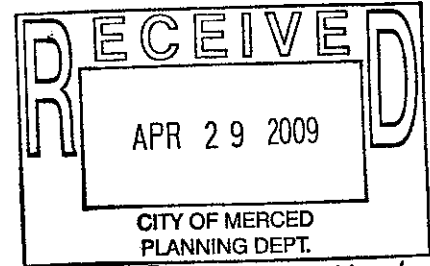
209.599.5003  
F209.599.5008

213

April 27, 2009

**Via Electronic Mail, U.S. Mail and Facsimile**

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



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

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.
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

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.

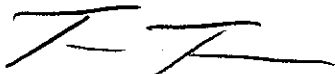
3. Mitigation Measure 4.6-2 makes reference to several design criteria to be included in future updates to the City of Merced Storm Drain Master Plan and Standard Design requirements as well as aspects of the conceptual design prepared for the Project without specifically stating whether or not they are intended to be mandatory requirements. Please clarify the requirements of this mitigation measure.
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.
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.
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.
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?
  - 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?

- 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?
- d. Significance Criteria. Did the EIR utilize the significance criteria of the City, the County or some other criteria?
- 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.

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



214

**Espinosa, Kim**

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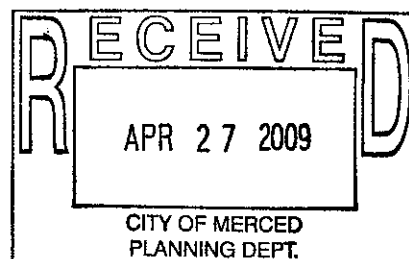
**From:** tom tran [tomtran86@yahoo.com]  
**Sent:** Thursday, March 05, 2009 11:58 AM  
**To:** Espinosa, Kim  
**Subject:** WAL-MART

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 ???

Address: 8311 Childs Ave, Le Grand

215A

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.

Thank you,

Anne Tressler

Name

2670 Ardell dr

Address

Merced CA 95348

City, State, Zip

Anne Tressler

Signature

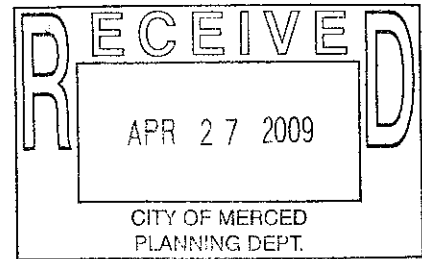
4-23-09

Date

215B

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?

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

**Espinosa, Kim**

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**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.**

**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.**

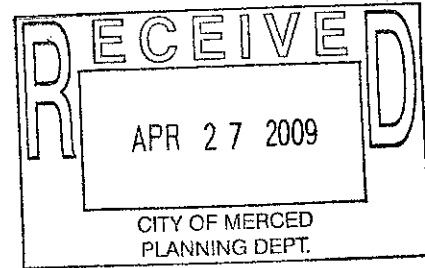
**I fully support the Center and want it in Merced, I will accept in my neighborhood, but just need to know about the traffic flow and what will happen on Gerard between Parsons and the Center.**

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

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

April 15, 2009

Kim Espinosa  
Project Director  
Merced Planning Division  
678 West 18<sup>th</sup> 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.

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.

Thank you,

*F. Valenzuela*  
Signature

*Federico Valenzuela Jr.*  
Print Name

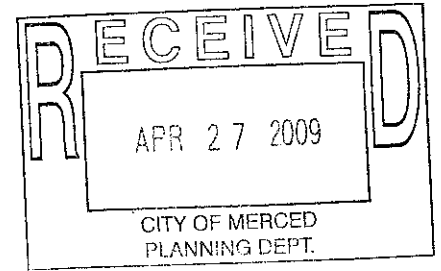
*4064 Toulon Ct.*  
Address

*Merced CA 95348*

*(809) 658-2790*  
Phone

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218



Kim Espinosa, Directora de Planificación  
Ciudad de Merced Departamento de Planificación  
678 West 18<sup>th</sup> 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 AVENUE Merced, CA  
95341  
MARIA VILLAFAN  
*[Handwritten signature]*

**Espinosa, Kim**

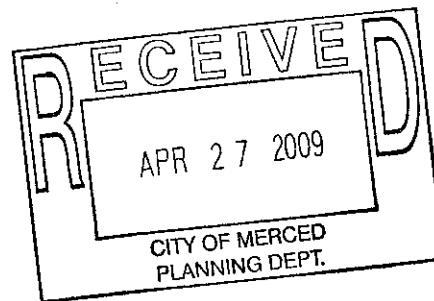
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**From:** Susan Wagoner [bluehalfmoon@sbcglobal.net]  
**Sent:** Tuesday, April 21, 2009 1:47 PM  
**To:** Espinosa, Kim  
**Subject:** Wal-Mart

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 UCMerced 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 UCMerced 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.

