



NOTICE OF INTENT TO OBTAIN CUSTODY

1972 Sailboat, “Moonshadow”, with REGISTRATION #WN 9774 MC

The Port of Anacortes (the Port) declared the 1972 sailboat, “Moonshadow”, with registration #WN 9774 MC, as derelict or abandoned. The vessel is located in slip A-02 at Cap Sante Marina, Anacortes WA.

The Port, acting as an authorized public entity with the authority granted in RCW 79.100, intends to take custody of the vessel on **February 23, 2024 (Custody Date)**. After taking custody of the vessel, the Port may use or dispose of it without further notice to the owner.

In order to keep the vessel, before the Custody Date, the owner must:

- Pay the Port back for costs incurred, and
- Move the vessel to an anchorage area, moorage facility, or storage location that authorizes the vessel, **or**
- Remove the vessel from the water.

If the owner wants to reclaim the vessel after the Port has custody, or wants to challenge the Port’s decision to take custody, the owner must file a written appeal with the Pollution Control Hearings Board (PCHB) and serve a copy on the Port. Addresses are in the boxes below:

Pollution Control Hearings Board (send one original and one copy) Physical address: 1111 Israel Road, Ste 301 Tumwater, WA 98501 Mailing address: PO Box 40903 Olympia, WA 98504-0903 Phone: 360-664-9160	Port of Anacortes 100 Commercial Ave Anacortes, WA 98221
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The appeal must include the following information:

- A copy of this notice or a copy of the notification letter to the owner.
- Your name and address (mailing and legal, if different) and, if applicable, the name and address of your representative.
- A daytime phone number.
- A brief statement of why you are appealing.
- A statement of what you want the Pollution Control Hearings Board to do.
- Your signature or that of your representative. This signature certifies that the content of the appeal is true.

See <https://eluhw.wa.gov> or call the PCHB at the number above with appeal questions.

The owner may submit the appeal immediately, but the PCHB must receive it no later than **March 24, 2024 (Appeal Date)**. **The owner waives the right to a hearing if the PCHB does not receive an appeal on or before the Appeal Date. The owner is then liable for any costs incurred by Entity in responding to the vessel.**

These costs may include all administrative costs incurred by the Port, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. If there is a lawsuit, the successful party may receive reasonable attorneys’ fees and costs.

The Port also may pursue any other remedies available under law. For example, the Port may take temporary possession of the vessel under the circumstances described in the Revised Code of Washington (RCW) 79.100.040(3). You can find a copy of the law online at <http://apps.leg.wa.gov/RCW/default.aspx?cite=79.100>.

For more information, contact John Dumas at Port of Anacortes at 360.299.1828 or john.dumas@portofanacortes.com.