

## EXECUTIVE SUMMARY

### Purpose

This ~~Draft~~ Final Subsequent Environmental Impact Report (~~Draft~~ Final SEIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Wasco Walmart (State Clearinghouse No. 2008091103). This document is prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.).

The purpose of this ~~Draft~~ Final SEIR is to inform decision makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project. This ~~Draft~~ Final SEIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

### Project Summary

#### Project Location

The site of the proposed project is located within the incorporated limits of the City of Wasco approximately eight miles west of State Route (SR) 99 on SR 46 (Paso Robles Highway) in north-central Kern County. East to west regional access to both the City of Wasco and the 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 SR-46, which borders the project to the south. The proposed project is located on approximately 17 acres adjacent to and west of future Central Avenue and immediately south of future Margalo Street.

#### Project Description

The proposed project consists of the construction of a Walmart, operating 24 hours a day, 7 days a week, within the already approved Wasco Center. The proposed project would replace the approved "Large Box Retail" use on the project site with the proposed Walmart. The previously approved "Large Box Retail" use would have had a build-out square footage of 158,000, while the proposed project would total approximately 170,000 sq ft.

#### Project Objectives

Objectives included in the proposed Wasco Center Walmart project are to:

- Provide the City of Wasco and surrounding region with a retail element that would provide significant benefits in terms of employment opportunities, sales tax revenues, and affordable shopping opportunities.

- Promote economic growth and development that is consistent with the City of Wasco General Plan.
- Provide a combined retail and grocery use that will stimulate development of the approved Wasco Center by motivating retailers to lease the approved, but not yet constructed, structures within the Wasco Center.
- Maximize the amount of sales and property tax revenues collected by the City of Wasco and Kern County to support local and regional agencies and programs.
- Provide the City of Wasco's largest proposed commercial retail district with a nationally recognized anchor to attract consumers and other businesses.
- Reduce vehicle travel by providing residents with a local and inclusive shopping option in the City of Wasco.
- Provide a 24-hour retail use to serve the residents of the City of Wasco and travelers along SR-46.
- Provide a retail use on a site that would require modification of an approved, but not yet constructed, development.

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### **Significant Unavoidable Adverse Impacts**

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Except for traffic, all other environmental impact issue areas analyzed were determined to have “no impact”, “less than significant impact,” or can be reduced to “less than significant with the implementation of mitigation measures.” As described in Section 4.9 in this Draft SEIR, the proposed project would result in significant adverse traffic impacts along State Route (SR 46) and improvements are proposed to reduce potential intersection impacts to less than significant. Changes or improvements along SR-46 to improve the operations of intersections are not under the jurisdiction of the City of Wasco. Rather, these improvements would be under the jurisdiction of California Department of Transportation (Caltrans). Although the proposed mitigation measures will reduce potential traffic impacts to less than significant, conservatively, these potential traffic impacts are considered significant and unavoidable because the City of Wasco does not have jurisdiction over the proposed traffic improvements along SR-46. Therefore, the project will require a Statement of Overriding Considerations.

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### **Summary of Project Alternatives**

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Below is a summary of the alternatives to the proposed project that were considered and evaluated in Section 5, Alternatives. As identified below, there are two alternatives evaluated; the state-mandated No Project/No Development Alternative and Development in Accordance with the Wasco Center Specific Development Plan. The project site is currently approved for the development of a “Large-Box Retail” use. The development of the project site for a use other than the currently approved use

or the proposed project would not be considered potentially feasible because it would not be reasonably foreseeable. Two alternative sites were considered for evaluation in Section 5, Alternatives [to the Proposed Project](#); however, based on a brief review, neither alternative site is capable of avoiding or substantially lessening any significant impacts associated with the proposed project. These significant impacts include construction and operation air emissions, biological resources related to the San Joaquin kit fox and burrowing owl, construction noise, and operational traffic.

### **No Project Alternative**

Under the No Project/No Development Alternative, the project site would remain unchanged and no development would occur. This alternative assumes that the project site would remain undeveloped for the foreseeable future even though a retail use that is part of the Wasco Center is approved for the site.

The No Project Alternative would result in fewer aesthetics (light and glare), air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation and traffic, and urban decay impacts than the proposed project. Therefore, this Alternative is environmentally superior to the proposed project. This Alternative would however, not meet any of the project's objectives. It also does not serve to further the planning vision of the City, which is to develop the site with Community Retail Commercial as set forth in the City's General Plan. The no project alternative also ignores the previously approved retail use on the site that is part of the Wasco Center.

### **Development In Accordance with the Wasco Center Alternative**

Development of the project site in accordance with the Wasco Center Specific Development Plan would result in a 158,000-square foot "Large-Box Retail" structure that is 12,000 square feet smaller than the proposed Walmart. Unlike the proposed Walmart, the "Large Box Retail" use would not be open 24-hours per day. In addition, this Alternative would not include a grocery area, lube and tire center, or a garden center.

The Wasco Center Alternative would result in less aesthetics (light and glare), air quality, greenhouse gas emissions, hazards and hazardous materials, noise, public services, and transportation and traffic impacts compared to the proposed project. This Alternative would have the same biological resources, hydrology and water quality, and urban decay impacts compared to the proposed project. This Alternative is considered to be environmentally superior to the proposed project. This Alternative, however, would not meet the project objectives because it would not provide a retail and grocery use onsite and provide residents with a local and inclusive shopping option.

