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Senate Judiciary Committee

Re: SB 479: State Ownership Claims to Historically Filled Submerged and Submersible Lands

Thank you for the opportunity to offer testimony on SB 479, a measure relating to historically filled lands claimed by the State of Oregon, through the Oregon Department of State Lands ("DSL"). I commend the Committee's interest in this issue, and I fully support efforts to provide a clear and sensible path for resolving these difficult ownership disputes.

From my viewpoint as a former Director of DSL, and more recently as an attorney representing clients in settlement efforts with the Department, I have a somewhat unique perspective on the issue. I know the legal issues are complex, and the historical facts can be very difficult to re-create on a case-by-case basis. I also know the current framework for resolving claims in that way is extremely time-consuming, expensive, and often unsatisfactory for all parties. In recent years I have appreciated the opportunity to work cooperatively with DSL to negotiate individual settlements on behalf of various clients, but I also must question the process and underlying objectives. I am convinced there are better ways to efficiently and appropriately address both public and private interests. And I am encouraged to know that key players at this time seem to be willing to engage in further discussions toward that goal.

Although I appreciate the simple elegance of the solution proposed in SB 479, I also see the value in taking more time to seek consensus-based recommendations for addressing the many different legal and factual situations giving rise to current ownership disputes. I would welcome the opportunity to be part of such an effort.

Sincerely,



Martha O. Pagel

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