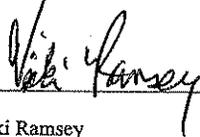


constructed and maintained in a way that would prohibit pedestrian access but allow emergency vehicle access. These issues regarding the need, location and design of an eastern emergency vehicle access should be addressed in the EIR.

As noted above, the project description does not include camping in the WalMart parking lot. The Draft EIR should clarify whether such camping is proposed or prohibited. Camping (RV or otherwise) should not be allowed as part of this project. The transient nature of camping is not compatible with the surrounding residential land uses, and may cause potential for increased crime. It would subject our residences and those in the immediate area (existing and future) to unnecessary exposure to crime and noise. It should also be noted that the combination of RV camping and the proposed pedestrian access through the soundwall would be particularly problematic, in that the gap in the soundwall would provide a direct link between the residential uses and the overnight transient use of RV camping. Camping should be limited to appropriately sited and regulated camping facilities only, and should not be allowed in this project. Camping in this proposed project would result in a significant impact and should be prohibited. The Draft EIR should address this issue.

As a matter of record, it should be noted that our previous comments that were submitted in December 2006 on the NOP for the Rocklin Crossings project were not included in the Draft EIR.

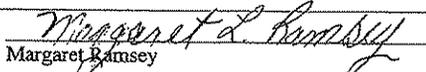
Sincerely,



Vicki Ramsey

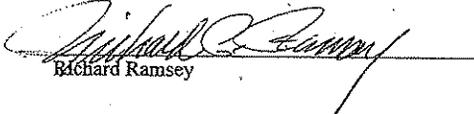
Mailing Address:

PO Box 697, Penryn, CA 95663



Margaret Ramsey

5580 Makabe Lane, Loomis, Ca 95650



Richard Ramsey

5580 Makabe Lane, Loomis, Ca 95650

44-1 The commenter is concerned that the relocation of the Eastside Canal may interfere with the gravity flow and accessibility of the canal for individual PCWA irrigation water supplies. The relocation of the canal should have no such effect. The project applicant would be required to prepare plans and enter into a Facilities Agreement with the PCWA to relocate the canal pipe. In addition, in response to a comment from PCWA, the EIR at page 4.6-17 has been revised to show that, in relocating the Eastside Canal, the project applicant would be required to maintain the canal's ability to provide raw water service to existing customers by maintaining current pressure and flow rates. In addition, overflow easements would be required from existing or relocated service boxes to approved locations. (See Response to Comment 4-3.)

44-2 The Draft EIR did include an evaluation of the exposure of sensitive uses to vibration levels under Impact 4.4-5 on page 4.4-19. The evaluation concluded that the project's construction activities would not be expected to expose offsite sensitive receptors to vibration levels that would be considered excessive, and that the long-term operation of the project would not include any vibration sources; as such, the impact was determined to be less than significant and no mitigation measures were identified.

There has been no determination that blasting activities will be necessary for the project. However, if blasting activities are to occur in conjunction with the project's improvements, Mitigation Measure 4.4-2a requires the contractor to obtain a blasting permit from the City of Rocklin. As part of the blasting permit application, blasting safety measures to be implemented shall be identified at the time the application is made. As noted in Mitigation Measure 4.4-2a, safety measures to be implemented may include such things as blasting blankets. The City of Rocklin police chief has the issuing authority for a blasting permit under Municipal Code section 8.28.020 and Section 12007 of the Health and Safety Code. In addition, per Municipal Code section 8.28.040, it is at the discretion of the police chief to impose conditions on a blasting permit which he or she finds reasonable to promote safety to property and persons. The blasting permit process also requires the contractor applicant to provide proof of insurance coverage in a specified amount from \$100,000 to \$2,000,000 in accordance with Uniform Fire Code, Section 77.104 and Municipal Code section 8.28. Thus, the commenter's concerns with the potential damage from project blasting will be addressed by implementation of Mitigation Measure 4.4-2a and the contractor's adherence to the blasting permit procedures.

44-3 The commenter is correct in that a masonry sound wall is being proposed along the eastern project site boundary to mitigate noise impacts from the proposed project. As noted in Impact 4.4-1, construction will only generate temporary (short-term and intermittent) increases in ambient noise levels. Thus such impact is considered less than significant. As noted in Impact 4.4-2, blasting activities could also occur in conjunction with project construction. As required by Mitigation Measure 4.4-2b, blasting activities will be limited to daytime hours. It should also be noted that all construction activities are subject to the City of Rocklin Construction Noise Guidelines. The commenter is correct that the construction of the recommended noise barriers would also reduce construction noise levels at residences to the east; the eastern perimeter wall is anticipated to be built once grading operations in that area have been completed and as part of the project's first phase of construction. Because construction noise levels would be intermittent and short-term, and would be attenuated with the installation of the eastern perimeter wall, construction-generated temporary increases in ambient noise levels were considered to be less than significant.

44-4 Although Mitigation measure 4.4-2b references just blasting activities as being subject to the City of Rocklin Noise Construction Guidelines, the Guidelines apply to all "construction-related noise-generating

activities“ Although not called out specifically as a mitigation measure, the Guidelines are uniformly applied to all projects within the City and the proposed project’s construction activities would be subject to the requirements of the City’s Noise Construction Guidelines.

With respect to speakers at the Garden Center, current practices more typically involve individual cell phones or radios with store employees, rather than the use of speakers for public address systems.

With respect to nighttime parking lot activity, the commenter is correct that the 24-hour nature of some of the stores will ensure that nighttime parking lot activity would occur at the project site. However, nighttime activity would be at a considerably less intensive level than daytime activity, and most of the parking areas will be well shielded from the residences to the east by intervening buildings; and those parking spaces that would not be shielded by buildings would be shielded by the recommended noise barrier along the eastern site boundary. As a result, noise impacts associated with nighttime parking lot activity are not expected.

With respect to nighttime truck deliveries, the EIR analysis concluded that with the recommended property line noise barrier, noise impacts would not occur at the nearest residences to the east. The analysis focused on residences proposed adjacent to the project site in the Rocklin 60 Residential Development, with some residences located as close as 70 feet from the truck unloading/passby areas. At residences further east, such as the commenter’s residence, noise levels would be even lower due to standard reduction of sound with distance. As a result of that additional distance and the proposed noise barrier, significant noise impacts associated with nighttime truck deliveries are not identified at the commenter’s residence. Furthermore, noise from parking lot activities is considerably lower than noise from truck passages and unloading. Therefore, the measures included to mitigate truck delivery noise impacts at night would be more than adequate to reduce nighttime parking lot noise to a less than significant level.

- 44-5** The noise study for the project accounts for the possibility of sleep disturbance. More specifically, the noise analysis addressed compliance with highly restrictive exterior nighttime noise level guidelines of the State of California Model Community Noise Control Ordinance. Satisfaction of those nighttime noise level standards at exterior areas of the nearest residences would ensure that noise levels at the interior rooms of those same residences would be acceptable as well.

Under CEQA, the determination of the significance of impacts, in this case noise impacts, is made by application of the thresholds of significance. The thresholds of significance are objectives, criteria, and procedures adopted by a public agency for the evaluation of projects and the preparation of environmental impact reports and negative declarations. (Public Resources Code, Section 21082.) Such thresholds are generally drawn from existing environmental standards, such as other statutes or regulations. (See *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1107.) In this case, the thresholds of significance for noise are derived from CEQA Guidelines Appendix G, the State of California Model Noise Ordinance, and the City of Rocklin General Plan Noise Element, which do not prescribe a specific standard for sleep disturbance noise levels. Rather the standards require a finding of significance if the project would expose persons to exterior and interior noise levels in excess of 60 dBA L_{dn} and 45 dBA L_{dn} , respectively, or if the State Standards are exceeded. The L_{dn} (Day-Night Average Level) is based upon the average hourly Leq over a 24-hour day, and actually takes into consideration nighttime noise levels by applying a +10 decibel weighting to nighttime (10:00 p.m. to 7:00 a.m.) Leq values. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were subjectively twice as loud as daytime exposures. Therefore, the project applies the proper thresholds of significance, which already take into account nighttime noise levels, and no further analysis in the EIR is necessary.

- 44-6** The combined fire and pedestrian access noted by the commenter does, in fact, introduce an opening in the solid noise barrier proposed along the eastern site boundary. Bollard Acoustical Consultants (BAC) did consider the effects of this opening during the preparation of the noise study for this project.

Specifically, the location of the opening is in a less intensive area of truck activity, and the small retail stores to the immediate west of the opening would serve as a large barrier to noise from the parking area and Interstate 80, and the opening of the barrier is relatively small. As a result, BAC concluded that this opening for emergency access would not result in adverse noise impacts at the residences proposed within the Rocklin 60 development immediately adjacent to the project site. At residences further east, project noise levels would be even lower.

- 44-7** Wal-Mart does not propose a tire/automotive center. As a result, no assessment of noise impacts due to such a use is warranted. With respect to RV parking in the Wal-Mart parking lot, the following text is hereby added to Mitigation Measure 4.4-4 on page 4.4-19 of the Draft EIR:

- ▶ **Overnight parking of recreational vehicles for the purpose of overnight camping is not permitted on or within the proposed development. The developer shall install signs throughout the parking area stating “No Overnight Camping Permitted on the Premises.” Violators will be cited per Municipal Code Section 10.24.230.”**

As a result, the conclusions reached in the Draft EIR regarding no adverse noise impacts resulting from such parking activities are still valid.

- 44-8** The design of the emergency vehicle/pedestrian access would include the use of bollards to prevent unauthorized vehicular access. In addition, the City will apply a condition of approval to the Rocklin Crossings project that will require the access opening to be gated or blocked such that vehicles and pedestrians cannot use it, if the Rocklin 60 project is not built and occupied at the time that the Rocklin Crossings project is ready for operation. The design, lighting and landscaping of the emergency vehicle pedestrian access would be reviewed by the Rocklin Police Department to incorporate features that would promote public safety, as a part of both the Rocklin Crossings and Rocklin 60 projects.

The proposed Rocklin Crossings project does contain some pedestrian friendly design elements such as sidewalks, pedestrian walkways in the parking area, and ADA-compliant paths of travel, and the emergency vehicle/pedestrian access location would lead to a proposed roadway as part of the adjacent proposed Rocklin 60 residential project. These features are anticipated to promote a pedestrian friendly environment and a redesign of the Rocklin Crossings project as suggested by the commenter is not considered to be necessary

The location of the emergency vehicle/pedestrian access was determined in consultation with the City’s Police and Fire Departments. Although the primary purpose of the access is for emergency reasons, it was also recognized that an emergency access point could also function as an opportunity for pedestrian and bicyclist use between the proposed residential and retail commercial projects. With that consideration in mind, the access point was designed at a location that would minimize conflicts with loading and unloading operations that typically occur at the backs of large retail commercial tenants, and at a location that would minimize the distance that was required to be traveled to get to the front of the shopping center.

- 44-9** Please see Response to Comment 44-7.

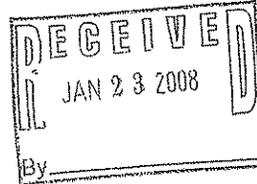
- 44-10** The comments referenced by the commenter are attached as Appendix D to this Final EIR. Although not all of the comment letters received on the Notice of Preparation were included in the Draft EIR, the concerns raised in these comment letters were identified and addressed in the preparation of the Draft EIR.

RECEIVED JAN 2 5 2008

Sherill Rohde
5351 Brookfield Circle
Rocklin, CA 95677
Voice: 916-632-1433 Fax: 916-632-8740
lumahai@pacbell.net

January 21, 2008

Mr. David Mohlenbrok
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677



Dear Mr. Mohlenbrok:

I'm writing regarding the proposed construction of Rocklin Crossings at interstate 80 and Sierra College Boulevard, which is right in my neighborhood.

I understand that Rocklin Crossings is planned directly adjacent to a very sensitive federally protected watershed area, and I do not believe the DEIR has adequately addressed the issues surrounding this. Further, it is my belief that issues surrounding traffic, noise and light pollution have not been properly addressed, let alone the aesthetics and actual need for such a development.

While I understand the need for the City of Rocklin to secure a greater tax base through retail installations, I am frankly appalled at the choice Rocklin has made to invite Wal-Mart (cheap goods at best) and a home improvement store into the neighborhood. It goes without saying that these stores are entirely redundant as there are three home improvement stores and two Targets and two Wal-Marts within a 10 minute drive of my house *right now*. I would be sincerely interested to know who thought we could possibly use more of these retail stores (my suspicion is that Rocklin is hoping that the Clover Valley development will go through and it can capitalize on that population, but as you know, Rocklin residents will most likely vote against this development). If a revenue base is what Rocklin is after, I urge you to enhance the retail outlets along Granite Drive and forego the Rocklin Crossings development.

A development like Rocklin Crossings is contrary to all the reasons why I chose to move to Rocklin seven years ago, leaving the Bay Area with its congestion and over-development. Now, I see this repeating itself right here in my neighborhood. I urge you to preserve what is good about Rocklin by stopping this unnecessary, unsightly and fundamentally wrong development at Rocklin Crossings.

Sincerely,


Sherill Rohde

P.S. - FOR THE RECORD, I WILL NOT PATRONIZE ANY OF THE STORES AT ROCKLIN CROSSINGS IF, INDEED, IT IS BUILT.

- 45-1** The project site is located within approximately 300 feet of Secret Ravine Creek at its closest location. For a discussion of the project's impacts on Secret Ravine Creek, the commenter is referred to Section 4.10, Hydrology and Water Quality, and Section 4.12, Biological Resources, of the Draft EIR. For water quality issues, the commenter is also referred to the Master Response on Water Quality. For additional discussion of the current status of special-status fish and their habitat in Secret Ravine Creek and the project's effect on Central Valley steelhead and Chinook salmon and their habitat and water quality in Secret Ravine Creek, see Master Response regarding Secret Ravine Creek and the technical memorandum on Secret Ravine Creek prepared by ECORP (Appendix A).

The commenter states that the issues surrounding traffic, noise, light pollution, aesthetics and the need for the project have not been properly addressed in the Draft EIR; however the commenter does not identify specific analytical deficiencies in the Draft EIR. The Draft EIR provides extensive analysis and discussion in all these issue areas and the project would implement measures to mitigate any impacts in these areas. The traffic study has analyzed study intersections consistent with city standards and has proposed improvements to mitigate project impacts at locations where the project significantly impacts operating condition of the intersections and roadway segments. The proposed improvements would mitigate the project impacts to less-than-significant levels per City standards. The project would implement Mitigation Measure 4.7-4, which addresses impacts due to light and glare, and includes the development and approval of a lighting plan to ensure project lighting does not cause any nuisance to adjoining streets or properties. Mitigation Measure 4.7-3 would be implemented and the project applicant would be required to comply with the City of Rocklin Municipal Code, which requires that all projects undergo design review to ensure that development of the site is of high quality and does not create visual incompatibilities (Municipal Code, Section 17.72.020). For a detailed discussion of these issues, the commenter is referred to the following sections of the Draft EIR: Section 4.2, Traffic and Circulation; Section 4.7, Aesthetics; and Section 4.4, Noise. The Rocklin Crossings project is a private development that is proposing to include a Wal-Mart Supercenter and a Home Depot as major tenants along with a number of smaller tenants. The City of Rocklin is not proposing this development and does not control which tenants would locate within the development.

The commenter's opposition to the proposed project is noted.

January 23rd, 2008

Sherri Abbas
Development Services Manager
3970 Rocklin Road
Rocklin, CA 95677

Ms. Abbas,

Sincerely,

Re: Walters Road Wal-Mart Project

Dear Ms. McCollister:

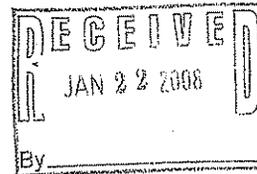
Wal-Marts attract a lot of crime which will be costly for the Police Department. Will Wal-Mart be paying the City for increased costs of patrolling and responding to the Wal-Mart? Why did the EIR not include a study on the impacts of crime and outline the kinds of new crime that we will face once storefronts in struggling shopping centers close?

Lila F. Sasani

5750 Foothill Rd.

Rocklin, Ca 95677

Lila F. Sasani



46-1 For a discussion of the proposed project's impact on police protection services and the issue of crime, the commenter is referred to Responses to Comments 33-1 and 51-1.

For a discussion of the proposed project's effects on other existing developments within the City, the commenter is referred to Section 5, Economic Impact and Urban Decay Analysis, of the Draft EIR.

January 23rd, 2008

Sherri Abbas
Development Services Manager
3970 Rocklin Road
Rocklin, CA 95677

Ms. Abbas,

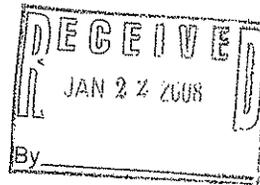
Concerning the Rocklin Crossings project, I'm alarmed that the City does not consider the impacts on urban decay as "significant and unavoidable". A new SuperCenter big box will make it nearly impossible to find tenants for an already large number of local vacancies who can actually compete in this local market.

The shopping centers along Granite Drive are already in the midst of urban decay, yet Rocklin hasn't come up with any relief or plan to fill empty spaces like at the K-Mart shopping Center where the Albertson's used to be.

The city should reconsider classifying the impacts on urban decay as significant and unavoidable.

Sincerely,

Howard + Marilyn Stett
3400 Reyman Lane
Loomis, CA 95650
Howard Stett



- 47-1** Please refer to the Response to Comment 28-1. This comment states that Granite Drive is currently in a state of urban decay. Although there is currently a high rate of vacancy in Rocklin, and there is some small shop space that is vacant on Granite Drive, it does not follow that this street is in a state of urban decay. Urban decay is defined as physical deterioration that is so prevalent and substantial it impairs the proper utilization of affected real estate or the health, safety, and welfare of the surrounding community. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184 (court refers to concerns about “business closures and physical deterioration of the downtown area,” a potential “downward spiral of store closures and long-term vacancies in existing shopping centers,” and “numerous vacant or half-vacant strip malls adorned with graffiti and weeds”).) The current high vacancy rate is a result of the temporary oversupply of new retail space built in the last few years along with the tightening credit markets which have affected small business owners. CBRE Consulting, which prepared the economic and urban decay analyses, expects the vacancy rate to decline once the credit and housing markets recover and new retail space is leased. Granite Drive, in particular, is expected to be revitalized by several retail and office projects that are being planned for this street. The existing centers on Granite Drive will likely benefit from the increase in traffic to these new developments.

January 22, 2007

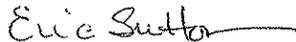
Sherri Abbas
Development Services Manager
3970 Rocklin Rd.
Rocklin CA 95677

Ms Abbas,

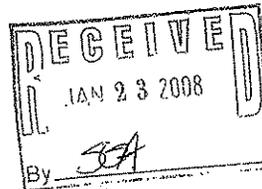
Please regard this letter as my strong opposition to the development of a Wal-Mart Supercenter store at the southeast corner of I-80 and Sierra College Blvd. The EIR for the Rocklin Crossings Project has inaccurately portrayed the urban impacts that a Wal-Mart Supercenter store would create. The large amount of new retail developments has made it obvious that we already have urban blight all over Rocklin. Having a Wal-Mart Supercenter in our town would only increase this situation. It seems to me that our City Staff doesn't spend very much time frequenting Rocklin's stores – because it is apparent that the business vacancies are increasing in Rocklin.

I expect our City Staff to use the final EIR stage to completely and thoroughly review the economic and urban blight problems that we have. Your five page study does not seem to be a thorough, well thought out study. It appears short-sighted and has not taken an all-encompassing approach to the situation.

Sincerely,



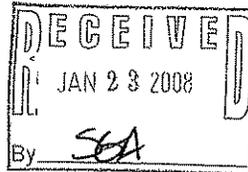
Eric Sutton
4705 Wildflower Lane
Rocklin, CA 95677



48-1 Please see Responses to Comments 24-1, 27-1, 28-1, 31-1 and 47-1, as well as the Economic Impact Analysis included as Appendix B to the Draft EIR.

January 14, 2008

Mr. David Mohlenbrok
Attn: Sherri Abbas
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677



Dear Mr. David Mohlenbrok,

As a Rocklin resident and member of the Rocklin Residents for Responsible Growth, I am strongly opposed to the proposed Rocklin Crossings Development. I am, therefore, writing with regards to the Draft Environmental Impact Report (DEIR) and its severe deficiency in addressing the impacts to the Secret Ravine Creek and more specifically to the Chinook Salmon ESU.

Secret Ravine Creek has a documented Chinook Salmon ESU population. The populations of the salmon have decreased tremendously over the years as a direct result from urbanization, especially in the rapidly growing Placer County.

In Section 2.4 of the DEIR titled "Significant and Unavoidable Environmental Impacts" it states under subsection 2.4.6, "*The proposed project would result in significant impacts related to the loss of wetlands, the loss of native oaks and heritage trees, the loss of valley elderberry longhorn beetle habitat, the disturbance of raptors and migratory birds, and degradation of fish habitat.*"

The scope of this comment letter focuses on the "degradation of fish habitat."

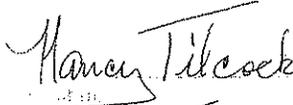
Further, on page 4.10-16, under the subheading "Level of Significance After Mitigation" states, "*As the stormwater is discharged from the detention basin, it would flow through an existing grassy swale for approximately 300 feet before entering the Secret Ravine Creek. The grass swale would remove additional contaminants within the stormwater through biofiltration. The implementation of these BMPs, consistent with the requirements of the site's NPDES permit and the SWPPP, would ensure that the quality of the water entering Secret Ravine Creek would not be substantially degraded.*"

The DEIR should address what the water degradation will be upon entry into the Secret Ravine Creek and to what extent will that attribute to the "*degradation of the fish habitat*"? The DEIR should address whether or not the Chinook Salmon ESU identified in the Secret Ravine Creek, Dry Creek tributary, are federally protected under the Endangered Species Act. How then and to what extent must the EIR go to address the 'unavoidable' and 'significant' impacts to the federally protected Chinook Salmon ESU specifically as it relates to the Rocklin Crossings Development.

Also, the DEIR should take into consideration and address the University of California Santa Barbara study, "Assessment of Stressors on Fall-Run Chinook Salmon in Secret Ravine (Placer

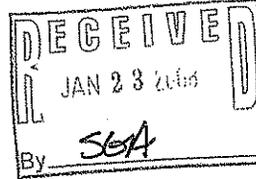
County)" June 2003. The study makes a number of conclusions and recommendations regarding the preservation and protection of the Secret Ravine Creek. For instance, the study concludes "Sediment had eleven total contributing sources. Impervious surfaces and off-highway vehicles were the leading sources causing increased sediment in Secret Ravine." (page 8) Given the close proximity of the proposed development and Interstate-80 and Sierra College Boulevard, sediment will certainly be a major contributor to the ongoing issues of the Secret Ravine Creek which will in turn impact the Chinook Salmon ESU. The DEIR should address all of these issues thoroughly and also recommendations to the recommendations outlined in the study. Thank you.

Sincerely,


Nancy Tilcock
4915 Village Oaks
Rocklin CA
95675
(916) 632-1725

- 49-1** For a discussion of the current status of special-status fish and their habitat in Secret Ravine Creek and the project's effect on Central Valley steelhead and Chinook salmon and their habitat and water quality in Secret Ravine Creek, see Master Response regarding Secret Ravine Creek and the technical memorandum on Secret Ravine Creek prepared by ECORP (Appendix A).
- 49-2** For a discussion of the current status of special-status fish and their habitat in Secret Ravine Creek and the project's effect on Central Valley steelhead and Chinook salmon and their habitat and water quality in Secret Ravine Creek, see Master Response regarding Secret Ravine Creek and the technical memorandum on Secret Ravine Creek prepared by ECORP (Appendix A).

Mr. David Mohlenbrok
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677



Re: Rocklin Crossing's Draft Environmental Impact Report (DEIR)

Dear Mr. Mohlenbrok,

I would like to raise some very specific concerns with regards to the DEIR for the Rocklin Crossing's development being proposed in Rocklin. I believe the Rocklin Crossings' DEIR needs to study the following issues more thoroughly as it should:

- 1) Take into consideration its impacts on global warming.

Our state was in a drought last year and our snow pack levels in the Sierra's were half the normal amount. The proposed development will have a significant carbon footprint, air quality impact, energy consumption, and water consumption. All of these issues will impact our ozone and global warming. The project should be developed to minimize any and all such impacts and should analyze the global warming impacts it may cause and address those accordingly.

- 2) Be a 'green' development.

The City of Rocklin should set a high standard for green building with the proposed Rocklin Crossings Development, especially given the scope and size of the project. Wal-Mart Supercenters alone have a tremendous impact on the environment with its water and energy consumption. However, there have been test green stores that Wal-Mart has done in McKinney, Texas and Aurora, Colorado. The main anchor stores should have green roofs and also incorporate solar energy where applicable. (Note: Wal-Mart has built their Supercenters in other areas with green roofs, so why not in Rocklin?)

- 3) Should be LEED certified.

The entire development should be LEED certified. Or, as a compromise, the two main stores – Wal-Mart and Home Depot – should be LEED certified. The most preferred levels are the Platinum and Silver levels.

- 4) Should minimize its carbon footprint.

A half-million square foot development with no open space or park area is too big and too much impact on the environment. A smaller development with some open space and/or park area should be reviewed. Wal-Mart, for instance, is pushing for stores that are below 100,000 square feet to help blend into communities and reduce their monstrosity sized stores. The City of Rocklin should push the developer to push Wal-Mart to build one of their smaller 99,000 square foot stores and reduce their impacts on the environment.

- 5) Should integrate LED bulbs to reduce SF6 emissions.

