

APPENDIX A

Notice of Preparation and Comments Received on the NOP

NOTICE OF PREPARATION

To: State Clearinghouse
State Responsible Agencies
Other Public Agencies
Interested Organizations
General Public

From: City of Merced
Planning and Permitting Division
678 W. 18th Street
Merced, CA 95340

Subject: Notice of Preparation of a Draft Environmental Impact Report

Project Title: Merced Wal-Mart Regional Distribution Center

Project Applicant: Wal-Mart Corporation

The City of Merced will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. An Initial Study has not been prepared. Instead, the attached document, entitled Project Information, has been prepared in order to provide important information about the project and its probable environmental impacts.

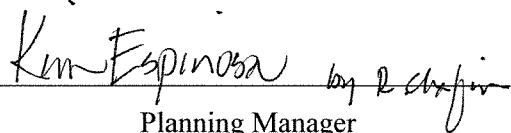
Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice, no later than Friday, August 11, 2006.

Please send your response by U.S. Mail, FAX, or e-mail to Kim Espinosa, Planning Manager at the address shown below. We will need the name for a contact person in your agency.

Kim Espinosa, Planning Manager
City of Merced Planning and Permitting
678 West 18th Street
Merced, CA 95340
Tele: (209) 385-6858
FAX: (209) 725-8775
E-mail: espinosak@cityofmerced.org

Two environmental scoping meetings, one for the general public and one for public agencies, will be conducted on Thursday, July 27, 2006. The agency meeting will begin at 2:30 p.m. and the general public meeting will begin at 6:00 p.m. Both meetings will be conducted in the City Council Chambers of the Merced Civic Center, 678 West 18th Street, Merced.

Date: July 7, 2006

Signature: 

Title: Planning Manager

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

3 PROJECT INFORMATION

3.1 PROJECT OVERVIEW

The proposed project, a Wal-Mart regional distribution center, consists of a warehouse and distribution center and support facilities, located on 230 acres in the city of Merced. The support facilities include offices, a cafeteria, a fire pump house, and aerosol storage (all located within the warehouse building), as well as a truck gate, a truck maintenance garage, a truck fueling station, and parking. The underlying purpose of the project is storage and distribution of non-grocery goods to Wal-Mart retail stores located throughout the region. There are no outdoor recreational facilities, open space, retail commercial, or residential uses proposed as part of the project.

3.2 REGIONAL LOCATION

The project site is located at the southeast end of the city of Merced in eastern Merced County in the San Joaquin Valley. Merced is approximately 118 miles south of Sacramento and 130 miles east of San Francisco.

3.3 PROJECT LOCATION AND SITE DESCRIPTION

The approximately 230-acre project site is bounded on the north by Childs Avenue, on the East by Tower Road and on the South by Gerard Avenue. Kibby Road, which heads north from this area, terminates at Childs Avenue at the north end of the project site. The future Campus Parkway is approximately 975 feet west of the project site. The site is approximately three miles southeast of downtown Merced and two miles east of State Route 99 (SR 99). Campus Parkway, which is planned to commence construction in March 2007 and be complete by November 2007, would provide access between the site and SR 99 via the new Mission Avenue interchange with SR 99; the interchange is currently under construction and planned to be operational by September 2007. The proposed site plan is illustrated in Exhibit 3-1. The project location is illustrated in Exhibit 3-2. The vicinity of the project is shown in a map in Exhibit 3-3 and in an aerial photo in Exhibit 3-4.

The City of Merced General Plan designates the site for “Manufacturing Industrial” uses and the zoning map designates the site as part of a “Heavy Industrial District”. City and County General Plan land use designations are shown in Exhibit 3-5, and City zoning districts are shown in Figure 3-6.

The site consists of two parcels, Assessor’s Parcel Numbers (APNs) 061-250-035 and 061-290-047. The site is located in the northern half of Section 34 and the northern half of Section 35, Township 7 South, Range 14 East, Mt. Diablo Base and Meridian.

The land is generally flat but gently slopes to the west and ranges from 185 to 190 feet above mean sea level (msl). The site contains no structures or improvements, except for an irrigation water well. The western one-third

of the site contains a walnut orchard, and the eastern two-thirds consist of agricultural fields. The northern, southern, and part of the northeastern boundary of the fields contain irrigation ditches, which connect to the Wilson Substation (approximately one mile north of the site) along State Route 140 (SR 140). Overhead power lines run through the eastern portion of the site. The area containing these power lines will remain as an easement, and all site development will take place on the approximately 80 percent of the project site located west of this easement. Relocation of the power lines is not proposed as part of this project. The site includes right-of-way for the extension of Kibby Road between Childs Avenue and Gerard Avenue. This section of right-of-way is proposed to be abandoned to allow project uses as part of site development.

The project parcel is bounded by agricultural fields and a few rural residential dwellings across Tower Road to the east and Gerard Avenue to the south. The land east of Tower Road is designated as “Agriculture” in the Merced General Plan, and land to the north, west and south is designated as “Manufacturing Industrial”. Undeveloped open lands and commercial lands are located to the north. To the west is another orchard. Also to the west is a Merced Irrigation District (MID) canal.

3.4 REQUIRED APPROVALS

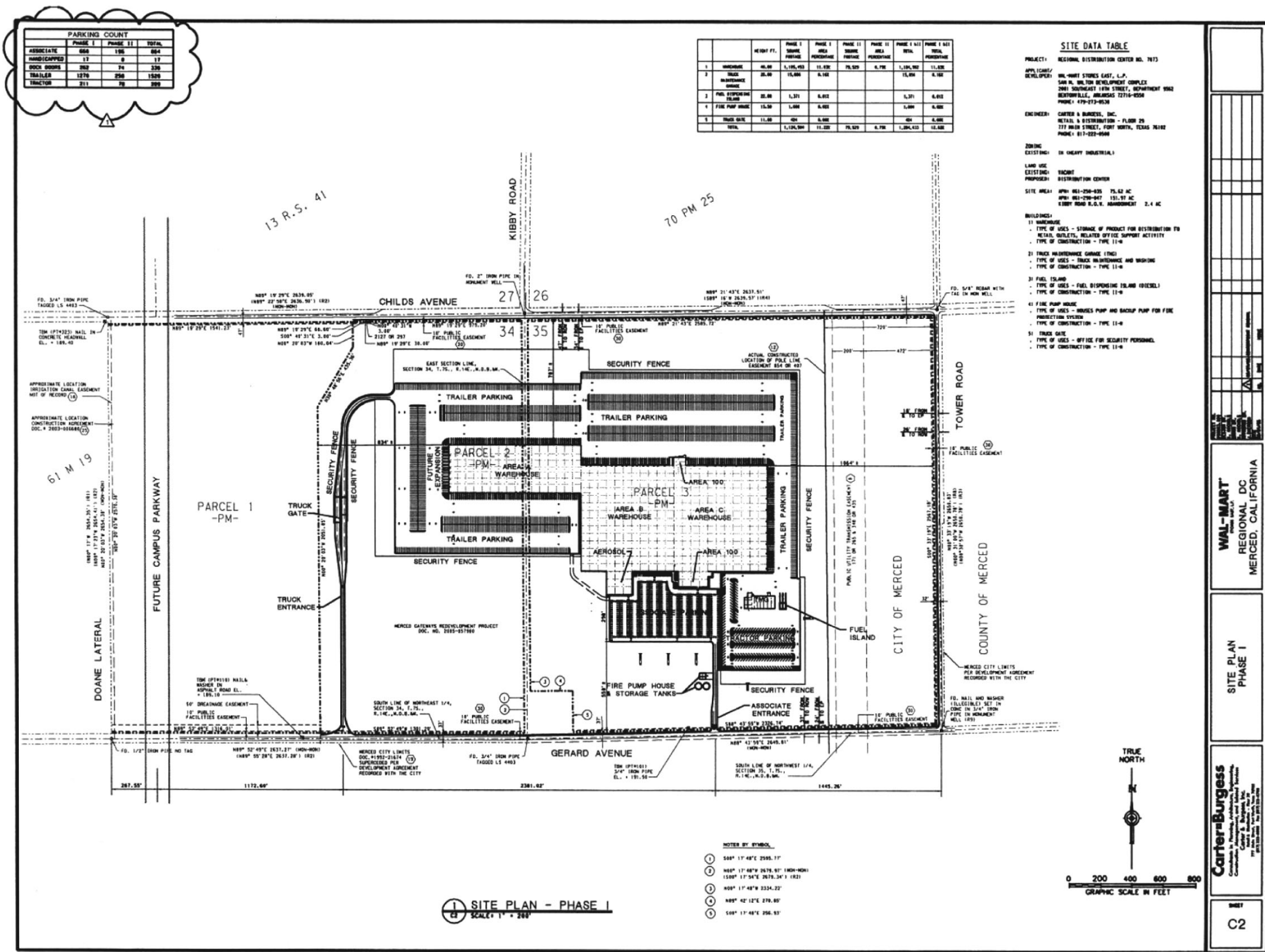
Required approvals by the City of Merced include Site Plan Approval and a General Plan Amendment (GPA). Zoning districts are shown in Exhibit 3-6. The discretionary permits required for this proposed project consist of the following:

- ▶ General Plan Amendment (For Kibby Road abandonment only)
- ▶ Site Plan Approval
- ▶ Street Abandonment (Kibby Road)

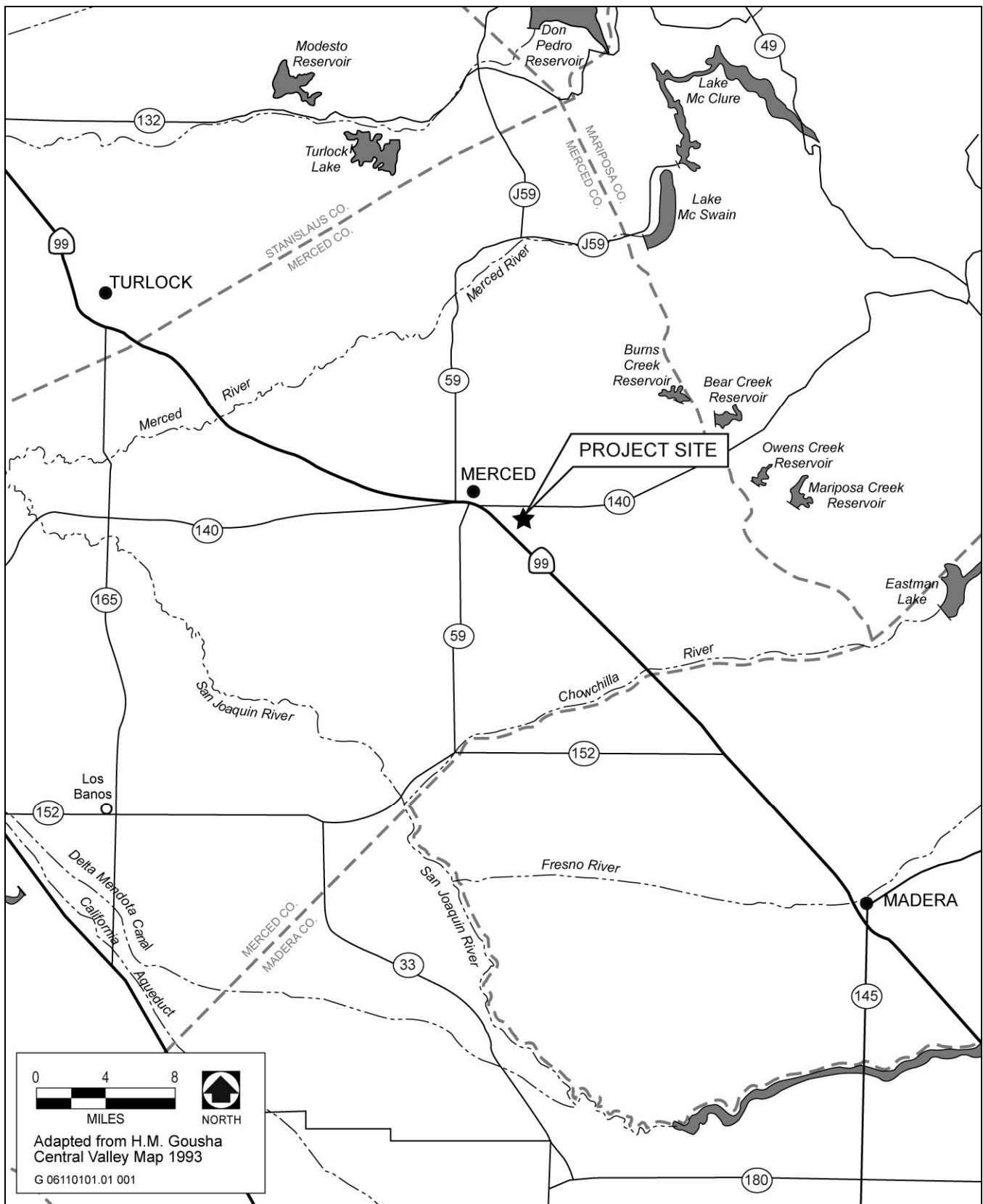
3.5 PROJECT BACKGROUND

The project site is within the city limits of Merced. Land immediately to the south, north, and west of the site is also within the city limits of Merced. Land immediately to the east is in unincorporated Merced County, but is within the City’s sphere of influence. As described above, the project site is designated “Manufacturing Industrial” in the Merced General Plan and “Heavy Industrial District” (I-H) in the zoning ordinance. The site has historically been used for agriculture.

Wal-Mart Corporation supplies the majority of its goods to its retail stores through regional distribution centers. A number of Wal-Mart stores are located throughout the central San Joaquin Valley. Presently, the closest distribution centers are located in Red Bluff and Apple Valley, both of which are in California and located 250 miles and 306 miles, respectively, from Merced. This results in high transportation costs, including fuel consumption.