Kim Espinoza, Planning Manager  
City of Merced Planning Department  
678 West 18<sup>th</sup> 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.

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.

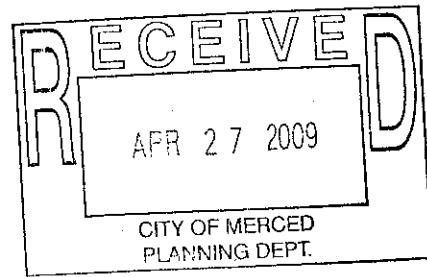
Why can't the City and Wal-Mart come to a sensible solution that at least one alternative is far better for this community than the current proposal? It isn't that I am against the distribution center as much as I am the location.

Susan Wagoner  
474 Hydrangea Ct.  
Merced, CA 95341

*Susan Wagoner*  
Susan Wagoner  
Ph. 722-1374



220B



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.

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.

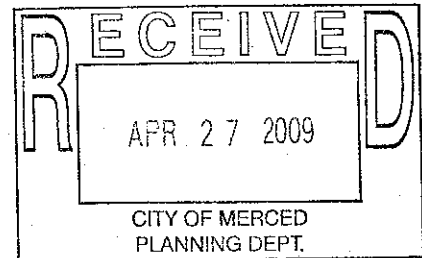
Although still a public safety impact on our school children, this would be one reasonable step toward making sure kids who walk to and from school will be safer.

Sincerely,

Susan Wagoner  
474 Hydrangea Ct.  
Merced, CA 95341  
Susan Wagoner  
Susan Wagoner  
ph. 722-1374

220C

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.

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.

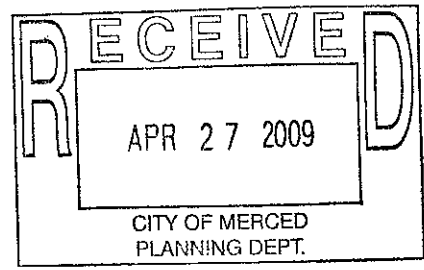
Sincerely,

Susan Wagoner  
474 Hydrangea Ct.  
Merced, CA 95341

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

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.

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?

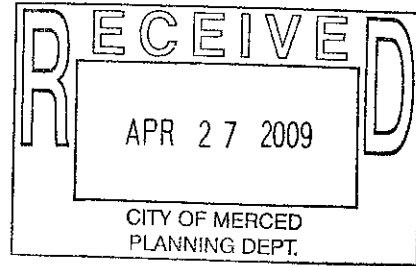
Before the city approves this plan, we need to set a limit on exactly how many trucks can visit this center every day. I read the traffic plan – Wal-mart is saying 240 truck trips a day, but that seems very low.

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.

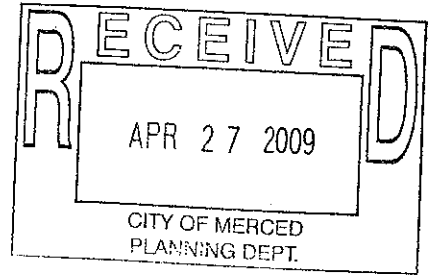
It seems to me that there are a lot of Wal-mart trucks on the 99. Does the city have any idea how many trucks we're talking about? And you're always hearing about Wal-mart trying to build new stores. Is there a limit on how many stores that could be accommodated by this distribution center?

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?

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.

Sincerely,

*Toni Walery*  
Signature

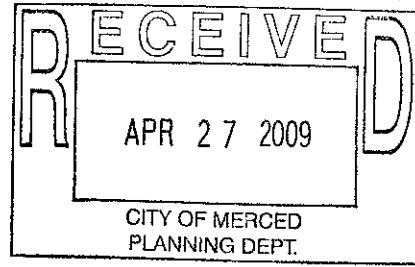
Toni Walery  
Print Name

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

Phone

April 21, 2009

Kim Espinosa  
Merced Planning Department  
678 West 18<sup>th</sup> 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.

