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CITY OF HENDERSON
240 Water Street
P. O. Box 95050
Henderson, NV 89009-5050

March 9, 2017

Mr. James Dotchin, Chief
Bureau of Industrial Site Cleanup
Nevada Division of Environmental Protection
2030 E. Flamingo Road, Suite 230
Las Vegas, NV 89119

Subject: Cadence Development Environmental Covenant

Dear Mr. Dotchin:

In February 2011, the Nevada Division of Environmental Protection (“NDEP”) entered into an environmental covenant with The Landwell Company (“Landwell”) and Basic Environmental Company (“BEC”). The property affected by the environmental covenant is described in detail with APN numbers in the legally recorded document, however for the purposes of this letter these parcels correspond to the development known as Cadence, where impacts to soil and groundwater occurred due to historical disposal activities at the Basic Management Company industrial complex.

Due to an understanding of the soil contamination beneath the site based on historical contamination patterns and subsequent sampling and remediation, soils beneath ten feet below ground surface were not required to be extensively evaluated. As a result, the environmental covenant requires that prior to engaging in any grading, digging, construction and/or building at a depth below finished grade of greater than 9 feet, the property owner is required to notify NDEP. No excavation beneath 10 feet can be initiated prior to receiving an approval of a Soil Management Plan from NDEP.

In order to ensure that this provision is enforced, the NDEP requested that the City of Henderson (“City”) assist by ensuring that these steps have been taken by the property owner prior to the issuance of relevant permits. Currently the City uses a permit tracking system named EnerGov. EnerGov is a permitting software program that can automate governmental operations such as regulatory permitting, inspections, and citizen requests.

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In order to assist with the enforcement of the environmental covenant at Cadence, the City intends to flag all of the parcels in the Cadence development with a requirement to provide a copy of the completed "Environmental Covenant Elevation Verification" document (example attached) if there is a intent to excavate beneath 10 feet. The flag will notify our development services center staff that no excavation permits can be issued to a property owner or contractor until this document is provided. The development services staff will not keep a permanent copy of the document, but will simply verify its completion.

Please feel free to contact me if you have any questions concerning this matter. I can be reached at (702) 267-1306 or brenda.pohlmann@cityofhenderson.com.

Sincerely,



Brenda Pohlmann
Environmental Programs Manager

BP:an

Attachment: Environmental Covenant Elevation Verification Form

cc/enc: Lee Farris, The LandWell Company
Mohammad Jadid, City of Henderson
Majid Pakniat, City of Henderson



THE
LANDWELL
COMPANY

875 W Warm Springs Rd
Henderson, NV 89011

TEL: 702-567-0400 FAX: 702-567-0475

Environmental Covenant Elevation Verification

DATE: _____

Work to be performed by: _____

Depth of excavation below existing grade: _____

If deeper than 3 feet, elevation of deepest cut: _____

Elevation of Finished Grade per Recorded Environmental Covenant: _____

Is Deepest Cut 9feet below EC FG. If yes, NDEP approval required. If not note difference between Deepest Cut and EC FG: _____

Description of proposed work. Attach plan is possible. If deeper than 9 feet from EC FG, NDEP Approval Required.

Seal

Engineer/Surveyor

Name
Address
City, State, Zip

Compliance Verification	
_____ Lee Farris	_____ Date