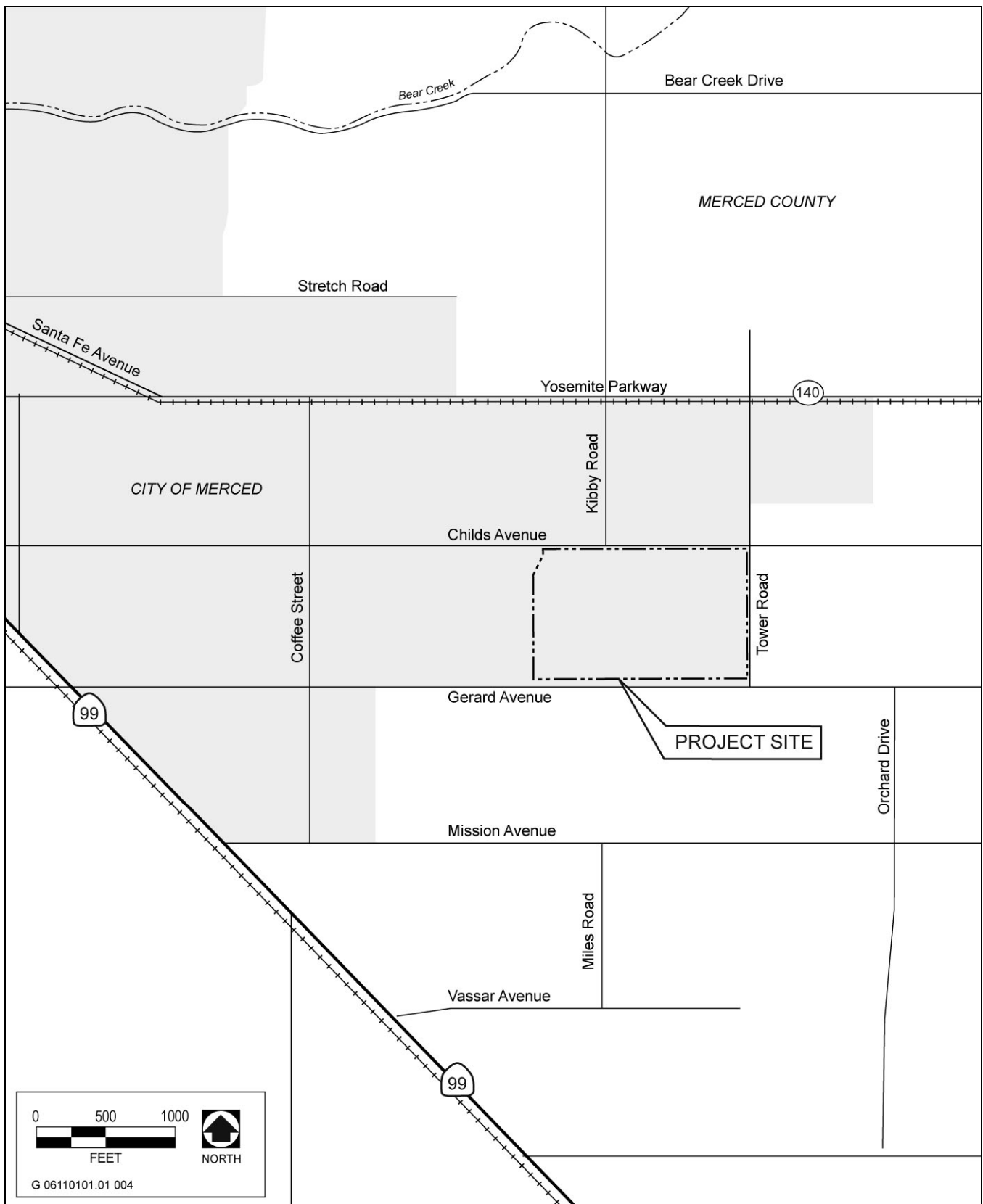


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Regional Location Map

Exhibit 3-2



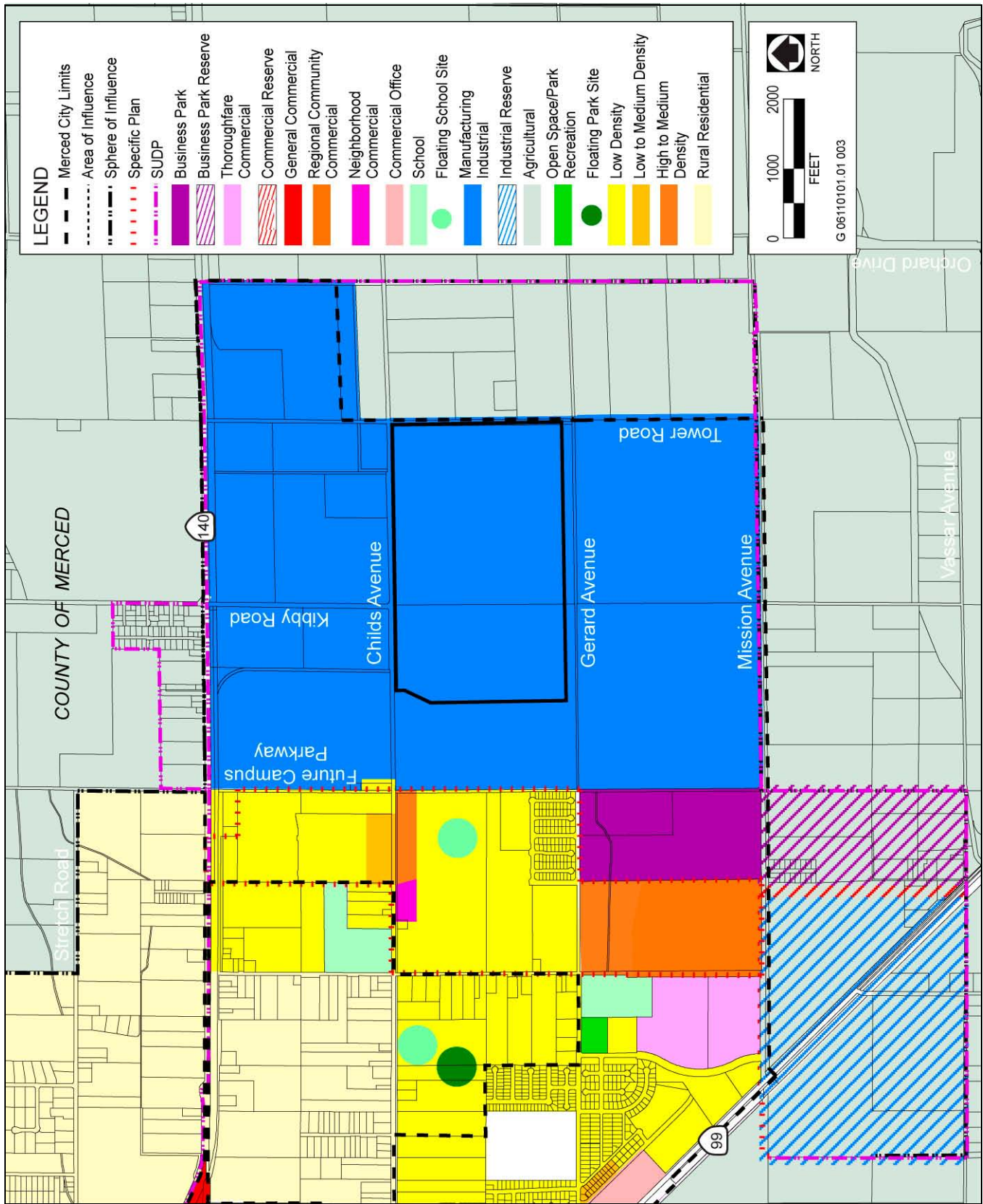
Local Vicinity Map

Exhibit 3-3



Aerial Photo of Project Vicinity

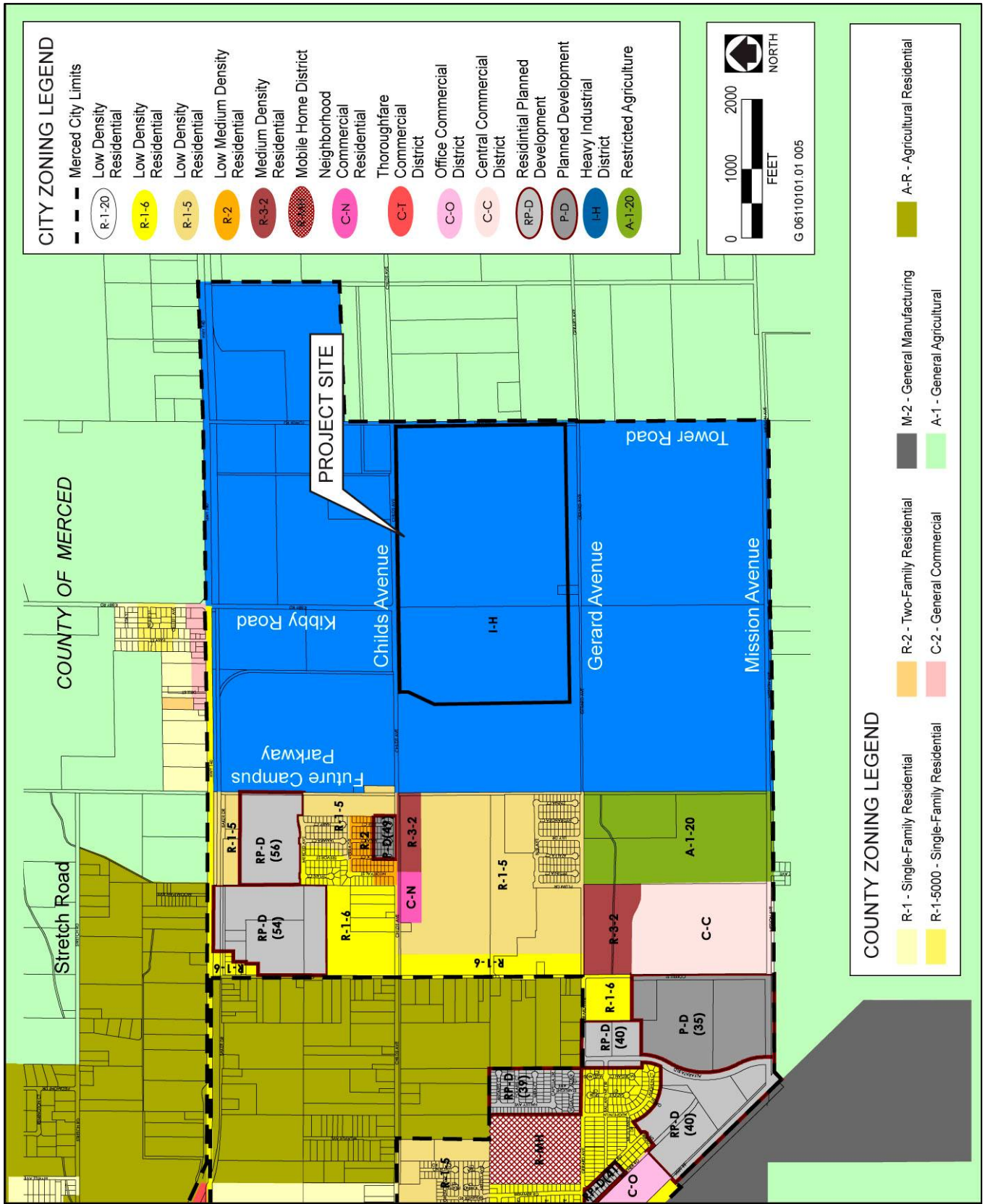
Exhibit 3-4



Source: Merced County Association of Governments 2004

General Plan Designations

Exhibit 3-5



Zoning Designations

Exhibit 3-6

The project applicants conducted an extensive siting study that resulted in selection of the site for the proposed project. This site was selected for multiple reasons, including the following: The site's industrial zoning and proximity to other industrial uses; Merced's strategic location among the Central Valley's large urban centers and smaller urban and rural markets; the site's sufficient size to convey the needed building and parking space; the site's proximity to SR 99; the site's access via sufficient local roads to SR 99; the site's location allowing access to SR 99 and other highways without drivers having to drive semi-trucks through residential neighborhoods; the ability to construct sufficient access points on arterial roads adjacent to the site; and the location's proximity to the labor pool of Merced.

This EIR will "tier off" of the Merced General Plan EIR, which was adopted in 1997. The 1997 update of the Merced General Plan was the update at which the General Plan designation of Manufacturing Industrial was designated for the eastern portion (east of the Kibby Road right-of-way). The western portion (west of Kibby Road right-of-way) was designated for Industrial use at least as far back as the 1981 City General Plan.

The site is owned by Wal-Mart. The most recent owner of the site before the Wal-Mart Corporation was Lyons Investments, a California Limited Partnership.

3.6 PROJECT OBJECTIVES

The objectives of the proposed project include the following from the City of Merced and from the applicant:

3.6.1 CITY OBJECTIVES

- ▶ To develop the industrially zoned area in the City with permitted industrial uses.
- ▶ To locate industrial projects in areas with good access to major highway transportation links, and provide opportunities for buffers between industrial and non-industrially-related uses.
- ▶ To encourage development of industrial projects that will create jobs, including full-time, non-seasonal employment opportunities for local residents.
- ▶ To encourage development of projects that will contribute towards improving roadways adjacent to the proposed development site.
- ▶ To ensure that industrial areas are developed in an attractive manner.

3.6.2 APPLICANT OBJECTIVES

- ▶ To develop a project consistent with the City's General Plan and Zoning Ordinance.
- ▶ To develop a distribution/warehouse facility near other industrial uses.
- ▶ To construct and operate a distribution/warehouse facility in Merced County to take advantage of the strategic location between large urban centers and smaller urban and rural markets throughout the Central Valley in California.
- ▶ To construct a distribution/warehouse facility on a site sufficiently large (a minimum of 230 acres) to allow necessary building space and parking for trucks and employees.
- ▶ To construct a distribution/warehouse facility with sufficient space (approximately 1.2 million square feet) to allow operational efficiency and adequate distribution of goods to stores in a broad geographic area in California.
- ▶ To locate a distribution/warehouse facility with access to a regional roadway network including interstate, state and regional roads.
- ▶ To locate a distribution/warehouse facility in an area well served by major local thoroughfares in order to minimize truck traffic traveling through residential neighborhoods.
- ▶ To develop a site plan with access points on main thoroughfares in order to minimize traffic impacts on residential streets.
- ▶ To provide sufficient parking for trucks and employees in order to minimize impacts to the surrounding area.
- ▶ To take advantage of an existing labor pool living in the Merced area.

The alternatives analysis in Section 4.0 of this EIR uses the project objectives as its starting point. As required by CEQA, this EIR is required to analyze only those alternatives that can feasibly attain most of the project objectives.

3.7 PROJECT ELEMENTS

3.7.1 BUILDINGS AND OPERATIONS

The primary building on the site is the approximately 1.1 million square foot regional distribution warehouse. The warehouse is primarily a materials handling operation. The facility would not handle groceries, such as fruit, vegetables, dairy products, bakery goods, and meat. There would also be warehouse support space to house

administrative offices, the data processing center, and a cafeteria. Other internal office/support areas for administrative uses include an electric forklift battery charging/maintenance area and an aerosol product storage area. There would be approximately 37,000 square feet of office/support areas within the warehouse. An emergency generator would be located outside, near the warehouse. The generator would have an approximately 500-gallon aboveground diesel fuel tank.

The proposed site plan (Exhibit 3-1) includes the warehouse with related administrative and support functions, truck maintenance, fueling, fire pump house, truck gate and aerosol storage (located within the warehouse). All buildings would be single-story and constructed of pre-engineered steel components with metal panels. Maximum building height is proposed to be 40 feet above the finished floor level. On three sides of the building the finished floor would be four feet above finished grade. The main office floor would be at finished grade level.

The 17,000-square foot truck maintenance building would be used for routine maintenance of tractor/trailers serving the facility. The building would include a wash bay for trucks and trailers, service bays, break rooms, offices, storage rooms and restrooms. The truck maintenance equipment includes underground storage tanks near the building as follows: new oil storage tank (6,000 gallon capacity) and waste oil storage tank (2,500-gallon capacity). Additionally, a fuel dispensing station with two 20,000-gallon diesel fuel underground storage tanks is proposed for trucks using the distribution center.

The 1,600-square foot fire pump house will house the primary and stand-by fire pumps serving the building fire sprinkler systems and site fire hydrants. The primary fire pump is electric motor-driven and the stand-by pump is diesel engine-driven. There will be an aboveground diesel fuel storage tank located inside the fire pump house for the stand-by pump with a capacity of approximately 500 gallons. Adjacent to the fire pump house will be two 300,000-gallon steel aboveground water storage tanks. The tanks would be directly connected to the fire pumps to serve as their water source.

The truck gate would be located on the truck driveway serving the site and would contain workspace for two security officers as well as a storage closet and a restroom. This would involve approximately 500 square feet of building floor space.

3.7.2 LANDSCAPING AND LIGHTING

Site lighting would consist of pole-mounted metal halide lamps located approximately 45 feet above the ground surface. The lighting is designed so that light does not cross the property boundaries except possibly at roadway intersections. The lighting is designed for an average lighting level of 0.5 foot candles and has not been designed based on a uniformity ratio. To design based on a uniformity ratio would require more lamps than would be provided for the site. Landscaping would be provided for the public road improvements, as required by local

ordinance. Onsite landscaping would be minimal, and is not planned to be provided within any of the proposed parking areas. There would be security fencing surrounding the buildings, parking areas, and driveways.

3.7.3 ROADWAYS AND PARKING

The site would be served via two driveways connected to Gerard Avenue. One driveway is dedicated to employee traffic and the other driveway is dedicated to tractor/trailer traffic. The tractor/trailer driveway and parking area would be secured by the truck gate and by a 6-foot high chain link fence with 3 strands of barbwire. The site would have approximately 650 (initial) and 850 (ultimate) employee parking spaces, 1300 (initial) and 1600 (ultimate) tractor/trailer parking spaces, 200 (initial) and 300 (ultimate) tractor/trailer parking spaces, and 300 dock doors. There would be approximately 70 acres of pavement, in addition to the area covered by buildings.

3.7.4 PUBLIC UTILITIES AND SERVICES

The City of Merced provides wastewater, water, storm drainage, solid waste disposal, street maintenance, fire service, and police service to the project site. Either Pacific Gas and Electric (PG&E) or Merced Irrigation District (MID) can provide electricity to the site. PG&E would provide natural gas service. AT&T (formerly SBC) would provide telephone service to the site, and Comcast would provide cable television service. The project site is within the Weaver Union Elementary School District (Grades K-8) and the Merced Union High School District (Grades 9-12), although because it includes no residential uses, neither of these districts would directly serve the proposed project.

The site would be served by a series of storm water management detention ponds. These ponds and associated drainage control structures are designed to accommodate impervious area storm water runoff such that system discharge flow rates would be equal to or less than pre-development flow rates for equivalent events.

3.7.5 EMPLOYMENT

The facility would become fully operational approximately three years after opening. Once fully operational, the facility would employ approximately 1200 employees. The facility would operate 24 hours per day continuously throughout the year.

Based on the proportions of employees in different positions and shifts at an analogous Wal-Mart Distribution Center in Apple Valley in San Bernardino County, the following estimates were made based on the assumption that the project would employ approximately 1200 employees. Table 3-1 shows the number of employees total by department and title. Table 3-2 shows the number of employees on each shift.

Table 3-1 Employees by Title and Division	
Title/Division	Number of Employees
Drivers in Transportation	150
Associates in Transportation	64
Associates in Other Departments	986
Total Employees	1200

Table 3-2 Number of Employees by Shift	
Shift	Number of Employees
Tuesday-Friday 5:30 AM-4:00 PM	359
Tuesday-Friday 4:00 PM-2:30 AM	255
Tuesday-Friday 9:00 PM-7:30 AM	19
Saturday-Monday 5:30 AM-4:00 PM, plus another designated six-hour day	282
Saturday-Monday 4:00 PM-2:30 AM, plus another designated six-hour day	272
Saturday-Monday 9:00 AM-2:30 AM, plus another designated six-hour day	13
Total Employees	1200

3.7.6 CONSTRUCTION SCHEDULE

Construction is proposed to start in Spring 2007 and is planned to take 12 months for completion.

3.8 PROBABLE ENVIRONMENTAL EFFECTS

3.8.1 VISUAL RESOURCES AND NIGHTTIME LIGHTING

The largely undeveloped project site is readily visible from adjoining roadways, including Childs, Tower, and Gerard roads. It would also be visible from the proposed Campus Parkway. Development would result in a significant change in the appearance of the site, from views of orchards and agricultural fields to views of warehouse buildings, parking lots, and vehicles. Due to the development of buildings on the site, some vantage points through the site with its existing open fields may no longer provide views through the site. According to the conceptual plans, the maximum building height would be 40 feet above the finished floor level. On three sides of the building the finished floor would be four feet above finished grade. The main office floor would be at finished grade level. The large expanses of wall area would result in building elevations that are readily visible from beyond the site. In addition, building-mounted and pole-mounted lights are proposed to accommodate the 24-hour per day operating schedule.

The EIR will evaluate the extent of visibility of the proposed project from surrounding, sensitive, public viewpoints. Potential impacts resulting from light and glare emanating from the proposed facilities will be assessed qualitatively.

The EIR will analyze the project with respect to how it would comply with existing and proposed design guidance of the City, with a focus on general urban design issues such as land use transitions, and issues of bulk, height, setbacks, etc. The EIR will discuss these issues in the context of whether the proposal conforms to the context in which it is located.

3.8.2 AGRICULTURE

The project would convert land historically used for agriculture to industrial use; this land is designated for urban use (Manufacturing Industrial) by the City of Merced General Plan and is zoned for urban uses (Heavy Industrial) by the Zoning Ordinance. Land adjacent to the site to the north, west, and south is also designated for urban uses, but is presently in agricultural use. Existing agricultural resources on the project site and in the surrounding vicinity will be analyzed in the EIR, including the types of farming activities and description of on-site soils that are suitable for farming activities based on the Farmland Mapping and Monitoring Program. Implementation of the project would result in the direct conversion of agricultural land and former orchard to non-agricultural uses. The analysis will focus on impacts associated with the conversion of Farmland, and the potential for the project to conflict with or induce conversion of other area agricultural uses. The presence of the proposed project has the potential to facilitate the conversion of nearby agricultural lands to non-agricultural use due to the land use incompatibility factors that arise between adjacent urban and agricultural uses. This issue will be addressed in the EIR.

3.8.3 AIR QUALITY

The majority of the ground surface of the site will be disturbed during site development activities. The project will result in dust and exhaust emissions during the construction phase, and long-term use of the project will result in vehicle emissions by tractor/trailers and project employees. Moreover, both short-term (construction) and long-term (operational) air quality emissions will contribute to cumulative air quality impacts already present in the San Joaquin valley. This issue will be addressed in the EIR.

3.8.4 BIOLOGICAL RESOURCES

As noted above, the majority of the site will be graded during site development activities. This will result in the removal of grasses, shrubs, and trees, thus displacing various animals that may live on the site. A segment of a canal managed by MID is located to the west of the site and drainage ditches are located on some of the site's edges. The site is not expected to provide suitable habitat for any special-status plant species, but a determinant-

level biological analysis will be required to ascertain the presence or potential occurrence of special-status animal species. Agricultural land in this region of Merced County can provide important foraging habitat for Swainson's hawk, a species which is known to nest in the project area, and is potential habitat for burrowing owl. There are no Waters of the U.S. on the property, but the potential for wetlands that provide habitat for special-status species will be analyzed in the EIR.

3.8.5 CULTURAL RESOURCES

Based on preliminary research, no cultural resources have been found on site, but as is the case throughout much of central California, ground disturbance could reveal the presence of undiscovered historic and prehistoric resources on the site. This issue will be addressed in the EIR.

3.8.6 GEOLOGY AND SOILS

Near surface soils exhibit a high potential for expansion. The potential for at least one major earthquake within the project's lifetime is high. Liquefaction potential is expected to be moderate on parts of the site. Moisture movement may affect concrete slabs used for the buildings without appropriate mitigation. Significant quantities of earth are proposed to be moved to develop the site. This creates a potential for erosion-related effects. Particular attention will be given to the potential for air- or water-borne earth that is disturbed during the site development process to enter the nearby Merced Irrigation District canal or local drainage ditches and to be transported to other water bodies. Paleontology resources are known to occur in the Central Valley and may be present at the project site. These issues will be addressed in the EIR.

3.8.7 HAZARDS AND HAZARDOUS MATERIALS

A Phase 1 environmental site assessment conducted for the site did not reveal evidence of hazardous materials contamination on or adjacent to the site, but the site does potentially include pesticide residue in the soil from agricultural use. There is a well on site which has a potential for adverse impacts if not removed or filled in a proper manner. These issues and hazards related to the electric power lines on the edge of the site will be addressed by the EIR. Also, on an ongoing basis the project would have one 6,000-gallon new oil tank, one 2,500-gallon waste oil tank, and two 20,000-gallon diesel underground storage tanks and two above-ground 500-gallon diesel storage tanks, as well as a variety of potentially hazardous household chemicals that are stored in the warehouse before being distributed to retail outlets. The potential for these materials to be released to the environment will be evaluated.

3.8.8 SURFACE HYDROLOGY AND WATER QUALITY

The project would alter the ground surface and drainage patterns of the vast majority of the site. In addition to the area covered by buildings, there would be approximately 70 acres of pavement, for a total of 100 acres of impervious surface area. This increase in impervious surfaces would increase stormwater runoff patterns and volume. Also, it is possible that the construction and operation of the proposed project could adversely affect surface water or groundwater resources and groundwater quality due to the potential for infiltration of project runoff and possible leakage of underground storage tanks in the future. These issues will be analyzed in the EIR.

3.8.9 LAND USE

This proposed project, which is within the City limits of Merced, is proposed on approximately 230 acres of industrially zoned land that is zoned Heavy Industrial District (I-H) by the Zoning Code and designated by the Merced General Plan as Manufacturing Industrial for development of a warehouse and distribution center. The project abuts the unincorporated Merced County to the east. With regard to infrastructure, the proposed project is dependent upon and will utilize an extension of Campus Parkway and upgrades to certain existing roads. Water and wastewater infrastructure is present within adjoining streets and will be extended into the site.

The site adjoins a variety of land use types. The agricultural/residential land to the south is designated Manufacturing Industrial by the Merced General Plan, as are the agricultural lands to the west and partially developed lands to the north. The surrounding parcels within the city limits are zoned I-H. Lands approximately one-quarter of a mile west of the project site have been designated residential by the Merced General Plan; various residential zoning designations have been assigned to these parcels. The City's Sphere of Influence boundary is approximately one-quarter of a mile east of the project site. The unincorporated agricultural land to the east of the site on both sides of the Sphere of Influence boundary is designated A- Agricultural by the Merced County General Plan and is zoned A-1 General Agricultural by the County.

The EIR will examine the potential for land use incompatibilities based on the presence of different land uses.