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

Sincerely,

*Toni Watery*  
\_\_\_\_\_  
Signature

*Toni Watery*  
\_\_\_\_\_  
Print Name

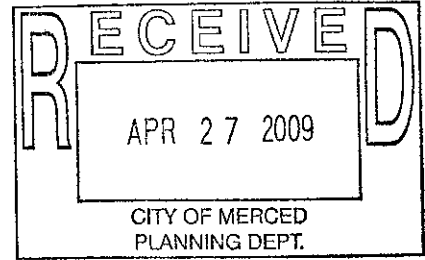
*1140 E. 21<sup>st</sup> St.*  
\_\_\_\_\_  
Address

*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?

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

**Espinosa, Kim**

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**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

*Ed Walters*

*767 East Yosemite Ave Suite D*

*Merced, CA 95340*

*(209) 384-4480 office*

*(209) 968-6132 cell*





**Espinosa, Kim**

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**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.

William Wasser  
1523 Brimmer Rd.  
Merced

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

**Espinosa, Kim**

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**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.

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.

**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

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

**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.)

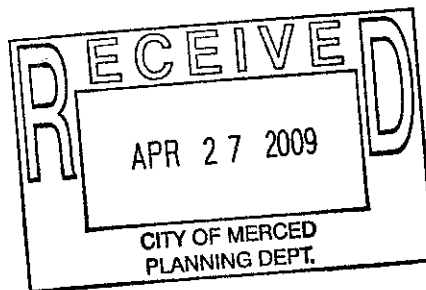
**In conclusion,** CEQA (15105) has the expectation that the public is informed, has access to information, and has the opportunity to comment during the Draft EIR review process. Whatever can be done to ensure that this process is transparent and encourages citizen involvement (especially by those most 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.

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

225A

March 26, 2009

Kim Espinosa  
Department of Planning  
City of Merced  
678 West 18<sup>th</sup> 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.

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

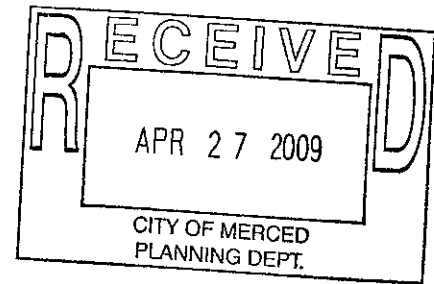
2579 Canal Dr.  
Address

Atwater CA 95301

Phone  
209-769-3260

225B

Kim Espinosa, Planning Manager  
City of Merced Planning Department  
678 West 18<sup>th</sup> 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.

Sheila G. Whitley

Name

2579 Canal Dr

Address

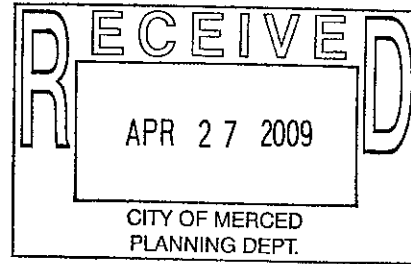
Atwater CA 95301

City, State, Zip

Sheila G. Whitley

Signature

Kim Espinosa, Planning Manager  
 City of Merced Planning Department  
 678 West 18<sup>th</sup> 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?

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

**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 and 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 and 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 and have never seen Walmart go into an already developed community. I guess since the community need job it's 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 .**

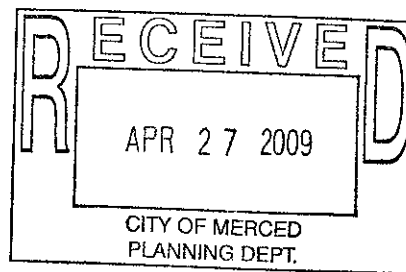
**ANGELA WILLIAMS  
335 ALBERT DR.  
MERCED, CA 95341**

---

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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?

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

156 S Fork Ave  
Address

Merced Ca 95340  
City, State Zip

6584932  
Phone Number



**Espinosa, Kim**

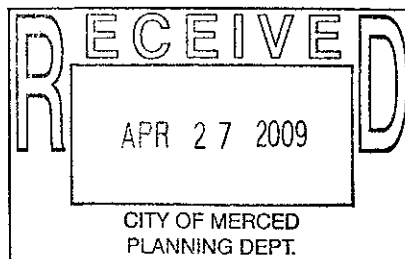
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**From:** Jan Wilson [wilsonss304@earthlink.net]  
**Sent:** Friday, April 17, 2009 8:37 AM  
**To:** Espinosa, Kim  
**Subject:** WalMart reply

I am fully FOR the Wal-Mart Distribution Center.