The entire development, not just the development's signage, should use LED bulbs. This will save a tremendous amount of energy. PG&E is working to reduce their SF6 -- a gaseous dielectric used by electric utilities primarily in high voltage circuit breakers and gas-insulated substations. In fact, the draft environmental impact report should conduct an analysis on the estimated SF6 emissions associated with the Rocklin Crossings Development and also estimates if the entire project used LED lights.

- 6) Should minimize the sea of parking.

The draft environmental impact report should review alternative parking options such as a parking garage or, preferably, underground parking for especially the Wal-Mart Supercenter which generates a large number of vehicles alone. Underground parking, or a parking garage, will help the developer avoid violating policy #20 (on page 4.1-9) which is, "To avoid "strip commercial" land uses in newly developing areas by encouraging the "village concept" of grouping commercial land use in village core areas." Please ask the developer to explore alternative parking ideas to minimize the gray matter or sea of parking.

- 7) Should address the delivery truck issues and times.

The draft environmental impact study should detail in specifics a) the total number of delivery trucks and b) the total frequency of deliveries that will be done at the entire Rocklin Crossings Development. The study should address if the delivery trucks will remain idling while unloading and how long they will be idling during delivery. What is the general protocol for both Wal-Mart and Home Depot in their delivery of merchandise? What are the average idling times for a Home Depot delivery truck(s)? What are the average sizes of the Home Depot delivery trucks? What does the Rocklin General Plan state about truck parking within the city when not delivering goods? The draft environmental impact report should address how often and for how long the delivery trucks for the entire Rocklin Crossings Development will remain within Rocklin's city limits. The study should address the average age and emission standards for both the Wal-Mart and Home Depot delivery trucks. Are the trucks being driven into and out of Rocklin utilizing the highest standard and latest technology in reducing its particulate matter?

Thank you.

Sincerely,

Nancy Titcock
4915 Village Oaks
Rocklin
CA 95677
(916) 632-1725
Nancy Titcock

- 50-1** As discussed in the Master Response on Energy Conservation and Air Quality Mitigation, the project would incorporate a number of measures to address the potential effects on global climate change. For a detailed discussion of the project's global climate change impacts, the commenter is referred to Section 6.4 commencing on page 6-55 of the Draft EIR. In addition, the commenter is referred to Section 4.14, Energy, for a discussion of the project's energy efficient design components and to Mitigation Measure 4.3-2 on page 4.3-21 of the Draft EIR (and as amended in this Final EIR) for a list of emission control measures that would help reduce the project's greenhouse gas generation.
- 50-2** Please see Response to Comment 50-1. Mitigation Measure 4.3-2, as noted in the Master Response on Energy Conservation and Air Quality Mitigation and on page 4.3-21 of the Draft EIR, includes consideration of highly reflective roofing material for the project, where feasible, in order to increase solar reflectivity and lower cooling loads. In addition, as discussed in the Master Response on Energy Conservation and Air Quality Mitigation, the project would incorporate a number of other energy efficiency measures to reduce water and energy consumption. Furthermore, in response to comments from PCAPCD, the City has modified Mitigation Measure 4.3-2 to be more specific, to insert flexibility where desirable and necessary, and to include additional obligations.
- 50-3** Achieving Leadership in Energy and Environmental Design (LEED) certification is a voluntary program that is not mandated by the City. Whether the buildings on the site are constructed consistent with the LEED certification requirements is at the discretion of the project applicant. As discussed in the Master Response on Energy Conservation and Air Quality Mitigation, however, the project will incorporate a number of energy efficiency measures to reduce water and energy consumption. Furthermore, in response to comments from PCAPCD, the City has modified Mitigation Measure 4.3-2 to be more specific, to insert flexibility where desirable and necessary, and to include additional obligations.
- 50-4** The EIR analyzes an alternative similar to that suggested by the commenter, the Reduced Size Alternative. This alternative is discussed in detail commencing on page 7-4 of the Draft EIR, and includes a 50% reduction in the project's proposed square footage and the elimination of one of the two primary tenants. This alternative would also allow sensitive resource areas to be preserved (i.e., oak trees and wetlands). At the time of action on the project, the feasibility of this alternative and the other alternatives presented in the EIR will ultimately be determined by the lead agency's decision-making body, here the Rocklin City Council. (See Pub. Resources Code, Section 21081(a)(3).) The determination of the feasibility of an alternative may be made based on a "reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 714-716 (court upholds findings rejecting alternatives for not fully satisfying project objectives).)
- 50-5** The proposed project will be required to comply with the energy conservation requirements of Title 24 of the California Code of Regulations. These requirements are discussed in detail in Section 4.14, Energy, of the Draft EIR. Title 24 does require that LED lighting be used exclusively in new commercial buildings. However, as discussed on page 4.14-4 of the Draft EIR and in the Master Response on Energy Conservation and Air Quality Mitigation, Wal-Mart includes a variety of energy efficient design components in its stores including the use of efficient T-8 fluorescent lamps and electronic ballasts in all new stores and the use of LED lighting in internally illuminated building signage.

50-6 Other parking options, such as underground parking or parking structures, were not considered to be practical by the project applicant and thus were not included as part of the project application and description. Underground parking was considered to be infeasible because of geologic conditions on the project site. The site is underlain by rocky conditions, which would make an underground parking structure cost prohibitive to build. In addition, underground parking also poses concerns with shallow groundwater and the need for possible long-term pumping of such. Structured parking was considered to be infeasible because of the need and desire to maintain store and site visibility for traveling motorists, in addition to cost considerations.

As discussed on page 4.1-9 of the Draft EIR, the proposed project would not properly be considered “strip commercial” because the project incorporates the “village concept” by grouping multiple commercial land uses in one core area. The project site is divided into two primary building districts identified as the Retail Promenade District and the Retail Village Clusters District. The Retail Promenade District includes the large retail tenants along the site’s eastern property line while the Retail Village Clusters District includes three separate Village Clusters immediately adjacent to Interstate 80 and Sierra College Boulevard. In addition, the project includes the implementation of Development Guidelines that would establish and control the design character for the entire project. The Development Guidelines address site planning, landscaping, architecture, exterior lighting and signage. All development at the site would be required to comply with the guidelines. By implementing the village concept and consistent development guidelines throughout the project site, the proposed project would be consistent with Policy 20 of the General Plan. Therefore, implementation of a parking garage or underground parking would not be necessary to ensure compliance with Policy 20.

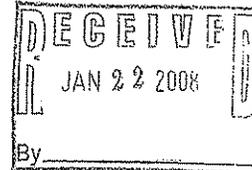
50-7 The worst case daily truck activity at the project’s stores would conservatively consist of approximately 15 semi-trailer trucks per day and approximately 3 semi dual trailer flatbed trucks per day for delivery of materials at the home improvement store. In addition, 6 semi-trailer trucks delivering dry grocery goods and general merchandise per day and 3 refrigerated semi-trailer truck deliveries per day at the grocery store. Approximately 15 smaller 2-axle vender trucks will also make deliveries to these stores each day.

The trucks would access the project site via roadways designated as Truck Routes by the City. Based on evaluation of the project site plan, delivery trucks would likely enter the site from the roadway proposed along the southern edge of the project site and traverse north behind the stores along the project’s eastern border and then make their way to the project’s western site exit. Most trucks would back into the loading dock and are unloaded from the inside of the store using a fork lift or hand cart. Not all trucks are unloaded at loading docks; beverage, bread, potato chip, and other venders may utilize hand carts to unload their products through rear doors (as opposed to depressed dock areas). Flatbed lumber trailers would be unloaded using forklifts in the area behind the home improvement store.

All diesel delivery trucks servicing the project shall not idle more than five minutes, consistent with Mitigation Measure 4.3-2. Furthermore, all delivery trucks would be required by law to meet model-year CARB standards for emissions, including particulate matter. Home Depot’s freight carriers, moreover, replace their truck equipment on average every 5 to 7 years, making it likely that the Home Depot fleet would contain 1996 or newer models. With respect to the commenter’s concern regarding truck parking within the City of Rocklin when not delivering goods, the commenter is directed to Rocklin Municipal Code section, 10.24.190. Per this section, commercial vehicles having a manufacturer’s gross vehicle weight rating of thirteen tons or more shall not be parked or left standing on any street within the city between the hours of six p.m. to six a.m., unless making a pick-up or delivery.

January 16, 2008

Ms. Sherri Abbas
Mr. David Mohlenbrok
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677



Dear Ms. Abbas and Mr. Mohlenbrok,

Thank you for the opportunity to comment on the lengthy draft environmental impact report for the Rocklin Crossings Development. I think it's important for the city and its residents to communicate about developments that will impact our lives and our children's lives.

I have concerns about the potential for crime at the proposed development especially given the hours of operation for the two big stores – the Wal-Mart Supercenter and the Home Depot. The only mention of security measures that I found throughout the draft environmental study is found on 3-7 which outlines Wal-Mart's proposed security measures. (Note: I realize that perhaps I overlooked security being addressed in other sections of the study but, again, it's quite lengthy and complex for the average person such as myself to absorb.)

I think it's great that Wal-Mart has preemptively put forth a security plan; however, I wonder if it is enough security for the entire development? In fact, I wonder if it's enough security for the Wal-Mart. The draft environmental impact report should take into consideration the findings in the attached study from May 2006 titled "*Crime and Wal-Mart – 'Is Wal-Mart Safe?'*" - *An Analysis of Official Police Incidents at Wal-Mart Stores*". It's a study conducted by Wake-Up Wal-Mart.

The most critical aspects of the findings that the draft environmental impact report should address are the total number of calls a typical Wal-Mart Supercenter receives, the total amount of tax dollars spent on local police responding to the calls, and the types of crimes that are committed. A crime analysis should be done for regional existing Wal-Mart stores in comparison with its competitor stores such as Kmart, Target, Safeway, Raley's, etc. There are two existing Wal-Mart's within a five mile radius of the proposed Wal-Mart in Roseville that should be studied.

Also, the study should address the average number of crime incidents and kinds of crimes a Home Depot generates (especially a 24-hour Home Depot). The developer(s) of the proposed Rocklin Crossings Development should put forth a comprehensive security proposal for the entire project – not just Wal-Mart – that should be reviewed and made public in the environmental impact study. This is especially critical given the close proximity to the proposed housing development, Rocklin 60, which will be adjacent to the development.

Also, what is the estimated respond time for the Rocklin police to the center location? Is there discussion to have a posted Rocklin police officer at the development to ensure better safety?

Would the developer be willing to pay for this service so the tax payers of Rocklin will not have to both pay for infrastructure costs and security costs?

Thank you for addressing these issues which I believe are not comprehensively addressed in the draft environmental impact report.

Sincerely,

Pamela N. Tooker

PAMELA N. TOOKER

4112 Vista Dr.

LOOMIS, CA

95650

I would also like you to consider your higher consciousness. How can you allow Walmart to come in on your watch and destroy the small local businesses in our communities.

Pamela Tooker

Crime and Wal-Mart — “Is Wal-Mart Safe?”
An Analysis of Official Police Incidents at Wal-Mart Stores

May 1, 2006

WakeUpWalMart.com
Washington, DC

“Crime in our parking lots was on a rapid increase in many areas of region ten, Florida, and it was evident from customer count and sales in the evening hours, that people were becoming afraid to visit our stores during those hours.”

Tom Rinehart, Wal-Mart, 1996

Summary

One of the most important issues raised by citizen groups and local communities in the growing public debate about Wal-Mart is whether or not a relationship exists between Wal-Mart stores and crime.¹ In the last few years, anecdotal news accounts of crimes at Wal-Mart stores or parking lots, coupled with statements made by law enforcement, have raised a public concern that Wal-Mart stores may be, as one court has described it, a “magnet for crime” (See Appendix B).

The following study, titled “Is Wal-Mart Safe?” is the first nationally available study to evaluate this important issue. The first phase of this study analyzes police incident reports (calls for service) associated with 551 Wal-Mart stores and provides an estimate of both the average rate of reported total incidents per store and reported “serious or violent” incidents per store (See Appendix A). This study is also the first available report that compares and contrasts the average rate of reported police incidents at “high incident” Wal-Mart stores with the average rate of reported police incidents at nearby Target stores.

The study further estimates the cost to taxpayers and local communities associated with policing Wal-Mart stores. Finally, our estimate of what it would cost for Wal-Mart to adopt roving security patrols at all stores is provided.

Among the critical findings of the “Is Wal-Mart Safe?” study:

- Wal-Mart stores experience a significant number of police incidents. In 2004, police received 148, 331 calls for service for the 551 Wal-Mart stores analyzed;
- The average number of reported incidents per store for the 551 stores analyzed was 269;
- The Wal-Mart stores in our sample that reported the most incidents in 2004 experienced higher average rates of reported police incidents than nearby Target stores;
- Based on the average rate of reported incidents for the 551 Wal-Mart stores analyzed in this study, we estimate that in 2004 police may have received almost 1 million calls for service at Wal-Mart stores or parking lots – or 2 reported police incidents per minute in 2004;
- Nationally, Wal-Mart stores cost local taxpayers an estimated \$77 million in increased policing costs in 2004;
- Wal-Mart could implement roving security patrols at all stores nationwide at an estimated cost of 4 cents per monthly customer visit.

Each of the 551 police reports used in the “Is Wal-Mart Safe?” study is available for download and review at WalMartCrimeReport.com.²

¹ Unless otherwise indicated, a reference to incidents at a Wal-Mart means incidents at a Wal-Mart property, including a Wal-Mart parking lot.

² The police incident reports used for this study are official records of the number of times police were called to respond to an incident (calls for service) at a Wal-Mart property. The reported incidents run the gamut from calls to assist a motorist locked out of a car to calls to investigate a homicide. The police reports did not reflect the outcome of these calls for service or the precise location of the incident. Thus, for example, a police report indicating a call for

Introduction: Wal-Mart Stores and Public Safety

At the end of 2005, Wal-Mart ranked #2 on the Fortune 500 with sales of over \$312 billion and net profits of \$11.2 billion. Wal-Mart is also the nation's largest retailer with over 3,857 stores and a customer base estimated by the company at 151 million visits per week - with women consumers representing 70 percent of all Wal-Mart customers. Wal-Mart has also announced plans to open 1,500 new stores over the next five years or roughly 300 new stores each year between 2006 and 2010. At the end of 2005, Wal-Mart's 3,857 stores were located in 2,183 cities and/or towns across all 50 states.³ In sum, Wal-Mart is a significant and powerful social and economic force both nationwide and in the very fabric of thousands of American communities.

Wal-Mart's ambitious plans for growth, however, have faced an increasing degree of public opposition from citizen groups who oppose plans to expand or open new Wal-Mart stores in their communities. Based on news articles, in the last two years, community groups in over 204 cities and towns have organized to oppose new Wal-Mart openings or the expansion of current Wal-Mart stores.

In opposing Wal-Mart expansion or growth, so-called "site fight" groups point to various concerns, including increased traffic, congestion, sprawl, as well as crime. In particular, the questions about the relationship between incidents of crime and Wal-Mart stores raises concerns among site fight groups about the adverse impact a new or current Wal-Mart store could have on a community's quality of life, overall public safety, and local policing.⁴

The following research study, titled "Is Wal-Mart Safe?" is the first national study to examine the average rate of reported calls for service at or near Wal-Mart stores. The "Is Wal-Mart Safe?" study is based on a detailed analysis of local police incident reports (calls for service) covering 551 Wal-Mart stores in 434 cities and 30 states.⁵ The stores were chosen randomly based on a sample of 1,004 Wal-Mart stores that were open for all of 2004.⁶ The primary findings of this study are based only on the police reports associated with these 551 stores.

service at a Wal-Mart address could reflect an incident in a store or in the parking lot. In some instances, however, the nature of the crime, such as auto theft, provides insight into the location of the incident (see Appendix A).

³ Wal-Mart Stores, Inc., SEC Filing, Form 10-K, Fiscal Year 2006; Wal-Mart Stores, Inc., presentation, January 2005; Wal-Mart Stores, Inc., "United States Operations Data Sheet March 2006," at www.walmartfacts.com March 2, 2006; Parija Bhatnagar, "Wal-Mart mea culpa: 'We're human beings'," CNNMoney.com, June 3, 2005; Wal-Mart Store Listings 2005, Trade Dimensions Data.

⁴ For example see Sprawl-Busters "Home Town America Fights Back": <http://www.sprawl-busters.com/search.php?SRCHrecent=1>

⁵ In 2005, we requested from police departments lists of all incidents reported (calls for service) at Wal-Mart addresses over the last two years, organized by date and type of incident to which police responded. In total, we received information for 582 stores in 30 states. Because we analyzed only those Wal-Mart stores that were open for all of 2004, and because we received some of the reports after we began our analysis, 31 stores were ultimately excluded from the sample. Wal-Mart reported that it had 3,551 stores (3,013 Wal-Mart stores and 538 Sam's Clubs) open in the US in January 2004.

⁶ This initial analysis focuses only on 2004 police incident report data associated with Wal-Mart addresses. The considerable time needed to request, organize, and analyze over 10,000 pages of data took up much of 2005. Future research will analyze all stores open as of 2005, as well as to compare 2004 and 2005 incident reports.

The "Is Wal-Mart Safe?" study is divided into the following sections:

- (a) Public statements made by police officials and communities concerning the perceived relationship between Wal-Mart stores and crime;
- (b) The average rate of reported police incidents among Wal-Mart stores, both on a per store basis and estimated nationwide;
- (c) The average rate of reported "serious or violent" police incidents per Wal-Mart store
- (d) A comparison of reported police incidents at a cross-section of Wal-Mart and Target stores;
- (e) The estimated cost to taxpayers for police work associated with responding to calls for service at or near Wal-Mart stores, both per store and nationwide;
- (f) A comparison of the estimated cost to taxpayers for reported police incidents at or near Wal-Marts versus nearby Target stores;
- (g) The estimated cost to Wal-Mart for providing security patrols at all Wal-Mart stores, both for Wal-Mart and on a per customer basis.

A. Wal-Mart and Crime: Public Statements by Local Officials

In 2001, Justice Larry Starcher of the West Virginia Supreme Court of Appeals stated that "a quick search of reported cases reveals that Wal-Mart parking lots are a virtual magnet for crime."⁷ In addition, many police officials have discussed the impact of having to respond to calls for service at Walmart properties.

For example, police chiefs and police officials from cities as diverse as Epping, NH; Moraine, OH; and Harrisville, UT, have described the relationship between Wal-Mart stores and crime.

- **South Strabane, PA:** Police Chief Don Zofchak met with Wal-Mart officials in 2004 trying to reduce their calls to the police. "Frankly, it was unbearable.... I've got 26 square miles and God knows how many other businesses to deal with. Their requests or demands for service, proportionally, were overwhelming." [Pittsburgh Post Gazette, March 27, 2005]
- **North Lebanon, PA:** Police Chief Kim Wolfe said that, "If we had known the number of calls [from Wal-Mart], we probably would have considered an increase in officers.... We just had no idea what it would be like. It doesn't matter what time of the day or night, we get calls there." [The Lebanon Daily News, January 27, 2005]
- **West Sadsbury, PA:** Police Chief John F. Slauch said that Wal-Mart "has completely changed the way we do business. It has overwhelmed us at times." [Philadelphia Inquirer, April 12, 2004]
- **Tappahannock, VA:** Police Chief James Barrett, said Wal-Mart "is a strain on services. If they moved out tomorrow, it wouldn't upset me." [St. Petersburg Times, May 20, 2002]
- **Harrisville, UT:** Since Wal-Mart opened in Harrisville, UT in early 2001, calls to the police department have jumped by a third. The number of officers has increased from four to six. The store's parking lot, where more than half the city's DUIs originate, is now patrolled overnight. "Our DUIs skyrocketed," said Harrisville Police Officer Nate Thompson, cruising the parking lot one recent Friday night. "It just went through the roof." [Associated Press, May 7, 2004]
- **Moraine, OH:** Police calls almost tripled after a Wal-Mart opened in Moraine, Ohio in 2003. Moraine public information officer Paul Guess said "We had anticipated, because the store is open 24 hours, that we would have an increase." [Dayton Daily News (Ohio), August 11, 2005]

⁷ Justice Larry Starcher, writing in the Concurring Opinion in *Jane Doe v. Wal-Mart Stores, Inc.*, West Virginia Supreme Court of Appeals, No. 20612, December 13, 2001.

- **Epping, NH:** Police Lieutenant Mike Wallace said, "Because there's a lot of time spent at Wal-Mart, the rest of the town is affected by that.... There's not as much time for direct patrols.... There has to be some kind of relief if they want us to cover them 24 hours a day. [Union Leader (Manchester, NH), November 16, 2005]

The increased demands of policing Wal-Mart stores have posed serious challenges for communities. Some of the concerns cited by local communities include increased pressure on community policing, budgetary pressures, as well as increased concerns over public safety. Again, examples of such concerns were raised in cities as diverse as Hermantown, MN, Beech Grove, IN, Orlando, FL, Tega Cay, SC, Vista, CA, and Dallas, TX.

- **Epping, NH:** Town officials in Epping, NH turned down Wal-Mart's request to have its store open 24-hours during the holidays, saying that police calls from the store were already overburdening the police force. Calls to the police, arrests, and complaints filed at the store in its first four months of operation led to a 7.5 percent increase in the town's crime rate. [Union Leader (Manchester NH), May 23, 2004 and Union Leader (Manchester, NH), November 16, 2005]
- **Hermantown, MN:** Wal-Mart's plan to expand in Hermantown, MN would increase police calls for the already understaffed police department. [Duluth News-Tribune, February 20, 2005]
- **Tega Cay, SC:** In 2004, three Tega Cay Planning Commission members completed a study that said a proposed Wal-Mart would bring more crime and traffic than previously thought. Commission member Don Colangelo said two more Tega Cay police officers would need to be hired to handle the additional police calls. [The Herald (Rock Hill, S.C.), November 26, 2004.]
- **Beech Grove, IN:** Beech Grove, Indiana estimated in 2004 that increased calls from a new Wal-Mart would necessitate the hiring of an extra police officer budgeted at \$75,000. **Fishers, IN:** Fishers, Indiana police responded to 292 calls from Wal-Mart in just the first 8 months of 2003. **Greenwood, IN:** In 2004, planners in Greenwood, Indiana projected that a new Wal-Mart would net the city an additional \$27,933 a year but had only estimated \$5,000 in additional police costs to come up with that figure. Those projections were off given that Marion County police had to respond to 511 calls in 2003 at their Wal-Mart. [Indianapolis Star, March 17, 2004]
- **Port Richey, FL:** In 2002, Port Richey's Wal-Mart was projected to pay \$75,000 in property taxes for the year. To handle increased police calls, the police department spent \$72,275 in overtime in just the first seven months of its fiscal year. Because of the small size of Port Richey's police department, sending two officers to Wal-Mart takes up the entire force working on a given shift. As the number of calls to Wal-Mart rose, police response times increased on other non-emergency calls. [Tampa Tribune, July 23, 2003]
- **Pineville, NC:** In March 2003, town leaders in Pineville, NC turned down a proposed Wal-Mart. City Planners in Pineville determined that the town would have to hire two additional police officers to monitor the store and respond to calls there. They estimated the new officers would cost the town \$120,000. An attorney for Wal-Mart stated that the proposed Wal-Mart would have likely brought the town \$100,000 in sales, property, and other taxes. [Charlotte Observer, May 26, 2003]
- **Ephrata, PA:** Brad Ortenzi, police detective in Ephrata, PA said in 2003 that Wal-Mart led to a "drastic increase" in his workload. "Bad checks, use of stolen credit cards. ... During a busy week, we'll have three to five retail theft arrests, and with each arrest, that ties up an officer who has to go down, take a person into custody" and follow up with paperwork and possibly a court appearance. [Sunday News (Lancaster, PA) June 8, 2003]
- **Vista, CA:** Mayor Morris Vance cited increased crime at Wal-Mart as taxing local budgets and policing efforts. "This is a difficult time for this to happen," Mayor Vance said, referring to the

city's strapped budget. "We definitely cannot afford more police officers right now. With the budget, it's hard to keep what we have." [The San Diego Union-Tribune, June 5, 2003]

- **Orlando, FL:** In Orlando, the local police blotter indicates that the crime rate in a 5-square-mile area of MetroWest jumped more than 70 percent in the first year after Wal-Mart's arrival in August 2001. Traffic accidents rose 31 percent, property crimes 110 percent, robberies 231 percent and car thefts 56 percent, according to the Orlando Police Department. [Orlando Sentinel, January 27, 2003]
- **Dallas, TX:** A 2002 internal Dallas Police Department memo warned that a proposed Wal-Mart Supercenter would lead to longer response times. [Dallas Morning News, Jun 5, 2002]
- **North Versailles, PA:** Calls to Wal-Mart and the development that came with it caused the police department to have to more than double its size, growing from 10 to 26 officers between 1998 and 2002. [St. Petersburg Times, May 20, 2002]
- **Ankeny, IA:** Ankeny police saw a substantial increase in crime once Wal-Mart supersized to a 207,000-square-foot store in September 1999. Police records show that crimes such as shoplifting, theft, forgery and counterfeiting increased 74 percent in 2000 at the Wal-Mart Supercenter compared with the smaller Wal-Mart that operated in town in 1999. Police Chief Paul Scranton requested two new officers to deal with increased workloads in 2000 and the city hired a consultant to study in 2001 whether to hire officers and/or take officers off other duties. [Des Moines Register, July 22, 2000 and Des Moines Register, November 7, 2001]

B. Analysis of Reported Police Incidents and Wal-Mart Stores

We gathered and analyzed 2004 police incident reports (i.e. calls for service for violent crimes, nonviolent crimes, and other matters) for 551 Wal-Mart stores that were open for all of 2004. The sample of Wal-Mart stores analyzed represented 15.5 percent of all U.S. Wal-Marts as of January 2004.⁸ Police incident reports were requested, collected, and analyzed from 404 police departments from 434 cities and towns.

