

Calendar No. 544

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 105-305

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

SEPTEMBER 8 (legislative day, AUGUST 8), 1998.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2039]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2039) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 2039 is to designate the El Camino Real de Tierra Adentro National Historic Trail, in New Mexico and Texas, as a component of the National Trails System.

BACKGROUND AND NEED

American Indians established routes for trade and communication long before the arrival of the pioneers. One of these trade routes later became known as the El Camino Real de Tierra Adentro (the royal road of the Interior) and for more than 300 years served as the primary route between the southwestern United States and Mexico.

El Camino Real contributed to the exploration, conquest, military occupation, colonization, and settlement of a large segment of the borderlands. The historic trail facilitated the immigration of Spanish colonials to New Mexico and other areas of what would become the United States. The colonials also fostered the spread of Catholicism, the growth of mining, and the development of an extensive network of commerce. Traders and travelers moving along the El

Camino Real promoted cultural interaction among Spaniards, Native Americans, Mexicans, and Americans, particularly in the form of music, folk tales, medicine, colloquialisms, architecture, language, and agricultural practices.

The history of El Camino Real is more than a story of famous explorers, dates, and settlements. It is a story of grit and determination. In the 17th century, caravans of wagons and livestock struggled for months to cross the desert and bring supplies along El Camino Real to missions, mining towns, and settlements in New Mexico. The route is a symbol of the commercial exchange and cultural interaction between growing nations and diverse ethnic groups that contributed to the cultural evolution of the Southwestern United States.

Congress authorized a National Historic Trail Feasibility Study for El Camino Real in 1993 (Public Law 103-144). The National Park Service completed this study in March 1997 and found that El Camino Real de Tierra Adentro met the criteria for designation as a historic trail. El Camino Real reaches from El Paso, Texas, to San Juan Pueblo, New Mexico, a distance of 404 miles. Roughly 42 miles of the route are in Texas and the remaining 362 miles are in New Mexico.

El Camino Real National Historic Trail would be administered by the Secretary of the Interior through partnerships with public agencies, nonprofit organizations, and private landowners.

LEGISLATIVE HISTORY

S. 2039 was introduced on May 6, 1998 by Senator Bingaman. Since the bill's introduction, Senator Domenici has been added as a cosponsor. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 2039 on June 18, 1998.

At its business meeting on July 29, 1998, the Committee on Energy and Natural Resources ordered S. 2039 favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on July 29, 1998, by an unanimous voice vote of a quorum present, recommends that the Senate pass S. 2039.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title, the "El Camino Real de Tierra Adentro National Historic Trail Act."

Section 2 lists the findings and purposes of the bill. The findings include: (1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros, San Gabriel, and Santa Fe; (2) the portion of El Camino Real in what is now the United States extended between El Paso, Texas, and present San Juan Pueblo, New Mexico, a distance of 404 miles; (3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland; (4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade

long before Europeans arrived; (5) in 1598, Juan de Onate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real; (6) during the Mexican National Period and part of the United States Territorial Period, El Camino Real facilitated the emigration of people to New Mexico and other areas that were to become part of the United States; (7) the exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderland was made possible by El Camino Real, the historical period of which extended from 1598 to 1882; (8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderland, promoting cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans; and (9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

Section 3 amends section 5(a) of the National Trails System Act (NTSA) (16 U.S.C. 1244 (a)) to include El Camino Real de Tierra Adentro National Historic Trail and authorizes the Secretary of the Interior to administer the trail. Section 5(a) of NTSA is also amended to designate the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively. In addition, the section states that no land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail without consent of the land owner. Section 3 also directs the Secretary of the Interior to encourage volunteer trail groups to participate in the development and maintenance of the trail and directs the Secretary to consult with other Federal, State, and local agencies, including Mexico, in administering the trail.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 17, 1998.