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

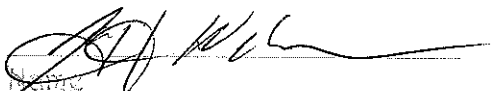
Kim Espinosa, Planning Manager  
 City of Merced Planning Division  
 678 West 18th Street  
 Merced, CA 95340



Dear Ms. Espinosa,

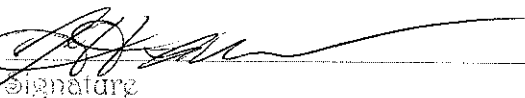
I am writing with regards to the Wal-Mart Distribution Center's Draft Environmental Impact Report (DEIR). The DEIR should have required a detailed landscaping plan from the applicant to better understand the water consumption issues associated with the project. I understand that the City has requirements 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.

Sincerely,

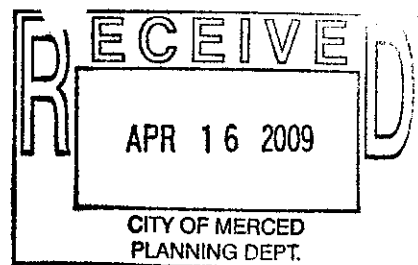


156 South Fork  
 Address

Merced CA, 95341  
 City, State, Zip



4-16-09  
 Date



April 15, 2009

Kim Espinosa, Planning Manager

City of Merced Planning Division

678 West 18<sup>th</sup> 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!

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.

**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!

**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?

**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](http://www.CCAEJ.org). Click on Air Quality/Goods Movement, then Diesel Pollution. Mira Loma has the 4<sup>th</sup> 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.

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.”

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?

**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.”

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.

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.

**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!

**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

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.

**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!

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.

**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

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.

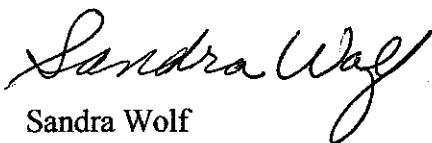
The Cumulative Social and Economic Impact of the Wal-Mart Distribution Center on South Merced was not included in the EIR. City Planners need to take a close look at the environmental justice aspect of this project. Other California studies have shown that lower income communities and communities of 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.

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).

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

**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 Enviromental 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 lenthly, 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

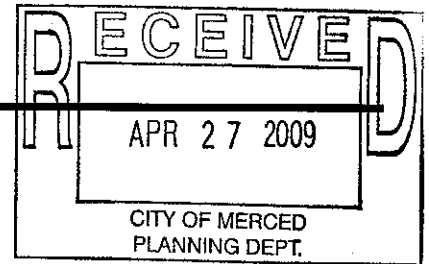
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**Espinosa, Kim**

**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.

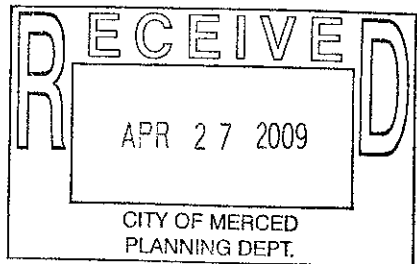
I think it is inappropriate to put a huge warehouse complex in close proximity to schools and neighborhoods. The Central Valley is already a very bad place for a person with breathing problems and adding a lot of diesel trucks coming and going twenty-four hours a day is not going to help, especially 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.

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.

Byerly Woodward  
5531 Canyon Drive  
Merced, CA

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.

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?

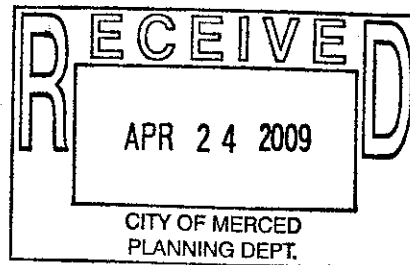
Also, will construction be halted on days when Merced has a poor air quality levels? For instance, any days children are forced to stay inside each day, construction should be halted. The details of this should be more thoroughly defined in the DEIR.

Best,

*Dao Xiong*  
Signature  
Dao Xiong  
Name  
844 Carol Ave  
Address  
Merced, Ca, 95341  
City/State/Zip

April 23, 2009

Mayor Ellie Wooten  
City of Merced  
678 W. 18<sup>th</sup> 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 black ink that reads "Henry Xiong". The signature is written in a cursive, flowing style.