3.8.10 NOISE

Short-term noise impacts would occur during site development and building construction activities as a result of heavy earthmoving equipment and the use of construction tools. Long-term noise impacts will result from trucks that visit the project and employees' motor vehicles, as well as noise from routine operations, such as HVAC units, and forklifts and landscape maintenance equipment used outside the building. When operational, the project is proposed to be operated 24 hours per day, seven days per week. The potential impacts of all-day, all-night traffic and industrial noise on nearby residences during a typical 24-hour period will also be addressed in the EIR.

3.8.11 POPULATION AND HOUSING

The project would create new employment opportunities, but no new housing units. The project's potential effect on the jobs/housing balance in the area is not known at this time, but will be analyzed as part of this EIR.

Unemployment is relatively high in the area, so the question of whether the project's new jobs would generate significant population increase is not known. This issue will be analyzed in the EIR. The EIR will also compare the amount and type of growth that would occur under the existing Merced General Plan land use designations.

3.8.12 PUBLIC SERVICES AND UTILITIES

The EIR will analyze whether the development of a warehouse and distribution center employing up to 1200 people may have impacts on the local provision of electricity and natural gas, water, wastewater treatment, fire protection and emergency services, recreation and parks, law enforcement, or other public services and utilities. Energy conservation practices will be addressed. As noted in Section 3.8.9, water and wastewater infrastructure is present within adjoining streets and will be extended into the site. The development of landscaped areas on the site may affect the City's water provision systems and the local supply of groundwater. The EIR will analyze whether this will have any significant affect on public services and infrastructure or plans for expansion of such.

3.8.13 TRAFFIC

The project is expected to accommodate up to 900 tractor/trailer trips per day (450 in and 450 out) and will employ up to 1200 people. The project will directly affect traffic on Campus Parkway, Gerard Avenue, and SR 99, as these will be the project's primary traffic route through the Merced area. The proposed project may also affect levels of traffic on the roads that connect the project area to State Highway 99, which are SR 140, Childs Avenue, and Mission Avenue. Other nearby streets that may be affected by project traffic include Coffee Street, Parsons Avenue, Baker Drive, Tower Road, and Kibby Road.

The project's connection to SR 99 is proposed via Campus Parkway at the new Mission Avenue interchange. Campus Parkway construction is planned to begin in March 2007 and be complete by November 2007. the Mission Avenue interchange is now under construction and slated to become operation in September 2007. The timing of completion of the interchange relative to opening of the proposed project will be assessed. The EIR will analyze potential effects on the roads and intersections described above and the rest of the street system, describing potential impacts with and without the new SR 99/Mission Avenue interchange, which is currently an at-grade intersection. The effect on traffic in the area as a whole upon the abandonment of the Kibby Road right-of-way between Childs Avenue and Gerard Avenue proposed as part of the project will also be addressed in the EIR. Project-related traffic impacts to nearby schools will also be discussed.

3.9 ENVIRONMENTAL ISSUES THAT WILL NOT BE ADDRESSED

The City has determined that the proposed project does not have the potential to create economic blight in existing developed areas beyond the project site. This determination is based on the fact that the proposed project will not be a retail outlet for goods and will not supply groceries to Wal-Mart retail outlets. Therefore, an analysis of the potential environmental impacts associated with blight will not be included in the EIR.

Comments Received on the NOP

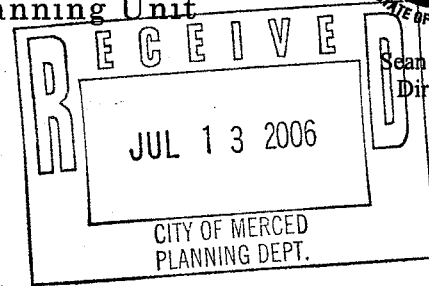


Arnold Schwarzenegger
Governor

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



Sean Walsh
Director



Notice of Preparation

July 7, 2006

To: Reviewing Agencies

Re: Merced Wal-Mart Regional Distribution Center
SCH# 2006071029

Attached for your review and comment is the Notice of Preparation (NOP) for the Merced Wal-Mart Regional Distribution Center draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

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

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006071029
Project Title Merced Wal-Mart Regional Distribution Center
Lead Agency Merced, City of

Type NOP Notice of Preparation

Description The primary building on the site will be a 1.1 million square foot regional distribution warehouse, which will be primarily a materials handling operation whereby most goods typically are conveyed through the distribution center. The facility will not handle groceries, such as fruit, vegetables, dairy products, bakery goods, and meat. There will also be warehouse support space to house administrative offices, the data processing center, and a cafeteria. Other internal office/support areas for administrative uses include an electric forklift battery charging/maintenance area and an aerosol product storage area. Approximately 37,000 square feet of floor space will be devoted to office/support.

Lead Agency Contact

Name Kim Espinosa
Agency City of Merced
Phone (206) 385-6858 **Fax**
email
Address 678 W. 18th Street
City Merced **State** CA **Zip** 95340

Project Location

County Merced
City Merced
Region
Cross Streets Childs Avenue/Tower Road
Parcel No. 061-250-035 & 061-290-047
Township 7S **Range** 14E **Section** 34,35 **Base** Mtdiablo

Proximity to:

Highways SR 99
Airports
Railways
Waterways
Schools
Land Use The project site is designated Manufacturing Industrial in the Merced General Plan and Heavy Industrial District (I-H) in the zoning ordinance.

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

Reviewing Agencies Resources Agency; Department of Conservation; Department of Forestry and Fire Protection; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 4; Native American Heritage Commission; Public Utilities Commission; California Highway Patrol; Caltrans, District 6; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Bd., Region 5 (Fresno)

Date Received 07/07/2006 **Start of Review** 07/07/2006 **End of Review** 08/07/2006

Resources Agency

- Resources Agency
Nadell Gayou
- Dept. of Boating & Waterways
David Johnson
- California Coastal Commission
Elizabeth A. Fuchs
- Colorado River Board
Gerald R. Zimmerman
- Dept. of Conservation
Roseanne Taylor
- California Energy Commission
Paul Richins
- Dept. of Forestry & Fire Protection
Allen Robertson
- Office of Historic Preservation
Wayne Donaldson
- Dept of Parks & Recreation
Environmental Stewardship Section
- Reclamation Board
DeeDee Jones
- S.F. Bay Conservation & Dev't. Comm.
Steve McAdam
- Dept. of Water Resources
Resources Agency
Nadell Gayou
- _____
Conservancy

- Fish & Game Region 3
Robert Floerke
- Fish & Game Region 4
Julie Vance
- Fish & Game Region 5
Don Chadwick
Habitat Conservation Program
- Fish & Game Region 6
Gabrina Gatchel
Habitat Conservation Program
- Fish & Game Region 6 I/M
Tammy Allen
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M
George Isaac
Marine Region

Other Departments

- Food & Agriculture
Steve Shaffer
Dept. of Food and Agriculture
- Depart. of General Services
Public School Construction
- Dept. of General Services
Robert Sleppy
Environmental Services Section
- Dept. of Health Services
Veronica Malloy
Dept. of Health/Drinking Water

Independent

Commissions, Boards

- Delta Protection Commission
Debby Eddy
- Office of Emergency Services
Dennis Castrillo
- Governor's Office of Planning & Research
State Clearinghouse
- Native American Heritage Comm.
Debbie Treadway

Fish and Game

- Depart. of Fish & Game
Scott Flint
Environmental Services Division
- Fish & Game Region 1
Donald Koch
- Fish & Game Region 2
Banky Curtis

- Public Utilities Commission
Ken Lewis
- State Lands Commission
Jean Sarino
- Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Business, Trans & Housing

- Caltrans - Division of Aeronautics
Sandy Hesnard
- Caltrans - Planning
Terri Pencovic
- California Highway Patrol
Shirley Kelly
Office of Special Projects
- Housing & Community Development
Lisa Nichols
Housing Policy Division

Dept. of Transportation

- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcelino Gonzalez
- Caltrans, District 3
Jeff Pulverman
- Caltrans, District 4
Tim Sable
- Caltrans, District 5
David Murray
- Caltrans, District 6
Marc Birnbaum
- Caltrans, District 7
Cheryl J. Powell

- Caltrans, District 8
Dan Kopulsky
- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Mario Orso
- Caltrans, District 12
Bob Joseph

Cal EPA

Air Resources Board

- Airport Projects
Jim Lerner
- Transportation Projects
Ravi Ramalingam
- Industrial Projects
Mike Tollstrup

- California Integrated Waste Management Board
Sue O'Leary

- State Water Resources Control Board
Jim Hockenberry
Division of Financial Assistance

- State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

- State Water Resources Control Board
Steven Herrera
Division of Water Rights

- Dept. of Toxic Substances Control
CEQA Tracking Center

- Department of Pesticide Regulation

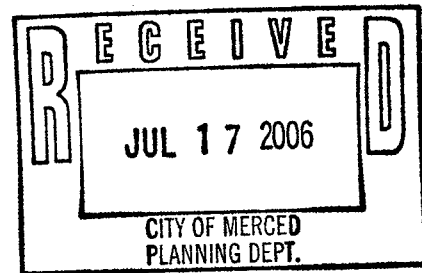
Regional Water Quality Control Board (RWQCB)

- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)

Other _____

July 11, 2006

Kim Espinosa Planning Manager
City of Merced
678 West 18th St
Merced, Ca 95340



Merced Wal Mart Regional Dist Center

We need to go on record opposing the allowance of this center to be approved. I also wish to receive the "initial study" which you mentioned has not been prepared. Please keep us on the mailing list.

I wish to be allowed to comment on the Project information and "probable environmental impacts" report you sent to us recently.

On page 3-2 you mention "a few rural residential dwellings. What is your projected density planned for the area in future? The low density and high density areas in yellow red and orange on 3-9 will be affected. We prefer a completely isolated site.

Walmart on 3-11 wants access to major highway transportation links. I should think the truck lanes on Highway 5 would allow this progress. Location near that highway would be preferable to the already impacted 99. What "buffers" will there be for the yellow, red and orange areas on 3-9? What will 1600 trucks a day (ultimate capacity) do to traffic on these roads to the 99 and for highway entry? Will stoplights on highway entry's be necessary? Will entire truck lanes need to be built around the facility?

City objectives is to create jobs- We ask what kind/ In the chart on 3-15, you mention 986 "associates". We need to see the breakdown of minimum wages. It is found that Wal Mart shifts to the country it's social costs of welfare for poverty workers including food stamps, medical and other costs. We want quality jobs to lift people out of poverty, not keep them in it. Their objective is to use the exiting labor pool. Obviously people are out of work. Is poverty work best for this labor pool?

On page 3-12 walmart mentions operation efficiency and adequate distribution which we assume means running the plant for their present and expanding operations; that is running this distribution center at maximum capacity. The are providing for 1600 trucks. They claim they want to "minimize impacts". Obviously THERE ARE

GREAT IMPACTS? HOW do they plan to minimize them. Is minimized acceptable to our LIVING environment??

On page 3-13 the 6,000 gallon oil storage and 2500 waste oil and 20,000 gallon underground fuel storage and 500 gallon above ground fuel storage is a huge environmental safety hazard. What are the guarantees and how is wal mart insured so that a huge Exxon Valdez does not happen to our water supply and our residential yellow, orange and reds? Have they presented a contingency plan and a safety review? Will there be safety personnel on staff? What is their inspection schedule? We are also concerned about the storm water management detention ponds and their part in any pollution accident..

3-13 speaks about lighting. Obviously in the movie about Wal Mart it was brought up that these areas are troublesome for gang and rape activity. What actions will be taken to prevent crime?

Agriculture mentioned on 3-16 is of great concern. When we we stop using our farmland for development? What will feed Merced in the future when there is no gas and oil, peak oil has arrived and the citizens must rely on community gardens?

WHAT HAZARDOUS MATERIALS DO YOU REFER TO ON 3-17? We need a list. We need a safety plan.

On 3-19 you discuss population and housing. What areas are planned for housing and how will this behemoth discourage housing development for citizens?

How much is the cost and usage for electricity, gas, water, wastewater, fire, emergency law and utilities? Will they have solar energy on the roof?

Traffic- They say 900 trips a day, but have arranged to have 1600 parking places. What is the absolute limit our environment can handle?

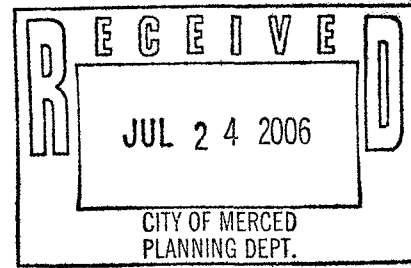
We feel a complete truck lane will need to be built and possibly an overpass merging into 99 if this project is allowed. They should pay.

BLight-We have noticed on Buhach Road that when the trucks park on the exit for the layover's they need legally, HUGE amounts of trash are generated. This is usually from one or two trucks a night. We question the amount of trash that will have to be picked up from the warehouse and on the streets surrounding the area. We expect good clean operations!

Melissa Stevenson
Tim Stevenson
2988 Buhach Rd
Merced, Ca 95340

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 STOCKTON, CA 95201
 (1976 E. CHARTER WAY/1976 E. DR. MARTIN
 LUTHER KING JR. BLVD. 95205)
 TTY: California Relay Service (800) 735-2929
 PHONE (209) 941-1921
 FAX (209) 948-7194



*Flex your power!
 Be energy efficient!*

July 17, 2006

10-MER-99-PM 12.37
NOP for DEIR
Wal-Mart Distribution

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

Dear Ms. Espinosa:

The Department of Transportation (Department) appreciates the opportunity to review and comment on the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for Wal-Mart Distribution Center located on 230 acres on the north by Childs Avenue, on the east by Tower Road and on the south by Gerard Avenue. The Department has the following comments:

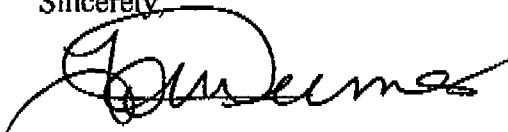
- Please prepare and provide for the Department's review and comment a traffic impact study (TIS). A TIS is necessary to determine this proposed project's near-term and long-term impacts to State facilities – both existing and proposed – and to propose appropriate mitigation measures. The Department recommends that the study be prepared in accordance with the *Caltrans Guide for the Preparation of Traffic Impact Studies*, dated December 2002 (Guide). The Guide is available online at: http://www.dot.ca.gov/hq/tpp/planning_tools/tools.htm. Minimum contents of the TIS are listed in Appendix "A" of the TIS guide. All State owned signalized intersections affected by this project should be analyzed using the intersecting lane vehicle (ILV) procedure from the Department's Highway Design Manual, Topic 406, page 400-21.
- The Department endeavors to maintain a target level of service (LOS) at the transition between LOS C and LOS D on State highway facilities, including intersections (see Appendix "C-3" of the TIS guide). If an intersection is currently below LOS "C," any increase in delay from project-generated traffic should be analyzed and mitigated. The LOS for operating State highway facilities is based upon measures of effectiveness (MOE) (see Appendix "C-2" of the Guide). If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. **In-addition, the TIS should include all for the following appendices:**
 - Synchro/SimTraffic Version 6.0 input/output data
 - Synchro/SimTraffic Version 6.0 electronic files
 - Signal warrants study

Ms. Kim Espinosa
July 17, 2006
Page 2

- Left-turn and right-turn channelization calculations should include both storage (95th percentage queue) and deceleration lengths
- Level of Service (LOS), Queue and Delay calculation should be based on SimTraffic Summary reports
- If commercial truck traffic is anticipated as the proposed project's connections to SR-99 via Campus Parkway, SR-140, and at the new Mission Avenue interchange this traffic will need to conform to the Surface Transportation Assistance Act (STAA) truck turning radii standards at all state facilities. In-addition, plans indicating the type of truck and anticipated turning radii at access points in all directions at the SR-99/Gerard Avenue and SR-99/Childs Avenue intersections will need to be submitted to the Department illustrating conformity.
- The Department recommends that the Lead Agency encourage the developer to submit a scope of work for conducting the TIS prior to circulating the local development application for comment in order to expedite the Department's review. The Department is available to discuss assumptions, data requirements, study scenarios, and analysis methodologies prior to beginning the TIS. This will insure a quality TIS is prepared.
- We suggest that the county continue to coordinate and consult with the Department to identify and address potential cumulative transportation impacts that may occur from this project and other developments near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on existing and future state transportation facilities.
- The Department looks forward to reviewing the Draft Environmental Impact Report (DEIR) that will more clearly describe and map the locations of the potential improvement projects that are indicated in this NOP.
- Caltrans encourages contacting the Native American Heritage Commission: 915 Capitol Mall, Room 364, Sacramento, California, 95814, Telephone (916) 657-5390 for advice on consulting with Native Americans regarding any cultural concerns within the project area.

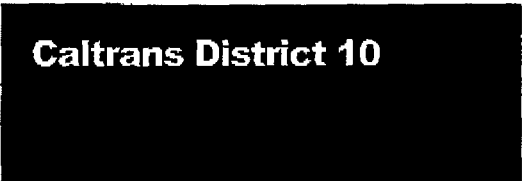
If you have any questions, please contact Dee Maddox at (209) 942-6022 (email: dee_maddox@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,



TOM DUMAS, Chief
Office of Intermodal Planning

Transportation Planning, 1976 E. Charter Way, Stockton, Ca 95205
(209) 948-7647



Fax

To: Kim Espinosa **From:** Dee Maddox

Fax: 209-384-5805 ⁷²⁵⁻⁸⁷⁷⁵ **Pages:** 2

Phone: 209-385-6858 **Date:** 7/24/2006

Re: NOP for DEIR Wal-Mart Distribution Center **CC:**

- Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

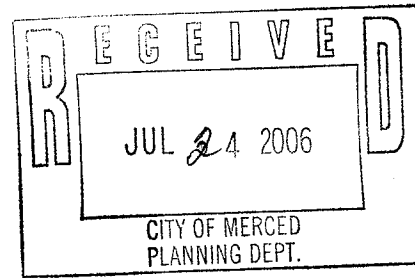
Dee Maddox
IGR & Intermodal Planning
(209) 942-6022

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 19, 2006



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

Dear Ms. Espinosa:

Re: SCH #2006071029; Merced Wal-Mart Regional Distribution Center

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Truck traffic generated by this project should be away from at-grade highway-rail crossings and routed over the existing grade-separated crossing at Childs Avenue.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles".

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

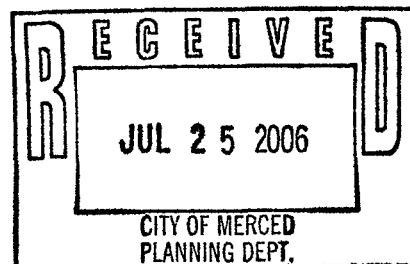
cc: Jim Smith, UP
Carol Harris, UP

MARG Wal-Mart Action Team

Merced Alliance for Responsible Growth

Central Valley Hopefuls • Community Alliance with Family Farmers North San Joaquin Valley • Green Party of Merced County
Golden Valley Neighborhood Association • Merced Associated Democrats • Merced Chapter of the Sierra Club
Merced County Citizens Against the Raceway • Merced-Mariposa Labor Council • Merced-Mariposa Teachers' Uniserv •
Train Riders Association of California, Merced Group

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



July 24, 2006

Dear Ms. Espinosa,

The California Environmental Quality Act was created to give communities the opportunity to participate in the development process and contribute to the environmental review process. We are thankful for this opportunity and look forward to working with the City of Merced and EDAW, the San Francisco-based environmental consulting firm, to determine the true impacts the proposed Wal-Mart distribution center will have on our community – there are many issues that need attention.

We have thoroughly studied the Notice of Preparation (NOP) released on July 7th, 2006 and have some serious concerns with the proposed scope of the EIR and assumptions made in this initial document. The NOP fails to accurately describe the project surroundings, provides inaccurate facts and indicates a lack of attention to significant issues facing this proposed development. We hope that as you move forward through the environmental review process, that you will consider the following community concerns:

Proximity of Schools and Residential Neighborhoods

Because of their size and type of operations, Wal-Mart distribution centers are typically located away from residential areas and city centers. **The proposed site in Merced, however, is surrounded by residential neighborhoods and 3 schools** (all within one mile). The NOP mischaracterizes the surrounding land uses and downplays the amount of residential housing in the proposed project's immediate vicinity. As Merced has grown, residential areas have expanded into Southeast Merced and closer to areas zoned industrial. It was likely not the intent of the original zoning code to have dense residential border this type of development. This project will affect the quality of life for Merced residents and the study should accurately reflect the extent to which our neighborhoods and schools will be affected.

