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2d Session }

SENATE

{ REPORT
105-308

EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL ACT OF 1998

SEPTEMBER 8 (legislative day, AUGUST 31), 1998.—Ordered to be printed

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

REPORT

[To accompany S. 2276]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2276) to amend the National Trails System to designate El Camino Real de los Tejas as a National Historic Trail, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 3, line 8 strike “Loredo” and insert “Laredo”.
2. On page 3, line 24 strike “(21)” and insert “(22)”.
3. On page 4, line 13 strike “_____ 1998” and insert “July 1998”.

PURPOSE OF THE MEASURE

The purpose of S. 2276, as ordered reported, is to designate El Camino Real de los Tejas National Historic Trail in Texas and Louisiana as a component of the National Trails System.

BACKGROUND AND NEED

El Camino Real de los Tejas (El Camino Real) is a long corridor of overlapping routes connecting the Mexican cities of Saltillo, Monclova, Guerrero, and Coahuila, to San Antonio and Nacogdoches, Texas and continuing east to the vicinity of Los Adaes in Louisiana. These routes join to form El Camino Real and the immigration and trade route known as the Old San Antonio Road. El Camino Real and its variations, along with the Old San Antonio Road, contributed to the settlement and development of

the Texas frontier during the Spanish, Mexican, and Anglo American periods.

The National Trails System Act (NTSA) was enacted in 1968 as a framework for a national system of connected scenic, historic and recreational trails. National Scenic Trails are continuous protected scenic corridors for outdoor recreation. National Recreation Trails offer a variety of opportunities for outdoor recreation in or reasonably accessible to urban areas. National Historic Trails are extended trails that provide for the protection of historic routes, and historic trail remnants and artifacts. The NTSA provides for a lead Federal agency to administer each national trail in cooperation with a variety of partners.

Congress authorized a National Historic Feasibility Study, for the El Camino Real in 1993 (Public Law 103-145). The National Park Service completed this study in July, 1998 and found El Camino Real met the criteria for designation as a historic trail. The Camino Real route extends from the Rio Grande in Texas to Natchitoches, Louisiana, approximately 2,580 miles. Roughly 2,500 miles of the route are in Texas, and the remaining 80 miles are in Louisiana.

El Camino Real is nationally significant because of its use for exploration, conquest, missionary supply, settlement, cultural exchange, and military campaigns along this corridor dating back to 1689. Settlements along the El Camino Real established patterns still in evidence today and resulting in some of the oldest cities in Texas and Louisiana. Such urban areas as San Antonio, Nacogdoches, and Laredo were founded along El Camino Real, and segments of the route have become part of today's modern highways.

El Camino Real de los Tejas 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. 2276 was introduced by Senators Landrieu and Breaux on July 8, 1998 and referred to the Energy and Natural Resources Committee. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 2276 on July 23, 1998.

At its business meeting on July 29, 1998, the Committee on Energy and Natural Resources ordered S. 2276, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 29, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2276, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 2276, the Committee adopted a technical amendment, which corrected one spelling error and updated a map reference.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "El Camino Real de los Tejas National Historic Trail Act of 1998".

Section 2 lists the findings and the purposes of the bill. The findings include: (1) El Camino Real served as the primary route between Mexico City, the Spanish provincial capital of Tejas at Las Adaes, and San Antonio; (2) Mexico and the United States fought for control over lands along the evolving travel routes; (3) the future of several American Indian Nations were tied to complex cultural interactions that resulted; (4) the Old San Antonio Road was a series of routes established in the early 19th century sharing the same corridor and routes as the El Camino Real; (5) El Camino Real carried Spanish and Mexican influences northeastward, and by its successor, the Old San Antonio Road, which carried American influence westward; and (6) portions of El Camino Real extended from the Rio Grande near Eagle Pass and Laredo, Texas, and generally ran northeasterly through San Antonio, Bastrop, Nacogdoches, and San Augustine in Texas to Natchitoches, Louisiana, a distance of approximately 550 miles.

Section 3 amends Section 5(a) of the National Trails System Act to designate El Camino Real as a National Historic Trail. The trail is depicted on a map entitled "National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas", dated July, 1998. This section requires that the trail be administered by the Secretary of the Interior. In addition, it states that no land outside the exterior boundaries of any federally administered area may be acquired for the trail except with the consent of the owner. Finally, the Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of establishing an international historic trail with complementary preservation and education programs in each country.

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. 2276, the El Camino Real de los Tejas National Historic Trail Act of 1998.

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'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2276—El Camino Real de los Tejas National Historic Trail Act of 1998

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. 2276 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. 2276 would amend the National Trails System Act to designate El Camino Real de los Tejas (the Royal Road to the Tejas) as a National Historic Trail. The segment of the El Camino Real considered for designation is a combination of routes totaling 2,580 miles in length from near Laredo, Texas, to Natchitoches, Louisiana. 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 \$100,000 in 1999, increasing to about \$400,000 annually by 2001. In total, assuming appropriation of the necessary amounts, CBO estimates that implementing S. 2276 would cost about \$250,000 in fiscal year 1999 and between \$350,000 and \$450,000 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. 2276. 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. 2276, as ordered reported.

EXECUTIVE COMMUNICATIONS

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

STATEMENT BY MAUREEN FINNERTY, ASSOCIATE DIRECTOR,
PARK OPERATIONS AND EDUCATION, THE NATIONAL PARK
SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 2276, a bill to amend the National Trails System Act to designate El Camino Real de los Tejas (The Royal Road to the Tejas) as a National Historic Trail. We strongly support this legislation and thank Senator Landrieu and Senator Breaux for their sponsorship.

