

A MANAGEMENT PLAN FOR EL CAMINO REAL DE TIERRA ADENTRO ON STATE LANDS IN NEW MEXICO

A Management Plan for El Camino Real de Tierra Adentro on State Lands in New Mexico

Prepared for: The Federal Aviation Administration and
the New Mexico Spaceport Authority

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Front Cover

Artwork by Ronald Kil, from a wayside exhibit panel at El Rancho de las Golondrinas, courtesy of the National Park Service: “Traders on El Camino Real de Tierra Adentro.” The illustration depicts traders and goods moving up and down El Camino Real de Tierra Adentro as they passed by this *torreón* (defensive tower) at El Rancho de las Golondrinas, likely constructed in the eighteenth century (<https://www.nps.gov/elca/learn/historyculture/elca-trade-torreon-exhibits.htm>).

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List of Acronyms Used in This Document

APE	Area(s) of Potential Effects
BLM	Bureau of Land Management
CDRRC	Chihuahuan Desert Rangeland Research Center (affiliated with NMSU)
CMP/EIS	Comprehensive Management Plan/Environmental Impact Statement
CPRC	Cultural Properties Review Committee
DCA	Department of Cultural Affairs
ELCA	El Camino Real National Historic Trail
EMNRD	Environment, Minerals, and Natural Resources Department
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
FTDS	Federal Trail Data Standards
LA	Laboratory of Anthropology
MET	Mapping Emigrant Trails
MPDF	Multiple Property Documentation Form
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NHT	National Historic Trail
NM	New Mexico
NMARNG	New Mexico Army National Guard
NMCRIS	New Mexico Cultural Resources Information System
NMDOT	New Mexico Department of Transportation
NMSA	New Mexico Spaceport Authority*
NMSHPO-HPD	New Mexico State Historic Preservation Office-Historic Preservation Division
NMSLO	New Mexico State Land Office
NMSU	New Mexico State University
NPS	National Park Service
NRHP	National Register of Historic Places
NTIR	National Trails Intermountain Region
NTSA	National Trails System Act
OCTA	Oregon-California Trails Association
OST	Old Spanish Trail
SRCP	State Register of Cultural Properties
S	State
SP	State Park
TRD	Department of Taxation and Revenue
US	United States
USFWS	United States Fish and Wildlife Service
USC	United States Code
USDA	United States Department of Agriculture
VRM	Visual Resource Management

*The acronym “NMSA” also refers, in a very limited number of instances, to “New Mexico Statutes Annotated,” a term that accompanies citations of statutes in New Mexico. It is presumed that the reader will be able to determine which usage is intended by the context in which it appears.

A Management Plan for El Camino Real de Tierra Adentro on State Lands in New Mexico

“Trails can be found in virtually every part of this vast, strange, mercurial, partly tamed, but still shockingly wild world of ours. Throughout the history of life on Earth, we have created pathways to guide our journeys, transmit messages, refine complexity, and preserve wisdom. At the same time, trails have shaped our bodies, sculpted our landscapes, and transformed our cultures. In the maze of the modern world, the wisdom of trails is as essential as ever, and with the growth of ever-more labyrinthine technological networks, it will only become more so. To deftly navigate this world, we will need to understand how we make trails, and how trails make us.” (Moor 2016:27).

Introduction and Statement of Purpose

In the pages that follow, a comprehensive and aspirational planning tool for the management of trail traces and associated resources affiliated with El Camino Real de Tierra Adentro on lands owned and/or administered by the State of New Mexico is presented. The plan has been created by the New Mexico Spaceport Authority (NMSA) in order to fulfill one of a suite of measures called for in the *Mitigation Plan for El Camino Real de Tierra Adentro Spaceport America 2010* (El Camino Mitigation Plan) and intended to resolve adverse effects to El Camino Real de Tierra Adentro that have occurred or will occur as a result of the construction and operation of the Spaceport (FAA and NMSA 2010a). Per Stipulation V.b of the Programmatic Agreement (PA) created to guide consultation and mitigation conducted per Section 106 of the National Historic Preservation Act (NHPA) for the Spaceport undertaking, the mitigation plan for El Camino Real de Tierra Adentro tiers off the information described in the Cultural Resources Protection, Preservation, and Mitigation Plan (CRPPMP [FAA and NMSA 2010b]), which outlines an integrated approach to mitigation that focuses on the historical context of the area, research themes that can be reasonably addressed, data recovery, and other measures appropriate to mitigate adverse effects.