### **Environmentally Superior Alternative**

CEQA requires that the City identify an Environmentally Superior Alternative. If the No Project Alternative is the Environmentally Superior Alternative as in this case, the City must identify an

Environmentally Superior Alternative among the other alternatives considered in the EIR (CEQA Guidelines, Section 15126.6). The one remaining alternative (Development in Accordance with the Wasco Center Specific Development Plan) would not substantially lessen any of the environmental impacts of the proposed project. This Alternative would have all the same or similar impacts related to short-term construction under hazards and hazardous materials, transportation and traffic, air quality, aesthetics, noise, and greenhouse gas emissions. Furthermore, in relation to long-term operation of the proposed project, the Wasco Center Specific Development Alternative would potentially reduce impacts to aesthetics (light and glare), air quality, greenhouse gas emissions, hazards and hazardous materials, public services, and transportation and traffic, but not substantially. This Alternative is considered to be environmentally superior. This Alternative would, however, not meet the project objectives, including but not limited to, providing a retail and grocery use onsite and provide residents with a local and inclusive shopping option.

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## Areas of Controversy

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Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

An Initial Study/Notice of Preparation (IS/NOP) for the proposed project was issued on September 1, 2010. The IS/NOP described the project and issues to be addressed in the [SEIR](#) was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from September 1, 2010 through September 30, 2010. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Aesthetics, Light, and Glare
- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Public Services
- Transportation and Traffic
- Urban Decay

## Disagreement Among Experts

This ~~Draft~~ [Final](#) SEIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although the City of Wasco is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the

public and decision makers to make an informed judgment about the environmental consequences of the proposed project.

### Potentially Controversial Issues

Although there have been no potentially controversial issues raised by the public or agencies to date, below is a list of potentially controversial issues that may be raised during the public ~~review and~~ [review and the](#) hearing process of this ~~Draft~~ [Final](#) SEIR.

- Aesthetics and Visual Character
- Criteria Pollutant Air Emissions
- Greenhouse Gas Emissions
- Construction and Operational Noise
- Traffic Congestion
- Urban Decay

~~It is also possible that evidence will be presented during the 45-day, statutory Draft EIR public review period that may create disagreement.~~ [If potentially controversial issues are raised, the](#) decision makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision makers are entitled to weigh the evidence relating to the accuracy and sufficiency of the information and to decide whether to accept it. Decision makers need not resolve a dispute among experts. However, in their proceedings, decision makers must consider comments received concerning the adequacy of the ~~Draft~~ [Final](#) EIR and address any objections raised in these comments. In addition, where experts disagree on data or methodology, the ~~Draft~~ [Final](#) EIR should acknowledge the differing opinions and explain why a certain approach was rejected, supporting that explanation with substantial evidence.

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### Public Review of the Draft SEIR

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Upon completion of the Draft SEIR, the City of Wasco filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (Public Resources Code, Section 21161). Concurrently with the NOC, ~~this the~~ [the](#) Draft SEIR ~~has been~~ [was](#) distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft SEIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft SEIR, including the technical appendices, is available for review at the City of Wasco offices and the Kern County Library, Wasco Branch. The address for each location is provided below:

City of Wasco  
Community Development Department  
764 E Street  
Wasco, CA 93280  
Hours:  
Monday - Thursday, 7:30 a.m. to 5:30 p.m.  
Friday, 8 a.m. to 5 p.m.  
Closed Alternate Fridays

Kern County Library, Wasco Branch  
1102 7<sup>th</sup> Street  
Wasco, CA 93280  
Hours:  
Wednesday, 11 a.m. to 7 p.m.  
Friday, 9 a.m. to 5 p.m.

Agencies, organizations, and interested parties ~~have had~~ the opportunity to comment on the Draft SEIR during the ~~45-day~~ public review period that began on June 1, 2011 and was extended to September 2, 2011. Written comments on ~~this the~~ Draft SEIR ~~should were to~~ be addressed to:

Mr. Mark Brodeur, Community Development Director  
City of Wasco  
746 8th Street  
Wasco, CA 93280  
Phone: 661.758.7200  
Fax: 661.758.7239  
Email: mbrodeur@ci.wasco.ca.us

Submittal of electronic comments in Microsoft Word or Adobe PDF format ~~is~~ was encouraged. Upon completion of the public review period, written responses to all environmental issues raised ~~will be~~ were prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the Wasco Planning Commission on the project, at which the certification of ~~the~~ this Final EIR will be considered. Comments received and the responses to comments ~~will be~~ are included ~~as~~ in this Final SEIR in Section 11, Response to Comments, and are part of the record for consideration by decision makers for the project.

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### Mitigation and Monitoring Program

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CEQA requires public agencies to set up monitoring report programs for the purpose of ensuring compliance with those mitigation measures adopted as conditions of approval in order to mitigate or avoid significant environmental effects as identified in an EIR. A mitigation monitoring program, incorporating the mitigation measures set forth in this document, will be adopted at the time of certification of this Final SEIR.

