Stormwater Pollution Prevention Plan

for:

Panda Express D26003
Yale Blvd. & Gibson Blvd.
Albuquerque, Bernalillo County, NM 87106

SWPPP Prepared For:

Panda Express, Inc.
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Rosemead, CA 91770
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SWPPP Prepared By:

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SWPPP Preparation Date:

10/22/2024

Estimated Project Dates:

Project Start Date: **02/01/2025**
Project Completion Date: **02/01/2026**

Contents

SECTION 1: SITE EVALUATION, ASSESSMENT, AND PLANNING

1.1 Project/Site Information

Project/Site Name: Panda Express D26003
Project Street/Location: Yale Blvd & Gibson Blvd
City: Albuquerque State: NM ZIP Code: 87106
County or Similar Subdivision: Bernalillo County

Latitude:
35°03'29.1" N

Longitude:
106°37'26.4" W

Method for determining latitude/longitude:
☐ USGS topographic map (specify scale: _____) ☐ EPA Web site ☐ GPS
☒ Other (please specify): Google Earth

Is the project located in Indian country? ☐ Yes ☒ No
If yes, name of Reservation, or if not part of a Reservation, indicate "not applicable." _____

Is this project considered a federal facility? ☐ Yes ☒ No

NPDES project or permit tracking number*: _____

**(This is the unique identifying number assigned to your project by your permitting authority after you have applied for coverage under the appropriate National Pollutant Discharge Elimination System (NPDES) construction general permit.)*

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1.2 Contact Information / Responsible Parties

Operator(s):

Contractor To Be Determined
Insert Company or Organization Name:
Insert Name:
Insert Address:
Insert City, State, Zip Code:
Insert Telephone Number:
Insert Fax/Email:

Project Manager(s) or Site Supervisor(s):

To be determined

SWPPP Contact(s):

See Operator(s)

This SWPPP was Prepared by:

Civil Engineering Services, PC
P.O. Box 1302
Fairview, TN 37062
Mark Guess, PE
(573) 979-6473
mark@civilengineeringservices.net

Subcontractor(s):

To be determined

Emergency 24-Hour Contact:

Insert Company or Organization Name:
Insert Name:
Insert Telephone Number:

1.3 Nature and Sequence of Construction Activity

Describe the general scope of the work for the project, major phases of construction, etc:
Construction of Panda Express restaurant D26003 and associated parking lot & utilities

What is the function of the construction activity?
☐ Residential ☒ Commercial ☐ Industrial ☐ Road Construction ☐ Linear Utility
☐ Other (please specify):

Project Start Date: 02/01/2025
Project Completion Date: 02/01/2026

1.4 Soils, Slopes, Vegetation, and Current Drainage Patterns

Soil type(s): The site is predominantly Wink fine sandy loam

Slopes (describe current slopes and note any changes due to grading or fill activities): The existing slopes on the site are generally 0% to 5%. The proposed slopes are between 1% and 5%.

Drainage Patterns (describe current drainage patterns and note any changes dues to grading or fill activities): The existing site generally drains from southeast to northwest. The proposed site development will generally match existing drainage patterns.

Vegetation: The existing site was previously storage buildings and a paved surface.

Other:

Remainder of page intentionally blank

1.5 Construction Site Estimates

The following are estimates of the construction site.

Construction site area to be disturbed:	0.86 acres
Total project area:	0.76 acres
Percentage impervious area before construction:	100.0%
Runoff coefficient before construction:	CN = 98.0
Percentage impervious area after construction:	80.9%
Runoff coefficient after construction:	CN = 94.4

1.6 Receiving Waters

Description of receiving waters: Municipal Storm Sewer System, south diversion channel to I-25

Description of storm sewer systems: Surface drainage toward Gibson Blvd

Description of impaired waters or waters subject to TMDLs: n/a

Other:

1.7 Site Features and Sensitive Areas to be Protected

Description of unique features that are to be preserved: n/a

Describe measures to protect these features: n/a

Remainder of page intentionally blank

1.8 Potential Sources of Pollution

Potential sources of sediment to stormwater runoff:
Excavation

Potential pollutants and sources, other than sediment, to stormwater runoff:

Trade Name Material	Stormwater Pollutants	Location
Seeding and Mulching	Fertilizer (nitrogen, phosphorous)	Newly seeded areas
Equipment use	Hydraulic oil/fluids (mineral oil)	Leaks or broken hoses from equipment
Equipment use	Gasoline (benzene, ethyl benzene, toluene, xylene, MTBE)	Stored off site
Equipment use	Diesel Fuel (petroleum, distallate, oil & grease, naphthalene, xylenes)	Stored off site
Equipment use	Antifreeze/coolant (Ethylene glycol, propylene glycol, heavy metals)	Leaks or broken hoses from equipment

1.9 Endangered Species Certification

Are endangered or threatened species and critical habitats on or near the project area?
☐ Yes ☒ No

Describe how this determination was made:
Prior and proposed development either side of the subject tract

If yes, describe the species and/or critical habitat:
n/a

If yes, describe or refer to documentation that determines the likelihood of an impact on identified species and/or habitat and the steps taken to address that impact. (Note, if species are on or near your project site, EPA strongly recommends that the site operator work closely with the appropriate field office of the U.S. Fish and Wildlife Service or National Marine Fisheries Service. For concerns related to state or tribal listing of species, please contact a state or tribal official.)
n/a

1.10 Historic Preservation

Are there any historic sites on or near the construction site?

☐ Yes ☒ No

Describe how this determination was made:

Prior and proposed development either side of the subject tract.

If yes, describe or refer to documentation that determines the likelihood of an impact on this historic site and the steps taken to address that impact.

n/a

1.11 Applicable Federal, Tribal, State or Local Programs

n/a

1.12 Maps

Include the site maps with the SWPPP.

Remainder of page intentionally blank

SECTION 2: EROSION AND SEDIMENT CONTROL BMPS

2.1 Minimize Disturbed Area & Protect Natural Features & Soil

Construction activities shall be limited to the area shown within the Design Plans. Contractor shall be responsible for limiting their activities to the areas shown. All natural features that require protection as part of this project have been designated on the Design Plans.

2.2 Phase Construction Activity

Construction activities shall be conducted in a single phase. All BMP within this SWPPP shall be part of this phase.

2.3 Control Stormwater Flowing onto and through the Project

BMP Description: Diversion Berm and/or Swale	
Installation Schedule:	Prior to initiating construction activities
Maintenance and Inspection:	Slopes to be inspected after storm events and repaired as necessary
Responsible Staff:	Project Manager

2.4 Stabilize Soils

BMP Description: Topsoil will be stored and preserved on site. Topsoil should be covered and protected from precipitation while grading operations are occurring. Topsoil will be preserved with seed, fertilizer and straw within a minimum of 15 days after grading operation has been completed.

☐ ***Permanent***	☒ ***Temporary***
Installation Schedule:	Prior to initiating construction activities, and as needed throughout construction
Maintenance and Inspection:	Topsoil cover to be inspected weekly and after storm events. Torn covers to be repaired or replaced and edges of cover must be re-anchored if required.
Responsible Staff:	Project Manager

BMP Description: Soil will be compacted in fill areas and beneath paved surfaces as indicated in the project drawings and specifications.

☒ ***Permanent***	☐ ***Temporary***
Installation Schedule:	Day One, and as needed throughout construction
Maint. & Inspection:	Visual Inspection on daily basis
Responsible Staff:	Project Manager

BMP Description: Temporary and Final Stabilization. Refer to Section 7 for seeding mix, and mulch and fertilizer rates. ▪ Seeding and mulching shall take place upon completion of paving and grading or after 14 days of temporary inactivity. ▪ As noted in CGP Part 2.2.14, completion of stabilization activities shall be no later than 14 calendar days after the initiation of soil stabilization measure for disturbed areas less than or equal to 5 acres and immediately in any areas of exposed soil where construction activities have permanently ceased for disturbed areas greater than 5 acres.

☒ ***Permanent***	☒ ***Temporary***
Installation Schedule:	Day One, and as needed throughout construction
Inspection:	Visual Inspection on daily basis
Responsible Staff:	Project Manager

BMP Description: Minimize dust. Dust generation will be minimized through the use of appropriate application of water to areas which produce dust.

☐ ***Permanent***	☒ ***Temporary***
Installation Schedule:	Day One, and as needed throughout construction
Inspection:	Visual Inspection on daily basis
Responsible Staff:	Project Manager

2.5 Protect Slopes

BMP Description: Seed and mulch or sod slopes, and install erosion control blankets for slopes steeper than 3:1. Steep Slope protection to receive seed and mulch or sod with protective erosion control blankets, provide North American Green C125 or approved equal, to be installed in accordance with the manufacturer's specifications	
Installation Schedule:	Day One, and as needed throughout construction
Maintenance and Inspection:	Inspect after storm events and repair as necessary. All erosion control blankets to remain in place until a healthy stand of grass is established.
Responsible Staff:	Project Manager

2.6 Protect Storm Drain Inlets

BMP Description: Inlet protection devices will be installed for existing and proposed storm drains.	
Installation Schedule:	Day One, and as needed throughout construction
Inspection:	Inspect weekly and after storm events. Devices shall be repaired or replaced as required.
Responsible Staff:	Project Manager

2.7 Establish Perimeter Controls and Sediment Barriers

BMP Description: Sediment controls shall be installed and maintained around the perimeter of the site that receives storm water from earth disturbing activities. Silt fence or diversion berms shall be used for perimeter sediment control.	
Installation Schedule:	Prior to initiating construction activities, and as needed throughout construction
Maintenance and Inspection:	Inspect weekly and after storm events. Devices shall be repaired or replaced as required.
Responsible Staff:	Project Manager

2.8 Retain Sediment On-Site

BMP Description: Stockpiled Sediment or Soil will be covered. Commercial Grade Cover to be provided for stockpile, with edges of cover anchored around stockpile to avoid direct contact with precipitation. This will only be required for excess dirt from excavation.	
Installation Schedule:	Day One and as needed throughout construction
Maintenance and Inspection:	Inspect weekly and after storm events. Torn covers to be repaired or replaced and edges of cover must be re-anchored if required. Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.)
Responsible Staff:	Project Manager

A sediment basin is not anticipated to be necessary for this project.