During the Section 106 consultation conducted for the Spaceport undertaking, the Federal Aviation Administration (FAA)—in consultation with the New Mexico State Historic Preservation Office (NMSHPO), land managing agencies, Native American Tribes, and other consulting parties—defined two “Areas of Potential Effects,” or APEs, described in more detail below (Section 106 PA 2008). Portions of El Camino Real de Tierra Adentro lie within both of the APEs as identified.

The overarching goals of all of the mitigation measures crafted for El Camino Real de Tierra Adentro, and explained in more detail in the mitigation plan, include the following:

- to compile additional information about the properties and function of El Camino Real de Tierra Adentro and associated resources, using integrated approaches;
- to increase public awareness and appreciation of El Camino Real de Tierra Adentro; and
- to foster protection of both the physical characteristics and the setting of El Camino Real de Tierra Adentro.

Specific goals for the management plan are stated as follows: identify trail resources within the state, describe current management of these resources, propose management goals, objectives,

and actions to preserve and protect resources and enhance public access, and lay the foundation for a management approach that focuses on state holdings while identifying opportunities for coordinating management across administrative boundaries. The elements of the plan are listed below.

Elements of the State Management Plan for El Camino Real de Tierra Adentro:

- Identification of all state-managed Trail segments and a description of their management type and current condition, including such elements as integrity and value, specification of the high-potential segments, National Register segments, etc. (this element will involve field visits to Trail segments on State land, but will not be presumed to encompass full archaeological recordation and survey for every Trail segment on State land, activities that may be the purview of a number of state agencies and which may require further financial support);
- Identification of managers/owners of other sections of the Trail, with subsequent information meetings with the managers/owners to discuss common preservation, protection, interpretation goals;
- Identification of goals and objectives for management, resource protection, and visitor experience;
- Identification of opportunities as well as challenges for preserving, protecting, and enhancing the experience of the Trail on State lands;
- Recommendations for strategies for inventory and analyses of Trail segments (including appropriate recording strategies) as well as mitigation for threatened segments;
- Identification of appropriate strategies for management of associated archaeological/historic sites; and
- Definition of the State's mission with respect to management of the Trail, and exploration of how to proactively work with other agencies to manage their segments.

As a National Historic Trail, El Camino Real de Tierra Adentro is co-administered by the National Park Service (NPS) and the Bureau of Land Management (BLM), as described in more detail in Chapter 3. Stipulation VIII.c of the Section 106 PA states that NMSA shall coordinate with the New Mexico State Land Office (NMSLO) and the New Mexico Department of Cultural Affairs (DCA) regarding their initiative to develop a management plan for portions of El Camino Real de Tierra Adentro on state land, in consultation with the Trail Administration staff, and other agencies that manage lands crossed by the trail. Accordingly, review and comment by these agencies will be sought for the management plan as proposed. While the NMSA cannot guarantee the acceptance and utilization of the plan by all parties concerned, the goal of this effort has been to create a document that will proactively support Trail preservation and management efforts, and that can be adopted by state and other governmental agencies, at their discretion.

El Camino Real de Tierra Adentro: Terminology and Nomenclature

As discussed in more detail in the historic context provided in Chapter 2 of this plan, El Camino Real de Tierra Adentro signifies “the Royal Road of the Interior Land (or lands)” and has become the identifying label for a network of roads and traces that ultimately connected Mexico City to Santa Fe, New Mexico in Spanish colonial times, one of the great historic trails of North America. While it is true that some of the roadways that comprise segments of the route in what is today the country of Mexico were formally engineered as roads relatively early in their use-life, the portions of

the route in what the Spanish colonial government thought of as the northern *despoblado* (that is, an “empty” or “deserted” place) generally were defined only by centuries of use rather than by engineers or route planners, and for the most part, they were not significantly “improved” until they began to be used by motorized vehicles.