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### Executive Summary Matrix of Environmental Impacts and Mitigation Measures

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Table ES-1 summarizes the potential environmental effects of the proposed project, the recommended mitigation measures, and the level of significance after mitigation as discussed in Section 4, Project and Cumulative Impacts, of this ~~Draft~~ Final SEIR. As shown in Table ES-1, ~~none of~~ the ~~environmental~~ Transportation and Traffic impacts are noted as “significant” after mitigation, and therefore, the adoption of a statement of overriding considerations (CEQA Section 15093) will ~~not~~ be required. The impacts that were evaluated for the proposed project are classified as (1) NI, no impact; (2) LTS, less than significant impact (adverse effects that are not substantial according to CEQA); or (3) S, significant, (substantial adverse changes in the environment). Mitigation measures are listed, where feasible, for each significant impact. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this ~~Draft~~ Final SEIR. Table ES-1 is included in this ~~Draft~~ Final SEIR as required by CEQA Guidelines Section 15123(b)(1).

Table ES-1 is included in this ~~Draft~~ [Final](#) SEIR as required by CEQA Guidelines Section 15123(b)(1).

Immediately following Table ES-1 is a discussion of two environmental topic areas (Cultural Resources and Agricultural Resources). The proposed project was found to result in less than significant impacts or no impacts to the subjects within both of these topical areas.

**Table ES-1: Executive Summary Impacts and Mitigation Measures**

Impact	Mitigation Measure	Significance After Mitigation
<b>Section 4.1 - Aesthetics</b>		
<b>Impact AES-1.</b> The proposed Walmart would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (LTS)	No mitigation measures are required.	Less than significant.
<b>Impact AES-2.</b> The proposed Walmart would not conflict with local policies or ordinances regarding light and glare. (NI)	No mitigation measures are required.	No impact.
<b>Section 4.2 - Air Quality</b>		
<b>Impact AQ-1.</b> The proposed Walmart has the potential to emit ozone precursors (ROG, NO <sub>x</sub> ), PM <sub>10</sub> , or PM <sub>2.5</sub> over the thresholds of significance. (S)	<p>The proposed Walmart consist of 170,000 square feet and will replace the 158,000 square-foot “Large-Box Retail” use that was approved as part of the Wasco Center Specific Development Plan. The proposed project includes the addition of 12,000 square feet to the approved structure and a change to a 24-hour Walmart use. The following mitigation measures to reduce project and cumulative air pollutants resulting from the development of the proposed Walmart are identified below and are generally the same mitigation measures that were required with the approved Wasco Center.</p> <p><i>Project Specific</i></p> <p>The following mitigation measure is generally the same mitigation measure that was required with the approved Wasco Center. Part of the mitigation measure is stricken (<del>stricken</del>) because the fees as calculated for the entire Wasco Center are not applicable to the proposed Walmart. In addition, part of the mitigation measure is underlined (<u>underlined</u>) because the measure required clarification.</p> <p><b>MM AQ-1a.</b> The proposed <del>Walmart project</del> shall comply with applicable provisions of Indirect Source Review (ISR) Rule (Rule 9510) and the Administrative ISR Fee Rule (Rule 3180) in order to reduce PM<sub>10</sub> and NO<sub>x</sub> emissions. <del>The applicant shall</del> <u>Compliance with Rule</u></p>	Less than significant.

Note: (S) = Significant. (LTS) = Less than Significant. (NI) = No Impact

Impact	Mitigation Measure	Significance After Mitigation
	<p>9510 is required because the proposed Walmart exceeds the rule's applicability threshold of 2,000 square feet of proposed commercial space construction. The project applicant is required to identify onsite or offsite measures necessary to achieve a 33-percent reduction in NOX over the first 10 years of the proposed Walmart. Examples of onsite emissions reduction measures include landscaping, transit facilities, bicycle and pedestrian facilities, and energy efficiency measures, including any project design features. The requirements of the approved application shall be incorporated into the project. <del>Based on the SJVAPCD ISR Public Fee Estimator 2008 spread sheet, the proposed project will pay a fee of \$78,433.68 to the SJVAPCD prior to issuance of grading permits. The subject fee breaks down as follows: NOX emissions \$21,165; PM10 emissions \$54, 252, and Administrative fees \$3,016.68.</del></p> <p><i>Cumulative</i></p> <p>The following mitigation measures are generally the same measures that are required with the approved Wasco Center. Although they are not required to reduce project emissions to below a project level of significance, they are included for the proposed Walmart to reduce its contribution to overall cumulative emissions. Minor clarifications to the mitigation measures are <u>underlined</u> and <del>stricken</del>.</p> <p><b>MM AQ-1b.</b> During <u>Walmart project</u> construction, the proposed project shall comply with the following San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII dust control requirements.</p> <ul style="list-style-type: none"> <li>• All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressant, covered with a tarp, or other suitable cover or vegetative ground cover;</li> <li>• All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizers/suppressant;</li> <li>• All land clearing, grubbing, scraping, excavation, land leveling, grading, cut &amp; fill, and demolition activities shall be effectively</li> </ul>	

