NOTICE OF INTENT TO OBTAIN CUSTODY

VESSEL WN 3116 JS

The Deputy Harbormaster of the Tacoma Fire Department declared the vessel *WN 3116 JS*, an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). City of Tacoma took temporary possession of the vessel and had it removed from Foss waterway seaport, 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 intends to take formal and full custody of the vessel on **6/3/2026 (Custody Date)**. 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 City of Tacoma and Foss waterway seaport 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's decision to take custody, an appeal must be filed with the Pollution Control Hearings Board (PCHB) electronically through the Case Management System (CMS), except as identified in WAC 371-08-361 (3)(e). If a party does not have the technological capacity to file electronically through the CMS, a party may file by personal delivery, commercial delivery, fax, electronic mail, or first-class, registered, or certified mail and serve a copy on City of Tacoma. Addresses are in the boxes below:

Pollution Control Hearings Board **Physical address:** 1500 Jefferson Street S.E. Olympia, WA 98501 **Mailing address:** PO Box 40903 Olympia, WA 98504-0903 **Phone:** 360-664-9160	**City of Tacoma** **Attn: Harbormaster** 901 Fawcett Ave Tacoma, WA 98402

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 telephone number and email address.
- Identification of the agency whose decision is being appealed.
- Proof of service.
- 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://eluho.wa.gov/boards/pollution-control-hearings-board/file-appeal 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 **7/3/2026 (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 lawsuit, the successful

party may receive reasonable attorneys' fees and costs. City of Tacoma also may pursue any other remedies available under law. For example, City of Tacoma may take temporary possession of the vessel under the circumstances described in the Revised Code of Washington (RCW) 79.100.040(3). 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 Deputy Harbormaster at City of Tacoma at 253-591-5737 or awilsie@tacoma.gov.