Likewise, it has not been confirmed that the Spanish governing officials actually used the term “El Camino Real de Tierra Adentro,” other than as a casual reference. *Caminos reales* (“royal roads”) in colonial New Spain functioned as routes that facilitated the passage of commercial traffic, and as such, provided opportunities for royal taxation, which would certainly have been of interest to the Spanish kings. In modern parlance, the qualifier “de tierra adentro” serves to distinguish the interior route from other historic *caminos reales* initiated by the Spanish. “El Camino Real de los Tejas,” also a National Historic Trail, preserves a route that connected Monterey, Mexico, and crossed through Texas to Robeline, Louisiana (near Natchitoches), facilitating the settlement of Texas. “El Camino Real” or “the King’s Highway”—located in what the Spanish referred to as “Alta California and also known as the “California Mission Trail”—connects historic missions, presidios, and settlements from the Misión San Diego de Alcalá in San Diego to the Misión San Francisco de Solano in Sonoma.

It is thus necessary to clarify which *camino real* is being referenced; the terms “El Camino Real” or “Camino Real” lack sufficient specificity in a document that may be widely circulated, while employing the full title in every instance that it is mentioned may be viewed as excessive. For these reasons, in this document the NPS acronym “ELCA” will be employed as the preferred abbreviation, as it is a unique identifier for this trail in the United States. In instances where the National Historic Trail is specified, the reference “Trail” will also be used.



Figure 1.1. Looking south over a nineteenth-century alignment of El Camino Real de Tierra Adentro National Historic Trail from the top of the escarpment at La Bajada, in Santa Fe County, New Mexico. This is one of the locations where members of the public can see and hike on and near the Trail.

Organization of the Management Plan

In order to determine how to appropriately manage a resource, it is necessary to define and specify what it is that is subject to management. Accordingly, Chapter 2 provides a historic context for ELCA and presents a comprehensive analysis of what we know about locations and land statuses of Trail routes and associated resources in New Mexico, with an emphasis on state lands in New Mexico. Chapter 3 follows with a discussion of existing trail management guidance provided by national trails legislation, agency trail management documents, federal trails data standards, and other organizations involved in trail preservation and use. Opportunities and challenges for historic trail protection, preservation, and use are presented in Chapter 4. Copies of the legislation that brought the Trail into the National Trails System are provided in Appendices A and B, along with information about site certification (explained in more detail in Chapter 4) and detailed information regarding the status of information about ELCA in New Mexico.

Chapter 2: El Camino Real de Tierra Adentro

2-A. Historic Context: Significance of El Camino Real de Tierra Adentro and Status of Information about the Trail in New Mexico

In August of 1598, the main body of an expeditionary force led by *adelantado* Don Juan de Oñate arrived at Ohkay Owingeh (San Juan Pueblo) in what would become New Mexico, a short distance north of the location that would later be formalized as the royal capital of “la Villa Real de la Santa Fe de San Francisco de Asís,” or Santa Fe (Hammond and Rey 1953:17). Oñate’s expedition followed a number of other attempts to extend Spain’s reach to the far north, but it differed in two important aspects: he sought and successfully used some risky short-cuts—including the storied route across the Jornada del Muerto—and he was accompanied by a large number of colonists, who came prepared to stay. The *adelantado* established the first Spanish colony in New Mexico at the Pueblo, which was given the Spanish name “San Juan de los Caballeros¹.” Oñate’s journey inaugurated the first official route between Mexico City and Santa Fe, which became known as the Royal Road of the Interior Land, or *El Camino Real de Tierra Adentro*. The route was used for many years by Spanish, Mexican, and later American travelers, as the swiftest method of transport traveling north-south between the capitals of Mexico City and Santa Fe, or points in between. Throughout the centuries military troops, missionaries, adventurers, colonists, raiders, traders, entrepreneurs, and visionaries arrived in and departed from the northern *despoblado* of New Spain via ELCA. The trail’s significance to the historic trajectories of “New” and “Old” Mexico as well as to the United States is immense.

