

SSB 6777 - S AMD 126

By Senator Honeyford

NOT ADOPTED 2/18/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that there  
4 exists potential disagreement over the ownership of certain  
5 minerals located on land formerly owned by the state of Washington  
6 located on Maury Island in section 29, township 22N, range 03E, and  
7 conveyed by the state in deeds dated in 1910 and 1923. Although  
8 the fee simple ownership of these lands were clearly transferred  
9 into private hands, the conveyance instruments contained a mineral  
10 reservation whereby the ownership of the minerals located on the  
11 land remained in state ownership to be managed for the benefit of  
12 the state land trust beneficiaries. Although the conveyance  
13 instruments reserve to the state the ownership of all minerals of  
14 every kind, name, or description located in or upon the land, and  
15 although both the grantor and grantee have historically operated as  
16 though no there is no disagreement over the ownership status of the  
17 same, gravel, and rock, there has been no formal determination by  
18 the judicial system of the title to the sand, gravel, and rock  
19 resources located on these lands and whether sand, gravel, and rock  
20 resources are included in this mineral reservation.

21 (2) It is the intent of this act to fulfill the state's  
22 fiduciary duty to the state land trust beneficiaries by determining  
23 any interest it may have in the mineral resources on these lands.

24 (3)The department of natural resources shall initiate a  
25 judicial proceeding to determine the proper ownership of sand,  
26 gravel, and rock resources located on land formerly owned by the  
27 state of Washington and transferred into private ownership. This  
28 section applies to those parcels of land located on Maury Island  
29 within section 29, township 22N, range 03E and originally conveyed  
30 from state ownership by deeds recorded on or about February 18,  
31 1910, and January 26, 1923.

32 (4) Until and unless a formal and final judicial opinion finds

1 otherwise, the department of natural resources shall continue to  
2 operate, manage land, and enter into leases consistent with its  
3 historic interpretation of the land transfers in question.

4 (5) This section expires January 1, 2011."

5 Correct the title.

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**EFFECT:** Removes the prohibition on leasing aquatic lands in the Maury Island Aquatic Reserve, requires the Department of Natural Resources to initiate a judicial determination as to the ownership of the sand and gravel resources on certain Maury Island parcels, instructs the Department of Natural Resources to not change their historic land management policies while awaiting a judicial determination, and adds language suggesting that the disagreement over mineral ownership is potential and not necessarily shared by the grantor and the grantee.