The bill is in keeping with the findings of the National Historic Trail Feasibility Study and Environmental Assessment, El Camino Real de los Tejas, Texas—Louisiana, completed in July 1998. The National Park Service was authorized to study both El Camino Real de los Tejas and the Old San Antonio Road by P.L. 103-145. The National Park Service study concluded that both roads met all national historic trail criteria as defined by the study provisions of the National Trails System Act (P.L. 90-543). The study was presented to the National Park System Advisory Board and the Board concurred with the findings. We believe S. 2276 accurately addresses the overall national significance of El Camino Real de los Tejas and the Old San Antonio Road.

If enacted, S. 2276 would add the Camino Real de los Tejas as a national historic trail component of the National Trails System. It would designate a series of routes, totaling approximately 2,600 miles. The designated trail would include the evolving routes of the camino real as well as its successor, the Old San Antonio Road. The trail would extend across a 550-mile-long corridor from the Rio Grande near Eagle Pass and Laredo, Texas to Natchitoches (pronounced Na-co-desh), Louisiana. The bill would provide for trail administration by the Secretary of the Interior. It 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. Finally, the bill would allow the Secretary of the Interior to coordinate activities 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. These activities include exchanging of 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 los Tejas spans the 160-year period between 1689 and 1850. During this time, international rivalries for domination of lands fronting the Gulf of Mexico were manifested through the development

of roads across the area. The European colonial powers of Spain, France, and England and later on, Mexico, the Republic of Texas, and the United States, all had stakes in this competition. The routes of El Camino Real de los Tejas and the Old San Antonio Road served as an integral part to the geo-political and cultural changes created by this competition. Also linked to these forces and cultural changes was the future welfare of several native tribes, whose prehistoric trade routes extended from Mexico to the Mississippi and served as the basis for Spanish exploration and colonization.

El Camino Real de los Tejas served as the primary route between the Spanish viceregal capital of Mexico City and the Spanish provincial capital of Tejas at Los Adaes (1721–73) and San Antonio (1773–1821). The camino real, bringing Spanish and Mexican influences northeastward, led to the exploration, conquest, colonization, settlement, migration, military occupation, religious conversion, and cultural interaction that helped shape the southern borderlands. The Old San Antonio Road brought American immigrants and influence westward to Texas during the early 19th century. This large-scale immigration led to revolt and the creation of the Texas Republic and eventually its annexation to the United States, which in turn precipitated war between the U.S. and Mexico.

While the entire route of El Camino Real de los Tejas extended over 1,600 miles from Mexico City to Los Adaes, most of the route lies in Mexico today. To understand the portions of el camino real in the United States, requires that we understand the historical context of the whole route. S. 2276 would allow for collaborative programs with Mexican institutions, both public and private, that would help in fully understanding history, geography, and cultures. It would also help to better preserve trail resources. Interest has been expressed by officials in Mexico for developing preservation and education programs along Mexico's part of El Camino Real de los Tejas. If this complementary program were implemented in Mexico, an international historic trail would be created which benefits would lead to increased mutual understanding between our nations.

Partnerships and cooperation are the keystones to the development of the National Trails System. They are essential ingredients to bringing about the preservation and interpretation of El Camino Real de los Tejas resources, from trail remnants to Spanish colonial structures and archeological sites. The trail crosses public and private lands and it is important that the intent of the National Trails System Act be met by respecting private property rights. In so doing, we will develop solid and long-lasting relationships with partners and help to stimulate and maintain a strong, grassroots-managed trail system. It is also vital that we acknowledge the pride and stewardship of all our partners, private and public, in their voluntary and good

faith efforts to preserve and appropriately share their part of our national patrimony. 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 bring about appropriate public use of those sites or trail segments.

Opportunities for partnerships along El Camino Real de los Tejas are very promising as shown by growing public interest and efforts to help commemorate it. The long-term success of the trail will depend on their continued involvement, as well as that of the States of Texas and Louisiana, landowners, and other organizations and individuals.

Should this legislation be enacted, the National Park Service, 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. The National Park Service would implement the plan by providing technical and limited financial assistance for preservation, historical research, planning and design for interpretation and development projects. It would also manage negotiating and certifying qualifying sites, trail segments, and interpretive facilities. NPS would develop and manage the official trail marker symbol and marking the route; and negotiate agreements with different trail partners. This would include establishing agreements with Mexico to enrich our understanding of trail history, and to exchange information to enhance resource preservation and public understanding.

Mr. Chairman, we recommend two technical corrections to the legislation. On page 3, line 6 strike "Loredo" insert "Laredo"; and on page 4, line 13 strike "_____ 1998" and insert "July 1998".

We appreciate the committee's interest in this legislation. That concludes my remarks and 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. 2276, 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 Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

* * * * *

[(0)] (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.

(22) *El Camino Real de los Tejas.*

(A) *IN GENERAL.—El Camino Real de los Tejas (The Royal Road to the Tejas) National Historic Trail, a combination of routes totaling 2,580 miles in length from the Rio Grande near Eagle Pass and Laredo, Texas to Natchitoches, Louisiana, and including the Old San Antonio Road, as generally depicted on the maps entitled "El Camino Real de los Tejas", contained in the report prepared pursuant to subsection (b) entitled "National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana", dated July 1998. 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 Interior. The trail shall be administered by the Secretary of the Interior. 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.*

(B) *COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in conjunction 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 and international historic trail with complementary preservation and education programs in each nation.*