

## **Appendix A: Notice of Preparation and Responses**



## **A.1 - Notice of Preparation**





**NOTICE OF PREPARATION  
FOR  
WASCO CENTER WALMART  
IN WASCO CALIFORNIA**

**Date:** September 1, 2010  
**To:** Public Agencies and Interested Parties  
**From:** Sara Allinder, Community Development Director  
**Subject:** Notice of Preparation of a Draft Subsequent EIR for the Wasco Center Walmart

The City of Wasco will be the Lead Agency and will prepare a Subsequent Environmental Impact Report (EIR) 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 Subsequent EIR prepared by our agency when considering your permit or other approval for the project.

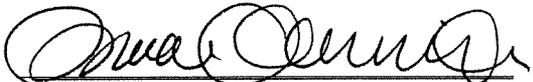
The project description, location, and probable environmental effects are contained in the attached materials. A copy of the Initial Study ( is  is not) attached. The Initial Study is also available for review at the following website under "Additional Links":

[http://www.ci.wasco.ca.us/Public\\_Documents/WascoCA\\_Planning/Planning\\_Division](http://www.ci.wasco.ca.us/Public_Documents/WascoCA_Planning/Planning_Division)

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.

Please send your response to **Sara Allinder** at the address shown below. We will need the name of a contact person in your **agency**.

**Project Title:** Wasco Center Walmart  
**Project Applicant, if any:** Walmart Real Estate Business Trust

Date: 9/1/10 Signature:   
Title: Community Development Director  
Address: 764 E Street, Wasco, CA 93280  
Telephone: 661.758.7200  
E-Mail: saallinder@ci.wasco.ca.us

**Initial Study  
Wasco Center Walmart  
Wasco, California**

Prepared for:



**City of Wasco**  
764 E Street  
Wasco, CA 93280  
661.758.7200

Contact: Sara Allinder, Community Development Director

Prepared by:

**Michael Brandman Associates**  
220 Commerce, Suite 200  
Irvine, CA 92602  
714.508.4100

Contact: Michael Houlihan, AICP, Manager of Environmental Services



September 1, 2010



**Table of Contents**

**Section 1: Introduction ..... 1**

- 1.1 - Purpose ..... 1
- 1.2 - Background/History ..... 1
- 1.3 - Project Location ..... 2
- 1.4 - Project Description ..... 11
- 1.5 - Intended Uses of this Document ..... 11
- 1.6 - Environmental Setting ..... 12

**Section 2: Environmental Checklist ..... 13**

- 1. Aesthetics ..... 13
- 2. Agriculture and Forestry Resources ..... 13
- 3. Air Quality ..... 14
- 4. Biological Resources ..... 14
- 5. Cultural Resources ..... 15
- 6. Geology and Soils ..... 15
- 7. Greenhouse Gas Emissions ..... 16
- 8. Hazards and Hazardous Materials ..... 16
- 9. Hydrology and Water Quality ..... 17
- 10. Land Use and Planning ..... 18
- 11. Mineral Resources ..... 18
- 12. Noise ..... 18
- 13. Population and Housing ..... 19
- 14. Public Services ..... 19
- 15. Recreation ..... 20
- 16. Transportation / Traffic ..... 20
- 17. Utilities and Service Systems ..... 20
- 18. Urban Decay ..... 21
- 19. Mandatory Findings of Significance ..... 21

**Section 3: Discussion of Environmental Evaluation ..... 25**

- 1. Aesthetics ..... 25
- 2. Agriculture and Forestry Resources ..... 29
- 3. Air Quality ..... 32
- 4. Biological Resources ..... 33
- 5. Cultural Resources ..... 35
- 6. Geology and Soils ..... 38
- 7. Greenhouse Gas Emissions ..... 40
- 8. Hazards and Hazardous Materials ..... 41
- 9. Hydrology and Water Quality ..... 44
- 10. Land Use and Planning ..... 49
- 11. Mineral Resources ..... 50
- 12. Noise ..... 51
- 13. Population and Housing ..... 52
- 14. Public Services ..... 53
- 15. Recreation ..... 55
- 16. Transportation/Traffic ..... 55
- 17. Utilities and Service Systems ..... 57
- 18. Urban Decay ..... 61
- 19. Mandatory Findings of Significance ..... 61

**Section 4: References ..... 63**

**List of Exhibits**

Exhibit 1: Regional Location Map..... 3  
Exhibit 2: Local Vicinity Location Map Aerial Base ..... 5  
Exhibit 3: Approved Wasco Center Site Plan..... 7  
Exhibit 4: Proposed Walmart Site Plan ..... 9  
Exhibit 5: Approved and Proposed Façade Elevations ..... 27

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## **SECTION 1: INTRODUCTION**

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### **1.1 - Purpose**

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This document is an Initial Study that evaluates the potential environmental effects that could result from the proposed change to the Wasco Center by constructing and operating a Walmart at one of the approved Large Box Retail pad sites. This document has been prepared in conformance with the California Environmental Quality Act (CEQA) statutes (Public Resources Code Section 21000, et seq.), and the CEQA Guidelines (14 Cal. Code of Regulations, Sections 15000, et seq.). The purpose of this Initial Study is to conduct a preliminary environmental review of the proposed change to the Wasco Center in order to determine whether the proposed modification to the Wasco Center may have potentially new significant effects on the environment or a substantial increase in the severity of the significant effects evaluated in the Mitigated Negative Declaration (State Clearinghouse Number 2008091103) approved for the Wasco Center (CEQA Guidelines Section 15162 (a)). The new significant effects on the environment or the significant effects that represent a substantial increase in severity will be the focus of a Subsequent Environmental Impact Report (SEIR).

Where the Wasco Center MND adequately addressed potential environmental effects of the proposed modification to the Wasco Center and no new significant effects on the environment or a substantial increase in the severity of the significant effects are identified, the analysis and conclusions will be included in this Initial Study, and the impact will not be discussed in the SEIR.

A preliminary evaluation of the potentially affected environmental issues is included in Section 3, Discussion of Environmental Evaluation of this Initial Study.

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### **1.2 - Background/History**

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On December 16, 2008, the City of Wasco approved GPA 08-02, Zone Change 08-06, Precise Development Plan 08-04, Vesting Tentative Tract Map 7127 and Williamson Act Cancellation 08-02, for the Wasco Center located in the City of Wasco on the north side of State Route 46 between Magnolia Avenue on the west and Palm Avenue on the east. Upon full build out, Wasco Center will comprise approximately 273,000 square feet of large box retail uses, a 105,000 square foot shopping center, a 75,000 square foot movie theater, a 100 key 4-story hotel, and 67,500 square feet of restaurant/office space. In addition, Wasco Center will also include 123 multi-family residential units with 11,900 square feet of attendant recreation buildings. Wasco Center will also include parking, various infrastructure improvements, extensive internal and perimeter landscaping and wall features, and a wide assortment of other site-wide pedestrian oriented amenities.

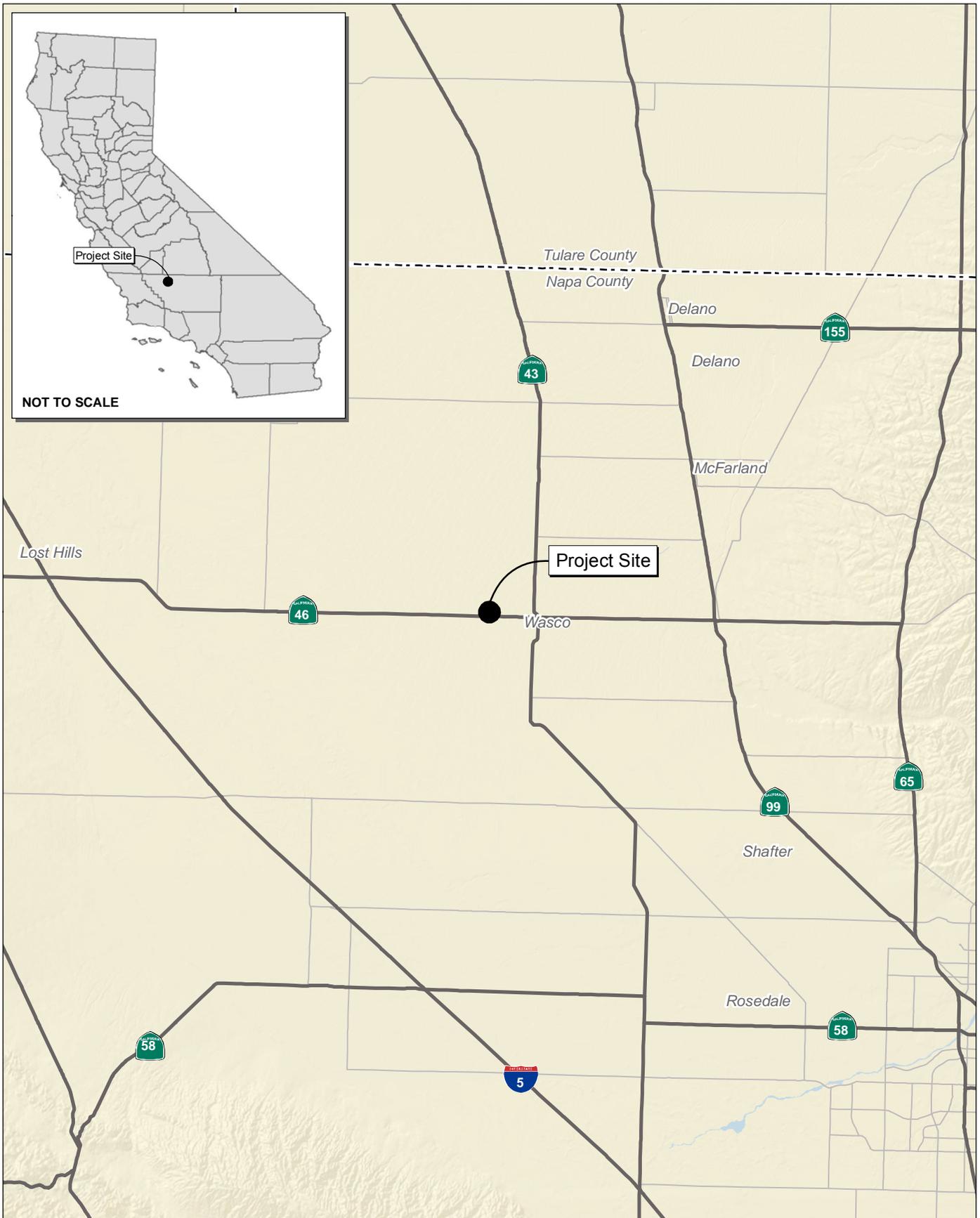
The City adopted the Mitigated Negative Declaration (MND) for the Wasco Center on December 16, 2008 and filed the Notice of Determination on December 22, 2008. The Wasco Center has not been constructed. As part of the approval process, the City adopted Resolution 2008-2586 establishing conditions of approval for the Wasco Center and adopting the Mitigation Monitoring and Reporting Program. As the proposed project is part of the Wasco Center, those conditions of approval and mitigation measures appropriate to the proposed project will apply.

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### **1.3 - Project Location**

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The site of the proposed project is located within the incorporated limits of the City of Wasco approximately 8 miles west of State Route (SR) 99 on SR-46 (Paso Robles Highway) in north-central Kern County. East-west regional access to both the City of Wasco and project vicinity is from SR-46, while SR-99 provides regional access from the north and south. The primary local access to the project site is from Paso Robles Highway, which borders the project on the south side. The proposed Walmart site is located on approximately 17 acres adjacent to and west of future Central Avenue and immediately south of future Margalo Street. Exhibit 1, Regional Location Map, and Exhibit 2, Vicinity Location Map, illustrate the location of the proposed change to the Wasco Center. Exhibit 3, Approved Wasco Center Site Plan, and Exhibit 4, Proposed Walmart Site Plan, illustrate the boundaries of the approved Wasco Center and the Walmart parcel. The site can be found in the US Geological Survey (USGS) 7.5-minute Wasco topographic quadrangle map T. 27 S., R. 24 E., Section 2.



Source: Census 2000 Data, The CaSIL, MBA GIS 2010.

