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

November 5, 2007

REGISTERED MAIL
RB 670 439 444 US

RPDC, Inc.
Attn: Arthur Richey
1323 East 71st Street, Suite 120
Tulsa, OK 74136

RE: Requested Amendment to Administrative Order #5184, Fill into 2.47 Acres of Wetlands for Construction of a Home Depot, Access Roads, Parking, Bank, and Restaurant, Port Orchard, Kitsap County, Washington

Dear Mr. Richey:

Enclosed is an amendment to the Water Quality Certification issued on October 22, 2007, for fill into 2.47 acres of wetlands for construction of a Home Depot in Port Orchard.

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: Koko Ekendiz, U.S. Army Corps of Engineers
Jason Kunz, Washington Department of Fish and Wildlife
Jeff Walker, URS Corporation
Allison O'Sullivan, Suquamish Tribe
Jennifer Aylor, Wildlands of Washington, Inc.

e-cc: Penny Keys, Ecology
Loree' Randall, Ecology
Richard Robohm, Ecology

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO RPDC, Inc.	)))))))))))	**ORDER #5184 1st Amendment** **U.S. Army Corps of Engineers #200500502** For fill into 2.47 Acres of Wetlands for Construction of a Home Depot, Access Roads, Parking, Bank, and Restaurant, located in Section 1, T. 23 N., R. 1 E., Port Orchard, Kitsap County, Washington Construction of a Home Depot, Access Roads, Parking, Bank, and Restaurant, located in Section 1, T. 23 N., R. 1 E., Port Orchard, Kitsap County, Washington.

TO: RPDC, Inc.
Attn: Arthur Richey
1323 East 71st Street, Suite 120
Tulsa, OK 74136

This amendment is to the above-referenced Administrative Order issued by the Department of Ecology (Ecology) on October 22, 2007.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order No. 5184 is hereby amended as follows:

1. Condition B1.c. is added to the Order:

c. Impact Assessment and Mitigation Sequencing, Port Orchard Home Depot, by URS, dated April 20, 2007.

2. Condition B2.c. that reads:

c. Timing: Site preparation and plant installation described in the Mitigation Plan shall be done at the Blackjack Creek site in advance of wetland impacts on the project site.

Is replaced with:

c. Timing: On-site mitigation work shall begin on or before the start of project construction on the impact site. Off-site mitigation shall be completed as early as site conditions allow in the summer or fall of 2008.

3. Condition H. is added to the Order:

H. Notification Requirements

H1. Applicant shall provide notice to Ecology's 401/CZM Federal Project Manager at least three (3) days prior to the start of construction, and within 14 days after completion of construction at the project site. Notification, referencing Corps Reference #200500502, Order #5184, can take place by telephone to (425) 649-7129 or (425) 649-7000, fax to (425) 649-7098, or in writing.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of 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 a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.

- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.

- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

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

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Department of Ecology
Northwest Regional Office
Attn: Rebekah Padgett
3190 160th Avenue SE
Bellevue, WA 98008

For additional information visit the Environmental Hearings Office Website:
http://www.eho.wa.gov

To find laws and agency rules visit the Washington State Legislature Website:
http://www1.leg.wa.gov/CodeReviser

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 _____November 5, 2007_____ at Bellevue, Washington.

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