



NOTICE OF INTENT TO OBTAIN CUSTODY

Tugboat 80 Feet in Length ‘El Capitan’

San Juan County declared the vessel described as being an 80-foot, 1944 US Army Tugboat named ‘El Capitan’, Documentation # 566781, an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). San Juan County took temporary possession of the vessel after it was reported by the West Sound Marina operator to be taking on water and listing on November 17, 2020. The marina operator pumped water from the fuel tank in an attempt to keep it from sinking in the marina. The operator reported to San Juan County that the owner of record previously abandoned the boat. It poses a threat to public and environmental safety and property. While in temporary possession, San Juan County will remove fuel and attempt to locate and patch the leak. If the vessel cannot be stabilized and continues to pose a threat, San Juan County may have this vessel towed/removed and hauled out on the mainland at a port to be determined.

San Juan County may take formal and full custody of the vessel on or after **December 17, 2020 (Custody Date)** for the purposes of removing and disposing of it. San Juan County will not obtain custody unless Dept of Natural Resources Derelict Vessel Program funding is available and assured to reimburse the county for all costs incurred. After taking custody, San Juan County 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 San Juan County 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 San Juan County has custody, or wants to challenge San Juan County’s decision to take custody, the owner must file a written appeal with the Pollution Control Hearings Board (PCHB) and serve a copy on San Juan County. 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	San Juan County Public Works Department 915 Spring Street PO Box 729 Friday Harbor, WA 98250
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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 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 **January 15, 2021 (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 San Juan County in responding to the vessel.** These costs may include all administrative costs incurred by San Juan County, 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.

San Juan County also may pursue any other remedies available under law. San Juan County 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 San Juan County. **For more information regarding this action, contact San Juan County’s Derelict Vessel Removal Program at (360) 370-0555 or dvprogram@sanjuanco.com.**