

NOTICE OF INTENT TO OBTAIN CUSTODY

VESSEL: Realta – WN 123456
HIN # BI14801F7997

The Port of Brownsville (Port) declared the **47' Birch Wood, Realta** WA Registration No. 123456 (the "Vessel") as derelict or abandoned. The vessel is moored at Slip No. BW27 in the Port of Brownsville Marina in Bremerton, WA. The Port took temporary possession of the Vessel pursuant to RCW 79.100.040(3) on December 27, 2024 because the Vessel was in immediate danger of sinking and posed a reasonably imminent threat to human health or safety, including a threat of environmental contamination. A summary of the condition of the Vessel and pictures documenting the condition on December 27, 2024 is enclosed with this Notice as **Exhibit A**. The Port removed the Vessel from the water and is storing it on upland property owned by the Port. The Port will maintain temporary possession of the Vessel pending taking custody of the Vessel pursuant to RCW 79.100.030 and .040. The owner may contact the Port at 360-698-5498 to arrange a time to access the Vessel to retrieve any personal effects.

The Port, acting as an authorized public entity with the authority granted in RCW 79.100, intends to take custody of the Vessel on **January 11, 2025**. 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:

- Arrange for storage of the Vessel at an anchorage area, moorage facility, or storage location other than the Port, **and**
- Pay the Port the reasonable and auditable costs associated with taking temporary possession of the Vessel per RCW 79.100.060(1), including without limitation, the costs to remove the Vessel from the Water. The owner can obtain the amount of these costs by contacting the Port at 360-698-5498.

If the owner wants to reclaim the Vessel after the Port has custody, or wants to challenge the Port's decision to take temporary possession and/or 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:

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 9790 Ogle Rd NE, No. 1 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 <https://eluhw.wa.gov> 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 **February 10, 2025** (**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. You can find a copy of the law online at <http://apps.leg.wa.gov/RCW/default.aspx?cite=79.100>.

For more information, contact Robyn Dally, Port Manager, Port of Bremerton, at 360.692-5498 or Robyn@portofbrownsville.org.