Henry Xiong  
Community Member

Encls.

**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	Ge Thao	473 Tolman way Merced 95348	Ge Thao
3	Xaacha Vany	4398 N. Tamara Fresno 93722	Xaacha Vany
4	Pao Ly Xiong	3156 Loughborough Ln 6312979 - Reno	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 Cavalliere Ct Merced, CA	Kellen Vang
9	Fisher man	61 San Pedro St	Fisher man
10	Cher Pao Vang	3214 Monte Vista Ct	Cher Pao Vang
11	Lee Yang	2523 Elm Ave Merced, CA	Lee Yang
12	Nha Bee Thao	430 Vargas Ct Merced	Nha Bee Thao
13	Yova Sam Paul	405 Rice Ct Merced	Yova Sam Paul
14	Way Her Lee	3222 Culley Ct Merced	Way Her Lee
15	Vang Pao Xiong	1292 HANSEN AVE. MERCED	Vang Pao Xiong
16	Yova man	2071 Cambridge Atwater	Yova man
17	Za Pao Her	669 Junipero Ct Merced	Za Pao Her
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

21	Loi Chang	2882 Bea ct merced	Loi Chang
22	Sally Xiong	935. S. St Merced CA 95341	Sally Xiong
23	Shirley Ho	1015 Fawn Ct. Merced	Shirley Ho
24	Paul Ge Yan	732. W St merced CA	95340 209 383 2636
25	Marythao	103 Mantouka Ave Merced, CA 95340	(209) 384-8160
26	Hanyi	3344 Bismark Dr. Merced	95348 261-2748
27	Paul Thao	514 Swike Way merced	Paul Thao
28	James Vang	1840 Phoenix way Merced CA 95348	723-4388 Saff. Van
29	Maly Thao	674 Seville Dr. merced	726-0346 maly Thao
30	Brian Ho	6693 Meadowlark Ave, Winton CA 95398	Brian Ho
31	Hep Xiong	1493 Hunters Dr.	Hep Xiong
32	Lee Yan	3532 San Moritz Ave	Lee Yan
33	LEE Xiong	1302 W 1st St	589-3034
34	Kennedy Xiong	1282 Hansen Ave	489-0398
35	Tou Yang	2432 Driftwood merced	Tou Yang
36	Chae Vae	2432 Driftwood dr	Chae Vae
37	Pan Xia Xiong	1493 Hunters Drive	Pan Xia 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	Juachang	3660 Syracuse Ct Merced	Juachang
42	Jawa Xiong	2933 Tenayade	Jawa Xiong
43	Ka Xiong	1892 Hansen Ave	Ka Xiong
44	Chong Chang	1284 Hansen Ave	Chong Chang
45	Leng Xiong	1301 N DeRain Apt 58	Leng Xiong
46	Ther Ying Lee	1493 Hunters Dr.	Ther Ying Lee
47	Yeng Xiong	1284 Hansen Ave.	Yeng Xiong
48	Jin Yan	3532 San Moritz Ave	Jin Yan
49	Hasley Xiong	3660 Syracuse Ct.	Hasley 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	
2	Fai pha	3065 Bea Dr	
3	Song Doua Cha	1803 Augusta Dr Atwater	
4	Fong Chan	4745 N Hwy 59 Merced	
5	Kong Chang	3065 Bea Dr.	
6	Keng Chang	3065 Bea Dr.	
7	Bona Tong Chan	-	
8	Jonathan	480 E. Santa Jc	
9	Jauling	1516 Deaver Way, Merced, CA	
10	Mou Chang	6974 cottage st winton ca 95381	
11	Lai Chang	408 woodrow w s winton	
12	Kue Chang	1111 Monticello Ct	
13	CHENG SUE	579 Sainnteressa st Merced	
14	Wanghwe Chang	651 Brittany way	
15	Ricky Chang	2556 N Ave	
16	Jou Hou Chang	1111 Monticello Ct merced	
17	Nhian Chang	527 Staccata Merced	
18	<del>spe chao chao</del>		
19	Chue Vne	7148 Tokay Cir. Winton	
20	Cher Chang	4585 N Highway 59 #A	