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2.9 Establish Stabilized Construction Exits

BMP Description: A stone construction entrance/exit will be installed to minimize the track-out of sediment. The stone construction entrance/exit with dimensions as shown on the plans, constructed of crushed stone a minimum of 8" thick. Stone size: minimum diameter shall be as necessary to be effective, but not less than 3"-5" minimum diameter, open graded rock. Water to be supplied to wash sediment off wheels, if necessary, with sediment control from wash runoff. Construction entrance/exit shall be located as shown on the plans.	
Installation Schedule:	Prior to initiating construction activities
Maintenance and Inspection:	Inspect weekly and after storm events, and after heavy use. Additional crushed stone may be required to maintain exit. Where sediment has been tracked-out from the site onto the surface of off-site streets, other paved areas, and sidewalks, remove the deposited sediment by the end of the same work day in which the track-out occurs. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. Hosing or sweeping tracked-out sediment into any stormwater conveyance is prohibited, unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.
Responsible Staff:	Project Manager

2.10 Additional BMPs

BMP Description:	
Installation Schedule:	
Maintenance and Inspection:	
Responsible Staff:	

BMP Description:	
Installation Schedule:	
Maintenance and Inspection:	
Responsible Staff:	

SECTION 3: GOOD HOUSEKEEPING BMPS

3.1 Material Handling and Waste Management

BMP Description: Building Products. Examples include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures. A plastic cover to be provided for building products, with edges of cover anchored to avoid direct contact with precipitation. Building products to also be placed on blocks/pallets to avoid contact with runoff. All building product waste to be disposed of at the on-site covered construction dumpster.	
Installation Schedule:	Day One, and as needed throughout the project
Maintenance and Inspection:	Subject areas to be inspected weekly and after a storm event.
Responsible Staff:	Project Manager

BMP Description: Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials to be covered to prevent contact with precipitation, these products will not be disposed of on-site. A plastic cover to is to be provided, with edges of cover anchored to avoid direct contact with precipitation, and products to also be placed on blocks/pallets to avoid contact with runoff.	
Installation Schedule:	Day One, and as needed throughout the project
Maintenance and Inspection:	Subject areas to be inspected weekly and after a storm event. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.
Responsible Staff:	Project Manager

BMP Description: Diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals, to be stored in air-tight containers and to be covered to prevent contact with precipitation, these products will not be disposed of on-site. All products to be stored in air-tight containers with a plastic cover to avoid direct contact with precipitation, edges of cover anchored, and products to also be placed on blocks/pallets to avoid contact with runoff.	
Installation Schedule:	Day One, and as needed throughout the project
Maintenance and Inspection:	Subject areas to be inspected weekly and after a storm event. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge." All spills will be documented using the report form in Attachment L and a record of the spills will be kept with this SWPPP.
Responsible Staff:	Project Manager

BMP Description: Hazardous or Toxic Waste. Examples include paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids.

i. Separate hazardous or toxic waste from construction and domestic waste; Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;

ii. Store all containers that will be stored outside within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in covered area or having a spill kit available on site);

iii. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements; and

iv. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

Installation Schedule:	Day One, and as needed throughout the project
Maintenance and Inspection:	See description
Responsible Staff:	Project Manager

BMP Description: Construction and Domestic Waste. Examples include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials. The construction dumpster is to be covered and located on the north end of the site.

Installation Schedule:	Day One, and as needed throughout the project
Maintenance and Inspection:	Dumpster to remain covered and waste to be hauled off weekly or when full to an off-site landfill.
Responsible Staff:	Project Manager

BMP Description: *Sanitary Waste.* A portable toilet will be located near the construction exit. Appropriate measures are to be taken to secure the toilet and to make sure toilet is placed so that it will not be knocked over.

Installation Schedule:	Day One, and as needed throughout the project
Maintenance and Inspection:	The toilet will be maintained as required and remain onsite until the project is complete.
Responsible Staff:	Project Manager

3.2 Establish Proper Building Material Staging Areas

BMP Description: Building Products. Examples include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures. A plastic cover to be provided for building products, with edges of cover anchored to avoid direct contact with precipitation. Building products to also be placed on blocks/pallets to avoid contact with runoff. All building product waste to be disposed of at the on-site covered construction dumpster.

Installation Schedule:	Day One, and as needed throughout the project
Maintenance & Inspection:	Subject areas to be inspected weekly and after a storm event.
Responsible Staff:	Project Manager

3.3 Designate Washout Areas

BMP Description: Concrete Washout area to be located where indicated on the plans. The concrete washout area shall be either Below-Grade or Above-Grade, and appropriate signage to be provided directing concrete trucks to washout areas.

Description of Below-Grade Washout:

- The bottom of the washout pit to be a minimum width of 10', depth of 3', and the length shall be verified, being sufficient to contain liquid and concrete waste generated by washout operations ("approximately 7 gallons of water are used to wash one truck chute and approximately 50 gallons are used to wash out the hopper of a concrete pump truck). The washout pit shall be sized accommodating a minimum of 12" of freeboard.
- A 10-mil plastic liner shall line pit with perimeter of liner anchored at the top of the pit.
- Base of washout pit to be smooth soil and free of rocks or any debris that would tear the liner.
- Contractor to install construction fencing around perimeter of pit as required for project safety.

Description of Above-Grade Washout:

- The washout perimeter to be securely staked straw bales with a 10' minimum width, and the length shall be verified, being sufficient to contain liquid and concrete waste generated by washout operations ("approximately 7 gallons of water are used to wash one truck chute and approximately 50 gallons are used to wash out the hopper of a concrete pump truck" from Concrete Washout Area Best Management Practice, Ecology's Water Quality Program). The washout area shall be sized accommodating a minimum of 12" of freeboard.
- A 10-mil plastic liner shall line the washout with the perimeter of the liner anchored at the top of the bales. The plastic liner shall be free of holes, tears, or other defects.
- Base of washout to be smooth soil and free of rocks or any debris that would tear the liner.

Installation Schedule:	The washout area to be in place prior to pouring concrete.
Maintenance and Inspection:	▪ Concrete wastes must be removed once washout is 75% full. ▪ The concrete wastes shall be allowed to harden, broken up, removed from the site, and disposed of properly. If reuse of the washout is required, the plastic liner shall be inspected and repaired as necessary after concrete wastes are removed.
Responsible Staff:	Project Manager

BMP Description: Paint and other material to be washed into leak proof containers and liquid in containers to be disposed of immediately as indicated in Section 3.1.	
Installation Schedule:	As needed throughout the project
Maintenance and Inspection:	N/A
Responsible Staff:	Project Manager

3.4 Establish Proper Equipment/Vehicle Fueling and Maintenance Practices

BMP Description: All major equipment/vehicle fueling and maintenance to be completed off-site. Required on-site minor fueling will be from a small truck bed tank and only minor maintenance will take place. Any equipment fluids from maintenance will be disposed of into drums with airtight lids, and placed on pallets at the construction dumpster as indicated on the attached drawings, disposal drums to conform with all local, state, and federal requirements. Equipment necessary for cleanup of spill to be readily available on-site, either at a storage area or on the contractor's truck.	
Installation Schedule:	Day One, and as needed throughout the project
Maintenance and Inspection:	Equipment and vehicles to be inspected daily for leaks and to be repaired immediately or transported off-site for repair.
Responsible Staff:	Project Manager.

3.5 Control Equipment/Vehicle Washing

All equipment and vehicle to be washed off-site.

3.6 Spill Prevention and Control Plan

Spills will be contained and cleaned up immediately. Methods specified by the manufacturer and on the material's MSDS will be used for all spill cleanups. Equipment necessary for the cleanup of spills will be readily available on site, either at a storage area or on the contractor's truck. Spills of toxic, hazardous, or petroleum products that are required to be reported by regulation will be documented to the appropriate agencies. All spills will be documented using the report form in Appendix M and a record of the spills will be kept with this SWPPP.

3.7 Any Additional BMPs

BMP Description:	
Installation Schedule:	
Maintenance and Inspection:	
Responsible Staff:	

3.8 Allowable Non-Stormwater Discharge Management

List allowable non-stormwater discharges and the measures used to eliminate or reduce them and to prevent them from becoming contaminated:

BMP Description: Water for Dust Control	
Installation Schedule:	See Section 2.4
Maintenance and Inspection:	See Section 2.4
Responsible Staff:	Project Manager

BMP Description: Potable water for water line flushing. Flushing shall only be conducted as needed. Water shall be flushed to a grassy area within the project limits to prevent water from becoming contaminated.	
Installation Schedule:	Upon completion of water line installation.
Maintenance and Inspection:	N/A
Responsible Staff:	Project Manager

SECTION 4: SELECTING POST-CONSTRUCTION BMPs

BMP Description: Sod and/or grass seeding	
Installation Schedule:	Upon completion of earth moving activities, in areas not to be paved.
Maintenance and Inspection:	Inspect weekly, and add additional grass seed as may be needed to fill in bald areas.
Responsible Staff:	Project Manager

BMP Description:	
Installation Schedule:	
Maintenance and Inspection:	
Responsible Staff:	

SECTION 5: INSPECTIONS

5.1 Inspections

1. ***Inspection Personnel:*** Identify the person(s) who will be responsible for conducting inspections and describe their qualifications:

   The project manager will be responsible for conducting inspections. The project manager may choose to delegate inspections to laborers on the project site from time to time.

