

Testimony of
Sherry Mowles
December 10, 2001
United States House of Representatives Resource Committee
Lease Lot Conveyance Act H.R. 706

Mr. Chairman, and honorable committee members, I would like to submit my full

statement into the hearing record. I appreciate this opportunity and thank you for inviting me to speak. My name is, Sherry Mowles, and I have spent my entire life in the Rio Grande Valley. I have my Master's Degree in Architecture from the University of New Mexico with a special emphasis on planning, park design, and historic preservation. I received an Award of Honor at the International Urban Studies and Architecture Seminar in New York City and an American Society of Landscape Architects Award for a park in Gallup, New Mexico. My husband and I own a home located on land that is leased from the government at Elephant Butte Reservoir. On November 19, 1999 the Bureau of Reclamation released the Elephant Butte and Caballo Reservoirs Resource Management Plan Draft Environmental Impact Statement (hereafter referenced as the RMP). The RMP included recommendations "that all present leaseholders be provided the opportunity to secure a lease lot through privatization...a total of 378 could remain at their present location and secure ownership of that lot through privatization. The remaining 25 could obtain ownership of a RELOCATED lot through privatization." The key word in this statement is RELOCATED. With the release of this document 25 leaseholders were left with homes no one would purchase located on land no one would pay to transfer. The majority of these families are retired, on fixed incomes, and this is their only home. The emotional and financial impact has been devastating. These families cannot afford to purchase another lot and build another home while still paying a mortgage on their existing "phased out" home. My home is one of the first, of the twenty-five, to be phased out. I have been chosen by these twenty-five families to represent them here today.

First of all, I would like to explain why lease lot holders made significant investments and built homes on land that is leased from the government; the government's role in this matter, and why we thought all lots would someday be privatized. As Mr. Ward mentioned, the lease lot program began in the 1930's to promote recreation in the area. The government's Leasehold Regulations Attachment "A", requires lessees to make significant investments within one year or risk possible termination of their lease. The agreement requires all buildings to be built to code, to be permanent structures with minimum square footage (no temporary buildings or coverings), to be landscaped, etc. The Bureau of Reclamation approved all building permits and allowed the leases to be easily renewed or transferred. See Attachment A.

Secondly, in previous legislation, specifically Lake Sumner, New Mexico, and Canyon Ferry, Montana, ALL lease lots were privatized. The Lake Sumner Transfer Title in 1991 allowed leaseholders to buy their 20,000 square foot lots. Canyon Ferry lots are being privatized and many of these lots are located directly on the water. None of the twenty-five homes within this proposal are located on the water. Congressman Skeen introduced H.R. 1232, the Reclamation Facilities Transfer Act, which afforded all the leaseholders in the Elephant Butte and Caballo Reservoir areas the opportunity to purchase the property our homes are located on. Due to a dispute over where the revenue would be allocated, the legislation did not pass. We had no reason to believe any lots would be excluded when it came to privatization.

I have read the RMP and many of the documents it referenced, which was written by an environmental engineering firm located in Utah. I attended the public hearings and presented boards diagraming inaccuracies in reference to these twenty-five lease lots. The Bureau of Reclamation has not addressed these inaccuracies.

1. These homes do not impede public access or water operations in any way. They are not located on the shore where recreation occurs. There are 200 miles of shoreline available and these lots are adjacent to .001%.
2. The RMP says that these lots are going to be needed for future recreation. These lots do not even meet the Recreational Development Criteria defined in the RMP on page 2-5. The RMP states "any ONE or more of the following resource factors made an area less suitable for development of recreational facilities." Most of the lots do not meet three out of the seven criteria.
3. The area these twenty-five lots occupy is negligible. The Bureau of Reclamation has 78,000 acres of land. The twenty-five lots comprise less than 10 acres or approximately .0015% of the total land acreage. My lot is 1/8th of an acre or 5,100 square feet.
4. The RMP states on page 3-92 that the homes in my area, Water Tank Hill, are "isolated and difficult to access. " My neighbors home is located on State Highway 51 and the rest of our homes are less than 60 ft. from the highway. They are less than two miles from Truth or Consequences, population 7,500. See Attachment B.
5. The homes at Three Sisters are all located on a paved road.
6. Cow Camp is 300 paces from the lots the RMP has recommended for privatization. This is also one area where lots would be offered for the twenty-five to relocate. Unfortunately, the house at Cow Camp cannot be moved. The Bureau of Reclamation approved a recent \$ 20,000 dollar addition to that house. See Attachment C.
7. All lots are inspected annually for compliance with state and federal environmental standards. Any necessary improvements are paid for by the leaseholders.
8. The RMP states that the homes in our area, Water Tank Hill, are "rustic cabins or removable structures." Not only are all of our homes permanent, but according to the document referenced in the RMP "Class III Cultural Resources Survey of Elephant Butte", these homes are New Mexico Cultural Resources and are possibly eligible for the National Historic Register. See Attachment D.
9. Many of these twenty-five homes were built before the lease lot program began and are an important part of the history of the area. One, recently restored, is on the State Historic Register and had been nominated for the National Historic Register. See Attachment E.
10. The RMP proposes four alternatives. In alternatives A; B and D all lease lots are treated equally. The RMP states on page 2-6 [that in] each alternative the major goals and objectives are met." Yet, they selected the only Alternative where 25 lease lots are not treated fairly.
11. Increased valuation of the lease lots is primarily due to capital investment and labor by the leaseholder. The government has not spent any money on the lease lot improvements.

The support of New Mexico for ALL lots to be privatized has been overwhelming. Last summer I met with the New Mexico Representatives offices in Washington, where they all voiced their support. We have received a letter of support from Bill Richardson. The New Mexico State Legislature supporting the privatization of ALL lease lots passed a 1999 and 2000 Memorial. We have letters of support from the Governor and Lieutenant Governor of New Mexico, and from Sierra and Socorro county officials. Many organizations support us including the Cattle Growers Association, Wool Growers Association, Coalition of Counties, and the Southwest Environmental Association. Numerous supportive articles have run in local newspapers. Our greatest support has come from Congressman Skeen, Jim Hughes, and their office, whom we are proud to have representing us here in Washington.

These families like their neighbors, all have significant financial and emotional investments at stake. We love this land; many of the families were here before anyone else was interested in the properties. Lessees often assist stranded campers and boaters, administer first aid, and give tips to visitors on good fishing and camping spots. My children and I routinely pick up any trash that is left in our surrounding area.

Privatization will not only benefit the leaseholders but the economic stability of the surrounding community, which is the second poorest county in New Mexico, and supports all lots being privatized. The increased tax base would benefit Sierra County.

Water operations and recreation are important to this area, and our homes do not interfere with these operations. The land they occupy is negligible. We ask for one thing, and that is to be provided the same opportunity as our neighbors to purchase, at fair market value the property on which the foundations of our families and homes lay. Please recommend support for H.R. 706 the Lease Lot Conveyance Act and allow these families security and serenity.

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