21	Fong Chang	1093 Kelso St Atwater, CA	Fong Chang
22	Her Chang	1214 W 3rd St Merced, CA 95324	Her Chang
23	Cha xiachang	7096 Asuzie St. Winton.	Cha xiachang
24	Chester chang	Merced CA, 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	Long Chang	7148 Tokay Cir. Winton CA	Long Chang
32	Shamee Vang	480 E. Santa Fe Ave Merced CA	Shamee Vang
33	Bill Lee	1803 Lofsta Lane	Bill Lee
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	Kabao Thao	Merced 95341	Kabao Thao
40	Julie Thao	4745 N. Hwy 59 Merced, CA 95348	Julie Thao
41	Nancy Vang	5820 N. Santa Fe Dr. Atwater 95301	Nancy 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	Blia Vue	2204 Lobo Ave Merced, CA 95348	Blia 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	Long Chang	Merced CA	Long Chang
49	Her Chang	1623 Sacramento PR	Her Chang
50	Ku In	165 San Clemente	Ku In

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

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	Name	Address	Signature
1	Chau Shouk Her	1575 Thurman Ct	[Signature]
2	David Her	6538 Deann Ct Winston	[Signature]
3	Boua Souther	7730 Juniper Ct	[Signature]
4	Chouk Her	687 Trudy Way	[Signature]
5	Chat Her	648 Trudy Way	[Signature]
6	Kham Her	648 Trudy Way	[Signature]
7	Yongchuet Her	Merced	[Signature]
8	Wesing Thao	4538 Deann Ct.	[Signature]
9	Ho Khang	6538 Deann Ct Winston	[Signature]
10	Yong Lou Her	778 Sonora Ave	95340
11	John Her	338 Leslie Ct	[Signature]
12	Wang Van		[Signature]
13	Chang Van	1933 Saratoga Ct	[Signature]
14	Ling Her	1575 Thurman Ct, Merced	[Signature]
15	Nao Van		[Signature]
16	THU WAN		[Signature]
17	[Signature]		[Signature]
18	[Signature]		[Signature]
19	Phoua Vang		[Signature]
20	YEE VANG	1933 Saratoga Ct.	YEE VANG



21	Kang Her	1933 Saratoga Ct.	Kang Her
22	Chau Her	778 Sonoma Ave Merced	Chau Her
23	Sandy Hoa	400 Brian Ct	Mable
24	Kamora	669 Junipero	Kamora
25	Zang Ying	22 Sunset Ct	Zang Ying
26	Houa Hoa	Merced, CA	Houa Hoa
27	Tou Her	1933 Saratoga Court	Tou Her
28	Richard Her	1276 Hansen Ave.	Richard Her
29	Mia Her	22 Sunset Ct	Mia 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	Yung Yung	22 Sunset Ct	Yung Yung
34	James Mond	5418 N. Hwy 99	James Mond
35	Seekhai Songyayong	5418 Hwy 99	Seekhai Songyayong
36	Xiao Wang	3317 Bismark Dr	Xiao Wang
37	Phong Chau Her	181 El Verano Way	Phong Chau Her
38	Lou Her	533 Santa Clara St.	Lou Her
39	Blakha Her	479 Judy Ct Merced	Blakha Her
40	Xang Thao	3670 Painters Ct	Xang Thao
41	MUANGDAI	NVA 5418 59	MUANGDAI
42	Winda Her	3931 Temple Ct	Winda Her
43	Lung Thao Her	3931 Temple Ct	Lung Thao Her
44	Leedong	316 S. Parsons Ave Apt #2	Leedong
45	Mai Her	316 S. Parsons Ave Apt. 2	Mai Her
46	HAO HER	5323 CARRINGTON CR. #31	HAO HER
47	Wang Jac Her	8128 Phinney Dr Sac, CA	Wang Jac Her
48	JA Her	8128 Phinney Dr Sac, CA	JA Her
49	Michelle Vang	8128 Phinney Dr Sac, CA	Michelle Vang
50	Diane Vang	18 Butterwick Ct. CA	Diane Vang

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### 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	Yara Mena	2071 Cambridge Avenue	[Signature]
2	Maria Lia	1207 Devonwood Dr.	[Signature]
3	Chia Mena	1078 Independence Cir	[Signature]
4	Kishor Mena	61 San Pedro St	[Signature]
5	Xiaohong Mena	1725 Cedar Ave	[Signature]
6	Chue Mena	1853 27 St	[Signature]
7	Ge Mena	6651 W. Yale Ave	[Signature]
8	Chong Mena	61 San Pedro St	[Signature]
9	Yong Yee Mena	6538 Deane St	[Signature]
10	Billy Mena	5418 N HW 59	[Signature]
11	Kai Mena	25575 San Vincent Ave	[Signature]
12	Johnny Mena	1921 Lopez Ave	[Signature]
13	Jim Mena	61 San Pedro St	[Signature]
14	Hua Mena	61 San Pedro St	[Signature]
15	Nou Mena	61 San Pedro St	[Signature]
16	Chang Yang	4780 E. Lane Ave	[Signature]
17	Tom Mena	340 Olive Ave	[Signature]
18	Sam Mena	632 El St	[Signature]
19	Vang Kour	335 Tom Ave	[Signature]
20	Paul Mena	942 W. Sam St	[Signature]