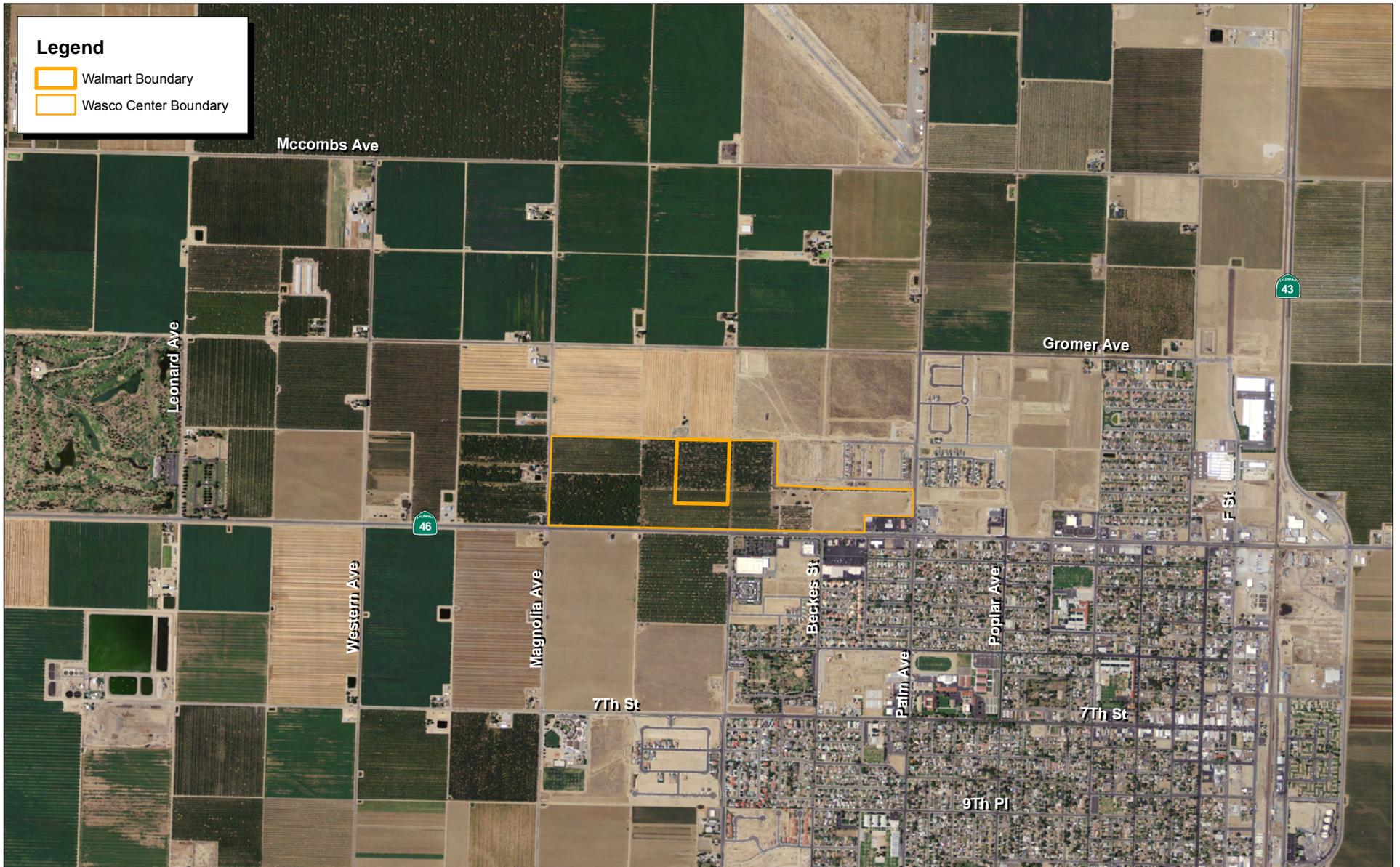


Michael Brandman Associates  
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## Exhibit 1 Regional Location Map

CITY OF WASCO • WASCO WALMART  
 INITIAL STUDY





**Legend**

- Walmart Boundary
- Wasco Center Boundary

Source: Kern County NAIP, 2009. MBA GIS Data, 2010.



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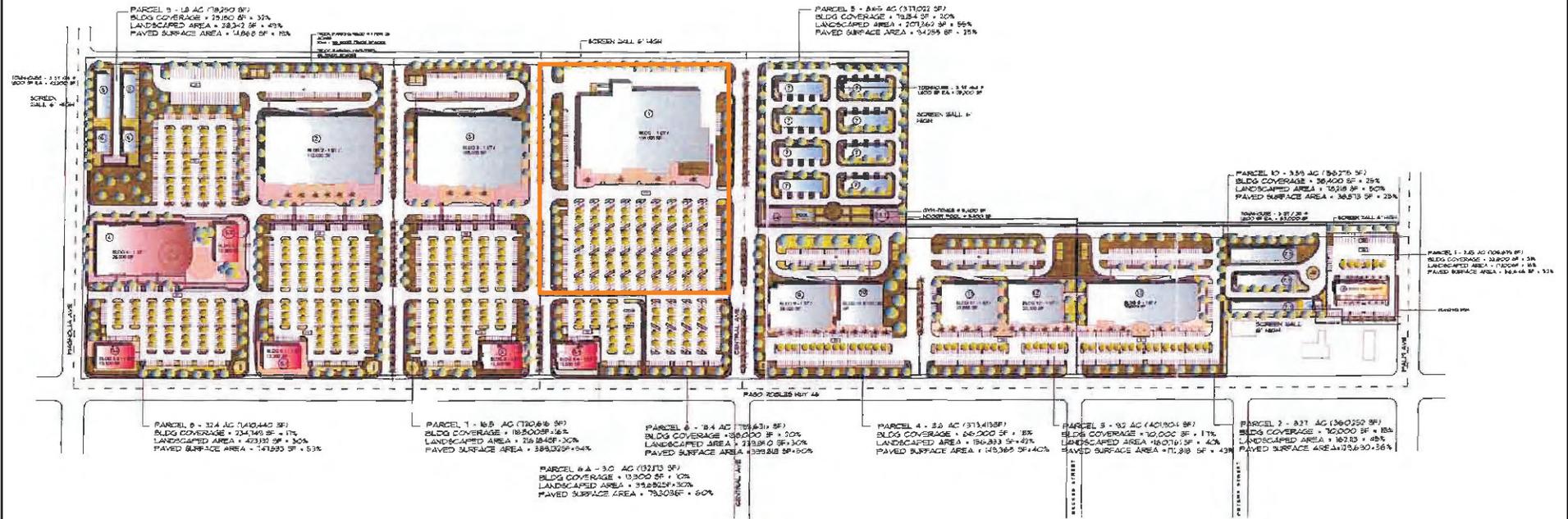
## Exhibit 2 Local Vicinity Map Aerial Base

CITY OF WASCO • WASCO WALMART  
INITIAL STUDY



**COLOR LEGEND**

- RETAIL & SHOP
- RESTAURANT & OFFICE
- HOTEL
- THEATER
- RESIDENTIAL
- WALMART BOUNDARY



Source: Jenkins/Gales & Martinez, Inc.

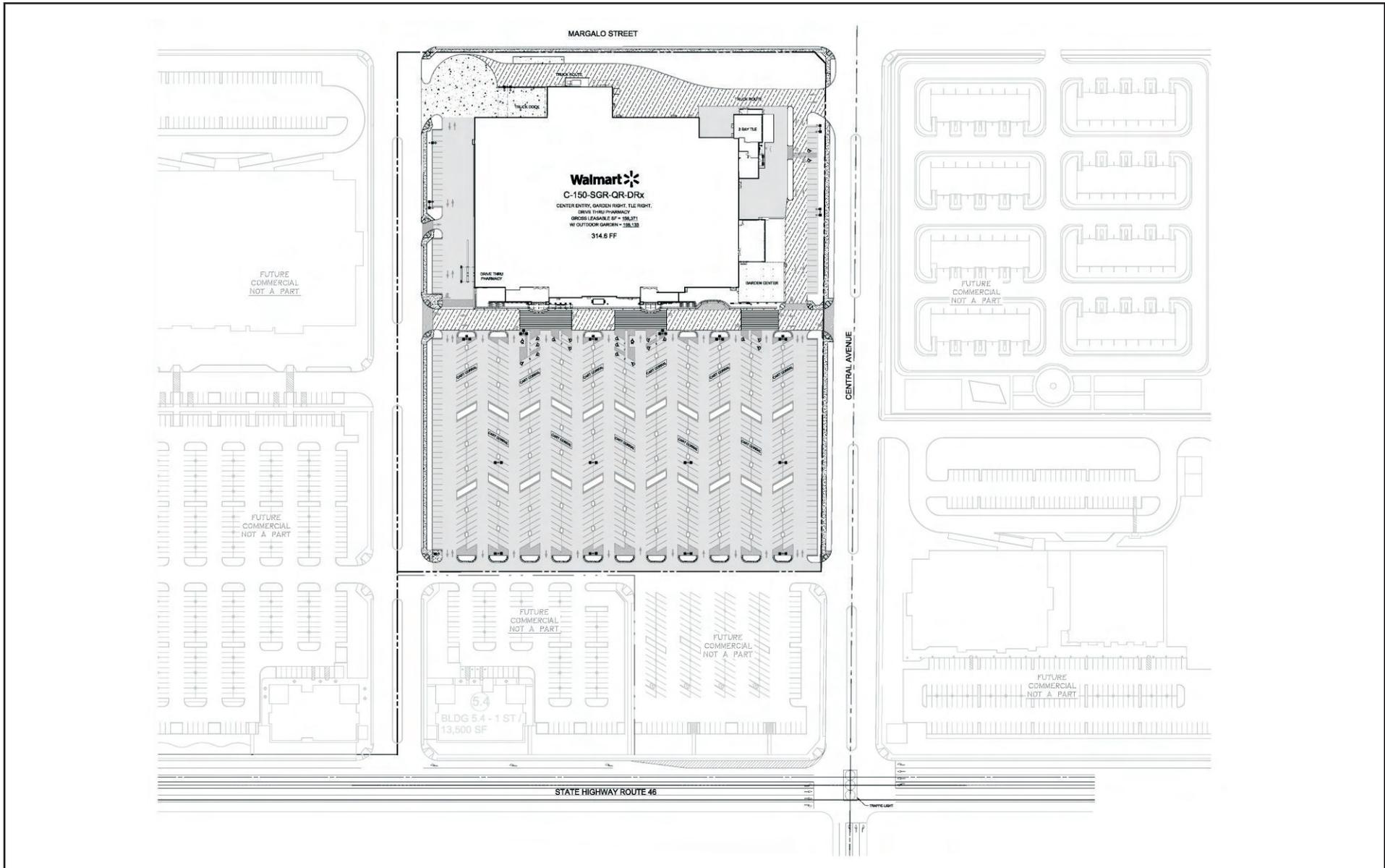


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 26190011 • 08/2010 | 3\_approved\_wasco\_center\_site\_plan.cdr

**Exhibit 3**  
**Approved Wasco Center Site Plan**

CITY OF WASCO • WASCO WALMART  
 INITIAL STUDY





Source: eda design professionals, May 2010.



Michael Brandman Associates

26190011 • 08/2010 | 4\_proposed\_walmart\_site\_plan.cdr

## Exhibit 4 Proposed Walmart Site Plan

CITY OF WASCO • WASCO WALMART  
INITIAL STUDY



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## 1.4 - Project Description

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The proposed Walmart project would modify the Precise Development Plan adopted for the Wasco Center to allow an increase in the size of one of the buildings from 158,000 to 170,000 square feet. The increase in size is requested for the construction of a Walmart that consists of a 24-hour retail and grocery center. A 24-hour store was not evaluated in the Wasco Center MND.

The proposed 170,000-square-foot (sq ft) Walmart store will be located on approximately 17 acres, within the larger 112-acre Wasco Center development. The project will be located on a parcel previously approved for the development of a 158,000 sq ft "Large Box Retail" structure.

The proposed Walmart project has been designed to meet the development requirements of the City of Wasco General Plan, Zoning Code, and the SR-46 Corridor Design District. The Walmart store will offer a full line of grocery products, including dry goods, dairy produce, meats, deli, and bakery. The store will also offer general retail merchandise including, but not limited to, alcohol for off-site consumption, pool chemicals, petroleum products, pesticides, and paint products. The Walmart store may have outdoor seasonal sales and storage. In addition, the Walmart store will include an outdoor garden center, a drive-thru pharmacy, and a tire and lube facility, which engages in routine servicing and preventative maintenance of vehicles. The Walmart store may also include a vision and hearing center, food service, a photo studio, and photo finishing center, a banking center, a salon, and other similar accessory uses inside the store. The Walmart building will include, without limitation, truck doors, and loading facilities. The Walmart store will operate 24 hours per day. The tire and lube facility will have limited hours of operation.

The project will be served from two access points off of SR-46. The first access point is a signalized intersection at SR-46 and Central Avenue. The second access point is a limited access entrance (right turns in and out) near the southwest corner of the site.

The entitlements that are required for the proposed project include (1) Precise Development Plan approval, and (2) various other local, state, and federal approvals that may be necessary pursuant to applicable laws and regulations.

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## 1.5 - Intended Uses of this Document

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This Initial Study document has been prepared to determine the appropriate scope and level of detail required in completing the environmental analysis for the proposed project. This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the proposed project, following the distribution of the Notice of Preparation (NOP) of the EIR. The NOP will be circulated for 30 days, during which period comments regarding the issues to be addressed in the EIR are invited to be sent to:

Sara Allinder, AICP, Director  
City of Wasco Community Development Department  
764 E. Street  
Wasco, CA 93280  
saallinder@ci.wasco.ca.us

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## **1.6 - Environmental Setting**

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The project site comprises approximately 17 acres of the 112-acre Wasco Center. The 17-acre site is located on the west side of Central Avenue, has relatively flat terrain, and contains walnut orchards. The area surrounding the 17-acre site contains fallow agricultural land to the north, walnut orchards to the west, south, and east. In addition, southeast of the site is a commercial center with a K-mart, Los Cazadores (restaurant), and Rite Aid.

