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Report
SENATE

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107-203
OLD SPANISH TRAIL RECOGNITION ACT OF 2002

July 3, 2002- Ordered to be printed
Filed, under the authority of the order of the Senate of June 26, 2002
Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following
R E P O R T
[To accompany S. 1946]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1946) to amend the National Trails System Act to designate Old Spanish Trail 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 2, line 4, strike `3,500' and insert `2,700'.
2. On page 2, line 8, strike `map contained in the report prepared under subsection (b)' and insert `maps numbered 1 through 9, as contained in the report'.
3. On page 2, line 10, after `2001' insert `, including the Armijo Route, Northern Route, North Branch, and Mojave Road'.
4. On page 2, lines 11 through 14, amend paragraph (B) to read as follows:

` (B) MAP- A map generally depicting the trail shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.'.
5. On page 2, line 16, strike `Interior, acting through the Director of the National Park Service' and insert `Interior'.

PURPOSE

The purpose of S. 1946 is to amend the National Trails System Act to designate the Old Spanish Trail, running from Santa Fe, New Mexico to Los Angeles, California, as a National Historic Trail.

BACKGROUND AND NEED

The Old Spanish Trail, opened as the first viable overland trade route between Santa Fe, New Mexico and Los Angeles, California, was a major link connecting what is now New Mexico and southern California from 1829 to 1848. The route was primarily used by New Mexican traders transporting goods west for sale in Los Angeles. Emigrants from New Mexico and eastern points also moved westward over the trail. After the United States won control of the Southwest from Mexico, traders and emigrants found other routes to California. By 1849, use of the Old Spanish Trail faded.

The 2,700 mile trail begins in Santa Fe, New Mexico, and runs through the States of Colorado, Utah, Arizona, and Nevada, before ending up in Los Angeles, California. S. 1946 would designate the primary route of the trail, the Armijo Route and the North Branch, along with additional side routes.

In 1996, the National Park Service was directed to study the Old Spanish Trail (section 402 of Public Law 104-333) to determine the suitability and feasibility of designating it as a national historic trail. The study was completed in July 2001, and concluded that the trail met all national historic trail criteria.

S. 1946 designates the Old Spanish Trail for addition to the National Trails System to preserve the trail and to recognize its contribution to Western history.

LEGISLATIVE HISTORY

S. 1946 was introduced by Senators Campbell, Domenici, Bingaman, and Allard on February 14, 2002. The Subcommittee on National Parks held a hearing on S. 1946 on March 7, 2002. The Committee on Energy and Natural Resources adopted amendments to S. 1946 at its business meeting on May 15, 2002, and ordered the bill as amended favorably reported at its business meeting on June 5, 2002.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 5, 2002, by a voice vote of a quorum present, recommends that the Senate pass S. 1946, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 1946, the Committee on Energy and Natural Resources adopted five amendments. Amendment #1 corrects the bill's reference to length of the Old Spanish Trail. Amendments #2 and #3 clarify that the trail includes four distinct routes. Amendments #4 and #5 clarify that the trail is to be administered by the Secretary of the Interior, presumably through either the National Park Service or the Bureau of Land Management.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the 'Old Spanish Trail Recognition Act of 2002.'

Section 2 amends section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) by adding the Old Spanish National Historic Trail as a component of the National Trails System. Among its other provisions, this section prohibits the United States from acquiring any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in the land. The Secretary may designate additional routes to the trail if they were included in the feasibility study but were not recommended for designation and the Secretary determines that the additional routes were used for trade and commerce between 1829 and 1848.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. Congress,

Congressional Budget Office,

Washington, DC, June 28, 2002.

Hon. JEFF BINGAMAN,
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. 1946, the Old Spanish Trail Recognition Act of 2002.

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

Sincerely,

Barry B. Anderson

(For Dan L. Crippen, Director).

Enclosure.

S. 1946--Old Spanish Trail Recognition Act of 2002

S. 1946 would establish the Old Spanish National Historic Trail. The 3,500-mile trail would comprise four major routes and extend from New Mexico to California.

Assuming appropriation of the necessary amounts, CBO estimates that the National Park Service (NPS) would spend about \$400,000 over the next two or three years to complete a comprehensive management plan for the new trail. In addition, we estimate that the NPS would spend about \$500,000 annually to manage the trail beginning in 2003 or 2004. Thus, initial costs would total about \$2 million over the next four to five years.

The costs of subsequent trail development, which could occur over many years, are uncertain and cannot be determined until a management plan has been completed. Such costs include capital expenditures for visitor facilities as well as other one-time expenses for trail marking, exhibits, and interpretive materials. They vary significantly from trail to trail, depending on such factors as the length of the trail, federal ownership of land, and contributions by nonfederal entities such as nonprofit organizations and state agencies. The costs of developing the historic trail could range from under \$1 million (for signs and minimal facilities such as trailhead parking and wayside exhibits) to over \$20 million (for multiple visitor centers and multimedia interpretive programs).

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy 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. 1946. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant 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 the enactment of S. 1946.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to S. 1946 is set forth below:

U.S. Department of the Interior,

Office of the Secretary,

Washington, DC, March 11, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,

U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of Interior on S. 1946, a bill to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.