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

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	<i>Jennifer Krumm</i>
2	Adam Cox	1015 W. 23RD St. Merced	<i>Adam Cox</i>
3	EMMA MERIN	1397 Esplanada Merced	<i>Emma Merin</i>
4	BRANDON WILLIAMS	10217 N. BURNACH RD WINTON 95388	<i>Brandon Williams</i>
5	Sepranik Raymond	27101 Lexington merced, CA 95340	<i>Sepranik Raymond</i>
6	Crystal Anderson	5727 W. Leland Ct., Atwater, CA 95301	<i>Crystal Anderson</i>
7	Sarima Thao	1386 W 1st St Merced, CA 95341	<i>Sarima Thao</i>
8	Khao Nou Vang	2220 Dinkey Creek Ave. Merced CA.	<i>Khao Nou Vang</i>
9	Lhee Lee	777 Loughborough APT 3 Merced CA 95341	<i>Lhee Lee</i>
10	Sarn Saefern	353 LA MESA CT Merced CA 95341	<i>Sarn Saefern</i>
11	Meng Xiong	575 Santa Clara St Merced CA 95340	<i>Meng Xiong</i>
12	Chang Xiong	575 Santa Clara St Merced CA 95340	<i>Chang Xiong</i>
13	Yuu Thao	575 Santa Clara St Merced CA 95340	<i>Yuu Thao</i>
14	Sou Saeter n	1337 W. 2nd St Merced CA 95341	<i>Sou Saeter n</i>
15	Maly Thao	1674 Seville Dr. Merced, CA 95341.	<i>Maly Thao</i>
16	Dao Lor	573 Santa Clara St Merced, CA 95341	<i>Dao Lor</i>
17	Kor yang	17 E Lu purisima St CA Merced, 95341	<i>Kor yang</i>
18	Shoua Thao	508 Santa Clara St Merced CA 95341	<i>Shoua Thao</i>
19	224 Lee	3465 Pinos Ave #4 Merced CA 95340	<i>224 Lee</i>
20	Jei Lee	3465 Pinos Ave #4 Merced CA 95340	<i>Jei Lee</i>

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21	Xang Xue	966 W 19 St	Xang
22	Kan Xue	564 N Pulman Ave	Kan
23	Zaw Xue	422 Samana Ave	Zaw Xue
24	Moua Kong	438 W. 12th St	Bong Moua
25	KHAO NDA VANG	2220 DINKY CREEK AVE.	Chuan Vang
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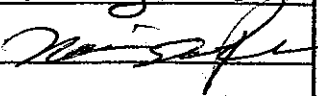
**PETITION TO SUPPORT JOB CREATION  
AND TO SUPPORT THE WAL-MART DISTRIBUTION CENTER**

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	Name	Address	Signature
1	NAPANTE	33376 St B Merced	Napante
2	Shelly W	405 Rice Ct Merced	Shelly W
3	Koua Neng	1560 ELLEN CT APT#6	Neng
4	Mai V LIS	1560	Mai V
5	yia Xiong	346 S parsons AVE#3	yia Xiong
6	Yee Jans	2861 N Franklin RD	Yee Jans
7	Kang Yang	1896 E 22nd street	Kang 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 Massasso Ct Merced	
15	Koua Cha	249 Julian Ct Merced, CA	
16	Ploua Thao		
17	NHIA B Lee		
18	Chong Lee	442 M St Apt. B	
19	Chang Gen Xiong	2025 stretch rd merced	Chang Gen
20	Truman Xiong	2025 stretch rd. merced	Truman Xiong

21	Otto Xiong	2025 stretch rd merced	
22	Neo Tong Tho	1442 Conestoga Merced	Neo Tong Tho
23	Nai Saephan	275 E 105th Merced, CA 95341	
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12 of 13

