Bainbridge Island Police Department

NOTICE OF INTENT TO OBTAIN CUSTODY

1978 Kelly Peterson 44, white in color with WA Registration #600006

The Bainbridge Island Police Department(BIPD) declared a 1978 Kelly Peterson 44, white in color, with WA registration #600006, an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). BIPD took temporary possession of the vessel and had it removed from Marine Area 10, in of Eagle Harbor, in front of 309 Shannon Dr SE BI, Kitsap County, in order to prevent it from sinking, breaking up, blocking navigation, or posing a threat to human health and safety or the environment.

BIPD intends to take formal and full custody of the vessel on **8/25/2026 (Custody Date).** After taking custody, BIPD 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 BIPD back for costs incurred to date, **and**
- Move the vessel to a moorage facility, or storage location that authorizes the vessel.

If the owner wants to reclaim the vessel after BIPD has custody, or wants to challenge BIPD'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 BIPD. 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	**Bainbridge Island Police Department** 8804 Madison Ave N Bainbridge Island, Wa 98110-2166

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 **9/25/2026 (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 BIPD in responding to the vessel.**

These costs may include all administrative costs incurred by BIPD, 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. BIPD also may pursue any other remedies available under law. For example, BIPD 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 Officer S. Bothe at BIPD at 206-842-5211 or police@bainbridgewa.gov.