



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

June 22, 2007

REGISTERED MAIL
RB 670 438 792 US

Land Evolution, Inc.
Attn: Jerrel Barto
1041 W. 18th Street, Suite A101
Costa Mesa, CA 92627

RE: Requested Amendment to Administrative Order #02SEANR-4102, Construction of
Dakota Avenue Gateway Marina, Guemes Channel, Anacortes, Skagit County, WA

Dear Mr. Barto:

On April 27, 2007, the Department of Ecology (Ecology) received a request from Jon Houghton, Pentec Environmental, for an amendment to the Water Quality Certification (WQC) issued on June 27, 2002.

Enclosed is an amendment to Order #02SEANR-4102, for construction of the Dakota Avenue Gateway Marina.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. Written comments can be sent to her at the Department of Ecology, 3190 – 160th Ave. SE, Bellevue, WA 98008. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Geoff Tallent
Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program

GT:rrp:cja

cc: Randel Perry, U.S. Army Corps of Engineers
Doug Thompson, Washington Department of Fish and Wildlife
Jon Houghton, Pentec Environmental

e-cc: Loree' Randall, Ecology
Penny Keys, Ecology
Bob Fritzen, Ecology



The following condition G5 that reads:

The applicant will be out of compliance with this certification and must reapply with an updated application if five years elapse between the date of the issuance of this certification and the beginning of construction and/or discharge for which the federal license or permit is being sought.

Is replaced with:

This Order is valid until all of the conditions have been complied with.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

Appeal Process

You have the right to appeal this amendment to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology within thirty (30) days of the date of your receipt of this document.

To appeal this amendment, your notice of appeal must contain a copy of the Ecology amendment you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608.

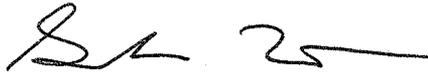
In addition, please send a copy of your appeal to:

Federal Permit Appeals Coordinator
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

For additional information: Environmental Hearings Office Website: <http://www.eho.wa.gov>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated June 22, 2007 at Bellevue, Washington.



Geoff Tallent, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington