

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

**Senate Committee on Indian Affairs**

**Legislative Hearing on S.3773, “A bill to authorize the leases of up to 99 years for land held  
in trust for the Confederated Tribes of the Chehalis Reservation”**

**March 23, 2022**

Thank you, Chairman Schatz and Vice Chair Murkowski, for holding this legislative hearing on S.3773, 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”). Senator Maria Cantwell (D-WA), together with Senator Patty Murray (D-WA), introduced S.3773 on March 8, 2022.

The bill 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 looks forward to working with the Committee on swiftly moving this legislation forward.

If enacted into law, S.3773 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 S.3773 would be to authorize a longer lease term for the Tribe.

The Tribe notes that 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 S.3773, as introduced, for full Senate 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.

I thank the Committee for allowing me to provide testimony on S.3773 and look forward to answering any questions.

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