

NOTICE OF INTENT TO OBTAIN CUSTODY

Sailboat 47-ft in Length ‘Morning Star’ USCG Documentation No. 292814 Vessel ID 83039

San Juan County declared the sailing vessel ‘Morning Star’ documented with the U.S. Coast Guard as No. 292814 and Vessel ID 83039 as derelict or abandoned. The vessel sank in Blind Bay off of Shaw Island on or about November 6, 2022. San Juan County may take custody of the vessel on February 16, 2023 (**Custody Date**) if the WA Department of Natural Resources provides written assurance of full reimbursement of costs to be incurred by San Juan County for the vessel’s removal. After taking custody, San Juan County may use or dispose of the vessel without further notice.

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

- Reimburse San Juan County for costs it has incurred, and
- Remove the vessel from the water.

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
- Owner 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 the owner is appealing
- A statement of what the owner want the Pollution Control Hearings Board to do
- Owner’s 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.

Owner may submit the appeal immediately, but the PCHB must receive it no later than March 18, 2023 (**Appeal Date**). **Owner waive the right to a hearing if the PCHB does not receive an appeal on or before the Appeal Date. 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 lawsuit, 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 the San Juan County Derelict Vessel Program at (360) 370-0555 or dvprogram@sanjuanco.com.