2. ***Inspection Schedule and Procedures:***

   Describe the inspection schedules and procedures you have developed for your site (include frequency of inspections for each BMP or group of BMPs, indicate when you will inspect, e.g., before/during/and after rain events, spot inspections):

   Refer to particular BMPs for inspection schedules and procedures.

   Describe the general procedures for correcting problems when they are identified. Include responsible staff and time frames for making corrections:

   Laborers under the supervision of the project manager shall be responsible for correcting problems when they are identified. Problems shall be corrected as soon as possible, in most cases, less than one day after problem discovery.

   Attach a copy of the inspection report you will use for your site.

   See Appendix E

5.2 Delegation of Authority

Duly Authorized Representative(s) or Position(s):

Insert Company or Organization Name:
Insert Name:
Insert Position:
Insert Address:
Insert City, State, Zip Code:
Insert Telephone Number:
Insert Fax/Email:

Attach a copy of the signed delegation of authority form in Appendix K.

5.3 Corrective Action Log

Corrective Action Log:

See Appendix F

SECTION 6: RECORDKEEPING AND TRAINING

6.1 Recordkeeping

Records will be retained for a minimum period of at least 3 years after the permit is terminated.

Date(s) when major grading activities occur:

Appendix I

Date(s) when construction activities temporarily or permanently cease on a portion of the site:

Appendix I

Date(s) when an area is either temporarily or permanently stabilized:

Appendix I

6.2 Log of Changes to the SWPPP

Log of changes and updates to the SWPPP

Appendix G

6.3 Training

Individual(s) Responsible for Training:

Project Manager

Describe Training Conducted:

- General stormwater and BMP awareness training for staff and subcontractors:
- Detailed training for staff and subcontractors with specific stormwater responsibilities:

  Refer to Appendix J for Training Log.

SECTION 7: FINAL STABILIZATION

BMP Description: Site Stabilization.

- All exposed portions of the site shall be stabilized through the use of seeding and mulching or sod, and erosion Control Blankets shall be installed and maintained on slopes 3:1 or steeper, provide North American Green C125 or approved equal, to be installed in accordance with the manufacturer's specifications.
- Uniform vegetation must be established (70% or more of the density of coverage that was provided by vegetation prior to earth-disturbing activities). Immediately after seeding, a non-vegetative erosion control that provides cover while the vegetation is becoming established shall be installed.
- The areas that are to receive this topsoil overlay shall be as graded to a uniform slope. The following lime, fertilizer, seed and mulch application rates shall apply unless a modification to these rates is obtained through a soil analysis from an approved source:
  - Lime: effective neutralizing material, 2000 pounds per acre
  - Fertilizer:
    - Available Nitrogen (N) = 90 pounds per acre
    - Available Phosphoric Acid (PO) = 90 pounds per acre
    - Available soluble Potash (KO) = 90 pounds per acre
  - Seeding Mixture:
    - Wheat, Rye or Oat cereal grain cover starter = 90 pounds per acre
    - Tall Fescue = 50 pounds per acre
    - Perennial Rye grass = 75 pounds per acre
  - Mulch: 2 tons per acre

All site stabilization practices to remain in place until healthy stand of grass is established.

Installation Schedule:	▪ Seeding and mulching shall take place upon completion of paving and grading or after 14 days of temporary inactivity. ▪ Completion of stabilization activities shall be no later than 14 calendar days after the initiation of soil stabilization measure for disturbed areas less than or equal to 5 acres and immediately in any areas of exposed soil where construction activities have permanently ceased for disturbed areas greater than 5 acres.
Maintenance and Inspection:	N/A
Responsible Staff:	Project Manager

Remainder of page intentionally blank

SECTION 8: CERTIFICATION AND NOTIFICATION

Owner's Declaration

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Raymond Silverstein Title: AGENT

Signature: Signed by: FBA9E6C14EE749F... Date: March 6, 2025

Consultant's Declaration

I hereby declare that the Sediment & Erosion Control Plan and information contained in Part II of this plan has been prepared under my direction or supervision in accordance with local, state and federal regulations, and that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete

Name: Mark Guess Title: Professional Engineer

Signature: Date: 10/22/2024

General Contractor's Certification

I hereby certify that I understand the requirements stated in this plan, that I am responsible for completing the requirements set forth in Part III of the plan and shown on the Sediment & Erosion Control Plan, and that I am responsible for the performance of the subcontractors listed in the plan.

Name: Title:

Signature: Date:

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A – General Location Map

Appendix B – Site Maps

Appendix C – Construction General Permit

Appendix D – NOI and Acknowledgement Letter from EPA/State

Appendix E – Inspection Reports

Appendix F – Corrective Action Log (or in Part 5.3)

Appendix G – SWPPP Amendment Log (or in Part 6.2)

Appendix H – Subcontractor Certifications/Agreements

Appendix I – Grading and Stabilization Activities Log (or in Part 6.1)

Appendix J – Training Log

Appendix K – Delegation of Authority

Appendix L – Additional Information (i.e., Endangered Species and Historic Preservation Documentation)

Appendix A – *General Location Map*

Site Improvement Plans

Appendix B – *Site Maps*

Site Improvement Plans

Appendix C – *Construction General Permit*

Construction General Permit to be obtained prior to construction activities.

Appendix D – NOI and Acknowledgement Letter from EPA/State

NPDES Form 3510-9	EPA	U.S. Environmental Protection Agency Washington, DC 20460 Notice of Intent for the 2022 NPDES Construction General Permit	OMB No. 2040-0305 Exp. Date 01/31/2025

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements of Part 1.1 CGP for the project identified in Section IV of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

SECTION I. APPROVAL TO USE PAPER NOI FORM

Paper NOI Form

Have you been granted a waiver from electronic reporting from the Regional Office*? ☐ Yes ▣ No

If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

Waiver granted:
☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.

☐ The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver	Date approval obtained (MM/DD/YYYY)
n/a	

*** Note: You are required to obtain approval from the applicable Regional Office prior to using this paper NOI form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).**

SECTION II. PERMIT INFORMATION

Permit

NPDES ID (EPA Use Only)	Master Permit Number (see Appendix B of the CGP for the list of eligible permit numbers)

SECTION III. OPERATOR INFORMATION

Operator Information

Operator Name
CFT NV Developments, LLC

Are you requesting coverage under this NOI as a "Federal Operator" or for a "Federal Facility" as defined in Appendix A? ☐ Yes ▣ No

Mailing Address

Street
1683 Walnut Grove Avenue

City	State	ZIP Code
Rosemead	CA	91770

County or Similar Government Division
Los Angeles County

Operator Point of Contact Information:

First Name	Middle Initial	Last Name
Raymond		Silverstein

Title
AGENT

Phone Number	Email Address
	ray.silverstein@pandarg.com

NOI Preparer

Complete if NOI was prepared by someone other than the certifier:

First Name	Middle Initial	Last Name
Mark		Guess

Organization: Civil Engineering Services, PC

Phone number	Email address
(573) 979-6473	mark@civilengineeringservices.net

SECTION IV. PROJECT/SITE INFORMATION

Project/Site Address

Project/Site Name: Panda Express D26003

Street/Location: 2040 Gibson Blvd SE

City	State	ZIP Code
Albuquerque	NM	87106

County or Similar Government Division: Bernalillo County

For the project/site you are seeking permit coverage, provide the following information:

Latitude (in decimal degrees to four decimal places):	Longitude (in decimal degrees to four decimal places):
35.0580 ° N	-106.6239 ° W

Latitude/Longitude Data Source: ☐ Map ☐ GPS ▣ Other (Specify): Google Maps

Horizontal Reference Datum: ☐ NAD 27 ☐ NAD 83 ▣ WGS 84

Site Information

Is your site located in Indian country lands, or on a property of religious or cultural significance to an Indian Tribe? ☐ Yes ▣ No

If yes, provide the name of the Indian Tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property:

n/a

Project Information

Estimated Project Start Date (MM/DD/YYYY)	Estimated Project Completion Date (MM/DD/YYYY)
02/01/2025	02/01/2026

Estimated Area to be Disturbed (to the nearest quarter acre): 0.86

Type of Construction Site (check all that apply):

☐ Single-Family Residential	☐ Multi-Family Residential	▣ Commercial
☐ Industrial	☐ Institutional	☐ Highway or Road
☐ Utility	☐ Other (Specify):	

Was the pre-development land use used for agriculture (see Appendix A for definition of "agricultural land")? ☐ Yes ▣ No

Have earth-disturbing activities commenced on your project/site? ▣ Yes ☐ No

If yes, is your project an "emergency-related project" (see Appendix A)? ☐ Yes ▣ No

Project Information

Have stormwater discharges from your project/site been covered previously under an NPDES permit?	☐ Yes	▣ No
If yes, provide the NPDES ID (if you had coverage under EPA's 2017 CGP) or the NPDES permit number (if you had coverage under an EPA individual permit):		
Are there other operators that are covered under this permit for the same project site?	☐ Yes	▣ No
If yes, provide the NPDES ID number for all other operators at the site who have coverage under this permit:		
Will there be demolition of any structure built or renovated before January 1, 1980?	☐ Yes	▣ No
If yes, do any of the structures being demolished have at least 10,000 square feet of floor space?	☐ Yes	▣ No
Will you be discharging dewatering water from your site?	☐ Yes	▣ No
If yes, will you be discharging dewatering water from a current or former Federal or State remediation site?	☐ Yes	▣ No