The approved and not yet constructed Wasco Center contains 98.6 acres of commercial retail that includes 273,000 sq ft of large box retail, 105,000 sq ft of shopping center, 75,000 sq ft of movie theater, 67,500 sq ft of restaurants, 206,000 sq ft of community retail, 11,900 sq ft of recreation, and 100-room hotel. The Wasco Center also includes 14 acres approved for 123 units of high density residential directly across from the project site on the east side of Central Avenue.

**SECTION 2: ENVIRONMENTAL CHECKLIST**

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>1. Aesthetics</b>				
<i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Agriculture and Forestry Resources</b>				
<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</i>				
<i>Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. Air Quality</b> <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>4. Biological Resources</b> <i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5. Cultural Resources</b>				
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6. Geology and Soils</b>				
<i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7. Greenhouse Gas Emissions</b> <i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. Hazards and Hazardous Materials</b> <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>9. Hydrology and Water Quality</b>				
<i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10. Land Use and Planning</b>				
<i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>11. Mineral Resources</b>				
<i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>12. Noise</b>				
<i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. Population and Housing</b> <i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>14. Public Services</b> <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>15. Recreation</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>16. Transportation / Traffic</b> <i>Would the project:</i>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>17. Utilities and Service Systems</b> <i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> c
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>18. Urban Decay</b>				
<i>Would the project:</i>				
a) Result in Urban Decay within the retail market served by the proposed project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>19. Mandatory Findings of Significance</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Factors Potentially Affected					
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the preceding pages.					
<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology / Soils
<input checked="" type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards / Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology / Water Quality
<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources	<input checked="" type="checkbox"/>	Noise
<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Transportation / Traffic	<input type="checkbox"/>	Utilities / Services Systems	<input checked="" type="checkbox"/>	Urban Decay
<input checked="" type="checkbox"/>	Mandatory Findings of Significance				

Environmental Determination

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signed



Date

September 1, 2010



## SECTION 3: DISCUSSION OF ENVIRONMENTAL EVALUATION

### 1. Aesthetics

#### Environmental Setting

The project site and surrounding area are relatively flat. The project site contains orchards, and the surrounding area includes a mix of commercial, residential, and agriculture uses as well as undeveloped land. This mix of land uses provides an irregular viewshed that has no unity. Based on a review City of Wasco General Plan, there are no federal, state, or locally-designated scenic corridors or roadways adjacent to or near the Wasco Center. Distant views from or in the vicinity of the Wasco Center are limited due to the existing orchard trees within the Wasco Center site as well as the distance to areas of higher elevations which include the Sierras that are more than 15 miles to the east and the Diablo Range foothills that are more than 20 miles to the west.

#### Evaluation

Would the project:

**a) Have a substantial adverse effect on a scenic vista?**

**No Impact.** Based on a site visit, the project site and area do not contain a scenic vista due to the irregular views provided along SR-46. In addition, based on a review of the Wasco General Plan, there are no designated scenic resources on the project site or in the vicinity of the site.

The environmental evaluation conducted for the Wasco Center found that the development of the Wasco Center would not have a substantial adverse effect on a scenic vista. The evaluation stated that the Wasco Center would serve as a positive visual focus for the immediate area and enhance the area's overall scenic quality. The environmental evaluation found that the Wasco Center would result in a less than significant effect on a scenic vista.

The proposed modification of the Wasco Center would allow for an increase of 12,000 square feet to the previously approved 158,000 square foot large box retail structure. The increase in square footage would accommodate the proposed Walmart. The proposed façade of the Walmart will change the building façade that was originally approved as part of the Wasco Center. Exhibit 5 shows the maximum height of the approved building façade as 45' at various locations and 32'-4" along the majority of the facade. The proposed façade includes a maximum height of 35'-4" at one location and 30'-8" or less along the majority of the façade. Both the approved and proposed facades include earth tone colors. As shown in Exhibit 5, the proposed modification of the façade will not result in any additional impact on the overall scenic quality of the area above and beyond the effect that would occur with the implementation of the approved Wasco Center. This issue will not be evaluated in the SEIR.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?**

**No Impact.** The project site contains a walnut orchard and does not have scenic resources. As stated Item 1(a) above, neither the Wasco Center nor the General Plan identify any designated scenic resources on the project site or in the vicinity of the site. Furthermore, based on a review of scenic highways at [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index/htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index/htm), there are only two highways within Kern County (Highway 58 and Highway 14) that are designated as Eligible Scenic Highways and no highways that are Officially Designated scenic highways. The two Eligible Scenic Highways are located along the eastern portion of Kern County approximately 70 miles from the project site.

The environmental evaluation conducted for the Wasco Center found that the development of the Wasco Center will not substantially damage any scenic resources. The environmental evaluation found that the Wasco Center would result in a less than significant effect on a scenic resource.

The proposed modification would not result in any additional impact on any scenic resources above and beyond the effect that would occur with the implementation of the approved Wasco Center. This issue will not be further evaluated in the SEIR.

**c) Substantially degrade the existing visual character or quality of the site and its surroundings?**

**No Impact.** The project site is bounded by agricultural uses to the east, west, and south, and fallow agricultural land to the north. To the southeast is a commercial retail center. The area along SR-46 includes a mix of land uses that provide an irregular viewshed that has no unity.

The environmental evaluation conducted for the Wasco Center found that the development of the Wasco Center will not substantially degrade the area's existing visual character or quality. As noted in the previous environmental review, the proposed Wasco Center may serve as a positive contributor to the area's overall visual character and quality.

The proposed modification would not result in any additional impact on the visual character and quality of the project site and surrounding area above and beyond the effect that would occur with the implementation of the approved Wasco Center. This issue will not be further evaluated in the SEIR.

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

**Potentially Significant Impact.** Streetlights exist along the south side of SR-46 adjacent to the existing commercial retail center located southwest of the project site. The retail center also has parking lot lights. West of Central Avenue, there are no streetlights.



Approved Facade Elevation



Front Elevation

Proposed Facade Elevation

Source:



Michael Brandman Associates

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The environmental evaluation conducted for the Wasco Center found that the development of the Wasco Center will substantially add to the nighttime illumination that is located in the project vicinity. Site development would comply with City development code lighting requirements, standards, and controls through the precise development plan process. Although the Wasco Center MND stated that the new sources of light would be substantial during the nighttime hours, the increase in lighting would result in a less than significant adverse impact in the project vicinity.

The proposed modification of the Wasco Center would increase the amount of nighttime light on the Walmart parcel above and beyond the level of illumination that would occur with the implementation of the approved Wasco Center. This increase in lighting would occur because the Walmart would operate 24 hours per day and the illumination of the parking area would need to ensure adequate nighttime visibility for motorist and pedestrian safety within the parking lot. This issue will be further evaluated in the SEIR.

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## **2. Agriculture and Forestry Resources**

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### **Environmental Setting**

#### **Agriculture**

The Wasco Center site (including the Walmart parcel) is currently designated prime farmland by the California Resources Agency. The majority of the Wasco Center site was once, but since has been removed from being subject to Land Use Contract provisions pursuant to the Land Conservation Act of 1965 (Williamson Act). A portion of the Wasco Center site located east of the Walmart parcel included a small farm and a non-renewal notice under the Land Conservation Act of 1965 was filed for a portion of the Wasco Center site, which included a small farm located east of the Walmart parcel.

#### **Forestry**

The Wasco Center site including the Walmart parcel is designated for urban uses in the Wasco General Plan and Zoning Ordinance. The majority of the Wasco Center including the Walmart parcel contains almond and walnut orchards. The existing orchards do not meet the definition of “forest land” in accordance with Public Resources Code Section 12220(g) because forest land is land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

In addition, the existing orchard does not meet the definition of “timberland” in accordance with Public Resources Code Section 4526 which states timberland as land that is capable of growing a crop of trees of any commercial species used to produced lumber and other forest products.

Furthermore, the Wasco Center site including the Walmart parcel does not meet the definition of “timberland production zone” which means an area that is devoted to and used for growing and harvesting timber.

## Evaluation

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**No Impact.** As stated above, the Wasco Center, including the Walmart parcel, contains prime farmland. The environmental evaluation conducted for the Wasco Center found that the development of the Wasco Center would result in a less than significant effect on the conversion of prime farmland to non-agricultural use because the Wasco General Plan and Zoning Ordinance already committed the project site to long-term non-agricultural use. As part of the General Plan Update 2002 Final EIR (State Clearinghouse Number 2002051154) for the City of Wasco, the City approved a statement of overriding considerations for the loss of prime farmland associated with land use changes that included the change of land use for the Wasco Center site from Agriculture to Community Retail Commercial and Low Density Residential.

The proposed modification of the Wasco Center would not result in any additional impact on prime farmland above and beyond the significant and unavoidable adverse impact that was identified in the General Plan Update 2002 Final EIR (State Clearinghouse Number 2002051154) for the City of Wasco. This issue will not be evaluated in the SEIR.

- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**No Impact.** According to the City of Wasco General Plan Land Use Map and the Zoning Map, the Walmart parcel is designated for Community Retail Commercial. Therefore, the current zoning for the project site would not conflict with an agricultural zone or a Williamson Act contract. This issue will not be evaluated in the SEIR.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**No Impact.** According to the City of Wasco Zoning Map, the Wasco Center, including the Walmart parcel, as well as the areas immediately adjacent to the Wasco Center are zoned for urban uses. The environmental evaluation conducted for the Wasco Center did not address impacts on forest land, timberland, or timberland zoned for Timberland Production because this evaluation requirement was incorporated in CEQA Guidelines Appendix G at the beginning of 2010.

Because the Wasco Center, including the Walmart parcel, is zoned for urban uses, the implementation of the Wasco Center, including the Walmart parcel, would not conflict with forest land, timberland, or timberland zoned for Timberland Production. Therefore, the proposed Walmart would result in no impacts of forest resources. This issue will not be evaluated in the SEIR.

- d) Result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact.** The majority of the Wasco Center, including the Walmart parcel, contains almond and walnut orchards. The existing orchards on the Wasco Center site, including the Walmart parcel, do not meet the definition of forest land in accordance with California Government Code Section 51104(g) which is land that can support 10 percent native tree cover of any species. The existing orchards are not native species. Therefore, the implementation of the proposed Walmart would result in no impacts regarding the loss of forest land or the conversion of forest land to non-forest use. This issue will not be evaluated in the SEIR.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

**No Impact.** As discussed above, the Wasco Center, including the Walmart parcel, contains almond and walnut orchards on prime farmland. As part of the General Plan Update 2002 Final EIR (State Clearinghouse Number 2002051154) for the City of Wasco, the City approved a statement of overriding considerations for the loss of prime farmland associated with land use changes that included the change of land use for the Wasco Center site from Agriculture to Community Retail Commercial and Low Density Residential. Furthermore, the Wasco Center site, including the Walmart parcel, does not contain forest land, therefore, the implementation of the proposed Walmart would result in no impacts related to the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. This issue will not be evaluated in the SEIR.

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### 3. Air Quality

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#### Environmental Setting

The project site is located within the San Joaquin Valley Air Basin (SJVAB) that is subject to the rules and regulations imposed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The primary air pollutants that are emitted into the ambient air include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), and most fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). ROG and NO<sub>x</sub> are pollutant precursors and go on to form secondary pollutants through chemical and photochemical reactions in the atmosphere. Ozone (O<sub>3</sub>) and nitrogen dioxide (NO<sub>2</sub>) are the principal secondary pollutants. The SJVAB is classified as being in non-attainment of State and Federal standards for Ozone (1-hour), Ozone (8-hour), PM<sub>10</sub>, and PM<sub>2.5</sub>.

#### Evaluation

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

**Potentially Significant Impact.** The implementation of the proposed project may increase air emissions above and beyond the emissions evaluated for the Wasco Center. This increase in emissions may result in a conflict with or obstruct the implementation of the adopted Air Quality Attainment Plans. This issue will be evaluated in the SEIR.

**b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**Potentially Significant Impact.** The implementation of the proposed project may increase air emissions above and beyond the emissions evaluated for the Wasco Center. This increase in emissions may result in a violation of an air quality standard or contribute substantially to an existing or projected air quality violation. This issue will be evaluated in the SEIR.

**c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?**

**Potentially Significant Impact.** The implementation of the proposed project may increase air emissions above and beyond the emissions evaluated for the Wasco Center. This increase in emissions may result in a cumulatively considerable net increase of a criteria pollutant for which the project region is in non-attainment. This issue will be evaluated in the SEIR.