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	<p>controlled of fugitive dust emissions utilizing application of water or by presoaking;</p> <ul style="list-style-type: none"> <li>• When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained;</li> <li>• All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.);</li> <li>• Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;</li> <li>• Within urban areas, track-out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday; and</li> <li>• Any site with 150 or more vehicle trips per day shall prevent carryout and track-out.</li> </ul> <p><b>MM AQ-1c.</b> During <del>Walmart project</del> construction, in addition to San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII requirements for dust control, the proposed Walmart <del>project</del> shall also implement the following additional dust control measures:</p> <ul style="list-style-type: none"> <li>• Limit traffic speeds on unpaved roads to 15 mph;</li> <li>• Limit area subject to excavation, grading, and other construction activity at any one time. (Construction area limited to 10 acres per day);</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</li> <li>• Install wheel washers for all exciting trucks, or wash off all trucks and equipment leaving the site;</li> <li>• Install wind breaks at windward sides(s) of construction areas; and</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.</li> </ul> <p><b>MM AQ-1d.</b> During <u>Walmart project</u> construction, the proposed <u>Walmart project</u> shall implement the following measures for the purpose of minimizing construction-related criteria pollutant emissions:</p> <ul style="list-style-type: none"> <li>• Minimize the idling time (e.g., 10 minute maximum) of heavy duty equipment or turn off when not in use (scrapers, graders, trenchers, earth movers, etc.);</li> <li>• <del>Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use;</del></li> <li>• Replace fossil-fueled equipment with electrically driven equivalents <u>where feasible</u> (provided they are not run via a portable generator set);</li> <li>• <del>Curtail Prohibit</del> construction during periods of high ambient pollutant concentrations (<u>an Air Quality Index forecast for the project area greater than 150 for particulates or ozone; Air Quality Index forecasts can be obtained at <a href="http://www.airnow.gov">www.airnow.gov</a></u>); <del>this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways;</del></li> <li>• <del>Implement activity management (e.g. rescheduling activities to reduce short term impacts); and,</del></li> </ul> <p>Use alternative fueled or catalyst equipped diesel construction equipment.</p>	
<p><b>Impact AQ-2.</b> The proposed Walmart could conflict with or obstruct implementation of the applicable air quality plan. (S)</p>	<p>Mitigation Measures AQ-1a, AQ-1b, AQ-1c, and AQ-1d are required.</p>	<p>Less than significant.</p>
<p><b>Impact AQ-3.</b> The proposed Walmart could violate an air quality standard, and contribute cumulatively to an existing or projected air quality violation. (S)</p>	<p>Mitigation Measures AQ-1a, AQ-1b, AQ-1c, and AQ-1d are required.</p>	<p>Less than significant.</p>
<p><b>Impact AQ-4.</b> The proposed Walmart may result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality</p>	<p>Mitigation Measures AQ-1a, AQ-1b, AQ-1c, and AQ-1d are required.</p>	<p>Less than significant.</p>

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Impact	Mitigation Measure	Significance After Mitigation
standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors). (S)		
<b>Impact AQ-5.</b> The proposed Walmart may expose sensitive receptors to substantial pollutant concentrations. (S)	Mitigation Measures AQ-1b, AQ-1c, and AQ-1d are required. <b>MM AQ-5a.</b> The project site shall be posted with signs which state: a) Truck drivers shall turn off engines when not in use. b) Diesel delivery trucks servicing the project shall not idle for more than three minutes. c) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.	Less than significant.
<b>Impact AQ-6.</b> The project would not create objectionable odors affecting a substantial number of people. (LTS)	No mitigation measures are required.	Less than significant.
<b>Section 4.3 - Biological Resources</b>		
<b>Impact BIO-1.</b> The proposed Walmart could potentially 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. (S)	Implementation of the following mitigation measures are required to reduce the potential impact from the development of the proposed Walmart to less than significant. The following mitigation measures are conceptually the same measures that were included in the approved Wasco Center MND; however, substantial detail has been included in the measures below. <b>MM BIO-1a.</b> Pre-construction surveys shall include a survey for burrowing owl burrows. A pre-construction survey shall be conducted by a qualified biologist and shall be conducted no later than thirty (30) days prior to any grading or ground disturbing activities. Additional clearance surveys conducted by a qualified biologist shall be again undertaken within fourteen (14) days of initial ground disturbance or grading to ensure that no owls have re-entered the site. Construction or operational activities associated with the features of the proposed Walmart that occur within portions of the project site containing occupied and/or suitable habitat for the burrowing owl burrows shall be restricted to periods outside the breeding season for this species. The breeding season for burrowing owls runs from February 1 through August 31.	Less than significant.

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	<p>If construction or operational activities occur during the breeding season for burrowing owls, surveys are required prior to such construction to determine the presence/absence of this species within the impact area. Focused surveys shall be conducted under CDFG and Burrowing Owl Consortium protocol by a qualified biologist from February 1 to August 31. If this species is determined to occupy any portion of the project site, consultation with the CDFG and USFWS is required and no construction activity shall take place within 500 feet of an active burrow until it has been determined that the burrow is no longer active, and all juveniles have fledged the burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.</p> <p>If active burrowing owl burrows are detected outside the breeding season (September through January), passive and/or active relocation may be approved following consultation with the CDFG and USFWS. The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and backfilled to ensure that animals do not reenter the holes/dens.</p> <p><b>MM BIO-1b.</b> The Standardized Recommendations for Protection of the San Joaquin Kit Fox (1999) requires specified take avoidance measures for the San Joaquin kit fox. The following pre-construction and construction mitigation measures shall be required as conditions of approval:</p> <p><i>Pre-Construction Mitigation Measures - Relocation</i></p> <p><b>MM BIO-1b (a):</b> No later than sixty days (60) days prior to any ground disturbing activities or grading, a pre-construction survey shall be completed by a qualified biologist to determine the continued presence or absence of kit foxes on site. A second survey shall be conducted no more than thirty (30) days prior to the onset of construction or ground disturbing activities. If kit foxes are deemed to be present on site, USFWS shall be immediately contacted telephonically and in writing and circular exclusion zones shall be established around the kit fox dens following consultation with USFWS and consistent with the requirements contained within the USFWS' the</p>	

