

**Final Environmental Impact Report
for the Proposed Wal-Mart Regional Distribution Center
(SCH #2006071029)**

ERRATA SHEET

REVISIONS TO SECTION 4 OF THE FINAL EIR (starting on page 4-1):

4.2 STAFF-INITIATED REVISIONS AND CORRECTIONS TO THE DRAFT EIR

ON PAGE 4-2 OF THE FINAL EIR UNDER REVISIONS TO SECTION 2 “EXECUTIVE SUMMARY,” the following should be added:

Page 2-55 and Table 2-1 of the Draft EIR under “Biological Resources-Mitigation” is revised as shown below:

Implementation of the proposed project would result in loss of approximately 150 acres of suitable foraging habitat for Swainson’s hawk and could result in destruction and/or disturbance of occupied burrowing owl burrows. These special-status species are very susceptible to impacts as a result of land development activities occurring throughout the San Joaquin Valley. While it is possible to minimize impacts through avoidance and to preserve compensation habitat, a net loss nevertheless results from the impact. Mitigation included in Section 4.3, “Biological Resources,” would be implemented to address potential direct effects on these resources. Preservation and management of Swainson’s hawk foraging habitat at an off site location, and surveys and other avoidance measures for burrowing owl as described in Mitigation Measure 4.3-2 would reduce potential impacts to Swainson’s hawk and burrowing owl to a less-than-significant level. However, there is a cumulatively considerable incremental contribution, and the project would result in a significant cumulative impact.

Under “Significance After Mitigation” column, it should read “SU ~~LTS~~”

PAGE 4-8 OF THE FINAL EIR UNDER REVISIONS TO SECTION 4.10 “PUBLIC HEALTH AND HAZARDS” AND IN TABLE 1 ON PAGES MMP-42 AND MMP-43 OF THE FINAL EIR (APPENDIX A), should be revised as follows:

Page 4.10-11 of the Draft EIR in “Impact Analysis” section and in Table 2-1 on Pages 2-43 and 2-44 is revised as shown below:

Mitigation Measure 4.10-1: Remediate Unknown or Previously Undiscovered On-Site Hazardous Materials. If, during site preparation and construction activities, previously undiscovered or unknown evidence of hazardous materials contamination is observed or suspected through either obvious or implied indicators (i.e., stained or odorous soil), construction activities shall immediately cease in the area of the find. MCDEH and the City of Merced Environmental ~~Health~~-Control Division staff shall be immediately consulted, and the project applicant shall contract with a qualified consultant registered in DTSC’s Registered Environmental Assessor Program to assess the extent to which soil and/or groundwater has been

adversely affected by past activities. This investigation shall follow DTSC guidelines and shall include, as necessary, analysis of soil and/or groundwater samples taken at or near the potential contamination sites. If necessary, risk assessments shall include a DTSC Preliminary Endangerment Assessment or no further action determination, or equivalent. Any required remediation shall include a DTSC Remedial Action Work Plan or equivalent. The site shall be remediated in accordance with recommendations made by a qualified environmental consultant registered in DTSC's Registered Environmental Assessor Program; MCDEH; the City of Merced Environmental Control Health Division staff; Central Valley RWQCB; DTSC; or other appropriate federal, state, or local regulatory agencies as generally described above. The agencies involved would be dependent on the type and extent of contamination. Site preparation and construction activities shall not proceed until remediation is completed to the satisfaction of MCDEH and the City of Merced Environmental Control Health Division.

Implementation of this mitigation measure would remove any known or previously undiscovered contaminated soil or other hazardous materials from the site in accordance with County standards and would reduce the potential hazards associated with known or unknown contaminated soil or other hazardous materials to a ***less-than-significant*** level.

Implementation of Mitigation Measures 4.2-1c and 4.2-1d would reduce exposure to contaminants through airborne emissions by ensuring compliance with Regulation VIII, which is required by law, and include additional San Joaquin Valley Air Pollution Control District-recommended control measures. As a result, generation of construction-related dust emissions would be reduced to a ***less-than-significant*** level.

