

HB 3171 - H COMM AMD

By Committee on Ecology & Parks

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

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

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

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

1           (4) Until and unless a formal and final judicial opinion finds  
2 otherwise, the department of natural resources shall continue to  
3 operate, manage land, and enter into leases consistent with its  
4 historic interpretation of the land transfers in question.

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

6           Correct the title.

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.

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