The extent of ELCA in time and space—as well as its significance to the history of the Spanish Borderlands—encompasses a long history of human occupation and use of the region, and transcends current international boundaries (Figure 2.1). Although definition of specific prehistoric travel routes through the landscapes spanned by the trail has remained elusive, trade and exchange within and between Precolumbian cultures that flourished in Mesoamerica and the Greater Southwest is well-documented, and is likely to have incorporated at least portions of the route. Sixteenth-century travelers who preceded Juan de Oñate also played a role in developing ELCA, although the route did not reach its full historical length until his expedition in 1598 (Merlan et al. 2010a). And following the end of Spanish rule in 1821, Mexican and American government officials, soldiers, traders, settlers, and other travelers continued to use portions of the route that had been blazed by Oñate. Study and protection of the Trail offers a unique opportunity to preserve and learn from a distinctive cultural resource of unquestioned significance to the history of the Americas.

¹ Later, the Spanish built a church and constructed a more formalized settlement at San Gabriel del Yunque, also associated with San Juan Pueblo.



Figure 2.1. Map illustrating the entire route of El Camino Real de Tierra Adentro, beginning in Mexico City and ending at Ohkay Owingeh/San Juan Pueblo in the United States.

History of El Camino Real de Tierra Adentro

Routes and trails used by ancient Native Americans had linked cultures that made their homes in the arid landscapes of the Greater Southwest with peoples in the fertile settlements of Mesoamerica for centuries before the arrival of the Spanish. Precolumbian trade in preciosities such as copper bells, sea shells, and turquoise—as well as transmission of cultigens and iconography—is well-substantiated by archaeological investigations conducted at sites in both regions. European colonization introduced new economic and administrative needs as well as herd animals and methods of conveyance, thus an efficient north–south transportation corridor in the sixteenth century needed to accommodate not only more frequent and larger groups of people than likely participants in Precolumbian travel, but also their *carretas* (carts or wagons), beasts of burden, and livestock. The route across the parched terrain of the Jornada del Muerto avoided an even more difficult pathway along the adjacent stretch of the Rio Grande that proved impassable for draft vehicles and the animals that pulled them, and once the trail crossing the Jornada del Muerto became reliable it was formalized as part of El Camino Real de Tierra Adentro. Further north, a similarly unnavigable stretch of ELCA along the river near Cochiti Pueblo necessitated a diversion to the east, through what the Spanish would designate as “Las Bocas” (“the mouths”) of the canyon drained by the Santa Fe River.

The history of the northern portion of ELCA in the United States can be divided into four phases: the exploration and initial colonization phase (AD 1540–1692), the post-Reconquest Spanish Colonial phase (AD 1692–1821), and then the Mexican (AD 1821–1848) and the American phases (AD 1848–World War II). The Trail was New Mexico’s primary connection to European civilization (via Spanish-controlled Mexico) until the nineteenth century, functioning as a catalyst for settlement, trade, religious and cultural exchange. The route continued to be utilized steadily until the establishment of railroads in New Mexico superseded its importance as a transportation corridor, although some motorized vehicle traffic used ELCA in the early years of the twentieth century (and indeed, some portions of the Trail have been incorporated into modern roads and highways that traverse the region).

Table 2.1. Historical Phases of El Camino Real de Tierra Adentro, Northern Portion.

PERIOD	PHASE/APPROXIMATE DATE	
Historic	A.D. 1540-present	
	Spanish Exploration and Colonization	A.D. 1540-1692
	Spanish Colonial	A.D. 1692-1821
	Mexican	A.D. 1821-1848
	American	A.D. 1848-WW II era

Prior to colonization, Spanish expeditions moved into and through New Mexico along multiple routes. The Spanish *entrada* into what would become known as the American Southwest officially commenced in 1540 with the famed Coronado expedition, although Coronado’s soldiers did not enter what would become New Mexico Territory by way of the southern Rio Grande Valley. The Rodríguez-Chamuscado (1581), Espejo-Beltrán (1582), Castaño de Sosa (1590), and Leyva de Bonilla (1595) expeditions traveled into the northern *despoblado* during the next few decades, generally staying close to the river valleys of the Rio Grande and the Pecos as they were not accompanied by *carretas* and large draft/herd animals. That changed in 1598, when Don Juan de Oñate’s expeditionary force departed from El Paso headed north. Oñate’s journey established a

successful (if challenging) route between Mexico City and Ohkay Owingeh/San Juan Pueblo, incorporating by necessity a short-cut across the Jornada del Muerto that facilitated the passage of the wagons and herd animals that accompanied the colonists. This historic passage laid down the first traces of what would become El Camino Real de Tierra Adentro in New Mexico.