Public Health

Merced has some of the worst air quality in the nation. Our children and our community are already at a higher risk of asthma and other ailments associated with poor air quality. The EIR must consider not only the impacts the proposed distribution center will have on regional ambient air quality, but also the **impacts on air quality at specific locations—such as nearby schools and neighborhoods.**

Water Quality and Flooding

The NOP does not mention that most of the site falls within the FEMA flood zone! **Because the site is mostly in the 100-year flood zone and the area is prone to flooding, the likelihood of increased flooding must be studied in great detail.** This is a grave oversight of the NOP. We request that the study of water quality impacts take into account the potential impact on drinking water and the possibility of Wal-Mart's storm water system failing (in the case of a severe rainstorm like the ones we experienced this winter) and polluted runoff flowing onto neighboring properties. With residential homes and schools so close to the site, this information is critical. Once again, public health is at risk.

Additionally, Wal-Mart's past record on environmental impacts and violations should be considered, along with project-specific characteristics, when predicting the likely impacts of the distribution center. History suggests that it would be unrealistic to assume that all regulations—such as those relating to air and water pollution and hazardous materials handling—will be followed when the center is in operation.

Premature Conclusions

The NOP contains certain premature conclusions, such as the statement “lighting is designed so that light does not cross the property boundaries” and that the storm water system is “designed to accommodate impervious area storm water runoff.” These are important areas that the EIR should be studying, and **the City and environmental consultants should not be drawing premature conclusions about lighting impacts, storm water impacts, or anything else** prior to the EIR being conducted.


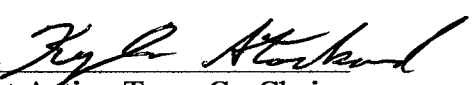
Other Wal-Mart Distribution Centers

In addition to the mischaracterization of the surrounding land uses mentioned above, the NOP inaccurately reports that the distribution centers nearest to Merced are located in Red Bluff and Apple Valley. In fact, Wal-Mart has a fully operational distribution center in Porterville just 129 miles away. Please correct this in future analysis.

Additionally, it is our understanding that as part of the EIR process, EDAW will visit one or more existing Wal-Mart distribution centers. It is critical that when this occurs, that notice not be given to Wal-Mart prior to that date and that data collection takes place under typical operational conditions.

Thank you of your consideration of these crucial issues facing Merced residents. The impacts of a project this size will be considerable and it is essential that our community and leaders understand every aspect of the proposal and its effects. Ultimately, our local officials will have to decide on this project based on the information in the EIR, not because of any pre-existing zoning or backroom deals. The livelihood and health of our community is at stake.

Sincerely,

Marilynne Pereira  Kyle Stockard 
MARG Wal-Mart Action Team Co-Chair MARG Wal-Mart Action Team Co-Chair

Thursday, July 20, 2006

Dear: City of Merced, To whom it may concern

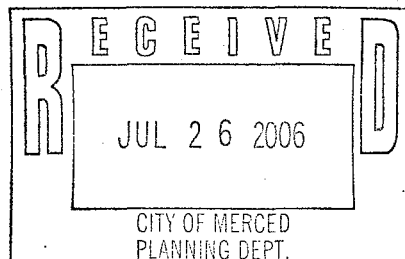
My name is Joaquin Valencia and I currently reside at 438 Azalea CT in south Merced with is about 1500 feet away from the intentional Wal-Mart Distribution Project Site. I would like to express my concern about this project. I know the city needs more jobs, but do we have to risk public health and comfort in exchange for a few jobs. As you are aware we are the in the American Lung Association were one of the worst polluted cities in the United States (number 18 in 2005). This project will most likely shoot us up the charts because of the project 900 Trucks come in and out the site every day. In an article writing by WARN, it sites that Merced has the sixth highest levels of ozone pollution of all cities in the US and asthma among children has risen by 200% from increased pollution sources throughout the state. Wal-Mart at first said 1200 trucks but it seems that they have lower the number to make it seem more approvable, but the fact of the matter is that whether it is 900 or 1200 Trucks per days it will for a fact increase the pollution in the city. As you may know there no other vehicle on the road that pollutes more than a trailer truck and having 900 of them dry close to, my neighborhood is not something I am looking forward to.

Furthermore, aside from the pollution there is the issue of traffic, sewer and water usage among others. Traffic will be significantly greater and not just from the truck but from the projected 1200 employees due to be employ at the site. They will most likely use coffee, Gerard and Childs Ave to get to work. I know there are three existing schools and possibly a fourth coming in the area and that means many kids. Having this much increase traffic has a potential for a disastrous situation. Moreover, I believe that the main purpose of the campus parkway was to alleviate traffic through town and provide a direct path for students and visitors to the University. It seems to me that the project is being constructed more to accommodate a very large project such as the one in questions, which will more than likely will have a huge impact on the traffic of HWY 99, and Campus Parkway especially on foggy days. If and most likely when a truck gets into an accident or breaks down, there will be a lot of traffic and most of those people will choose the back roads and that means though schools sites like pioneer school on Coffee and Gerard and Golden Valley High school and Weaver School.

In Addition, I have done a lot of readings and research about other sites that do have a Wal-Mart Distribution Center and most of them say it was a bad decision. I ask you to please, look at other states and cities who have allowed such a project and the effect it had on them after a few years. Also, why does such a large project has to be design to be near a residential neighborhood and 4 blocks from a school and with the vicinity of three other schools.

I please beg you to reject such a project and listen to the thousands of petition to reject the project because it will do more bad than good to the residents of the city of Merced. Please do look closely at the project and put the health of Merced residents as the number one priority because without it a job does us no good. Please join Turlock in saying no to this project and in looking out for their resident's well being. Thank you and good luck in doing the EIR.

Sincerely,
Joaquin Valencia
Joaquin Valencia
Concern Merced Resident



**Comment on the Notice of Preparation
For Merced Wal-Mart Regional Distribution Center
Response Deadline: 5:00 p.m., August 11, 2006**

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: planningweb@cityofmerced.org

Subject: Notice of Preparation for Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinosa,

I understand that the City of Merced is preparing an Environmental Impact Report (EIR) for the proposed Wal-Mart Regional Distribution Center, located at the intersection of Childs Avenue/Tower Road. I have reviewed the Notice of Preparation your City has prepared for this project and would like to suggest that you consider the following issues as you prepare the EIR:

AMOUNT OF TRUCK/EMPLOYEE/VENDOR TRAFFIC IMPACTS UPON
SURROUNDING RESIDENCES/SCHOOLS/BUSINESSES WILL BE SERIOUS TO
ENVIRONMENT/SAFETY/LIFESTYLE - PROJECT WILL UNDOUBTEDLY ATTRACT
DRUG/PROSTITUTION INFLUENCES - WAL-MART SHOULD PROVIDE GOOD
LOCAL SECURITY PATROL
WAL-MART SHOULD HAVE A CONTINUED RESPONSIBILITY TO MAINTAIN ROADS
WITHIN A REASONABLE RADIUS.
I/WE ARE FOR THE PROJECT - BUT THERE ARE TOO MANY ISSUES
~~ISSUES~~ THAT MAKE THIS LOCATION A POOR CHOICE.

Sincerely,

MICHAEL/SUSAN/MARJORIE DWYER

Name

1224 S. YALE AVE

Address

MERCED CAL 95340

City

State

Zip Code

209-722-1268

Phone Number

Fax Number

E-Mail Address

**Comment on the Notice of Preparation
For Merced Wal-Mart Regional Distribution Center
Response Deadline: 5:00 p.m., August 11, 2006**

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: planningweb@cityofmerced.org

Subject: Notice of Preparation for Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinosa,

I understand that the City of Merced is preparing an Environmental Impact Report (EIR) for the proposed Wal-Mart Regional Distribution Center, located at the intersection of Childs Avenue/Tower Road. I have reviewed the Notice of Preparation your City has prepared for this project and would like to suggest that you consider the following issues as you prepare the EIR:

1. Where will trucks park waiting to enter distribution center. If local truckers are drivers will they drive their trucks to near where they live. Impact on county roads and farming / residential communities
2. Air quality can not tolerate the traffic this will generate
3. Schools and housing are too close - noise will be a concern as well as safety.
4. Safety is concern especially in winter fog if located in Merced
5. Underground storage is not allowed on farms - this is danger to water quality

Sincerely,

Jean Okuye

Name

Address

City

State

Zip Code

Phone Number

Fax Number

E-Mail Address

10029 W. Olive Ave

Livingston Ca

95334

(209) 394-2421

Same

The Notice of Preparation does not mention that most of the proposed Wall-Mart site falls within the FEMA flood zone! Because the site is mostly in the 100-year flood zone the area is prone to flooding and the likelihood of increased flooding must be studied in great detail.

hard surface
asphalt
rooves
cement

~~shallow
flooding~~

ⓐ Shallow
flooding

Study of water quality impacts must take into account the possibility of Wal-Mart's storm water system failing (as in an unusually severe rain-storm) and ensure that the site is "reasonably safe from flooding" and polluted runoff flowing onto neighboring properties. In fact, Wal-Mart has a history of water quality violations which should be troubling to residents near the proposed distribution center.

ⓑ Ponding
ⓐ Sheeting

Possible impacts on drinking water quality should be considered when examining effects of the project on groundwater.

Pollutants:

Vehicle exhaust

Motor oil

Leaks

Waste oil

Pesticides and other hazardous materials

Diesel fuel (to be housed in above- and below-ground tanks)

14601 Bellevue Ave

I would like to begin by saying

Ladies and gentlemen of ~~the Merced City Council~~,
I don't see why there's a question at all about the location for the proposed Wal-Mart Distribution Center. Long ago it was taken by all the schools and residences that exist there. ~~You know, the good people you represent.~~

~~And as our city leaders you should see that.~~

Wal-Mart needs to find a different location for its Distribution Center, one that doesn't impact lots of people and schools that have been in an area for many years. *THE AIR, NOISE ENVIRONMENT*

Now, if these ~~people~~ ^{*RESIDENCES*} and these ~~kids~~ ^{*SCHOOLS*} were moving into an area where a distribution center was already up and operating, that would be different. They would be the intruders, not Wal-Mart. But that's hardly the case in this situation.

they would accept of impact of the warehouse

You know, there are lots of industries that could be brought into an area like this, that wouldn't have the ~~really terrible~~ impact environmentally the distribution center will have.

ABOUT TRAFFIC IMPACTS,
~~You've~~ heard the numbers ~~about the Distribution Center~~. Every month, 27,000 diesel big rigs and 64,000 cars will travel into the Merced area that don't travel here now. *OUT OF*

It will ^{LITERALLY} add tens of thousands of cars and trucks to already traffic-clogged Merced-area streets. And one of its most unpopular attributes will likely be the horrendous traffic bottleneck it's going to create ^{FOR} on the future UC Campus Parkway – because it will cut off access to Highway 99. It will cause big-time road damage that taxpayers, of course, will pay for.

An automatic consequence of the Distribution Center will be decreased auto and pedestrian safety throughout the region, including around Weaver and Pioneer Elementary schools and Golden Valley High.

As a private citizen and member of Merced Alliance for Responsible Growth I ask that you say "no" to the Wal-Mart Distribution Center to help save an already traffic-clogged and polluted ~~San Joaquin Valley~~ environment.
MERCED AREA

Thank you

Ag impact ~~is~~ will be considerable



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair

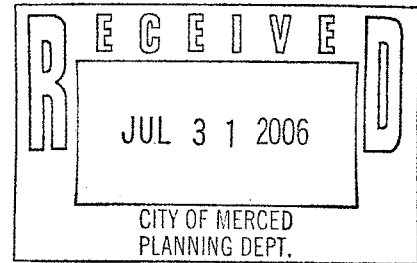


Arnold
Schwarzenegger
Governor

Fresno Branch Office
1685 E Street, Fresno, California 93706
(559) 445-5116 • Fax (559) 445-5910
<http://www.waterboards.ca.gov/centralvalley>

27 July 2006

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



NOTICE OF PREPARATION (NOP) FOR THE MERCED WAL-MART REGIONAL DISTRIBUTION CENTER DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)

Your request for comments on the subject project was received on 12 July 2006. The proposed project is to construct a 1.1 million square foot regional distribution warehouse. There will also be warehouse support space to house administrative offices, a data processing center and cafeteria.

As construction associated with the project will disturb one acre or more, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated With Construction Activity will be required for potential discharges to surface waters, including ephemeral and intermittent drainages. Before construction begins, Wal-Mart Corporation must submit a Notice of Intent (NOI) to comply with the General permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB) and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared. The SWPPP must contain at a minimum all items listed in Section A of the General Permit including descriptions of measures that will be taken to prevent or eliminate unauthorized non-storm water discharges, and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, riparian buffers, etc.) best management practices (BMPs) that will be implemented to prevent pollutants from discharging with storm water into waters of the United States.

If the project results in discharge of dredged or fill material into navigable waters, wetlands, or other waters of the U.S. (jurisdictional waters), Wal-Mart Corporation must obtain a permit pursuant to Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers (Corps) and a Section 401 Water Quality Certification from the Regional Water Board to ensure that discharges will not violate State water quality standards. If the project will result in the discharge of dredged or fill material into navigable waters or wetlands that are determined by the Corps to be non-jurisdictional, Wal-Mart Corporation will not be required to obtain a Section 401 Water Quality Certification, but may be required to submit a Report of Waste Discharge (RWD). Pursuant to California Water Code, Section 13260, all persons proposing to discharge waste that may affect the quality of waters of the State must submit to the Regional Water Board a RWD, following which the Regional Water Board will either prescribe waste discharge requirements (WDRs) or issue a waiver thereof.

California Environmental Protection Agency

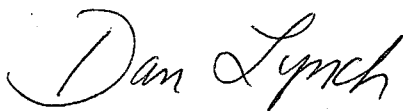
Referenced in the NOP under item 3.8.7 Hazards and Hazardous Materials explains an existing well on site has a potential for adverse impacts if not removed or filled in a proper manner. Unless contained, well development dewatering discharges must be covered under the NPDES Permit No. CAG995001, General Order No. 5-00-175 for Dewatering and Other Low Threat Discharges to Surface Waters. Before discharge begins, Wal-Mart Corporation must submit an NOI to comply with the permit and a filing fee to this Regional Water Board office. The General Order is applicable only if the discharge does not contain significant quantities of pollutants and is less than four months in duration or has an average dry weather flow of less than 0.25 million gallons per day. Otherwise, Wal-Mart Corporation must apply for site-specific WDRs. A representative sample of discharge would need to be collected and analyzed to demonstrate that no constituents of concern are present in quantities that would cause an exceedance of water quality objectives.

Also referenced in the NOP under item 3.8.7 Hazards and Hazardous Materials is the project will have various new oil, waste oil and diesel above ground and below ground storage tanks, as well as a variety of potentially hazardous household chemicals that are stored in the warehouse before being distributed to retail outlets.

If the project will involve the storage of petroleum products in above ground tanks, with a single tank capacity of greater than 660 gallons or a cumulative capacity of greater than 1,320 gallons, Wal-Mart Corporation will be subject to State above ground petroleum tank regulations. Wal-Mart Corporation must file a storage statement with the SWRCB, pay a facility fee, and prepare a federal spill prevention control and countermeasure plan.

Depending on the Standard Industrial Classification (SIC) code of the final project, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 for Discharges of Storm Water Associated With Industrial Activities may be required. The SIC codes of activities requiring coverage are listed in the General Permit. In order to obtain coverage by the General Permit, Wal-Mart Corporation must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the SWRCB and a SWPPP must be prepared.

Thank you for the opportunity to comment on this Notice of Preparation. If you have any questions regarding our comments, please call me at (559) 445-6071.



Dan Lynch
Environmental Scientist
Storm Water Unit

cc: State Clearinghouse, Sacramento

Espinosa, Kim

From: Lucas, Terri on behalf of planningweb
Sent: Tuesday, August 01, 2006 10:36 AM
To: Espinosa, Kim
Subject: FW: wal mart dc issue

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

From: blueeyesmo [mailto:blueeyestx53@yahoo.com]
Sent: Friday, July 28, 2006 6:47 PM
To: planningweb
Subject: wal mart dc issue

I am a Wal Mart 15 Yr+ associate, I have been watching Merced with this issue of letting Wal Mart become a family .. Though I really don't understand the problem as I have been in 2 openings and I have to say much smaller towns and the impact in your minds are so out of per portion.. I want to transfer to Mered if you will except it.. It will only benefit Mered more then you know. Now as far as sound, pollution..etc.. Why don't you send someone to the nearest DC.. being Porterville or Redbluff..and spend a day or 3 and see what the sound does to neighboring ppl and etc etc.. You will find nothing as Wal Mart will build mounts to deterrent light from homes and to block sounds..plus more.. I have seen increases in property for those who are afraid if Wal Mart comes in you wont be able to sell your home for what you bought it for.. well ppl need to get real.. Wal Mart only in proves the area HONEST.. it give so much to the community.. The contributions is outta site..

But don't take if from me contact the real source.. aka other towns who have a Wal Mart DC IN them and ask them... They are living facts..

**Barbara Flowers
603 Kyle
St.James,Mo. 65559
573-265-1648**

**If you dont like something,
Change it...
If you can't change it,
Change your attitude...
*Don't complain***

Espinosa, Kim

From: Lucas, Terri on behalf of planningweb
Sent: Tuesday, August 01, 2006 10:34 AM
To: Espinosa, Kim
Subject: FW: walmart

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

From: Geoffrey W Bromfield [mailto:bromfield@sbcglobal.net]
Sent: Friday, July 28, 2006 1:52 PM
To: planningweb
Subject: walmart

The city planning commission should consider at least four major reasons to block Walmart's D.C. Taken together they should be enough to give pause and each stands on its own merits. 1) Degradation of air quality. The amount of added air pollution to an already overburdened air basin would impact thousands particularly the ones with preexisting lung disorders like asthma. 2) The roads are not designed for the increase of traffic, particularly state route 99. Voters recently did not approve a bond measure to improve them. 3) Where are the increased populace going to live? Rents are already sky high and I submit on Walmart wages the new people will not be owners, but renters. Schools in Merced are at the bursting point as it is, where will these new students go to school? 4) Walmart's past is prologue when it comes to paying fair wages. Many full time employees cannot make it on what is paid and as a result full time employees are forced to seek public assistance. Before allowing this monster in our community please take a long, hard look at past practice with respect to worker rights. I personally would recommend that anyone voting on the proposed Distribution Center be made to watch "The High Price of Low Cost". You should also recognize that if the new D.C. does not work out, it will be forever a landmark of shame for the entire city an a gigantic white elephant. Please take a very close look at this, because the few tax dollars generated will be off set by the worsening of the general conditions of our community.

Jeff Bromfield

Espinosa, Kim

From: Lucas, Terri on behalf of planningweb
Sent: Tuesday, August 01, 2006 10:36 AM
To: Espinosa, Kim
Subject: FW: Walmart

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

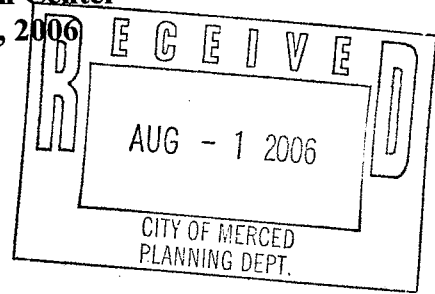
From: Pamela Tamez [mailto:ptamez@camerced.org]
Sent: Monday, July 31, 2006 2:29 PM
To: planningweb
Subject: Walmart

I believe that the amount of trucks going on and coming off of highway 99 will create even a bigger backup flow. Anyone who has to take the Martin Luther King , Yosemite/Mariposa, and Child's exit every morning, knows all to well how long they have had to sit on the off ramp with their car tails hanging out on 99 just to get to work, while all along, praying that they don't get hit. the walmart trucks will even further the congestion.