SECTION V. DISCHARGE INFORMATION

Project Information

By indicating "Yes," I confirm that I understand that the CGP only authorizes the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, State, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.	▣ Yes	
Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?	▣ Yes	☐ No
Are there any waters of the U.S. within 50 feet of your project's earth disturbances?	☐ Yes	▣ No

Receiving Waters Information

For each point of discharge, provide the following receiving water information. (Attach a separate list if necessary)

Point of Discharge ID	Provide the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	If a TMDL been completed for this receiving waterbody, providing the following information:
001	Unnamed Tributary (from South Diversion Channel to I-25)	n/a	**TMDL Name and ID:** n/a **Pollutant(s) for which there is a TMDL:** n/a
			TMDL Name and ID: **Pollutant(s) for which there is a TMDL:**

Receiving Waters Information

For each point of discharge, provide the following receiving water information. (Attach a separate list if necessary)			
Point of Discharge ID	**Provide the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to:**	**If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:**	**If a TMDL been completed for this receiving waterbody, providing the following information:**
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:

Are any of the waters of the U.S. to which you discharge designated by the State or Tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier 3 water (Outstanding National Resource Water)? (See Appendix F). ☐ Yes ▣ No

If yes, name(s) of receiving water(s) and its designation (Tier 2, Tier 2.5 or Tier 3):

n/a

SECTION VI. CHEMICAL TREATMENT INFORMATION

Chemical Treatment

Will you use polymers, flocculants, or other treatment chemicals at your construction site? ☐ Yes ▣ No

If yes, will you use cationic treatment chemicals at your construction site*? ☐ Yes ▣ No

If yes, have you been authorized to use cationic treatment chemicals by your applicable EPA Regional Office in advance of filing your NOI*? ☐ Yes ▣ No

If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

Please indicate the treatment chemicals that you will use:

n/a

* Note: You are ineligible for coverage under this permit unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

SECTION VII. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND PERSONNEL TRAINING INFORMATION

SWPPP

Has the SWPPP been prepared in advance of filing this NOI, as required? ▣ Yes ☐ No

By indicating "Yes," I confirm that all required personnel, including those conducting inspections at your site, will meet the training requirements in Part 6 of this permit. ▣ Yes

SWPPP Contact Information

First Name	Middle Initial	Last Name
Kuan		Chen

Professional Title: Sr Construction Manager

Phone number	Email address
(626) 372-8119	Kuan.Chen@PandaRG.com

SECTION VIII. ENDANGERED SPECIES PROTECTION

Endangered Species Protection

In accordance with Part 1.1.5, if the EPA Regional Office grants you a waiver from electronic reporting, you must complete the worksheet in Appendix D to select your eligibility criteria with respect to the protection of Federally listed threatened or endangered species and Federally designated "critical habitat" under the Endangered Species Act (ESA) [hereinafter "ESA-listed species and designated critical habitat(s)"] from discharges and discharge-related activities authorized under this permit.

You must submit the ESA worksheet and all required supporting documentation with this NOI. If you do not submit the worksheet and the required supporting documentation with your NOI, your NOI will be considered incomplete. After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges are not likely to result in any short- or long-term adverse effects on ESA-listed species and critical habitat.

By indicating "Yes," I confirm that you have included the completed ESA worksheet from Appendix D and all required supporting information for your criterion selection with the submission of this NOI. ▣ Yes

SECTION IX. HISTORIC PRESERVATION

Historic Preservation

Are you installing any stormwater controls as described in Appendix E that require subsurface earth disturbance? (Appendix E, Step 1)	▣ Yes	☐ No
If yes, have prior surveys or evaluations conducted on the site have already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E, Step 2)	☐ Yes	▣ No
If no, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? (Appendix E, Step 3)	▣ Yes	☐ No
If no, did the SHPO, THPO, or other Tribal representative (whichever applies) respond to you within the 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? (Appendix E, Step 4)	☐ Yes	☐ No

If yes, describe the nature of their response:

- ☐ Written indication that no historic properties will be affected by the installation of stormwater controls.
- ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.
- ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.
- ☐ Other (Specify):

SECTION X. CERTIFICATION INFORMATION

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

First Name	Middle Initial	Last Name
Raymnd		Silverstein

Title: AGENT

Signature: Signed by: RS — FBA9E6C14EE749F...

Date (MM/DD/YYYY): 03/06/2025

Email Address: ray.silverstein@pandarg.com

General Instructions

Who Must File an NOI Form?

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.; the Act), Federal law prohibits stormwater discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) permit. Operators of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must obtain coverage under an NPDES general permit. For coverage under the 2022 CGP, each person, firm, public organization, or any other entity that meets either of the following criteria must file a Notice of Intent form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with the permit conditions. If you have questions about whether you need a NPDES stormwater permit, or if you need information to determine whether EPA or your State agency is the permitting authority, contact your EPA Regional Office.

Completing the Form

Obtain and read a copy of the 2022 CGP, viewable at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp. To complete this form, type or print uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, telephone EPA's NOI Processing Center at (866) 352-7755. **Please submit the original document with signature in ink - do not send a photocopied signature.**

Section I. Approval to Use Paper NOI Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOI form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See https://www.epa.gov/npdes/contact-us-stormwater#regional for a list of EPA Regional Office contacts.

Section II. Permit Information

Provide the master permit number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible master permit numbers)

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this NOI. Refer to Appendix A of the permit for the definition of "operator".

Indicate whether you are seeking coverage under this permit as a "Federal Operator" or "Federal Facility" as defined in Appendix A.

Also provide a point of contact, the operator's mailing address, county, telephone number, and e-mail address (to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the full name, organization, phone number, and email address of the NOI preparer.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, State, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

Provide the latitude and longitude of your facility in decimal degrees format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and web-based siting tools, among others. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. For linear construction sites, the measurement should be taken midpoint of the site. If known, enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers.

Indicate whether the project is in Indian country lands or located on a property of religious or cultural significance to an Indian Tribe, and if so, provide the name of the Indian Tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 10/06/2012). Indicate to the nearest quarter acre the estimated area to be disturbed. Indicate the type of construction site.

Indicate whether the pre-development land use of the site was used for agriculture Appendix A defines "agricultural land" as cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

Indicate whether earth-disturbing activities have already commenced on your project/site. If earth-disturbing activities have commenced on your site because stormwater discharges from the site have been previously covered under a NPDES permit, you must provide the 2017 CGP NPDES ID or

the NPDES permit number if coverage was under an individual permit.

Indicate if demolition is occurring, and if so, if the structure has at least 10,000 square feet of floor space.

Indicate if there are other operators covered under this permit for the same project site. If there are multiple operators, provide the NPDES ID number for the other operators at the site who have coverage under this permit.

Indicate whether you will be discharging dewatering water, as defined in Appendix A, during the course of the project. If you will be discharging dewatering water, indicate whether the site from which you will be dewatering is located on a current or former Federal or State remediation site. Federal remediation sites include cleanups covered by Superfund (both National Priorities List (NPL) sites and non-NPL sites), Resource Conservation and Recovery Act (RCRA) corrective actions sites, cleanups at Federal Facilities, and Federal, State, or Tribal brownfields sites. State remediation sites could include, for instance, brownfield site cleanups funded by the State, State superfund sites, and petroleum tank release sites. Operators may use online mapping resources, such as EPA's Cleanups in My Community Map, to help determine if they are located on a remediation site. The Cleanups in My Community Map is viewable at:

https://ordspub.epa.gov/ords/cimc/f?p=cimc:map::::71

Section V. Discharge Information

You must confirm that you understand that the CGP only authorizes the allowable stormwater discharges listed in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized under the CGP are not covered by the CGP or the permit shield provision of the CWA Section 402(k) and they cannot become authorized or shielded by disclosure to EPA, State, or local authorities via the NOI to be covered by the permit or by any other means (e.g., in the SWPPP or during an inspection). If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must either be eliminated or covered under another NPDES permit.

Indicate whether discharges from the site will enter into a municipal separate storm sewer system (MS4), as defined in Appendix A.

Also, indicate whether any waters of the U.S. exist within 50 feet from your site. Note that if "yes", you are required to comply with the requirement in Part 2.2.1 of the permit to provide natural buffers or equivalent erosion and sediment controls.

For each unique point of discharge you list, you must specify the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to. You must specify whether any waters of the U.S. that you discharge to are listed as "impaired" as defined in Appendix A, and the pollutants for which the water is impaired. You must identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to. Operators may find it useful to use EPA's Discharge Mapping Tool to determine whether the water of the U.S. is impaired, the pollutant causing the impairment, and whether a TMDL exists for the water body. The Discharge Mapping Tool is viewable at https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools.

Indicate whether discharges from the site will enter into a water of the U.S. that is designated as a Tier 2, Tier 2.5, or Tier 3 water. A list of Tier 2, 2.5, and 3 waters is provided at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. If the answer is "yes", name all waters designated as Tier 2, Tier 2.5, or Tier 3 to which the site will discharge.

Section VI. Chemical Treatment Information

Indicate whether the site will use polymers, flocculants, or other treatment chemicals. Indicate whether the site will employ cationic treatment chemicals. If the answer is "yes" to either question, indicate which chemical(s) you will use. Note that you are not eligible for coverage under this permit to use cationic treatment chemicals unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. Examples of cationic treatment chemicals include, but are not limited to, cationic polyacrylamide (C-PAM), PolyDADMAC (POLY DIALLYL DIMETHYL AMMONIUM CHLORIDE), and chitosan.

Section VII. Stormwater Pollution Prevention Plan (SWPPP) and Personnel Training Information

All sites eligible for coverage under this permit are required to prepare a SWPPP in advance of filing the NOI, in accordance with Part 7. Indicate whether the SWPPP has been prepared in advance of filing the NOI.

