WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

NOTICE OF INTENT TO OBTAIN CUSTODY

VESSEL Frolic with Washington Registration # WN 355 CJ

The Washington State Department of Natural Resources (DNR) declared the vessel *Frolic*, with Washington Registration # WN 355 CJ, an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). DNR took temporary possession of the vessel and had it removed from Nisqually Reach, Thurston County, in order to prevent it from blocking navigation, or posing a threat to human health and safety or the environment.

DNR intends to take formal and full custody of the vessel on **May 2, 2016**. After taking custody, DNR 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 DNR 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 DNR has custody, or wants to challenge DNR's decision to take custody, the owner must file a written appeal with the Pollution Control Hearings Board (PCHB) and serve a copy on DNR. Addresses are in the boxes below:

Pollution Control Hearings Board (send one original and one copy) Physical address: 1111 Israel Road Tumwater, WA 98501 Mailing address: PO Box 40903 Olympia, WA 98504-0903 Phone: 360-664-9160	Washington State Department of Natural Resources Aquatic Resources Division 1111 Washington Street SE MS 47027 Olympia WA 98504-7027

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 of 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/Board/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 **June 1, 2016 (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 DNR in responding to the vessel.** These costs may include all administrative costs incurred by DNR, 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.

DNR also may pursue any other remedies available under law. DNR 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, or by contacting DNR. **For more information regarding this action, contact DNR's Derelict Vessel Removal Program at (360) 902-1574 or DVRP@dnr.wa.gov.**