**d) Expose sensitive receptors to substantial pollutant concentrations?**

**Potentially Significant Impact.** The implementation of the proposed project may increase air emissions above and beyond the emissions evaluated for the Wasco Center. This increase in emissions may result in the exposure of sensitive receptors to substantial pollutant concentrations. This issue will be evaluated in the SEIR.

**e) Create objectionable odors affecting a substantial number of people?**

**Less than Significant Impact.** The previously approved MND for the Wasco Center identified project construction activities would create exhaust emissions; however, odors from these emissions would be confined to the immediate vicinity of the equipment. In addition, the existing sensitive receptors (i.e., residences) near the Wasco Center may experience occasional odors of diesel exhaust from trucks; however, the exposure to the exhaust odors would be brief and result in a less than significant impact.

The implementation of the proposed project is not expected to increase potential odors during construction activities above and beyond the odors that were identified in the Wasco Center MND. Long-term truck deliveries to the proposed Walmart may be greater than the deliveries envisioned for the large box retail. Although the increase in long-term truck deliveries are not expected to substantially increase long-term odors that would result in the creation of objectionable odors affecting a substantial number of people, this issue will be evaluated in the SEIR.

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## **4. Biological Resources**

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### **Environmental Setting**

Similar to the majority of the Wasco Center site, the proposed project site is comprised of cultivated orchards. Based on a field survey that was conducted during the preparation of the environmental documentation for the Wasco Center, there are no sensitive plant species observed. However, two sensitive wildlife species, burrowing owl (California Species of Special Concern) and San Joaquin kit fox (Federal Endangered and State Threatened species) have been identified as having a moderate or high potential to occur on the site.

The Wasco Center field survey also identified no occurrences of riparian habitat or other sensitive natural community. In addition, the survey found no wetlands or the presence of any migratory fish or wildlife species, or migratory wildlife corridors.

### **Evaluation**

Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or**

**regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**Potentially Significant Impact.** As identified above, the Wasco Center, including the proposed project site, has the potential for the presence of two species. These two species are burrowing owl, a California Species of Special Concern, and San Joaquin kit fox, a Federally Endangered and State Threatened species. The approved MND for the Wasco Center identified a potentially significant impact to these two species. Mitigation measures to reduce impacts to these two species to less than significant were adopted as part of the Wasco Center MND.

The implementation of the proposed project would not impact either of these two species above and beyond the potential impacts identified for the Wasco Center. Although there would be no additional impact on these two species, a review of the current California Natural Diversity Database will be conducted to determine if there are any new species present in the area. Because it is unknown if there are new sensitive plant and wildlife species in the project area, potential impact could be significant and will be further evaluated in the SEIR.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**No Impact.** As stated above, a field survey of the Wasco Center, including the proposed project site, was performed as part of the environmental documentation for the Wasco Center MND. The field survey found no occurrence of on-site riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Wasco Center MND identified that development of the Wasco Center would result in a less than significant impact on riparian habitat and other sensitive natural communities. Because there is no riparian habitat or other sensitive natural community on the Wasco Center site, the implementation of the proposed project would result in no impacts to riparian habitat and other sensitive natural habitat. This issue will not be evaluated in the SEIR.

**c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**No Impact.** As stated above, a field survey of the Wasco Center, including the proposed project site, was performed as part of the environmental documentation for the Wasco Center MND. The field survey found no federally protected wetlands as defined by Section 404 of the Clean Water Act. The Wasco Center MND identified that development of the Wasco Center would result in a less than significant impact on federally protected wetlands. Because there are no wetlands on the Wasco Center site, the implementation of the proposed project would have no potential to cause an adverse effect on wetlands. This issue will not be evaluated in the SEIR.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?**

**No Impact.** As stated above, a field survey of the Wasco Center, including the proposed project site, was performed as part of the environmental documentation for the Wasco Center MND. The field survey found no presence of any migratory fish or wildlife species or any established native resident or migratory wildlife corridors. The Wasco Center MND identified that development of the Wasco Center would result in a less than significant impact on the movement of fish or wildlife species. Because there was no migratory fish or wildlife species on the Wasco Center site, the implementation of the proposed project would result in no impact on the movement of fish or wildlife species. This issue will not be evaluated in the SEIR.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**No Impact.** Based on a review of the City of Wasco municipal code and General Plan, there are no ordinances or policies related to the protection of biological resources or trees. The Wasco Center MND identified that the Wasco Center would not conflict with any policies or ordinance protecting biological resources or trees. Similarly, the implementation of the proposed project would not conflict with any policies or ordinance protecting biological resources or trees. Therefore, there would be no impacts on local policies or ordinances protecting biological resources or trees. This issue will not be evaluated in the SEIR.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No Impact.** Based on a review of the Wasco General Plan, the Wasco Center, including the proposed project site, is not subject to the provisions of a known adopted HCP, NCCP or other approved local, regional or State HCP. Therefore, the implementation of the proposed project would not impact a habitat conservation plan. This issue will not be evaluated in the SEIR.

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## 5. Cultural Resources

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### Environmental Setting

As part of the Wasco Center MND, historical, archaeological, and paleontological database searches were conducted as well as a survey of the Wasco Center site. Based on the database searches and field survey, no known historical, archaeological, or paleontological resources were found within or adjacent to the Wasco Center site, including the Walmart parcel.

## Evaluation

Would the project:

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

**No Impact.** The Wasco Center MND included an evaluation of historical resources, and the evaluation found that the Wasco Center site, which includes the proposed project site, is devoid of any known historical resources. As a result, the proposed project would result in no impacts to known historical resources. This issue will not be evaluated in the SEIR.

- b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

**No Impact.** The Wasco Center MND included an evaluation of archaeological resources, and the evaluation found that the Wasco Center site is devoid of any known archaeological resources. Since the proposed Walmart parcel is within the Wasco Center site, the implementation of the proposed Walmart would result in no impacts to known archaeological resources. However, the Wasco Center MND identified that since earth movement activities have the potential to uncover previously unknown or identified subsurface archaeological deposits, a mitigation measure was included to reduce the potential impact. The Wasco Center MND identified the potential effect on archaeological resource as less than significant and provided the following mitigation measure.

CUL1                      During all project-related earth movement activities, in the event that any subsurface archaeological deposits are unearthed, the project proponent shall ensure that all activities will be suspended in the vicinity of the find until the deposit(s) are recorded by a qualified archaeologist.

As with the approved Wasco Center, Mitigation Measure CUL1 would be implemented with the proposed project. With the above mitigation, the proposed project would not result in any additional impacts on archaeological resources above and beyond the impacts identified in the Wasco Center MND. This issue will not be evaluated in the SEIR.

- c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**No Impact.** The Wasco Center MND included an evaluation of paleontological resources, and the evaluation found that the Wasco Center site is devoid of any known paleontological resources. Since the proposed Walmart parcel is within the Wasco Center site, the implementation of the proposed Walmart would result in no impacts to known paleontological resources. However, the Wasco Center MND identified that in the unlikely event that any older sedimentary rocks are encountered during site earth movement activities; a mitigation measure was included to reduce the potential impact to

paleontological resources. The Wasco Center MND identified the potential effect on paleontological resources as less than significant and provided the following mitigation measure.

CUL3            During all project-related earth movement activities, in the event that any older sedimentary rock units are encountered which have a lithology conducive to paleontological preservation, the project proponent shall ensure that all activities will be suspended in the vicinity of the find and that a qualified vertebrate paleontologist is retained to examine the depositional context to determine their potential to yield significant paleontological resources.

As with the approved Wasco Center, Mitigation Measure CUL3 would be implemented with the proposed project. With the above mitigation, the proposed project would not result in any additional impacts on paleontological resources above and beyond the impacts identified in the Wasco Center MND. This issue will not be evaluated in the Draft.

**d) Disturb any human remains, including those interred outside of formal cemeteries?**

**No Impact.** The Wasco Center MND included an evaluation of Native American resources including formal and informal cemeteries. The evaluation found that the Wasco Center site is devoid of any known resources of Native American cultural significance including formal and informal cemeteries. Since the proposed Walmart parcel is within the Wasco Center site, the implementation of the proposed Walmart would result in no impacts to known resources of Native American cultural significance including formal and informal cemeteries. However, the Wasco Center MND identified a mitigation measure to address accidental discovery of human remains onsite. The following is the mitigation measure identified in the Wasco Center MND to reduce potential impacts associated with accidental discoveries of human remains onsite.

CUL2            During all project-related earth movement activities, in the event human remains of any kind are found, the project proponent shall ensure that all activities will cease immediately and that a qualified archaeologist and the Kern County Coroner are notified.

As with the approved Wasco Center, Mitigation Measure CUL2 would be implemented with the proposed project. With the above mitigation, the proposed project would not result in any additional impacts on unknown resources of Native American cultural significance including formal and informal cemeteries above and beyond the impacts identified in the Wasco Center MND. This issue will not be evaluated in the SEIR.

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## 6. Geology and Soils

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### Environmental Setting

The geologic setting of the Wasco area includes sediment derived from erosion of the Sierra Nevada. The sediment includes sands with lesser silts, minor clays, and gravel by major to minor west-flowing drainages and their tributaries. The Wasco area is not located within an Alquist-Priolo Fault Zone and no fault traces are known to exist in the immediate vicinity of the Wasco Center site. Based on information from the California Department of Water Resources that was included in the Wasco Center MND, groundwater below the Wasco Center is approximately 255 feet beneath the site.

### Evaluation

Would the project:

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**
  - i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

**Less than Significant Impact.** The Wasco Center site, including the proposed project site, is not located within any fault zone delineated on the most recent Alquist-Priolo Earthquake Zoning Map issued by the State Geologist. Based on a review of the Earthquake Fault Zones Affecting Kern County (West) at [http://www.lib.berkeley.edu/EART/UCONLY/CDMG/central/coast\\_index.pdf](http://www.lib.berkeley.edu/EART/UCONLY/CDMG/central/coast_index.pdf), the nearest fault identified as an Alquist-Priolo Earthquake Fault Zone, is the Pond Fault zone located approximately 6 miles to the north. No faults or fault traces are known to exist either on or in the immediate vicinity of the Wasco Center. The Wasco Center MND identified that earthquake fault rupture would result in a less than significant impact on the Wasco Center.

The proposed project encompasses approximately 8 percent more square feet of structure than approved in the Wasco Center project. The larger building may experience some additional fault rupture impacts compared to the approved large box retail. Even though additional impacts may occur, compliance with the California Building Code will ensure that these impacts would remain less than significant for the proposed Walmart. This issue will not be evaluated in the SEIR.

- ii) **Strong seismic ground shaking?**

**Less than Significant Impact.** The Wasco Center site is located within the portion of Kern County that contains significant active faults such as the San Andreas, Garlock, and Sierra Nevada faults as well as the Pond-Poso Fault. The Wasco Center MND stated that the implementation of the proposed Wasco Center structures would require strict adherence to the City's development and building codes

and site construction protocols. The MND stated that compliance with existing codes and requirements such as the California Building Code Zone 4 requirements would result in the Wasco Center structures experiencing less than significant impacts from strong seismic ground-shaking.

The proposed project will also comply with the California Building Code ensuring the impacts would remain less than significant for the proposed Walmart. This issue will not be evaluated in the SEIR.

**iii) Seismic-related ground failure, including liquefaction?**

**Less than Significant Impact.** Liquefaction is a temporary loss of soil bearing strength that is usually triggered by an earthquake. This phenomenon usually occurs in loosely consolidated sands and silts that have a shallow water table or in poorly engineered, saturated fill. As indicated above, information from the California Department of Water Resources indicates that depth to groundwater beneath the Wasco Center, including the Walmart parcel, is approximately 255 feet. The Wasco Center MND found that the Wasco Center would experience less than significant seismic-related ground failure impacts due to the depth of the groundwater.

Implementation of the proposed project would also experience less than significant seismic-related ground failure due to the depth of the groundwater. This issue will not be evaluated in the SEIR.

**iv) Landslides?**

**No Impact.** The Wasco Center site, including the Walmart parcel, have relatively flat terrain. The Wasco Center MND identified that there would be no landslide impacts on the Wasco Center. Therefore, the proposed Walmart within the Wasco Center would also experience no landslide impacts. This issue will not be evaluated in the SEIR.

**b) Result in substantial soil erosion or the loss of topsoil?**

**No Impact.** The Wasco Center MND identified that the Wasco Center site is not prone to air or water erosion influences because the site is relatively flat, has historically been used for agriculture, and is located outside of a designated Federal Emergency Management Agency 100-year floodplain. Construction activities associated with the Wasco Center would expose areas of the site; however, the MND states that these activities would be required to be in strict compliance with city construction protocols including having temporary drainage facilities in place. Once site preparation has been completed, site improvement and building construction will provide substantial impervious surfaces that would preclude any future potential for substantial soil erosion or loss of topsoil. The MND identified that the Wasco Center would cause less than significant soil erosion or loss of topsoil.