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	<p>Standardized Recommendations for Protection of the San Joaquin Kit Fox (1999).</p> <p><b>MM BIO-1b (b):</b> No later than forty five (45) days prior to any ground disturbing activities or grading, the developer shall contact a qualified biologist holding proper permits and provide approval to that biologist to relocate known kit foxes located on site to relocation areas approved by USFWS.</p> <p><b>MM BIO-1b (c):</b> No later than forty five (45) days prior to any ground disturbing activities or grading, the developer shall contact the ESRP at Stanislaus State University, and shall authorize a qualified biologist working for the ESRP to radio-telemetry collar any known kit foxes located on site, to the extent feasible, to gather data for use in connection with ESRP ecological research programs.</p> <p><b>MM BIO-1b (d):</b> No later than fourteen (14) days prior to any ground disturbing activities or grading, all known dens shall be monitored for at least three (3) consecutive days to ensure that dens are unoccupied prior to den excavation.</p> <p><b>MM BIO-1b (e):</b> No later than five (5) business days prior to the initiation of any ground disturbing activities or grading (Grading Start Date), developer shall notify the Regional Offices of CDFG and USFWS in writing of its intent to destroy unoccupied dens and initiate grading. At this time, Developer shall again authorize qualified representatives of CDFG and USFWS to attempt to relocate known kit foxes, to the extent feasible. If CDFG and USFWS are unable to relocate known kit foxes by the Grading Start Date, Developer shall be required to eliminate known kit fox dens in the manner set forth below:</p> <p><i>Pre-Construction Mitigation Measures - Den Destruction</i></p> <p><b>MM BIO-1b (f):</b> Consistent with the USFWS’ the Standardized Recommendations for Protection of the San Joaquin Kit Fox (1999), known kit fox dens located on the project site shall be excavated and destroyed under the direct supervision of a qualified biologist. Prior to the destruction of dens, the dens shall be monitored for at least three (3) consecutive days to determine whether the den is active or dormant. Activity at the den can be monitored by placing tracking medium at den entrances and by spot lighting. If no den activity is observed during this</p>	

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Impact	Mitigation Measure	Significance After Mitigation
	<p>period, the den should be destroyed immediately pursuant to the den destruction procedures set forth below.</p> <p><b>MM BIO-1b (g):</b> Destruction of dens shall be accomplished by careful excavation with hand tools until it is certain that no kit foxes are inside. The den shall be fully excavated and back filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period.</p> <p><b>MM BIO-1b (h):</b> If a kit fox is found inadvertently inside a den during excavation, the animal shall be allowed to escape unhindered, or, to the extent feasible, representatives from the ESRP and/or CDFG or USFWS shall be contacted to attempt to relocate and/or collar the kit fox pursuant to the ESRP protocol.</p> <p><i>Construction Mitigation Measures</i></p> <p><b>MM BIO-1b (i):</b> To prevent inadvertent entrapment of kit foxes during the construction phase of the proposed Walmart, all excavated, steep walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Each excavation shall contain at least one ramp, with long trenches at least one ramp shall be placed every .25 mile. Slope of ramps shall be no steeper than 1:1. Before such holes or trenches are filled, they shall be fully inspected for trapped kit foxes. If at any time a trapped or injured kit fox is discovered, representatives from ESRP and/or CDFG or USFWS shall be contacted immediately to attempt to relocate and/or collar the kit fox pursuant to the ESRP protocol. Escape ramps shall also be installed immediately to allow trapped animals to escape.</p> <p><b>MM BIO-1b (j):</b> All pipes, culverts, or similar structures with a diameter of 4” or greater shall be kept capped or otherwise covered to prevent injury of kit foxes. If such pipes, culverts or similar structures are not capped or otherwise covered, they shall be inspected daily prior to burial or closure to prevent entrapment of kit fox or other sensitive species.</p>	

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Impact	Mitigation Measure	Significance After Mitigation
	<p><b>MM BIO-1b (k):</b> All food, garbage in plastic shall be disposed of in closed containers and regularly removed from the site to minimize attracting kit foxes and other sensitive species to the site.</p> <p><b>MM BIO-1b (l):</b> No dogs, cats, or other animals shall be permitted on the project site.</p> <p><b>MM BIO-1b (m):</b> If rodent control is deemed necessary during construction, a zinc phosphide based rodenticide shall be used.</p> <p><b>MM BIO-1b (n):</b> Developer shall provide a sensitive species identification and avoidance education program for all construction employees that consists of a consultation in which persons knowledgeable in kit fox biology and legislative protection to explain endangered species protocols, habitat needs and the measures and conditions of approval being taken to reduce impacts to the species during construction and implementation of the proposed Walmart. A fact sheet conveying this information shall be prepared for distribution to all contractors, their employees, and any and all other personnel who are working on the construction site.</p> <p><b>MM BIO-1b (o):</b> Night time construction shall be prohibited, excluding interior construction activities within an enclosed building shell. In addition, all construction vehicles shall observe a 20 mph speed limit on the project site and developer shall create established staging, parking and storage areas to ensure the prevention of accidental direct impacts and takes of kit foxes.</p>	
<p><b>Impact BIO-2.</b> The proposed Walmart would not conflict with local policies or ordinances regarding biological resources. (NI)</p>	<p>No mitigation measures are required.</p>	<p>No impact.</p>
<p><b>Section 4.4 - Greenhouse Gas Emissions</b></p>		
<p><b>Impact GHG-1.</b> Although the proposed Walmart would generate greenhouse gas emissions, the emissions would not have a significant impact on the environment. (LTS)</p>	<p>No mitigation measures are required.</p>	<p>Less than significant.</p>