Resupply caravans followed the colonists (and missionaries) at intervals of about every three years during the seventeenth century (Scholes 1930). Goods were transported by mule and oxcart, and generally consisted of manufactured and luxury merchandise. Items sent south included painted buffalo hides, antelope skins, candles, *piñones* (nuts), woolen dress fabric and various items of clothing, and *mantas* (lengths of coarse cotton fabric used for skirts, shawls, sheets, etc. [Moorhead 1958]). The five- to six-month journeys included the comings and goings of new cohorts of Franciscan missionaries and the arrivals and departures (occasionally in chains) of governors. As the trail became formalized, resting places or *parajes* were established along the route. These were strategically located in terms of terrain, forage, water, and the nature of the route ahead, but both trail and *paraje* locations were not always in the same place from year to year and decade to decade. Washouts, droughts, and forage needs encouraged readjustment and movement of both trail segments and *parajes*.

Events along the trail occasionally were recorded in place names, as in the case of Bernard Gruber, a German who reportedly died along the Jornada del Muerto segment of the trail in 1670 while fleeing the wrath of the Spanish Inquisition (Sanchez and Erickson 2011:21-24; 203-204). It is believed that his gravesite was marked with a cross and was referred to as *La Cruz del Alemán* (Wisli-zenus 1848). The specific location of the cross is lost to history, but it apparently was at least roughly coincident with a seep spring outflow that provided many Jornada travelers with water near the midpoint of their journey across the desert basin². This association ultimately led to the establishment of the storied *Paraje del Alemán*, literally, “the stopping place (or campsite) of the German” (Marshall 2014; Sanchez and Erickson 2011). It is traditionally believed that the name “Jornada del Muerto” (“Journey of the Dead Man”) came into being as a reflection of the experience of the unfortunate Mr. Gruber, but the Spanish may have used that referent even earlier (FAA and NMSA 2010; Julyan 1996:180; Moorhead 1995). A number of scholars have asserted that the location known as the *Paraje del Alemán* was also referred to as “Las Peñuelas” by a number of Jornada travelers in the eighteenth century, although agreement is not universal on this point (see, for example, NPS and BLM 2004 and Marshall 2014; also see Julyan 1996:199). Ultimately, however, the reference to “the German” won out, and the name “Aleman³” was assigned to a ranch, a stage stop, a railroad siding, and a post office, all in the vicinity of the seep spring. Other *parajes* on the Trail through the Jornada del Muerto are believed to have been located at Point of Rocks (LA [Laboratory of Anthropology No.] 80061 and 80062), Perillo[sic]/*Los Charcos del Perrillo* (LA 80050), and Yost Draw (LA 80053).

Conflict and animosity between Spanish administrators and the Franciscan missionaries over control of the Pueblo communities surfaced in the early years of the new colony and burgeoned during the seventeenth century. The Pueblos were subjected to religious persecution, taxation, and the *repartimiento* system of forced labor on Spanish-owned farms and ranches. These abuses—

² The probable location of the seep spring at Aleman was indicated during archaeological fieldwork and background research conducted for the Spaceport America undertaking, and later confirmed during a paleohydrology study conducted for the NMSA by a team from New Mexico Institute of Mining and Technology/New Mexico Bureau of Geology and Mineral Resources (Newton et al. 2015).

