

Port of Tacoma

NOTICE OF INTENT TO OBTAIN CUSTODY

VESSEL *Encounter* with HIN #BLBA08EC1181

The Authorized Public Entity (Port of Tacoma) declared the vessel *Encounter*, with Washington Registration # WN3328JR, as derelict or abandoned. The vessel was observed leaking fuel into the Hylebos Waterway on 11/22/2023, and is currently aground on Port of Tacoma property at 3906 E 11th St., Tacoma, WA, 98421.

Port of Tacoma, acting as an authorized public entity with the authority granted in RCW 79.100, intends to take custody of the vessel on **12/12/2023 (Custody Date)**. After taking custody of the vessel, Port of Tacoma 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:

- Get authorization to moor or anchor the vessel in its current location,
- Move it 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 Port of Tacoma has custody, or wants to challenge Port of Tacoma'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 of Tacoma.

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 Tacoma PO Box 1837 Tacoma, WA 98401
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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 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://elaho.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 **01/11/2024 (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 Port of Tacoma in responding to the vessel.**

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

Port of Tacoma also may pursue any other remedies available under law. For example, Port of Tacoma 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 this law online at <http://apps.leg.wa.gov/RCW/default.aspx?cite=79.100>.

For more information, contact Ben Nield at Port of Tacoma at (253)241-0297 or bnield@nwseaportalliance.com.