According to the police reports analyzed, in 2004, police received a total of 148,331 calls for service at these 551 Wal-Mart stores.⁹ The average number of reported police incidents per Wal-Mart store was 269.¹⁰

Table I: Wal-Mart Stores: Average Rate of Reported Police Incidents

Wal-Mart Stores Sampled	Number of Reported Calls for Service in 2004	Average Rate of Reported Police Incidents Per Wal-Mart Store in 2004
551	148,331	269

⁸ Wal-Mart Stores, Inc, SEC Filing Form 10-K for Fiscal Year 2005

⁹ We were able to count the total number of incidents reported for 551 of the 582 Wal-Mart stores about which we received data. We were unable to analyze the other 31 reports because (i) we received them too late for inclusion in the study, or (ii) the relevant stores were not open for all of 2004.

¹⁰ If you removed the five states with the highest number of total police incidents reported, the average rate of police incidents reported for the remaining 261 Wal-Mart stores in 25 states would be 220 per Wal-Mart store.

In terms of geographic distribution, Wal-Mart stores from 30 states were included in the analysis (see Table 2). The five states with the highest number of Wal-Mart's stores analyzed were: California (91), Texas (69), Florida (68), Illinois (39), and Arizona (34). The five states with the highest number of reported police incidents, however, were: North Carolina, Arizona, Florida, California and Texas. The 290 stores from these five "high incident" states accounted for 90,798 of the calls for service at all Wal-Mart stores analyzed. In 2004, the average rate of reported police incidents at these 290 Wal-Mart stores was 313 per Wal-Mart store.

Table 2: Reported Police Incidents at Wal-Mart Stores: State by State Breakdown

State	Total Number of Reported police incidents	# of Wal-Mart Stores
Alabama	155	1
Arizona	10,149	34
California	24,682	91
Colorado	619	3
Connecticut	5,689	25
Florida	23,069	68
Iowa	2,379	8
Illinois	9,294	39
Indiana	306	2
Kansas	2,207	7
Massachusetts	4,676	22
Maryland	2,222	14
Michigan	1,707	10
Minnesota	433	4
Missouri	1,027	3
North Carolina	11,157	28
New Hampshire	743	6
New Jersey	2,367	11
New Mexico	3,468	6
Nevada	672	2
New York	5,660	28
Ohio	6,220	33
Oregon	1,139	6
Pennsylvania	311	3
Rhode Island	1,044	4
Tennessee	1,442	5
Texas	21,741	69
Virginia	148	1
Washington	2,471	11
Wisconsin	1,134	7
Totals	148,331	551

Based on all police reports analyzed, the top ten Wal-Mart stores of the stores we examined with the highest number of total calls for service were located in ten different cities and from six states - four in Florida, two in Texas, one in California, one in Ohio, one in Massachusetts, and one in North Carolina (See Table 3).

Table 3: Top Ten Wal-Mart Stores: Total # of 2004 Reported Police Incidents

Address	City	State	Reported Police Incidents in 2004
9300 N.W. 77 th Avenue	Hialeah Gardens	FL	1875
5100 Okeechobee Road	Fort Pierce	FL	1593
1505 N. Dale Mabry Hwy	Tampa	FL	1582
2793 Taylor Road S.W.	Reynoldsburg	OH	1199
5226 Sigmon Road	Wilmington	NC	1186
7401 Samuell Blvd	Dallas	TX	1173
2727 Dunvale Road	Houston	TX	1123
1950 Auto Center Drive	Glendora	CA	1001
100 Charlton Road	Sturbridge	MA	999
19910 Bruce B. Downs Road	Tampa	FL	996

C. Wal-Mart Stores: Rates of Reported “Violent & Serious Crime” Police Incidents

460 of the 551 reports we analyzed provided a more detailed explanation of the specific types of police incidents reported at each store.¹¹ These 460 official police reports were collected from 364 cities and 29 states. This sample of Wal-Mart stores represented 13 percent of all Wal-Mart stores opened as of January 2004.

Based on this detailed sample of official police reports, local police departments responded to a total number of 122,751 calls for service at the 460 Wal-Mart stores. Again, the police reports did not provide information on whether or not the reported incident allegedly took place inside the store or in the parking lot, but the nature of the incidents (e.g., shoplifting) might suggest the location of the incident. While the detailed data provided by these police reports indicates that a majority of reported police incidents were of a non-violent or non-serious nature (e.g., shoplifting), a significant number of reported police incidents involved more “serious or violent crimes.”¹²

Reported “serious or violent” incidents such as rape, attempted rape, murder, and kidnapping, were defined based on the definitional criteria established by the Federal Bureau of Investigations (see Appendix A).¹³ Based on the FBI’s definitional criteria, in 2004, police were called to respond to a total of 2,909 reports of “serious or violent crimes” at the 460 Wal-Mart stores we analyzed.¹⁴ The most “serious or violent crimes”

¹¹ We were unable to analyze the other 91 reports because (i) we received them too late for this report, (ii) the law enforcement department did not provide the information necessary to categorize the reported incidents, or (iii) the departments only provided the sum total of reported incidents.

¹² Under the Uniform Crime Reporting codes the FBI says that some crimes “are serious crimes by their nature and/or volume.” In these offenses the FBI includes murder, manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. When analyzing serious crimes the FBI also includes simple assault, and we did as well. [FBI, Uniform Crime Reporting (UCR) Summary Reporting <http://www.fbi.gov/ucr/ucrequest.htm>]

¹³ See Appendix A for definitions of the categories analyzed.

¹⁴ Some municipalities include more crimes under the heading of “serious” crime than does the FBI. They include, for example, weapons law violations and drug/narcotic violations. We also analyzed the data from 460 Wal-Mart stores for these two categories. Police reported 694 incidents involving drug/narcotics violations at the 460 Wal-Mart stores.

that police responded to at this sample of Wal-Mart stores include: four homicides, nine rapes or attempted rapes, 23 kidnappings or attempted kidnappings, 154 sex crimes, 1,024 auto thefts, and 550 robberies or attempted robberies (See Table 4). Based on the total number of "serious or violent criminal incidents" reported, an average of six "serious or violent incidents" were reported per Wal-Mart store in 2004.¹⁵

Table 4: Total Number of Reported "Serious or Violent" Incidents at 460 Wal-Mart Stores in 2004

Reported "Serious or Violent Crime" Incident Category	Number of Reported Incidents
Assault with a deadly weapon, assault, and battery:	1,145
Auto theft:	1,024
Robbery and attempted robbery:	550
Sex crimes:	154
Kidnapping and attempted kidnapping:	23
Rape and attempted rape:	9
Homicide and attempted homicide ¹⁶ :	4

Among these 460 Wal-Mart stores analyzed, the top ten stores with highest number of "serious or violent" incidents reported were in Arizona (3), California (4), New Mexico (1), Florida (1), and Texas (1) – (see Table 5).

Table 5: Top Ten Wal-Marts in 2004 with Reported "Serious or Violent" Police Incidents

Address	City	State	Total Reported Incidents	Total Number of "Serious" Incidents Reported
2020 North 75Th Ave.	Phoenix	AZ	372	50
3721 East Thomas Road	Phoenix	AZ	632	47
3661 Truxel Road	Sacramento	CA	576	40
710 Dennery Road	San Diego	CA	397	38
2300 White Lane	Bakersfield	CA	922	35
1607 West Bethany Home Rd	Phoenix	AZ	513	32
15272 Bear Valley Road	Victorville	CA	731	32
1107 South Shaver Street	Pasadena	TX	481	32
1505 N. Dale Mabry Hwy	Tampa	FL	1582	31
301 San Mateo Blvd SE	Albuquerque	NM	598	30

Police reported 170 incidents involving weapons law violations at the 460 Wal-Mart stores. Adding these categories to our analysis would boost the number of "serious" incidents reported to 3,773 at the 460 Wal-Mart stores. See the following website for a description of all the categories considered "serious" under one state's crime reporting: www.bci.utah.gov/UCRIBR/PartOne_GroupA.pdf

¹⁵ Adding reported police incidents involving drug/narcotics violations and weapons law violations to our analysis would boost the total number of "serious" incidents reported to 3,773 at the 460 Wal-Mart stores. That would bring the average number of "serious" incidents per store to 8.

¹⁶ As of March 7, 2006, we had not received sufficient information to clarify 19 incidents at Wal-Mart stores in Houston reported as "Homicide Investigations." These incidents were being investigated by the Houston Homicide Division, which investigates homicides but also other violent crimes. Information in response to two FOIA requests of the incident reports was insufficient to determine what type of crime the police were investigating.

D. National Estimates of Reported Police Incidents at All Wal-Mart Stores

At the end of 2004, Wal-Mart had a total of 3,702 stores in the United States. Based on this study's finding of an average of 269 calls for service per Wal-Mart store, we estimate that as many as 995,838 police incidents may have been reported at U.S. Wal-Mart stores nationwide in 2004. Using this same 2004 estimate, police were called an average of 2,728 times every day, 114 times every hour, and two times every minute, to Wal-Mart stores in the United States (See Table 6).

Table 6: Nationwide Estimates of Reported Police Incidents at Wal-Mart Stores in 2004

2004 Average Rate of Reported Incidents Per Wal-Mart Store	# of Wal-Mart Stores, 2004	Nationwide Estimate of Reported Police Incidents at Wal-Mart Stores	Reported Incidents per Day	Reported Incidents Per Hour	Reported Incidents Per Minute
269	3,702	995,838	2,728	114	2

E. Reported Police Incidents: A Comparison of Wal-Mart & Target Stores

A critical question explored by the "Is Wal-Mart Safe?" study is whether Wal-Mart stores are unique in experiencing a significant average rate of reported police incidents or do other nearby "big box stores" experience similar rates of reported police incidents. In theory, both Wal-Mart and nearby Target stores should be expected to experience roughly similar rates of reported police incidents. In order to address this question, a second phase of the "Is Wal-Mart Safe?" safe study compared and contrasted the rates of police incidents reported between select Wal-Mart stores and nearby Target stores.

This phase of the study focused on the 50 Wal-Mart stores out of the 460 analyzed stores that experienced the "highest rate" of reported police incidents in 2004.¹⁷ Target stores chosen for the comparative analysis were within a 10-mile radius of the 50 "high incident" Wal-Mart stores. Of these 50 "high incident" Wal-Mart stores, three stores did not have a Target within 10 miles, leaving a sample of 47 Wal-Mart stores for further analysis. Because of further data restrictions, the sample for comparison was limited to 32 Wal-Mart stores and 30 nearby Target stores.¹⁸

¹⁷ Methodological constraints prevented us from being able to request and analyze police reports for every Target store within 10 miles of the 551 Wal-Mart stores for which we received police reports. We chose instead the 50 Wal-Mart stores from the 551 in this study that had the highest total number of police incidents reported. For each of these 50 Wal-Mart stores, Yahoo Yellow Pages and Driving Directions were used to locate the nearest Target store within 10 miles of the Wal-Mart store.

¹⁸ As of February 13, 2006, we received incident reports for 37 Target stores. Of these 37 incident reports, seven of them could not be used for our analysis because (i) three of the Target stores were not open for all of 2004, (ii) two Target stores had police reports for 2005 but not for 2004, (iii) one police department only reported 911 emergency calls and not other incidents for the Target store for which we requested information, and (iv) one police department only sent information on arrests instead of information on all incidents. Therefore, in the end we analyzed incident reports for 32 Wal-Mart stores and 30 Target stores.

Based on a detailed analysis of official reports, a total of 24,645 police incidents were reported at the 32 "high incident" Wal-Mart stores in 2004. The average number of police incidents reported for these Wal-Mart stores was 770 per store in 2004. Interestingly, when comparing official data for Wal-Mart and Target stores, a significant difference did exist between the average rate of reported police incidents at Wal-Mart stores versus the average rate of reported police incidents at nearby Target stores.¹⁹

With respect to Target, a total of 5,100 police incidents were reported at the 30 Target stores located within 10 miles of the 32 "high incident" Wal-Mart stores in 2004. Based on the data, the average number of police incidents reported among nearby Target stores was 170 in 2004. In comparison, the average rate for the Wal-Mart stores was 770 in 2004. In addition, two of the 30 Target stores (Coral Springs, FL and Albuquerque, NM) were each within 10 miles of two Wal-Mart stores. In order to equalize the sample at 32 Wal-Mart stores and 32 Target stores, we recalculated the total by counting the reported police incidents from these two Target stores twice. Counting these two Target stores twice raises the total number of reported police incidents for Target to 5,590 and increases the police incident average to 175 per Target Store versus 770 per Wal-Mart store.

Table 7: Averages for Wal-Mart Stores and Target Stores Analyzed

Average Number of Reported Police Incidents at the 32 Wal-Mart Stores in 2004:	Average Number of Reported Police Incidents at the 30 Target Stores in 2004:	Average Number of Reported Police Incidents at the 32 Target Police Reports (30 stores with 2 counted twice) in 2004:
770	170	175

Based on the total number of reported police incidents for Wal-Mart (24,645) and Target (5,590), the daily rate of calls for service also varies considerably between these two retailers. Target stores experience a reported police incident rate of 0.47 a day or less than one call for service every two days. In contrast, Wal-Mart stores experience a reported police incident rate of 2.10 a day or over four calls for service every two days. Essentially, the average rate of reported police incidents at Wal-Mart stores is over 400 percent higher than the average rate of incidents at nearby Target stores.

Interestingly, Wal-Mart stores continued to experience higher rates of reported police incidents per store even when each Wal-Mart store in the sample is compared individually to the nearest Target. In fact, in every case, the total number of reported police incidents at the Wal-Mart store analyzed exceeded the total number of calls for service at its closest Target store. The largest difference between any of these Wal-Mart and Target stores was in Dallas, Texas, where a Wal-Mart store had 987 more reported incidents than the nearest Target store (4 miles away). The smallest difference was in Ocoee, Florida where a Wal-Mart store had 194 more calls for service than the nearest Target store (3 miles away) (See Table 8).

¹⁹ The police reports and other data available to us at present do not fully explain why these Wal-Mart stores have a higher average rate of incidents than the nearby Target stores. This study does not attempt to analyze the factors that might account for the difference in these rates.

Table 8: Store-by-Store Comparison of Wal-Mart and Target Stores reported police incidents in 2004

Wal-Mart Store City, St.	Wal-Mart Store Address	Wal-Mart Reported Incidents by Store in 2004	Target Store City, St.	Target Store Address	Target Reported Incidents by Store in 2004	Distance Between Wal-Mart and Target Store (in Miles)	Difference Between # of WMT Incidents and # of TGT Incidents in 2004
Dallas, TX	7401 Samuel Blvd	1,173	Mesquite, TX	1629 N Town East Blvd	186	4	987
Houston, TX	2727 Dunvale Road	1,123	Houston, TX	7051 Southwest Fwy	197	2	926
Merritt Island, FL	1500 E Merritt Island Cswy	984	Merritt Island, FL	250 Crockett Blvd	170	3	814
Albuquerque, NM	2550 Coors Blvd. Nw	975	Albuquerque, NM	9371 Coors Blvd NW	169	5.5	806
Houston, TX	2700 South Kirkwood Drive	941	Houston, TX	10801 Westheimer Rd	95	1.3	846
Bakersfield, CA	2300 White Lane	922	Bakersfield, CA	1300 Wible Rd	151	1.7	771
N Richland Hills, TX	6401 Ne Loop 820	915	Watauga, TX	8000 Denton Hwy	54	3.2	861
Coral Springs, FL	3801 Turtle Creek Dr	862	Coral Springs, FL*	6200 W Sample Rd	242	0.2	620
Dekalb, IL	2300 Sycamore Road	844	De Kalb, IL	2555 Sycamore Rd	108	0.4	736
Mesa, AZ	1955 So. Stapley Drive	828	Mesa, AZ	1135 S Gilbert Rd	165	1.5	663
Bakersfield, CA	2601 Fashion Place	805	Bakersfield, CA	3401 Mall View Rd	103	0.3	702
Coral Springs, FL	6001 Coral Ridge	796	Coral Springs, FL*	6200 W Sample Rd	242	4.9	554
Hickory, NC	2525 Hwy 70 Se	785	Hickory, NC	1910 Catawba Valley Blvd SE	275	3.6	510
Dallas, TX	1521 North Cockrell Hill Road	782	Dallas, TX	2417 N Haskell Ave	500	6.8	282
Arlington, TX	4801 South Cooper Street	779	Arlington, TX	1600 W Arbroom Blvd	248	1	531
Garland, TX	3159 Garland Avenue	761	Garland, TX	5301 N Garland Ave	149	1.1	612
Houston, TX	13484 Northwest Freeway	753	Houston, TX	13250 Northwest Fwy	148	0.4	605
Victorville, CA	15272 Bear Valley Road	731	Victorville, CA	15321 Palmdale Rd	56	2.4	675
Yuma, AZ	2900 S Pacific Ave	722	Yuma, AZ	725 W 32nd St	131	1.7	591
Albuquerque, NM	400 Eubank Blvd NE	708	Albuquerque, NM*	11120 Lomas Blvd NE	248	0.6	460
Hamden, CT	2300 Dixwell Avenue	685	North Haven, CT	200 Universal Dr N	105	2.6	580

Wal-Mart Store City, St	Wal-Mart Store Address	Wal-Mart Reported Incidents by Store in 2004	Target Store City, St	Target Store Address	Target Reported Incidents by Store in 2004	Distance Between Wal-Mart and Target Store (in Miles)	Difference Between # of WMT Incidents and # of TGT Incidents in 2004
Greenville, NC	210 Greenville Blvd	664	Greenville, NC	3040 S Evans St	159	0.1	505
National City, CA	1200 Highland Avenue	641	Chula Vista, CA	40 N 4th Ave	229	1.6	412
Phoenix, AZ	3721 East Thomas Road	632	Phoenix, AZ	4515 E Thomas Rd	209	0.9	423
Amarillo, TX	3760 I-40 East	618	Amarillo, TX	8201 W Interstate 40	51	7.7	567
Wichita, KS	501 East Pawnee	607	Wichita, KS	404 S Tracy St	100	3.8	507
Beaumont, TX	4145 North Dowlen Road	606	Beaumont, TX	5850 Eastex Fwy	58	0.7	548
Ocoee, FL	10500 West Colonial Drive	606	Orlando, FL	7501 West Colonial Drive	412	3	194
Phoenix, AZ	6145 North 35Th Avenue	603	Phoenix, AZ	740 W Camelback Rd	197	3.1	406
Brandon, FL	11110 Causeway Blvd	601	Brandon, FL	187 Brandon Town Center Dr	81	1	520
Albuquerque, NM	301 San Mateo Blvd Se	598	Albuquerque, NM*	11120 Lomas Blvd NE	248	3.4	350
Independence, MO	4000 South Bolger Dr	595	Independence, MO	17810 E 39th St S	104	0.2	491

Total Wal-Mart Store Reported Incidents in 2004:	24,645	Total Target Store Reported Incidents in 2004:	5,590	Difference in Reported Incidents	19,055
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*Note: Data gathered for Target stores in Coral Springs, FL and Albuquerque, NM are counted twice because they are each within ten miles of more than one Wal-Mart store.

F. Wal-Mart versus Target Stores: Average Rate of Reported Violent & Serious Crime Incidents

We also analyzed whether any difference existed between Wal-Mart and Target in the number of reported police incidents defined as "serious or violent crimes." (See definitions set forth in Section C.) Again, based on the sample of 32 high incident Wal-Mart stores and 30 Target stores, with the data for two Target stores counted twice, a striking difference existed between the rates of "serious or violent crime" incidents at Wal-Mart stores versus nearby Target stores.

In total, 648 "serious or violent" incidents were reported at the Wal-Mart stores versus 100 at nearby Target stores. On average, 20.25 "serious or violent" criminal incidents were reported per Wal-Mart store versus 3.13 per Target store. Based on this analysis, Wal-Mart stores experienced 6 times the number of reported criminal incidents defined as "serious or violent" than nearby Target stores in 2004.²⁰

Table 9: Comparison of Reported "Serious or Violent" Incidents at Wal-Mart versus Target in 2004

Reported Incident Category	Number of Reported Incidents by Category at 32 Wal-Mart Stores	Number of Reported Incidents by Category at 30 Target Stores (with Coral Springs and Albuquerque stores counted twice)
Assault with a deadly weapon, assault, and battery:	198	33
Auto theft:	303	34
Robbery and attempted robbery:	109	18
Sex crimes:	31	14
Kidnapping and attempted kidnapping:	3	0
Rape and attempted rape:	2	1
Homicide and attempted homicide:	2 ²¹	0
TOTAL	648	100

²⁰ Some municipalities include more crimes under the heading of "serious" crime than does the FBI. They include, for example, weapons law violations and drug/narcotic violations. We also analyzed the data from 32 Wal-Mart stores and 30 Target stores for these two categories. Police reported 144 incidents involving drug/narcotics violations at the 32 Wal-Mart stores. Police reported 26 incidents involving drug/narcotics violations at the 30 Target stores (with data for 2 of those stores counted twice). Police reported 32 incidents involving weapons law violations at the 32 Wal-Mart stores. Police reported 8 incidents involving weapons law violations at the 30 Target stores (with data for 2 of those stores counted twice).

Putting these two categories into the totals would boost to 824 the number of "serious" incidents reported at the 32 Wal-Mart stores and boost to 134 the number of "serious" incidents reported at the 30 Target stores (with 2 repeated). See the following website for a description of all the categories considered "serious" under one state's crime reporting: www.bci.utah.gov/UCRIBR/PartOne_GroupA.pdf

Adding police incidents involving drug/narcotics violations and weapons law violations would boost the average number of such incidents per store. On average, 25.75 "serious" criminal incidents were reported per Wal-Mart store versus 4.18 per Target store. Even with this broader categorization of "serious" crimes, Wal-Mart stores continue to experience 6 times the number of reported criminal incidents defined as "serious or violent" than nearby Target stores in 2004.

²¹ This figure does not include 8 incidents which are characterized as "Homicide Investigations" by the Houston Homicide Department, which investigates many serious crimes involving weapons and assaults. As of March 7, 2006, information received from the Houston Homicide Department based on two separate FOIA requests for incident reports failed to provide sufficient details to determine if these were investigations of homicides or calls about weapons. None of the three Targets in Houston had "Homicide Investigations."

G. Policing Wal-Mart Stores: Estimating the Cost to Taxpayers

Various police officials, as cited in section A of this report, have discussed the negative effects that high rates of reported police incidents at Wal-Mart stores have on local policing efforts. Each police incident at a Wal-Mart store is not only costly in terms of taxing local police response and adding additional administrative duties, but is a direct expense paid by local taxpayers. This section of the "Is Wal-Mart Safe?" study estimates the cost to taxpayers for policing Wal-Mart stores.²²

According to public and government reports, for each incident, a police officer will spend an average of one hour responding to each call for service, which includes interviewing witnesses, apprehending suspects, and/or assisting citizens, and another one hour on related administrative duties, such as writing reports.²³ Nationally, the average police department spends \$80,600 in operating costs per police officer each year – resulting in a \$38.75 average hourly rate for police officers.²⁴ At this hourly rate, we estimate the average cost of a police response is \$77.50 per incident. By multiplying this average hourly police cost per incident by the total number of incidents at Wal-Mart stores, it is possible to estimate the total taxpayer cost of police responding to Wal-Mart incidents.

Essentially, given the average of two hours of police time spent per police incident, the taxpayer cost per incident at Wal-Mart store is estimated at \$77.50. Since 148,331 police incidents were reported at 551 Wal-Mart stores, the estimated total cost to taxpayers for these 551 stores was \$11,495,653 in 2004. The average cost to taxpayers per Wal-Mart store, based on the sample of 551 stores analyzed, was \$20,848 per store in 2004.

Extrapolating these figures on a nationwide basis, and based on an average of 269 incidents per Wal-Mart store and a total number of 3,702 Wal-Mart stores at the end of 2004, taxpayers would have paid an estimated \$77,177,445 to respond to 995,838 reported police incidents at Wal-Mart stores (See Table 10).²⁵

²² Estimating the taxpayer cost of responding to reported police incidents at Wal-Mart stores depends on three factors: (a) the average time spent by police officials per call; (b) the average time spent by police officials conducting administrative duties related to the call, such as filling out reports; (c) the average hourly expense per police officer. For the purposes of estimation, we assume that the police respond to every call for service.

²³ We based our hours per call estimate on data gleaned from several news articles and official testimony. See "FY 2003 APPROPRIATIONS, Federal Document Clearing House Congressional Testimony," April 10, 2002, "Better Coordination Needed Among Participating Agencies," GAO Reports, March 30, 2001, "No slowdown in fighting speeders," *The Union Leader* (Manchester NH) August 23, 2005, "St. Petersburg Police Department uses new recruitment video to weed out cadets," *CBS News Transcripts* June 13, 2005, "DUI Crash Shatters The Lives Of 2 Lawmen," *The Arizona Republic* (Phoenix) December 20, 2004, "FP Detectives Overworked, Report Finds," *The Stuart News/Port St. Lucie News* (Stuart, FL) October 31, 1998, "A Shock to the System," *Denver Westword* (Colorado) June 11, 1998, "DA stops prosecuting some misdemeanors," *Albuquerque Tribune* (New Mexico) January 07, 1998, "City considers mandatory permits for burglar alarms," *Fort Worth Star-Telegram* (Texas) December 16, 1998, "Annapolis police want pay raise, but that's not all," *The Capital* (Annapolis, MD.) April 23, 1998, "Booking: Change helping officers," *Ventura County Star* (California) December 14, 1997

²⁴ The U.S. Department of Justice's Bureau of Justice Statistics reported in 2000 that the average police department spent \$80,600 per officer. The amount spent per police officer includes operating costs such as salary, benefits, equipment costs, and other operating expenses. The hourly cost for policing is based on dividing the average yearly cost of an officer by a 40-hour week spread over 52 weeks.