Thank you

Pamela M Tamez

**Comment on the Notice of Preparation
For Merced Wal-Mart Regional Distribution Center
Response Deadline: 5:00 p.m., August 11, 2006**



Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: planningweb@cityofmerced.org

Subject: Notice of Preparation for Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinosa,

I understand that the City of Merced is preparing an Environmental Impact Report (EIR) for the proposed Wal-Mart Regional Distribution Center, located at the intersection of Childs Avenue/Tower Road. I have reviewed the Notice of Preparation your City has prepared for this project and would like to suggest that you consider the following issues as you prepare the EIR:

- 1) Will Wal-Mart be a good corporate citizen?
Please check Cal-OSHA violations, DFEH, EEOC, Labor Commissioner. How many millions of dollars has Wal-Mart been fined, + has it learned??
Does Merced have a standard for its citizen?
- 2) Do we need more trucking jobs? Sysco is paying employees finder fees. Other companies are having a hard time filling trucker positions.
How many truck / FL drivers are out of work?
- 3) True unemployment figure after "welfare professionals" are factored out (also those who would not pass drug screening)??

Sincerely,

Suzanne Miles

Name

40 El Portal Drive

Address

Merced CA *95340*

City

State

Zip Code

722-8513

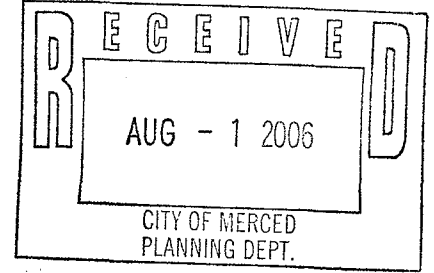
Phone Number

Fax Number

mssj miles@aol.com

E-Mail Address

**Comment on the Notice of Preparation
For Merced Wal-Mart Regional Distribution Center
Response Deadline: 5:00 p.m., August 11, 2006**



Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: planningweb@cityofmerced.org

Subject: Notice of Preparation for Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinosa,

I understand that the City of Merced is preparing an Environmental Impact Report (EIR) for the proposed Wal-Mart Regional Distribution Center, located at the intersection of Childs Avenue/Tower Road. I have reviewed the Notice of Preparation your City has prepared for this project and would like to suggest that you consider the following issues as you prepare the EIR:

Air quality	greed
Effect on other employers V	
Children's health	\$ \$
Increased temperature	
Noise pollution	growth for
Hospital needs	growth's sake
light pollution	
roads upkeep/repair	
congestion	
property values	
Schools - effect on students	
crime etc etc etc	

Sincerely,

Suzanne Miles

Name

40 El Portal Dr.

Address

Merced

CA

95340

City

State

Zip Code

722-8513

Phone Number

Fax Number

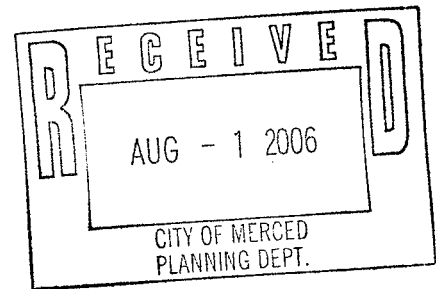
mssfmiles@aol.com

E-Mail Address

To whom it may concern:

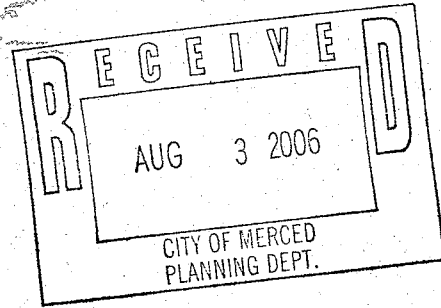
People of Merced are crazy to try to stop Wal Mart what an opportunity for Merced look at the jobs it would create and the income for the county. This money can go to help schools roads libraries the poor and so on. These people in Merced need to look at the big picture not just what they think is important and if they don't build it here they will build it somewhere else

*No name or address
given*



MID MERCED IRRIGATION DISTRICT

July 26, 2006



Kim Espinosa, Planning Manager
City Of Merced
678 West 18th Street
Merced, California 95340

Subject: Notice of Preparation of a DEIR for Wal-Mart Distribution Center – APN's 61-250-35, 61-290-47

Dear Ms. Espinosa:

The Merced Irrigation District (MID) has reviewed the above referenced notice and offers the following comments:

MID operates and maintains the Doane Lateral adjacent to, and west of the west property line of the project. Residential developers have already undergrounded said lateral.

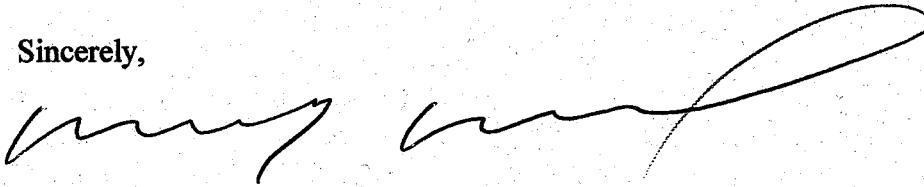
MID respectfully requests that the City require the following, as conditions of approval upon development, the following:

1. If storm water is to be discharged to any MID facility, the owner/applicant shall enter into a "Storm Drainage Agreement" with the Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1), paying all applicable fees.
2. That the property owner must execute a "Non-exclusive Driveway License Agreement" for all crossings over or under any MID facilities, including utilities, bridges and pipelines.
3. A signature block will be provided for MID on all Improvement Plans.
4. A "Construction Agreement" between the owner and the MID shall be executed for any work associated with MID facilities.
5. MID requests a copy of the final, signed CEQA documents.

MID is a local provider of electrical services and was granted such rights as an irrigation district through the California Water Code as of 1919. As of today, MID-Electric Services has over 4500 meters including 3500 residential customers with a system load over 80 MW's. As the developer, should you choose MID electric services and install energy efficient appliances, windows, air conditioners, etc., you may qualify for MID-Electric Services Energy-Rebate Programs to offset your costs and deliver to your clients an energy efficient product resulting in a win-win situation. For more information, please contact Isaias Franco at 722-5761.

Thank you for the opportunity to comment on the above referenced notice. If you have any questions, please contact me at 722-5761.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rory Randol', with a large, sweeping flourish extending to the right.

Rory Randol
Facilities Specialist

cc: Garith Krause, General Manager
Ted Selb, Deputy General Manager
Robert Acker, Director of Facilities and Streams
Hicham ElTal, Assistant General Manager - Water Resources Engineering
Ron Price, Associate Engineer - Water Resources
Larry Williams, MIDDID No. 1
Vanessa Lara, Account Representative - Electrical Services

Espinosa, Kim

From: city, council
Sent: Friday, August 04, 2006 8:15 AM
To: Bill Spriggs (E-mail); Carl Pollard (E-mail 2); Cortez, Joseph; Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); Marshall, Jim; Michele Gabriault-Acosta (E-mail); Osorio, Rick; Pollard, Carl; Reynolds, Nobie; Rick Osorio (E-mail); Sanders, Jim; Spriggs, Bill
Cc: Espinosa, Kim
Subject: FW: Super Wal-Mart Location
Importance: High
Follow Up Follow up
Flag:
Flag Status: Flagged

From the web site.

Nobie

Nobie Reynolds
Executive Secretary
City Manager's Office
Email: reynoldsn@cityofmerced.org
Telephone: (209) 385-6834; Fax (209) 723-1780

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

From: Valencia, Joaquin [mailto:JJV7@pge.com]
Sent: Friday, August 04, 2006 7:30 AM
To: Espinosa, Kim
Cc: city, council; city, manager; Wooten, Ellie
Subject: RE: Super Wal-Mart Location
Importance: High

Kim/Council/Mayor:

I am writing in hopes to change your mind of approving the Wal-Mart Distribution Center. The project will do more harm than good. With the construction of the Campus parkway, you have already seen what 1000 trucks per day can do to a road. Just look at Childs, Gerard and Parsons Street around the vicinity to get a feel for what I am talking about. Please also take the time to read the article in the Merced Sun Star to get a feel for what 1000 trucks per day can do
<http://www.mercedsunstar.com/local/story/12543596p-13255904c.html> . I urge you tom please reject the project as the city of Turlock did. See I have been a resident of Merced for about 5 years and I am commuting from here to San Jose because I like the small town feeling of the city and the house affordability. If a distribution center is build here (god forbid) it will most certainly affect the way of life and traffic on the hwy 99 and campus parkway. I live at 438 Azalea Ct in the Sandcastle community and most of my neighbors are already selling there homes and moving to another city and if this distribution center happens I might have to do the same. I beg of you to reject the project, please help in cleaning the air pollution not make it worse. As it is right now my son has Asthma and

8/4/2006

for sure I will not stick around if this thing happens which I pray it does not. Please put more emphasis on residents health's and well been than in the property taxes you might get from Wal-Mart. We are the residents that support this city and most of us if not all feel we deserve better than this. I would like you to consider the impact it will have on Merced residents short and long term because there is no guarantee that Wal-Mart will be here when problems start to come up and even if they are, they will not be held liable for any damages (pollution, road damage, drainage, increase climate temperature for trucks pollution, etc). I know you people are trying to make the right decision but please put health of the residents of Merced before anything else, because with no residents living in the city there will not be a city. Please do not bring such a large development to residential neighborhoods that are about 1000 feet away, not to mention the four schools in the vicinity. Right now, my son and many other asthma kids miss school a lot specially during summer because of unhealthy air and this is costing a lot of money to both the city and county. In addition this absent days will increase dramatically if the distribution center is built (I pray it does not) because of increase unhealthy days due to air pollution from the trucks.

I know most of you have kids and would not want to have such a project close to your neighborhoods so please don't put it in mine. I just do not understand why Wal-Mart distribution center has to be so close to neighborhoods they have plenty of unpopulated land around highway 5 and Highway 99. Please send Wal-Mart away to a site remotely located not anywhere near close to residential neighborhoods. I want to live in this city until I retire (I am 30 now) and I hope this distribution center is not anywhere near in sight. I am a planning engineer as well for PG&E and as such I work with many cities and I have seen what large projects such as this do to property values, resident's way of life and traffic. Therefore, I beg you to PLEASE PLEASE PLEASE send them somewhere very far away from MERCED. I will keep attending the council meeting but if I may ask for a favor please gets more people involve in the meeting because there was many residents all over Merced who did not receive a notice for the council meeting addressing the Wal-Mart issue. If you need to contact me, please do so at (209) 722-7482.
Joaquin Valencia

Thank You all in advance
Joaquin
Merced Resident

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Tuesday, February 14, 2006 10:51 AM
To: Valencia, Joaquin
Subject: RE: Super Wal-Mart Location

Mr. Valencia,
You may direct any letters of opposition to this (or any development project) to the City Council c/o the City Clerk's office at 678 West 18th Street, Merced, CA 95340. Or you may direct your inquiries to me and I will see that they are forwarded to the Council. Please note that an environmental impact report (EIR) will be prepared on the project to evaluate its impacts on traffic, air quality, and the other issues you discussed. That report will be made available to the public (it will likely take at least 6-8 months to prepare) and the City Council to help them make their decision on the project. It appears that you were not aware when you bought your home that the property where the project is located is zoned for industrial development (such as the Walmart project) as is most of the land east of the Doane Hartley Lateral, south of Highway 140. If you have any more questions or concerns, please let me know. Thanks!

--Kim

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

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

From: Valencia, Joaquin [mailto:JJV7@pge.com]
Sent: Tuesday, February 14, 2006 10:40 AM
To: Espinosa, Kim
Cc: city, council; city, manager

Subject: RE: Super Wal-Mart Location
Importance: High

Kim,

Are you the correct person to contact about opposing such a development? I am very concern about this new proposed development because I just moved into my new house about 8 months ago and now aside from the campus parkway I have to deal with the increase traffic, noise and pollution, not to mention the 55,000 gallons of sewer per day, which this distribution center will bring. I live at 438 Azalea Ct in the new sandcastle community. I just do not want the city to be greedy and basically screw every resident and schools that reside close to this proposed facility. I move from Gerard and G st to this location because I thought I was getting away from highway 59 traffic and now I have to deal with these. On top of all the traffic what concerns me the most is all the air pollution that this facility will bring with its trucks, tractors, etc because there is a lot of children in the community including my son that have asthma and of course this will greatly affect their way of life. Please let me know if you are the right person to complain and oppose this project or provide me with the name of person that I can direct my complaint to. I plan to gather signatures and have people write letters to the city council because this is a not a good place for such a development. Thank You for your help.

Joaquin

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Tuesday, February 14, 2006 9:24 AM
To: Valencia, Joaquin
Subject: RE: Super Walmart Location

Oops--yes, I did. Here it is... Sorry about that.
--Kim

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

From: Valencia, Joaquin [mailto:JJV7@pge.com]
Sent: Tuesday, February 14, 2006 9:17 AM
To: Espinosa, Kim
Subject: RE: Super Walmart Location

Sorry, to bother you again, but did you forget to the attachment? Thanks.

Joaquin

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Tuesday, February 14, 2006 9:10 AM
To: Valencia, Joaquin
Subject: RE: Super Walmart Location

Joaquin,
The Walmart project is a distribution center, not a retail store. It is located between Gerard and Childs Avenues from the Doane Hartley Lateral to Tower Road (see attached site plan). If you have any more questions, please let me know. Thanks!
--Kim

Kim Espinosa, Planning Manager

City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

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

From: Lesch, Jack
Sent: Tuesday, February 14, 2006 8:43 AM
To: Espinosa, Kim
Subject: FW: Super Walmart Location
Importance: High

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

From: Valencia, Joaquin [<mailto:JJV7@pge.com>]
Sent: Tuesday, February 14, 2006 7:17 AM
To: Lesch, Jack
Subject: Super Walmart Location
Importance: High

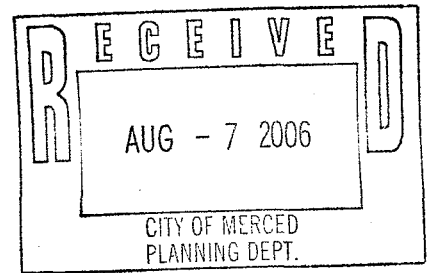
Hi!

My name is Joaquin Valencia and I live at the new sandcastle community on the corner of Coffee and Gerard on the opposite corner of Pioneer school. I saw on the newspaper that there was a proposed super Walmart for an area close to my house. Can you please send me a link or provide me with an exact location where this proposed super Walmart is going to be located at. Is this going to be where all that apple fields are at. Any information you can provide will be greatly appreciated. Thank You.

Joaquin

**Comment on the Notice of Preparation
For Merced Wal-Mart Regional Distribution Center
Response Deadline: 5:00 p.m., August 11, 2006**

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: planningweb@cityofmerced.org



Subject: Notice of Preparation for Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinosa,

I understand that the City of Merced is preparing an Environmental Impact Report (EIR) for the proposed Wal-Mart Regional Distribution Center, located at the intersection of Childs Avenue/Tower Road. I have reviewed the Notice of Preparation your City has prepared for this project and would like to suggest that you consider the following issues as you prepare the EIR:

The location and extremely large size of this proposed project causes my concern for the quality of life for the surrounding neighborhoods and schools. Notwithstanding the city of Merced and the entire central valley we call home. Being we have some of the worst air quality in the entire nation, I feel the air pollution of a huge distribution center will bring needs to be carefully and fully evaluated. Also important... Traffic and noise. Finally property values to surrounding neighborhoods should be considered. Buying a home is one of the largest investments hard working families make and have already done in the proposed area. I feel this falls into the economic blight consideration.

Sincerely,

Daralene W. Silveira

Name

2171 Pebble Beach Ct.

Address

Merced

City

CA

State

95340

Zip Code

(209) 723-5203

Phone Number

Fax Number

Dwsilveira@SBCGLOBAL.NET

E-Mail Address

Espinosa, Kim

From: Franco, Leonard
Sent: Wednesday, August 09, 2006 1:58 PM
To: Espinosa, Kim
Cc: Mitten, Kenneth
Subject: Wal-Mart Distribution Center

Kim Espinosa, Planning Manager
City of Merced

Re: Merced Wal-Mart Regional Distribution Center

After review of the Project Information provided for the Center, the Fire Department has the following comments regarding the Buildings/Operations (3.7.1) and Public Services (3.8.12).

Building-

It appears the building will comply with all requirements of the Fire Code adopted by the City. The report indicates that fire protection systems and water storage for fire suppression is provided.

Once completed, the facility will generate the requirement for annual inspections and Fire Permits. This impact will be offset with the collection of Permit Inspection Fees established by local ordinance.

The site plan indicates open areas that will need to comply with the City of Merced Weed Abatement Ordinance. All areas must be maintained free of weeds and other combustible debris.

Services-

The proposed facility and operation will generate additional calls for service. A significant impact is not anticipated due to the type of facility and fire detection/protection systems provided.

Kim, If there are any questions please give me a call.

Leonard Franco, Division Chief/Fire Marshal
Merced City Fire Department
99 E. 16th. Street
Merced, CA. 95340
(209) 385-8872

JoAnne Clarke Armstrong
2823 Oleander Ave.
Merced, CA 95340

August 9, 2006

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

Dear Ms. Espinosa:
In Re: Merced Wal-Mart Regional Distribution Center

Thank you for the opportunity to offer my comments regarding the Notice of Preparation of a Draft Environmental Impact Report for the Merced Wal-Mart Regional Distribution Center.

3.4 Required Approvals

The General Plan Amendment for the Kibby Road abandonment should be seriously reconsidered. Merced has few arteries that run East to West. Abandoning the right of way extension for Kibby Road will add to future stress of existing East-West arteries. The General Plan allows for this extension to address future growth in the area. By amending the General Plan to eliminate this proposed extension additional stress will be added to our already congested, existing East-West thoroughfares.

3.6.1 City Objectives

To encourage development of industrial projects that will contribute towards improving roadways adjacent to the proposed development site. Will this objective be met, or will the Merced area residents bear the burden of the cumulative impacts of 900 semi-trucks per day traveling on our already worn roadways? As an example, I call to your attention the reported \$1million plus damages created by the earth transport in construction of the Mission Avenue Interchange.

3.7.1 Buildings and Operations

Included in the proposed 17,000 square foot truck maintenance building is a wash bay for trucks and trailers. Will solvents be used in washing these trucks? If so, what steps are being taken to prevent these solvents from entering our ground water system?

The truck maintenance equipment includes underground storage tanks: A 6,000 gallon new oil storage tank, 2,500 gallon waste oil storage tank, two 20,000 gallon diesel fuel dispensing station tanks. What assurances do we have that leaks and spillage from these

tanks will be contained and prevented from entering our ground water system? Consideration should be given to those residents in the area who still depend on well water for their homes. The risk of contamination to the ground water is great and could be devastating to those existing property owners.

3.7.3 Roadways and Parking

How can we maintain our ground water percolation if 70 acres of ground is covered with asphalt? This 70 acres is in addition to the 1.1 million square feet of warehouse. Serious consideration should be given to the consequences of paving over such a large expanse of area. Such issues as storm run off, loss of wet lands, loss of agricultural land, the heat generation of asphalt and the interception of rainwater percolation should all be seriously considered.

3.8.2 Agriculture

The project would convert land historically used for agriculture to industrial use. Implementation of this project will result in the direct conversion of agricultural land and former orchard to non-agricultural uses. The presence of the proposed project has the potential to facilitate the conversion of nearby agricultural lands to non-agricultural use due to the land use incompatibility factors that arise between adjacent urban and agricultural uses.

No where else in the world is there a place that has a growing season that exceeds over 200 days per year. We have an enormous resource here in our agricultural lands. Progress in the name of jobs and economic growth is eating up our farm land at an alarming pace. We need to do whatever possible to retain and conserve our agricultural lands. The proposed project will be eliminating existing agricultural resources. A distribution center such as this would be much better placed on non-productive lands. Serious consideration must be given to the future economic cost as a result of the loss of 230 acres of farm land.

3.8.3 Air Quality

It is noted that both short-term and long-term air quality emissions will contribute to cumulative air quality impacts already present in the San Joaquin valley. It is Wal-Mart's practice to have trucks loaded and unloaded based on scheduled times. This means a number of trucks will be idling while awaiting their scheduled time. With at least 900 trucks per day idling, serious consideration must be given to the affects on our already poison air.

3.8.7 Hazards and Hazardous Materials

Please refer to my comments under 3.7.1. The danger from spills of stored fuels and oils as well as from solvents used in the cleaning of equipment must be considered. Our ground water must be protected at all cost.

3.8.8 Surface Hydrology and Water Quality

Please see my comments under 3.7.3. With 100 acres of impervious surfaces intercepting our rain water not only is storm water runoff a serious issue but eliminating the natural

percolation of surface water could dramatically affect or ground water system and it's ability to renew itself during our rainy season. Scientific research should be mandatory in determining the feasibility of this project.

