



NOTICE OF INTENT TO OBTAIN CUSTODY

VESSEL unknown name with WA Registration # WN 203 XWL

The Port of Bellingham declared the vessel 13' length Commercial Gillnetter with registration number WN 203 XWL, an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). The Port of Bellingham took temporary possession of the vessel and had it removed from the Port of Bellingham Squalicum breakwater, Whatcom County, in order to prevent it from sinking, breaking up, blocking navigation, or posing a threat to human health and safety or the environment.

The Port of Bellingham intends to take formal and full custody of the vessel on **April 14, 2023 (Custody Date)**. After taking custody, the Port of Bellingham may use or dispose of it without further notice. The owner is responsible for all related costs.

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

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

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

Pollution Control Hearings Board (send one original and one copy) Physical address: 1111 Israel Road Tumwater, WA 98501 Mailing address: PO Box 40903 Olympia, WA 98504-0903 Phone: 360-664-9160	Port of Bellingham C/O Harbormaster 1801 Roeder Ave. Bellingham, WA 98225
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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 <http://www.eluho.wa.gov/Board/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 14, 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 the Port of Bellingham in responding to the vessel.** These costs may include all administrative costs incurred by the Port of Bellingham, 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 Port of Bellingham also may pursue any other remedies available under law. The Port of Bellingham 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>, or by contacting the Port of Bellingham.

For more information regarding this action, contact Aaron Bisson at the Port at 360-676-2542 or aaronbi@portofbellingham.com.