
SUBSTITUTE SENATE BILL 6777

State of Washington

60th Legislature

2008 Regular Session

By Senate Water, Energy & Telecommunications (originally sponsored by Senators McDermott, Brown, Murray, Kohl-Welles, and Pridemore)

READ FIRST TIME 02/08/08.

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

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 formerly 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.

21 NEW SECTION. **Sec. 3.** The joint legislative audit and review
22 committee shall contract with an appropriate entity to develop a report
23 consisting of a summary of the original grant to the state and all
24 subsequent conveyances, and to review and fully analyze the conveyance
25 documents including compliance with applicable statutory requirements
26 in effect at the time of each sale, verify the chain of title, and
27 identify any flaws in complying with applicable statutory requirements
28 in the use and the reservation of mineral rights, including the title
29 to sand and gravel, with respect to lands formerly owned by the state
30 of Washington located on Maury Island in section 29, township 22N,
31 range 03E, and conveyed by the state in deeds dated in 1910 and 1923.
32 The joint legislative audit and review committee shall provide a report
33 to the appropriate committees of the legislature by January 31, 2009.

34 NEW SECTION. **Sec. 4.** This act is necessary for the immediate

1 preservation of the public peace, health, or safety, or support of the
2 state government and its existing public institutions, and takes effect
3 immediately.

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