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Impact	Mitigation Measure	Significance After Mitigation
<b>Impact GHG-2.</b> The proposed Walmart would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. (LTS)	No mitigation measures are required.	Less than significant.
<b>Impact GHG-3.</b> The proposed Walmart would not be significantly affected by climate change through a reduction in the quality and supply of water available within the State or increased flooding. (LTS)	No mitigation measures are required.	Less than significant.
<b>Section 4.5 - Hazards and Hazardous Materials</b>		
<b>Impact HHM-1.</b> The proposed Walmart would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (LTS)	No mitigation measures are required.	Less than significant.
<b>Impact HHM-2.</b> The proposed Walmart would not 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. (LTS)	No mitigation measures are required.	Less than significant.
<b>Impact HHM-3.</b> The proposed Walmart would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (LTS)	No mitigation measures are required.	Less than significant.
<b>Impact HHM-4.</b> The proposed Walmart project would not conflict with local objectives or policies regarding hazards and hazardous materials. (NI)	No mitigation measures are required.	No impact.
<b>Section 4.6 - Hydrology and Water Quality</b>		
<b>Impact HWQ-1.</b> The proposed Walmart would not violate any water quality standards or waste discharge requirements. (LTS)	No mitigation measures are required.	Less than significant.

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Impact	Mitigation Measure	Significance After Mitigation
<p><b>Impact HWQ-2.</b> The proposed Walmart would not 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 that would result in flooding on- or off-site. (LTS)</p>	<p>No mitigation measures are required.</p>	<p>Less than significant.</p>
<p><b>Impact HWQ-3.</b> The proposed Walmart would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (LTS)</p>	<p>No mitigation measures are required.</p>	<p>Less than significant.</p>
<p><b>Impact HWQ-4.</b> The proposed Walmart would not otherwise substantially degrade water quality. (LTS)</p>	<p>No mitigation measures are required.</p>	<p>Less than significant.</p>
<p><b>Impact HWQ-5.</b> The proposed Walmart would not conflict with local policies, objectives, and standards related to hydrology and water quality. (NI)</p>	<p>No mitigation measures are required.</p>	<p>No impact.</p>
<p><b>Section 4.7 - Noise</b></p>		
<p><b>Impact N-1.</b> The proposed Walmart could expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (S)</p>	<p>The proposed Walmart consist of 170,000 square feet and will replace the 158,000 square-foot “Large-Box Retail” use that was approved as part of the Wasco Center Specific Development Plan. The proposed project includes the addition of 12,000 square feet to the approved structure and a change to a 24-hour Walmart use. The following mitigation measures are separated into two categories: one category includes a mitigation measure that is the same as required for the approved Wasco Center, and the second category includes a new mitigation measure that was not required with the approved Wasco Center. In addition to the two mitigation measures identified below, the project applicant will comply with the City of Wasco Municipal Code regarding construction noise similar to the approved Wasco Center. All construction equipment activities will occur between the hours of 7:00 AM and 7:00 PM Monday through Friday and 9:00 AM and 6:00 PM on weekends.</p>	<p>Less than significant.</p>

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Impact	Mitigation Measure	Significance After Mitigation
	<p><u>Mitigation Measure that is the same as Identified for the Wasco Center</u>  <b>MM N-1a.</b> All construction equipment shall be properly maintained with operating mufflers and air intake silencers.</p> <p><u>New Mitigation Measure that is not Identified for the Wasco Center</u>  <b>MM N-1b.</b> The project applicant shall require that prior to commencement of grading activities, a temporary 14-foot high construction noise barrier shall be installed on the portions of the property line of the project site that are within 300 feet of any constructed and occupied residential structure. If the properties proposed for residential or zoned for residential use (i.e., north and adjacent to Margalo Street and east and adjacent to Central Avenue) are not constructed and occupied prior to the completion of construction activities on the project site, this measure is not required. If residential uses are constructed and occupied, this measure is required. The temporary noise barrier shall consist of a material that provides attenuation of at least 15 dB. This can be achieved through the use of half-inch plywood.</p>	
<p><b>Impact N-2.</b> The proposed Walmart would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (LTS)</p>	<p>No mitigation measures are required.</p>	<p>Less than significant.</p>
<p><b>Impact N-3.</b> The proposed Walmart would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. (LTS)</p>	<p>Implementation of Mitigation Measures N-1a and N-1b are required.</p>	<p>Less than significant.</p>

