

# NOTICE OF INTENT TO OBTAIN CUSTODY

## Motorized Barge WN 8995 ND 32 Feet in Length

San Juan County declared the vessel described as a 32-foot motorized barge with dock house, Registration No. WN 8995 ND, 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 on March 9, 2023 after it had been left for more than 18 months in Blind Bay off of Shaw Island. San Juan County first identified this barge as a concern in September 2021 and posted a county notice on the barge identifying concerns including expired registration, heavy growth, and rotting of the boat house exposing the interior to weather. The owner provided written assurance to the County in January 2022 that he had arranged for its removal. The owner did not remove the barge and the notice of concern was re-posted in September 2022. The barge has continued to deteriorate, the dock house is fully exposed to the weather, and the platform is rotted through and buckling. The barge is at of sinking and breaking apart potentially with fuel on board. This vessel poses a threat to public and environmental safety and property. While in its temporary possession, San Juan County will tow the vessel and haul it out at the Deer Harbor Boatworks, Orcas Island, WA.

San Juan County may take formal and full custody of the barge vessel on **April 8, 2023 (Custody Date)**. After taking custody, San Juan County may 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 a facility that authorizes the vessel for storage.

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:

<b>Pollution Control Hearings Board</b> (send one original and one copy) <b>Physical address:</b> 1111 Israel Road, Tumwater, WA 98501 <b>Mailing address:</b> PO Box 40903 Olympia, WA 98504-0903 <b>Phone:</b> 360-664-9160	<b>San Juan County Environmental Stewardship Department</b> 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 **May 8, 2023 (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 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 San Juan County's Derelict Vessel Removal Program at (360) 370-0555 or [dvprogram@sanjuanco.com](mailto:dvprogram@sanjuanco.com).**