



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Southwest Region Office  
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

December 6, 2023

Holt Homes  
ATTN: John Marquardt  
PO Box 61726  
Vancouver, WA 98666

Re: Water Quality Certification Order No. **22399** (Corps No. **NWS-2023-0387**), Heartwood Subdivision, Clark County, Washington

Dear John Marquardt:

On May 8, 2023, Holt Homes submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Heartwood Subdivision, Clark County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies (with conditions) 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 Rowan Kelsall at (360) 870-2983. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Maria Sandercock, Section Manager  
Southwest Region Office  
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: number 9489 0090 0027 6102 3066 33

WQC Order No. 22399, Corps No. NWS-2023-0387

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e-cc: Joshua Ari Sindel, U.S. Army Corps of Engineers  
Loree' Randall, Ecology  
Rowan Kelsall, Ecology  
Meghan Tait, Ecology  
ECYREFEDPERMITS@ecy.wa.gov

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

Holt Homes  
Attn: John Marquardt  
PO Box 61726  
Vancouver, WA 98666

<b>WQC Order No.</b>	<b>22399</b>
<b>Corps Reference No.</b>	<b>NWS-2023-0387</b>
<b>Site Location</b>	Heartwood Subdivision project, Wetlands B, F, G, and X, near Vancouver, Clark County, Washington.

Holt Homes submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Heartwood Subdivision project, Clark County, Washington. The following required processing dates are listed below:

- On March 15, 2023, Holt Homes submitted a pre-filing meeting request.
- On May 8, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On August 11, 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 15, 2023, Ecology issued a public notice for the project.

This project proposes to discharge up to 25 cubic yards of fill material within 0.136 acres of Wetland F and Wetland G to construct a residential development. The proposed project will also involve indirectly impacting 0.009 acres of Wetland B and 0.095 acres of Wetland X due to insufficient buffer widths. The project will consist of lot development, interior roads, utilities, walking paths, stormwater facilities, and natural open space tracts. Compensatory mitigation will be provided by purchasing mitigation bank credits from Terrace Mitigation Bank and through other onsite measures.

The project site is located just southeast of 10913 NE 137th Ave, Vancouver, Clark County, Washington, Section 35, Township 3 N, Range 2 E, within Water Resource Inventory Area (WRIA) #28 Salmon Washougal.

With this WQC Order, Ecology is granting with conditions Holt Homes's request for a Section 401 Water Quality Certification for the Heartwood Subdivision project, provided that the

activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on May 8, 2023, and the following supporting documentation:

- 1) On May 8, 2023, Ecology received Holt Homes's Joint Aquatics Resources Permit Application (JARPA).
- 2) On May 15, 2023, Ecology received Holt Homes's notice for Determination of Non-Significance.
- 3) On November 2, 2023, Ecology received an email with Holt Homes's Final Bank Use Plan.
- 4) On November 2, 2023, Ecology received an email with the Final Critical Areas Report and Mitigation Plan.

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, Holt Homes 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 Holt Homes 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 Condition:**

1. Holt Homes shall mitigate wetland impacts as described in Bank Use Plan prepared by Ecological Land Services, dated October 31, 2023 (received November 2, 2023), 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. Holt Homes shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.233 wetland mitigation bank credits (credits) from the Terrace 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, Holt Homes shall complete the purchase of credits before impacting wetlands. Otherwise, Ecology may require Holt Homes 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 Holt Homes for the Heartwood Subdivision 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. **22399** will remain valid for the duration of the associated DA permit. Holt Homes 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:

Rowan Kelsall

Southwest Regional Office 401/CZM Federal Permit Manager

Shorelands & Environmental Assistance Program

Department of Ecology

(360) 870-2983

[Rowan.Kelsall@ecy.wa.gov](mailto:Rowan.Kelsall@ecy.wa.gov)

## More Information

- **[Pollution Control Hearings Board Website](http://www.eluho.wa.gov)**  
<http://www.eluho.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)**  
<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)**  
<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)**  
<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)**  
<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)**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

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- **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>
- **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 6th day of December 2023, at the Department of Ecology, Olympia, Washington.



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Maria Sandercock, Section Manager  
Southwest Region Office  
Shorelands and Environmental Assistance Program