PAGE 4-10 OF THE FINAL EIR AND TABLE 1 ON PAGES MMP-44 (APPENDIX A) OF THE FINAL EIR, should be revised as follows:

Page 4.11-30 of the Draft EIR and in Table 2-1 on Pages 2-46, 2-47, and 2-48 is revised as shown below:

Mitigation Measure 4.11-2b: Manage Truck Traffic on Local Streets. To reduce hazards on local roadways associated with truck traffic during *construction operations*, Wal-Mart Stores East LP shall ensure that its primary construction contractor implements the following measures:

- a. *Develop and implement a construction truck traffic safety plan in coordination with the City of Merced, County of Merced, and Caltrans.* The construction contractor shall develop a plan for traffic safety assurance for the City and County roadways in the project vicinity. The contractor shall submit the plan to the City Development Services Department for approval before the initiation of construction-related activity that could adversely affect traffic on City, County, and State roadways. The plan(s) may call for the following elements, based on the requirements of each agency:
 - ▶ posting warnings about the potential presence of slow-moving construction vehicles;
 - ▶ using traffic control personnel when appropriate;
 - ▶ scheduling truck trips outside of peak morning and evening traffic periods to the extent feasible;

- ▶ placing and maintaining barriers and installing traffic control devices necessary for safety, as specified in Caltrans's *Manual of Traffic Controls for Construction and Maintenance Works Zones* and in accordance with City and County requirements; and
- ▶ maintaining routes for passage of emergency response vehicles through roadways affected by construction activities.

The contractor shall train construction personnel in appropriate safety measures as described in the plan(s), and shall implement the adopted plan(s).

- b. *Minimize the accumulation of mud and dirt on local roadways.* All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The construction contractor shall sweep the paved roadways (water sweeper with reclaimed water recommended) at the end of each day if substantial volumes of soil material have been carried onto adjacent paved, public roads from the project sites. To reduce hazards on local roadways associated with truck traffic during ongoing operations, Wal-Mart Stores East LP shall ensure implement the following measures:
- c. *Develop and implement a truck route plan in consultation with the City and the County.* Tractor trailers approaching and departing from the distribution center shall be limited to the following roadways from SR 99 and SR 140: Campus Parkway, Mission Avenue west of Campus Parkway, Gerard Avenue east of Campus Parkway, and Tower Road. Wal-Mart shall regularly and routinely instruct its employees, contract truck drivers, and vendors of these roadway limitations.

ON PAGE 4-18 OF THE FINAL EIR UNDER REVISIONS TO SECTION 5 "ALTERNATIVES TO THE PROPOSED PROJECT," the following should be revised as follows:

Page 5-36 of the Draft EIR in Section 5.9.11 ("Utilities and Public Services") is revised as shown below:

~~The proposed project would have cumulatively considerable impacts on wastewater treatment and disposal. The Alternative Site #3 alternative would not change that conclusion. [Greater].~~

ON PAGE 4-20 OF THE FINAL EIR UNDER REVISIONS TO SECTION 6 "CUMULATIVE AND GROWTH-INDUCING IMPACTS," the following should be added:

Page 6-41 of the Draft EIR in Section entitled "Cumulative Impacts" is revised as shown below since those traffic impacts have been reduced to a Less Than Significant Impact per the text:

CUMULATIVE IMPACTS

The following cumulative impacts are identified earlier in this section as "significant."

- ▶ Cumulative Agricultural Land Impact
- ▶ Cumulative Air Quality Impact (Greenhouse Gas Emissions)
- ▶ Cumulative Biological Resources Impact (Special Status Species Foraging Habitat)
- ▶ Cumulative Noise Impact

- ▶ ~~Cumulative Traffic Impact—Intersection Operations (2030 with Project)~~
- ▶ ~~Cumulative Traffic Impact—SR 140 Between Santa Fe Avenue and Kibby Road Roadway Segment Operations (2030 with Project)~~
- ▶ ~~Cumulative Traffic Impact—Traffic Signal Operations (2030 with Project)~~
- ▶ ~~Cumulative Traffic Impact—Tower Road between SR 140 and Gerard Avenue~~
- ▶ Cumulative Visual Impact

Mitigation measures would not reduce these cumulative impacts to a less-than-significant level. Please refer to the discussion under 6.1.2 “Cumulative Impacts of the Proposed Project” above for more detailed discussion.

ON PAGE 4-20 OF THE FINAL EIR UNDER REVISIONS TO SECTION 6 “CUMULATIVE AND GROWTH-INDUCING IMPACTS,” the following should be added:

Page 6-30 “Cumulative Traffic Impact—Traffic Signal Operations (2030 With Project)” is revised as shown below:

2030 Cumulative with Project Condition Traffic Signal Warrant Analysis

Cumulative Traffic Impact—Traffic Signal Operations (2030 with Project). Based on the signal warrant analysis results, all of four ~~five~~ study area intersections would meet the signal warrant during the a.m. peak hour while three ~~four~~ intersection would meet the signal warrant during the p.m. peak hour. The project’s contribution to these intersections is a cumulatively considerable incremental contribution, and the project’s cumulative impact would be significant.

