
HOUSE BILL 3171

State of Washington 60th Legislature 2008 Regular Session

By Representatives Upthegrove, Williams, Rolfes, Nelson, Cody,
Dunshee, Lantz, and Simpson

Read first time 01/23/08. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to clarifying interests in certain state lands;
2 adding a new section to chapter 79.105 RCW; creating a new section; and
3 providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

1 (2) It is the intent of this act to fulfill the state's fiduciary
2 duty to the state land trust beneficiaries by preserving any interest
3 it may have in the mineral resources on these lands until the question
4 of title to such resources is determined.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.105 RCW
6 under the subchapter heading "general provisions" to read as follows:

7 (1) Until a judgment is entered by a Washington appellate court
8 that determines title to the sand, gravel, and rock resources in the
9 lands described in subsection (2) of this section, the department shall
10 not authorize any portion of the state-owned aquatic lands that
11 comprise the Maury Island aquatic reserve designated by commissioner
12 order dated November 8, 2004, for industrial uses or for transportation
13 of materials from a surface mine as defined under RCW 78.44.031, mining
14 operation, or other industrial activities, and may not authorize the
15 construction of docks or other improvements associated with these uses.

16 (2) This section applies to those parcels of land located on Maury
17 Island within section 29, township 22N, range 03E and originally
18 conveyed from state ownership by deeds recorded on or about February
19 18, 1910, and January 26, 1923.

20 (3) This section expires January 1, 2011.

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