

# NOTICE OF INTENT TO OBTAIN CUSTODY

## VESSEL *Tropical Itch* with WN # 0927 NV

The Authorized Public Entity (Key Peninsula Metropolitan Park District) declared the vessel *Topical Itch*, with registration / documentation # WN 0927 NV, an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). Key Peninsula Metropolitan Park District took temporary possession of the vessel and had it removed from Taylor Bay, Pierce County, in order to prevent it from breaking up and/or posing a threat to human health and safety or the environment.

The Key Peninsula Metropolitan Park District, acting as an authorized public entity with the authority granted in RCW 79.100, intends to take full and formal custody of the vessel on April 3, 2023 (**Custody Date**). After taking custody of the vessel, Key Peninsula Metropolitan Park District 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 Entity back for costs incurred, **and**
- 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 Key Peninsula Park District has custody, or wants to challenge Key Peninsula Park District's decision to take custody, the owner must file a written appeal with the Pollution Control Hearings Board (PCHB) and serve a copy on Key Peninsula Park District. Addresses are in the boxes below:

<b>Pollution Control Hearings Board</b> (send one original and one copy) <b>Physical address:</b> 1111 Israel Road, Ste 301 Tumwater, WA 98501 <b>Mailing address:</b> PO Box 40903 Olympia, WA 98504-0903 <b>Phone:</b> 360-664-9160	<b>Key Peninsula Metropolitan Park District</b> 5514 Key Peninsula Hwy NW Lakebay, WA 98349
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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.

For additional information about the Pollution Control Hearings Board Appeal Process, see

[http://www.eluho.wa.gov/Global/Reader?title=PCHB%20Appeal%20Process&path=Procedure\\_Appeal\\_PCHB](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 **May 3, 2023 (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 Key Peninsula Metropolitan Park District, 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.

The Key Peninsula Metropolitan Park District also may pursue any other remedies available under law. The Key Peninsula Metropolitan Park District is taking this action under the authority of Chapter 79.100 RCW. 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 Tracey Perkosky, Executive Director at Key Peninsula Metropolitan Park District at 253-514-0876 or [tracey@keypenparks.com](mailto:tracey@keypenparks.com)**