²⁵ Wal-Mart Stores, Inc., SEC Filing, Form 10-K, Fiscal Year 2005

Table 10: Estimating Cost to Taxpayers of Policing U.S. Wal-Mart Stores, 2004

2004 Average Incident Rate Per Wal-Mart store	# of Wal-Mart Stores, 2004	Nationwide Estimate of Reported Police Incidents at Wal-Mart	Estimated Cost per Reported Incident	Estimated Nationwide Cost to Taxpayers	Average Cost of Reported Incidents Per Wal-Mart Store
269	3,702	995,838	\$77.50	\$77,177,445	\$20,848

H. Policing Wal-Mart versus Target Stores: Estimates of Taxpayer Cost

Based on 24,645 calls for service at 32 "high incident" Wal-Mart stores, we estimate that taxpayers paid \$1,909,988 to police these 32 Wal-Mart stores in 2004. The average cost to taxpayers was \$59,675 per "high incident" Wal-Mart store.

In contrast, we estimate that taxpayers paid \$433,225 to police Target stores in 2004, based on a total of 5,590 calls for service.²⁶ The estimated average taxpayer cost per Target stores is \$13,563. This comparative sample of "high incident" Wal-Mart stores and nearby Target stores suggests that policing efforts at Wal-Mart stores cost taxpayers nearly 4.4 times more per store than nearby Target stores.

I. Policing Wal-Mart Stores: Estimated Taxpayer Costs, 2006-2010

In 2006, Wal-Mart announced plans to open 1,500 new U.S. Wal-Mart stores over the next five years.²⁷ Based on a growth rate of 300 new stores per year, and assuming the average number of 269 reported police incidents per Wal-Mart store remains constant, we project the cost to taxpayers will rise substantially over the next five years consistent with Wal-Mart's growth.

Extrapolating our cost estimates on a national basis, we further estimate that local police departments will respond to 6,398,165 police incidents at Wal-Mart stores over the next five years. We estimate that in 2010 police will respond to 1,441,033 calls for service at over 5,357 U.S. Wal-Mart stores. Thus, we estimate the total cost to local taxpayers for policing U.S. Wal-Mart stores over the next five years (2006-2010) will be \$495,857,788 – or nearly half a billion dollars. (See Table 11 and Appendix A)²⁸

²⁶ Since two Target stores (Coral Springs, FL and Albuquerque, NM) are located within 10 miles of more than one of the 32 Wal-Mart stores, the police incident data from these specific Target stores were counted twice to equalize the sample at 32 Wal-Mart stores and 32 Target stores

²⁷ "Wal-Mart sees room for over 1,500 new stores," www.msnbc.com, 02/08/06

²⁸ This figure assumes that operating costs per police officer holds constant at \$80,600 a year. This figure is from the Bureau of Justice Statistics for 2000 and is likely to yield a conservative estimate for the costs in 2010. We use that figure because it is the latest available figure.

Table 11: Estimating Cost to Taxpayers, 2006-2010

Year ending	Projected # of Wal-Mart stores	Estimated Number of Police Incidents (All U.S. Wal-Mart Stores)	Projected Taxpayer Cost ²⁹
31-Dec-06	4,157	1,118,233	\$86,663,058
31-Dec-07	4,457	1,198,933	\$92,917,308
31-Dec-08	4,757	1,279,633	\$99,171,558
31-Dec-09	5,057	1,360,333	\$105,425,808
31-Dec-10	5,357	1,441,033	\$111,680,058
		Total 5 year cost	\$495,857,788

J. Improving Security at Wal-Mart Stores: Wal-Mart's Cost

In 1996, Dave Gorman, then vice president of Loss Prevention for Wal-Mart Stores, Inc., publicly acknowledged that a 1994 test project of "roving security patrols" effectively reduced incidents of crime at high crime Wal-Mart stores to near zero.³⁰ According to Mr. Gorman, a 1994 internal Wal-Mart survey determined that 80 percent of Wal-Mart crime occurred in store parking lots. Since 1996, Wal-Mart has yet to publicly adopt a national Wal-Mart crime deterrent policy that would include security measures, such as manned security cameras and roving security patrols at all stores.

The most recent public statements by Wal-Mart in 2000 state that only 17 percent of its stores have roving security patrols.³¹ Given the large number and type of police incidents that were reported at just a sample of Wal-Mart stores in 2004, it would appear that Wal-Mart could, as it determined in its own study in 1994, significantly reduce police incidents, as well as deter future incidents, through more active security measures at each store. More importantly, since Wal-Mart estimates that 151 million consumers - 70 percent of them women - shop at Wal-Mart stores each week, and given that its own internal reviews in 1996 show that crime is a factor in store performance, it is fair to state that improvements to Wal-Mart security would provide a safer shopping experience for consumers while also helping minimize taxpayer costs.

This part of the "Is Wal-Mart Safe?" study estimates the total cost to Wal-Mart if it adopted a company-wide program of 24-hour roving "security patrols" for all its stores.

The basis for calculating Wal-Mart's cost of providing "roving security patrols" at all stores in 2005 is as follows:

- Average price for a golf cart in the United States was \$4,000 in 2005.³²
- Average hourly wage of a security guard in the U.S. is \$9.87.³³

²⁹ This figure assumes that operating costs per police officer holds constant at \$80,600 a year. This figure is from the Bureau of Justice Statistics for 2000

³⁰ David Gorman, "Loss Prevention Racks Up Success," Security Management, March, 1996

³¹ Good Morning America, August 11, 2000

³² Average of figures in news articles and prices from one dealer. See Golf Carts Buyer's Guide, "Utility vehicle and golf car pricing," http://www.buyerzone.com/industrial/golf_carts/buyers_guide6.html, "Sun City future: Puttin' along," The Charlotte Observer (North Carolina) January 29, 2006, "Little wheels, big jobs," Valley Morning Star, October 22, 2005, "Golf cart business rolls into the green," St. Petersburg Times (Florida) June 23, 2003

³³ Bureau of Labor Statistics, Occupational Surveys (BLS), Occupational Employment Survey, November 2004, www.bls.gov/oes

- Wal-Mart's wage cost for 24-hour security patrols per Wal-Mart store is \$1,658 a week, or \$86,224 a year.
- Total cost of "24-hour roving security patrol" is \$90,224 a year per Wal-Mart store³⁴

Based on these figures, it is estimated that providing a 24-hour "roving security patrol" at all 3,857 Wal-Mart stores in 2005 would cost Wal-Mart \$348 million or one-tenth of one percent of its total revenue.³⁵ The estimated cost of security patrols running dusk-to-dawn would be just \$181 million in 2005.

Based on Wal-Mart's stated customer base of 151 million consumers a week, it is estimated that 24-hour security patrols would cost Wal-Mart an average of 4 cents per weekly visit by a customer. In contrast, "Dusk-to-Dawn" security patrols could be provided at all Wal-Mart stores at the cost of 2 cents per weekly visit by a customer.

Table 12: Estimating Cost of Security Patrols Per Weekly Customer

Total yearly cost for all U.S. stores	\$347,995,202
Cost per week	\$6,692,215
Number of Customers per week	151,158,049
Cost per customer	\$0.04

³⁴ This figure is calculated by including the price of a new golf cart and paying a security guard to operate it 24 hours a day in the parking lot of a Wal-Mart store.

³⁵ Wal-Mart Stores Inc., just released its net sales figures for the year ending January 31, 2006. It posted \$312.4 billion in revenue. The cost of providing round the clock roving security guard patrols in every one of its U.S. parking lots would be 0.11 percent of this sales figure. Wal-Mart Stores, Inc., SEC Filing, Form 10-K, Fiscal Year 2006

Conclusion

The "Is Wal-Mart Safe?" report is the first-ever national survey examining reports of police incidents at Wal-Mart stores and parking lots. The report shows, based on the stores sampled, Wal-Mart has a significant number of police incidents, and Wal-Mart has a higher average rate of police incidents than one of its closest competitors, Target.

This study finds some disturbing facts about Wal-Mart and crime in 2004, including:

- 1) In 2004, Wal-Mart had a total of 2,909 calls for service for alleged "serious or violent crimes" at just 460 of its stores. For this sample, the most "serious or violent crimes" that police reported responding to, included: 4 homicides, 9 rapes or attempted rapes, 23 kidnappings or attempted kidnappings, 154 sex crimes, 1,024 auto thefts, and 550 robberies or attempted robberies. Based on the total number of "serious or violent criminal incidents" reported, an average of six "serious or violent incidents" were reported per Wal-Mart store in 2004 (see Section C).
- 2) The Wal-Mart stores sampled had an average reported police incident rate of 269 incidents per store in 2004 (see Section B).
- 3) Based on the number of incidents in the sample, we estimate that for all Wal-Mart stores nationwide, police may have responded to 995,838 police incidents at Wal-Mart stores in 2004, two incidents per minute (see Section D).
- 4) Wal-Mart stores had more calls for service than nearby Target stores. For the sample, the average rate of reported police incidents at Wal-Mart stores was 400% higher than the average rate of incidents at nearby Target stores and 6 times higher for the number of reported criminal incidents defined as "serious or violent" (see Section E & F).
- 5) Based on the number of incidents in the sample, we estimate that in 2004 the nationwide cost to American taxpayers for police to respond to 995,838 calls for service at Wal-Mart stores or parking lots was \$77 million (see Section G).
- 6) Over the next five years (2006-2011), it is estimated police will have to respond to 6,398,165 police incidents at Wal-Mart stores at a cost of nearly half a billion dollars, \$495,857,788 (see Section I).
- 7) The cost to Wal-Mart to provide a 24-hour "roving security patrol," which internal Wal-Mart studies say can lower crime to near zero levels, would only be \$348 million or one-tenth of one percent of its total revenue. The \$348 million figure means Wal-Mart could institute security measures for only 4 cents per weekly customer visit (see Section J).

In conclusion, it is evident the problem of Wal-Mart and crime has not gone away since Wal-Mart's own internal study in 1994. In fact, as early as 1995, Wal-Mart officials warned the company about a high number of police incidents at some of its stores and developed an effective solution for deterring or lowering crime. Yet, it appears that Wal-Mart officials chose not to adopt a national program to address the problem of crime at its stores and only implemented the "roving security patrol" solution at 17 percent of its stores.

Appendix A: Methodology for the Study: “Is Wal-Mart Safe?”

The following provides a detailed explanation of the study’s methodology.

An Analysis of Incident Reports at Wal-Mart Stores

- In 2005, we requested from certain police departments lists of all incidents reported (calls for service) at Wal-Mart stores over the last two years, organized by date, and the type of incident that police responded to. The departments were chosen randomly among a sample of 1,004 Wal-Mart stores. These 1,004 stores were selected based on concentrations of Wal-Mart stores and geographic diversity. We received documents back from police departments covering 582 stores in 483 cities in 30 states. The documents that we received are available online at WalMartCrimeReport.com.
- In order to have a standardized and comparable time period for the study, we limited our analysis to those Wal-Mart stores that were open for all of 2004. The considerable time needed to request, organize, and analyze over 10,000 pages of data occurred during much of 2005. Future research will be conducted to analyze all stores open as of 2005, as well as to compare 2004 and 2005 incident reports. In January 2004, Wal-Mart reported that it had 3,551 stores (3,013 Wal-Mart stores and 538 Sam’s Clubs) in the US.
- We received police reports for 582 Wal-Mart stores. Of these 582 stores, we were able to count the total number of incidents reported for 551 Wal-Mart stores. We were unable to analyze the other 31 reports because (i) we received them too late for this report, or (ii) the relevant stores were not open for all of 2004.
 - According to these police reports, in 2004, the police responded to 148,331 incidents at these 551 Wal-Mart stores. This is an average of 269 calls for service per store in 2004. Wal-Mart had 3,857 stores at the end of 2005. Based on the average calls for service per store, we estimate that 1,037,533 incidents were reported to local police departments from all U.S. Wal-Mart stores in 2005.

Estimating the Rates of Reported “Violent and Serious Crime” Police Incidents:

- We further analyzed the reports by categorizing the incidents by type of incident investigated. Of the 551 reports, we were able to further analyze 460 Wal-Mart stores in 29 states. We were unable to analyze the other 91 reports because (i) we received them too late for this report, (ii) the law enforcement department did not provide the information necessary to categorize the incidents, or (iii) the departments only provided the sum total of incidents. A list of these store locations is attached to this report. For these 460 Wal-Mart stores, in 2004, police departments responded to a total number of 122,751 incidents.
- We used the FBI’s Uniform Crime Reporting (UCR) codes in order to categorize the reports of “serious and violent crimes” at Wal-Mart stores. Police departments may list standard UCR crimes under slightly different names on the reports that we received. The following is how we categorized “Serious or Violent Crimes.”
 - Assault with a deadly weapon, assault, and battery: Includes any incident that contained the words “assault” or “battery.” Does not include incidents indicating domestic violence, threats, or harassment.
 - Auto theft: Includes auto theft. Does not include incidents indicating theft of items from an auto, recovery of stolen autos, or shoplifting.

- Drug “related”: Includes incidents such as drug or controlled substance possession, distribution, or possession of drug paraphernalia. Does not include incidents indicating prescription forgery or intoxication.
 - Robbery and Attempted Robbery: Includes any incident mentioning robbery, armed robbery, or attempted robbery
 - Sex Crimes: Includes incidents such as molestation, lewd behavior, lascivious behavior, and prostitution. Does not include rape incidents.
 - Kidnapping and Attempted Kidnapping: Includes any incident indicating kidnapping or abductions.
 - Rape and Attempted Rape: Includes any incident that contained the word rape.
 - Homicide and Attempted Homicide: Includes any incident indicating homicide or attempted homicide.
- We also categorized the following incidents:
 - Drug “related”: Includes incidents such as drug or controlled substance possession, distribution, or possession of drug paraphernalia. Does not include incidents indicating prescription forgery or intoxication.
 - Weapons: Includes incidents such as brandishing or possessing a weapon.

Comparing Wal-Mart Stores to Nearby Target Stores:

- Methodological constraints prevented us from being able to request and analyze police reports for every Target store within 10 miles of the 551 Wal-Mart stores for which we received police reports. We chose instead the 50 Wal-Mart stores from the 551 which had the highest total number of police incidents reported. For each of these 50 Wal-Mart stores, Yahoo Yellow Pages and Driving Directions were used to locate the nearest Target store within 10 miles of the Wal-Mart store.
- As of February 13, 2006, we received incident reports for 37 Target stores. Of these 37 incident reports, 7 of them could not be used for our analysis because (i) 3 of the Target stores were not open for all of 2004, (ii) 2 Target stores had police reports for 2005 but not for 2004, (iii) 1 police department only reported 911 emergency calls and not other incidents for the Target store for which we requested information, and (iv) 1 police department only sent information on arrests instead of information on all incidents. Therefore in the end we analyzed incident reports for 32 Wal-Mart stores and 30 Target stores, with incident reports for two Target stores counted twice to equalize the Wal-Mart and Target sample.

Estimating the Taxpayer Cost of Policing Wal-Mart Stores:

- In order to estimate the taxpayer cost of policing Wal-Mart stores we estimated the average cost of policing an incident per hour and the average amount of time spent per incident at Wal-Mart.
- We used the Bureau of Justice Statistics figure for the average local police department’s operating costs per police officer from 2000. This figure for 2000 was the most recent available figure. (Note that the BJS reported higher operating costs per officer for sheriff’s departments and other police forces.) Operating costs include such things as salaries, benefits, and equipment. From this figure, we were able to estimate what the average local police department spends on police work per hour per police officer by dividing it by 40 hours a week for 52 weeks. Because our figure is from 2000 and policing costs have likely risen we believe that our estimate is conservative.
- Based on newspaper accounts and official testimony from police officials, we estimated that for the average incident, officers spend one hour in the field and one hour on other related duties. An officer likely has to spend much more time on a call if an arrest is made, if an officer later has to testify in court, or if the officer has to collect detailed evidence. An officer may spend less time

per incident on police incidents where citizens and businesses do not press charges or where other citizens provide most of the aid to the citizen or company making the call for police service.

- Therefore, our figure for policing Wal-Mart stores assumes that one police officer responds to each incident and spends two hours responding to the incident.

Projecting Total Taxpayer Cost to Police Wal-Marts from 2006-2011

- We took Wal-Mart's statement that it will open 1,500 stores between 2006 and 2011 and projected that the company would open up 300 stores each year between 2006 and 2011.
- Based on our finding in this study that the average Wal-Mart store of the 551 stores we analyzed had 269 calls for service in 2004, we applied this average to the projected number of stores open for 2006 through 2011. We similarly multiplied the figure for the average cost of responding to a police incident with the projected number of police incidents at all U.S. Wal-Mart stores from 2006 to 2011.
- We continued to hold constant the operating costs per officer from 2000. We believe that police costs have increased from 2000 to present and will continue to increase through 2011. Therefore, we believe that our estimate for police costs is conservative.

Estimating the Cost of Security Patrols at Wal-Mart

- In order to estimate the cost of roving security patrols at Wal-Mart, we determined the average cost of a new golf cart and the average hourly wage of a security guard. The average price for a golf cart, which was \$4,000, was determined by news articles and prices reported from an online golf cart dealer. The average hourly wage of a security guard was determined using Bureau of Labor Statistics (BLS) government industry data, which was \$9.87. To calculate the annual cost of round the clock security for one store, we multiplied this hourly wage rate by 24 hours and 365 days a year. We then added in the cost of the golf cart. Therefore, the estimated annual cost of providing roving 24-hour security to one store is \$90,224.
- To determine a company-wide cost of security we multiplied this out by the total Wal-Mart stores in 2005. This estimated cost is \$348 million a year. The weekly cost is determined by dividing this figure by 52 which equals \$6.7 million a week.
- Wal-Mart states that it has 151 million customers a week. Therefore to determine the estimated cost of round-the-clock security per weekly store visit, we divide \$6.7 million by 151 million customers to come up with 4 cents per weekly store visit.

Appendix B: Summary of Reports of Alleged Crimes at Wal-Marts Between 2003 and 2006

Murderⁱ

The press reported 16 alleged murders between 2003 and 2006 in Wal-Mart parking lots and stores. In addition, according to press reports, two women were allegedly abducted from Wal-Mart parking lots between 2003 and 2006 and killed elsewhere.

Reported Alleged Murders at Wal-Mart Stores and Parking Lots

Glendale, AZ	August 2005	The Associated Press, August 25, 2005 ⁱⁱ
Glendale, AZ	August 2005	The Seattle Post-Intelligencer, August 24, 2005 ⁱⁱⁱ
Riverside, CA	April 2004	Press Enterprise (Riverside, CA), April 16, 2004 ^{iv}
Colorado Springs, CO	June 2005	The Gazette (Colorado Springs), September 14, 2005 ^v
Rocky Hill, CT	February 2004	Hartford Courant (Connecticut), February 25, 2004 ^{vi}
Macon, GA	February 2006	Macon Telegraph (Georgia), February 9, 2006 ^{vii}
Baton Rouge, LA	May 2004	The Reveille via University Wire, June 25, 2004 ^{viii}
Las Vegas, NV	June 2004	Las Vegas Review-Journal (Nevada), October 20, 2004 ^{ix}
Las Vegas, NV	December 2004	Las Vegas Review-Journal (Nevada), 12/18/2004 ^x
East Stroudsburg, PA	December 2004	Morning Call (Allentown, Pennsylvania), December 18, 2004 ^{xi}
Garden City, SC	June 2005	The Myrtle Beach Sun-News, June 5, 2005 ^{xii}
Grand Prairie, TX	June 2004	Associated Press, June 20, 2004 ^{xiii}
Katy, TX	June 2005	Houston Chronicle, June 16, 2005 ^{xiv}
Spring, TX	February 2006	KTRK Channel 13 Houston, TX, February 5, 2006 ^{xv}
Fairlawn, VA	February 2006	The Roanoke Times, February 26, 2006 ^{xvi}
Spokane, WA	June 2005	Spokeman Review (Spokane WA), June 14, 2005 ^{xvii}

Reported Alleged Abductions from Wal-Mart Parking Lots Where Victims Were Murdered Elsewhere

West Memphis, AR	April 2003	Arkansas Democrat-Gazette, April 12, 2003 ^{xviii}
Tyler, TX	January 2005	NBC News Transcripts January 22, 2005 ^{xix}

Attempted Murders

The press reported 19 alleged attempted murders between 2003 and 2006 in Wal-Mart parking lots and stores.

Reported Alleged Attempted Murders at Wal-Mart Stores and Parking

Lots		
Monterey County, CA	July 2003	Monterey County Herald, July 31, 2003 ^{xx}
Ukiah, CA	March 2003	UPI, November 16, 2004 ^{xxi}
Colorado Springs, CO	May 2005	The Gazette (Colorado Springs), May. 23, 2005 ^{xxii}
Greeley, CO	November 2005	Durango Herald (Colorado), November 10, 2005 ^{xxiii}
Palm Beach County, FL	May 2003	Sun-Sentinel (Fort Lauderdale, FL) May 21, 2003 ^{xxiv}
Fort Myers, FL	June 2005	The News-Press (Fort Myers, Florida), June 29, 2005 ^{xxv}
Manatee County, FL	January 2003	The Bradenton Herald (Florida), January 22, 2003 ^{xxvi}
Fort Oglethorpe, GA	December 2005	WDEF-TV Channel 12, Chattanooga TN, Dec 27, 2005 ^{xxvii}
Galesburg, IL	December 2004	The Pantagraph (Bloomington, Illinois), January 3, 2005 ^{xxviii}
Cumberland, IN	September 2004	The Indianapolis Star, September 23, 2004 ^{xxix}
Boutte, LA	March 2003	Times-Picayune (New Orleans, LA), March 18, 2003 ^{xxx}
Albuquerque, NM	August 2005	KASA, Channel 2 News, Albuquerque, August 25, 2005 ^{xxxi}
Glenville, NY	September 2003	The Times Union (Albany, NY), September 10, 2003 ^{xxxii}
Oneonta, NY	April 2003	Press & Sun-Bulletin (Binghamton, NY), April 1, 2003 ^{xxxiii}
Surfside Beach, SC	June 2005	The Myrtle Beach Sun-News, June 3, 2005 ^{xxxiv}
Sioux Falls, SD	January 2005	Argus Leader (Sioux Falls, South Dakota), July 13, 2005 ^{xxxv}
Memphis, TN	November 2005	Daily Advertiser (Lafayette, LA), August 19, 2003 ^{xxxvi}
Grand Prairie, TX	June 2004	Associated Press, June 20, 2004 ^{xxxvii}
West Valley City, UT	January 2004	The Salt Lake Tribune, February 1, 2004 ^{xxxviii}

Rape, Sexual Assault, and Molestation:

The press reported that 16 women and children were allegedly raped or sexually assaulted in Wal-Mart stores and parking lots between 2003 and 2006. The press reported that 10 of these rapes and/or assaults allegedly took place in the stores themselves. In addition, according to press reports, 4 women were

allegedly abducted from Wal-Mart parking lots and raped elsewhere between 2003 and 2006. Of these 20 reports, 11 involved alleged sexual assaults of children (9 of the alleged assaults on children allegedly took place in the stores).

Alleged Rapes and Sexual Assaults Reported at Wal-Mart Stores and Parking Lots

Scottsdale, AZ	2004-2005	The Arizona Republic. Jul. 27, 2005 ^{xxxix}
Scottsdale, AZ	2004-2005	The Arizona Republic. Jul. 27, 2005 ^{xl}
Scottsdale, AZ	June 2005	The Arizona Republic. Jul. 27, 2005 ^{xli}
Greeley, CO	January 2006	Greeley Tribune (Colorado), January 28, 2006 ^{xlii}
Greeley, CO	January 2006	Greeley Tribune (Colorado), January 28, 2006 ^{xliii}
Avon, IN	February 2006	Indianapolis Star, February 8, 2006 ^{xliv}
Lunenburg, MA	January 2006	Sentinel & Enterprise (Fitchburg, MA), January 24, 2006 ^{xlv}
Stafford, NJ	July 2005	Asbury Park Press (New Jersey), July 29, 2005 ^{xlvi}
East Stroudsburg, PA	February 2005	Morning Call (Allentown, Pennsylvania) March 9, 2005 ^{xlvii}
Orangeburg, SC	July 2004	The Charlotte Observer (North Carolina), December 19, 2004 ^{xlviii}
Aberdeen, SD	August 2004	Aberdeen American News (South Dakota), August 30, 2004 ^{xlix}
Hunter's Crossing, TN	February 2004	Knoxville News-Sentinel (Tennessee), February 17, 2004 ^l
Oak Ridge, TN	July 2005	Knoxville News-Sentinel (Tennessee), July 6, 2005 ^{li}
Houston, TX	August 2005	The Houston Chronicle, August 06, 2005 ^{lii}
Cedar City, UT	January 2003	The Salt Lake Tribune, 2/24/2004 ^{liii}
Grand Chute, WI	August 2003	The Post-Crescent (Appleton, WI), January 24, 2004 ^{liiv}

Reports of Women Allegedly Abducted from Wal-Mart Parking Lots and Raped Elsewhere

West Melbourne, FL	February 2004	Florida Today (Brevard County, FL), February 9, 2004 ^{lv}
Mountain Home, ID	June 2003	The Idaho Statesman, July 3, 2003 ^{lvi}
Framingham, MA	December 2005	Boston Herald, December 21, 2005 ^{lvii}
Tyler, TX	January 2005	NBC News Transcripts, January 22, 2005 ^{lviii}

Reported Alleged Sex Crimes Against Children at Wal-Mart Stores and Parking Lots

Scottsdale, AZ	2004- 2005	The Arizona Republic, Jul. 27, 2005 ^{lix}
Scottsdale, AZ	2004- 2005	The Arizona Republic, Jul. 27, 2005 ^{lx}
Scottsdale, AZ	June 2005	The Arizona Republic, Jul. 27, 2005 ^{lxi}
Avon, IN	February 2006	Indianapolis Star, February 8, 2006 ^{lxii}
Lunenburg, MA	January 2006	Sentinel & Enterprise (Fitchburg, MA), January 24, 2006 ^{lxiii}
Stafford, NJ	July 2005	Asbury Park Press (New Jersey), July 29, 2005 ^{lxiv}
Orangeburg, SC	July 2004	The Charlotte Observer (North Carolina), December 19, 2004 ^{lxv}
Aberdeen, SD	August 2004	Aberdeen American News (South Dakota), August 30, 2004 ^{lxvi}
Hunter's Crossing, TN	February 2004	Knoxville News-Sentinel (Tennessee), February 17, 2004 ^{lxvii}
Houston, TX	August 2005	The Houston Chronicle, August 06, 2005 ^{lxviii}
Grand Chute, WI	August 2003	The Post-Crescent (Appleton, WI), January 24, 2004 ^{lxix}

Attempted Rapes, Sexual Assaults:

The press reported that assailants allegedly tried to rape or sexually assault 3 women and children in Wal-Mart parking lots and stores between 2003 and 2006.

