

March 4, 2010

The Honorable Daryl Busch
and City Councilmembers
City of Perris
101 North D Street
Perris, California 92570

**Re: Negotiated Resolution of *Center for Biological Diversity v. City of Perris, et al. and Coalition for Honest Environmental Evaluation in Perris*
(Fourth District Court of Appeal, Division Two, Court Case No.: E046237)
Walmart Supercenter at Perris Marketplace**

Dear Honorable Mayor Busch and City Council members:

Petitioners in the above-captioned cases, Center for Biological Diversity (“CBD”) and Coalition for Honest Environmental Evaluation in Perris (“CHEEP”) have, by separate agreement (“Agreement”), agreed to dismiss their appeals of the denial of their petitions under the California Environmental Quality Act (“CEQA”) challenging the Walmart Supercenter at Perris Marketplace (the “Perris Store”), located at Perris Boulevard and Citrus Avenue in the City of Perris, California. The specific terms and conditions of the settlement are a compromise and the parties have agreed to keep the Agreement itself confidential. However, we are pleased to disclose publicly the major substantive terms of the resolution.

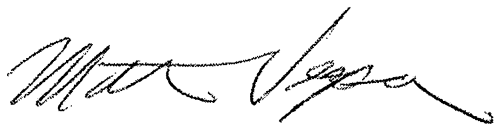
CBD, CHEEP, and Wal-Mart Stores, Inc., (Walmart) recognize the importance of reducing greenhouse gas emissions. Walmart is proud of its ongoing efforts to reduce the carbon and other greenhouse gas emissions associated with its operations. To further this shared objective, CBD and CHEEP have dismissed their appeals in exchange for, among other things, Walmart’s agreement to take additional renewable energy and sustainability measures that would address the greenhouse gas emissions from the major aspects of building operation, including electricity and refrigerant use. Some of these measures may not be appropriate at every location, but the information gained from the Perris store may lead to broader application. Actions undertaken pursuant to the Agreement include:

- Installing at least 250 kilowatts of roof-top solar panels (or similar technology) at a Walmart facility in California, with first priority given to the Perris store;
- Incorporating additional high efficiency and sustainability measures into the design of the Perris store, including but not limited to:
 - Hybrid design air handling units that incorporate evaporative cooling and other cooling and heat recovery mechanisms;
 - Integrated, water based system designed to make use of refrigeration waste heat by circulating it back into the building;

- Secondary loop, CO₂/Glycol refrigeration system;
 - Water source heat pumps integrated with high efficiency air cooled rooftop air conditioners;
 - Centralized energy management systems to monitor and control energy usage, analyze refrigeration temperatures, observe HVAC and lighting performance, and adjust system levels to minimize energy usage;
 - LED lighting in refrigerated cases with doors, produce and jewelry cases, and restrooms;
 - A comprehensive recycling program, including programs to donate, reduce, reuse, recycle and properly divert materials such as fixtures, cardboard and plastic bales, apparel, and organics; and
 - Subject to City approval, LED lighting in the parking lot.
- Further reducing greenhouse gas emissions through implementation of an enhanced refrigeration audit and improvement program to maximize efficiencies related to the use of refrigerants at existing Walmart stores in California.

Believing that the Agreement makes substantial progress toward eliminating the Perris store's greenhouse gas emissions, CBD and CHEEP have agreed not to object to, or disrupt, the opening of the Walmart Perris store.

On behalf of all the parties, we are pleased to inform the City of this Agreement and the resolution of the litigation, which we all agree are in the best interests of the City, its residents, and the environment.



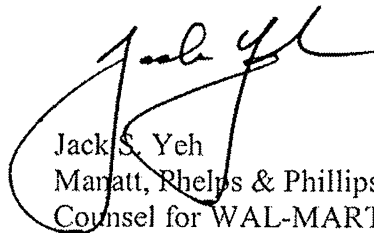
Matthew Vespa
 Authorized Representative
 CENTER FOR BIOLOGICAL DIVERSITY

Sincerely,


Name *John Clarke*
 Title *VP of Real Estate*
 WAL-MART STORES, INC.



John G. McClendon
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 Counsel for COALITION FOR HONEST
 ENVIRONMENTAL EVALUATION IN
 PERRIS



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 Counsel for WAL-MART STORES, INC.