



On 10/16/2023, a minor  
edit was made to the  
WQC signature date.

STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

October 11, 2023

JM1 Holdings, LLC  
ATTN: Tim Kaintz  
c/o Land Pro Group, Inc.  
10515 20th Street NE, #202  
Lake Stevens, WA, 98258

Re: Water Quality Certification Order No. **22293**, (Corps No. **NWS-2023-0531**), Harvest Road  
Short Plat project, Snohomish County, Washington

Dear Tim Kaintz:

On August 14, 2023, JM1 Holdings, LLC (Tim Kaintz) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Harvest Road Short Plat project, Snohomish County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. **This certification is subject to the enclosed Water Quality Certification Order (WQC Order).**

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Doug Gresham at [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov) or (425) 429-1846. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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Joe Burcar, Section Manager  
Northwest Region Office  
Shorelands and Environmental Assistance Program

WQC Order No. 22293, Corps No. NWS-2023-0531  
Aquatics ID No. 142844  
October 11, 2023  
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Enclosure (1)

By certified mail: 9171 9690 0935 0233 1188 14

Sent via e-mail: kaintztk@msn.com

E-cc: Mae Ancheta, U.S. Army Corps of Engineers  
John Laufenberg, Wetland Resources, Inc.  
Doug Gresham, Department of Ecology  
Rowan Kelsall, Department of Ecology  
Loree' Randall, Department of Ecology  
ECYREFEDPERMITS@ecy.wa.gov

In The Matter of Granting a Water Quality  
Certification to JM1 Holdings, LLC (Tim Kaintz)  
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120,  
RCW 90.48.260 and Chapter 173-201A WAC

Tim Kaintz  
JM1 Holdings, LLC  
c/o Land Pro Group Inc.  
10515 20th Street NE, #202  
Lake Stevens, WA, 98258

<b>WQC Order No.</b>	22293
<b>Corps Reference No.</b>	NWS-2023-0531
<b>Site Location</b>	Harvest Road Short Plat Project located within Wetland A and Stream A, Bothell, Snohomish County, Washington.

JM1 Holdings, LLC (Tim Kaintz) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Harvest Road Short Plat project, Snohomish County, Washington. The following required processing dates are listed below:

- On July 14, 2023, JM1 Holdings, LLC (Tim Kaintz) submitted a pre-filing meeting request.
- On July 17, 2023, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit No. 29 and requires an individual Section 401.
- On August 14, 2023, Ecology received a request for Clean Water Act Section 401 Water Quality Certification.
- On August 15, 2023, Ecology issued a public notice for the project.

This project proposes to discharge fill within 768 ft<sup>2</sup> (0.0176 acre) of Wetland A, a Category III depressional wetland, and 168 ft<sup>2</sup> (0.0039 acre) of Stream A, a seasonal, non-fish bearing (Type Ns) stream. In addition, the project would temporarily impact 153 ft<sup>2</sup> (0.0035 acre) of Wetland A and permanently impact 2,200 ft<sup>2</sup> (0.0505 acre) of buffer area. Wetland impacts will be mitigated through the purchase of 0.0215 wetland mitigation bank credits from the Keller Farm Mitigation Bank. Buffer impacts will be mitigated on-site through the creation of 7,245 ft<sup>2</sup> of forested buffer and rehabilitation of 1,582 ft<sup>2</sup> of buffer area by removing existing asphalt.

The project site is located within Wetland A and Stream A, at 702 and 706 Harvest Road, Bothell, Snohomish County, Washington, Section 19, Township 27 N., Range 5 E., within Water Resource Inventory Area (WRIA) No. 08 - Cedar Sammamish.

With this WQC Order, Ecology is granting with conditions JM1 Holdings, LLC 's (Tim Kaintz) request for a Section 401 Water Quality Certification for the Harvest Road Short Plat project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on August 14, 2023.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, JM1 Holdings, LLC (Tim Kaintz) must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize JM1 Holdings, LLC (Tim Kaintz) to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

**Special Conditions:**

**Wetland Mitigation Conditions**

1. JM1 Holdings, LLC (Tim Kaintz) shall mitigate wetland impacts as described in the Mitigation Plan for Harvest Road Short Plat, prepared by Wetland Resources, Inc. and dated June 20, 2023, (hereafter called the "Mitigation Plan") or as required by this Order.
  - Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When adequate mitigation is provided, the impacts are not considered significant enough to water quality, at least in the long-term. The water quality standards, along with mitigation, protect wetlands as well as permitting some level of degradation where unavoidable or necessary.
  - Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.

2. JM1 Holdings, LLC (Tim Kaintz) shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.0215 wetland mitigation bank credits (credits) from the Keller Farm Mitigation Bank. This documentation must include the Ecology Order Number, Order issuance date, impact acreage, the amount of credits required by the Order, and date of credit purchase.
  - Justification - This condition is necessary to ensure the compensatory mitigation was actually provided by the bank.
  - Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.
3. Unless otherwise authorized by this WQC Order, JM1 Holdings, LLC (Tim Kaintz) shall complete the purchase of credits before impacting wetlands. Otherwise, Ecology may require JM1 Holdings, LLC (Tim Kaintz) to provide additional compensation to account for additional temporal loss of wetland functions.
  - Justification - Mitigation that is not emplaced concurrent with impacts will result in degradation of existing beneficial uses of the wetlands affected by the proposed action through temporal loss of functions.
  - Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted with conditions to JM1 Holdings, LLC (Tim Kaintz) for the Harvest Road Short Plat project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. WQC Order No. **22293** will remain valid for the duration of the associated DA permit. JM1 Holdings, LLC (Tim Kaintz) should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) within two weeks of receiving it. To transfer this Order to a new owner or operator, complete a Request for Transfer of Order form following the instructions at the top of the form. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>.

## Your right to appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within 30 days of the date of receipt of this Order :

- File your notice of appeal and a copy of this Order with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of Ecology mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

## **Filing an appeal**

### **Filing with the PCHB**

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

### **Service on Ecology**

#### **Street Addresses:**

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

#### **Mailing Addresses:**

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

#### **E-Mail Address:**

ecologyappeals@ecy.wa.gov

## Americans with Disabilities Act Information

### Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

## Contact Information

Please direct all questions about this WQC Order to:

Doug Gresham  
Department of Ecology  
(425) 429-1846  
[Doug.Gresham@ecy.wa.gov](mailto:Doug.Gresham@ecy.wa.gov)

## More Information

- **Pollution Control Hearings Board Website**  
<https://eluhho.wa.gov>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**  
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>

WQC Order No. 22293, Corps No. NWS-2023-0531

Aquatics ID No. 142844

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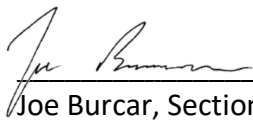
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- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**

<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

## Signature

Dated this ~~11th~~ 10<sup>th</sup> day of October 2023, at the Department of Ecology, Shoreline, Washington.



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Joe Burcar, Section Manager

Northwest Region Office

Shorelands and Environmental Assistance Program