The implementation of the proposed project would not result in any additional soil erosion or loss of topsoil impacts above and beyond those effects identified in the Wasco Center MND. Therefore, this issue will not be evaluated in the SEIR.

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**No Impact.** The Wasco Center MND identified that construction of the proposed Wasco Center would involve grading that would be required to follow standard grading practices to stabilize any geologic instabilities that might occur on-site. The MND found that the project would result in less than significant impacts related to unstable soils. In addition, the Wasco Center would not create onsite geologic or soils conditions that would become unstable or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

The implementation of the proposed project within the Wasco Center would not result in any additional unstable soil impacts above and beyond those effects identified in the Wasco Center MND. Therefore, this issue will not be evaluated in the SEIR.

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

**No Impact.** The Wasco Center MND identified that the Wasco Center site is comprised of 18 to 35 percent clay. This relatively high clay content of these soils potentially makes them subject to expansion. The City of Wasco requires project conformance to state standards set forth in the California Building Code Section 1805A.8. These standards include provisions for the design of foundations in areas with expansive soils. This conformance to state standards would result in less than significant impacts to the Wasco Center structures from expansive soils.

The implementation of the proposed project would not result in any additional expansive soil impacts above and beyond those effects identified in the Wasco Center MND. Therefore, this issue will not be evaluated in the SEIR.

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

**No Impact.** Septic tanks or alternative wastewater disposal systems are not proposed as part of the Wasco Center or the proposed project. Therefore, this issue will not be evaluated in the SEIR.

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## **7. Greenhouse Gas Emissions**

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### **Environmental Setting**

Climate change is a shift in the “average weather” that a given region experiences. This is measured by changes in temperature, wind patterns, precipitation, and storms, including the potential for more extreme or more frequent severe weather conditions. Greenhouse gases have varying global warming potential. The global warming potential is the potential of a gas or aerosol to trap heat in the

atmosphere. The primary gases that trap heat in the atmosphere include carbon dioxide, methane, and nitrous oxide. California is a substantial contributor of global greenhouse gases as it is the second largest contributor in the United States and the sixteenth largest in the world. There are currently no known greenhouse gas emission data for the San Joaquin Valley or for the City of Wasco.

### Evaluation

Would the project:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Potentially Significant Impact.** Greenhouse gas emissions were not evaluated within the Wasco Center MND. The implementation of the proposed project will generate greenhouse gas emissions that may have a significant impact on the environment. This issue will be evaluated in the SEIR.

- b) **Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

**Potentially Significant Impact.** Greenhouse gas emissions were not evaluated within the Wasco Center MND. The implementation of the proposed project will generate greenhouse gas emissions that may conflict with applicable plans, policies, or regulations related to reducing greenhouse gas emissions. This issue will be evaluated in the SEIR.

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## 8. Hazards and Hazardous Materials

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### Environmental Setting

The majority of the Wasco Center site, including the entire Walmart parcel, has historically been utilized for agriculture. According to the Wasco Center MND, based on a thorough search of regulatory agency records, interviews/contacts with other appropriate regulatory officials, and a comprehensive pedestrian survey inspection of the Wasco Center site and adjoining lands, the site neither contains, nor is influenced by, any known environmental condition with regard to hazardous and/or toxic materials.

### Evaluation

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

**Less than Significant Impact.** The Wasco Center MND identified that it is unlikely that the Center would contain businesses/tenants that have the routine transport, use or disposal of hazardous materials as a major aspect of their operations. The MND found that the Wasco Center would result in less than significant hazard impacts associated with the routine transport, use or disposal of

hazardous materials. The transport and storage of hazardous materials is regulated by federal, state and local laws. The proposed project consists of a Walmart that may contain retail commercial products such as paint, oil, propane and cleansers packaged for sale to the general public. There is no aspect of the proposed Walmart that would entail the use of substantial amounts of hazardous chemicals. Compliance with existing laws and regulations will reduce this impact to less than significant. This issue will not be evaluated in the SEIR.

**b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**Less than Significant Impact.** The Wasco Center MND identified that it is unlikely that the Center would contain businesses/tenants that due to their possession or use of hazardous materials would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of such hazardous materials. Therefore, the MND found that the Wasco Center would result in a less than significant hazardous waste impact related to reasonably foreseeable upset and accident conditions.

As stated previously, the proposed Walmart could result in the use of similar hazardous materials compared to the approved large box retail use approved on the Walmart parcel. This issue will be evaluated in the SEIR.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**No Impact.** The Wasco Center MND identified that there are no existing or proposed schools within one-quarter mile of the Wasco Center site. The nearest school is the Wasco Union High School located at 1900 Seventh Street which is approximately 0.6 mile southeast of the project site. Therefore, the MND found that the Wasco Center would result in no hazardous materials impact on schools.

Since the proposed project is within the Wasco Center, the hazardous materials associated with the Walmart would also not affect schools because there are no schools within one-quarter mile of the Walmart parcel. This issue will not be evaluated in the SEIR.

**d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**Less than Significant Impact.** The Wasco Center MND included a Phase I Environmental Site Assessment (ESA) that concluded the Wasco Center site, including the proposed project site, neither contains, nor is influenced by, any known environmental condition with regard to hazardous and/or toxic materials. In addition, the Phase I ESA identified that the Wasco Center, including the Walmart

parcel, is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Due to the historical use of the Walmart parcel as an orchard, a Phase II ESA was prepared after approval of the Wasco Center by Walmart. The Phase II ESA found that the chemicals in the agricultural soils did not present an environmental concern and are below significant health risk levels. This issue will not be evaluated in the SEIR.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

**Less than Significant Impact.** According to the Wasco Center MND, the Wasco-Kern County Airport is located approximately 1.5 miles north of the Wasco Center. Based on a review of the Airport Land Use Compatibility Plan for airports within Kern County, a portion of the Wasco Center (approximately 10 acres) is located in Zone D, which is an area of negligible risk encountering an aviation related crash. The Wasco Center includes high density residential and community commercial retail uses within Zone D. The MND identified that less than significant aircraft safety impacts would occur with the development of the Wasco Center because Zone D is considered the outer boundary of the Common Traffic Pattern Zone, which is defined as the area where aircraft are commonly below 1,000 feet above ground level. In addition, Zone D does not limit the residential densities and allow retail uses.

A small area of the northeastern portion of the Walmart parcel located within Zone D. According to Table 2A on page 2-2 of the Airport Land Use Compatibility Plan, retail development in Zone D is permitted. Furthermore, heights associated with the proposed Walmart would not interfere with aircraft operations because the Walmart parcel is located approximately 1.5 miles from the airport. This issue will not be evaluated in the SEIR.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

**No Impact.** According to the Wasco Center MND, there are no private airstrips in the vicinity of the Wasco Center, including the Walmart parcel. Therefore, implementation of the proposed project would result in no impact associated with people working within the vicinity of a private airstrip. This issue will not be evaluated in the SEIR.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**Potentially Significant Impact.** As identified in the Wasco Center MND, SR-46 is a major east-west transportation corridor through the City of Wasco and an obvious route for both emergency response and emergency evacuation purposes. Caltrans has plans to improve SR-46 to a full 4-lane facility through the City, including along the entire project frontage, a distance of approximately one

mile. Improvement of this roadway will only serve to enhance its effectiveness as a route for both emergency response and emergency evacuation purposes. Because the Wasco Center project will provide its fair share of improvements to SR-46 in the vicinity of the project site, the Wasco Center would not impair the implementation of, or physically interfere with, any known adopted emergency response or evacuation plans in the City of Wasco.

The implementation of the proposed Walmart within the Wasco Center may result in an increase in traffic volumes compared to the large box retail approved for the Walmart parcel. A traffic analysis will be prepared for the proposed project that will determine the level of service along adjacent roadways and the potential to interfere with emergency vehicles. This issue will be evaluated in the SEIR.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

**Less than Significant Impact.** As stated in the Wasco Center MND, the Wasco Center is not located in or adjacent to an area identified by the City of Wasco as a wildland fire hazard area. The MND found that the Wasco Center would result in a less than significant effect on the exposure of people or structures to wildland fires. Because the Walmart parcel is located within the Wasco Center, the implementation of Walmart would also result in less than significant wildland fire impacts. This issue will not be evaluated in the SEIR.

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## 9. Hydrology and Water Quality

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### Environmental Setting

The Wasco area is located within the Tulare Lake Basin hydrologic area, specifically the Kern County Groundwater subbasin. The Tulare Lake Basin hydrologic area comprises the drainage area of the San Joaquin Valley south of the San Joaquin River and encompasses approximately 17,650 square miles. The Kern County Groundwater subbasin portion of the Tulare Lake Basin area is bound on the north by the Kern County line and the Tule Groundwater subbasin, on the east and southeast and west by the marine sediments of the San Emigdio Mountains and Coast Ranges.

The average subbasin water level is essentially unchanged from 1970 to 2000. Groundwater quality throughout the basin is suitable for most urban and agricultural uses with only local impairments. The primary constituents of concern are high TDS, nitrate, arsenic, and organic compounds.

The City of Wasco's water supply is provided from groundwater. The City has a water distribution system that consists of eight wells; however, only seven of the wells currently operate. Six of the seven wells provide water for domestic service and fire flow while one of the wells provide water for irrigation for a golf course. The well that is not operating is inactive due to high concentrations of nitrates and Dibromochloropropane (DBCP) concentrations that exceed drinking water standards.

## Evaluation

Would the project:

### a) Violate any water quality standards or waste discharge requirements?

**Potentially Significant Impact.** The Wasco Center MND stated that the development of the Wasco Center would alter the composition of surface water runoff due to the addition of impervious surfaces and irrigation of landscaped areas. Paved surfaces could accumulate pollutants such as atmospheric pollution, tire-wear residues, petroleum products, fertilizers, and pesticide wash-off from landscape areas, litter, animal droppings, and other pollutants. Rainfall could convey these pollutants to downstream areas. However, as part of the Wasco Center project, a storm drain system is proposed that conveys storm water to underground retention facilities so that storm water as well as potential urban contaminants would remain onsite

The proposed project includes a modification to the approved storm drain system for Wasco Center. The approved system includes storm drains on the proposed project that would convey storm water to an underground retention basin west of the project site and within the Wasco Center. The proposed project includes a storm water system that collects storm water from the project site and conveys the storm water to an underground retention basin on the project site. Urban pollutants within the storm water will be conveyed to the proposed onsite retention basin. The urban pollutants associated with the proposed Walmart are expected to be the same type of urban pollutants associated with the approved large box retail store on the project site. Because the proposed project is expected to result in more vehicle trips compared to the approved large box retail store, additional pollutants may be generated and may be potentially significant. Long-term impacts to surface water quality will be evaluated in the SEIR.

The Wasco Center MND identified that construction activities may result in erosion, sediment, spills, and other construction-related sources of pollutants; however, similar to all construction projects encompassing over five acres, the construction of the approved Wasco Center would follow standard requirements associated with the National Pollutant Discharge Elimination System (NPDES) and a Stormwater Pollution Prevention Plan (SWPPP). Compliance with standard NPDES and SWPPP requirements through the use of best management practices would result in less than significant short-term impacts to water quality standards or waste discharge requirements.

Development of the proposed project will result in a slight increase in construction-related debris and contaminants could be generated and be conveyed to the Wasco Center storm drain system. Although the proposed project may generate more debris and contaminants during construction, these activities would be required to follow the standard requirements associated with the NPDES and a SWPPP similar to the construction areas within Wasco Center. These standard requirements include, but not limited to, stabilizing soils, establishing perimeter controls and sediment barriers, retaining sediment onsite, establishing staging and equipment maintenance areas, and spill prevention and control.

Therefore, the additional debris and contaminants that could be generated by the proposed project would result a less than significant impact to water quality standards or waste discharge requirements with the implementation of the standard requirements. Short-term construction impacts to surface water quality will not be evaluated in the SEIR.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)**

**Less than Significant Impact.** As discussed in the Wasco Center MND, the existing agricultural uses located on the Wasco Center site demands approximately 318 acre-feet of water per year (afy); however, after considering a 35 percent recharge of the groundwater sub-basin of 111 afy from the existing orchards, the net use of water from the groundwater sub-basin is approximately 207 afy.

The Wasco Center is expected to demand approximately 419 afy. However, after considering the following, the net water demand for Wasco Center is approximately 69 afy, which is considered negligible.

- Removal of the net water use of 207 afy from the groundwater subbasin by the existing onsite orchard
- A return of 35 percent (i.e., 86 afy) of the wastewater generated by the project, treated and recycled to the groundwater sub-basin
- A return of 35 percent (57 afy) of the irrigation water that is projected to be used to the groundwater sub-basin

The groundwater sub-basin that Wasco Center is located includes a total inflow of 1,534,000 afy and a total subbasin outflow of 1,400,300 afy for a net groundwater gain of 133,700 afy. The Wasco Center's net water demand of 69 afy represents 0.05 percent of the annual net gain in groundwater. As a result, implementation of the Wasco Center would represent a less than significant impact on the depletion of groundwater supplies.

