



Alan Varela, Director

Mayor Timothy M. Keller

February 18, 2026

Kelley Fetter, PE  
E2RC  
439 South Hill Rd.  
Bernalillo, NM 87004

**Re: Carlisle Blvd. & Menaul Blvd. Commercial Development Subdivision  
3535 Menaul Blvd. NE  
Erosion and Sediment Control Plan (SWQ-2026-00012)  
Engineer's Stamp Date – 2/9/26 – H16E083F**

Mr. Fetter,

Based on the information in your submittal received on 2/12/26, the ESC Plan cannot be approved for Subdivision and Work Order until the following comments are addressed.

1. The existing property owner, Vista Oriente, LTD. Co., already has CGP coverage under NPDES ID # NMR10068E, so what is the reason for the second NPDES ID # NMR1007QA? The only changes are:
  - a. The project name changed from *“American Furniture Demolition & Earthwork”* to *“Carlisle Blvd. & Menaul Blvd. Commercial Development,”*
  - b. The area to be disturbed increased from 5.7 acres to 7.5 acres, and
  - c. The project end date has been extended from 06/04/2024 to 12/01/2027.
  - d. The demolition of structures changed from “yes” to “no”.

These changes can be made to NPDES ID # NMR10068E in accordance with CGP 1.4.4. *“When there is a change to the site’s operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT)”* per CGP 1.4.4. Since this isn’t a new operator, there shouldn't be a new NOI. Please cancel the coverage under the new NPDES ID # NMR1007QA.

2. The ESC Plan indicates areas of speculative development by particular buyers but does not include NOIs for those owners or specific project details. For this review, it is assumed that each property owner will submit separate NOIs and ESC Plans to the city SWQ Section for review and approval. The entities purchasing the lots will be verified against their recorded deeds to ensure the accuracy of their NOIs at the time of building permit construction. Notes suggesting that any building permit construction is covered by this plan—such as the list of individual lot developers for lots 2 and 5 in the OPERATORS section of sheet 2—should be clarified with a bold note stating, ***“This is Vista Oriente Ltd. Co’s ESC Plan for subdivision development only. Prospective buyers of the lots are identified in this ESC Plan for information only. This isn’t an ESC Plan for Building Permit construction on any lot. See separate ESC Plans approved by the city for Building Permits.”***
3. The sequence of activities on sheet 2 of the ESC Plan is inconsistent with the scope of this project and with the requirements of the EPA’s CGP. Please correct the sequence to include notes as follows.

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- a. Since the entire site is already disturbed and enclosed by construction fencing, note 1 of phase 1 should be revised to read *“Phase 1 of this project began in May 2024, including the sediment traps and other BMPs as shown on the ESC Plan, with the engineer’s stamp dated 4/26/2024. Activities included demolition of the pre-existing building and parking lots.”* The Phase 1 ESC Plan is already in the SWPPP and doesn’t need to be included in this new submittal to the city.
  - b. Phase 2 of this project begins with the completion of the BMPs identified in note 2 of Phase 1, so move that note to Phase 2 and add the following note: *“Phase 2 activities include construction of the temporary sediment traps, and diversion channels during initial grading activities, the construction of public utilities, and paving of shared access driveways. No fill or grading is allowed in the Phase 1 sediment traps until the Phase 2 controls on lots 2, 3, and 4 have been constructed and made operational. The Phase 2 grading, construction, and controls are shown on sheet 8 of this ESC Plan.”*
  - c. The first note of Phase 3 is acceptable, where it says, *“If vertical construction does not begin within 14 days of ceasing earth disturbing activities, the disturbed area will be temporarily stabilized.”* However, notes 2 and 3 are problematic and should be replaced with a note saying, *“Phase 3 of this project includes stabilization and BMP maintenance on lots still owned by Vista Oriente, LTD. Co. as shown on sheet 9. After the phase 2 paving is complete, the perimeter fencing and controls should be adjusted to enclose the lots still owned by Vista Oriente, LTD. Co. The fencing and controls should be revised to exclude lots when they are sold to new operators. The Phase 3 temporary and permanent stabilization construction specifications are also shown on sheet 9.”*
  - d. *Phase 4 involves constructing commercial buildings, parking lots, and landscaping on individual lots. Activities and controls for Phase 4 are not shown on this ESC Plan. Separate ESC Plans must be approved by the city for each lot before a building permit is issued. Lots developed by Vista Oriente, Ltd. Co. do not require a new NOI, and the ESC Plan for the building permit can be added to the subdivision SWPPP once approved by the city. A new NOI and ESC Plan are needed for any lots sold to a new owner at least 14 days before the transfer of control, and the transfer date must be indicated on Vista Oriente, Ltd. Co.’s SWPPP map (ESC Plan sheet 9) for the subdivision. Construction fencing and perimeter controls should be removed sold lots. **Vista Oriente, Ltd. Co. must follow the CGP requirements until it has developed and stabilized its property and transferred all remaining undeveloped lots to new owners with separate CGP coverage.”***
4. Replace the city standard notes on sheet 3 with the current version (attached). Add city BMP details for Stormwater Silt Fence (SWSF), Compost Filter Sock (CFS), Sediment Trap (ST), Construction Exit (CE), and Diversion Channel (DC) on sheets 4 through 7 to better comply with the NMED requirements in CGP 9.6.1.c.i where it says paraphrased, *“the SWPPP must also describe design specifications, construction specifications, maintenance schedules, and criteria for inspections of the BMPs.”*
  5. The SWPPP must include site-specific interim and permanent stabilization construction specifications in accordance with CGP 9.6.1.c.i. Provide a final stabilization construction



