

# Port Orchard Police Department (Posted February 16, 2024) NOTICE OF INTENT TO OBTAIN CUSTODY

VESSEL "Divine Intervention" with Washington Registration WN 8002 JJ

The Port Orchard Police Department declared the vessel Divine Intervention with Washington Registration WN 8002 JJ as abandoned. The vessel is described as: 36' Uniflyte currently located in the Sinclair Inlet.

The Port Orchard Police Department, acting as an authorized public entity with the authority granted in RCW 79.100, intends to take custody of the vessel on March 5, 2024. After taking custody of the vessel, The Port Orchard Police Department may use or dispose of it without further notice to the owner. Pursuant to RCW 79.100.030, the Port Orchard Police Department may store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel. The owner of an abandoned or derelict vessel is responsible for reimbursing the Port Orchard Police Department for the costs associated with removal or disposal of the owner's vessel pursuant to RCW 79.100.060.

**In order to keep the vessel, before the Custody Date, the owner must:**

- Get authorization to moor or anchor the vessel in its current location, or
- Move it to an anchorage area, moorage facility, or storage location that authorizes the vessel.
- Remove the vessel from the water.

If the owner wants to reclaim the vessel after Port Orchard Police Department has custody, or wants to challenge Port Orchard Police Department decision to take custody, the owner must file a written appeal with the Pollution Control Hearings Board (PCHB) and serve a copy on Port Orchard Police Department. Addresses are in the boxes below:

<b>Pollution Control Hearings Board</b> (send one original and one copy) <b>Physical address:</b> 1111 Israel Road, Ste. 301 Tumwater, WA 98501 <b>Mailing address:</b> PO Box 40903 Olympia, WA 98504-0903 <b>Phone:</b> 360-664-9160	<b>Port Orchard Police Department</b> 546 Bay ST Port Orchard, WA 98366
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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 <http://www.eluho.wa.gov/Global/Reader?title=PCHB%20Appeal%20Process&path=Procedure> Appeal 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 March 16, 2024 (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 Port Orchard Police Department in responding to the vessel.**

These costs may include all administrative costs incurred by Port Orchard Police Department, 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.

Port Orchard Police Department also may pursue any other remedies available under law. For example, Port Orchard Police Department 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 Sgt. Holden #716 at [tholden@portorchardwa.us](mailto:tholden@portorchardwa.us).