The implementation of the proposed project will result in approximately 12,000 square feet more of commercial use compared to the approved large box retail on the Walmart parcel. Based on the data from the Water Supply Assessment that was prepared for Wasco Center, the water demand factor that was used for commercial structures was 220 gallons per day per one thousand square feet (gpd/ksf). The addition of 12,000 square feet of commercial use with the proposed Walmart would result in 2,640 gpd/ksf, which is 3 afy. Based on the sub-basin's annual net gain of groundwater of 133,700 afy, the additional water demand of 3 afy above and beyond the Wasco Center water demand of 69

afy would represent a total water demand within the Wasco Center with the proposed Walmart of 72 afy, which is also 0.05 percent of the annual net gain in groundwater.

Based on a negligible increase in water demand that takes water recharge to the groundwater sub-basin into account, the proposed project would result in a less than significant impact on the depletion of groundwater supplies. This issue will not be evaluated in the SEIR.

**c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

**Less than Significant Impact.** The development of the Wasco Center project, including the proposal project site, would result in cut and fill that may result in short-term construction related erosion and sedimentation. Grading would expose soils thereby creating a potential for sediment to travel offsite. However, there are no local downstream drainage courses (i.e. streams or rivers) and therefore, the Wasco Center would not have potential to impact a stream or river. As required by the State Water Resources Control Board, a NPDES construction permit is required for grading operations on sites that are greater than five acres. Compliance with the State's regulations would reduce potential impacts to surface storm water quality during construction activities to less than significant because the regulations require the implementation of erosion and sediment control measures.

Development of the proposed project within the Wasco Center will result in a substantial amount of impervious surfaces that will prevent on-site erosion and siltation, but will increase surface water runoff. The Wasco Center includes a subsurface storm drain system with underground retention basins to accept runoff from the proposed project. As the soil will be covered by pavement, building or landscaping, and all storm water runoff will be retained within the project, there is a less than significant impact on erosion or siltation on-site or off-site.

This issue will not be evaluated in the SEIR.

**d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

**Potentially Significant Impact.** As discussed above, the Wasco Center is not located within a FEMA designated 100-year flood zone. Development of the Wasco Center would substantially increase the amount of impervious surfaces on the Wasco Center site. The Wasco Center includes a storm drain system with underground retention basins to accommodate storm flows from the Wasco Center site, and thereby, reduce potential flooding impacts to less than significant.

The proposed project includes a modification to the approved storm drain system for Wasco Center. The approved system includes storm drains on the proposed project that would convey storm water to an underground retention basin west of the project site and within the Wasco Center. The proposed project includes a storm water system that collects storm water from the project site and conveys the storm water to an underground retention basin on the project site. Because the proposed onsite storm drain system is conceptual, additional information will be provided. This issue will be evaluated in the SEIR.

- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**Potentially Significant Impact.** According to the Wasco Center MND, development in accordance with the Wasco Center project that includes a 158,000-sq ft structure with a large box retail use, would include a storm drain system with underground retention basins to retain stormwater flows onsite. The majority of the Wasco Center will include impervious surfaces. The design of the storm drain system will accommodate a 100-year rainfall event and result in less than significant impacts on existing drainage systems.

Development of the proposed project would replace the 158,000- sq ft structure with a 170,000- sq ft structure. As stated above, the proposed project also includes a modification to the approved storm drain system. Because the proposed onsite storm drain system is conceptual, additional information will be provided. This issue will be evaluated in the SEIR.

- f) Otherwise substantially degrade water quality?**

**Potentially Significant Impact.** As discussed in Item 9(a) above, long-term impacts to water quality may potentially be significant and short-term impacts to water quality are expected to be less than significant. The long-term impacts to water quality will be evaluated in the SEIR.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**No Impact.** As stated in the Wasco Center MND, the Wasco Center including the Walmart parcel, is not located within a FEMA designated 100-year flood zone. Furthermore, the proposed Walmart does not include housing. Therefore, the implementation of the proposed Walmart would result in no impacts to housing being placed in a 100-year flood zone. These impacts will not be evaluated in the SEIR.

**h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

**No Impact.** As discussed in Item 9(g) above, the Wasco Center including the Walmart parcel, is not located within a FEMA designated 100-year flood zone. Therefore, similar to the finding in the Wasco Center MND, the proposed Walmart will not place a structure within a 100-year flood hazard area, which would impede or redirect flood flows. This issue will not be evaluated in the SEIR.

**i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

**No Impact.** As discussed in the Wasco Center MND, the Wasco Center, including the Walmart parcel, is not located within a 100-year flood hazard area or within an inundation area of a levee or dam. Therefore, similar to the finding in the Wasco Center MND, the proposed Walmart will not expose people or structures to significant risk of loss, injury or death involving flooding. This issue will not be evaluated in the SEIR.

**j) Inundation by seiche, tsunami, or mudflow?**

**No Impact.** Similar to the finding in the Wasco Center MND, the proposed Walmart parcel is not located in an area subject to a seiche, tsunami, or mudflow hazards. There are no large open areas of water in the project vicinity that could create a seiche hazard on the project site. Tsunami occur along the coast, and therefore, since the project is in the Central Valley, the project site could not be subject to a tsunami. Finally, the project site and surrounding area is relatively flat and would not be subject to mudflows. These impacts will not be evaluated in the SEIR.

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## **10. Land Use and Planning**

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### **Environmental Setting**

The Wasco General Plan and Zoning designates the Walmart parcel community retail commercial. North of the parcel is low density residential, east of the site is high density residential, and west and south of the parcel is community retail commercial. The proposed Walmart is consistent with the current general plan and zoning designations for the site.

### **Evaluation**

Would the project:

**a) Physically divide an established community?**

**No Impact.** The Wasco Center MND identified that the development of the Wasco Center would not physically divide an established community because the urban development that exists in the project vicinity is along SR-46 has relatively uncoordinated, spot oriented and highly variable with regard to

age, architecture and type of business. The Wasco General Plan includes goals, policies, and objectives for the transformation of the general area. This issue will not be evaluated in the SEIR.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

**No Impact.** As discussed above, the proposed project is consistent with the current general plan and zoning designations for the site. This issue will not be evaluated in the SEIR.

- c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?**

**No Impact.** According to the Wasco General Plan Update - 2002, the Wasco Center, including the proposed project site, is not located within a habitat conservation plan or natural community conservation plan. This issue will not be evaluated in the SEIR.

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## **11. Mineral Resources**

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### **Environmental Setting**

Based on the findings in the Wasco Center MND, neither the Wasco general Plan nor the Kern County General Plan identifies the Wasco Center site, including the Walmart parcel, as a known mineral resource location.

### **Evaluation**

Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**No Impact.** Neither the Wasco nor the Kern County general plans identify the Wasco Center site, which includes the proposed project, as a known mineral resource location. Implementation of the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. This issue will not be evaluated in the SEIR.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**No Impact.** See Item 11(a) above. This issue will not be evaluated in the SEIR.

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## 12. Noise

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### Environmental Setting

The dominant noise source in the vicinity of the Wasco Center, including the Walmart parcel, is vehicular traffic from SR-46, Magnolia Avenue, Central Avenue and Palm Avenue. Occasional aircraft noise associated with the Wasco-Kern County Airport located approximately 1.5 miles to the north is also occasionally present in the project vicinity.

### Evaluation

Would the project result in:

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Potentially Significant Impact.** Construction of the proposed project will create short-term noise impacts associated with construction equipment. Grading equipment, as well as excavators, lifts, bull dozers, backhoes, concrete pumps, pickup trucks, paving machines, and generators may be used in construction of buildings and the parking area for the proposed project. After construction, traffic associated with the proposed project may increase traffic on area roadways and possibly increase localized noise levels. Operation of the Walmart facility will include noise from HVAC units, impact wrenches from the tire and service center, parking lot sweepers, truck deliveries, parking lot noise from patrons and other similar retail and delivery noise sources. There are no existing sensitive receptors adjacent to the proposed project, and the types of noise associated with the structure should not exceed either the General Plan or the noise ordinance standards for the City. However, this issue will be evaluated in the SEIR.

- b) **Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

**Less than Significant Impact.** With the exception of localized vibration associated with large trucks or construction machinery, the type of construction for the proposed project is unlikely to generate vibration that may be felt by adjacent uses. The construction of the proposed project would not require the use of equipment such as jackhammers, impact hammers, and pile drivers, which are known to generate substantial construction vibration levels. As the proposed project is a Walmart, which is a retail sales facility, operation of the store will not generate groundborne vibration that will be felt off-site. This issue will not be evaluated in the SEIR.

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Potentially Significant Impact.** As discussed in the Wasco Center MND, long-term operations of the Wasco Center could result in potentially significant noise impacts. These potentially significant

noise impacts would occur due to increases in traffic noise along the roadways in the project vicinity as well as increases in noise levels from stationary onsite uses.

Implementation of the proposed project would result in similar noise impacts during operations of the Walmart; however, the impact of the operational noise could be greater because Walmart is proposed to operate 24-hours a day. This issue will be evaluated in the SEIR.

**d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Potentially Significant Impact.** Construction of the proposed Walmart may result in additional temporary or periodic increases in ambient noise levels compared to the noise levels identified in the Wasco Center MND. This issue will be evaluated in the SEIR.

**e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** The Kern County Airport Land Use Compatibility Plan for the Wasco-Kern County Airport identifies that the Wasco Center site is outside of the 65 dBA noise contour. As a result, the operations at the Wasco-Kern County Airport would not expose people working on the Walmart parcel to noise levels in addition to those addressed in the Wasco Center MND. This issue will not be evaluated in the SEIR.

**f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** According to Wasco Center MND, there are no private airstrips in the vicinity of the proposed project site. This issue will not be evaluated in the SEIR.

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## **13. Population and Housing**

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### **Environmental Setting**

When the Wasco Center MND was considered, the Wasco Center site included one single-family residence with the remaining area in agricultural use or undeveloped. Current aerial photographs of the Wasco Center site indicate that the single-family residence located in the eastern portion of the Wasco Center has been removed. Currently, the proposed project site contains orchards.

### **Evaluation**

Would the project:

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

**No Impact.** The proposed Walmart would not result in the inducement of population or housing above and beyond that analyzed in the Wasco Center MND. This issue will not be evaluated in the SEIR.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

**No Impact.** The proposed project site does not contain any housing units. This issue will not be evaluated in the SEIR.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

**No Impact.** See Item 13(b) above. This issue will not be evaluated in the SEIR.

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## **14. Public Services**

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### **Environmental Setting**

The Wasco Center, including the Walmart parcel, is currently served by the Kern County Fire Department and the Kern County Sheriff's Department. Schools that serve the area include the Wasco Union High School District and Wasco Union Elementary School District. Currently, there are four public parks that are located within the City of Wasco.

### **Evaluation**

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) **Fire protection?**

**Less than Significant Impact.** The Wasco Center, including the proposed project site, is located within one mile of the Kern County Fire Department Station 31. The Wasco Center MND identified that discussion occurred with representatives of the Kern County Fire Department who indicated that development of the Wasco Center would not impair their ability to serve and respond to emergency calls within four minutes after first notification. Therefore, the Wasco Center MND found that the proposed Wasco Center would not result in substantial physical impacts associated with the provision of fire protection services to the Wasco Center.

The proposed Walmart will have longer hours of operations than those associated with the approved large box retail. Although potential impacts associated with the provision of fire protection services are expected to be similar to those associated with other portions of the Wasco Center, this issue will be evaluated in the SEIR.

**b) Police protection?**

**Less than Significant Impact.** The Wasco Center, including the proposed project site, is located within one mile of the Kern County Sheriff Wasco Substation. The Wasco Center MND identified that discussion occurred with representatives of the Kern County Sheriff Wasco Substation who indicated that development of the Wasco Center would not impair their ability to serve and respond to emergency calls within four minutes after first notification. Therefore, the Wasco Center MND found that the proposed Wasco Center would not result in substantial physical impacts associated with the provision of police protection services to the Wasco Center.

The proposed Walmart will have longer hours of operations than those associated with the approved large box retail. Although potential impacts associated with the provision of police protection services are expected to be similar to those associated with other portions of the Wasco Center, this issue will be evaluated in the SEIR.

**c) Schools?**

**Less than Significant Impact.** Implementation of the proposed project will result in the replacement of a large box retail use with a Walmart. The proposed Walmart includes approximately 12,000 more square feet than the approved large box retail. Similar to the finding provided in the Wasco Center MND, the implementation of the proposed Walmart would also result in a less than significant impact on schools. In addition, as required by SB 50, the construction of the proposed Walmart would require payment of a school impact fee. This issue will not be evaluated in the SEIR.

**d) Parks?**

**No Impact.** The implementation of the proposed Walmart will not result in the direct generation of residents that would use parks for recreation. As a result, the proposed Walmart will result in no impacts on parks. This issue will not be evaluated in the SEIR. .