³ The current, common spelling of the location referred to does not employ the Spanish-accented “á.”

combined with the devastation wrought by foreign disease, drought, and famine—resulted in the Pueblo Revolt of 1680. In a coordinated uprising beginning on August 10, 1680, Pueblo warriors and their allies throughout the northern reaches of the Spanish colony killed 21 priests and 400 Spanish settlers. To escape further reprisals by the angry natives, New Mexico Governor Antonio de Otermín and approximately 2,000 survivors—including settlers, slaves, and allies—fled more than 300 miles down ELCA to El Paso del Norte (present-day Ciudad Juárez, Mexico) ending the initial Spanish colonial phase of New Mexico. Two years later Otermín’s attempt to recapture the province and his subsequent retreat also followed ELCA. Diego de Vargas began the “reconquest” of New Mexico in 1692, commencing what is described here as the Spanish Colonial phase of occupation, and by 1696 the northern province was back under Spanish control. During the eighteenth century, the Spanish and Pueblo peoples found a common cause to unite them. The desire for horses, sheep, and food incited increased raiding by the Apache, Navajo, Comanche, and Ute on horseback, and in response, the Spanish established a number of *presidios* (fortified military settlements) along the route. In spite of the pressure from nomadic raiders, however, the settlement and economy of New Mexico grew steadily over the course of the century.

Along with the rest of New Mexico, the region that would become “the American Southwest” was governed by the Spanish until 1821, when Mexico assumed control. The newly fledged Mexican republic was quickly overwhelmed by a variety of serious issues on other fronts, not the least of which was protracted intervention in Mexican internal affairs by the United States and various European countries. In New Mexico and other backwater locations distant from the centers of power, the “Mexican Period” or phase has often been characterized as a relatively lawless cultural interregnum, during which many of the old sources of influence and interference—from the religious guidance of the Catholic Church to military protection from mounted raiders—were provided only sporadically at best. This period of weak control from Mexico coincided with American geographic expansion. The initial interactions were economic, with the opening of the Santa Fe Trail in 1821 and commerce with the eastern United States that increased through the 1820s to 1840s. American manufactured goods turned Santa Fe from the impoverished terminal outpost of a single supply chain from Mexico to a bustling middle point of two chains, with the trans-shipment of American goods down ELCA to Chihuahua (Boyle 1994; Connor and Skaggs 1977). But Mexican fears that the growing American economic influence would become imperialistic were justified with the onset of what the United States referred to as the “Mexican War” in 1846. When the Treaty of Guadalupe Hidalgo concluded the Mexican War in 1848 the New Mexico Territory of the United States of America was formed, a fledgling geopolitical entity that would not achieve statehood until 1912⁴.

The new American administrators were obliged to take on the work of defending travelers along ELCA and communities along the Rio Grande from the raiders, a task that had confounded Spanish and Mexican military authorities from the onset of the historic period. The Americans established several forts in key locations along the Rio Grande, including Fort Bliss, Fort Craig, Fort Fillmore, Fort McRae, and Fort Thorn. Military surveillance helped to bring a measure of stability to the region. By 1855, when Fort Stanton was established on the Rio Bonito, a treaty was negotiated with the Mescalero Apache.

The commencement of a more peaceful era encouraged settlement. By 1867, California Column veteran John (“Jack”) Martin had managed the excavation of a well and set up a ranch in

⁴ Somewhat later, the Gadsden Purchase of 1853 added additional land to New Mexico and Arizona.

the central portion of the Jornada del Muerto, in a location believed to be close to the place where the unfortunate *alemán* Bernard Gruber had expired in 1670⁵. Offering the only location with permanent water for miles, the ranch flourished and had a military presence in the early years of the American Phase, particularly during the campaign by the US Army to capture the Eastern Chiricahua Apache leader Victorio (Quaranta and Gibbs 2008:58-59; Vaughan et al. 2014:145-46). Later, telegraph service, a post office, and a stagecoach route came to the area, and in the 1880s, the railroad arrived. In the mid-1880s, the Aleman Ranch was absorbed by the Bar Cross, which continues to function as a working ranch managed by a family with a long history on the Jornada. A small encampment created in 1937 by the Civilization Conservation Corps (CCC) in 1937 as a side camp for the Cuchillo Division of Grazing left its traces on the Bar Cross in the form of historic features recorded as part of LA 8871⁶.