The Department thanks Senator Campbell for his continued interest and support of the Old Spanish Trail. However, we recommend that the committee defer action on S. 1946 during the remainder of the 107th Congress. To meet the Administration's Initiative to eliminate the deferred maintenance backlog, we need to continue to focus our resources on caring for existing areas in the National Park System. Administrative costs for this trail are estimated to initially be \$100,000 to \$200,000 yearly increasing up to \$750,000 or more each year once the trail is fully operational. Land acquisition costs are difficult to estimate since acquisition is subject to willing sellers and local cost comparables but typically in trails of this type little if any land is acquired. At such times as this legislation moves forward, we suggest that the bill be amended as outlined in this report.

The National Park Service was authorized to study the Old Spanish Trail by Public Law 104-333, Section 402. The final study concluded that the trail 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. The draft study released in July, 2000 included a finding that there was insufficient historical information to recommend designation as a national historic trail. During the comment period, the National Park Service continued to research trail history and consult with historians in the United States and Mexico. The designation determination was made based upon the theme of the 'Changing Role of the United States in the World Community' with specific emphasis on the topic of commerce during the period 1829 to 1848, and the impacts of legal and illegal trade upon the American Indian nations along the trail.

S. 1946 would add the Old Spanish Trail as a national historic trail component of the National Trails Systems. It would designate the primary route of the trail, the Armijo Route and the North Branch, along with some shorter variations of these routes, totaling approximately 3,500 miles. The trail begins in Santa Fe, New Mexico, and runs through the states of Colorado, Utah, Arizona, and Nevada, before ending in Los Angeles, California. The bill states that the trail would be administered by the Secretary of the Interior, through the National Park Service. As provided for in the National Trails System Act, on non-Federal lands, the trail would be established only when landowners voluntarily request certification of their sites and segments. 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 Old Spanish Trail was the first viable overland trade route between Santa Fe, New Mexico and Los Angeles, California, the two most important provincial capitals in the Southwest in the early nineteenth century. New Mexican trader Antonio Armijo blazed the trail in 1829, when he led a caravan laden with New Mexico's woolen goods to Los Angeles to trade for horses and mules that were abundant on the ranches of southern California. News of Armijo's feat encouraged other traders to attempt the dangerous overland route. In 1830, two American traders blazed a more northerly route that followed river valleys through Colorado and Utah before reuniting with Armijo's route in Nevada. Over the next two decades, annual mule caravans carried goods from New Mexico to California over these variants of the Old Spanish Trail. The caravan returned with massive herds of horses and mules that were traded in Santa Fe for Mexican silver, that traders brought up the Camino Real, or American manufactured goods brought across the plains on the Santa Fe Trail. After the United States won control of the Southwest from Mexico, traders and emigrants found other, more accommodating, routes to California. By 1849, use of the Old Spanish Trail faded.

Partnerships are essential for the preservation and interpretation of Old Spanish Trail resources, from trail remnants to archaeological sites. With continued and ever-increasing public interest to help commemorate the trail, opportunities for partnerships are very promising. Organizations, such as the Old Spanish Trail Association, expressed their eagerness to help with the trail during the study process. Long-term success of the trail would depend on continued involvement from partners, landowners, other organizations, and individuals, as well as the States of New Mexico, Colorado, Arizona, Utah, Nevada, and California.

In the future if the bill moves forward, we would recommend that S. 1946 be amended by changing 'map' to 'maps' on page 2, line 8 and 'A map' to 'The maps' on page 2 line 11. A total of nine maps are used in the Old Spanish Trail National Historic Trail Feasibility Study and Environmental Assessment to describe the location of the trail. Also, although the National Park Service completed the feasibility and suitability study, and would be pleased to administer the trail, there are many agencies involved in administering the lands that the trail passes through. For example, the Bureau of Land Management manages over 800 miles of the trail as it passes through Colorado, Utah, New Mexico, Arizona, and Nevada. We would suggest amending paragraph (C) to state that the trail

will be administered by the Secretary of the Interior by striking `acting through the Director of the National Park Service.' This will make the bill consistent with the National Trails System Act which specifies that the Secretary designate the agency to administer a trail.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Harold Craig Manson,

Assistant Secretary for Fish and

Wildlife and Parks.

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. 1946, 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):

[Struck out->] [Public Law 90-543] [<-Struck out]

AN ACT To establish a national trails system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the `National Trails System Act'.

* * * * *

SEC. 5(a) * * *

(1) * * *

(21) El Camino Real de Tierra Adentro.

* * * * *

[Struck out->] [(21)] [<-Struck out] (22) Ala Kahakai National Historic Trail.

* * * * *

(23) Old spanish national historic trail-

(A) In general- The Old Spanish National Historic Trail, an approximately 2,700 mile long trail extending from Santa Fe, New Mexico, to Los Angeles, California, that served as a major trade route between 1829 and 1949, as generally depicted on the maps numbered 1 through 9, as contained in the report entitled 'Old Spanish National Historic Trail Feasibility Study', dated July 2001, including the Armijo Route, Northern Route, North Branch, and Mojave Road.

(B) Map- A map generally depicting the trail shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(C) Administration- The trail shall be administered by the Secretary of the Interior (referred to in this paragraph as the 'Secretary').

(D) Land acquisition- The United States shall not acquire any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

(E) Consultation- The Secretary shall consult with other Federal, State, local, and tribal agencies in the administration of the trail.

(F) Additional routes- The Secretary may designate additional routes to the trail if--

(i) the additional routes were included in the Old Spanish National Historic Trail Feasibility Study, but were not recommended for designation as a national historic trail; and

(ii) the Secretary determines that the additional routes were used for trade and commerce between 1829 and 1848.

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