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Impact	Mitigation Measure	Significance After Mitigation
<b>Section 4.8 - Public Services</b>		
<p><b>Impact PS-1.</b> The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?</p>	<p>No mitigation measures are required.</p>	<p>Less than significant.</p>
<p><b>Impact PS-2.</b> The proposed Walmart would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. (LTS)</p>	<p>No mitigation measures are required.</p>	<p>Less than significant.</p>
<p><b>Impact PS-3.</b> The proposed Walmart would not conflict with local policies or ordinances regarding public services. (NI)</p>	<p>No mitigation measures are required.</p>	<p>No impact.</p>
<b>Section 4.9 - Transportation/Traffic</b>		
<p><b>Impact TR-1.</b> The proposed Walmart may 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. (S)</p>	<p><i>Project Specific and Cumulative</i> The proposed Walmart consist of 170,000 square feet and will replace the 158,000 square-foot “Large-Box Retail” use that was approved as part of the Wasco Center Specific Development Plan. The proposed project includes the addition of 12,000 square feet to the approved structure and a change to a 24-hour Walmart use. The following mitigation measures identify that the project applicant will either construct or contribute its fair share funding to construct improvements. The two mitigation measures below are the same as the two mitigation measures identified in the approved Wasco Center MND; however,</p>	<p>Significant and Unavoidable.</p>

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Impact	Mitigation Measure	Significance After Mitigation
	<p>some of the specific improvements are not the same. Within each mitigation measure, the improvements are separated into two sets of improvements: one set of improvements are those that are the same as those required for the approved Wasco Center, and the second set of improvements are new improvements to reduce significant impacts associated with the change of the approved “Large-Box Retail” use to a Walmart. The timing of each of the improvements that are the same as those improvements identified for the approved Wasco Center is also identified.</p> <p><b>MM TR-1a.</b> Prior to the issuance of a certificate of occupancy, the project applicant shall either construct or contribute its fair share to construct the following improvements. Currently, the City of Wasco does not have a fair share program; however, if one is approved prior to the issuance of a certificate of occupancy, the applicant could participate in a fair share program. If one is not established, the project applicant will be required to construct the improvements. Following are the improvements that are estimated to be implemented in or before 2013; however, the improvements shall be completed as the significance thresholds are reached.</p> <p><u>Improvements that are the same as those Identified for the Wasco Center</u> Central Avenue</p> <ul style="list-style-type: none"> <li>• Eastbound left turn lane This project design feature improvement was scheduled with the development of Phase 1 of the Wasco Center.</li> <li>• <a href="#">Westbound right turn lane</a> <a href="#">This improvement was scheduled with the development of Phase I of the Wasco Center.</a></li> <li>• Stripe northbound right turn lane as a shared through-right turn lane This project design feature improvement was scheduled with the development of Phase 1 of the Wasco Center.</li> <li>• New north leg as 4-lane divided This project design feature improvement was scheduled with the development of Phase 1 of the Wasco Center.</li> </ul>	

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Impact	Mitigation Measure	Significance After Mitigation
	<ul style="list-style-type: none"> <li>• Traffic Signal This improvement was scheduled with the development of Phase 2 of the Wasco Center.</li> </ul> <p><u>New Improvements that are not Identified for the Wasco Center</u> There are no improvements in addition to those identified above.</p> <p><b>MM TR-1b.</b> Prior to the issuance of a certificate of occupancy, the project applicant shall either construct or contribute its fair share to construct the following improvements. Currently, the City of Wasco does not have a fair share program; however, if one is approved prior to the issuance of a certificate of occupancy, the applicant could participate in a fair share program. If one is not established, the project applicant will be required to construct the improvements. Following are the improvements that are estimated to be implemented in or before 2035; however, the improvements shall be completed as the significance thresholds are reached.</p> <p><u>Improvements that are the same as those Identified for the Wasco Center</u> Highway 46</p> <ul style="list-style-type: none"> <li>• Widen to four lane divided roadway from Magnolia Avenue to Highway 43 South/F Street This improvement was scheduled with the development of Phase 2 of the Wasco Center.</li> </ul> <p>Magnolia Avenue</p> <ul style="list-style-type: none"> <li>• Eastbound left turn lane This improvement was scheduled with the development of Phase 2 of the Wasco Center.</li> <li>• Westbound left turn lane (in median) This improvement was scheduled with the development of Phase 2 of the Wasco Center.</li> <li>• Westbound trap right turn lane This improvement is a reduced improvement compared to the addition of a westbound through lane and a right turn lane that was schedule with the development of Phase 2 of the Wasco Center.</li> </ul>	

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Impact	Mitigation Measure	Significance After Mitigation
	<ul style="list-style-type: none"> <li>• Southbound left turn lane This improvement was scheduled with the development of Phase 2 of the Wasco Center.</li> <li>• Traffic Signal This improvement was scheduled with the development of Phase 2 of the Wasco Center.</li> </ul> <p>Central Avenue</p> <ul style="list-style-type: none"> <li>• Add a second eastbound through lane This improvement was scheduled with the development of Phase 1 of the Wasco Center.</li> <li>• Convert the existing <u>eastbound</u> through lane to a shared through-right turn lane This improvement was scheduled with the development of Phase 2 of the Wasco Center.</li> <li>• Add a second westbound through <del>lane with a shared through-right turn lane</del> The second westbound through lane was scheduled with the development of Phase 1 of the Wasco Center; <del>however the shared through-right turn lane is a reduced improvement compared to the separate through lane and right turn lane that was schedule with the development of Phase 1 of the Wasco Center.</del></li> </ul> <p>Beckes Street</p> <ul style="list-style-type: none"> <li>• Northbound/Southbound right-out only This improvement was scheduled with the development of Phase 1 of the Wasco Center.</li> <li>• Add a second eastbound through lane and maintain the existing shared through-right lane This improvement was scheduled with the development of Phase 1 of the Wasco Center.</li> </ul>	