Confirm that all required personnel, including those conducting inspections at your site, will meet the training requirements in Part 6 of this permit.

Indicate the street, city, State, and ZIP code where the SWPPP can be found. Indicate the contact information (name, organization, phone, and email) for the person who developed the SWPPP for this project.

Section VIII. Endangered Species Information

Confirm that you have included the completed ESA worksheet from Appendix D and all required supporting information for your criterion selection with the submission of this NOI.

Section IX. Historic Preservation

Use the instructions in Appendix E to complete the questions on the NOI form regarding historic preservation.

Section X. Certification Information

The NOI must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making

major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered eligible for permit coverage.

Modifying Your NOI

If you have been granted a waiver from your Regional Office from electronic reporting, and if after submitting your NOI you need to correct or update any fields on this NOI form, you may do so by indicating changes on this same form.

Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0305). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 3.3 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Submitting Your Form

Submit your NOI form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:
Stormwater Notice Processing Center
Mail Code 4203M, ATTN: 2022 CGP
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
William Jefferson Clinton East Building - Room 7420
ATTN: 2022 CGP
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting

Appendix E – *Inspection Reports*

INSPECTION FORM

Name of Permittee: _____ Drawing No.: _____
Construction Site Name: _____ Construction Site ID No.: _____

Inspector: _____ Date: _____
Description of Present Phase of Construction:_____
SiteConditions:_____
Inspection Event:_____Weekly _____ Bi-Weekly _____ Rain Event _____ Other

Measures & Controls	Place Where Erosion Control was Inspected	In Conformance with Design Standard	Effective Pollutant Control Practice
Construction Entrance		YES / NO	YES / NO
Silt/Sediment Fence		YES / NO	YES / NO
Straw Bale Barrier		YES / NO	YES / NO
Temporary/Permanent Seeding		YES / NO	YES / NO
Check Dams		YES / NO	YES / NO
Mulch		YES / NO	YES / NO
Protection of Trees		YES / NO	YES / NO
Solid Waste Disposal		YES / NO	YES / NO
Equipment Fueling/Storage		YES / NO	YES / NO
Hazardous Materials Storage		YES / NO	YES / NO
Hazardous Waste		YES / NO	YES / NO

Violations Noted: (explain each "no" circled above)

Recommended Remedial Actions and Schedule of Those Events:

Comments:

Based on the results of the inspection, necessary control modifications shall be implemented within seven (7) calendar days. These reports shall be kept on file as part of the Construction Site Erosion Control Plan for at least three years from the date that the site is finally stabilized. A copy of the ECP shall be kept at the site at all times during construction.

Certification Statement:
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:_____ Telephone:_____

Printed Name:_____

Appendix F – Corrective Action Log

Project Name:
SWPPP Contact:

Inspection Date	Inspector Name(s)	Description of BMP Deficiency	Corrective Action Needed (including planned date/responsible person)	Date Action Taken/Responsible person

Appendix G – SWPPP Amendment Log

Project Name:
SWPPP Contact:

Amendment No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]

Appendix H – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the BMPs and practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

_____

_____

Signature: _____

Title: _____

Date: _____

Appendix I – Grading and Stabilization Activities Log

Project Name:
SWPPP Contact:

Date Grading Activity Initiated	Description of Grading Activity	Date Grading Activity Ceased (Indicate Temporary or Permanent)	Date When Stabilization Measures are Initiated	Description of Stabilization Measure and Location

Appendix J – SWPPP Training Log

Stormwater Pollution Prevention Training Log

Project Name:

Project Location:

Instructor's Name(s):

Instructor's Title(s):

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

- ❑ **Erosion Control BMPs**
- ❑ **Emergency Procedures**
- ❑ **Sediment Control BMPs**
- ❑ **Good Housekeeping BMPs**
- ❑ **Non-Stormwater BMPs**

Specific Training Objective:_____

_____

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Appendix K – Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit, at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, state, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in _____ (Reference State Permit), and that the designee above meets the definition of a "duly authorized representative" as set forth in _____ (Reference State Permit).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

CFT NV DEVELOPMENTS, LLC
AMENDED AND RESTATED AGENCY AGREEMENT
(PRG Entities)

This Amended and Restated Agency Agreement ("**Agreement**") is entered into as of December 10, 2024 ("**Effective Date**"), by and among CFT NV Developments, LLC, a Nevada limited liability company ("**CFT**" or "**Principal**"), whose address is: 1120 N. Town Center Drive, Suite 150, Las Vegas, NV 89144; and James Ku, Dave Rittenberry, Ray Silverstein, Hector Coronel, Roger Goldstein, Anthony Le, Mike Everage, Josh Hibbits, David Winter, and Adam Holladay as employees and authorized representatives of the following entities:

- Panda Express, Inc., a California corporation;
- Panda Inn, Inc., a California corporation;
- PFV UTC, LLC, a Nevada limited liability company doing business as Uncle Tetsu;
- Yakiya Operations, LLC, a Delaware limited liability company doing business as Yakiya;
- Hibachi-San Inc., a Delaware corporation;
- PFV II RC, LLC, a Nevada limited liability company doing business as Raising Cane's; and
- PXP Operations (WB), LLC, a Delaware limited liability company doing business as Whataburger

(each a "**PRG Entity**" and collectively the "**PRG Entities**"), each of whose address is: c/o Panda Restaurant Group, Inc., a California corporation ("**PRG**"), with its corporate office address at 1683 Walnut Grove Avenue, Rosemead, California 91770 (collectively, "**Agents**"). This Agreement amends and restates in full that certain Amended and Restated Agency Agreement, dated August 2024, by and between CFT NV Developments, LLC, a Nevada limited liability company, as **"CFT"** or **"Principal"**, and Panda Express, Inc., a California corporation, as **"Panda Express"**.

WHEREAS, each Agent identified herein is hereby appointed as an agent for CFT, and may act separately as expressly authorized herein. Each Agent and CFT, respectively, each hereby accepts the foregoing assignment and appointment under this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereby agree as follows:

1. SCOPE OF AUTHORITY. Each Agent, acting separately, may execute

applications in connection with the development and construction of building improvements relating to any PRG Entity's Restaurant operations on property owned or to be owned by CFT and leased or to be leased to a PRG Entity, including without limitation, government issued construction permits, utilities, easement agreements, and replat/subdivision applications, subject to review by PRG attorneys or such Agent, in accordance with its customary practices. Notwithstanding the foregoing, the PRG Entities must first obtain the review and approval of CFT Real Estate, CFT Construction and CFT Legal for any documents relating to the following property: Pasadena Panda Inn, 3488 E. Foothill Blvd, Pasadena, CA 91107.

2. TERM OF AGREEMENT. Principal does hereby engage each Agent as its non-exclusive agent, each of whom may act separately, to accomplish the tasks herein described for an unlimited period, subject however to termination pursuant to Section 5 of this Agreement.

3. COMPENSATION. Each of the Agent's duties and compensation are included within the scope of such Agent's duties and compensation as an employee of PRG, an entity related to the Principal.

4. DUTIES OF AGENT. Each Agent accepts such engagement and agrees to endeavor to faithfully and diligently perform his respective duties described hereinabove, for the exclusive benefit of Principal.

5. TERMINATION OF AGREEMENT. Any party shall have the right to terminate this Agreement at any time upon written notice delivered to all other parties.

6. BOOKS AND RECORDS. PRG, on behalf of the Principal, shall cause accurate books and records pertaining to transactions contemplated by this Agreement to be maintained in the United States at the corporate office stated hereinabove, including without limitation maintaining a log/list of the documents signed pursuant to this Agency Agreement (including the title of and/or a brief description of the document(s) so signed, the Agent who signed, and the date), in accordance with its customary practices.

7. NON-CONTRAVENTION. Reference is made to that certain Unanimous Written Consent of the Members of CFT NV Developments, LLC to Action without a Meeting, dated February 1, 2018 (the "**CFT Grant of Authority**"). The parties acknowledge and agree that the execution and delivery of this Agency Agreement: (i) does not interfere, violate, or conflict with the substantive rights set forth in the CFT Grant of Authority and/or CFT's corporate governance documents, (ii) is independent of the CFT Grant of Authority, and (iii) is binding and enforceable on the Parties, in accordance with its terms and conditions.

8. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement of the Parties and same memorializes all past and present written and oral agreements and supersedes all prior agreements that relate to the subject matter of this Agreement. No statements, promises or inducements made by either Principal or any Agent that are not contained in this Agreement and that relate to the subject matter of this Agreement shall be valid or binding.

9. AMENDMENTS. This Agreement may not be enlarged, modified, altered, or otherwise amended except in writing signed by the Parties hereto.

10. INDEMNIFICATION. Principal shall indemnify and hold each Agent harmless from personal liability for all actions within the scope of such Agent's authority hereunder, taken by such Agent in good faith, in furtherance of the purposes of this Agreement.

11. COMMENCEMENT OF AGREEMENT. This Agreement shall be in effect from the Effective Date.

12. CAPTIONS. The captions of any articles, paragraphs or sections hereof are made for convenience only and shall not control or affect the meaning or construction of any other provision hereof and pursuant to the rules of construction, each section, article or paragraph shall be known by its plain meaning.

13. SEVERABILITY. The invalidity or unenforceability of any particular provision of this Agreement or portion thereof shall not affect the other provisions or portions hereof; and this Agreement shall be construed in all respects as if any such invalid or unenforceable provisions or portions thereof were omitted and the remainder of this Agreement shall remain in full force and effect.

14. COUNTERPARTS. This Agreement may be signed in counterparts and/ or may be delivered by facsimile or email and shall be considered as fully executed on distribution of the executed counterparts to the parties.

