

CITY OF ALBUQUERQUE



June 5, 2017

Mr. John Jones
9000 Alameda Blvd.
Albuquerque, NM 87122

**Re: Violations at 9000 Alameda Blvd NE Albuquerque
Hydrology file C20D073**

Dear John Jones,

The purpose of this letter is to inform you that the obstructions you have placed in the South La Cueva Arroyo at 9000 Alameda Blvd increase the flood risk to the properties on the south side of the arroyo and increase the erosion risk to the downstream properties. The act of placing these obstructions without the appropriate permits from the City of Albuquerque and the US Army Corps of Engineers is in violation of City, State and Federal laws. Upon Conviction, the City of Albuquerque Code of Ordinances 1-1-99 sets a fine not to exceed \$500 or imprisonment not to exceed 90 days for each Violation, with each day that the violation persists constituting a separate violation. If a court finds a violation of the United States Clean Water Act, CWA, due to criminal negligence (e.g., carelessness, inattentiveness), it will impose a fine (a minimum of \$2,500 with a maximum of \$25,000 fine per day for the first offence). This violation was noted in an e-mail sent to you by the City Engineer on May 17, 2016 and as of the date of this letter it has still not been corrected. As the floodplain administrator for the city of Albuquerque I implore you to take corrective action and remove these obstructions before they cause significant harm to the neighbor's property. This letter will serve as notice that if the violation is not corrected by July 1, 2017 you will be subject to **IMMEDIATE** court action.

Fill has been placed in the thalweg of the arroyo on your property which raises the Base Flood Elevation, BFE, both on your property and on the neighbor's property south of the arroyo. Also fill has been placed in a berm along the upstream edge of your property further increasing the risk of flooding on your neighbor's property south of the arroyo. According to the grading plan that was approved by the city of Albuquerque with the engineer's stamp dated 9-2-2015, fill was only permitted outside of the floodplain on the north side of the arroyo, and the permit did not show any grading in the floodplain. All fill and other obstructions in the Special Flood Hazard Area, SFHA, occurred without a permit and must be removed.

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The wrought iron fence that has been placed across the arroyo at the upstream and downstream sides of the property also increases the risk of flooding to your neighbor's property on the south side of the arroyo and must be removed. The fence was placed in the SFHA without a permit in violation of Code 14-5-1-15-(A) which requires a permit prior to changes in land use. The fence will block debris that is naturally transported by storm water runoff down the arroyo. Debris that gets caught on the fence will block storm water runoff and raise the BFE on the upstream side of the fence thus producing an increased risk of flood damage to the neighboring property on the south side of the arroyo.

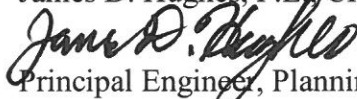
Sediment transport is a natural function of the arroyo that has been disrupted by the landscape materials (rock, sod, etc.) that have been placed in the bed and banks of the arroyo on the property at 9000 Alameda Blvd. again constituting a violation of Code 14-5-1-15-(A) which requires a permit prior to changes in land use. The natural sand bed of the arroyo that previously ran through 9000 Alameda functioned as a source of sediment to feed the downstream natural sand bed arroyo. The landscape materials will cause incoming sediment to drop out of the storm water runoff as it passes through your property so sediment starved runoff will be delivered from your property to downstream resulting in excessive erosion on the downstream properties.

The safety of your neighbors' property depends on the swift removal of the obstruction (the fill, the fence, and the landscape material) that you placed in the SFHA. Prior to removal you will need a Grading Permit, a Floodplain Permit, and an ESC Permit with approved plans for each. Failure to comply will result in the filing of a criminal complaint against you. **This is the final notice you will receive prior to court action.**

If the obstructions in the Special Flood Hazard Area (SFHA) are not promptly removed by you then the City Engineer will cause the removal of all obstructions and the reasonable cost of removal shall constitute a lien against the lot at 9000 Alameda Blvd. in accordance with Code 14-5-1-15(D)(2). The lien shall be imposed and foreclosed in the manner provided in Sections 3-36-1 NMSA 1978.

If you have any questions, you can contact me at 924-3986 during normal business hours.

James D. Hughes, P.E., CFM


Principal Engineer, Planning Dept.
Development and Building Services

Via E-mail

C: Shahab Beazer - City Engineer
Kevin Morrow – Assistant City Attorney
David Hiegel – FEMA Region 6
Sarah Holcomb - NMED