**e) Other public facilities?**

**Less than Significant Impact.** Similar to the Wasco Center, the proposed Walmart will require the City to process grading and building permits. The need for personnel within these other departments would result in a less than significant impact on the existing services of these other departments. This issue will not be evaluated in the SEIR.

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## 15. Recreation

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### Environmental Setting

There are currently four parks within the City of Wasco that encompass approximately 43 acres.

### Evaluation

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**No Impact.** The proposed Walmart is a commercial use that would not directly result in a demand for park facilities. The demand for park facilities is based on the residential population within the City. Since the Walmart project does not include housing, the project would not result in a direct demand for park facilities. This issue will not be evaluated in the SEIR.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

**No Impact.** As identified in Item 15(a) above, the proposed Walmart is a commercial use that would not directly result in a demand for recreational facilities. The demand for recreational facilities is based on the residential population within the City. Since the Walmart project does not include housing, the project would not result in a direct demand for recreational facilities. This issue will not be evaluated in the SEIR.

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## 16. Transportation/Traffic

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### Environmental Setting

The primary roadways in the project vicinity include SR-46, Magnolia Avenue, Central Avenue, Beckes Street, Palm Avenue, Popular Avenue, Griffith Avenue, F Street/Highway 43 South, J Street/Highway 43 North, and Margalo Street. Currently, intersections in the project vicinity are operating at a level of service (LOS) C or better.

### Evaluation

Would the project:

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

**Potentially Significant Impact.** According to the Wasco Center MND, the development of the Wasco Center would result in increases in traffic volumes that would significantly impact intersections and roadway segments in the project vicinity, and therefore, may conflict with City or State policies regarding performance of facilities. Improvements were recommended in the Wasco Center MND to reduce potential traffic impacts to less than significant.

The replacement of a large box retail use with a Walmart will result in additional traffic volumes that could increase impacts on intersections and roadway segments, and conflict with policies regarding performance of facilities. This issue will be evaluated in the SEIR.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

**Potentially Significant Impact.** As discussed in Item 16(a) above, the development of the Wasco Center would result in increases in traffic volumes that would significantly impact intersections and roadway segments in the project vicinity (i.e., decrease the level of service to a deficient level). Improvements were recommended in the Wasco Center MND to reduce potential traffic impacts to less than significant.

The replacement of a large box retail use with a Walmart will result in additional traffic volumes that could increase impacts on intersections and roadway segments and reduce the level of service of the facilities in the project area to deficient levels. This issue will be evaluated in the SEIR.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

**No Impact.** According to the Wasco Center MND, implementation of the Wasco Center would not operationally interact with the general aviation activities occurring at the Wasco-Kern County Airport. Therefore, the Wasco Center would result in no impacts on air traffic patterns.

Since the proposed Walmart would replace an approved structure of a similar height within the Wasco Center, the implementation of the proposed Walmart would not affect aviation activities or impact air traffic patterns. This issue will not be evaluated in the SEIR.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Less than Significant Impact.** Implementation of the Wasco Center would include a circulation system that is free of sharp curves or dangerous intersections. Although the Wasco Center would increase traffic volumes in the project vicinity, the Wasco Center MND found that the Wasco Center would result in less than significant traffic hazard impacts.

The implementation of the proposed Walmart will increase traffic volumes in the project vicinity; however, this increase in traffic volumes would result in a less than significant traffic hazard impacts because the proposed design of the Walmart would not include any hazardous traffic features. This issue will not be evaluated in the SEIR.

**e) Result in inadequate emergency access?**

**Less than Significant Impact.** According to the Wasco Center MND, the design of the Wasco Center includes 18 access points that could provide adequate emergency access. The implementation of the proposed Walmart would not modify the approved access points to the Wasco Center. Since the proposed Walmart is replacing an approved large box retail use on the Walmart parcel, the implementation of the proposed Walmart would result in adequate emergency access similar to the finding in the approved Wasco Center MND. This issue will not be evaluated in the SEIR.

**f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

**Less than Significant Impact.** According to the Wasco Center MND, the Wasco Center would not conflict with any known adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Therefore, implementation of the Wasco Center would result in a less than significant impact on alternative transportation.

With the replacement of a large box retail use with a Walmart, public transit, bicycle, or pedestrian facilities will experience a less than significant impact. This issue will not be evaluated in the SEIR.

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## **17. Utilities and Service Systems**

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### **Environmental Setting**

The City of Wasco provides sewer, stormwater, and water facilities within the City of Wasco. Existing sewer facilities include a 24-inch sewer located in Central Avenue and within SR-46 west of Central Avenue. This facility ultimately conveys wastewater to the City's wastewater treatment plant. Stormwater within the City is conveyed into subsurface storm drain lines and then ultimately to a system of holding ponds west of the project area near the City's existing wastewater treatment plant. Water service is provided by the City of Wasco with a water distribution system that includes groundwater wells.

The City of Wasco also provides its own trucks to collect refuse. The solid waste is transported to either Arvin or Shafter-Wasco Sanitary Landfill for disposal.

### **Evaluation**

Would the project:

**a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

**Less than Significant Impact.** The City's wastewater treatment plant currently has a design capacity of 3.0 million gallons per day (mgd) and a current annual demand of 1.7 mgd. Therefore, the City has a current available wastewater treatment capacity of 1.3 mgd. Design capacities of treatment plants take into account meeting the wastewater requirements of the Regional Water Quality Control Board (RWQCB).

According to the Wasco Center MND, the Wasco Center is projected to generate a demand of approximately 0.4 mgd at full buildout. Because the proposed Walmart would replace an approved large box retail use on the proposed project site, the increased size of the proposed Walmart would generate wastewater at the same rate as the approved large box retail. The proposed project will be 12,000 square feet greater in size than the approved large box retail use. Based on a generation factor of 209 gallons per day per 1,000 sq. ft. (gpd/1,000 sq. ft.), the additional footprint of the proposed project is projected to generate approximately 2,508 gpd or 0.0025 mgd. This wastewater generation along with the Wasco Center's projected generation of 0.4 mgd would be substantially less than the available wastewater treatment capacity of 1.3 mgd. Therefore, implementation of the proposed project would result in a less than significant impact on applicable RWQCB wastewater treatment requirements. This issue will not be evaluated in the SEIR.

**b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Less than Significant Impact.** As identified in Item 17(a) above, the addition of the proposed project within the approved Wasco Center would result in a demand for wastewater treatment that is substantially less than the available wastewater capacity of 1.3 mgd. Therefore, the implementation of the proposed project would not require the construction of new wastewater treatment facilities or expansion of existing treatment facilities.

As identified in the Wasco Center MND, the approved "Large Box Retail" use on the proposed project site includes a sewer line that would connect to the approved structure. Implementation of the proposed Walmart would not require any sewer lines in addition to those planned as part of the approved Wasco Center. Similar to the approved Wasco Center, the proposed Walmart would result in less than significant impacts related to sewer lines.

As discussed in Item 9(b) above, the water demand resulting from the implementation of the approved Wasco Center along with the proposed Walmart would result in a demand for 72 acre feet of water per year. The proposed Walmart will result in an additional 3 afy above and beyond the water demand estimated for the approved Wasco Center. The additional water demand for 72 afy

represents 0.05 percent of the subbasin's annual net gain in groundwater. Therefore, the City has available water to provide to the Wasco Center, including the proposed Walmart.

As identified in the Wasco Center MND, the approved "Large Box Retail" use on the Walmart parcel includes a water line that would connect to the approved structure. Implementation of the proposed Walmart would not require any water lines in addition to those planned as part of the Wasco Center. Similar to the Wasco Center, the proposed Walmart would result in less than significant impacts related to water lines.

As a result, the proposed Walmart would not require the construction of sewer and water lines in addition to those planned as part of the Wasco Center, therefore, the proposed Walmart would result in less than significant environmental affects related to sewer and water lines. These issues will not be evaluated in the SEIR.

**c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Less than Significant Impact.** As discussed in Item 9(d) above, development of the Wasco Center would substantially increase the amount of impervious surfaces on the Wasco Center site. This increase in impervious surface will increase surface water storm flows. The Wasco Center includes a storm drain system with underground retention basins to accommodate storm flows from the Wasco Center site, and thereby, reduce potential flooding impacts to less than significant.

The implementation of the proposed Walmart within the Wasco Center would result in a similar amount of impervious surfaces as the large box retail that is approved on the Walmart parcel. The increase in surface water flows on the Walmart parcel would be accommodated by the storm drain system that is planned as part of the Wasco Center. Therefore, the implementation of the proposed Walmart as well as the storm drain system that is part of the Wasco Center would reduce potential flooding impacts to less than significant. This issue will not be evaluated in the SEIR.

**d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

**Less than Significant Impact.** As discussed in Item 9(b) above, the water demand resulting from the implementation of the approved Wasco Center along with the proposed Walmart would result in a demand for 72 acre feet of water per year. The proposed Walmart will result in an additional 3 afy above and beyond the water demand estimated for the approved Wasco Center. The additional water demand for 72 afy represents 0.05 percent of the subbasin's annual net gain in groundwater. Therefore, the City has available water to provide to the Wasco Center, including the proposed Walmart. This issue will not be evaluated in the SEIR.

- e) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**Less than Significant Impact.** As discussed in Item 17(a) above, the City's wastewater treatment plant currently has a design capacity of 3.0 million gallons per day (mgd) and a current annual demand of 1.7 mgd. Therefore, the City has a current available wastewater treatment capacity of 1.3 mgd.

According to the Wasco Center MND, the Wasco Center is projected to generate a demand of approximately 0.4 mgd at full buildout. Because the proposed Walmart would replace an approved large box retail use on the Walmart parcel, the additional wastewater demand from the proposed Walmart is expected to increase the overall demand within the Wasco Center by approximately 0.0025 mgd which will be substantially less than the available wastewater treatment capacity of 1.3 mgd. Therefore, implementation of the proposed Walmart would result in a less than significant impact on the City's ability to adequately treat wastewater. This issue will not be evaluated in the SEIR.

- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

**Less than Significant Impact.** According to the Wasco Center MND, the Shafter-Wasco Landfill, is currently permitted to accept approximately 888 tons of waste per day and has an estimated closure date of January 2027. The landfill's solid waste intake has been planned to accommodate a projected area-wide increase in solid waste generation of 3 to 4 percent per year. Based on a solid waste generation rate of 13 pounds of solid waste per 1,000 square feet per day, the additional 12,000 square feet of footprint would generate approximately 156 pounds (0.078 tons) of solid waste per day. Based on the available capacity and a projected solid waste intake of 3 to 4 percent, the implementation of the proposed Wasco Center and the proposed Walmart would result in a less than significant impact on landfill capacity. This issue will not be evaluated in the SEIR.

- g) **Comply with federal, state, and local statutes and regulations related to solid waste?**

**Less than Significant Impact.** According to the Wasco Center MND, the City provides solid waste collection services for all solid waste generation sources within its corporate limits. Under mandate by the California Integrated Waste Management Board to continue increasing its diversion percentage, the City seeks to take advantage of as many available diversion oriented protocols or methods (e.g. green waste collection) as feasible. The Wasco Center is planned to comprise of a wide array of commercial and residential uses. Future Wasco Center tenants, particularly those which are large solid waste volume generators, would benefit greatly by complying with City, as well as any applicable County, State and/or Federal solid waste-related statutes and/or regulations. Such benefits

encompass financial and operational parameters. The Wasco Center MND found that the Wasco Center would comply with federal, state, and local statutes and regulations related to solid waste.

Because the proposed Walmart would replace an approved large box retail within the Wasco Center, the proposed Walmart would be required to comply with the same waste diversion requirements as the future tenants within the Wasco Center. The proposed Walmart would comply with required federal, state, and local statutes and regulations related to solid waste. This issue will not be evaluated in the SEIR.

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## 18. Urban Decay

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### Environmental Setting

The setting for urban decay will be discussed in the SEIR.

### Evaluation

a) **Result in Urban Decay within the retail market served by the proposed project?**

**Potentially Significant Impact.** The potential urban decay impacts associated with the implementation of the proposed Walmart will be evaluated in the SEIR.

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## 19. Mandatory Findings of Significance

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### Evaluation

a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?**

**Potentially Significant Impact.** The Wasco Center, including the Walmart parcel, has the potential for the presence of two species. These two species are burrowing owl, a California Species of Special Concern, and San Joaquin kit fox, a Federally Endangered and State Threatened species. The approved MND for the Wasco Center identified a potentially significant impact to these two species. Mitigation measures to reduce impacts to these two species to less than significant were provided in the approved MND.

The implementation of the proposed modification of the Wasco Center that would replace an approved, but not yet built, large box retail use with a Walmart would not impact either of these two species above and beyond the potential impacts identified for the Wasco Center. Although there would be no additional impact on these two species, a review of the current California Natural Diversity Database will be conducted to determine if there are any new species present in the area.

Because it is unknown if there are new sensitive plant and wildlife species in the project area, potential impact could be significant and will be further evaluated, if needed, in the Draft Focused SEIR.