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- specification, such as “Native Seed with Aggregate Mulch per City Standard Specification 1012,” or “4 inches of Aggregate Base Course (ABC) on 12 inches of compacted subgrade,” on sheet 9 of this ESC Plan, which would allow Vista Oriente, LTD. Co. to file a Notice of Termination (NOT) without selling the lots. Vista Oriente, LTD. Co. is not required to sell the lots to terminate coverage under the CGP.
6. Sheet 8 of the ESC Plan shows proposed, Phase 2, subdivision grading with stormwater controls, including new sediment traps and perimeter controls. Label this sheet as Phase 2. Also, add Diversion Channels (DC) on the downhill side of each lot, where necessary, to direct stormwater into each sediment trap, preventing cross-lot drainage and runoff into paved streets. A DC should be included in Phase 2 to divert drainage in the common access roadway at the west boundary into the sediment traps (STs) until the entire roadway is paved. Sheet 9 should show the same controls as sheet 8, except for the DC in the common access roadway at the west boundary.
  7. Sheet 9 note about BMP Maintenance is accurate, where it states “*Vista Oriente, Ltd. Co. is responsible for BMP maintenance until each lot is purchased.*” However, the part about the buyer should be more specific, saying: “*The Buyer of each lot is responsible for filing their NOI with the EPA and for submitting the NOI and ESC Plan to the city at least 14 days before purchasing the lot. On the purchase date, the Buyer becomes responsible for posting permit coverage on-site, complying with the EPA’s Construction General Permit, conducting self-inspections, and maintaining the BMPs. The date of sale and the exact name of the buyer must be recorded on Vista Oriente, Ltd. Co.’s SWPPP Map (sheet 9 of the ESC Plan).*”
  8. Add these two additional notes to the ESC Plan on sheet 9
    - a. All lots within this subdivision are part of a “Common Plan of Development or Sale” (CPODS) that exceeds 5 acres and are ineligible for Low Erosivity Waivers (LEWs). Each lot owner must obtain CGP coverage until the undeveloped part of the CPODS is reduced to less than one acre. The CPODS’s area can only be decreased after the entire site has been stabilized for a period of time.
    - b. Prospective buyers must submit the NOI 14 days prior to purchasing any lot in this subdivision to secure Construction General Permit (CGP) coverage.
  9. Update the engineer’s stamp date on all sheets whenever any of the sheets are changed.

If you have any questions, contact me at 924-3420 or [jhughes@cabq.gov](mailto:jhughes@cabq.gov).

Sincerely,

*James D. Hughes*

James D. Hughes, P.E., CPESC  
Principal Engineer, Planning Dept.  
Development and Review Services