3.8.13 Traffic

Please see my comments under 3.6.1. How can 900 semi-trucks per day not have a serious impact on our already congested roadways? Eliminating the proposed extension of Kibby road will only add to those impacts.

3.9 Environmental issues that will not be addressed

The potential to create economic blight in existing developed areas beyond the project needs to be addressed. Under 3.7.2, Landscaping and Lighting, 3.8.1 Visual Resources and Nighttime Lighting, and 3.8.10 Noise, it is indicated that there will be 24 hours per day, 365 days per year impacts to existing areas. There is no doubt that these impacts will reduce property values in this area. How will property owners be compensated?

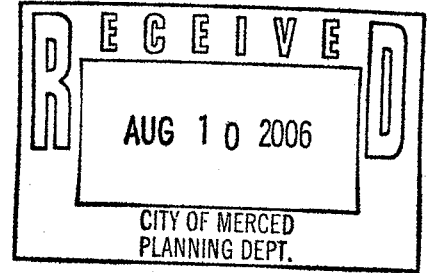
I have many more concerns and will appreciate the opportunity to comment further upon the release of the draft environmental report.

Thank you,
Sincerely,

JoAnne Clarke Armstrong

**Comment on the Notice of Preparation
For Merced Wal-Mart Regional Distribution Center
Response Deadline: 5:00 p.m., August 11, 2006**

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: planningweb@cityofmerced.org



Subject: Notice of Preparation for Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinosa,

I understand that the City of Merced is preparing an Environmental Impact Report (EIR) for the proposed Wal-Mart Regional Distribution Center, located at the intersection of Childs Avenue/Tower Road. I have reviewed the Notice of Preparation your City has prepared for this project and would like to suggest that you consider the following issues as you prepare the EIR:

- ① underground tank storage leakage potential to pollute the ground water
 - ② solid waste disposal costs and the effects on the land fill costs to taxpayers? WASTEWATER ANALYSIS
 - ③ Analysis of potential economic blight is necessary COST
- Need for written commitment to specific number of jobs for MERCED RESIDENTS
DISCLOSURE OF HOW MANY JOBS WILL GO TO "OUTSIDERS"
WALMART STATED TRUCK DRIVER & MANAGEMENT JOBS WILL NOT BE GIVEN TO MERCED RESIDENTS INITIALLY - SO HOW MANY ACTUAL JOBS WILL GO TO MERCED RESIDENTS WITH

Sincerely,

A WRITTEN GUARANTEE

Name

Marilynne Pereira

Address

Marilynne Pereira

City

505 Mustang Ct

CA
State

95340
Zip Code

Phone Number

209 723-6053

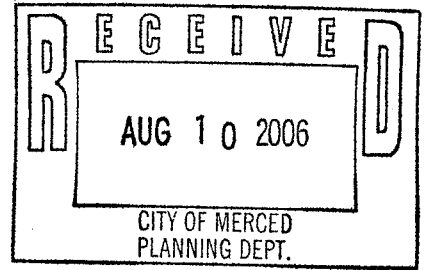
Fax Number

E-Mail Address

marilynnep@gmail.com

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DEMAND ON HOSPITAL EMERGENCY ROOM ANALYSIS
BECAUSE WALMART EMPLOYEES WITH LOW
WAGES CAN NOT AFFORD MEDICAL INSURANCE
I BELIEVE LESS THAN HALF OF WALMART
EMPLOYEES HAVE MEDICAL COVERAGE

ALSO HOW THAT FACT MAY EFFECT ALL HEALTH
INSURANCE COSTS IN MERCED e.g. Blue Cross
Blue Shield

ALL HEALTH GROUPS ARE AFFECTED BY INCREASES IN
UNINSURED MEMBERS OF THE MERCED COMMUNITY
DRIVING UP HOSPITAL COSTS + THEREFORE HEALTH INSURANCE COSTS

Sincerely,


Name

416 LILY DR.
Address

MERCED

CA

95340

City

State

Zip Code

(209) 383-1985

Phone Number

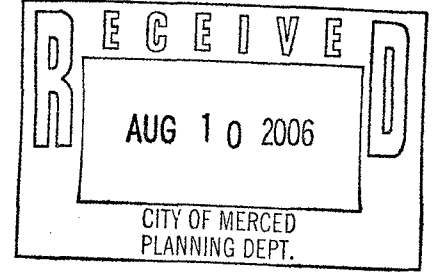
Fax Number

RC Martinez @ BOP.COM

E-Mail Address

**Comment on the Notice of Preparation
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WRITTEN COMMITMENT FROM WALMART NOT TO HAVE ANY GROCERY ITEMS IN THE PROPOSED DISTRIBUTION CENTER.

IF NO WRITTEN LEGALLY BINDING PROHIBITION OF STORING GROCERY STORE ITEMS THEN ECONOMIC EFFECTS ANALYSIS IS ABSOLUTELY REQUIRED

ALSO EFFECTS OF ECONOMIC BLIGHT IF WALMART ABANDONS THE FACILITY IN A FEW YEARS AS THEY HAVE ABANDONED WALMART STORES THROUGHOUT THE U.S.

Sincerely,

Kyle Stockard

Name

2499 E. Gerard Av. #12

Address

Merced

City

CA

State

95340

Zip Code

(209) 726-9114

Phone Number

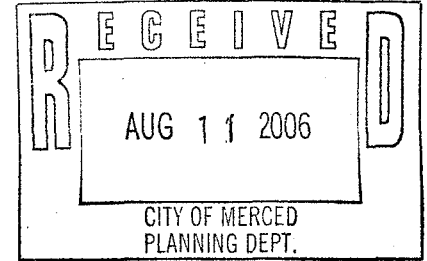
Fax Number

kyle@mercednet.com

E-Mail Address

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My home is located directly downwind of building site. I will be getting Dust - fumes - soot and any other air borne particles from Wal-Mart and construction at site. How will they be contained?

At present it is generally quiet except for occasional ag. noise. I am told Wal-Mart will operate around the clock everyday - trucks docking - hooking up - honking loud speakers. How will noise be contained?

Trucks waiting at McClain already are congested. I have no air conditioning and wind coming across asphalt and metal roofs will raise the wind temperature at my house by how much?

Sincerely,

John Englert

Name

855 S. Orchard Dr.

Address

Merced

CA

95340

City

State

Zip Code

(209) 722-1323

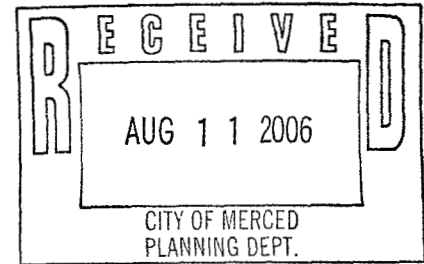
Phone Number

Fax Number

E-Mail Address

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During construction of the Mission Interchange we have had periods of trucks running 12 hrs a day 6 days a week. The noise has been terrible. The roads are not wide enough and the intersections are not big enough for the trucks to stay on there side of the road. The roads are falling apart and dangerous. I have been run off of the road many times. I have lost one windshield from loose road being kicked up by trucks. I am told Wal Mart will have as many trucks running per day plus as many more non Wal Mart trucks

Sincerely,

John Englert

Name

855 S. Orchard Dr.

Address

Merced

CA

95340

City

State

Zip Code

209 722-1323

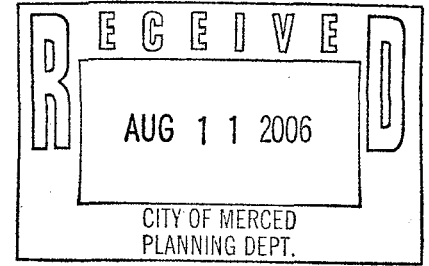
Phone Number

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I Do not understand how you can exclude Economic Blight.
This Project have a huge impact on residences around WalMart.
There will be Visual - Noise - Exhaust - ~~and~~ traffic - trucks parked where ever they can find a spot.
I do not see how this Project could keep from lowering ~~the~~ houseing values and making them hard to sell

Sincerely,

John Englent

Name

855 S. Orchard Dr.

Address

Merced

CA

95340

City

State

Zip Code

209 722-1323

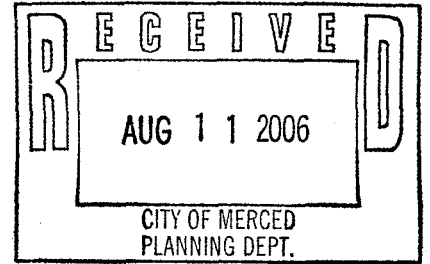
Phone Number

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Subject: Notice of Preparation for Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinosa,

I understand that the City of Merced is preparing an Environmental Impact Report (EIR) for the proposed Wal-Mart Regional Distribution Center, located at the intersection of Childs Avenue/Tower Road. I have reviewed the Notice of Preparation your City has prepared for this project and would like to suggest that you consider the following issues as you prepare the EIR:

Please see attached document of

Comments - 3 pages

Sincerely, *Roderick H. Webster*

Name *Roderick H. Webster*

Address *345 E. 20th St*

City *Merced*

State
CA

Zip Code
95340

Phone Number
209-723-4747

Fax Number

E-Mail Address
rwebster@elite.net

Dear Ms. Espinosa,

I am pleased that the City Planning Dept. recognizes the far-reaching and serious impacts that the proposed Wal-Mart distribution center will have on the Merced community. The notice of preparation catalogs many environmental and "quality of life" concerns that will be addressed in the E.I.R. I trust that alternatives to the current proposal will be found that will speak to the threat to local air quality, water quality, noise and light pollution, traffic and safety issues. At the very least the citizenry anticipates significant mitigations for any degradation that cannot be corrected.

Without restating the overriding concerns already outlined in the NOP, here are a few parenthetical comments and details about facets of the proposal that I hope the E.I.R. will address:

3.5 Red Bluff and Apple Valley are identified as the closest distribution centers. This is only the last leg in a journey for merchandise that comes from all over the nation and in fact the world. Regardless of how close the last leg is the same total distance must be covered. Additionally no mention is made of the Porterville distribution center only 128 miles away.

A siting study by the applicant is referred to which mentions proximity to other industrial uses as a benefit to the site. Proximity to nearby residential zones and both elementary and high schools nearby should have been a more prominent consideration since this creates some major safety and health conflicts with a facility of this magnitude.

Also cited as a positive for the site location is access to Hwy. 99 without driving through residential neighborhoods. I hope for the sake of the neighborhoods assurances would be given that semis will not be found on residential arteries. Even if the Mission interchange is not in place for the opening of a distribution center, exceptions should not be made.

3.6.1 One of the city's objectives is listed as 'homes and nearby schools certainly would qualify as "non-industrial uses"'. When this land parcel was rezoned in '97 was a facility of this magnitude and with these kind of traffic demands what the planning department envisioned as appropriate in this kind of proximity. More specifically, if you personally lived in this area of town would you eagerly embrace such development- in fact would anybody?

Another of the five objectives that the city says they anticipate from the proposed project is that it "will contribute towards improving roadways adjacent to the site". I am anxious to see how the distribution center would achieve such a goal. Was the Mission exchange designed with the projected volume of Wal-Mart truck traffic in mind? How would they not crowd and deteriorate local roadways, much less have a positive effect. I hope there would be some commitment on Wal-Mart's part to maintain the roads they use proportionate to the effects a fleet of large trucks would have.

A third city objective that the proposed Wal-Mart distribution center does not meet even by their own admission is "to ensure that industrial areas are developed in an attractive manner". Acres of roof and blacktop, much surrounded by security fencing, will clearly not be sightly.

The proposed Wal-Mart distribution center seems to have trouble meeting 3 out of 5 objectives that the city has for that site. Hopefully some creative solutions or mitigation will meet those expectations.

3.6.2 One of the applicants objectives is "to minimize impacts on residential streets".

I'm sure local residents as well as other drivers through the area will echo that. Of particular concern are what assurances can be made that this goal will be adhered to. Residents near the Porterville distribution center provide alarming cautionary anecdotes of detrimental impacts on their neighborhoods. Who and how will it be decided that indeed the maximum effort is being made to meet this goal. What contingencies or mitigations can be built in if there are violations. If the Mission interchange construction is not completed on a timetable to meet Wal-Mart needs would this commitment to stay off residential streets hold firm?

Another objective that is desirable but needs clarification on how it would be monitored and assured is "to provide sufficient parking for trucks and employees to minimize impacts on the surrounding area". The nearby residents should have some input on what intrusions are acceptable and which would not be. A concern that has come to light, again from the experiences of Porterville residents, is when trucks are "down" where would they park? Also would trucks waiting for their scheduled time to unload be parked/idling on the Wal-Mart site and if not where? Hopefully not "impacting" the surrounding community.

3.7.1 The chemical and fuel storage structures need to be safe and reliable. The quantities of fuel, oil, and other chemicals are huge. Again, proximity to homes and schools magnifies the necessity of insuring protection of the environment and the safety of those in the area.

3.7.2 I could not help noting that "lighting is designed so that light does not cross property boundaries". How will the light from 40 foot polls that floods the work area throughout the night be contained. I would hope that such a technology will be specified. Also "average lighting" doesn't seem the critical measurement but instead the actual amount that emanates out into the surrounding neighborhood across the borders of the property's perimeter.

3.7.4 It is not clear who pays for the providing of city utilities and services to the facility. One would hope/ assume that this could not fall on taxpayers but would be the applicant's responsibility.

3.8.1 The change from "views of orchards and agricultural fields to views of warehouse buildings, parking lots, and vehicles" is obviously an aesthetic sacrifice, but it seems like a particularly unacceptable one given that campus parkway will be the main introduction that many will receive to our campus community and U.C. Merced. That along with being part of a convoy of trucks exiting the freeway will indeed make a definite impression. Is this the one we had in mind when the campus parkway was envisioned?

Why are the impacts of light and glare to be assessed qualitatively, and how will this be done? Finding a comparable facility and spending an overnight nearby with a bedroom window facing toward the source would be a start. Definitive quantitative measurements might be useful indicators too.

3.8.2 I do appreciate the recognition that nearby ag lands might later be impacted by this facility- a definite consideration from a long range perspective. How does this fit with the General Plans (both current and evolving) of both the City and the bordering County lands?

3.8.3 This section is extremely short- hopefully because the concept "air quality" has a

broad meaning and application. Clearly this is an area of grave concern both to local residents, nearby schools, and to all those who share our air basin. While long term vehicle emissions are indeed the most threatening to air quality and hence human health dust also is likely to be a serious problem long term. Again, measuring the future conditions is hard but other facilities with a similar intensity of truck traffic would be logical places to investigate.

3.8.7 It is hoped that all possible technologies and procedures would be used to ensure that hazardous materials are handled properly and utmost containment design and equipment would be used to avert potential accidents and their impact.

3.8.8 Water is one of our Valley's most precious resources. Runoff from 100's of acres of blacktop and roof line should be considered with gravity. The applicant should address dangers with specific plans for protection of surface water downstream and groundwater fed by the facility's runoff. There should also be some contingency plans and specified consequences if protection measures fail.

3.8.9 Surrounded by residences, schools and farmlands the city should rethink its industrial designation of this site. Farmland until recently, the distribution center with its traffic noise, pollution, could clearly find another more suitable, less offensive location.

3.8.10 A major noise consideration not mentioned in the NOP is "trailer drops". Porterville residents who live near the distribution center there have described these as loud, invasive metallic clangs that occur throughout the night as well as during the day. I expect these will be quite an intrusion on home life and may also be a problem at the schools nearby. What can be done to address such a problem?

3.8.13 The NOP is wise to recognize traffic impacts in both the context of the Mission Av interchange being complete and the possibility that it might not be up and functioning. Certainly it will not be so during the construction phase and there is that possibility even after the Wal-Mart facility is up and running. Given the volume of anticipated truck traffic this is a major consideration. Also, what of employee comings and goings? How will shift changes overlap traffic from buses and cars accessing the local schools?

3.9 "Blight" should certainly be considered in the context of the effect the proposed facility will have on the quality of life of residents in the area. This will also be reflected in economic impacts on their property values. Which of us would willingly choose to move to such a neighborhood much less lay comparable dollar value as for a similar house in a less impacted neighborhood. Especially owners who move to the area when the site like its surroundings were agricultural have a real right to object. It is rumored that even new homes being sold nearby are not receiving proper disclosure about their potential new neighbor. Why would such facts be hidden if they did not in fact diminish the value of the properties?

In conclusion, the impacts of the proposed Wal-Mart Regional Distribution Center at the intersection of Childs Avenue and Tower Road are severe and far-reaching. The Notice of Preparation that the city planning department has issued recognizes many of these and will hopefully see that the applicant reduces them to the full degree possible and mitigates them when not possible. Please notify me of any further opportunity for input and future progress of this project.

Sincerely,

Roderick H Webster

Draft Environmental Impact Report -

8-9-06

Dear Ken

Sorry I am so late. I
have had my good &
Bad days.

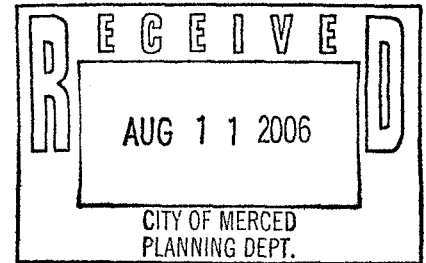
My concern is the impact
of all the trucks & back
up of traffic on Hwy
& on Cramps - There will
be alot of trucks not
so much to interfere with
City traffic but for 99
Highway & those going to
North East need to
College & East Roads -

I still say they should be
long to a union to
guarantee wages & Benefits.
Postville is having
problems with wal-mart
at their distribution
center - why I read & regret -
Marie Louise Moschitto

Marie Louise Moschitto
1318 Devonwood Dr.
Merced, CA 95348-1775



Thomas C. Grave
3425 Sueno Court
Merced, CA 95348



August 11, 2006

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

RE: Merced Wal-Mart Distribution Center

Dear Ms. Espinosa,

I appreciate the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the proposed Wal-Mart Distribution Center. Please take my comments into consideration during the EIR process, as required by the California Environmental Quality Act.

3.8.1 Visual Resources and Nighttime Lighting

The project would be in operation twenty-four hours per day, necessitating building-mounted and pole-mounted lights to accommodate this schedule. It is expected that the light and glare would have an impact on the residential areas nearby. Specifically, the EIR must assess the psychological impact on area residents as they try to cope with not only the aesthetics of all-night light but also the possible adverse health effects of interruptions in their normal diurnal cycles.

3.8.2 Agriculture

The Wal-Mart project would convert land historically used for agriculture to industrial use. Although the land in question is currently zoned to permit industrial uses, the decision to eradicate farmland should not be made lightly. The state of California is losing agricultural land at an alarming rate, occasioned by increasing population and attendant urbanization. We have a collective responsibility to protect San Joaquin Valley land, which is among the most productive in the world. The EIR process must consider alternative sites for the Wal-Mart Distribution Center that would not jeopardize productive farmland. Indeed, the Notice of Preparation document states that "... the proposed project has the potential to facilitate the conversion of nearby agricultural lands

to non-agricultural use due to the land use incompatibility factors that arise between adjacent urban and agricultural uses.” Not only would we lose productive land to the project itself, but we would risk the loss of surrounding farmlands as well.

3.8.3 Air Quality

The San Joaquin Valley basin has some of the most polluted air in the nation. The proposed project would introduce new sources of pollution. One particular area of concern is the reported idling of engines as trucks wait for their turn to load or unload cargo at distribution centers. The EIR process should make a detailed analysis of the impact of idling truck engines by conducting on-site observations at the Wal-Mart Distribution Centers located in Red Bluff, Porterville, and Apple Valley, all in California. There are also reports of trucks idling in order to operate heaters for drivers who might be sleeping in their trucks. This practice should be investigated.

3.8.9 Land Use

Conversion of 230 acres of farmland to buildings and paved parking areas would likely contribute to the “heat island” phenomenon currently under study in selected urban areas of California, including Fresno. The implications for the City of Merced should be carefully assessed through the EIR process. Would alternative sites be better?

3.8.10 Noise

Acoustical studies should be performed to assess the decibel levels of noise associated with traffic and industrial activities at the proposed Center. Additionally, the health and psychological effects of all-day, all-night noise on nearby residents must be evaluated.

In conclusion, please keep me informed of any and all meetings, hearings and publications associated with the Wal-Mart Distribution Center proposal.