Reported Alleged Attempted Rapes/Sexual Assaults at Wal-Mart Stores and Parking Lots

Ashland, KY	July 2003	The Associated Press, July 26, 2003 ^{lxx}
Breaux Bridge, LA	June 2005	State-Times/Morning Advocate (Baton Rouge, Louisiana), May 24, 2003 ^{lxxi}
Charlotte, NC	April 2003	Charlotte Observer (North Carolina), April 24, 2003 ^{lxxii}

ⁱ The statistics above only include alleged crimes reported in Wal-Mart stores, their parking lots, or right behind the stores. The statistics above excluded murders allegedly committed at Wal-Mart construction sites, hit and run accidents in which the perpetrator was charged with homicide, Wal-Mart employees who were alleged to have committed crimes off of store grounds, criminals who were apprehended at Wal-Mart for crimes committed elsewhere, and crimes in which bodies or victims were found in Wal-Mart parking lots but which the police suspect the crime was committed elsewhere.

- ⁱⁱ Joy Hepp And Michelle Roberts, "Family, Friends Mourn Wal-Mart Workers Killed In Parking Lot," The Associated Press, August 25, 2005
- ⁱⁱⁱ "Suspect Arrested After Fatal Wal-Mart Shootings," The Seattle Post-Intelligencer, August 24, 2005
- ^{iv} John Welsh, "Search For Assailant Goes Through Busy Aisles; Man Killed Outside Store; Attack: Police Seek The Assailant. The Incident Did Not Disrupt Shopping At A Riverside Wal-Mart." Press Enterprise (Riverside, Ca) April 16, 2004
- ^v Bill Hethcock, "Man Guilty Of Murder In Wal-Mart Shooting," The Gazette (Colorado Springs), September 14, 2005
- ^{vi} Katie Melone, "Dad Charged With Murder In Baby's Death," Hartford Courant (Connecticut), February 25, 2004
- ^{vii} Liz Fabian, "Man shoots woman, then turns gun on himself at Zebulon Road Wal-Mart," Macon Telegraph, 2/9/06
- ^{viii} Natalie Naquin, "Businesses Receive Push To Increase Security," The Reveille Via University Wire, June 25, 2004
- ^{ix} "In Brief: Murder Charge Trial Ordered In Death Of Air Force Major," Las Vegas Review-Journal (Nevada), October 20, 2004
- ^x In Brief, Las Vegas Review-Journal (Nevada), 12/18/2004
- ^{xi} "Tobyhanna man charged in shootings; East Stroudsburg incident left one dead and another injured," Morning Call (Allentown, Pennsylvania), December 18, 2004
- ^{xii} "Man Charged With Murder In Woman's Death At Wal-Mart Parking Lot," The Associated Press, June 3, 2005 and "CASA boosts services to area Hispanics," The Myrtle Beach Sun-News, June 5, 2005
- ^{xiii} "Officer shot by gunman in van upgraded to fair condition," Associated Press, June 20, 2004 and "GP officer's killer had terminal cancer Relatives shocked Navy vet would take life of another public servant," The Dallas Morning News, June 20, 2004
- ^{xiv} "Two robbery deaths cause stir in Katy: Police hold town hall meetings on crime issues," Houston Chronicle, June 16, 2005
- ^{xv} "Couple die in apparent murder-suicide in Spring," KTRK Channel 13 Houston, TX, February 5, 2006
- ^{xvi} Tonia Moxley and Christina Rogers, "Man charged in killing at Wal-Mart," The Roanoke Times, February 26, 2006 <http://www.roanoke.com/news/roanoke/wb/wb/xp-54496>
- ^{xvii} Thomas Clouse And Rob McDonald, "Man Killed In Store Parking Lot; Suspected Killer, 6 Others Arrested In Probe Of Shooting," Spokesman Review (Spokane, Wa), June 14, 2005
- ^{xviii} Michael Frazier, "Parolee Caught On Camera With Kidnap Victim," Arkansas Democrat-Gazette, April 12, 2003
- ^{xix} "Suspect Caught In Connection With Murder Of Texas Wal-Mart Clerk," NBC News Transcripts, January 22, 2005
- ^{xx} Virginia Hennessey, "Teen May Be Tried As Adult," Monterey County Herald, July 31, 2003
- ^{xxi} Hil Anderson, "Notebook: Police chiefs convention in L.A.," UPI, November 16, 2004
- ^{xxii} "Manager Shot After Purse Snatching At Platte Wal-Mart," The Gazette (Colorado Springs), May. 23, 2005, <http://www.Gazette.Com/>
- ^{xxiii} Dale Rodebaugh, "Ex-Durango Wal-Mart manager arrested," Durango Herald, November 10, 2005
- ^{xxiv} Nancy L. Othon, "Driver Jailed In Dragging, Shoplifting; Clerk Hurt Intervening In Theft At Wal-Mart Store," Sun-Sentinel (Fort Lauderdale, Fl) May 21, 2003
- ^{xxv} "Briefs," The News-Press (Fort Myers, Florida), June 29, 2005
- ^{xxvi} Aaron Quinn, "Shooting, Shopping Land Man In Jail," The Bradenton Herald, January 22, 2003
- ^{xxvii} "Witnesses Describe Terrifying Wal-Mart Shooting," WDEF-TV Channel 12 CBS, Chattanooga TN, Dec 27, 2005
- ^{xxviii} "Daily Digest," The Pantagraph (Bloomington, Illinois), January 3, 2005
- ^{xxix} Vic Ryckaert, "Theft Suspect Charged With Attempted Murder; Woman Wounded By Cumberland Policewoman Was Dragging Second Officer With Her Car, Police Say." The Indianapolis Star, September 23, 2004
- ^{xxx} Mary Swerczek, "Police; 2 try to run over man; Chase drama reported outside store in Boutte," Times-Picayune (New Orleans, LA), March 18, 2003
- ^{xxxi} "Wal-Mart Stabbing, Shooting," KASA Channel 2 News, August 25, 2005 <http://www.Kasa.Com/>
- ^{xxxii} Bruce A. Scruton, "Stabbing Suspect Arrested After Possible Poisoning," The Times Union (Albany, NY) September 10, 2003

- ^{xxxiii} Greg Erbstoesser, "Trio Arrested In Wal-Mart Stabbing," Press & Sun-Bulletin, (Binghamton, NY) April 1, 2003
- ^{xxxiv} Jessica Foster, "Man charged in fatal attack," The Myrtle Beach Sun-News, June 3, 2005
- ^{xxxv} Craig Henry, "Wal-Mart Worker Gets 40 Years For Attempted Murder," Argus Leader (Sioux Falls, South Dakota), July 13, 2005
- ^{xxxvi} "Man arrested in attempted killing," Daily Advertiser (Lafayette, LA) August 19, 2003
- ^{xxxvii} "Officer shot by gunman in van upgraded to fair condition," Associated Press, June 20, 2004 and Gretel C. Kovach, "GP officer's killer had terminal cancer Relatives shocked Navy vet would take life of another public servant," The Dallas Morning News, June 20, 2004
- ^{xxxviii} "For the Record; Public safety news; Man stabbed in head and torso in stable condition," The Salt Lake Tribune, February 1, 2004
- ^{xxxix} Holly Johnson, "Wal-Mart Failed To Screen Employee Accused Of Fondling, Suit Says," The Arizona Republic. Jul. 27, 2005
- ^{xl} Holly Johnson, "Wal-Mart Failed To Screen Employee Accused Of Fondling, Suit Says," The Arizona Republic. Jul. 27, 2005
- ^{xli} Holly Johnson, "Wal-Mart Failed To Screen Employee Accused Of Fondling, Suit Says," The Arizona Republic. Jul. 27, 2005
- ^{xlii} "Wal-Mart assault suspect arrested," Greeley Tribune (Colorado), January 28, 2006
<http://www.greeleytrib.com/article/20060128/NEWS/101280068> and "Man Charged With Sexual Assaults At Grocery Stores; Eric Gentry Charged In Three Incidents," ABC Channel 7 News, Denver, February, 1, 2006 <http://www.thedenverchannel.com/news/6651163/detail.html>
- ^{xliii} "Assault victim was nine months pregnant," Greeley Tribune (Colorado), February 8, 2006
<http://www.greeleytrib.com/article/20060208/NEWS/102080086>, "Wal-Mart assault suspect arrested," Greeley Tribune (Colorado), January 28, 2006
<http://www.greeleytrib.com/article/20060128/NEWS/101280068> and "Man Charged With Sexual Assaults At Grocery Stores; Eric Gentry Charged In Three Incidents," ABC Channel 7 News, Denver, February, 1, 2006 <http://www.thedenverchannel.com/news/6651163/detail.html>
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- ^{xlv} "No bail for man accused of assaulting minor," Sentinel & Enterprise (Fitchburg, MA), January 24, 2006, J.J. Huggins, "Alleged Wal-Mart fondler returns to court," Fitchburg Sentinel and Enterprise, (Massachusetts) January 31, 2006, http://www.sentinelandenterprise.com/local/ci_3461536
- ^{xlvi} John Vandiver, "Man charged with Wal-Mart sex assault," Asbury Park Press (New Jersey), July 29, 2005
- ^{xlvii} "Police Say Woman Raped In Wal-Mart Parking Lot," Morning Call (Allentown, Pennsylvania) March 9, 2005
- ^{xlviii} Rick Brundrett, "Lawyer Wants Sex Offender Numbers Known; Motion Seeks To Find Out How Many Work At Wal-Marts In S.C." The Charlotte Observer (North Carolina), December 19, 2004
- ^{xlix} "Sexual Assault Reported In Aberdeen," Aberdeen American News (South Dakota), August 30, 2004
- ^l Robert Wilson, "Police want to talk to man about assault," Knoxville News-Sentinel (Tennessee) February 17, 2004
- ^{li} "Woman, 27, Reports Sexual Assault In Or Wal-Mart," Knoxville News-Sentinel (Tennessee) July 6, 2005
- ^{lii} "Wal-Mart Employee Charged With Sex Assault; Boy Reported He Was Attacked In A Store Restroom," The Houston Chronicle, August 06, 2005
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- ^{liv} "Wal-Mart Suspect Guilty Of Assault," The Post-Crescent (Appleton, WI) January 24, 2004
- ^{lv} J.D. Gallop, "Police Hope Autopsy Yields Clues," Florida Today (Brevard County, Fl) February 9, 2004
- ^{lvi} Chereen Langrill, "Tips Sought In Kidnapping/Rape Case In Mountain Home," The Idaho Statesman, July 3, 2003
- ^{lvii} Norman Miller, "Cops say woman, son held by rapist for two days," Boston Herald, December 21, 2005, <http://news.bostonherald.com/>, Raja Mishra and John R. Ellement, "Woman allegedly raped in front of son," Boston Globe, December 21, 2005 <http://www.boston.com/>

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- ^{lxx} Holly Johnson, "Wal-Mart Failed To Screen Employee Accused Of Fondling, Suit Says," The Arizona Republic. Jul. 27, 2005
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- ^{lxxv} Rick Brundrett, "Lawyer Wants Sex Offender Numbers Known; Motion Seeks To Find Out How Many Work At Wal-Marts In S.C." The Charlotte Observer (North Carolina), December 19, 2004
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- ^{lxxix} "Wal-Mart Suspect Guilty Of Assault," The Post-Crescent (Appleton, WI) January 24, 2004
- ^{lxxx} Pam Ramsey, "Man Accused Of Assaulting Girls In Stores Faces Federal Charges," The Associated Press, July 26, 2003
- ^{lxxxi} Josh Noel, "Man Sought In Serial Killings: Investigators More Hopeful After Reports," State-Times/Morning Advocate (Baton Rouge, Louisiana), May 24, 2003
- ^{lxxxii} Tonya Jameson, "Arrests Made In Wal-Mart Attacks; Both Men Face Charges Of Common Law Robbery And Attempted Rape," Charlotte Observer (North Carolina) April 24, 2003

- 51-1** The commenter has concerns about the potential for crime at the proposed development and requests the EIR include a crime analysis studying existing Wal-Marts in the Roseville area. The commenter includes a study called “*Crime and Wal-Mart—“Is Wal-Mart safe?”—An Analysis of Official Police Incidents at Wal-Mart Stores*” conducted by Wake-Up Wal-Mart. The commenter requests that the EIR include additional information from this study for consideration by the public and public decision makers.

Response to Comment 33-1 and the Draft EIR discuss the impacts of the proposed project on Public Services and Utilities, including law enforcement resources. (See Draft EIR, pp. 4.6-8, 4.6-21 through 4.6-22.) The potential for the proposed project to induce crime, however, is a social issue, rather than an environmental issue. As such, the potential for a project to cause or induce criminal activity is generally not within the range of issues that must be analyzed in an EIR. (See *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810, 828, disapproved on other grounds in *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 570, fn. 2.; *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464, 1469-1470, fn. 2.)

Under CEQA, an EIR must address only those project impacts that would cause “significant effects on the environment.” The CEQA Guidelines define “significant effect on the environment” as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project[.]” (CEQA Guidelines, Section 15382.) The CEQA Guidelines also provide that “economic and social changes resulting from a project shall not be treated as significant effects on the environment.” (CEQA Guidelines, Section 15064, subd. (e); see *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1019.)

The courts have held that an increased risk of crime in connection with a project constitutes a social change, but not necessarily a physical environmental effect requiring review under CEQA. (*City of Pasadena v. State of California, supra*, 14 Cal.App.4th at p. 830.) In *City of Pasadena v. State of California*, the court rejected the City of Pasadena’s assertion that the opening of a parole office in its civic center constituted a “significant environmental effect” under CEQA because of the increased risk of crime associated with the presence of parolees. (*Id.* at pp. 817-818.) The court found that while there may have been a possibility of a social impact from the location of the parole office, neither crime nor vandalism constituted substantial evidence of physical environmental effects requiring review under CEQA. (*Id.* at pp. 829-830.) Thus, an EIR need not address economic or social changes resulting from a project unless those changes would produce “physical changes in the environment.” (*Friends of Davis v. City of Davis, supra*, 83 Cal.App.4th at p. 1019; *City of Pasadena v. State of California, supra*, 14 Cal.App.4th at p. 828.)

Although the EIR need not address this issue, this information may be considered by the public and local decision-makers in making a decision on the project. This information will therefore be forwarded to the City for its consideration.

In accordance with CEQA, Impact 4.6-8 addresses the potential for the proposed project to create a need for new or expanded police facilities that may have a physical impact on the environment. (See also Response to Comment 33-1.) The project will not result in the need for new or expanded police facilities, and the project would generate sales tax revenues that could support additional police protection requirements deemed necessary by the City Council, which is the basis for the conclusion in Impact 4.6-8 that impacts were less than significant. The Draft EIR indicated that the proposed project would be

expected to result in an increase in calls for service, but that most of the calls for service would be for non-violent incidents, such as property crimes, vehicle collisions, and noise complaints that are typically associated with large shopping centers and parking lot. None of these types of calls for service would have a physical impact on the environment and, therefore, the Draft EIR did not provide further analysis of their impacts. This is consistent with CEQA Guidelines Section 15131, which states that economic and social effects, which do not lead to reasonably foreseeable physical impacts, should not be treated as significant effects on the environment.

In order to minimize crime at the project site, moreover, the project includes the implementation of security measures that are intended to ensure the safety of employees and the public. In particular, the project description already includes implementation the following security measures at the proposed Wal-Mart Supercenter:

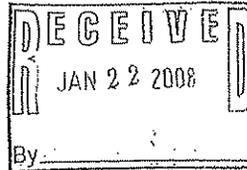
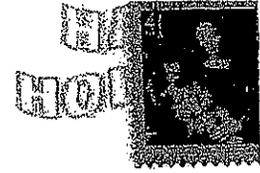
- ▶ Conduct a risk analysis (crime survey) of the area to evaluate the security needs for the store and implement a security plan based upon this analysis.
- ▶ Install closed-circuit camera systems (surveillance cameras) inside and outside the stores.
- ▶ Establish a parking lot patrol for store area. The patrol would assist customers, ensure safety and take action to identify and prevent any suspicious activity (such as loitering and vandalism) both during the day and nighttime hours.
- ▶ Establish a plainclothes patrol inside the stores to ensure safety and security.
- ▶ Establish a Risk Control Team, which is a team of associates responsible and trained to identify and correct safety and security issues at the site.
- ▶ Provide adequate lighting in the parking areas to ensure public safety.

51-2 The commenter's concerns about the project's effects on the local business community are noted. For a discussion of the project and local businesses, see Response to Comment 28-1. For a detailed discussion of the project's economic impacts, the commenter is referred to Chapter 5, Economic Impact and Urban Decay Analysis, of the Draft EIR.

LeAnne R. TORRES
2910 Verano Wy
Rocklin CA 95677

SACRAMENTO, CA 957

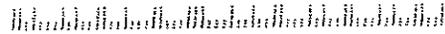
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Healthy Rocklin Coalition
P.O. Box 865
Rocklin, CA 95677

www.HealthyRocklin.com

55677+0865



As an area Rocklin resident, I support the Healthy Rocklin Coalition (HRC) in their efforts to preserve our community's unique character and encouraging smart growth by opposing the proposed Rocklin Crossings development. I believe Rocklin deserves better than a Wal-Mart Supercenter and therefore give HRC permission to use this card and information in advocacy materials. Please consider me a member of their coalition and include me on any future mailings regarding their efforts.

*** Please write your comments and concerns about the proposed project below. ***

We moved to Rocklin over 20 years ago when there was just one grocery store & one drug store. Since, we have watched as all open land is consumed with buildings, traffic, increased population and the many problems inherent with massive growth. It is important to preserve open spaces, wetlands, natural habitat and air quality, and to preserve land for future generations. Another Wal Mart is not a pretty sight and destroys the feel of the small town atmosphere.

- 52-1** The commenter raises concerns regarding the adverse effects of development in the local area. The project would incorporate mitigation measures to reduce the project's impacts on traffic, air quality and biological resources. For a detailed discussion of these issues and mitigation, the commenter is referred to Section 4.2, Traffic and Circulation; Section 4.3, Air Quality; and Section 4.12, Biological Resources; of the Draft EIR. (See also, Response to Comment 12-1.) For a discussion of the appropriateness of the project at the location being proposed, the commenter is referred to the Land Use Master Response. As the commenter does not raise any specific substantive comments on the contents of the Draft EIR, no additional response is necessary.

CHARITY KENYON
BILL YEATES

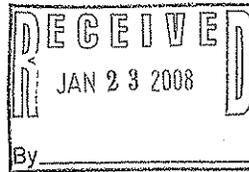


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January 23, 2008

Ms. Sherri Abbas
Development Services Manager
City of Rocklin
3970 Rocklin Rd.
Rocklin, CA 95677-2720



Via Hand Delivery

Re: Comments - Rocklin Crossing Draft Environmental Impact Report (SCH# 2006112097).

Dear Ms. Abbas:

On behalf of our client, Rocklin Residents for Responsible Growth, we submit the following comments on the Rocklin Crossing Draft Environmental Impact Report ("DEIR"). These comments are in addition to, and do not supersede or otherwise replace, any comments that may otherwise be submitted by Rocklin Residents for Responsible Growth or its members.

I. TRAFFIC IMPACTS

A. THE DEIR FAILS TO DESCRIBE, ANALYZE OR MITIGATE IMPACTS ASSOCIATED WITH IMPLEMENTING REQUIRED TRAFFIC IMPROVEMENTS AT THE ROCKLIN ROAD/I-80 WESTBOUND AND EASTBOUND RAMPS.

IMPACT 4.2-1 in the DEIR acknowledges that the project will have significant, adverse impacts on traffic at the Rocklin Road/I-80 Westbound Ramps:

The addition of project-related traffic to baseline traffic volumes would degrade traffic operations at the westbound ramps of the Rocklin Road/I-80 intersection during p.m. peak hour. Because this intersection already operates unacceptably and the project's contribution would be greater than 5 percent, this impact would be considered significant.¹

Similarly, Impact 4.2-2 in the DEIR states that eastbound traffic will be similarly, adversely impacted:

¹ Rocklin Crossing DEIR at p. 4.2-43.

The addition of project-related traffic to baseline traffic volumes would degrade traffic operations at the eastbound ramps of the Rocklin Road/I-80 intersection from LOS E to LOS F during the p.m. peak hour. Because this intersection already operates unacceptably and the project's contribution would be greater than 5 percent, this impact would be considered significant.²

The DEIR states that these impacts will be mitigated by the payment of a traffic mitigation fee, which, in turn, will be used to construct needed traffic improvements at this intersection to reduce these acknowledged impacts to less-than-significant levels:

The City has previously proposed an improvement at the intersection of Rocklin Road/I-80 westbound ramps that provides a flyover from westbound Rocklin Road to the I-80 westbound on ramp that would mitigate the impact at this location. The City is currently evaluating that option and other design options through a contract with the traffic engineering and planning firm of Omni-Means.³

The CEQA Guidelines require that if a mitigation measure incorporated into a project may have significant adverse effects on the environment, then the Draft EIR that is circulated for public review and comment must analyze such impacts as an integral part of the "whole" project.⁴ While the DEIR expressly concedes that traffic improvements such as those proposed in the above mitigation measure may cause adverse environmental effects, the Rocklin Crossing DEIR fails to identify or incorporate any previously completed environmental review for the specified traffic improvements at this intersection, or to otherwise include such analysis within the text of the DEIR.⁵ The failure to describe the environment that may be adversely impacted by this aspect of the project and its potential impacts results in a host of procedural violations of CEQA, including 1) incomplete project description, 2) incomplete description of the environment impacted by the project, 3) piecemealing of environmental review, and 4) deferral of mitigation. In sum, the DEIR is informationally inadequate, because it fails to describe, analyze or mitigate the impacts of required, off-site traffic improvement at this intersection. The DEIR must be revised and recirculated for public review to correct these omissions before any FEIR can be prepared or certified, or the project can be approved.

B. THE DEIR FAILS TO DESCRIBE, ANALYZE OR MITIGATE IMPACTS ASSOCIATED WITH IMPLEMENTING REQUIRED TRAFFIC IMPROVEMENTS AT THE SIERRA COLLEGE BOULEVARD/ROCKLIN ROAD INTERSECTION.

Impact 4.2-3 in the DEIR acknowledges significant, adverse impacts to traffic at the Sierra College Boulevard/Rocklin Road Intersection.

² Rocklin Crossing DEIR at p. 4.2-47.

³ Rocklin Crossing DEIR at p. 4.2-44 and 4.2-47.

⁴ CEQA Guidelines, § 15126.4, subd. (a)(1)(D).

⁵ See, e.g., Rocklin Crossing DEIR at p. 4.2-16 (stating, "In fact, 'mitigation' for traffic impacts often has its own adverse consequences on biological resources (i.e., road widening often wipe out habitat areas).")

The addition of project-related traffic to baseline traffic volumes would degrade traffic operations at the Sierra College Boulevard/Rocklin Road intersection during the p.m. peak hour. Because this intersection already operates unacceptably and the project's contribution would be greater than 5 percent, this impact would be considered significant.⁶

The mitigation measure proposed in the DEIR for this impact states:

The project applicant shall build an additional northbound left-turn lane (resulting in dual left-turn lanes) at this intersection. There is an approved, not-yet-built project that is obligated to construct this same improvement, and if that project completes this improvement prior to the proposed project, then this project's obligation to construct the improvement is no longer necessary.⁷

The CEQA Guidelines require that if a mitigation measure incorporated into the project may have significant adverse effects on the environment, then the Draft EIR that is circulated for public review and comment must analyze such impacts as an integral part of the "whole" project.⁸ The DEIR violates this procedural requirement by failing to 1) identify or incorporate any previously completed environmental document for the specified traffic improvement; or 2) to disclose, analyze and mitigate such impacts on its own terms. The failure to properly describe this aspect of the project and its potential impacts also results in a host of related procedural violations of CEQA, including 1) incomplete project description, 2) incomplete description of the environment impacted by the project, 3) piecemealing of environmental review, and 4) deferral of mitigation. In sum, the DEIR is informationally inadequate, because it fails to describe, analyze or mitigate the impacts of the required traffic improvement at this intersection. The DEIR must be revised and recirculated for public review to correct these omissions before any FEIR can be prepared or certified, or the project can be approved.

C. THE DEIR FAILS TO DESCRIBE, ANALYZE OR MITIGATE IMPACTS ASSOCIATED WITH IMPLEMENTING REQUIRED TRAFFIC IMPROVEMENTS AT THE SIERRA COLLEGE BOULEVARD/TAYLOR ROAD (LOOMIS) INTERSECTION.