15. ASSIGNMENT & DELEGATION. Neither party may assign this Agreement without the prior written consent of the other party; provided, however, Agent may assign or delegate its rights pursuant to this Agreement to any Authorized Party (as hereafter defined) without having to obtain the written consent of the Principal. For purposes of this Agreement, an "Authorized Party" shall be defined as any person, company, agent, consultant, general contractor, or sub-contractor providing, on behalf of Agent, certain duties or obligations relating to and in accordance with Agent's scope of authority pursuant to Section 1 of this Agreement or taking such other action as may be reasonably necessary to carry out such power and authority.

IN WITNESS WHEREOF, the parties have executed or caused to be executed this Agreement as of the Effective Date hereinabove.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
SIGNATURES ON FOLLOWING PAGE

PRINCIPAL:

CFT NV DEVELOPMENTS, LLC
a Nevada limited liability company

By: DocuSigned by: David Luo 8E2AE82968A5465...
Name: David Luo
Title: Manager

Approved as to form: DocuSigned by: Ed Lodgen AA7F107BAF85486...

AGENTS:

JAMES KU, as employee and authorized representative of the PRG Entities

By: Signed by: James Ku 710C4A877E5F4FD...

DAVE RITTENBERRY, as employee and authorized representative of the PRG Entities

By: DocuSigned by: Dave Rittenberry C978A72054F44C6...

RAY SILVERSTEIN, as employee and authorized representative of the PRG Entities

By: Signed by: FBA9E6C14EE749F...

HECTOR CORONEL, as employee and authorized representative of the PRG Entities

By: DocuSigned by: Hector Coronel 9647B9268B364FB...

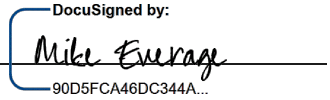
ROGER GOLDSTEIN, as employee and authorized representative of the PRG Entities

By: DocuSigned by: Roger Goldstein CE914FD03F144B5...

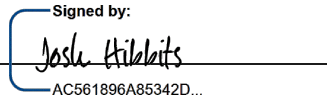
ANTHONY LE, as employee and authorized representative of the PRG Entities

By: DocuSigned by: Anthony Le F52F246C51D344B...

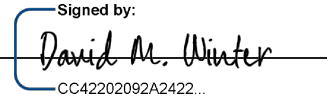
MIKE EVERAGE, as employee and authorized representative of the PRG Entities

By: 

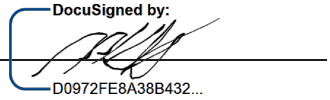
JOSH HIBBITS, as employee and authorized representative of the PRG Entities

By: 

DAVID WINTER, as employee and authorized representative of the PRG Entities

By: 

ADAM HOLLADAY, as employee and authorized representative of the PRG Entities

By: 

Appendix L – Additional Information

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna Road Ne
Albuquerque, NM 87113-1001
Phone: (505) 346-2525 Fax: (505) 346-2542

In Reply Refer To: 02/27/2025 18:20:45 UTC
Project Code: 2025-0061995
Project Name: Albuquerque (Gibson), NM - Panda Express D26003

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Thank you for your recent request for information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of New Mexico wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 et seq.), the Migratory Bird Treaty Act as amended (16 USC 701-715), and the Bald and Golden Eagle Protection Act as amended (16 USC 668-668(c)). We are providing the following guidance to assist you in determining which federally imperiled species may or may not occur within your project area, and to recommend some conservation measures that can be included in your project design.

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the ESA is to provide a means whereby threatened and endangered species and

the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the ESA and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA; 42 USC 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf.

Candidate Species and Other Sensitive Species

A list of candidate and other sensitive species in your area is also attached. Candidate species and other sensitive species are species that have no legal protection under the ESA, although we recommend that candidate and other sensitive species be included in your surveys and considered for planning purposes. The Service monitors the status of these species. If significant declines occur, these species could potentially be listed. Therefore, actions that may contribute to their decline should be avoided.

Lists of sensitive species including State-listed endangered and threatened species are compiled by New Mexico State agencies. These lists, along with species information, can be found at the following websites.

Biota Information System of New Mexico (BISON-M): www.bison-m.org

New Mexico State Forestry. The New Mexico Endangered Plant Program: https://www.emnrd.nm.gov/sfd/rare-plants/

New Mexico Rare Plant Technical Council, New Mexico Rare Plants: nmrareplants.unm.edu

Natural Heritage New Mexico, online species database: nhnm.unm.edu

WETLANDS AND FLOODPLAINS

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value.

We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's NWI program website, www.fws.gov/wetlands/Data/Mapper.html, integrates digital map data with other resource information. We also recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands.

MIGRATORY BIRDS

In addition to responsibilities to protect threatened and endangered species under the ESA, there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the Service (50 CFR 10.12 and 16 USC 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a Federal nexus) or a Bird/Eagle Conservation Plan (when there is no Federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds. We also recommend review of the Birds of Conservation Concern list (https://www.fws.gov/media/birds-conservation-concern-2021) to fully evaluate the effects to the birds at your site. This list identifies migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent top conservation priorities for the Service, and are potentially threatened by disturbance, habitat impacts, or other project development activities.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 thereby provides additional protection for both migratory birds and migratory bird habitat. Please visit https://www.fws.gov/partner/council-conservation-migratory-birds for information regarding the implementation of Executive Order 13186.

We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding State protected and at-risk species fish, wildlife, and plants.

For further consultation with the Service we recommend submitting inquiries or assessments electronically to our incoming email box at nmesfo@fws.gov, where it will be more promptly routed to the appropriate biologist for review.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Mexico Ecological Services Field Office
2105 Osuna Road Ne
Albuquerque, NM 87113-1001
(505) 346-2525

PROJECT SUMMARY

Project Code: 2025-0061995
Project Name: Albuquerque (Gibson), NM - Panda Express D26003
Project Type: Commercial Development
Project Description: Construction of Panda Express restaurant D26003 and associated parking lot & utilities

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@35.0578729,-106.62417681359901,14z

Counties: Bernalillo County, New Mexico

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
New Mexico Meadow Jumping Mouse *Zapus hudsonius luteus* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7965	Endangered

BIRDS

NAME	STATUS
Mexican Spotted Owl *Strix occidentalis lucida* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8196	Threatened
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's Cuckoo Bumble Bee *Bombus suckleyi* Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10885	Proposed Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Mark Guess
Address: P.O. Box 1302
City: Fairview
State: TN
Zip: 37062
Email mark@civilengineeringservices.net
Phone: 5739796473

Appendix M – RUSLE Soil Loss Computation Results

VA RUSLE2 Profile Printout w/ Details

Detailed printout of RUSLE2 calculation for one field, one management alternative

I. Client/Field ID & Summary

Client/Owner name:
Field name:
Tract #:
Location: default

Printout date: February 28, 2025
Prepared by (name):
USDA Service Center/Location:

Narrative description of profile, field, and/or management: bare soils, rough
Info:

Notes on collection of input data, field visits, etc.:

Summary of RUSLE2 output:

Soil Loss	Soil Quality
Soil loss for cons. plan: 52 t/ac/yr	**Soil conditioning index (SCI): -4.01**
T value: 3.0 t/ac/yr	**Avg. annual slope STIR: 39.0**

Recommendations / Comments:

II. RUSLE2 Profile Input

1. CLIMATE (R FACTOR)

- Climate Location: default (R Factor: 200 US)

2. SOIL (K FACTOR)

- Predominant Soil: Generic Soils\fine sandy loam (Erodibility: 0.33 US)
- T value: 3.0 t/ac/yr

3. TOPOGRAPHY (LS FACTOR)

- RUSLE Slope length (along slope): 75.0 ft
- Avg. slope steepness: 3.8 %

4. CROP MANAGEMENT (C FACTOR)

- Crop management narrative description / background info:

Info:

- Rotation Duration: 1 yr

- Crops / vegetations in rotation and long-term yield averages:

Vegetation	*Yield units*	*# yield units, #/ac*

- Field operation dates and descriptions, manure application rates, etc.:

Date	*Operation*	*Vegetation*	*Yield (harv. units)*	*Type of cover material*	*Cover matl add/remove, lb/ac*
4/15/0	disk, tandem heavy primary op.				

External residue (i.e., manure) application rates in RUSLE2 are expressed in lbs of "effective" dry matter per acre. For liquid, slurry, poultry, and semi-solid manures, "effective" dry matter in = 50% of actual dry matter

- Additional RUSLE2 crop management info:
  - Rock cover: 0 %
  - Adjust res. burial level: Normal res. burial
  - RUSLE2 management file name: Base management: Strip/Barrier Managements\Bare ground; rough surface

5. SUPPORT PRACTICES (P FACTOR)

- Contouring: default (Actual row grade: 3.8 %)

- Strips/barriers: (none)

- Diversion/terrace, sediment basin: (none)

- Subsurface drainage: (none)

6. RUSLE2 SOFTWARE DETAILS

- Program version: Jun 7 2022
- Database name: BASE_NRCS_MOSES_04132022
- Profile file name: profiles\Potential Erodibility Profile Template

III. RUSLE2 Profile Output & Definitions

1. SURFACE RESIDUE COVER ESTIMATES:

Long-term average predicted surface residue cover after each field operation:

Date	*Operation*	*Vegetation*	*Surf. res. cov. after op, %*
4/15/0	disk, tandem heavy primary op.		0

One way to verify whether RUSLE2 is properly modeling a situation is to check these long-term average surface residue results. An unexpectedly high or low surface residue cover value after a particular operation indicates that the choice of operation or some other input in the calculation (such as vegetation or yield) should be reviewed.