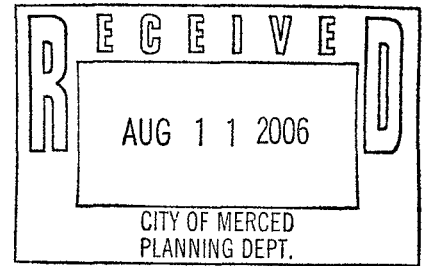
Yours truly,



Thomas C. Grave

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For Merced Wal-Mart Regional Distribution Center
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Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: planningweb@cityofmerced.org



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Why not find out what has taken place where Wal-Mart Distribution Centers are functioning? Porterville would be a close location to check for answers to questions such as:

- What is the number of trucks coming and going?*
- What are the heaviest traffic periods of these trucks?*
- How does their traffic impact local traffic patterns?*
- What has this traffic done to the condition of the roads (consider the deterioration problems already experienced east of Merced by construction equipment starting the access road to UC Merced)?*
- What have been the changes in property values?*

Sincerely,

cont'd -

Name _____

Address _____

City _____

State _____

Zip Code _____

Phone Number _____

Fax Number _____

E-Mail Address _____

①

**Comment on the Notice of Preparation
For Merced Wal-Mart Regional Distribution Center
Response Deadline: 5:00 p.m., August 11, 2006**

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: planningweb@cityofmerced.org

Subject: Notice of Preparation for Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinosa,

I understand that the City of Merced is preparing an Environmental Impact Report (EIR) for the proposed Wal-Mart Regional Distribution Center, located at the intersection of Childs Avenue/Tower Road. I have reviewed the Notice of Preparation your City has prepared for this project and would like to suggest that you consider the following issues as you prepare the EIR:

- What concerns have the nearby residents expressed?
- What are the noise levels?
- What type of lighting and its effect on the area?
- How many local people are actually employed?
- What is the wage for beginning hires?

A really helpful action would be to find out what reasons Turlock had for the decision to deny a center in their town.

Please investigate fully so Merced won't be saddled with a possible negative enterprise.

Sincerely,

Frances Saunders

Name

441 W 20th St.

Address

City

MERCED

CA
State

95340
Zip Code

Phone Number

722-2662

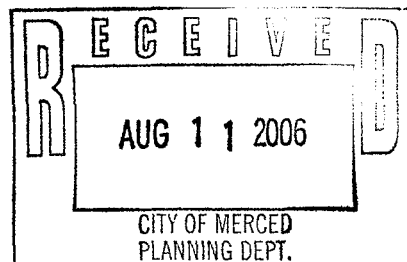
Fax Number

E-Mail Address



August 11, 2006

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



Subject: Comments of the Merced Union High School District

Notice of Preparation of Draft Environmental Impact Report
Site Plan
General Plan Amendment
Kibby Road Street Abandonment

Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinoza;

This letter is submitted by Community Systems Associates, Inc. on behalf of the Merced Union High School District ("MUHSD"), and is presented as the formal position of the District on the project as described herein. Community Systems Associates, Inc. is the retained consultant of the Merced Union High School District and this letter has been authorized to be presented to the City of Merced.

The District is in receipt of the City of Merced ("City") Notice of Preparation of Draft Environmental Impact Report ("Notice") with regards to the proposed Site Plan and General Plan Amendment for the Merced Wal-Mart Regional Distribution Center ("Proposal") consisting of 230-acres and which is intended as a warehouse and distribution center for Wal-Mart Corporation ("Project"). The Project is generally bounded by Childs Avenue on the north, Tower Road on the east, and Gerard Avenue on the south. The Project is approximately two miles east and north of State Route 99.

The Project is located in the following school districts:

Merced Union High School District
Weaver Union School District

The Project is to accompany the following entitlement applications:

Ms. Kim Espinoza, Planning Manager
Planning and Permitting
City of Merced
August 11, 2006
Page 2

1. General Plan Amendment
2. Site Plan
3. Environmental Impact Report

The Notice provides that the City of Merced will be the Lead Agency and will prepare an environmental impact report for the Project. The City seeks the views of the District as to the scope and content of the environmental information which is germane to the District's statutory responsibilities in connection with the Project. The Notice provides that the responses are to be sent to the City no later than 30-days after receipt of the Notice, but not later than August 11, 2006.

The District has had several telephone conversations with Mr. Colby Tanner, Real Estate Manager, Distribution Centers Wal-Mart Stores, Inc. The District is enthusiastic with the response by Mr. Tanner to investigate and pursue the formation of a public/private partnership that would enhance the educational and facility programs of the District through the implementation of the Project. To this end, the District and Wal-Mart are continuing discussions and are looking at options and alternatives that would lead to an agreement that would serve the interests of all parties. We view these discussions as favorable and trust that as they progress, a relationship will be formed to address the concerns of the District, introduce the Project in the Community as a benefit to the District and schools, and will enable the District to fully support the Project. We look forward to the continuation of these discussions and it is hoped that the District and Wal-Mart will enter into an agreement prior to the completion of the Draft EIR so that the terms of the agreement can be made a part of the Draft EIR.

In the interim of an agreement, the District has a fiduciary responsibility to respond to the Notice.

The District is a responsible and affected agency that will be impacted by the development of the Property by the proposed Project. This letter is intended to be entered into the public record of the City on the Project to address this Proposal, and is further intended to present the District's comments with regards to the impacts and consequences that should be contemplated in the Draft EIR, in order to protect the District's administrative and legal remedies.

It is the District's request that the Notice of Preparation be filed with the Office of Planning and Research and that a State Clearinghouse number be issued. This Project has the potential to impact the resources and assets of the State of California Department of Transportation, the California Air Resources Board, the California Water Quality Control Board, Water Resources Control Board, California Department of Water Resources, California Department of Food and Agriculture, California Environmental Protection Agency, Integrated Waste Management Board, and California Highway Patrol, to name a few.

The City has requested the scope and content of the environmental information which is germane to the District's statutory responsibilities in connection with the Project. The District's response is required to identify significant environmental issues and reasonable alternatives and mitigation measures that the District will need to have explored in the Draft EIR. The following is a response to the Notice in conformance with the applicable provisions of the CEQA Guidelines.

Draft EIR Issues

The District is currently overcrowded. The Draft EIR needs to provide a full disclosure of the impacts of the Project on the District in terms of growth inducing impacts, and direct and indirect impacts on the operations of the District and the conditions of the environment surrounding the Project. The following is a list of the impact areas and areas of concern that in the judgment of the District needs to be addressed in the Draft EIR:

1. The direct, indirect, and cumulative impacts on the increased enrollments, increased required employees, increased school facilities, increased District-wide facilities, increased interim facilities, and increased transportation facilities and services required by the students generated by the growth inducing aspects of the Project, needs to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
2. The direct, indirect, and cumulative impacts on the circulation and traffic patterns throughout the Community as a result of overall traffic generated by the Project (employee traffic and tractor/trailer traffic), and the impacts of this traffic on the schools and the surrounding areas need to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
3. The direct, indirect, and cumulative impacts on the rail transportation systems (if any) within the Community and the surrounding areas as a result of distribution of products transported to the Project needs to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
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5. In order for the District to accommodate the students generated from the growth inducing aspects of the Project, the District will have to modify attendance area boundaries, program double-session schedules, load classrooms with students in excess of District and State standards, and house students in inadequate and inappropriate school facilities, etc., throughout the District. This effect on the overall operation and administration of the District, and the students, employees, and constituents affected by such actions need to be addressed in the Draft EIR. This will have physical, social, financial, and psychological effects on the students, employees, and constituents of the District. These potential impacts need to be addressed in the EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
6. In the event that the growth inducing impacts of the Project are not mitigated, students and employees will experience overcrowding conditions in the schools that are impacted by the Project. This may result in operational and administrative modifications that would be necessary to accommodate the increased overcrowded enrollments. This may have physical, social, financial, and psychological effects on the students, employees, and constituents of the District. These potential impacts need to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
7. In order to accommodate students generated by the growth inducing impacts of the Project, permanent and interim classrooms and support facilities may need to be installed, constructed, and developed on the school sites. The impacts of these additional facilities on school site utilization, wastewater treatment, water and utility services, parking, traffic and circulation, loss of parking, open space, and field areas, and State site and design compliance needs to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
8. SB 50 places limitations on the statutory development fees to be paid by the development for the Project. The Draft EIR needs to address the deficiencies in the fees paid versus the revenues required to fund the permanent and interim school facilities, and the District-wide support facilities to accommodate the students generated by the growth inducing impacts of the Project. In the event the SB 50 limitations result in financial deficits that would result in facilities not being fully funded, then the Draft EIR should identify the measures that will be taken to address the unfunded facilities to accommodate the students generated by the growth inducing impacts of the Project. If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the Project as proposed, the effects of the mitigation measure should be discussed.

Mitigation measures need to be offered to reduce the impacts to a less than significant impact.

9. The Draft EIR should evaluate the "growth inducing" impacts of the Project on the Community and the region, including but not limited to the direct and indirect environmental impacts of the growth inducement on schools, public facilities, wastewater treatment, water availability and water table, traffic and circulation, noise, air quality, and land use. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
10. The increased traffic of the Project will have an impact on increased traffic on the surrounding collector and arterial streets, State Highway 99, and the on- and off-ramps. These traffic increases will impact the District's busing and transportation timing and routes. The Draft EIR should address these impacts on the District. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
11. The Draft EIR should identify the significant environmental effects on schools, public facilities, wastewater treatment, water availability and water table, traffic and circulation, noise, air quality, land use which cannot be avoided if the Project is implemented, together with the direct and indirect consequences of the unavoidable environmental effects.
12. The Draft EIR should identify the significant irreversible environmental changes on schools, public facilities, wastewater treatment, water availability and water table, traffic and circulation, noise, air quality, land use, which would be caused by the Project should the Project be implemented.
13. The Draft EIR should address the air quality, noise, and vibration, traffic impacts on surrounding land uses along the routes that the traffic from the Project will use to and from the Project.
14. The Draft EIR should address the impacts and consequences on local street and roads, on- and off-ramps, and State Route 99 as a result of traffic accidents involving the trucks going to and from the Project, and offer alternative detours as a result of such occurrences.
15. The Draft EIR should address the deterioration of local streets, on-and off-ramps, and State Route 99 roadway surfaces as a result of the continued truck vehicle usages over time, and the physical and financial consequences to the Community, the City of Merced, and the State of California.

16. The Draft EIR should address the impacts associated with the nighttime lights and glare that might affect the ambient light of the area and the impacts and consequences of this lighting on the surrounding areas.
17. It is acknowledged that the Project will conduct operations 24 hours per day, seven days per week. The Draft EIR should address all impacts as they may be intensified during the normal non-working hours of the day and on weekends.
18. The Draft EIR should address the impacts of hazardous materials being stored and/or used on the Project site including, but not limited to refrigeration materials, diesel fuel, and other chemicals that are combustible, toxic, or hazardous.
19. The Draft EIR should address how the Project is consistent with the land use map, and the ALL goals, policies, and implementation programs of the City of Merced General Plan and the County of Merced General Plan, including but not limited to schools, public facilities, wastewater treatment, water availability and water table, traffic and circulation, noise, air quality, land use.
20. The Draft EIR should identify the primary truck routes for access/egress to the Project along with alternative routes in the event that the designated routes are inaccessible and unavailable. The Draft EIR should address all of the impact areas that are relevant to the primary routes, including but not limited to traffic, noise, air quality, etc.
21. SB 50 provides:
 - a. Section 65995 (e) “The Legislature finds and declares that the *financing of school facilities and the mitigation of the impacts* of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities are *matters of statewide concern*. For this reason, *the Legislature hereby occupies the subject matter of requirements related to school facilities levied or imposed in connection with, or made a condition of, any land use approval, whether legislative or adjudicative act, or both, and the mitigation of the impacts of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities, to the exclusion of all other measures, financial or non-financial, on the subjects*. For purposes of this subdivision, “school facilities” means any school-related consideration relating to a school district’s ability to accommodate enrollment.
 - b. Section 65995 (h) “The payment or satisfaction of a fee, charge, or other requirement levied or imposed ... are hereby *deemed to be full and complete mitigation of the impacts* of any legislative or adjudicative act, or

both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization ..., on the provision of adequate school facilities.”

- c. Section 65996 (a) “...the following provisions shall be the *exclusive methods of considering and mitigating impacts on school facilities* that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property or any change of governmental organization or reorganization...”
- d. Section 65996 (b) The provisions of this chapter are hereby *deemed to provide full and complete school facilities mitigation* and, notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources Code, or any other provision of state or local law, a state or local agency *may not deny or refuse to approve* a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization,... on the basis that school facilities are inadequate...”

The Draft EIR needs to identify the deficiencies and inadequacies between the legal provisions of SB 50 and the actual implementation of the provisions with regards to the Project. In addition, the Draft EIR needs to identify any and all impacts that have not been mitigated by the provisions of SB 50.

- 22. The cumulative impacts of the Project on traffic and circulation, noise, schools, public facilities and services, wastewater treatment, water and water table, air quality, and utilities need to be evaluated in the Draft EIR based on the build-out of the City of Merced General Plan and the County of Merced General Plan, the build-out of the land uses within the Sphere of Influence of the City of Merced, and the build-out of the land within the jurisdiction of the public agencies providing service to the Project. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
- 23. The Draft EIR should identify all federal, State, and local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the Draft EIR by contract or other authorization.
- 24. The Draft EIR should identify the economic or social information relative to the impacts of the Project. The Draft EIR should trace the chain of cause and effect from a proposed decision on a Project through anticipated economic or social

Ms. Kim Espinoza, Planning Manager
Planning and Permitting
City of Merced
August 11, 2006
Page 8

changes resulting from the Project to physical changes caused in turn by the economic or social changes. The economic and social analysis should focus the analysis on the physical changes that will result on the District from the Project. Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a Project are feasible to reduce or avoid the significant effects on the environment identified in the Draft EIR.

25. The Draft EIR should identify the inadequacies contained in the City of Merced General Plan and the consequences of compliance or lack of compliance of the current General Plan with the applicable provisions of Section 65300 et. seq. of the Government Code.

Following the completion of the Draft EIR, the District does hereby request the maximum time permitted by law to review the Draft EIR and offer any comments. We further hereby request that a copy of the Draft EIR be forwarded to the following for review:

Dr. Robert Fore, Superintendent
Merced Union High School District
3430 "A" Street
Atwater, California 95301

Mr. Marshall B. Krupp
Community Systems Associates, Inc.
3367 Corte Levanto
Costa Mesa, California 92626

The District looks for to a favorable relationship with Wal-Mart and anticipates that this letter will further the discussion between Wal-Mart and the District as the Project progresses and a partnership is reached between the Parties.

Thank you for your assistance and consideration.

Sincerely,

Community Systems Associates, Inc.

Marshall Krupp

Mr. Marshall B. Krupp
President

MBK:mbk
Merced -Wall Mart Plan Notice of Preparation 08-11-06 MUHSD

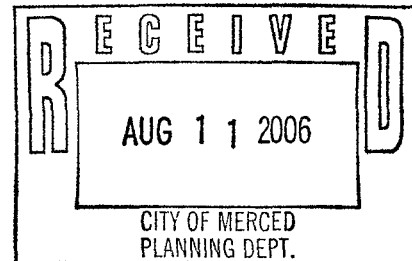
Ms. Kim Espinoza, Planning Manager
Planning and Permitting
City of Merced
August 11, 2006
Page 9

Cc: Dr. Robert Fore, Superintendent
Merced Union High School District
3430 "A" Street
Atwater, California 95301



August 11, 2006

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



Subject: Comments of the Weaver Union School District

Notice of Preparation of Draft Environmental Impact Report
Site Plan
General Plan Amendment
Kibby Road Street Abandonment

Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinoza;

This letter is submitted by Community Systems Associates, Inc. on behalf of the Weaver Union School District ("WUSD"), and is presented as the formal position of the District on the project as described herein. Community Systems Associates, Inc. is the retained consultant of the Weaver Union School District and this letter has been authorized to be presented to the City of Merced.

The District is in receipt of the City of Merced ("City") Notice of Preparation of Draft Environmental Impact Report ("Notice") with regards to the proposed Site Plan and General Plan Amendment for the Merced Wal-Mart Regional Distribution Center ("Proposal") consisting of 230-acres and which is intended as a warehouse and distribution center for Wal-Mart Corporation ("Project"). The Project is generally bounded by Childs Avenue on the north, Tower Road on the east, and Gerard Avenue on the south. The Project is approximately two miles east and north of State Route 99.

The Project is located in the following school districts:

Merced Union High School District
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Ms. Kim Espinoza, Planning Manager
Planning and Permitting
City of Merced
August 11, 2006
Page 2

1. General Plan Amendment
2. Site Plan
3. Environmental Impact Report

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 - b. Section 65995 (h) "The payment or satisfaction of a fee, charge, or other requirement levied or imposed ... are hereby *deemed to be full and complete mitigation of the impacts* of any legislative or adjudicative act, or

both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization ..., on the provision of adequate school facilities.”

- c. Section 65996 (a) “...the following provisions shall be the *exclusive methods of considering and mitigating impacts on school facilities* that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property or any change of governmental organization or reorganization...”
- d. Section 65996 (b) The provisions of this chapter are hereby *deemed to provide full and complete school facilities mitigation* and, notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources Code, or any other provision of state or local law, a state or local agency *may not deny or refuse to approve* a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization,... on the basis that school facilities are inadequate...”

The Draft EIR needs to identify the deficiencies and inadequacies between the legal provisions of SB 50 and the actual implementation of the provisions with regards to the Project. In addition, the Draft EIR needs to identify any and all impacts that have not been mitigated by the provisions of SB 50.

- 22. The cumulative impacts of the Project on traffic and circulation, noise, schools, public facilities and services, wastewater treatment, water and water table, air quality, and utilities need to be evaluated in the Draft EIR based on the build-out of the City of Merced General Plan and the County of Merced General Plan, the build-out of the land uses within the Sphere of Influence of the City of Merced, and the build-out of the land within the jurisdiction of the public agencies providing service to the Project. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
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Ms. Kim Espinoza, Planning Manager
Planning and Permitting
City of Merced
August 11, 2006
Page 8

changes resulting from the Project to physical changes caused in turn by the economic or social changes. The economic and social analysis should focus the analysis on the physical changes that will result on the District from the Project. Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a Project are feasible to reduce or avoid the significant effects on the environment identified in the Draft EIR.

25. The Draft EIR should identify the inadequacies contained in the City of Merced General Plan and the consequences of compliance or lack of compliance of the current General Plan with the applicable provisions of Section 65300 et. seq. of the Government Code.

Following the completion of the Draft EIR, the District does hereby request the maximum time permitted by law to review the Draft EIR and offer any comments. We further hereby request that a copy of the Draft EIR be forwarded to the following for review:

Mr. Steven Becker, Superintendent
Weaver Union School District
3076 East Childs Avenue
Merced, California 95340

Mr. Marshall B. Krupp
Community Systems Associates, Inc.
3367 Corte Levanto
Costa Mesa, California 92626

The District looks for to a favorable relationship with Wal-Mart and anticipates that this letter will further the discussion between Wal-Mart and the District as the Project progresses and a partnership is reached between the Parties.
Thank you for your assistance and consideration.

Sincerely,

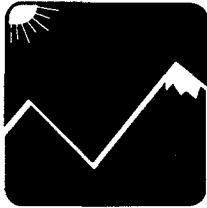
Community Systems Associates, Inc.