Impact 4.2-6 in the DEIR states that the project will have significant adverse traffic impacts at the Sierra College Boulevard/Taylor Road intersection within the Town of Loomis:

The addition of project-related traffic to baseline traffic volumes would degrade traffic operations at the Sierra College Boulevard/Taylor Road (Loomis) intersection during the p.m. peak hour from LOS C to LOS D. Based on the City of Loomis significance threshold, this impact would be considered significant.⁹

⁶ Rocklin Crossing DEIR at p. 4.2-48.

⁷ Rocklin Crossing DEIR at p. 4.2-48.

⁸ CEQA Guidelines, § 15126.4, subd. (a)(1)(D).

⁹ Rocklin Crossing DEIR at p. 4.2-48.

In order to mitigate this impact, the Draft EIR proposes the payment of traffic fees to a local Joint Powers Authority, which will supposedly be used to implement improvements at this intersection:

Prior to the issuance of building permits for the project, the project applicant shall pay the SPRTA fee.

Explanation: The SPRTA is a Joint Powers Authority (JPA) comprised of the Cities of Lincoln, Rocklin, Roseville and the County of Placer. The SPRTA was formed for the purpose of implementing a regional transportation and air quality mitigation fee to fund specified regional transportation projects. The Placer County Transportation Planning Agency (PCTPA) is designated as the entity to provide administrative, accounting, and staffing support for the SPRTA. PCTPA adopted a Regional Transportation Funding Strategy in August 2000, which included the development of a regional transportation impact fee program and a mechanism to implement the impact fee. The Sierra College Boulevard/Taylor Road intersection improvement project, one of the many improvement projects identified by SPRTA, is currently in the final design stage by the City of Rocklin.¹⁰

The CEQA Guidelines require that if a mitigation measure incorporated into the project may have significant adverse effects on the environment, then the Draft EIR that is circulated for public review and comment must analyze such impacts as an integral part of the "whole" project.¹¹ The DEIR, however, fails to 1) identify or incorporate any previously completed environmental document for the specified traffic improvement; or 2) to disclose, analyze and mitigate such impacts on its own terms. The failure to properly describe this aspect of the project and its potential impacts also results in a host of related procedural violations of CEQA, including 1) incomplete project description, 2) incomplete description of the environment impacted by the project, 3) piecemealing of environmental review, and 4) deferral of mitigation. In sum, the DEIR is informationally inadequate, because it fails to describe, analyze or mitigate the impacts of the required traffic improvement at this intersection. The DEIR must be revised and recirculated for public review to correct these omissions before any FEIR can be prepared or certified, or the project can be approved.

In addition, the DEIR's implication that the City of Rocklin is planning to implement improvements at this intersection is misleading, because the Town of Loomis, not the City of Rocklin, is the municipal entity with jurisdiction over this intersection. The DEIR present no evidence that the Town of Loomis has any plans or intent to implement this improvement. The fact that Loomis is not a member of the JPA that is receiving the traffic mitigation fees is also problematical. There is also no indication in the DEIR that the JPA (which the City of Rocklin does not independently control) has obligated itself in any way to traffic improvement fees for this project over to the Town of Loomis, which, again, is not a member of the JPA. The DEIR must be revised to explain how the City of Rocklin intends to carry out traffic improvements in

¹⁰ Rocklin Crossing DEIR at p. 4.2-49 to 4.2-50.

¹¹ CEQA Guidelines, § 15126.4, subd. (a)(1)(D).

the Town of Loomis, especially where 1) the City of Rocklin does not control the JPA that will receive the traffic mitigation fees, and 2) the Town of Loomis is not a member of the JPA. Absent such information, the DEIR's assertion that impacts at this intersection will be mitigated is not reliable, because it is not supported by substantial evidence.

II. AIR QUALITY IMPACTS

A. THE DEIR'S ASSERTION THAT SHORT-TERM, CONSTRUCTION-GENERATED PM₁₀ EMISSIONS HAVE BEEN REDUCED TO "LESS-THAN-SIGNIFICANT" LEVELS IS UNSUPPORTED BY SUBSTANTIAL EVIDENCE.

Impact 4.3-1 in the DEIR states that the project will have significant adverse impacts with regard to short-term, construction related PM₁₀ emissions:

The short-term construction-generated emissions of PM10 would exceed PCAPCD's significance threshold of 82 lb/day. This would be considered a significant impact.¹²

More specifically, the DEIR provides specific information, using the using the ARB-approved URBEMIS 2002 Version 8.7 computer program, to calculate that the project may result in the emission of as much as 127 lb/day of PM₁₀ during construction.¹³ Appendix D to the DEIR provides underlying data to demonstrate how the project's PM₁₀ air quality impacts were quantified and calculated.

In order to mitigate this impact, the DEIR contains a page of proposed mitigation measures calling for, among other things, the submittal of an as-yet undeveloped plan to demonstrate how the applicant will comply with PCAPCD's dust emission standards, the application of water to control fugitive dust; prohibiting open burning at the project site, limiting idling time for diesel fueled equipment to less than five minutes, requiring the use of ARB diesel fuel for diesel-powered equipment, and the submittal of an inventory of heavy duty, off-road construction equipment that will be used prior to groundbreaking.¹⁴

Based on these narrative mitigation measures, the DEIR summarily concludes that the project's PM₁₀ emissions have been reduced "by a minimum of 50%, to approximately 64 lb/day, which is below the threshold of 82 lb/day," and, therefore, that this project impact has been reduced to less-than-significant levels.¹⁵

Under CEQA, a DEIR's analysis and conclusions must be based on "substantial evidence," which CEQA defines as facts, reasonable inference based on facts, and expert opinion based on facts.¹⁶ In addition, a DEIR must provide sufficient information and analysis in terms that an

¹² Rocklin Crossing DEIR at p. 4.3-17.

¹³ Rocklin Crossing DEIR at p. 4.3-18, and Table 4.3-3.

¹⁴ Rocklin Crossing DEIR at p. 4.3-19.

¹⁵ Rocklin Crossing DEIR at p. 4.3-20.

¹⁶ Pub. Resources Code, §§ 21080, subd. (e).

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average reader can understand, so that the reader can meaningfully comment on the adequacy and accuracy of the DEIR's assertions and conclusions.¹⁷ The circulation of a DEIR that is so fundamentally and basically informationally inadequate as to preclude the public's ability to meaningfully comprehend and comment on the project's impacts, and the effectiveness of proposed mitigation measures, violates CEQA's procedures, and requires revision and recirculation of the DEIR before any Final EIR may be certified, or any project may be approved.¹⁸ The DEIR violates both of these mandatory procedural requirements.

With regard to substantial evidence, the DEIR contains no information explaining *how* the proposed mitigation measures will actually change the ways in which the project would otherwise be implemented. Mitigation measures that call for the applicant to comply with air pollution control laws or regulations that *already* govern implementation of the project are hardly "mitigation," because any "modeling" of such impacts would necessarily have to take such compliance into account to be informationally valid. In other words, compliance with existing laws must already be accounted for in air quality modeling for the project in order for such models to constitute substantial evidence of the project's air quality impacts. Put another way, if the air quality model's results assume emissions that cannot exist in the real world due to existing regulations, then the model's results and conclusion do not constitute "substantial evidence" of the project's potential air quality impacts. In addition, while the DEIR provides detailed factual information and modeling that concludes that the project construction activities may result in the emission of as much as 127 lb/day of PM₁₀, *no* information is provided in the DEIR or its Air Quality appendix that quantifies or would otherwise allow members of the public to objectively understand and evaluate the accuracy of the DEIR's proclaimed 50% reduction in PM₁₀ emissions. The DEIR violates CEQA's procedures, because its conclusory assertion that the project's PM₁₀ emissions have been reduced by a "minimum of 50% to approximately 64 lb/day" is unsupported by *any* substantial evidence that could support such a quantification.

The lack of evidence to support the DEIR's conclusions regarding proposed PM₁₀ mitigation measures or quantifying extent of their actual effectiveness violates CEQA, because the lack of meaningful information about how each of the proposed mitigation measures would impact the project's unmitigated PM₁₀ emission effectively precludes the public's ability to evaluate or comment on whether or to what extent the various proposed mitigation measures may, or may not, reduce the project's unmitigated PM₁₀ emissions. The DEIR must be revised and recirculated for public review to correct these informational gaps and omissions before any FEIR can be prepared or certified, or the project can be approved.

¹⁷ CEQA Guidelines, § 15140, 15147.

¹⁸ CEQA Guidelines, § 15088.5, subd. (a)(4); *Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043.

B. THE DEIR FAILS TO MEANINGFULLY ASSESS WHETHER AND TO WHAT EXTENT THE PROJECT'S OPERATIONAL AIR QUALITY IMPACTS COULD FEASIBLY BE REDUCED, AND UNLAWFULLY DEFERS THE DEVELOPMENT AND INCORPORATION OF SUCH MEASURES UNTIL AFTER PROJECT APPROVAL.

Impact 4.3-2 in the Draft EIR addresses the project's long-term operational (regional) criteria air pollutant and precursor emissions, and concludes that such impacts are significant and unavoidable:

*The proposed project would increase criteria air pollutant and precursor emissions in the region above significance thresholds. Because feasible mitigation measures are not available to reduce these emissions below the significance thresholds, this impact would be considered significant and unavoidable.*¹⁹

More specifically, the DEIR provides specific information, using the ARB-approved URBEMIS 2007 Version 9.2 computer program, to calculate that the project may result in ongoing, daily operational emissions of as much as 196 lb/day of ROG, 311 lb/day of NO_x, 281 lb/day of PM₁₀, and 2,196 lb/day of CO.²⁰ Appendix D to the DEIR provides underlying data to demonstrate how the project's operational air quality impacts were quantified and calculated.

With regard to these admittedly significant operational air quality impacts, the DEIR proposes a mitigation measure consisting in its entirety of the following sentence: "The City shall require that emission control measures be incorporated into project design and operation."²¹ The DEIR specifies no particular measures that will actually be incorporated into the project design, other than to vaguely suggest that future mitigation measures may (*or may not*) include "transit enhancing infrastructure"; "bicycle enhancing infrastructure"; the use of electric maintenance equipment; clearly marked pedestrian pathways; and a requirement to shut off diesel engines "when not in use for longer than five minutes on the premises to reduce idling emissions."²² No factual or modeling information is provided to explain how these potential measures might mitigate long-term, operational air quality impacts, or to quantify the emissions reductions that they would be expected to achieve.

CEQA's procedures require that, where several measures are available to mitigate an impact, "each should be discussed and the basis for selecting a particular measure should be identified. *Formulation of mitigation measures should not be deferred until some future time.*"²³ CEQA's procedures also require that the mitigation measures described in a DEIR "must be fully enforceable through permit conditions, agreements, or other legally-binding instruments."²⁴ The

¹⁹ Rocklin Crossing DEIR at p. 4.3-17.

²⁰ Rocklin Crossing DEIR at pp. 4.3-20 to 4.3-21, and Table 4.3-4.

²¹ Rocklin Crossing DEIR at p. 4.3-21.

²² Rocklin Crossing DEIR at p. 4.3-21. It is unclear how a diesel engine that is already "not in use" can be "shut off." It is more likely that the DEIR authors probably intended to direct this recommendation to *idling* diesel engines.

²³ CEQA Guidelines, § 15126.4, subd. (a)(1)(B) (emphasis added).

²⁴ CEQA Guidelines, § 15126.4, subd. (a)(2).

Ms. Sherri Abbas

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law is well settled – deferral of analysis or commitment to the implementation of particularly identified mitigation measures to offset identified, significant, adverse project impacts until *after* project approval constitutes a *prima facie* prejudicial abuse of the lead agency’s discretion.²⁵

In this case, the DEIR’s “analysis” and conclusions regarding mitigation of long-term, operational air quality impacts is wholly deficient. On its own terms the DEIR expressly and unlawfully defers the development or adoption of the actual long-term air quality mitigation measures that will be implemented (if any at all) in stating that “The City shall require that emission control measures be incorporated into project design and operation,” and then going on to half-heartedly recite five mitigation measures that might (or might not) be incorporated by the City after project approval pursuant to the DEIR’s limp directive.²⁶

The DEIR’s “analysis” of the ability to mitigate long-term, operational air quality impacts is also fundamentally informationally inadequate. While the DEIR asserts that implementation of its optional mitigation measures “would likely substantially reduce the level of emissions,” there is absolutely no data, modeling or other analysis to support this assertion, or that would allow the public to otherwise evaluate the veracity of the DEIR’s conclusion.

Finally, it is demonstrably untrue that there are no available mitigation measures that could potentially be incorporated into the project, *before it is approved*, that could feasibly and substantially reduce the project’s air quality impacts -- potentially even to a level of insignificance. For example, we are submitting with this letter a copy of the California Air Pollution Control Officer’s Association’s (“CAPCOA”) January 2008 report, titled “CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.” At Appendix B of this document, 45 pages of potential mitigation measures that could reduce air quality impacts are presented. Many of these measures, or their equivalents for a commercial project, could be incorporated into the Rocklin Crossing project to reduce, or potentially even completely offset, the Rocklin Crossing project’s long-term, operational air quality impacts. Yet none of them are presented in the Rocklin Crossing DEIR in a manner that would allow the public or decisionmakers to meaningfully evaluate 1) whether such measures might be feasible of implementation, or 2) the extent to which such measures might be able to reduce, or even completely offset, the project’s acknowledged significant, adverse long-term impact on air quality.

The DEIR’s assertion that mitigation measures are not available for this project is also belied by the fact that other Wal-Mart projects are committing themselves to fully offsetting their operational air quality impacts. For instance, the enclosed June 2007 story by James Geluso from the Bakersfield Californian, titled “Public input sought on new Wal-Mart reports,” states:

The old EIR for the Gosford Wal-Mart showed the project would have significant air quality impacts, but wouldn’t interfere with implementation of the San Joaquin

²⁵ See, e.g., *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.

²⁶ Rocklin Crossing DEIR at p. 4.3-21.

Valley Air Pollution Control District's air quality plan. The court ruled those two conclusions didn't match up.

The new EIR points to agreements between the developers of both stores and the air pollution district that say *developers will use programs elsewhere to make up for the pollution that the stores produce.*

In this case, the DEIR's failure to disclose so much as the *existence* of potentially feasible mitigation measures for public consideration and comment, including, but not limited to, the broad range of potential measures specified in the CAPCOA report, has precluded the public's ability to meaningfully consider or comment on ways that the project's long-term, operational air quality impacts might be substantially mitigated or offset – perhaps even to a level of insignificance. For all of the foregoing reasons, the DEIR must be revised and recirculated for public review to correct these informational gaps and omissions before any FEIR can be prepared or certified, or the project can be approved.

III. GROWTH INDUCING IMPACTS.

The DEIR's discussion of growth inducing impacts violates CEQA's procedures, because it impermissibly compares the project's growth impacts to the City's General Plan rather than the existing environment, and because internal inconsistencies in the DEIR's discussion and conclusions on this point effectively preclude meaningful public review or comment on the subject of growth inducing impacts.

In considering whether the project will result in growth inducing impacts, the DEIR states:

A project may induce growth by creating jobs that attract economic or population growth to the area, promoting the construction of homes that would bring new residents to the area, or removing an existing obstacle that impedes growth in the area. . . .

The proposed project is generally consistent with the City's General Plan and by extension, the employment, commercial development, and housing assumptions evaluated in the City's General Plan EIR. Implementation of the proposed project would generate employment opportunities for current and future residents consistent with the General Plan's goals and policies. Also, new housing is being constructed within the City to accommodate planned employment growth, consistent with the General Plan land use designations and the City's Housing Element requirements. Therefore, the project would not be expected to induce substantial unplanned population growth in the City or region.

The proposed project would generate new employment within the City of Rocklin, which could contribute to the demand for housing. The employment growth anticipated with the proposed project would represent an increase in total employment within the City of approximately 3.2%. However, due to the project's location along the primary transportation corridor within Placer County,

employees for the project would be drawn from throughout the region. Also, due to the relatively high median home prices within the City (identified as \$449,000 in 2007 [City of Rocklin 2007]) and the majority of the project's employment consisting of lower-paying service jobs, only a relatively small percentage of the project's employees may come from within the City. Employees would logically be expected to reside in communities along the Interstate 80 corridor in both Placer and Sacramento counties. Due to the density of urban development within these communities, a wide variety of housing options are available for project employees. The expected dispersal of employees across the region would minimize the effects of increased housing demands within the City. For these reasons, the proposed project would not be expected to generate a substantial demand for new housing and would not be expected to be growth inducing.²⁷

First, the foregoing discussion is procedurally defective because it unlawfully evaluates the project's potential growth inducing impacts in reference to the City of Rocklin's General Plan, rather than analyzing such impacts in reference to the existing environment.²⁸ In *Environmental Planning and Information Center v. County of El Dorado*, El Dorado County approved a development project based on an EIR that determined the project had no potential to result in significant, adverse environmental effects, because the project, as approved, called for less development than would otherwise be allowed under the County's general plan. The Court of Appeal, in setting aside the County's approval, flatly declared such an approach fundamentally antithetical to CEQA's most basic purposes and procedural mandates:

CEQA nowhere calls for evaluation of the impacts of a proposed project on an existing general plan; it concerns itself with the impacts of the project on the environment, defined as the existing physical conditions in the affected area. The legislation evinces no interest in the effects of proposed general plan amendments on an existing general plan, but instead has clearly expressed concern with the effects of projects on the actual environment upon which the proposal will operate.²⁹

Second, even if the City's *prima facie* violation of CEQA on this point could be ignored, the Rocklin Crossing DEIR's "analysis" of growth inducing impacts is internally inconsistent and self-contradictory. The DEIR asserts that growth inducing impacts associated with new jobs will not be significant because the City's General Plan calls for the construction of "new housing" within the City "to accommodate planned employment growth" for projects within the City. Yet, one paragraph later, the EIR states that the Rocklin Crossing project will generate "lower-paying service jobs," and that the working poor who are saddled with such jobs will not be able to afford housing in the City "due to the relatively high median home prices within the City (identified as \$449,000 in 2007 [City of Rocklin 2007])."

²⁷ Rocklin Crossing DEIR, at p. 6-54.

²⁸ *Environmental Planning and Information Center v. County of El Dorado* (1982) 131 Cal.App.3d 350.

²⁹ *Environmental Planning and Information Center, supra*, 131 Cal.App.3d at p. 355.

In sum, the DEIR's discussion of growth inducing impacts is so fundamentally and basically inadequate as to preclude the public's ability to understand or comment on such impacts. As an initial matter, the DEIR contains no description of the environments where growth induction may occur, or how such growth may impact those environments, but rather asserts the *non sequitur* that no such impacts could possibly exist, because the City's 1991 General Plan contemplates the construction of new housing. The EIR acknowledges that the project will cause a substantial increase in housing demand due to the expansion of the City's workforce by approximately 3.2%. But the EIR then inconsistently asserts that growth inducing impacts associated with this expansion in jobs are less-than-significant because housing for employees will be built in the City, while conceding that Wal-Mart and Home Depot employees would not be expected to be able to afford such housing. The EIR presents no evidence or information to support its conclusory assertion that "dispersal of employees across the region would minimize the effects of increased housing demands within the City," or any analysis of the range of impacts that may be associated with such "dispersal" due to Wal-Mart and Home Depot's failure to pay a living wage within the City or Rocklin (e.g., traffic, air quality, or growth inducing impacts caused by the fact that the workforce for the Rocklin Crossing Project will not be able to afford to live in Rocklin).

IV. URBAN DECAY IMPACTS

The DEIR's discussion of urban decay caused by displacement of retail sales is inadequate, because it fails to adequately consider how the project's economic impacts may, in turn, cause or exacerbate urban decay in the City of Roseville.

The DEIR acknowledges, correctly, that the courts have held that the synergistic effects of opening multiple big box retail stores, such as Wal-Marts, in one geographical region must be analyzed under CEQA to consider the potential for such combinations to cause or exacerbate regional urban decay:

In recent years, the California Courts have identified the term "urban decay" as the physical manifestation of a project's potential socioeconomic impacts and have specifically identified the need to address the potential for urban decay in environmental documents for large retail projects. The leading case is *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, in which the court set aside two environmental impact reports for two proposed Wal-Mart projects that would have been located less than five miles from each other.³⁰

Unfortunately, the Rocklin Crossing DEIR fails to follow through on this mandatory requirement because it improperly and artificially limits the impacted geographical region to a "primary" market area, which is defined as the City of Rocklin and the Town of Loomis, and a "secondary" market area "defined as the City of Auburn, and unincorporated parts of Placer County along the Interstate 80 corridor and in the neighborhood of Granite Bay."³¹ As an initial matter, the DEIR's conclusion that the proposed project will have no impacts on other retailers in Rocklin

³⁰ Rocklin Crossing DEIR, at p. 5-1.

³¹ Rocklin Crossing DEIR, at p. 5-3.

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and the immediately adjacent Town of Loomis economy is impossible to believe, given the fact that Rocklin and Loomis shoppers can (and certainly must be) expected to cross Highway 80 to shop at the proposed Wal-Mart, Home Depot and other ancillary retail stores that are proposed for the Rocklin Crossing project.

However, even if the DEIR and economic study's assertions on these points are accepted at face value on these points, the DEIR and its underlying economic impact study are not adequate, because, on their own terms, they expressly exclude any consideration of whether implementation of the Rocklin Crossing project may cause or exacerbate urban decay in the City of Roseville:

The City of Roseville was excluded from the market area because it is already served by two Wal-Mart stores (one of which is a Supercenter), two Home Depots, and a Lowe's store. Therefore, it is unlikely that residents of Roseville would travel to the project site when they have the same or similar stores nearby.³²

The defect in this methodology lies in the DEIR's concurrent recognition that for a broad variety of retail categories that the proposed Wal-Mart and Home Depot in the Rocklin Crossing project would serve, there is a presently a substantial amount of "leakage" from the City of Rocklin and the Town of Loomis:

Because there is currently significant leakage in the apparel, general merchandise, food stores, eating and drinking places, and building materials categories, (i.e., residents of the primary market area spend money in those categories outside of Rocklin and Loomis), those categories would have no diverted sales.³³

The fact that there is currently such substantial "leakage" from Rocklin and Loomis indicates, of course, that residents of Rocklin and Loomis are traveling *somewhere* outside of Rocklin and Loomis for the retail goods and services that they would instead buy at the proposed Wal-Mart and Home Depot in Rocklin, if the Rocklin Crossing project is approved. This, in turn, leads to the question: *where are these existing Rocklin and Loomis shoppers presently obtaining the types of goods and services that they would obtain in the future from the proposed Wal-Mart Supercenter and Home Depot at Rocklin Crossing?* It is a reasonable inference, based on the fact that there are two Wal-Marts, two Home Depots and a Lowe's in Roseville, that this "leakage" represents Rocklin and Loomis shoppers traveling to and shopping at the two Wal-Marts, two Home Depots, and the Lowe's in the City of Roseville to meet such needs.

On this point, the DEIR fails to recognize or account for the fact that approval of the Rocklin Crossing project will divert Wal-Mart and Home Depot shoppers who live in Rocklin and Loomis from the Roseville Wal-Mart, Home Depot and Lowe's stores, and, for that matter, will also foreseeably divert *all* Wal-Mart and Home Depot shoppers who live anywhere east of Rocklin and Loomis (e.g., in unincorporated parts of west Placer County or the City of Auburn).

³² Rocklin Crossing DEIR, at p. 5-3.

³³ Rocklin Crossing DEIR, at p. 5-3.

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Put simply, there would be no reason for a Wal-Mart, Home Depot or Lowe's shoppers traveling from the east to continue to drive to the two Wal-Marts, two Home Depots, or the Lowe's in the City of Roseville, when they can instead meet such shopping needs at the Wal-Mart and Home Depot that would be more closely located at the intersection of I-80 and Sierra College Boulevard as part of the Rocklin Crossing Project.

In sum, *even if* the DEIR and its supporting economic analysis could be taken at face value (which Rocklin Residents for Responsible Growth does not), it can readily be seen that the most substantial and significant economic impact of this project may not, necessarily, be felt in the defined "primary" market area of Rocklin or Loomis, or in the defined "secondary" market area of "the City of Auburn, and unincorporated parts of Placer County along the Interstate 80 corridor and in the neighborhood of Granite Bay." Rather, the brunt of the impact will be within the City of Roseville, due to the substantial loss of revenue to the five existing big-box retail stores in Roseville that would be caused by locating another Wal-Mart and another Home Depot at the intersection of I-80 and Sierra College Boulevard.

The DEIR states "that stabilized retail sales from the proposed project would total approximately \$230.5 million in 2009 dollars," but that only \$33.9 million of that amount will be diverted from the DEIR's "primary" and "secondary" market areas, which expressly exclude Roseville.³⁴ Yet, as demonstrated above, it is quite foreseeable that the "new" \$196.6 million in retail sales that the DEIR claims the Rocklin Crossing project will generate in categories such as apparel, general merchandise, food stores, eating and drinking places, and building materials, really represents the migration of shopping dollars from Loomis, Rocklin and areas to the east *away* from the Wal-Marts, Home Depots and Lowe's in Roseville to the closer Wal-Mart and Home Depot at Rocklin Crossing. The DEIR and its underlying economic study are inadequate, because they expressly exclude any discussion or consideration of how eliminating these shoppers as part of the City of Roseville's current customer base for its two Wal-Marts, two Home Depots and Lowe's may impact *those* stores' viability, and thus potentially induce urban decay in Roseville.

