

**Prepared Statement  
of the Honorable Harry Pickernell, Sr., Chairman  
Confederated Tribes of the Chehalis Reservation**

**Subcommittee for the Indigenous Peoples of the United States**

**Legislative Hearing on H.R. 6964, “A bill to authorize the leases of up to 99 years for land held in trust for the Confederated Tribes of the Chehalis Reservation”**

**September 14, 2022**

Thank you, Chair Leger Fernández and Ranking Member Obernolte for holding this legislative hearing on H.R. 6964, a bill to authorize the leases of up to 99 years for land held in trust for the Confederated Tribes of the Chehalis Reservation.

My name is Harry Pickernell, Sr., and I am the Chairman of the Confederated Tribes of the Chehalis Reservation (the “Tribe”). I would like to thank Rep. Marilyn Strickland for introducing the bill and the seven other bipartisan co-sponsors of the Washington delegation for signing onto the bill. Senator Maria Cantwell (D-WA), together with Senator Patty Murray (D-WA), introduced the Senate companion bill (S.3773) on March 8, 2022, and the Senate Committee on Indian Affairs ordered that bill reported on May 18, 2022.

H.R. 6964 would amend the *Long-Term Leasing Act*, 25 U.S.C. § 415, which authorizes the Secretary of the Interior to approve leases of surface lands between Indian tribes and third parties. Section 415, which was enacted in 1955, authorizes the Secretary to approve leases with terms of up to 25 years with an option to renew for an additional 25 years, for a total of 50 years.

Since Section 415 was first enacted into law in 1955, many tribes have required the ability to enter into leases with terms longer than 50 years to attract outside investment to their tribal lands. Such authority has required an amendment to Section 415 to add the name of the Indian tribe to the list of what is currently 59 Indian tribes for which the Secretary may approve leases with terms of up to 99 years.

The Tribe’s economic development activities funds its government programs and helps to diversify its economic interests during trying times, such as the ongoing COVID-19 pandemic. Today, the Tribe is interested in developing American supply chain infrastructure, by making improvements to an existing assemblage of land suitable for a warehouse facility located on the Tribe’s trust land. The improvements would secure a lease of the proposed facility with an outside entity. The location of the Tribe’s land base is unique in that the Tribe’s two large assemblages of Reservation trust land are located on major transportation routes, providing a key location for a warehouse facility. One area is next to U.S. Interstate 5, and the second area is next to State Highway 12. Both areas of Reservation trust land have adjacent access to a railroad.

For this project, the Tribe has received two Letter of Intent proposals for developing the multiple warehouse facilities to serve supply chain needs between the cities of Seattle, Tacoma,

Olympia, and Portland. The Tribe expects additional proposals to be submitted to compete for selection. All these proposals would require the ability to execute leases of up to 99 years.

In 2008, the Tribe was able to successfully develop the first Great Wolf Lodge waterpark on an Indian reservation under the current 50-year leasing term limit. The financing and economic landscape in 2022, however, makes working within that 50-year term no longer viable for larger scale construction projects. To address the immediate need for these development opportunities, an amendment is needed to include “the Confederated Tribes of the Chehalis Reservation” to the list of tribes in Section 415. The Tribe hopes that the Committee can swiftly move this legislation forward so that it can be enacted by the end of this Congress.

If enacted into law, H.R. 6964 would simply authorize the Secretary to approve surface leases of land held in trust for the Tribe with terms of up to 99 years. The Secretary’s approval process under the existing regulations that govern review and approval of surface leases remains unchanged. Similarly, authorizing the Secretary to approve leases with terms of up to 99 years has no effect on gaming. Whether or not an Indian tribe may conduct gaming on a particular parcel of land is governed by the *Indian Gaming Regulatory Act*, not Section 415. The only change that would be effectuated by H.R. 6964 would be to authorize a longer lease term for the Tribe.

The path for Indian tribes to obtain the ability to have leases with 99-year terms approved by the Secretary has involved Congress adding the tribes to Section 415 on a case-by-case basis. In the modern era of self-determination, however, the Tribe believes that all tribes should have the ability to enter in 99-year leases. Because of time constraints with the Tribe’s pending projects, the Tribe asks that the Committee swiftly move H.R. 6964, as introduced, for full House consideration to ensure that these opportunities are not lost.

Going forward, however, the Committee should consider amending Section 415 to authorize all tribes to enter leases with third parties with terms of up to 99 years. This would save those tribes that need the authority to enter into 99-year leases the trouble of expending resources to secure enactment of what are truly one-off technical amendments.

The Tribe would also like to express its support for H.R. 8387, the “Parity for Tribal Law Enforcement Act,” which one of the Chehalis Tribe’s representatives, Rep. Derek Kilmer, introduced with Rep. Newhouse. The Chehalis has explored establishing a pension program for our tribal officers but quickly determined that it would be cost-prohibitive for the Tribe to undertake alone. The Chehalis Tribe is fortunate to be able to pay our law enforcement officers competitive salaries but cannot, however, compete with the pension and retirement that state and local officers receive. As such, we regularly lose tribal officers to those neighboring jurisdictions because of the benefits disparity.

I thank the Committee for allowing me to provide testimony on H.R. 6964 and look forward to answering any questions.