Table 6-9 summarizes the traffic signal warrant analysis performed at the four ~~five~~ unsignalized intersections that would operate at an unacceptable level of service under the 2030 Cumulative No Project Condition. For more information on existing, 2010, and cumulative traffic conditions, please refer to Appendix E. Similar to the 2030 Cumulative No Project Condition, a signal warrant would be met at all four ~~five~~ of these intersections during the a.m. peak hour and three ~~four~~ intersections during the p.m. peak hour.

Impacts to these intersections will be reduced to a less-than-significant level by mitigation measures 6-9, 6-10, and 6-11.

4.4 REVISIONS AND CORRECTIONS TO THE DRAFT EIR AIR QUALITY SECTION 4.2

ON PAGE 4-63 (SECTION 4.4 OF THE FINAL EIR) AND TABLE 1 ON PAGES MMP-14 THROUGH MMP-16 (APPENDIX A) OF THE FINAL EIR, Mitigation Measure 4.2-2b, should be revised as follows:

- ▶ “Provide adequate bicycle parking/racks in a covered, secure area”

The bullet point above should NOT have been deleted from the “Required Design Features to Reduce Employee Commute Trips and Associated Mobile-source Emissions” section and moved to the “Additional Measures to Reduce Employee Commute Trips and Associated Mobile-source

Emissions” section. It should remain in the “Required Design Features to Reduce Employee Commute Trips and Associated Mobile-source Emissions” section.

ON PAGE 4-64 AND 4-65 (SECTION 4.4. OF THE FINAL EIR) AND TABLE 1 ON PAGES MMP-16 (APPENDIX A) OF THE FINAL EIR, Mitigation Measure 4.2-2c, should be revised as follows (the double underline represents the current revisions):

Mitigation Measure 4.2-2c: Implement Recommended Mitigation Measures to Reduce Operational Emissions

The following required mitigation measures shall be implemented by the project applicant to reduce operation-related emissions regardless of whether the emission reductions can be quantified and documented for compliance with the ISR rule required by Mitigation Measure 4.2-2a or whether they result in a quantifiable reduction of employee commute trips in single occupancy vehicles. However, any emissions reductions attained by these measures that can be quantified and documented can be credited to achieve the ISR reduction goals discussed in Mitigation Measure 4.2-2a or employee trip reduction goals discussed in Mitigation Measures 4.2-2b. These required measures are listed below.

- The applicant’s participation in EPA’s Smart Way Transport Partnership (EPA 2007) shall include the portion of its haul truck fleet that is based at or serves the Merced distribution center and shall continue participation of this truck fleet in the Partnership for as long as the Partnership or a similar successor program exists. This measure would apply to the 40% of truck trips generated by the project that are operated by Wal-Mart trucks. Once each year the applicant shall provide to the City of Merced a letter from EPA confirming the project’s participation in the SmartWay Transport partnership.
- The Applicant shall ~~fully fund or~~ contribute its fair share of funding for the development of a Class II Bike Lanes along Childs Avenue and Gerard Avenue from Parsons Avenue to the project’s eastern boundary line that would connect the proposed project to nearby land uses, including the residential neighborhoods to the west along Childs Avenue and Gerard Avenue. Building bicycle lanes at these locations is consistent with the City of Merced Bicycle Plan, which was adopted on October 20, 2008 and meets requirements of the California Bicycle Transportation Act (1994) and qualifies the City of Merced to receive state funding for bicycle projects. The City shall determine the applicant’s fair share monetary contribution to the development of these bicycle lanes and the Applicant shall pay its fair share at the same time building permit fees are due to the City.
- ~~Provide on site shops and services for employees including a cafeteria and a bank/ATM within 6 months of opening the facility.~~
- As part of its landscaping plan to be prepared for the project (which is also mentioned in Mitigation Measure 4.13-2) the Applicant shall select plant species and landscaping coverage that require minimal maintenance with mechanically-powered equipment such as gasoline-powered lawn mowers. The Applicant and/or its contactors shall not use gasoline-powered leaf blowers on site. Use only electric powered landscape maintenance equipment for routine maintenance of to care for landscaped areas, where routine maintenance activities include mowing, leaf blowing, and other activities that occur 3 or

~~more times per year.~~ If this work is hired out to a landscaping company, then the contract shall prohibit the use of gasoline_ or diesel-powered leaf blowers. ~~landscape maintenance equipment.~~

- Building and site design shall include electrical outlets around the exterior of the units to enable use of electric landscape maintenance equipment.