In *Bakersfield Citizens*, the Court of Appeal held that two EIRs were defective, where they failed to consider how two Wal-Marts might combine and compete with each other in the same market area to result in urban blight. The Rocklin Crossing EIR is similarly defective because it, too, attempts to treat the proposed Wal-Mart and Home Depot at Rocklin Crossing in isolation from the already existing two Wal-Marts, two Home Depots and the Lowe's in the City of Roseville. On its own terms, the DEIR misses the mark by asserting that no impacts could possibly occur in Roseville because Roseville residents will continue to shop in Roseville. Instead, the question is as follows: how will the five identified, existing big-boxes in Roseville be impacted, when they are deprived of a large segment of their existing customer base which presently travels from cities and unincorporated areas to the east (Loomis, Rocklin, and beyond) to shop at the Wal-Marts, Home Depots, and Lowe's in Roseville.

The DEIR's analysis of potential urban decay impacts must be revised and recirculated for public review, so that the public and decisionmakers can meaningfully evaluate whether the region can actually support three Wal-Marts (two of them supercenters), three Home Depots and a Lowe's,

³⁴ Rocklin Crossing DEIR, at p. 5-2 to 5-3.

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or whether approval of the Rocklin Crossing project will instead simply isolate and siphon substantial revenues away from the five existing big-box stores in the City of Roseville, to the extent that one or more of those stores may be forced to close, and, thus, cause or exacerbate urban decay in Roseville.

V. CONCLUSION

For the foregoing reasons, Rocklin Residents for Responsible Growth objects to the Rocklin Crossing Project and DEIR. The Rocklin Crossing DEIR fails to adequately disclose, analyze or mitigate a wide range of impacts, including, but not limited to, traffic, air quality, growth, and urban decay. The DEIR's failure to comply with CEQA's procedural or substantive requirements must be corrected and a revised DEIR must be recirculated for public review and comment, because the current DEIR is so fundamentally and basically inadequate as to preclude the public's ability to understand and comment on the project's impacts, or potentially feasible mitigation measures or alternatives that could avoid such impacts.

As stated at the beginning of this letter, these comments augment, and do not supersede or replace, additional comments that may be submitted by Rocklin Residents for Responsible Growth or its members.

Sincerely,


Keith Wagner

enclosures: CAPCOA, CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (January 2008).

James Geluso, "Public input sought on new Wal-Mart reports," Bakersfield Californian, June 7, 2007.

CAPCOA

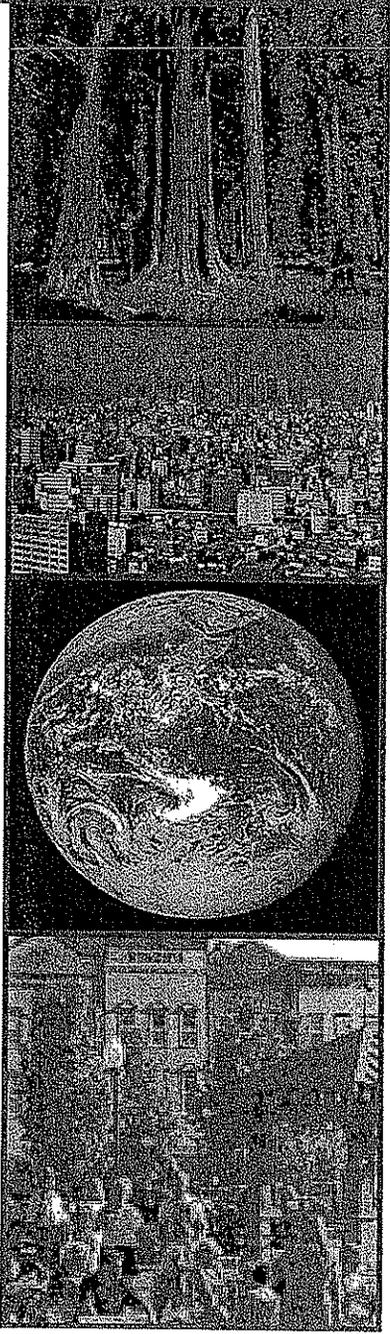
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Disclaimer

The California Air Pollution Control Officers Association (CAPCOA) has prepared this white paper consideration of evaluating and addressing greenhouse gas emissions under the California Environmental Quality Act (CEQA) to provide a common platform of information and tools to support local governments.

This paper is intended as a resource, not a guidance document. It is not intended, and should not be interpreted, to dictate the manner in which an air district or lead agency chooses to address greenhouse gas emissions in the context of its review of projects under CEQA.

This paper has been prepared at a time when California law has been recently amended by the Global Warming Solutions Act of 2006 (AB 32), and the full programmatic implications of this new law are not yet fully understood. There is also pending litigation in various state and federal courts pertaining to the issue of greenhouse gas emissions. Further, there is active federal legislation on the subject of climate change, and international agreements are being negotiated. Many legal and policy questions remain, including the requirements of CEQA in the context of greenhouse gas emissions. This paper is provided as a resource for local policy and decision makers to enable them to make the best decisions they can in the face of incomplete information during a period of change.

Finally, this white paper reviews requirements and discusses policy options, but it is not intended to provide legal advice and should not be construed as such. Questions of legal interpretation, particularly in the context of CEQA and other laws, or requests for advice should be directed to the agency's legal counsel.

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List of Acronyms and Abbreviations

<u>Acronym/ Abbreviation</u>	<u>Meaning</u>
AB 32	Assembly Bill 32 Global Warming Solutions Act of 2006
AG	Attorney General
ARB	Air Resources Board
ASTM	American Society of Testing and Material
BAAQMD	Bay Area Air Quality Management District
BAU	Business as Usual
BEES	Building for Environmental and Economic Sustainability
Calfire	California Fire
Caltrans	California Department of Transportation
CAP	Criteria Air Pollutants
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resource Board
CAT	Climate Action Team
CCAP	Center for Clean Air Policy
CCAR	California Climate Action Registry
CDFA	California Department of Food and Agriculture
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CF	Connectivity Factor
CH ₄	Methane
CIWMB	California Integrated Waste Management Board
CO	Carbon Monoxide
~	~
CNG	Compressed Natural Gas
CPUC	California Public Utilities Commission
CUFR	California Urban Forestry
DGS	Department of General Services
DOE	U.S. Department of Energy
DOF	Department of Finance
DPF	Diesel Particulate Filter
DWR	Department of Water Resources
E85	85% Ethanol
EEA	Massachusetts Executive Office of Energy and Environmental Affairs
EERE	Energy Efficiency and Renewable Energy
EIR	Environmental Impact Report
EOE	Encyclopedia of Earth
EPA	U.S. Environmental Protection Agency
ETC	Edmonton Trolley Coalition
EV	Electric Vehicles
FAR	Floor Area Ratio

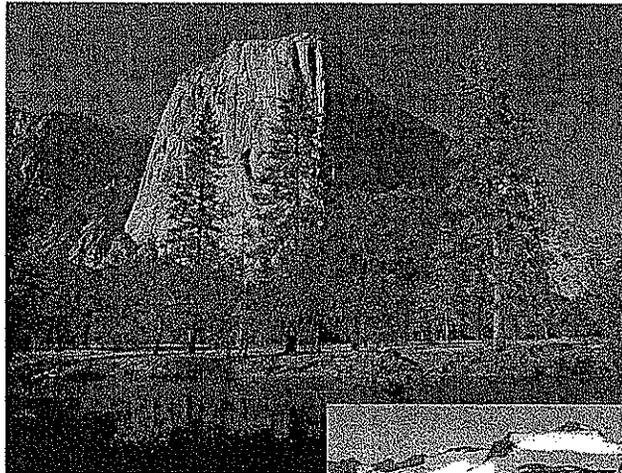
GHG	Greenhouse Gas
GGEP	Greenhouse Gas Emissions Policy
GGRP	Greenhouse Gas Reduction Plan
GP	General Plan
GWP	Global Warming Potential
IGCC	Integrated Gasification Combined Cycle
IOU	Investor Owned Utility
IPCC	International Panel on Climate Change
IT	Information Technology
ITE	Institute of Transportation Engineers
J&S	Jones & Stokes
km	Kilometer
LandGem	Landfill Gas Emissions Model
LEED	Leadership in Energy and Environmental Design
LNG	Liquefied Natural Gas
MBUAPCD	Monterey Bay Unified Air Pollution Control District
MEPA	Massachusetts Environmental Policy Act
MND	Mitigated Negative Declaration
MMT CO ₂ e	Million Metric Tons Carbon Dioxide Equivalent
MW	Megawatts
N ₂ O	Nitrous Oxide
NACAA	National Association Clean Air Agencies
ND	Negative Declaration
NEV	Neighborhood Electric Vehicle
NIST	National Institute of Standards and Technology
NO _x	Oxides of Nitrogen
NREL	National Renewable Energy Laboratory
NSCAPCD	Northern Sonoma County Air Pollution Control District
NSR	New Source Review
OPR	State Office of Planning and Research
PFC	Perfluorocarbon
PG&E	Pacific Gas & Electric
POU	Publicly Owned Utility
PM	Particulate Mater
RoadMod	Road Construction Emissions Model
ROG	Reactive Organic Gas
RPS	Renewable Portfolio Standards
RTP	Regional Transportation Plan
S-3-05	Executive Order S-3-05
SB	Senate Bill
SBCAPCD	Santa Barbara County Air Pollution Control District
SCAQMD	South Coast Air Quality Management District
SCM	Sustainable Communities Model
SIP	State Implementation Plan
SJVAPCD	San Joaquin Valley Unified Air Pollution Control District
SLOCAPCD	San Luis Obispo County Air Pollution Control District

SMAQMD	Sacramento Metropolitan Air Quality Management District
SMUD	Sacramento Municipal Utilities District
SO _x	Sulfur Oxides
SP	Service Population
SRI	Solar Reflectance Index
SWP	State Water Project
TAC	Toxic Air Contaminants
TBD	To Be Determined
TDM	Transportation Demand Management
TMA	Transportation Management Association
THC	Total Hydrocarbon
UC	University of California
ULEV	Ultra Low Emission Vehicle
UNFCCC	United Nations Framework Convention on Climate Change
URBEMIS	Urban Emissions Model
USGBC	U.S. Green Building Council
VMT	Vehicle Miles Traveled
VTPI	Victoria Transit Policy
YSAQMD	Yolo-Solano Air Quality Management District

Introduction

The California Environmental Quality Act (CEQA) requires that public agencies refrain from approving projects with significant adverse environmental impacts if there are feasible alternatives or mitigation measures that can substantially reduce or avoid those impacts. There is growing concern about greenhouse gas emissions¹ (GHG) and recognition of their significant adverse impacts on the world's climate and on our environment. In its most recent reports, the International Panel on Climate Change (IPCC) has called the evidence for this "unequivocal." In California, the passage of the

Global Warming Solutions Act of 2006 (AB 32) recognizes the serious threat to the "economic well-being, public health, natural resources, and the environment of California" resulting from global warming. In light of our current understanding of these impacts, public agencies approving projects subject to the CEQA are facing increasing pressure to identify and address potential significant impacts due to GHG emissions. Entities acting as lead agencies in the CEQA process are looking for guidance on how to adequately address the potential climate change impacts in meeting their CEQA obligations.



Air districts have traditionally provided guidance to local lead agencies on evaluating and addressing air pollution impacts from projects subject to CEQA. Recognizing the need for a common platform of information and tools to support decision makers as they establish policies and programs for GHG and CEQA, the California Air Pollution Control Officers Association has prepared a white paper reviewing policy choices, analytical tools, and mitigation strategies.

This paper is intended to serve as a resource for public agencies as they establish agency procedures for reviewing GHG emissions from projects under CEQA. It considers the application of thresholds and offers three alternative programmatic approaches toward

¹ Throughout this paper GHG, CO₂, CO₂e, are used interchangeably and refer generally to greenhouse gases but do not necessarily include all greenhouse gases unless otherwise specified.

CEQA and Climate Change

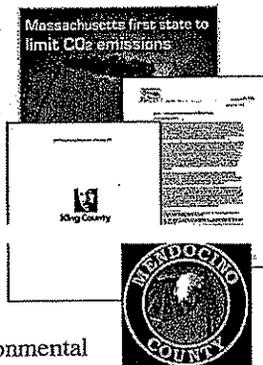
determining whether GHG emissions are significant. The paper also evaluates tools and methodologies for estimating impacts, and summarizes mitigation measures. It has been prepared with the understanding that the programs, regulations, policies, and procedures established by the California Air Resources Board (CARB) and other agencies to reduce GHG emissions may ultimately result in a different approach under CEQA than the strategies considered here. The paper is intended to provide a common platform for public agencies to ensure that GHG emissions are appropriately considered and addressed under CEQA while those programs are being developed.

Examples of Other Approaches

Many states, counties, and cities have developed policies and regulations concerning greenhouse gas emissions that seek to require or promote reductions in GHG emissions through standards for vehicle emissions, fuels, electricity production/renewables, building efficiency, and other means. A few have developed guidance and are currently considering formally requiring or recommending the analysis of greenhouse gas emissions for development projects during their associated environmental processes. Key work in this area includes:

- Massachusetts Office of Energy and Environmental Affairs Greenhouse Gas Emissions Policy;
- King County, Washington, Executive Order on the Evaluation of Climate Change Impacts through the State Environmental Policy Act;
- Mendocino AQMD updated guidelines for use during preparation of air quality impacts in Environmental Impact Reports (EIRs) or mitigated negative declarations.

climate change in CEQA documents; and



The following paper evaluates options for lead agencies to ensure that GHG emissions are appropriately addressed as part of analyses under CEQA. It considers the use of significance thresholds, tools and methodologies for analyzing GHG emissions, and measures and strategies to avoid, reduce, or mitigate impacts.

Greenhouse Gas Significance Criteria

This white paper discusses three basic options air districts and lead agencies can pursue when contemplating the issues of CEQA thresholds for greenhouse gas emissions. This paper explores each path and discusses the benefits and disbenefits of each. The three basic paths are:

- No significance threshold for GHG emissions;

- GHG emissions threshold set at zero; or
- GHG threshold set at a non-zero level.

Each has inherent advantages and disadvantages. Air districts and lead agencies may believe the state or national government should take the lead in identifying significance thresholds to address this global impact. Alternatively, the agency may believe it is premature or speculative to determine a clear level at which a threshold should be set. On the other hand, air districts or lead agencies may believe that every GHG emission should be scrutinized and mitigated or offset due to the cumulative nature of this impact. Setting the threshold at zero will place all discretionary projects under the CEQA microscope. Finally, an air district or lead agency may believe that some projects will not benefit from a full environmental impact report (EIR), and may believe a threshold at some level above zero is needed.

This paper explores the basis and implications of setting no threshold, setting a threshold at zero and two primary approaches for those who may choose to consider a non-zero threshold. The first approach is grounded in statute (AB 32) and executive order (EO S-3-05) and explores four possible options under this scenario. The options under this approach are variations of ways to achieve the 2020 goals of AB 32 from new development, which is estimated to be about a 30 percent reduction from business as usual.

The second approach explores a tiered threshold option. Within this option, seven variations are discussed. The concepts explored here offer both quantitative and qualitative approaches to setting a threshold as well as different metrics by which tier cut-points can be set. Variations range from setting the first tier cut-point at zero to second-tier cut-points set at defined emission levels or based on the size of a project. It should be noted that some applications of the tiered threshold approach may require inclusion in a General Plan or adoption of enabling regulations or ordinances to render them fully effective and enforceable.

Greenhouse Gas Analytical Methodologies

The white paper evaluates various analytical methods and modeling tools that can be applied to estimate the greenhouse gas emissions from different project types subject to CEQA. In addition, the suitability of the methods and tools to characterize accurately a project’s emissions is discussed and the paper provides recommendations for the most appropriate methodologies and tools currently available.

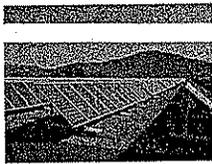
The suggested methodologies are applied to residential, commercial, specific plan and general plan scenarios where GHG emissions are estimated for each example. This chapter also discusses estimating emissions from solid waste facilities, a wastewater treatment plant, construction, and air district rules and plans.

Another methodology, a service population metric, that would measure a project's overall GHG efficiency to determine if a project is more efficient than the existing statewide average for per capita GHG emissions is explored. This methodology may be more directly correlated to a project's ability to help achieve objectives outlined in AB 32, although it relies on establishment of an efficiency-based significance threshold. The subcommittee believes this methodology may eventually be appropriate to evaluate the long-term GHG emissions from a project in the context of meeting AB 32 goals. However, this methodology will need further work and is not considered viable for the interim guidance presented in this white paper.

Greenhouse Gas Mitigation Measures

Common practice in environmental protection is first to avoid, then to minimize, and finally to compensate for impacts. When an impact cannot be mitigated on-site, off-site mitigation can be effectively implemented in several resource areas, either in the form of offsetting the same impact or preserving the resource elsewhere in the region.

This white paper describes and evaluates currently available mitigation measures based on their economic, technological and logistical feasibility, and emission reduction effectiveness. The potential for secondary impacts to air quality are also identified for each measure. A summary of current rules and regulations affecting greenhouse gas emissions and climate change is also provided.

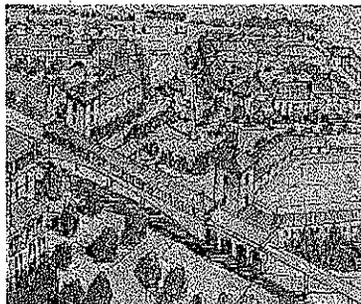


Reductions from transportation related measures (e.g., bicycle, carpooling, etc.) are analyzed as a single comprehensive approach to land use. Design measures that focus on enhancing alternative transportation are discussed. Mitigation measures are identified for transportation, land use/building design, mixed-use development, energy efficiency, education/social awareness and construction.

Purpose

CEQA requires the avoidance or mitigation of significant adverse environmental impacts where there are feasible alternatives available. The contribution of GHG to climate change has been documented in the scientific community. The California Global Warming Solutions Act of 2006 (AB 32) mandates significant reductions in greenhouse gases (GHG); passage of that law has highlighted the need to consider the impacts of GHG emissions from projects that fall under the jurisdiction of the California Environmental Quality Act (CEQA). Because we have only recently come to fully recognize the potential for significant environmental impacts from GHG, most public agencies have not yet established policies and procedures to consider them under CEQA. As a result, there is great need for information and other resources to assist public agencies as they develop their programs.

Air districts have historically provided guidance to local governments on the evaluation of air pollutants under CEQA. As local concern about climate change and GHG has increased, local governments have requested guidance on incorporating analysis of these impacts into local CEQA review. The California Air Pollution Control Officers Association (CAPCOA), in coordination with the CARB, the Governor's Office of Planning and Research (OPR) and two environmental consulting firms, has harnessed the collective expertise to evaluate approaches to analyzing GHG in CEQA. The purpose of this white paper is to provide a common platform of information and tools to address climate change in CEQA analyses, including the evaluation and mitigation of GHG emissions from proposed projects and identifying significance threshold options.

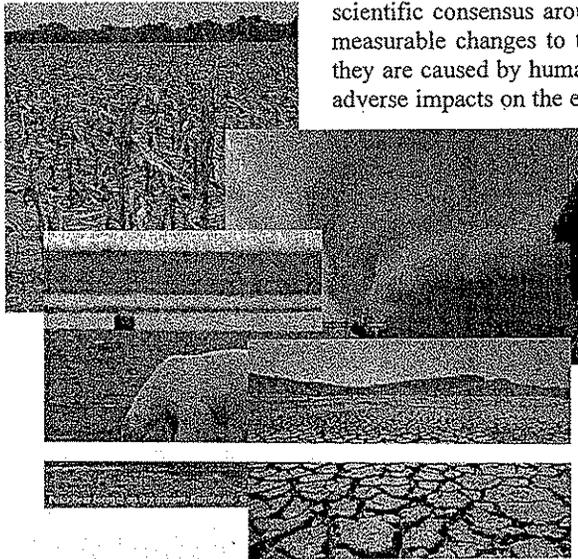


CEQA requires public agencies to ensure that potentially significant adverse environmental effects of discretionary projects are fully characterized, and avoided or mitigated where there are feasible alternatives to do so. Lead agencies have struggled with how best to identify and characterize the magnitude of the adverse effects that individual projects have on the global-scale phenomenon of climate change, even more so since Governor Schwarzenegger signed Executive Order S-3-05 and the state Legislature enacted The Global Warming Solutions Act of 2006 (AB 32). There is now a resounding call to establish procedures to analyze and mitigate greenhouse gas (GHG) emissions. The lack of established thresholds does not relieve lead agencies of their responsibility to analyze and mitigate significant impacts, so many of these agencies are seeking guidance from state and local air quality agencies. This white paper addresses issues inherent in establishing CEQA thresholds, evaluates tools, catalogues mitigation measures and provides air districts and lead agencies with options for incorporating climate change into their programs.

Background

National and International Efforts

International and Federal legislation have been enacted to deal with climate change issues. The Montreal Protocol was originally signed in 1987 and substantially amended in 1990 and 1992. In 1988, the United Nations and the World Meteorological Organization established the IPCC to assess the scientific, technical and socioeconomic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation. The most recent reports of the IPCC have emphasized the scientific consensus around the evidence that real and measurable changes to the climate are occurring, that they are caused by human activity, and that significant adverse impacts on the environment, the economy, and



human health and welfare are unavoidable.

In October 1993, President Clinton announced his Climate Change Action Plan, which had a goal to return greenhouse gas emissions to 1990 levels by the year 2000. This was to be accomplished through 50 initiatives that relied on innovative voluntary partnerships between the private sector and

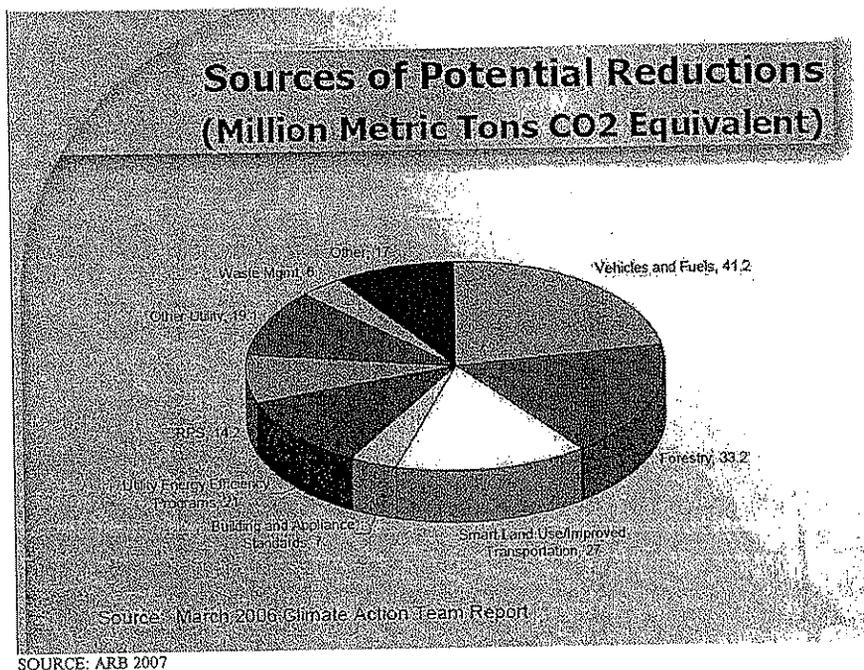
government aimed at producing cost-effective reductions in greenhouse gas emissions. On March 21, 1994, the United States joined a number of countries around the world in signing the United Nations Framework Convention on Climate Change (UNFCCC). Under the Convention, governments agreed to gather and share information on greenhouse gas emissions, national policies, and best practices; launch national strategies for addressing greenhouse gas emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

These efforts have been largely policy oriented. In addition to the national and international efforts described above, many local jurisdictions have adopted climate change policies and programs. However, thus far little has been done to assess the significance of the affects new development projects may have on climate change.

Executive Order S-3-05

On June 1, 2005, Governor Schwarzenegger issued Executive Order S-3-05 (S-3-05). It included the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. To meet the targets, the Governor directed the Secretary of the California Environmental Protection Agency to coordinate with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the CARB, Chairperson of the Energy Commission and President of the Public Utilities Commission on development of a Climate Action Plan.

The Secretary of CalEPA leads a Climate Action Team (CAT) made up of representatives from the agencies listed above to implement global warming emission reduction programs identified in the Climate Action Plan and report on the progress made toward meeting the statewide greenhouse gas targets that were established in the Executive Order.



In accord with the requirements of the Executive Order, the first report to the Governor and the Legislature was released in March 2006 and will be issued bi-annually thereafter. The CAT Report to the Governor contains recommendations and strategies to help ensure the targets in Executive Order S-3-05 are met.

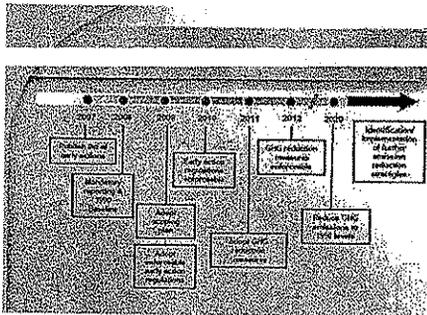
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California Global Warming Solutions Act of 2006 (AB 32)

In 2006, the California State Legislature adopted the California Global Warming Solutions Act of 2006. AB 32 establishes a cap on statewide greenhouse gas emissions and sets forth the regulatory framework to achieve the corresponding reduction in statewide emissions levels. AB 32 charges the California Air Resources Board (CARB), the state agency charged with regulating statewide air quality, with implementation of the act. Under AB 32, greenhouse gases are defined as: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

The regulatory steps laid out in AB 32 require CARB to: adopt early action measures to reduce GHGs; to establish a statewide greenhouse gas emissions cap for 2020 based on 1990 emissions; to adopt mandatory reporting rules for significant source of greenhouse gases; and to adopt a scoping plan indicating how emission reductions will be achieved via regulations, market mechanisms and other actions; and to adopt the regulations needed to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gases.