Today, the Aleman/Bar Cross/Cain Ranch Complex lies at the entrance to the Spaceport America campus. Although the owners continue manage the property as part of a working cattle operation, the tranquil appearance of the ranch buildings and the surrounding acreage belie the roles played by the historic occupants and their predecessors, along with ELCA travelers, in some of the major currents of history that shaped the American West. Along the route of the Trail in New Mexico (and perhaps the United States) the ranch is unique: it represents a secular historic property that came into being because of ELCA that is still in use in its original location, for its original purpose. There are, of course a number of churches along the route that remain in service, as well as some impressive and well-preserved historic structures; for the most part, however, the “built environment” constructions associated with ELCA that have survived and are being maintained have become museums. Of these, one of the premier examples would be El Rancho de las Golondrinas.

Strategically located on the southern approach to Santa Fe, El Rancho de las Golondrinas (“the Ranch of the Swallows”) served as an important *paraje* for Trail travelers, while also producing some of the merchandise traded along ELCA (El Rancho 2018). Currently encompassing about 200 acres, the *rancho* has become a living history museum celebrating the lifeways of the Spanish colonial phase in New Mexico. The ranch property was purchased by Leonora Curtin and her mother in 1932, and in the succeeding years, Curtin and her husband transformed it into a living history museum which opened its doors in 1972. Trail swales, an *acequia* system, and other original buildings on the site date from the early 1700s.

National Historic Trail Status for El Camino Real

“El Camino Real de Tierra Adentro National Historic Trail” was added to the National Trails System on October 13, 2000 in recognition of its status as the primary route between the colonial Spanish capital of Mexico City and the northernmost Spanish provincial capitals in what would become New Mexico (NPS and BLM 2004). These were San Juan de los Caballeros (1598-

⁵ Accounts about the date and excavation of the well vary. Some versions attest that Martin excavated the well near the old Alemán Paraje in 1867 or 1868, but an account by one of Martin’s heirs describes the well as excavated in 1860 by hard-rock miners who used explosives to tap the water (Vaughan et al. 2014:135-139).

⁶ The Aleman/Bar Cross/Cain Ranch Complex is one of the historic properties in the Physical APE identified for the Spaceport America undertaking. Detailed information about the history of the ranch can be found in Vaughan et al. 2014; also see the discussion in Quaranta and Gibbs 2008.

1600); San Gabriel del Yunque (1600-1609); and then “la Villa Real de la Santa Fe de San Francisco de Asís,” or Santa Fe, (1610-1821). The congressional addition of El Camino Real de Tierra Adentro NHT (National Historic Trail) to the National Trails System in 2000 recognized the entire length of the trail in the United States as a significant historic resource, regardless of land ownership.

The portion of the historic route recognized and administered as the NHT in the US extends 404 miles from the El Paso, Texas, area to Ohkay Owingeh/ San Juan Pueblo, New Mexico, and is jointly administered by the BLM and the NPS, regardless of surface management/ownership status. More than a thousand miles of the oldest wagon road in North America continue into Mexico, passing through the old silver capitals of Zacatecas, Guanajuato, and Querétaro to Mexico City. El Camino Real de Tierra Adentro in Mexico has been inscribed as a serial nomination as of 2010 on the UNESCO World Heritage List (criteria ii and iv), and in February of 2012, formal notification was received that eleven segments of ELCA in New Mexico had been listed on the NRHP⁷. The period of significance defined for the listing encompasses two hundred and eighty-three years (1598-1881), from the entry of the Oñate expedition in 1598 to the coming of the railroad in 1881 (Merlan et al. 2010a). The time frame thus bracketed encompasses the years during which the Trail served as a major international transportation corridor, the vital link between the settlements in the northernmost province of Spain, the silver cities in the south, and the viceregal capital of Mexico City (and, some would add, the nearest port at Veracruz).⁸

Status of Knowledge about El Camino Real de Tierra Adentro: Previous Investigations

El Camino Real de Tierra Adentro, a linear feature that crosses more than 1,500 miles passing through two different countries, poses both challenges and opportunities for researchers. The Trail links a variety of landscapes, historic trajectories, personal histories, and multitudinous aspects of human activity and interaction that transpired over the course of hundreds of years. Selecting appropriate nomenclature has, itself, posed a challenge, as noted in the Multiple Property Documentation Form (MPDF) prepared for the recent National Register listing:

“There were various *caminos reales* in Spanish America. The term ‘camino real’ means literally a royal road, but these roads were neither authorized by the king nor laid out by government officials. They were trails defined and developed over time for the use of colonists, merchants, ecclesiastics, government officials, and visitors [Jones 1999:342]. They served as primary routes for transportation, communication, and colonization.” (Merlan et al. 2010a:3).