RUSLE2 counts as surface residue **only** material laying flat on the soil surface (automatically adjusted for overlap). RUSLE2 does **not** count the following as surface residue cover: (a) above-ground or standing material (including live canopy cover and standing dead residue) or (b) buried material (including live roots and dead plant residue). RUSLE2 does account for the erosion control value of standing and buried material when calculating soil loss.

Therefore, these surface residue numbers are most useful for analyzing annual cropping systems in which field operations routinely bury and/or flatten most residue and in which surface residue plays a leading role in erosion prevention. When analyzing results for cropping systems involving perennials and/or no-till planting into large amounts of standing residue (such as a chemically killed cover crop), also consult RUSLE2 canopy cover estimates (available in the VA Basic User Template 2007 Profile Screen).

2. SOIL LOSS ESTIMATES:

- Soil loss for conservation planning:
  - Soil loss for cons. plan: 52 t/ac/yr
  - T value: 3.0 t/ac/yr

Estimate of average annual rainfall-induced soil loss (detachment of soil particles & transport downhill) over the length of the modeled slope. It is critical to understand that this value represents a long-term (20- to 30-year) average, not a prediction of actual soil loss in any single year. This is the number to use for conservation planning and to compare with the field's "T" soil loss tolerance value. This number is a measure of the likelihood of degradation by erosion of the soil resource in upslope (steeper) areas of the field. Very little credit is given for any sediment deposition that may occur towards the bottom of the modeled slope (for example, due to an end-of-slope filter strip), because upslope areas are still being degraded.

- Sediment Delivery:
  - Sediment delivery: 52 t/ac/yr

Estimate of the amount of sediment delivered by runoff to the end of the modeled slope. This is RUSLE2's best estimate of long-term average "edge of field" soil loss. Full credit is given for any sediment deposition that occurs anywhere on the modeled slope due to reductions in slope grade, filter strips, terraces, etc. This number is not used for conservation planning, but may be used for other environmental applications (e.g., P-Index). In many cases, RUSLE2 users will model slopes as uniform with no structural practices, vegetative features (filter strips), or breaks in topography that result in sediment deposition. In this typical situation, results for sediment delivery and soil loss for conservation planning will be identical.

3. SOIL QUALITY SCORES:

- Soil Conditioning Index:
  - Soil conditioning index (SCI): -4.01

Soil organic matter (SOM) or soil carbon (C) trend score. If SCI is negative (less than zero), SOM and soil C and soil quality are predicted to decline over time on the modeled slope under the modeled management system. If SCI is positive (greater than zero), SOM and soil C and soil quality are predicted to stay the same or to increase over time. SCI scores usually range from -1 to +1 in typical VA situations, although more extreme values are possible. SCI is an index score (no units) designed solely for comparing the relative impact of different management alternatives on long-term soil quality trends. When calculating SCI, RUSLE2 considers three key factors: (1) amount of surface and subsurface biomass returned to the soil; (2) tillage-induced oxidation of soil carbon; and (3) predicted sheet & rill erosion. Climate and soil type inputs are also considered due to the influence of these factors on soil C oxidation trends.

- Soil Tillage Intensity Rating (STIR):

  - Avg. annual slope STIR: 39.0 (averaged across all years in the rotation)

  - STIR value for each individual crop (or vegetation record) in the rotation:

Veg.	*STIR value*	*Start date*	*End date, m/d/y*

Measure of intensity of tillage or soil disturbance. STIR is an index (no units) designed solely for comparing the relative impact of different management alternatives on soil disturbance. STIR increases with increasing tillage and can range from 0 to 200+. Average annual STIR values reflect the total amount of soil disturbance that occurs during the overall rotation, averaged across the number of years in the rotation. STIR values can also be calculated for individual crops. The STIR for an individual crop represents the sum of all soil disturbance associated with establishing and harvesting that crop. Both types of STIR values are shown above. STIR values in the 5 to 20 range are typical of no-till crops and/or continuous no-till or low soil disturbance cropping systems. In long rotations with a mix of tilled and no-till and/or perennial crops, the average annual STIR for the overall rotation may be relatively low even if significant tillage occurs in individual years and STIR values for one or more crops in the rotation are relatively high.

4. FUEL USAGE & COST ESTIMATES:

- Fuel Type & Unit Cost Inputs:
  - Fuel type for entire run: (none) ()

- Fuel Usage & Cost Outputs (adjusted for soil texture):
  - Equiv. diesel use for entire simulation: 0.68 gal/ac
  - Fuel cost for entire simulation: 0 US$/ac

Fuel Type & Unit Cost Inputs
A fuel type can be selected by the user for each management alternative modeled in RUSLE2. When selecting fuel type, the user can also enter a unit cost ($/gallon) for that fuel to match local conditions. In order to make a valid overall fuel cost comparison between management alternatives, a fuel type and unit fuel cost should be selected for each alternative under consideration.

Equiv. diesel use for entire simulation (gal/ac)
Estimate of the total quantity of diesel fuel consumed by all field operations over the full duration of the modeled crop rotation. Results are expressed as total fuel used over the rotation (i.e., gal/ac), **not** average annual fuel use (i.e., gal/ac/yr). Therefore, be very careful when using these values to compare relative fuel efficiency of two crop rotations that differ in duration!

Fuel usage results are derived from built-in estimates of "typical" fuel needs for each field operation in the RUSLE2 database. When interpreting these results, remember that most RUSLE2 management files were created with the goal of modeling operations and processes that impact soil loss. Therefore, some fuel-consuming operations with no impact on soil loss may not be listed in management files (e.g., post-emergence pesticide applications, hay tedding and raking, etc.). If you wish to improve the accuracy of fuel usage estimates and comparisons, make sure that all field operations (including those with no soil loss impact) are included in the relevant RUSLE2 management files.

RUSLE2 fuel usage estimates also reflect an adjustment based on soil type (i.e., finer texture requires more energy to till). RUSLE2 makes this soil type adjustment to fuel usage for every operation, including operations that do not disturb soil. Therefore, keeping soil type constant for all management alternatives under consideration will help ensure a valid fuel usage comparison.

Fuel cost for entire simulation (US$/ac)

Estimate of total cost of fuel consumed by all field operations over the full duration of the modeled crop rotation. RUSLE2 calculates this value using the Equivalent Diesel Use (gal/ac) result and the user-selected fuel type and cost ($/gal). See Equiv. diesel use discussion above for precautions on properly interpreting and comparing RUSLE2 fuel usage outputs.

VA RUSLE2 Profile Printout w/ Details

Detailed printout of RUSLE2 calculation for one field, one management alternative

I. Client/Field ID & Summary

Client/Owner name:
Field name:
Tract #:
Location: default

Printout date: February 28, 2025
Prepared by (name):
USDA Service Center/Location:

Narrative description of profile, field, and/or management: Silt Fence
Info:

Notes on collection of input data, field visits, etc.:

Summary of RUSLE2 output:

Soil Loss	Soil Quality
Soil loss for cons. plan: 0.75 t/ac/yr	**Soil conditioning index (SCI): 0.153**
T value: 3.0 t/ac/yr	**Avg. annual slope STIR: 0**

Recommendations / Comments:

II. RUSLE2 Profile Input

1. CLIMATE (R FACTOR)

- Climate Location: default (R Factor: 200 US)

2. SOIL (K FACTOR)

- Predominant Soil: Generic Soils\fine sandy loam (Erodibility: 0.33 US)
- T value: 3.0 t/ac/yr

3. TOPOGRAPHY (LS FACTOR)

- RUSLE Slope length (along slope): 75.0 ft
- Avg. slope steepness: 3.8 %

4. CROP MANAGEMENT (C FACTOR)

- Crop management narrative description / background info:

Info:

- Rotation Duration: 1 yr

- Crops / vegetations in rotation and long-term yield averages:

Vegetation	*Yield units*	*# yield units, #/ac*
vegetations\Permanent cover not harvested\silt fence	pounds	50.000

- Field operation dates and descriptions, manure application rates, etc.:

Date	*Operation*	*Vegetation*	*Yield (harv. units)*	*Type of cover material*	*Cover matl add/remove, lb/ac*
1/1/0	Begin growth	Permanent cover not harvested\silt fence	50.0		

External residue (i.e., manure) application rates in RUSLE2 are expressed in lbs of "effective" dry matter per acre. For liquid, slurry, poultry, and semi-solid manures, "effective" dry matter in = 50% of actual dry matter

- Additional RUSLE2 crop management info:
  - Rock cover: 0 %
  - Adjust res. burial level: Normal res. burial
  - RUSLE2 management file name: Base management: Strip/Barrier Managements\Silt fence

5. SUPPORT PRACTICES (P FACTOR)

- Contouring: default (Actual row grade: 3.8 %)

- Strips/barriers: (none)

- Diversion/terrace, sediment basin: (none)

- Subsurface drainage: (none)

6. RUSLE2 SOFTWARE DETAILS

- Program version: Jun 7 2022
- Database name: BASE_NRCS_MOSES_04132022
- Profile file name: profiles\AlbuquerqueNM-PandaExpress

III. RUSLE2 Profile Output & Definitions

1. SURFACE RESIDUE COVER ESTIMATES:

Long-term average predicted surface residue cover after each field operation:

Date	*Operation*	*Vegetation*	*Surf. res. cov. after op, %*
1/1/0	Begin growth	Permanent cover not harvested\silt fence	0

One way to verify whether RUSLE2 is properly modeling a situation is to check these long-term average surface residue results. An unexpectedly high or low surface residue cover value after a particular operation indicates that the choice of operation or some other input in the calculation (such as vegetation or yield) should be reviewed.

RUSLE2 counts as surface residue **only** material laying flat on the soil surface (automatically adjusted for overlap). RUSLE2 does **not** count the following as surface residue cover: (a) above-ground or standing material (including live canopy cover and standing dead residue) or (b) buried material (including live roots and dead plant residue). RUSLE2 does account for the erosion control value of standing and buried material when calculating soil loss.