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Impact	Mitigation Measure	Significance After Mitigation
	<ul style="list-style-type: none"> <li>• Add a second westbound through lane with a shared through-right turn lane This improvement was scheduled with the development of Phase 1 of the Wasco Center. Palm Avenue</li> <li>• Add a second eastbound through lane and maintain the existing shared through-right turn lane This improvement was scheduled with the development of Phase 1 of the Wasco Center.</li> <li>• Add a second westbound through lane and convert the existing right turn lane to a shared through-right turn lane This improvement was scheduled with the development of Phase 1 of the Wasco Center. Poplar Avenue</li> <li>• Add a second eastbound through lane and maintain the existing shared through-right lane This improvement was scheduled with the development of Phase 1 of the Wasco Center.</li> <li>• Add a second westbound through lane This improvement was scheduled with the development of Phase 1 of the Wasco Center.</li> <li>• Prohibit existing northbound left turns This improvement was scheduled with the development of Phase 2 of the Wasco Center.</li> <li>• Continue to prohibit northbound through movements This continued prohibition was scheduled with the development of Phase 2 of the Wasco Center. Griffith Avenue</li> <li>• Add a second eastbound through lane This improvement was scheduled with the development of Phase 2 of the Wasco Center.</li> </ul>	

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Impact	Mitigation Measure	Significance After Mitigation
	<ul style="list-style-type: none"> <li>• Construct a shared through-right turn lane This improvement was scheduled with the development of Phase 1 of the Wasco Center.</li> <li>• Add a second westbound through lane and maintain the existing shared through-right turn lane This improvement was scheduled with the development of Phase 2 of the Wasco Center.</li> </ul> <p><u>New Improvements that are not Identified for the Wasco Center</u></p> <p>Palm Avenue</p> <ul style="list-style-type: none"> <li>• Minor timing changes (80-second cycle)</li> <li>• <a href="#">Increase northbound left turn storage (striping) from 115 feet to 200 feet.</a></li> </ul> <p>Poplar Avenue</p> <ul style="list-style-type: none"> <li>• Restripe to provide a westbound shared through-right turn lane</li> </ul> <p>Griffith Avenue</p> <ul style="list-style-type: none"> <li>• Minor timing changes (80-second cycle)</li> </ul> <p>Highway 43 South</p> <ul style="list-style-type: none"> <li>• Minor timing changes (80-second cycle)</li> <li>• <a href="#">Increase northbound left turn storage (striping) from 155 feet to 200 feet.</a></li> </ul>	
<p><b>Impact TR-2.</b> The proposed Walmart may 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. (S)</p>	<p>Implementation of Mitigation Measures TR-1a and TR-1b are required.</p>	<p>Significant and Unavoidable.</p>

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Impact	Mitigation Measure	Significance After Mitigation
<b>Section 4.10 - Urban Decay</b>		
<b>Impact UD-1.</b> The proposed Walmart will not result in Urban Decay within the retail market served by the proposed Walmart. (LTS)	No mitigation measures are required.	Less than significant.

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As described in Table ES-1 above, and as discussed in further detail in Section 4 of this ~~Draft~~ Final SEIR, there are four environmental issues associated with the proposed project that will require implementation of mitigation measures to be reduced to a less than significant level. As discussed above, although the proposed mitigation measures will reduce potential traffic impacts to less than significant, conservatively, these potential traffic impacts are considered significant and unavoidable because the City of Wasco does not have jurisdiction over the proposed traffic improvements along SR-46. The mitigation measures for the four environmental issues are separated into two categories: one category includes mitigation measures that are the same as required for the approved Wasco Center, and the second category includes new mitigation measures that were not required with the approved Wasco Center.

In addition to the environmental issues addressed in Section 4 of this ~~Draft~~ Final SEIR, there are certain impacts as they relate to certain subjects or topical areas within subjects that were found to be less than significant or found to have no impact; and therefore, these subjects were not discussed in detail in this ~~Draft~~ Final SEIR. With some of these less than significant or no impact findings, the determination for the proposed project was that the project would not result in any additional impacts above and beyond the impacts that were identified with the implementation of the approved Wasco Center.

One of the environmental topic areas that was found to have less than significant or no impacts under the approved Wasco Center project was cultural resources. The Wasco Center MND determined that archaeological, paleontological resources, and Native American cultural resources (including formal and informal cemeteries) are not located on the Wasco Center site. Although no significant impacts were identified, the approved Wasco Center MND included three mitigation measures to address archaeological, paleontological, and Native American cultural resources (including formal and informal cemeteries). These mitigation measures are listed below and would also be implemented with the proposed Walmart project.

- 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.
- 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.
- 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.

In addition to Cultural Resources, the Wasco Center MND found that the Wasco Center would result in a less than significant impact on agricultural resources because the Wasco General Plan and Zoning Ordinance had already committed the Wasco Center site to long-term non-agricultural use. The environmental evaluation provided in Appendix A, Notice of Preparation and Responses and in Section 7.1.2, Agricultural Resources in this ~~Draft~~ [Final](#) SEIR found that 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. Therefore, the proposed Walmart 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.