Hon. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2039, the El Camino Real de Tierra Adentro National Historic Trail Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

JUNE E. O'NEIL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2039—El Camino Real de Tierra Adentro National Historic Trail Act

CBO estimates that implementing this legislation would cost less than \$500,000 annually, assuming the availability of appropriated funds. The bill would not affect direct spending or receipts, so pay-as-you-go procedures would not apply. S. 2039 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

S. 2039 would amend the National Trails System Act to designate El Camino Real de Tierra Adentro (the Royal Road of the Interior) as a National Historic Trail. The segment of the El Camino Real considered for designation extends from El Paso, Texas, to San Juan Pueblo, New Mexico, a distance of 404 miles. The bill would provide for trail administration by the Department of the Interior (DOI) and would permit the department to coordinate with U.S. and Mexican public and private entities on various trail preservation and enhancement projects.

Upon enactment of the bill the National Park Service (NPS) would prepare a comprehensive management plan, which would cost about \$300,000, mostly in fiscal years 1999 and 2000. Based on information provided by the NPS, CBO estimates that DOI would incur trail administration and preservation costs of about \$50,000 in 1999, increasing to about \$300,000 annually by 2001. In total, assuming appropriation of the necessary amounts, CBO estimates that implementing S. 2039 would cost about \$200,000 in fiscal year 1999 and between \$300,000 and \$350,000 annually thereafter.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2039. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 2039, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF DESTRY JARVIS, ASSISTANT DIRECTOR, EXTERNAL AFFAIRS, THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you to present the Department of the Interior's views on S. 2039, a bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro (The Royal Road of the Interior) as a National Historic Trail. We strongly support this legislation and thank Senator Bingaman for his sponsorship.

The bill is in keeping with the findings presented in the March, 1997, National Park Service study authorized by Congress (P.L. 103-144) and entitled: "National Historic Trail Feasibility Study—Environmental Assessment, El Camino Real de Tierra Adentro, Texas—New Mexico." This study concluded that El Camino Real de Tierra Adentro met all national historic trail criteria as defined under the study provisions of the National Trails System Act (P.L. 90-543). The study was also presented to the National Park System Advisory Board and the Board concurred with its finding of national significance.

If enacted S. 2039 would add the El Camino Real de Tierra Adentro to the system of National Historic Trails. It would designate a 404-mile trail from the Rio Grande border near El Paso, Texas to San Juan Pueblo, New Mexico, and would provide for trail administration by the Secretary of the Interior. The bill would provide that no land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land. The bill would encourage volunteer trail groups to participate in the development and maintenance of the trail and to consult with affected federal, state, and tribal agencies in the administration of the trail. Lastly, the bill would allow the Secretary of the Interior to coordinate the United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and education programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.

The story of El Camino Real de Tierra Adentro bridges Spanish, Mexican, and United States Territorial periods from 1598 through 1882. It was first used by American Indians who developed trade routes long before Europeans arrived; it then served as the primary route between the Spanish colonial capital of Mexico City and the Spanish provincial capitals at San Juan de los Caballeros (1598-1600), San Gabriel (1600-1609), and Santa Fe (1610-

1821). The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderland were made possible by El Camino Real trail. It symbolizes the cultural interaction between Spaniards, other Europeans, American Indians, Mexicans, and Americans. It also facilitated the commercial and cultural exchange that made possible the development and growth of the borderlands. Indeed, while most Americans still believe that the continent was settled by Europeans moving west across a broad frontier, El Camino Real de Tierra Adentro demonstrates that far-reaching European exploration and settlement of what would become the United States occurred far earlier by way of northward penetrating frontiers. El Camino Real de Tierra Adentro would become the oldest trail currently included within the National Trails System.