**PETITION TO SUPPORT JOB CREATION  
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November 21, 2008

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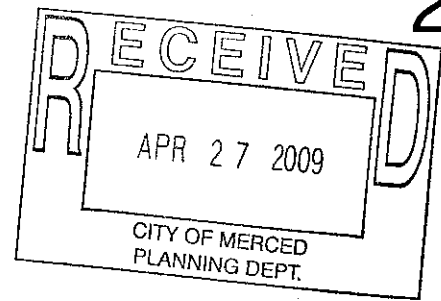
	Name	Address	Signature
1	TERRI Cromwell	2332 Mariner Vista	TERRI Cromwell
2	Neng Yang	933 W 12th St Merced	Neng Yang
3	Ricki Yang	579 Saint Teresa St.	Ricki Yang
4	Solieda Mora	289 S. P. St.	Solieda Mora
5	Jashua Thur	2006 Knights Errand Dr.	Jashua Thur
6	Faith Yang	1269 Esplanade Dr.	Faith Yang
7	Xinyang	P.O. Box Atwater, CA 95301	Xinyang
8	Chuck Yang	493 Bri Yang 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	Beth Cha	8839W Cedar 101, Fresno	Beth Cha
12	Konk vms	2304 Creechview Merced CA 95301	Konk vms
13	Jo Vera	3783 Alcott DR Merced	Jo Vera
14	Duo Mau	423 Petunia Ct	Duo Mau
15	Kee Chang	1772 Willowbrook	Kee Chang
16	Chio Suetorn	1327 W 2nd St	Chio Suetorn
17	Sonia Saepp	5777 Mariposa CT	Sonia Saepp
18	Wu Wuy	1149 G. 10th 2013	Wu Wuy
19	Thao Hu	2307 S. Clara Ave Fresno	Thao Hu
20	XO2 THAO	3309 S. 10th	XO2 THAO

21	SAM Lee	29 Creeks Edge Lp #B	916) 427-1306
22	Phan Van	2651 W. Big Sandy Ave	(209) 725 9101
23	Nancy Lee	116 SISCO DE ASIS	(209) 383-1004
24	Vang Cheng		722 8046
25	Nhachon Nam		384-2426
26	Sia mouah		725-8928
27	Juan Lee		726-7454
28	SYNTHIA Seng		631-8020
29	Harry Vang		916) 395-7128
30	Dr. Pak. Cho		(59) 360-4520
31	Kara Lee	1512 Tippecanoe, su, mend	209-726-1027
32	Paula Lee		722 3069
33	Tung King		209 384-2660
34	Chun		
35	DANNY		
36	XIANG		
37	Tung Vang		
38	Tou		
39	Robert F Chang		
40	Kong		
41	Cheng		
42	Kam YW		
43	Xai		
44	Kao		
45	Marcy Mon		
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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?

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?

Sincerely,

A handwritten signature in cursive script, appearing to read "Mayna Ya".

MAYNA YA

460 HYDRANGEA CT.  
MERCED, CA 95341

**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.

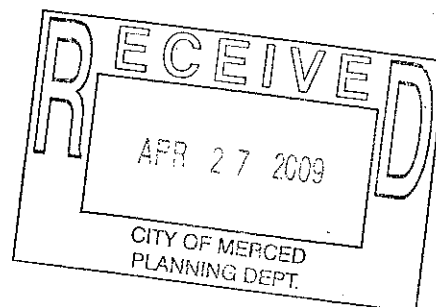
This project must go forward; do not let another opportunity to help this community be squandered.

Thank you,

Bev Young  
1884 Creekside Dr.  
Merced, CA  
95348

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.

Sincerely,

*Virginia Zamarripa*  
 Signature

Virginia Zamarripa  
 Print Name

445 Hydrangea Ct.  
 Address

(209) 383-4618  
 Phone

**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

---

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

MINOR USE ES BENIGNO CONTROVERSIA - I VIVO  
En. 387 ALVAREZ DR. MERCED, CA  
95391 - NO ESTOY DE ACUERDO  
CON EL PROYECTO. PORSQUE  
VA A TRAER MUCHAS EN  
FERMEDADES - PARA TODOS  
ESPECIALMENTE LOS NI  
ÑOS - LOS ANSIANOS  
¡ PERSONAS CON ASMA  
¡ NO DEJARIAN DORMIR COMO  
DO. A UNO QUE TRABAJA  
¡ TAMBIEN CUANDO TIENES  
UNA EMERGENCIA. ¡ TIENES  
QUE SALIR RAPIDO. ¡ NO  
PUEDES PODER LAS TROCAS

