



NOTICE OF INTENT TO OBTAIN CUSTODY

VESSEL “WN 4565 JH”

The Deputy Harbormaster of the Tacoma Fire Department declared the documented vessel “*WN 4565 JH*”, an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). City of Tacoma intends to take temporary possession of the vessel and intends to remove it from Pt Defiance Marina, Pierce County, in order to prevent it from sinking, breaking up, blocking navigation, or posing a threat to human health and safety or the environment.

City of Tacoma Deputy Harbormaster intends to take formal and full custody of the vessel on **3/3/2023**. After taking custody, City of Tacoma 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 Pt Defiance marina and City of Tacoma back for costs incurred to date, **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 City of Tacoma has custody, or wants to challenge City of Tacoma decision to take custody, the owner must file a written appeal with the Pollution Control Hearings Board (PCHB) and serve a copy on City of Tacoma Deputy Harbormaster. Addresses are in the boxes below:

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| <p>Pollution Control Hearings Board (send one original and one copy)</p> <p>Physical address: 1111 Israel Road Tumwater, WA 98501</p> <p>Mailing address: PO Box 40903 Olympia, WA 98504-0903</p> | <p>City of Tacoma Attn: Deputy Harbormaster 901 S Fawcett Ave Tacoma, WA 98402</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 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 **4/3/2023 (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 City of Tacoma in responding to the vessel.** These costs may include all administrative costs incurred by **City 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.

City of Tacoma also may pursue any other remedies available under law. City of Tacoma 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 City of Tacoma Deputy Harbormaster. **For more information regarding this action, contact City of Tacoma's Derelict Vessel Removal Program at (253) 683-9353 or awilsie@cityoftacoma.org.**