The National Park Service believes that S. 2039 accurately addresses the overall national significance of the route. During the course of the feasibility study we developed strong collaborative relationships with the Bureau of Land Management, the State of New Mexico, and Mexican government and academic institutions. We jointly sponsored two binational symposia during the study period. While the entire El Camino Real extended over 1,600 miles from Mexico City, most of the route lies in Mexico today. To understand the 400 miles of El Camino Real in the U.S. requires that the broad history of the entire route be put in perspective. S. 2039 provides for collaborative programs with Mexican institutions, both public and private, that will greatly assist in fully understanding history, geography, and cultures, and will better preserve trail resources. There is every indication that Mexico would like to establish a preservation and interpretation program for its part of the El Camino Real. When this complementary program is implemented in Mexico a truly international historic trail will be created that will forge greater mutual understanding and common ground between our two nations.

One of the hallmarks of the National Trails System Act is its emphasis on partnerships and cooperation. These are vital to effect the preservation and interpretation of the El Camino Real's existing resources, be they extensive trail ruts, mission or rancho structures, or archaeological sites. The trail crosses public, private, and tribal lands. It is important that we meet the intent of the National Trails System Act by respecting private property rights so that we may develop, good, long-lasting relationships with partners and that we may foster and perpetuate a grassroots-managed trail system. It is also essential that we acknowledge the stewardship and pride of our partners, including private landowners, in their voluntary and good-faith efforts to preserve and appropriately share their part of our national heritage. The National Trails System Act, through its certification provisions and other incentives, provides

the means to successfully stimulate voluntary preservation and interpretation efforts and to afford appropriate public use of those sites or trail segments.

The opportunities for partnership along El Camino Real de Tierra Adentro are great and we look forward to extending and building on the excellent partnership we have with BLM and the State of New Mexico. The success of the trail will depend heavily on their involvement, as well as that of tribes, landowners, and other organizations and individuals.

Should this legislation be enacted, the Department of the Interior (DOI), subject to the availability of funds, would first prepare a comprehensive management plan with public input to identify the goals and objectives for trail preservation, research, interpretation, public use, trail marking, and cooperative management. The required national historic trail advisory council would be established with broad representation of those interested, including private landowners, to advise on trail planning and administration matters DOI would implement the plan by providing technical and limited financial assistance for preservation, historical research, planning and design for interpretation and development projects. DOI would also manage negotiating and certifying qualifying sites, segments, and interpretive facilities; developing and managing the official trail marker symbol and marking the route; negotiating agreements with varied partners to help achieve trail purposes including establishing agreements with Mexico to enrich our understanding of trail history, and to exchange information so as to enhance preservation and public understanding.

We appreciate the committee's interest in this legislation. That concludes my remarks Mr. Chairman and members of the committee. I would be happy to respond to any questions that you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2039, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman);

(Public Law 90-543, as amended—October 2, 1968)

SEC. 5. (a) National Scenic and National Historic Trails shall be authorized and designated only by an Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

* * * * *

[()] (18) The California National Historic Trail, a route of approximately five thousand seven hundred miles, including all routes and cutoffs, extending from Independence and Saint

Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of the "California Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment" and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the California National Historic Trail except with the consent of the owner thereof.

[()] (19) The Pony Express National Historic Trail, a route of approximately one thousand nine hundred miles, including the original route and subsequent route changes, extending from Saint Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled "California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment", and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.

[()] (20) The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Selma to Montgomery" and dated April 1993. Maps depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered in accordance with this Act, including section 7(h). The Secretary of the Interior, acting through the National Park Service, which shall be the lead federal agency, shall cooperate with other Federal, State and local authorities to preserve historic sites along the route, including (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church.

(21) *El Camino Real de Tierra Adentro.*

(A) *IN GENERAL.—El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled "United States Route: El Camino Real de Tierra Adentro," contained in the report prepared pursuant to subsection (b) entitled "National Historic Trail Feasibil-*

ity Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico," dated March 1997.

(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any Federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

(E) VOLUNTEER GROUPS CONSULTATION.—The Secretary of the Interior shall—

(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

(ii) consult with affected Federal, State, and tribal agencies in the administration of the trail.

(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.