Therefore, these surface residue numbers are most useful for analyzing annual cropping systems in which field operations routinely bury and/or flatten most residue and in which surface residue plays a leading role in erosion prevention. When analyzing results for cropping systems involving perennials and/or no-till planting into large amounts of standing residue (such as a chemically killed cover crop), also consult RUSLE2 canopy cover estimates (available in the VA Basic User Template 2007 Profile Screen).

2. SOIL LOSS ESTIMATES:

- Soil loss for conservation planning:
  - Soil loss for cons. plan: 0.75 t/ac/yr
  - T value: 3.0 t/ac/yr

Estimate of average annual rainfall-induced soil loss (detachment of soil particles & transport downhill) over the length of the modeled slope. It is critical to understand that this value represents a long-term (20- to 30-year) average, not a prediction of actual soil loss in any single year. This is the number to use for conservation planning and to compare with the field's "T" soil loss tolerance value. This number is a measure of the likelihood of degradation by erosion of the soil resource in upslope (steeper) areas of the field. Very little credit is given for any sediment deposition that may occur towards the bottom of the modeled slope (for example, due to an end-of-slope filter strip), because upslope areas are still being degraded.

- Sediment Delivery:
  - Sediment delivery: 0.75 t/ac/yr

Estimate of the amount of sediment delivered by runoff to the end of the modeled slope. This is RUSLE2's best estimate of long-term average "edge of field" soil loss. Full credit is given for any sediment deposition that occurs anywhere on the modeled slope due to reductions in slope grade, filter strips, terraces, etc. This number is not used for conservation planning, but may be used for other environmental applications (e.g., P-Index). In many cases, RUSLE2 users will model slopes as uniform with no structural practices, vegetative features (filter strips), or breaks in topography that result in sediment deposition. In this typical situation, results for sediment delivery and soil loss for conservation planning will be identical.

3. SOIL QUALITY SCORES:

- Soil Conditioning Index:
  - Soil conditioning index (SCI): 0.153

Soil organic matter (SOM) or soil carbon (C) trend score. If SCI is negative (less than zero), SOM and soil C and soil quality are predicted to decline over time on the modeled slope under the modeled management system. If SCI is positive (greater than zero), SOM and soil C and soil quality are predicted to stay the same or to increase over time. SCI scores usually range from -1 to +1 in typical VA situations, although more extreme values are possible. SCI is an index score (no units) designed solely for comparing the relative impact of different management alternatives on long-term soil quality trends. When calculating SCI, RUSLE2 considers three key factors: (1) amount of surface and subsurface biomass returned to the

soil; (2) tillage-induced oxidation of soil carbon; and (3) predicted sheet & rill erosion. Climate and soil type inputs are also considered due to the influence of these factors on soil C oxidation trends.

- Soil Tillage Intensity Rating (STIR):

  - Avg. annual slope STIR: 0 (averaged across all years in the rotation)

  - STIR value for each individual crop (or vegetation record) in the rotation:

Veg.	*STIR value*	*Start date*	*End date, m/d/y*

Measure of intensity of tillage or soil disturbance. STIR is an index (no units) designed solely for comparing the relative impact of different management alternatives on soil disturbance. STIR increases with increasing tillage and can range from 0 to 200+. Average annual STIR values reflect the total amount of soil disturbance that occurs during the overall rotation, averaged across the number of years in the rotation. STIR values can also be calculated for individual crops. The STIR for an individual crop represents the sum of all soil disturbance associated with establishing and harvesting that crop. Both types of STIR values are shown above. STIR values in the 5 to 20 range are typical of no-till crops and/or continuous no-till or low soil disturbance cropping systems. In long rotations with a mix of tilled and no-till and/or perennial crops, the average annual STIR for the overall rotation may be relatively low even if significant tillage occurs in individual years and STIR values for one or more crops in the rotation are relatively high.

4. FUEL USAGE & COST ESTIMATES:

- Fuel Type & Unit Cost Inputs:
  - Fuel type for entire run: (none) ()

- Fuel Usage & Cost Outputs (adjusted for soil texture):
  - Equiv. diesel use for entire simulation: 0.000000010 gal/ac
  - Fuel cost for entire simulation: 0 US$/ac

Fuel Type & Unit Cost Inputs
A fuel type can be selected by the user for each management alternative modeled in RUSLE2. When selecting fuel type, the user can also enter a unit cost ($/gallon) for that fuel to match local conditions. In order to make a valid overall fuel cost comparison between management alternatives, a fuel type and unit fuel cost should be selected for each alternative under consideration.

Equiv. diesel use for entire simulation (gal/ac)
Estimate of the total quantity of diesel fuel consumed by all field operations over the full duration of the modeled crop rotation. Results are expressed as total fuel used over the rotation (i.e., gal/ac), **not** average annual fuel use (i.e., gal/ac/yr). Therefore, be very careful when using these values to compare relative fuel efficiency of two crop rotations that differ in duration!

Fuel usage results are derived from built-in estimates of "typical" fuel needs for each field operation in the RUSLE2 database. When interpreting these results, remember that most RUSLE2 management files were created with the goal of modeling operations and processes that impact soil loss. Therefore, some fuel-consuming operations with no impact on soil loss may not be listed in management files (e.g., post-emergence pesticide applications, hay tedding and raking, etc.). If you wish to improve the accuracy of fuel usage estimates and comparisons, make sure that all field operations (including those with no soil loss impact) are included in the relevant RUSLE2 management files.

RUSLE2 fuel usage estimates also reflect an adjustment based on soil type (i.e., finer texture requires more energy to till). RUSLE2 makes this soil type adjustment to fuel usage for every operation, including

operations that do not disturb soil. Therefore, keeping soil type constant for all management alternatives under consideration will help ensure a valid fuel usage comparison.

Fuel cost for entire simulation (US$/ac)

Estimate of total cost of fuel consumed by all field operations over the full duration of the modeled crop rotation. RUSLE2 calculates this value using the Equivalent Diesel Use (gal/ac) result and the user-selected fuel type and cost ($/gal). See Equiv. diesel use discussion above for precautions on properly interpreting and comparing RUSLE2 fuel usage outputs.

VA RUSLE2 Profile Printout w/ Details

Detailed printout of RUSLE2 calculation for one field, one management alternative

I. Client/Field ID & Summary

Client/Owner name:
Field name:
Tract #:
Location: default

Printout date: February 28, 2025
Prepared by (name):
USDA Service Center/Location:

Narrative description of profile, field, and/or management: warm season grasses
Info:

Notes on collection of input data, field visits, etc.:

Summary of RUSLE2 output:

Soil Loss	Soil Quality
Soil loss for cons. plan: 0.032 t/ac/yr	**Soil conditioning index (SCI): 1.51**
T value: 3.0 t/ac/yr	**Avg. annual slope STIR: 0**

Recommendations / Comments:

II. RUSLE2 Profile Input

1. CLIMATE (R FACTOR)

- Climate Location: default (R Factor: 200 US)

2. SOIL (K FACTOR)

- Predominant Soil: Generic Soils\fine sandy loam (Erodibility: 0.33 US)
- T value: 3.0 t/ac/yr

3. TOPOGRAPHY (LS FACTOR)

- RUSLE Slope length (along slope): 75.0 ft
- Avg. slope steepness: 3.8 %

4. CROP MANAGEMENT (C FACTOR)

- Crop management narrative description / background info:

Info:

- Rotation Duration: 1 yr

- Crops / vegetations in rotation and long-term yield averages:

Vegetation	*Yield units*	*# yield units, #/ac*
vegetations\Permanent cover not harvested\Grass, warm season permanent, not harvested	tons	3.0000

- Field operation dates and descriptions, manure application rates, etc.:

Date	*Operation*	*Vegetation*	*Yield (harv. units)*	*Type of cover material*	*Cover matl add/remove, lb/ac*
5/1/0	begin growth	Permanent cover not harvested\Grass, warm season permanent, not harvested	3.00		

External residue (i.e., manure) application rates in RUSLE2 are expressed in lbs of "effective" dry matter per acre. For liquid, slurry, poultry, and semi-solid manures, "effective" dry matter in = 50% of actual dry matter

- Additional RUSLE2 crop management info:
  - Rock cover: 0 %
  - Adjust res. burial level: Normal res. burial
  - RUSLE2 management file name: Base management: Strip/Barrier Managements\Warm season grass; not harvested

5. SUPPORT PRACTICES (P FACTOR)

- Contouring: default (Actual row grade: 3.8 %)

- Strips/barriers: (none)

- Diversion/terrace, sediment basin: (none)

- Subsurface drainage: (none)

6. RUSLE2 SOFTWARE DETAILS

- Program version: Jun 7 2022
- Database name: BASE_NRCS_MOSES_04132022
- Profile file name: profiles\AlbuquerqueNM-PandaExpress

III. RUSLE2 Profile Output & Definitions

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Long-term average predicted surface residue cover after each field operation:

Date	*Operation*	*Vegetation*	*Surf. res. cov. after op, %*
5/1/0	begin growth	Permanent cover not harvested\Grass, warm season permanent, not harvested	0

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2. SOIL LOSS ESTIMATES:

- Soil loss for conservation planning:
  - Soil loss for cons. plan: 0.032 t/ac/yr
  - T value: 3.0 t/ac/yr

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- Sediment Delivery:
  - Sediment delivery: 0.032 t/ac/yr

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4. FUEL USAGE & COST ESTIMATES:

- Fuel Type & Unit Cost Inputs:
  - Fuel type for entire run: (none) ()

- Fuel Usage & Cost Outputs (adjusted for soil texture):
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