AB 32 requires that by January 1, 2008, the State Board shall determine what the statewide greenhouse gas emissions inventory was in 1990, and approve a statewide greenhouse gas emissions limit that is equivalent to that level, to be achieved by 2020. While the level of 1990 GHG emissions has not yet been approved, CARB's most recent emission inventory indicates that California had annual emissions of 436 million metric tons of carbon dioxide equivalent (MMT CO₂e) in 1990 and 497 MMT CO₂e in 2004.



The regulatory timeline laid out in AB 32 requires that by July 1, 2007, CARB adopt a list of discrete early action measures, or regulations, to be adopted and implemented by January 1, 2010. These actions will form part of the State's comprehensive plan for achieving greenhouse gas emission reductions. In June 2007, CARB adopted three discrete early action measures. These three new proposed regulations meet the definition of

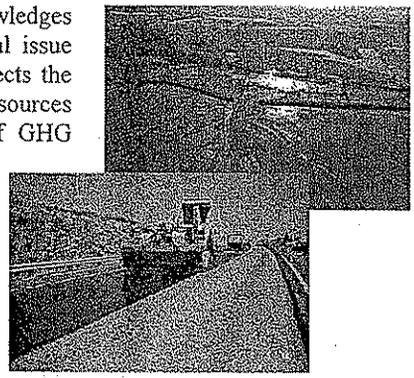
“discrete early action greenhouse gas reduction measures,” which include the following: a low carbon fuel standard; reduction of HFC-134a emissions from non-professional servicing of motor vehicle air conditioning systems; and improved landfill methane capture. CARB estimates that by 2020, the reductions from those three discrete early action measures would be approximately 13-26 MMT CO₂e.

CARB evaluated over 100 possible measures identified by the CAT for inclusion in the list of discrete early action measures. On October 25, 2007 CARB gave final approval to the list of Early Action Measures, which includes nine discrete measures and 35

additional measures, all of which are to be enforceable by January 1, 2010. AB 32 requires that by January 1, 2009, CARB adopt a scoping plan indicating how emission reductions will be achieved via regulations, market mechanisms and other actions.

Senate Bill 97

Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is an important environmental issue that requires analysis under CEQA. This bill directs the OPR to prepare, develop, and transmit to the Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, by July 1, 2009. The Resources Agency is required to certify or adopt those guidelines by January 1, 2010. This bill also protects projects funded by the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, or the Disaster Preparedness and Flood Protection Bond Act of 2006 (Proposition 1B or 1E) from claims of inadequate analysis of GHG as a legitimate cause of action. This latter provision will be repealed on January 1, 2010. Thus, this “protection” is highly limited to a handful of projects and for a short time period.



The Role of Air Districts in the CEQA Process

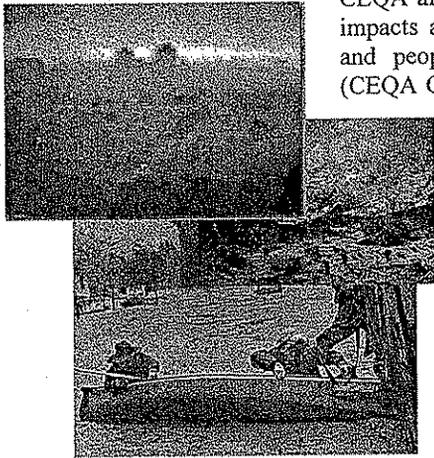
Air districts assume one of three roles in the CEQA process. They may be lead agencies when they are adopting regulations and air quality plans. In some instances, they can also be a lead agency when approving permits to construct or operate for applicants subject to district rules. However, in many cases where an air district permit is involved, another agency has broader permitting authority over the project and assumes the role of lead agency. In these situations, the air district becomes what is referred to as a responsible agency under CEQA. When CEQA documents are prepared for projects that do not involve discretionary approval of a district regulation, plan or permit, the air district may assume the role of a concerned or commenting agency. In this role, it is typical for air districts to comment on CEQA documents where there may be air quality-related adverse impacts, such as projects that may create significant contributions to existing violations of ambient standards, cause a violation of an ambient standard or create an exposure to toxic air contaminants or odors. In some cases, the air district may also act in an “advisory” capacity to a lead agency early on in its review of an application for a proposed development project.

A few air districts in California began developing significance thresholds for use in CEQA analyses in the late 1980’s and early 1990’s. By the mid-1990’s most air districts had developed CEQA thresholds for air quality analyses. Many of the districts have included in their guidance the analysis of rule development and permits that may be subject to CEQA.

What is Not Addressed in this Paper

Impacts of Climate Change to a Project

The focus of this paper is addressing adverse impacts to climate change and the ability to meet statewide GHG reduction goals caused by proposed new land development projects.



CEQA also requires an assessment of significant adverse impacts a project might cause by bringing development and people into an area affected by climate change (CEQA Guidelines §15126.2). For example, an area that

experiences higher average temperatures due to climate change may expose new development to more frequent exceedances and higher levels of ozone concentrations. Alternatively, a rise in sea level brought on by climate change may inundate new development locating in a low-lying area. The methodologies, mitigation and threshold approaches discussed in this paper do not specifically address the potential adverse impacts resulting from climate change that may affect a project.

Impacts from Construction Activity

Although construction activity has been addressed in the paper does not discuss whether any of the threshold approaches adequately addresses impacts from construction activity. More study is needed to make this assessment or to develop separate thresholds for construction activity. The focus of this paper is the long-term adverse operational impacts of land use development.



Introduction

Any analysis of environmental impacts under CEQA includes an assessment of the nature and extent of each impact expected to result from the project to determine whether the impact will be treated as significant or less than significant. CEQA gives lead agencies discretion whether to classify a particular environmental impact as significant. "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved," ref: CEQA Guidelines §15064(b) ("Guidelines"). Ultimately, formulation of a standard of significance requires the lead agency to make a policy judgment about where the line should be drawn distinguishing adverse impacts it considers significant from those that are not deemed significant. This judgment must, however, be based on scientific information and other factual data to the extent possible (Guidelines §15064(b)).

CEQA does not require that agencies establish thresholds of significance. Guidelines §15064.7(a) encourages each public agency "...to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which normally means the effect will be determined to be less than significant."

Once such thresholds are established, an impact that complies with the applicable threshold will "normally" be found insignificant and an impact that does not comply with the applicable threshold will "normally" be found significant.

Additionally, Guidelines §15064.7(b) requires that if thresholds of significance are adopted for general use as part of the lead agency's environmental review process they must be adopted by ordinance, resolution, rule or regulation, and developed through a public review process and be supported by substantial evidence.

While many public agencies adopt regulatory standards as thresholds, the standards do not substitute for a public agency's use of careful judgment in determining significance. They also do not replace the legal standard for significance (i.e., if there is a fair argument, based on substantial evidence in light of the whole record that the project may have a significant effect, the effect should be considered significant) (Guidelines §15064(f)(1). Also see *Communities for a Better Environment v. California Resource Agency* 103 Cal. App. 4th 98 (2002)). In other words, the adoption of a regulatory standard does not create an irrebuttable presumption that impacts below the regulatory standard are less than significant.

Summary of CEQA Thresholds at Air Districts

This section briefly summarizes the evolution of air district CEQA significance thresholds. Ventura County APCD, in 1980, was the first air district in California that formally adopted CEQA significance thresholds. Their first CEQA assessment document contained impact thresholds based on project type: residential, nonresidential, and government. Then, as now, the District's primary CEQA thresholds applied only to ROG and NO_x. The 1980 Guidelines did not address other air pollutants.

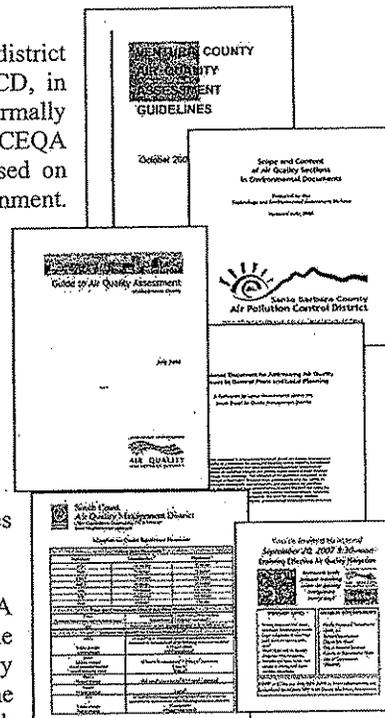
Santa Barbara County APCD and the Bay Area AQMD adopted thresholds in 1985. The South Coast AQMD recommended regional air quality thresholds in 1987 for CO, SO₂, NO₂, particulates, ROG, and lead. Most of the other California air districts adopted CEQA guidance and thresholds during the 1990's. Air districts have updated their thresholds and guidelines several times since they were first published.

Originally, most districts that established CEQA thresholds focused on criteria pollutants for which the district was nonattainment and the thresholds only addressed project level impacts. Updates during the 1990's began to add additional air quality impacts such

as ozone precursors and construction. Several air districts also developed thresholds for General Plans that relied on an assessment of the plan consistency with the district's air quality plans. A consistency analysis involves comparing the project's land use to that of the general plan and the population and employment increase to the forecasts underlying the assumptions used to develop the air quality plan.

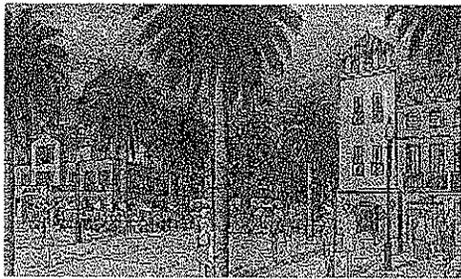
Most air district thresholds for CEQA are based on the threshold for review under the New Source Review (NSR). The NSR threshold level is set by district rule and is different depending on the nonattainment classification of the air district. Areas with a less severe classification have a higher NSR trigger level while the most polluted areas have the lowest NSR trigger level. Some districts, such as Ventura County APCD, have significantly lower CEQA thresholds that are not tied to the NSR requirements. In Ventura, one set of CEQA thresholds is 25 pounds per day for all regions of Ventura County, except the Ojai Valley. The second set of CEQA thresholds was set at 5 pounds per day for the Ojai Valley.

The Sacramento Metropolitan AQMD bases its thresholds for ozone precursors on the projected land use share of emission reductions needed for attainment. The emission reductions needed to reach attainment are based on commitments made in the state implementation plan (SIP) prepared for the federal clean air act.



CEQA Considerations in Setting Thresholds

Public agencies use significance thresholds to disclose to their constituents how they plan on evaluating and characterizing the severity of various environmental impacts that could be associated with discretionary projects that they review. Significance thresholds are also used to help identify the level of mitigation needed to reduce a potentially significant impact to a less than significant level and to determine what type of an environmental document should be prepared for a project; primarily a negative declaration, mitigated negative declaration or an environmental impact report.



While public agencies are not required to develop significance thresholds, if they decide to develop them, they are required to adopt them by ordinance, resolution, rule or regulation through a

public process. A lead agency is not restrained from adopting any significance threshold it sees as appropriate, as long as it is based on substantial evidence. CEQA Guidelines §15064.7 encourages public agencies to develop and publish significance thresholds that are identifiable, quantitative, qualitative or performance level that the agency uses in the determination of the significance of environmental effects. The courts have ruled that a “threshold of significance” for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant.

Before an agency determines its course with regard to climate change and CEQA, it must be made clear that a threshold, or the absence of one, will not relieve a lead agency from having to prepare an EIR or legal challenges to the adequacy of an analysis leading to a conclusion, or lack of a conclusion, of significance under CEQA. CEQA has generally favored the preparation of an EIR where there is any substantial evidence to support a fair argument that a significant adverse environmental impact may occur due to a proposed project. This paper explores three alternative approaches to thresholds, including a no threshold option, a zero threshold option and a non-zero threshold option.

Fair Argument Considerations

Under the CEQA fair argument standard, an EIR must be prepared whenever it can be fairly argued, based on substantial evidence in the administrative record, that a project may have a significant adverse effect on the environment. “Substantial evidence” comprises “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (Guidelines §15384) This means that if factual information is presented to the public agency that there is a reasonable possibility the project could have

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a significant effect on the environment, an EIR is required even if the public agency has information to the contrary (Guidelines §15064 (f)).

The courts have held that the fair argument standard “establishes a low threshold for initial preparation of an EIR, which reflects a preference for resolving doubts in favor of environmental review.” (*Santa Teresa Citizen Action Group v. City of San Jose* [2003] 114 Cal.App.4th 689) Although the determination of whether a fair argument exists is made by the public agency, that determination is subject to judicial scrutiny when challenged in litigation. When the question is whether an EIR should have been prepared, the court will review the administrative record for factual evidence supporting a fair argument.

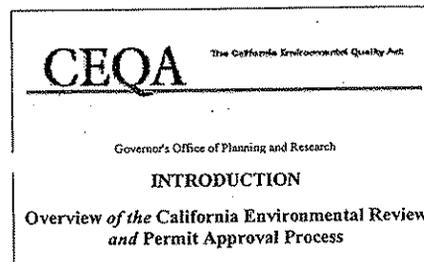
The fair argument standard essentially empowers project opponents to force preparation of an EIR by introducing factual evidence into the record that asserts that the project may have a significant effect on the environment. This evidence does not need to be conclusive regarding the potential significant effect.

In 1998, the Resources Agency amended the State CEQA Guidelines to encourage the use of thresholds of significance. Guidelines §15064 (h) provided that when a project’s impacts did not exceed adopted standards, the impacts were to be considered less than significant. The section went on to describe the types of adopted standards that were to be considered thresholds. Guidelines § 15064.7 provided that agencies may adopt thresholds of significance to guide their determinations of significance. Both of these sections were challenged when

Agency in 2000 over the amendments. The trial court concluded that §15064.7 was proper, if it was applied in the context of the fair argument standard.

At the appellate court level, §15064(h) was invalidated.² Establishing a presumption that meeting an adopted standard would avoid significant impacts was “inconsistent with controlling CEQA law governing the fair argument approach.” The Court of Appeal explained that requiring agencies to comply with a regulatory standard “relieves the agency of a duty it would have under the fair argument approach to look at evidence beyond the regulatory standard, or in contravention of the standard, in deciding whether an EIR must be prepared. Under the fair argument approach, any substantial evidence supporting a fair argument that a project may have a significant environmental effect would trigger the preparation of an EIR.” (*Communities for a Better Environment v. California Resources Agency* [2002] 103 Cal.App.4th 98)

² Prior §15064(h) has been removed from the State CEQA Guidelines. Current §15064(h) discusses cumulative impacts.



In summary, CEQA law does not require a lead agency to establish significance thresholds for GHG. CEQA guidelines encourage the development of thresholds, but the absence of an adopted threshold does not relieve the agency from the obligation to determine significance.

Defensibility of CEQA Analyses

The basic purposes of CEQA, as set out in the State CEQA Guidelines, include: (1) informing decision makers and the public about the significant environmental effects of proposed projects; (2) identifying ways to reduce or avoid those impacts; (3) requiring the implementation of feasible mitigation measures or alternatives that would reduce or avoid those impacts; and (4) requiring public agencies to disclose their reasons for approving any project that would have significant and unavoidable impacts (Guidelines §15002). CEQA is enforced through civil litigation over procedure (i.e., did the public agency follow the correct CEQA procedures?) and adequacy (i.e., has the potential for impacts been disclosed, analyzed, and mitigated to the extent feasible?).



The California Supreme Court has held that CEQA is "to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Friends of Mammoth v. Board of Supervisors* [1972] 8 Cal.3d 247, 259) Within that context, the role of the courts is to weigh the facts in each case and apply their judgment. Although the court may rule on the adequacy of the CEQA work, the court is not empowered to act in the place of the public agency to approve or deny the project for which the CEQA document was prepared. Further, the court's review is limited to the evidence contained in the administrative record that was before the public agency when it acted on the project.

Putting aside the issue of CEQA procedure, the defensibility of a CEQA analysis rests on the following concerns:

- whether the public agency has sufficiently analyzed the environmental consequences to enable decision makers to make an intelligent decision;
- whether the conclusions of the public agency are supported by substantial evidence in the administrative record; and
- whether the agency has made a good faith effort at the full disclosure of significant effects.

CEQA analyses need not be perfect or exhaustive -- the depth and breadth of the analysis is limited to what is "reasonably feasible." (Guidelines §15151) At the same time, the analysis "must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed

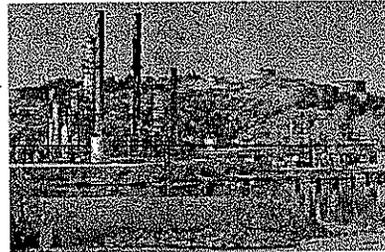
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project.” (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376)

By itself, establishment of a GHG threshold will not insulate individual CEQA analyses from challenge. Defensibility depends upon the adequacy of the analysis prepared by the lead agency and the process followed. However, the threshold can help to define the boundaries of what is a reasonable analysis by establishing when an analysis will be required and the basic scope of that analysis. The threshold would attempt to define the point at which an analysis will be required and when a level of impact becomes significant, requiring preparation of an EIR. If the threshold includes recommendations for the method or methods of analysis, it can establish the minimum level of analysis to address this issue.

Considerations in Setting Thresholds for Stationary Source Projects

In many respects, the analysis of GHG emissions from stationary sources is much more straightforward than the analysis of land use patterns, forecasted energy consumption, and emissions from mobile sources. The reason is that, for the most part, the latter analyses depend largely on predictive models with myriad inputs and have a wider range of error. Emissions from stationary sources involve a greater reliance on mass and energy balance calculations and direct measurements of emissions from the same or similar sources. Energy demand is more directly tied to production, and windows.



Implementing CEQA Without a Threshold

A lead agency is not required to establish significance thresholds for GHG emissions from stationary sources. The lead agency may find that it needs more information or experience evaluating GHG from these types of projects to determine an appropriate significance threshold. As with other project types, the lead agency could conduct a project specific analysis to determine whether an environmental impact report is needed and to determine the level of mitigation that is appropriate. The agency might also rely on thresholds established for criteria pollutants as a screening method, and analyze GHG emissions (and require mitigation) from projects with emissions above the criteria pollutant thresholds. Over time, the agency could amass information and experience with specific project categories that would support establishing explicit thresholds. The lead agency may also choose to base local CEQA thresholds on state guidelines or on the category-specific reduction targets established by ARB in its scoping plan for implementing AB32. Resource constraints and other considerations associated with implementing CEQA without GHG thresholds for stationary sources would be similar to those outlined for other types of projects (see Chapter 5 – No Threshold Option).



Implementing CEQA with Threshold of Zero

A lead agency may find that any increase in GHG emissions is potentially significant under CEQA. The resources and other considerations for implementing a threshold of zero for stationary sources are the same as those outlined for other types of projects (see Chapter 6 – Zero Threshold Option).

Implementing CEQA with a Non-Zero Threshold

A lead agency may identify one or more non-zero thresholds for significance of emissions of GHG from stationary sources. The agency could elect to rely on existing thresholds for reviewing new or modified stationary sources of GHG, if the state or local air district has established any. The agency could also apply the threshold(s) established for non-stationary sources to GHG emissions from stationary sources. Significance thresholds could also be established by ordinance, rule, or policy for a given category of stationary sources; this approach is especially conducive to a tiered threshold approach. For example, the agency could establish significance and mitigation tiers for stationary compression-ignition diesel-fueled generators. Under such an approach, the project proponent could be first required to use a lower GHG-emitting power source if feasible, and if not, to apply mitigation based on the size of the generator and other defined considerations, such as hours of operation. Certain classes of generators could be found to be insignificant under CEQA (e.g., those used for emergency stand-by power only, with a limit on the annual hours of use). As with non-stationary projects, the goal of establishing non-zero thresholds is to maximize environmental protection, while minimizing resources used. Resource and other considerations outlined for non-stationary projects are applicable here (see Chapter 7 – Non-Zero Threshold Options).

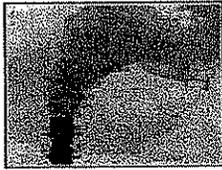
Implementing CEQA with Different Thresholds for Stationary and Non-stationary Projects

Although a lead agency may apply the same thresholds to stationary and non-stationary projects, it is not required to do so. There are, in fact, some important distinctions between the two types of projects that could support applying different thresholds. The lead agency should consider the methods used to estimate emissions. Are the estimates a “best/worst reasonable scenario” or are they based on theoretical maximum operation? How accurate are the estimates (are they based on models, simulations, emission factors, source test data, manufacturer specifications, etc.)? To what extent could emissions be reduced through regulations after the project is constructed if they were found to be greater than originally expected (i.e., is it possible to retrofit emissions control technology onto the source(s) of GHG at a later date, how long is the expected project life, etc.)? Are there emission limits or emissions control regulations (such as New Source Review) that provide certainty that emissions will be mitigated? Generally, stationary source emissions are based on maximum emissions (theoretical or allowed under law or regulation), are more accurate, and are more amenable to retrofit at a later time than non-stationary source emissions. It is also more likely that category specific

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rules or some form of NSR will apply to stationary sources than non-stationary projects. Notwithstanding, it is almost always more effective and cost-efficient to apply emission reduction technology at the design phase of a project. There are, therefore, a number of considerations that need to be evaluated and weighed before establishing thresholds – and which may support different thresholds for stationary and non-stationary projects. Furthermore, the considerations may change over time as new regulations are established and as emissions estimation techniques and control technology evolves.

Direct GHG Emissions from Stationary Sources



The main focus of this paper has been the consideration of projects that do not, in the main, involve stationary sources of air pollution, because stationary source projects are generally a smaller percentage of the projects seen by most local land use agencies. That said, some discussion of stationary sources is warranted. As the broader program for regulating GHG from these sources is developed, the strategies for addressing them

under CEQA will likely become more refined.

The primary focus of analysis of stationary source emissions has traditionally been those pollutants that are directly emitted by the source, whether through a stack or as fugitive releases (such as leaks). CAPCOA conducted a simplified analysis of permitting activity to estimate the number of stationary source projects with potentially significant emissions of greenhouse gases that might be seen over the course of a year. This analysis looked only at stationary combustion sources (such as boilers and generators), and only considered direct emissions. A lead agency under CEQA may see a different profile of emissions, depending on what other resources are affected by projects. In addition, air districts review like-kind replacements of equipment to ensure the new equipment meets current standards, but such actions might not constitute a project for many land use agencies or other media regulators. The data does provide a useful benchmark, however, for lead agencies to assess the order of magnitude of potential stationary source projects. A similar analysis is included for non-stationary projects in Chapter 7.

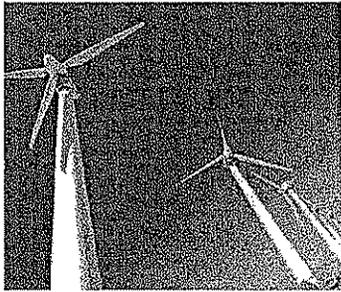
Table 1: Analysis of GHG Emissions from Stationary Combustion Equipment Permits³

	BAAQMD	SMAQMD	SJVUAPCD	SCAQMD
Total Applications for Year	1499	778	1535	1179
Affected at threshold of:				
900 metric tons/year	26	43	63	108
10,000 metric tons/year	7	5	26	8
25,000 metric tons/year	3	1	11	4

³ District data varies based on specific local regulations and methodologies.

Emissions from Energy Use

In addition to the direct emissions of GHG from stationary projects, CEQA will likely need to consider the project's projected energy use. This could include an analysis of opportunities for energy efficiency, onsite clean power generation (e.g., heat/energy recovery, co-generation, geothermal, solar, or wind), and the use of dedicated power



contracts as compared to the portfolio of generally available power. In some industries, water use and conservation may provide substantial GHG emissions reductions, so the CEQA analysis should consider alternatives that reduce water consumption and wastewater discharge. The stationary project may also have the opportunity to use raw or feedstock materials that have a smaller GHG footprint; material substitution should be evaluated where information is available to do so.

Emissions from Associated Mobile Sources

The stationary project will also include emissions from associated mobile sources. These will include three basic components: emissions from employee trips, emissions from delivery of raw or feedstock materials, and emissions from product transport. Employee trips can be evaluated using trip estimation as is done for non-stationary projects, and mitigations would include such measures as providing access to and incentives for use of public transportation, accessibility for bicycle and pedestrian modes of transport, employer supported car or vanpools (including policies such as guaranteed rides home, etc). Upstream and downstream emissions related to goods movement can also be estimated with available models. The evaluation will need to determine the extent of the transport chain that should be included (to ensure that all emissions in the chain have been evaluated and mitigated, but to avoid double counting). Mitigations could include direct actions by operators who own their own fleet, or could be implemented through contractual arrangements with independent carriers; again, the evaluation will need to consider how far up and down the chain mitigation is feasible and can be reasonably required.



Comparing Emissions Changes Across Pollutant Categories

The potential exists for certain GHG reduction measures to increase emissions of criteria and toxic pollutants known to cause or aggravate respiratory, cardiovascular, and other health problems. For instance, GHG reduction efforts such as alternative fuels and methane digesters may create significant levels of increased pollutants that are detrimental to the health of the nearby population (e.g.; particulate matter, ozone precursors, toxic air contaminants). Such considerations should be included in any CEQA analysis of a project's environmental impacts. While there are many win-win

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strategies that can reduce both GHG and criteria/toxic pollutant emissions, when faced with situations that involve tradeoffs between the two, the more immediate public health concerns that may arise from an increase in criteria or toxic pollutant emissions should take precedence. GHG emission reductions could be achieved offsite through other mitigation programs.