

**STATEMENT OF PAUL HOFFMAN, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON NATIONAL PARKS OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2052, TO DESIGNATE EL CAMINO REAL DE LOS TEJAS AS A NATIONAL HISTORIC TRAIL.**

**APRIL 27, 2004**

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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. 2052, a bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

The Department supports S. 2052 with amendments to clarify the differences between designation of the trail and certifying sites and segments to be managed as part of the trail.

S. 2052 would add the Camino Real de los Tejas as a national historic trail component of the National Trails System only on publicly owned land. Making sites and segments of the trail available for public use where the trail crosses privately owned lands would be authorized only upon the consent of the owner when the site qualifies for certification. Subject to the provisions for privately owned lands, the bill 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 Nack-a-dish*), Louisiana with trail administration provided by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area could be acquired by the United States for the trail except with the consent of the owner. S. 2052 also 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. Finally, the bill also calls for the Department to consult with appropriate state agencies including 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 National Park Service (NPS) was authorized to study both El Camino Real de los Tejas and the Old San Antonio Road by P.L. 103-145. The *National Historic Trail Feasibility Study and Environmental Assessment, El Camino Real de los Tejas, Texas – Louisiana* was completed in July 1998. The study concluded that both roads met all national historic trail criteria as defined by the study provisions of the National Trails System Act (16 U.S.C. 1244). The study was presented to the National Park System Advisory Board and the board concurred with the findings.

El Camino Real de los Tejas was the primary route between the Spanish vice-regal capital of

Mexico City and the Spanish provincial capital of Tejas at Los Adaes (*pronounced Uh-die-us*) (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 what are now the southern borderlands of the United States.

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, 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, today most of the route lies in Mexico. S. 2052 would allow for collaborative programs with Mexican institutions, both public and private, that would help in fully understanding the history, geography, and cultures of the entire route. 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, an international historic trail would be created with benefits leading to an increase in mutual understanding between our nations.

Partnerships and cooperation, keystones to the development of the National Trails System, are essential to bring about the preservation and interpretation of El Camino Real de los

Tejas resources. 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. Respecting property rights will develop solid and long-lasting relationships with partners and help 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.

With continued and even increasing public interest and efforts to help commemorate it, opportunities for partnerships along El Camino Real de los Tejas are very promising. Long-term success of the trail will depend on continued involvement from partners as well as the States of Texas and Louisiana, landowners, and other organizations and individuals. In that regard, we would strongly encourage the early creation of a nonprofit trails organization to represent the various constituencies along the trail and to enhance the public/private partnerships that make nationally designated trails successful.

Should S. 2052 be enacted, the NPS, subject to availability of funds, would 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 NPS would implement the plan by creating a trail

administration office to provide technical and limited financial assistance for preservation, historical research, planning and design for interpretation and development projects. It would also manage the negotiating and certifying of qualifying sites, trail segments, and interpretive facilities. NPS would develop and manage the official trail marker symbol, marking the route and negotiating 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. This would involve some increased operational costs, although most trails have annual funding of less than \$300,000.

We believe there is some confusion with regard to the language that seeks to assure that private property rights are protected and we recommend that this language be clarified to eliminate this confusion. When Congress adds a trail to the National Trails System Act, designation of the trail and certification of sites and segments are two separate actions. Designation of the trail involves the acknowledgment of a continuous route on a map with a beginning and an ending point. This route is consistent with the findings of the study completed for the trail.

However, the designation of this route does not mean that each piece of land that makes up the route is open and available for public use. Sites and segments are only available for public use through the certification process whereby the NPS would discuss with private landowners whether they would like the portion of the trail through their property

to be part of the designated trail. No landowner is required to have his property available for use even though a trail is designated by Congress.

Should a landowner agree to have any site or segment certified for a designated trail, the NPS Intermountain Region, which administers eight national historic trails and would be responsible for the trail designated by S. 2052, includes language in its certification agreement to protect private property rights. That language reads: “The owner retains all legal rights to the property, and nothing in this agreement is to be construed as granting any legal authority to the National Park Service over the property or any action by the owner.” Landowners retain complete rights to their lands and only participate in trail programs to the extent that they desire through the certification process. Under existing authorities, neither trail designation, nor certification gives the Federal government any control over private lands.

Some of the language proposed in this bill to protect private property rights is already found in the National Trails System Act, and we believe creates confusion between the designation and certification processes. We would be glad to work with the committee on alternative language to eliminate this confusion.

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.