

PORT OF TACOMA
NOTICE OF EMERGENCY ACTION OBTAINING CUSTODY OF DERELICT VESSEL, with name
“Everyman” (Vessel”)

The Port of Tacoma (Port) previously issued Notice to you as Owner of abandoned Vessel described above. The Vessel was abandoned at 5002 Marine View Drive, Tacoma WA, (Port Parcel 83). Notice was sent to you as Owner on January 26, 2021, by both attempted person service, mailing and E-mailing you at your last known locations and contacts, and Notice was posted on the Vessel. As of March 12, 2021, the Vessel had not been removed, and Owner had made no contact with the Port. On or shortly before March 12, 2021, the Vessel burnt and was a total loss. In that derelict condition, the Port determined that remains of the Vessel were in immediate danger of breaking up and posed a reasonably imminent threat to human health or safety, including a threat of environmental contamination, that required the Port to take emergency custody and declared the remains of the Vessel as derelict, abandoned, or both.

The Port, acting as an authorized public entity with the authority granted in RCW 79.100.040(3), took emergency custody of the Vessel and will gain custody on **April 22, 2021 (Custody Date)**. After providing this post-emergency custody of the Vessel to you as Owner, the Port may use or dispose of it without further notice to you, the Owner.

In order to retrieve the remains of the Vessel before its disposal, you as Owner must:

- Move it to a storage location that accepts the Vessel and repay the Port for all charges incurred in securing the remains of the Vessel and administrative costs associated with this action under RCW Ch. 79.100.

If you as Owner wants to reclaim the Vessel from Port 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 for filing and service are in the boxes below:

<p>Pollution Control Hearings Board (send one original and one copy)</p> <p>Physical address: 1111 Israel Road, Ste 301 Tumwater, WA 98501</p> <p>Mailing address: PO Box 40903 Olympia, WA 98504-0903</p> <p>Phone: 360-664-9160, FAX: (360) 586-2253</p> <p>EMAIL: eluho@eluho.wa.gov</p>	<p>Entity Name</p> <p>Port of Tacoma c/o Goodstein Law Group, PLLC 501 South G Street Tacoma, WA 98405</p>
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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 WAC Ch. 371-08,

http://www.eluho.wa.gov/Global/Reader?title=PCHB%20Appeal%20Process&path=Procedure_FAQ_PCHB

and 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 **May 22, 2021** (“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 the Port in responding to the Vessel. The Owner must comply with particular and certain deadlines and other formal guidelines set forth in Washington State law and rules. If the Owner does not understand the appeal process, then the Owner should seek legal counsel immediately. Port staff cannot provide you, the Owner, any legal advice.

The Owner may be liable for any costs incurred by the Port 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 more information, contact Christine Disnute, Port Facilities Management Specialist at the Port at Direct:253.592.6228 | Mobile: 253.241.4355, or email: cdisnute@portoftacoma.com to discuss your situation at the Port.

A copy of this Emergency Possession and Appeal Rights will be:

- Mailed to the Owner at least (20) twenty days prior to disposal to the Owner at the address listed above, which is the last known address.
- Posted on the remains of the Vessel for thirty days and
- Published at least once, more than ten days but less than twenty days prior to disposal in a newspaper of general circulation for the county in which the vessel is located; and
- Posted on the Department of Natural Resources' ("DNR") internet web site on a page specifically designated for such notices, which DNR will facilitate.

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