



PORT OF BROWNSVILLE

9790 Ogle Rd • NE Bremerton, WA 98311

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Commissioners:

Jack Bailey

Shaun Nye

Fred Perkins

NOTICE OF INTENT TO OBTAIN CUSTODY

SAILBOAT “JANELL” WITH REGISTRATION WN2514D

DVRP # KP 20-012

The Port of Brownsville (Port) has declared the model year 1939, 35’ length sailboat named “Janell” with registration #WN2514D (the vessel) an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). On or about April 15, 2020, the Port took temporary possession of the vessel and had it removed from Port of Brownsville, Kitsap County, in order to prevent it from sinking, breaking up, or posing a threat to human health and safety or the environment. The vessel shall be stored at Kelly-Ryan Yard at 1641 S. 92nd Place, Seattle, WA 98108, pending finalization of custody.

The Port, acting as an authorized public entity with the authority granted in RCW 79.100, intends to take custody of the vessel on **May 15, 2020 (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 recover the vessel, before the Custody Date, the owner must:

- Provide reasonable notice to the Port of the intention to re-take possession of the vessel,
- Reimburse the Port for its costs incurred to temporarily possess and store the vessel, and
- Safely move the vessel to an anchorage area, moorage facility, or storage location that authorizes the vessel.

If the owner wants to reclaim the vessel after the Port has custody, or wants to challenge Port’s decision to take custody, the owner must file a written appeal with the Pollution Control Hearings Board (PCHB) and serve a copy to 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 Brownsville c/o Joseph DaBell or Shaun Nye 9790 Ogle Rd NE, Bremerton, WA 98311
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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 http://www.eluho.wa.gov/Global/Reader?title=PCHB%20Appeal%20Process&path=Procedure_Appeal_PCHB 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 **June 15, 2020 (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.**

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. The Port has taken temporary possession of the vessel pursuant to RCW 79.100.040(3) (law available online at <http://apps.leg.wa.gov/RCW/default.aspx?cite=79.100>). **For more information, contact Joseph DaBell at the Port at 360-692-5498 or joe@portofbrownsville.org or Shaun Nye at the Port at 360-908-3702 or shaun@portofbrownsville.org.**