Based on Items 5(a) through (d) above, the implementation of the proposed Walmart would not result in any additional impacts on unknown cultural resources above and beyond the impacts identified in Wasco Center MND. Because no additional impacts on cultural resources would occur with the implementation of the proposed Walmart, this issue regarding cultural resources will not be evaluated in the SEIR.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

**Potentially Significant Impact.** Implementation of the proposed Walmart may result in impacts that are cumulatively considerable. Therefore, this issue will be evaluated in the SEIR.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

**Potentially Significant Impact.** The implementation of the proposed Walmart may result in environmental impacts in addition to those that were evaluated for the Walmart parcel in the Wasco Center MND. These potential impacts may cause substantial adverse effects on human beings, either directly or indirectly. Therefore, this issue will be evaluated in the SEIR.

## SECTION 4: REFERENCES

- California Department of Conservation. 2000. Earthquake Fault Zones Affecting Kern County (West). Website:  
[http://www.lib.berkeley.edu/EART/UCONLY/CDMG/central/coast\\_index.pdf](http://www.lib.berkeley.edu/EART/UCONLY/CDMG/central/coast_index.pdf).
- California Department of Transportation. 2010. Eligible and Officially Designated State Scenic Highways in Kern County. Website:  
[http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index/htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index/htm). Assessed July 21, 2010.
- California. State of. ND. California Government Code Section 51104(g).
- California. State of. 2007. California Building Code Section 1805A.8.
- Chambers Group, Inc. 2008. Draft Environmental Assessment/Initial Study Wasco Center. August.
- International Dark Sky Association. 1996. Informational Sheet 76, Exterior Lighting: Glare and Light Trespass. July.
- Michael Brandman Associates. 2010. Site Visit. July 1.
- Quad Knopf. 2002. City of Wasco General Plan Update - 2002, Draft Environmental Impact Report. July.
- Quad Knopf. 2002. City of Wasco General Plan Update - 2002, Final Environmental Impact Report. September.
- Quad Knopf. 2002. City of Wasco General Plan. October.
- Wasco, City of. ND. Wasco Municipal Code.

## **A.2 - Notice of Preparation Responses**





Arnold Schwarzenegger  
Governor

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



Cathleen Cox  
Acting Director

Notice of Preparation

September 2, 2010

RECEIVED  
SEP - 7 2010

To: Reviewing Agencies

Re: Wasco Center Walmart  
SCH# 2010091006

Attached for your review and comment is the Notice of Preparation (NOP) for the Wasco Center Walmart 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:

Sara Allinder  
City of Wasco  
764 E Street  
Wasco, CA 93280

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  
Director, State Clearinghouse

Attachments

cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010091006  
**Project Title** Wasco Center Walmart  
**Lead Agency** Wasco, City of

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**Type** NOP Notice of Preparation

**Description** The project includes the construction of a Walmart that would modify the Precise Development Plan adopted for the Wasco Center to allow an increase in the size of one of the buildings from 158,000 to 170,000 sf. The increase in size is requested for the construction of a Walmart that consists of a 24 hr retail and grocery center. The entitlements that are required for the project include a (1) Precise Development Plan approval, and (2) various other local, state, and federal approvals that may be necessary pursuant to applicable laws and regulations.

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**Lead Agency Contact**

**Name** Sara Allinder  
**Agency** City of Wasco  
**Phone** 661-758-7200 **Fax**  
**email**  
**Address** 764 E Street  
**City** Wasco **State** CA **Zip** 93280

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**Project Location**

**County** Kern  
**City** Wasco  
**Region**  
**Cross Streets** SR 46 and Central Ave  
**Lat / Long** 35° 36' 09" N / 119° 21' 29" W  
**Parcel No.** 487-010-062  
**Township** 27S **Range** 24W **Section** 2 **Base**

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**Proximity to:**

**Highways** SR 46  
**Airports** Wasco-Kern County  
**Railways** No  
**Waterways** No  
**Schools** 12  
**Land Use** Agriculture (Walnut Orchards)/Community Retail Commercial/Community Retail Commercial

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**Project Issues** Aesthetic/Visual; Air Quality; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Growth Inducing; Noise; Public Services; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wildlife

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 4; Native American Heritage Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 6; Regional Water Quality Control Bd., Region 5 (Fresno)

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**Date Received** 09/02/2010 **Start of Review** 09/02/2010 **End of Review** 10/01/2010

- Resources Agency  
Ladell Gayou
- Resources Agency  
Ladell Gayou
- Dept. of Boating & Waterways  
Mike Sotelo
- California Coastal Commission  
Elizabeth A. Fuchs
- Colorado River Board  
Gerald R. Zimmerman
- Dept. of Conservation  
Rebecca Salazar
- California Energy Commission  
Eric Knight
- Cal Fire  
Allen Robertson
- Central Valley Flood Protection Board  
James Herota
- Office of Historic Preservation  
Ron Parsons
- Dept of Parks & Recreation  
Environmental Stewardship Section
- California Department of Resources, Recycling & Recovery  
Aue O'Leary
- S.F. Bay Conservation & Dev't. Comm.  
Steve McAdam
- Dept. of Water Resources  
Resources Agency  
Ladell Gayou
- Conservancy
- Land Game
- Dept. of Fish & Game  
Scott Flint
- Environmental Services Division  
Donald Koch
- Fish & Game Region 1  
Laurie Harnsberger
- Fish & Game Region 2  
Jeff Drongesen
- Fish & Game Region 3  
Charles Armor
- Fish & Game Region 4  
Julie Vance
- Fish & Game Region 5  
Don Chadwick
- Fish & Game Region 6  
Gabrina Gatchel
- Fish & Game Region 6 I/M  
Brad Henderson
- Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M  
George Isaac
- Marine Region
- Other Departments
- Food & Agriculture  
Steve Shaifer
- Dept. of Food and Agriculture
- Dept. of General Services  
Public School Construction
- Dept. of General Services  
Anna Garbeif
- Environmental Services Section
- Dept. of Public Health  
Bridgette Binning
- Dept. of Health/Drinking Water
- Independent Commissions/Boards
- Delta Protection Commission  
Linda Flack
- Cal EMA (Emergency Management Agency)  
Dennis Castrillo
- Governor's Office of Planning & Research  
State Clearinghouse

- Native American Heritage Comm.  
Debbie Treadway
- Public Utilities Commission  
Leo Wong
- Santa Monica Bay Restoration  
Guangyu Wang
- State Lands Commission  
Marina Brand
- Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques
- Business, Trans & Housing
- Caltrans - Division of Aeronautics  
Sandy Hesnard
- Caltrans - Planning  
Terri Pencovic
- California Highway Patrol  
Scott Loetscher
- Office of Special Projects
- Housing & Community Development  
CEQA Coordinator
- Housing Policy Division
- Dept. of Transportation
- Caltrans, District 1  
Rex Jackman
- Caltrans, District 2  
Marcelino Gonzalez
- Caltrans, District 3  
Bruce de Terra
- Caltrans, District 4  
Lisa Carboni
- Caltrans, District 5  
David Murray
- Caltrans, District 6  
Michael Navarro
- Caltrans, District 7  
Elmer Alvarez

- Caltrans, District 8  
Dan Kopulsky
- Caltrans, District 9  
Gayle Rosander
- Caltrans, District 10  
Tom Dumas
- Caltrans, District 11  
Jacob Armstrong
- Caltrans, District 12  
Chris Herre
- Cal EPA
- Air Resources Board
- Airport Projects  
Jim Lerner
- Transportation Projects  
Douglas Ito
- Industrial Projects  
Mike Tollstrup
- State Water Resources Control Board  
Regional Programs Unit  
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  
CEQA Coordinator

- 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 5  
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

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



RECEIVED  
SEP 22 2010

September 16, 2010

Ms. Sara Allinder

**CITY OF WASCO**

764 E. Street  
Wasco, CA 93280

Re: SCH#2010091006 CEQA Notice of Preparation (NOP): draft Environmental Impact Report/ (DEIR) for the Wasco Center Wal-Mart Project located in the City of Wasco; Kern County, California.

Dear Ms. Allinder:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile radius of the 'area of potential effect (APE)'. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for archaeological data. (916) 653-7278.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]) *et se*), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

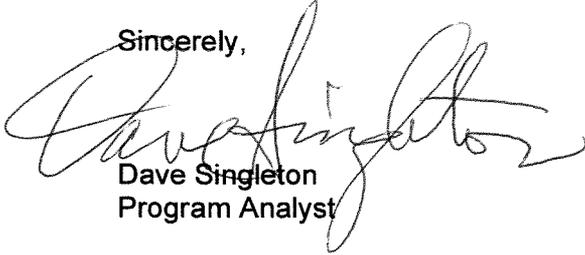
Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of

any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", written over the typed name and title.

Dave Singleton  
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Native American Contacts  
Kern County  
September 16, 2010

Santa Rosa Rancheria  
Rueben Barrios, Chairperson  
P.O. Box 8  
Lemoore , CA 93245  
(559) 924-1278  
(559) 924-3583 Fax

Tache  
Tachi  
Yokut

Tejon Indian Tribe  
Kathy Morgan, Chairperson  
2234 4th Street  
Wasco , CA 93280  
kmorgan@bak.rr.com  
661-758-2303  
Yowlumne  
Kitanemuk

Tule River Indian Tribe  
Ryan Garfield, Chairperson  
P.O. Box 589  
Porterville , CA 93258  
chairman@tulerivertribe-nsn.  
(559) 781-4271  
(559) 781-4610 FAX

Yokuts

Kawaiisu Tribe of Tejon Reservation  
David Laughinghorse Robinson  
PO Box 1547  
Kernville , CA 93238  
(661) 664-3098 - work  
(661) 664-7747 - home  
horse.robinson@gmail.com  
Kawaiisu

Ron Wermuth  
P.O. Box 168  
Kernville , CA 93238  
warmoose@earthlink.net  
(760) 376-4240 - Home  
(916) 717-1176 - Cell

Tubatulabal  
Kawaiisu  
Koso  
Yokuts

Esohm Valley Band of Indians/Wuksache Tribe  
Kenneth Woodrow, Chairperson  
1179 Rock Haven Ct.  
Salinas , CA 93906  
kwood8934@aol.com  
831-443-9702  
Foothill Yokuts  
Mono

Kitanemuk & Yowlumne Tejon Indians  
Delia Dominguez  
981 N. Virginia  
Covina , CA 91722  
(626) 339-6785

Yowlumne  
Kitanemuk

Chumash Council of Bakersfield  
Arianne Garcia, Chairperson  
P.O. Box 902  
Bakersfield , CA 93302  
chumashtribe@sbcglobal.  
(661) 836-0486  
(661) 836-0487  
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010091006; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Wasco Center Walmart Project; located in the City of Wasco; Kern County, California.

Native American Contacts  
Kern County  
September 16, 2010

Kern Valley Indian Council  
Robert Robinson, Historic Preservation Officer  
P.O. Box 401                      Tubatulabal  
Weldon           , CA 93283      Kawaiisu  
**brobinson@iwvisp.com**        Koso  
(760) 378-4575 (Home)        Yokuts  
(760) 549-2131 (Work)

Carol A. Pulido  
165 Mountainview Street      Chumash  
Oak View           , CA 93022  
805-649-2743 (Home)

Tubatulabals of Kern Valley  
Donna Begay, Tribal Chairwoman  
P.O. Box 226                      Tubatulabal  
Lake Isabella, CA 93240  
**drbegay@aol.com**  
(760) 379-4590  
(760) 379-4592 FAX

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.**

**This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010091006; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Wasco Center Walmart Project; located in the City of Wasco; Kern County, California.**



September 15, 2010

RECEIVED  
SEP 17 2010

Sara Allinder  
Community Development Director  
764 "E" Street  
Wasco, CA 93280

**Project: Notice of Preparation for Wasco Center Walmart in Wasco California**

**District California Environmental Quality Act (CEQA) Reference No: 20100743**

Dear Ms. Allinder:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. This project is an Initial Study that evaluates the possible environmental effects that could result from the proposed changes to the previous approved *Wasco Center* project. The purpose of this Initial Study is to review the proposed change to the *Wasco Center* in order to determine whether the proposed modification to the *Wasco Center* may have potentially new significant effects on the environment as compared to the evaluation in the Mitigated Negative Declaration (State Clearinghouse Number 2008091103) approved for the *Wasco Center*. Any new significant effects on the environment that represent a substantial increase in the severity will be required to be the focus of a Subsequent Environmental Impact Report (SEIR). The District concurs with the Initial Study's *Air Quality* section. The District will review all air quality significance criteria evaluated in the SEIR.

The project would be subject to District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510 be made a condition of project approval, including payment of all applicable fees before issuance of the first building permit.

Seyed Sadredin  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

This project may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

If you have any questions or require further information, please call Debbie Johnson, at (559) 230-5817.

Sincerely,

David Warner  
Director of Permit Services

  
for Arnaud Marjollet  
Permit Services Manager

DW:dj

Cc: File