



PO Box 1180 • Port Townsend, WA 98368

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## NOTICE OF INTENT TO OBTAIN CUSTODY

### UNNAMED SAILING VESSEL with REGISTRATION #WN-5147V

The Port of Port Townsend (Port) declared the unnamed vessel with Washington Registration #WN-5147V, a 27' Catalina fiberglass sailboat with no other means of propulsion, to be an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). The vessel was tied to the seasonal handling float at Union Wharf in Port Townsend, Jefferson County, Washington, when it sustained damage and sank during a windstorm at approximately 8:25 am on September 23, 2020. The Port took temporary possession of the vessel on September 24, 2020 and had it removed from tidelands beneath the handling float to the Port's Boat Haven Facility in Port Townsend, in order to prevent it from blocking navigation, breaking up, or posing a threat to human health and safety or the environment. The vessel is now stored at the Port's Boat Haven facility in Port Townsend.

The Port, 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 **Monday, October 26, 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 keep the vessel, before the Custody Date, the owner must:**

- Pay the Port 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 the Port has 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 are in the boxes below:

<p><b>Pollution Control Hearings Board</b> (send one original and one copy)</p> <p><b>Physical address:</b> 1111 Israel Road, Ste 301 Tumwater, WA 98501</p> <p><b>Mailing address:</b> PO Box 40903 Olympia, WA 98504-0903</p> <p><b>Phone:</b> 360-664-9160</p>	<p><b>Port of Port Townsend</b> 2701 Jefferson Street PO Box 1180 Port Townsend, WA 98368-0980</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.

For additional information about the Pollution Control Hearings Board Appeal Process, see [http://www.eluho.wa.gov/Global/Reader?title=PCHB%20Appeal%20Process&path=ProcedureAppeal\\_PCHB](http://www.eluho.wa.gov/Global/Reader?title=PCHB%20Appeal%20Process&path=ProcedureAppeal_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 **Monday, November 30, 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 Entity 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 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 Eric Toews, Deputy Director at 360-385-0656 or [eric@portofpt.com](mailto:eric@portofpt.com).**