Marshall B. Krupp
Mr. Marshall B. Krupp
President

MBK:mbk
Merced -Wall Mart Plan Notice of Preparation 08-11-06 WUSD

Ms. Kim Espinoza, Planning Manager
Planning and Permitting
City of Merced
August 11, 2006
Page 9

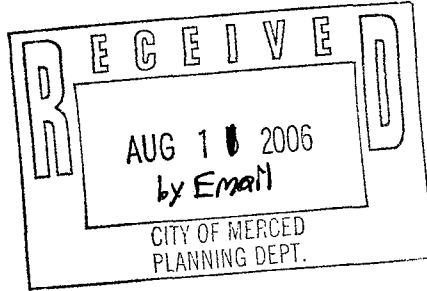
Cc: Mr. Steven Becker, Superintendent
Weaver Union School District
3076 East Childs Avenue
Merced, California 95340



San Joaquin Valley Air Pollution Control District

August 11, 2005

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



Reference No. C200601610

Subject: NOP Draft Environmental Impact Report – Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinosa:

The entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM10 and PM2.5). This project will contribute to the overall decline in air quality due to construction activities in preparation of the site, and ongoing traffic and other operational emissions. This project may generate significant air emissions and it will reduce the air quality in the San Joaquin Valley. The project will make it more difficult to meet mandated emission reductions and air quality standards. A concerted effort should be made to reduce project-related emissions as outlined below:

The District recommends that the air quality section of the EIR have four main components:

- 1. A description of the regulatory environment and existing air quality conditions impacting the area.** This section should be concise and contain information that is pertinent to analysis of the project. The District has several sources of information available to assist with the existing air quality and regulatory environment section of the EIR. The District's *Guide for Assessing and Mitigating Air Quality Impacts, 2002 Revision* (GAMAQI) contains discussions regarding the existing air quality conditions and trends of the San Joaquin Valley Air Basin, including those pollutants of particular concern: ozone, PM10, and carbon monoxide. In addition, it provides an overview of the regulatory environment governing air quality at the federal, state, and regional levels. The GAMAQI provides air monitoring data and other relevant information for PM-10 and other pollutants. The most recent air quality data for the District is available at the California Air Resources Board (ARB) website at <http://www.arb.ca.gov/html/age&m.htm>. The air quality section of EPA's Region 9 (which includes information on the San Joaquin Valley Air Basin) can be found at <http://www.epa.gov/region09/air/index.html>. Additionally, this section should also contain a discussion regarding growth projections that the City of Merced provided to the District (through Merced County Association of Governments) for inclusion in the Ozone and PM10 Attainment Plans and any impacts this project will have on Federal Conformity for Merced County and the San Joaquin Valley Air Basin. Lastly, this section should clearly describe the air pollution regulatory authority of the District and ARB for the various emission sources at the project site.
- 2. Estimates of existing emissions and projected pollutant emissions related to the increase in project source emissions and vehicle use, along with an analysis of the effects of these increases.** The EIR should include the methodology, model assumptions, inputs and results for pollutant emissions. The cumulative impact analyses should consider current existing and planned development both within the project area and in surrounding areas. The EIR needs to address the short-term and long term, local and regional adverse air quality impacts associated with the operation of construction equipment (reactive organic gases (ROG), nitrogen oxides (NOx), carbon monoxide

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4800 Enterprise Way
Modesto, CA 95356-8718

(209) 557-6400 • FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244

(559) 230-6000 • FAX (559) 230-6061

www.valleyair.org

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2373

(661) 326-6900 • FAX (661) 326-6985

(CO), and PM10) and emission generated from stationary, area and mobile sources. Additionally, the EIR should quantify emissions that are individually small but cumulatively significant sources of pollution.

Preliminary analysis indicated that the potential emissions from this project exceed the District's operational thresholds of significance for ozone precursors. These thresholds are 10 tons per year for either of the following two ozone precursor emissions: ROG or NOx. In addition, the project is near a location of sensitive receptors. The proposed project should be analyzed to see if Hazardous Air Pollutants are a concern. The District's thresholds of significance for HAPs are the probability of contracting cancer for the Maximally exposed Individual (MEI) exceeds 10 in one million or ground level concentrations of non-carcinogenic toxic air contaminants would result in a Hazard Index greater than 1 for the MEI.

The District recommends the preparation of an Air Quality Impact Assessment (AQIA) and a Traffic Impact Study to determine impacts when projects are of this size, unless an analysis has been accomplished for a recent previous approval such as a general plan amendment or zone change. Please indicate if the project has been analyzed and what the results were from any previous study.

Ozone Precursors – The District recommends using the regional transportation model to quantify mobile source emissions, but in some cases it may be possible to use the URBEMIS 2002 Version 8.7 program to calculate project area and operational emissions. Merced County Association of Governments may be able to provide assistance with the regional transportation model. The District recommends using the URBEMIS 2002 Version 8.7 program to calculate project area and operational emissions and to identify mitigation measures that reduce impacts. URBEMIS can be downloaded from <http://www.urbemis.com/> or the South Coast Air Quality Management District's website at <http://www.agmd.gov/ceqa/urbemis.html>. If the analysis reveals that the emissions generated by this project will exceed the District's thresholds, this project may significantly impact the ambient air quality if not sufficiently mitigated. The project applicant or consultant is encouraged to consult with District staff for assistance in determining appropriate methodology and model inputs.

Hazardous Air Pollutants (HAPs) – The air analysis should discuss District regulations for identifying and reducing HAPs and should describe how the City of Merced would address future projects with sensitive receptors near existing HAP sources and the siting of new HAP sources in the plan area. Potential HAPs sources include project equipment, operations, and vehicles (the ARB has designated diesel particulate emissions as a toxic air contaminant). On page 43 of the District's Guide for Assessing and Mitigating Air Quality Impacts, 2002 Revision (GAMAQI), the District addresses and defines sensitive receptors with respect to CEQA. If the project is near sensitive receptors and HAPs are a concern, the project developer should perform a Health Risk Assessment (HRA). HRA guidelines promulgated by the California Office of Environmental Health Hazard Assessment (OEHHA) and OEHHA toxicity criteria must be used. The District recommends use of the latest version of the Hot Spots Analysis and Reporting Program (HARP) released by CARB for an HRA because it is the only software that is compliant with the OEHHA guidelines. An HRA should include a discussion of the toxic risk associated with the proposed project, including project equipment, operations, and vehicles. The GAMAQI defines the significance levels for toxic impacts as a cancer risk greater than 10 in a million and/or a hazard index (HI) of 1.0 or greater for chronic non-carcinogenic or acute risks. The project consultant should contact the District to review the proposed modeling approach before modeling begins. For more information on HAPs analyses, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at (559) 230-6000 or hramodeler@valleyair.org.

Carbon Monoxide Hotspot Analysis – Results of the traffic study should be used to identify intersections and corridors with high levels of congestion that may result in a carbon monoxide (CO) hot spot. CO hot spots should be screened using a protocol developed by the Institute of Transportation Studies at University of California Davis entitled Transportation Project-Level Carbon Monoxide Protocol. Locations that are predicted by the CO Protocol to experience high levels of CO should be modeled using the dispersion model CALINE4. The procedure for using EMFAC 2002 to

calculate emission factors to be used in the CALINE4 modeling can be downloaded at the Caltrans Division of Environmental Analysis site <http://www.dot.ca.gov/hq/env/air/pages/calinesw.htm>.

Odor Analysis – The proposed project should be analyzed to see if it is considered near a location of sensitive receptors (including residences) and if odor is a concern. The procedure outlined in the "Guide for Assessing and Mitigating Air Quality Impacts" (GAMAQI) includes the following:

- Identify the location of sensitive receptors (including residences).
- Compare the distance to the nearest sensitive receptor to the distances in Table 4.2 of the GAMAQI. If the sensitive receptors are further away than the distances given in Table 4.2, no further analysis is required. The results should be documented in the EIR.
- Obtain any odor complaints against the facility or similar facilities from the local District office and the county's environmental health department.
- Review the complaints to determine the location of complainants relative to the facility.
- Identify any sensitive receptors at similar distances.
- Determine if emissions of odoriferous compounds will increase or decrease with implementation of the project.
- Draw any reasonable conclusions as to the probability that the project will generate odor complaints based on this analysis of complaint history.

Note that the emission of odiferous compounds should be mitigated as much as feasible if it is anticipated that the project will have a significant impact. For more information on odor impact analyses, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at (559) 230-6000, or hramodeler@valleyair.org.

3. **Identify and discuss all existing District regulations that apply to the project.**

It should identify and discuss all existing District regulations that apply to the project. It would be appropriate to discuss proposed rules that are being developed that would apply to the proposed project. Current rules and regulations are available on the District's website at <http://www.valleyair.org/rules/1ruleslist.htm>. District rules and regulations are periodically revised, and new regulations are promulgated. The District strongly advises the City to contact the District for any rule updates and new rules when the project development begins. Current District rules and regulations applicable to the proposed project are requirements.

This project may be subject to the permitting requirements of the District and require a Permit to Operate (PTO). Any equipment subject to the District's PTO requirements must obtain an Authority to Construct (ATC) from the District. Construction of equipment, which requires an ATC, and intimately related appurtenances such as foundations and utility hookups for the equipment, cannot begin until an ATC is obtained. Construction of equipment not requiring a District permit is not subject to this ATC requirement. Depending upon the nature and complexity of the application and staff workload, ATC approval can take several months. For further information, the applicant should contact the District's Small Business Assistance Office at (209) 557-6446, or our Permit Services Section at (209) 557-6400.

Based on the information provided, the proposed project will be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (209) 557-6446. Current District rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.

Regulation VIII (Fugitive PM₁₀ Prohibitions) Rules 8011-8081 is a series of rules designed to reduce PM₁₀ emissions (predominantly dust/dirt) generated by human activity, including construction, road construction, bulk materials storage, landfill operations, etc. If a non-residential project is 5.0 or more acres in area, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. If a non-residential site is 1.0 to less than 5.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities (see section

6.4.2). A compliance assistance bulletin has been enclosed for the applicant. A template of the District's Dust Control Plan is available at <http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf>

Rule 2201 (New and Modified Stationary Source Review Rule) This rule applies to all new stationary sources and all modifications of existing stationary sources which are subject to the District permit requirements and after construction emit or may emit one or more affected pollutant.

Rule 4101 (Visible Emissions) This rule prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants.

Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

Rule 4621 (Gasoline Transfer into Stationary Storage Containers, Delivery Vessels, and Bulk Plants) This rule limits VOC emissions from stationary gasoline storage tanks with capacity greater than 250 gallons (except for tanks subject to Rule 4623), gasoline delivery vessels, and tanks with capacity than 250 gallons, but not exceeding 19,800 gallons located at gasoline bulk plants.

Rule 4622 (Gasoline Transfer into Motor Vehicle Fuel Tanks) limits emissions of gasoline vapors from the transfer of gasoline into motor vehicle fuel tanks.

Rule 4623 (Storage of Organic Liquids) limits VOC emissions from tanks with a capacity of 1,100 gallons or more used to store organic liquids.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 9510 (Indirect Source Review) This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 and NOx emissions, and potentially mitigate a portion of those emissions. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For more information and instruction, please contact the District's ISR staff by phone at (559) 230-5800 or by email at ISR@valleyair.org.

- 4. Identify and discuss all feasible measures that will reduce air quality impacts generated by the project.** "Feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors: (California Code of Regulations (CCR § 15364)). The California Environmental Quality Act (CEQA) requires that EIRs "describe measures which could minimize significant adverse impacts" (CCR §15126(c)). Additionally, the CCR requires that "a public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures that would substantially lessen any significant effects that the project would have on the environment " (CCR § 15021(a)(2)). For each potential adverse impact, mitigation measures should be identified to reduce impacts below air quality threshold levels of significance. Therefore, the EIR should identify which mitigation measures will be included in the project, and how each mitigation measure will be implemented. The reduction of air quality impacts from implementation of mitigation measures should be quantified to the extent possible. If a measure cannot be quantified a qualitative discussion should be provided

explaining the benefits of the proposed mitigation measure. The EIR should discuss how project design modifications could reduce project impacts

Mitigation measures are emission reduction measures beyond those required in Section 3. The section should identify which mitigation measures will be included in the project, and how each mitigation measure will be implemented. Site design, equipment alternatives, construction and operational measures that would reduce emissions should be identified. It should also analyze opportunities to mitigate urban heat island effects. The reduction of air quality impacts from implementation of mitigation measures should be quantified when possible. The EIR should discuss how the project design would encourage alternative transportation (including car pool parking), pedestrian and bicycle access/infrastructure, smart growth design, energy efficient project and building design, reduce urban heat island impacts, and include business programs that further reduce air pollution in the valley (such as carpooling).

There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as City development standards. Any measure selected should be implemented to the fullest extent possible.) The suggestions listed below should not be considered all-inclusive and remain options that the agency with the land-use authority should consider for incorporation into the project.

- Trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions, and to shade paved areas. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth. For Structural Soil see <http://www.hort.cornell.edu/uhi/outreach/csc/>. For Tree Selection see <http://www.ufei.org/>. For Urban Forestry see <http://www.coolcommunities.org>, <http://wcufrre.ucdavis.edu>, and http://www.lgc.org/bookstore/energy/downloads/sjv_tree_guidelines.pdf
- The District encourages the applicant and fleet operators using the facility to take advantage of the District's Heavy-Duty Engine program to reduce project emissions. The Heavy Duty program provides incentives for the replacement of older diesel engines with new, cleaner, fuel-efficient diesel engines. The program also provides incentives for the re-power of older, heavy-duty trucks with cleaner diesel engines or alternative fuel engines. New alternative fuel heavy-duty trucks also qualify. For more information regarding this program contact the District at (559) 230-5858 or visit our website at <http://www.valleyair.org/transportation/heavydutyidx.htm>.
- The applicant/tenant(s) should implement measures to reduce the amount of single occupancy vehicle employee traffic to and from the project area that further reduce air pollution in the valley. This could include such provisions as encouraging employees to rideshare or carpool to the project site through preferential parking spaces for employees who participate in carpooling or vanpooling, incorporating a compressed workweek schedule, guaranteed ride home, carpool matching programs, shower/changing facilities, providing free transit passes, providing an alternative-transit information center, and having a dedicated employee transportation coordinator. Check out the "Spare the Air" section of our website www.valleyair.org
- Idle reduction technologies save fuel and reduce diesel emissions from idling trucks and construction equipment. The applicant should incorporate idle reduction strategies that reduce the main propulsion engine idling time through alternative technologies. Examples of such technologies can be found on the U.S. Environmental Protection Agency's website <http://www.epa.gov/otag/smartway/idlingtechnologies.htm>. Idle reduction mitigation measures include:
 - The applicant/tenant(s) should require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling.
 - If Truck Refrigeration Units (TRU's) will be utilized, provide an alternative energy source for the TRU to allow diesel engines to be completely turned off.

- Electrify truck-parking areas to allow trucks with sleeper cabs to use electric heating and cooling to eliminate the need to idle their diesel engines.
- Light Duty Cars and Trucks should be alternative fueled or hybrids.
- Construction activity mitigation measures include:
 - Limit area subject to excavation, grading, and other construction activity at any one time
 - Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use
 - Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
 - Require that all diesel engines be shut off when not in use to reduce emissions from idling.
 - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District.
 - Implement activity management (e.g. rescheduling activities to reduce short-term impacts)
 - During the smog season (May through October), lengthen the construction period to minimize the number of vehicles and equipment operating at the same time.
 - Off-road trucks should be equipped with on-road engines when possible.
 - Minimize obstruction of traffic on adjacent roadways.
- Construction equipment may be powered by diesel engines fueled by alternative diesel fuel blends or Ultra Low Sulfur Diesel (ULSD). The California Air Resources Board (CARB) has verified specific alternative diesel fuel blends for NOx and PM emission reduction. Only fuels that have been certified by CARB should be used. Information on biodiesel can be found on CARB's website at <http://www.arb.ca.gov/fuels/diesel/altdiesel/altdiesel.htm> and the EPA's website at <http://www.epa.gov/oms/models/biodsl.htm>. The applicant should also use CARB certified alternative fueled engines in construction equipment where practicable. Alternative fueled equipment may be powered by Compressed Natural Gas (CNG), Liquid Propane Gas (LPG), electric motors, or other CARB certified off-road technologies. To find engines certified by the CARB, see their certification website <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. For more information on any of the technologies listed above, please contact Mr. Chris Acree, Senior Air Quality Specialist, at (559) 230-5829.
- Construction equipment may be used that meets the current off-road engine emission standard (as certified by the California Air Resources Board (CARB), or be re-powered with an engine that meets this standard. Tier I, Tier II and Tier III engines have significantly less NOx and PM emissions compared to uncontrolled engines. To find engines certified by the CARB, see <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. This site lists engines by type, then manufacturer. The "Executive Order" shows what Tier the engine is certified as. Rule 9510 requires construction exhaust emissions to be reduced by 20 percent for NOx and 45 percent for PM10 when compared to the statewide fleet average or to pay an in lieu mitigation fee. For more information on heavy-duty engines, please contact Mr. Thomas Astone, Air Quality Specialist, at (559) 230-5800.

In addition to the above measures, the District has entered into Air Quality Mitigation Agreements (Mitigation Agreement) with several developers. These agreements require the District and the applicant to quantify operational emissions, and identify on-site mitigation to reduce the proposed project's net impact on air quality. The developer commits to providing funding on a per ton of emissions basis to the District to purchase emission reductions through its grant and incentive programs to fully mitigate the net emissions. The District commits to reduce the net emissions and to manage and monitor the emission reduction projects over time.

The District asks that developers interested in a Mitigation Agreement to meet with District staff to discuss the specifics of the project and the contract. District staff is available to meet with project proponents to discuss Mitigation Agreements for specific projects. Examples of Air Quality Mitigation

Agreements have been included. For more information, or questions concerning this topic, please call Mr. Dave Mitchell, Planning Manager, at (559) 230-5800.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5818 or Mr. Dave Mitchell, Planning Manager, at (559) 230-5807 and provide the reference number at the top of this letter.

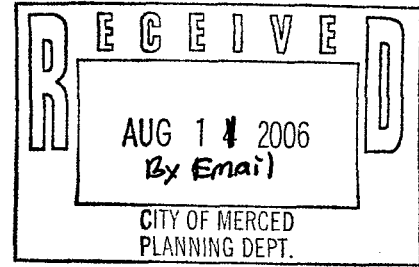
Sincerely,



Jessica R. Willis
Air Quality Specialist
Central Region

c: file

August 11, 2006



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

Dear Ms. Espinosa,

For your information, Lyons Investments and Lyons Land and Cattle have retained O'Dell Engineering for consultation pertaining to the Environmental Impact Report (EIR) relative to the proposed Wal-Mart distribution center. As you are aware, the Lyons' entities own nearly 600 acres of undeveloped industrial property surrounding the proposed distribution site. All of this undeveloped industrial property is annexed to the City of Merced and eligible to receive City services. While the Lyons' support the proposed distribution center and the hundreds of needed jobs it will bring to Merced, they do have concerns regarding the infrastructure, City services and overall impacts to the surrounding developed and undeveloped industrial property.

After our review of the Notice of Preparation provided by the City of Merced for the EIR and attending the meeting on July 27, 2006, we are concerned about the ability of the existing sewer, water and drainage system capacity in light of the proposed distribution center demand for these services. Therefore, on behalf of the Lyons' entities, we respectfully request that the EIR address the proposed distribution center's direct and indirect sewer, water, storm drain, transportation and public utilities usage as it relates the City of Merced's Master Plan for said services. The EIR should answer the question of whether the expected demand for service from the undeveloped industrial property plus the Wal-Mart distribution center will be accommodated by the current capacity. The EIR should also address the future service requirements of the proposed distribution center as well as future development that is set forth by the City of Merced Vision 2015 General Plan. If it is determined the required usage of the distribution center exceeds the current capacities or would result in the inability to provide for future commercial and industrial growth, the EIR should outline mitigation measures which incorporate the requirements of the distribution center and future growth.

When analyzing the drainage impacts of the proposed distribution center, it would also be helpful to understand how the developer/user will participate in the master plan facilities as set forth in the City of Merced Storm Water Master Plan (Eco:Logic 12/02), and how this impacts the neighboring industrial tenants and undeveloped property. Since the proposed distribution center will likely be the largest facility in the University Industrial Park, it is critical that the City of Merced analyze the water discharge of the facility and the anticipated discharge of the industrial park at build-out to ensure adequate facilities and capacity will be available for present and future development.

KIM ESPINOSA
CITY OF MERCED – PLANNING DEPT.
August 11, 2006
Page 2 of 2

In addition, it is very important that the vehicle access to the subject distribution center property be designed to accommodate the approved access points (ingress and egress) on both Childs Avenue and Gerard Avenue for the 57.2 acre parcel located west of the subject property. This issue was addressed in the lot split necessary to create the parcel for the proposed distribution center. This will ensure that the transportation patterns for the industrial park are efficient and expeditious for all businesses sharing the same transportation systems.

Again, ~~on behalf of Lyons Investments and Lyons Land and Cattle, we are very supportive of the~~ proposed distribution center and what it represents in terms of economic prosperity to the region. We thank you in advance for integrating the concerns and requests of this letter into the Wal-Mart distribution center EIR and look forward to reviewing the upcoming document.

Should you have any questions regarding the content of this letter, please contact me at (209) 571-1765.

Regards,

O'DELL ENGINEERING



Randy O'Dell, President

cc: Lyons Investments
Lyons Land and Cattle
Mark Purdom – AIM Property Management