The concept of *caminos reales* could apparently also be extended to include maritime routes, as well as Precolumbian trails that continued to be used after the arrival of the Spanish⁹ (Merlan et al. 2010a:4). The authors of the National Register MPDF note that while the name “Camino Real de Tierra Adentro” is commonly used in the modern literature of the road, the qualifying phrase “de tierra adentro” would not have been likely to have been used in New Mexico (Merlan et al. 2010a:3).

⁷ According to the NMSHPO-HPD, the actual listing date is April 8, 2011, but the formal *Federal Register* notice apparently was not published until February of 2012.

⁸ Local usage of ELCA as a route continued into the twentieth century, and portions of it are still in use today.

⁹ In the personal experience of one of the authors of this plan, “old” or historic roads in Mexico are routinely referred to as *caminos reales* by local residents.

The source cited for this qualifier in the MPDF (and elsewhere) is the distinguished nineteenth-century traveler and renowned geographer Alexander von Humboldt, who described four principal roads or *caminos* that were most vital and “más frecuentados” as commercial routes to and from Mexico City in the era, including *el camino de tierra adentro*, the road from Mexico City north to Durango and Santa Fe (Humboldt 1996:462, cited in Merlan et al. 2010a). This nomenclature is thought to have served as a common name in colonial Mexico to refer to the far north, rather than as an official reference. Another referent has been noted as occasionally used in historic New Mexican documents, to refer to any place beyond New Spain’s northernmost frontier: *tierra afuera*, literally, “outside land,” or lands (David Snow, personal communication, cited in Merlan et al. 2010a:3-4).

Mike Marshall credits Cleve Hallenbeck and Max Moorhead with initiating formal scholarship of ELCA, at least on this side of the international border, in the 1950s, although the study published by France V. Scholes predates their work by two decades (Marshall 1991:1; Scholes 1930). Hallenbeck writes about ELCA within the larger context of the Spanish conquest of North America (1950). Moorhead’s landmark study focuses on documentation and exploration of commerce and related activities along the northern portion of the route, which he refers to primarily as the “Chihuahua Trail,” ... “the link between the mining frontier of Nueva Vizcaya and the mission frontier of Nuevo México—the very life line of the missions, garrisons, ranches, and towns of the latter province during the two and one-half centuries of its occupation by Spain.” (1995:7). Studies of ELCA and associated resources on the Mexican side of the border—which encompasses more than two-thirds of the historic route, including some sections of formally engineered road—have followed a different orientation, with a focus on the historic trajectory and economic importance of silver mining in the northern marches of viceregal New Spain (Lopez Morales 2010).

Interest in protection and investigation of ELCA has burgeoned in the last several decades, resulting in a multitude of field and archival investigations, as well as the major heritage preservation efforts underwritten by the federal governments of the U.S. and Mexico, as described above. The flowering of ELCA-related research has resulted in a diverse array of scholarly publications, field studies, journals, and anecdotal information (see, for example, Palmer 1993, and Palmer and Fosberg 1999). Some aspects of life along the historic trail have been thoroughly researched and documented, while others (including actual locations of trail traces and associated resources, such as archaeological sites and springs) remain to be investigated. In the current era, prospective researchers must confront a bewildering array of information in English and Spanish, presented in diverse formats that vary widely with respect to accuracy and availability.

In New Mexico, investigations of Trail segments and resources associated with ELCA include research studies and identification efforts for Trail loci throughout the state, as well as background investigations conducted in order to create management documents and State and National Register nominations.

Statewide Investigations of ELCA in New Mexico

An innovative study of ELCA conducted from 1988 to 1990 by Mike Marshall resulted in the identification of sixteen road segment study areas, from Galisteo and La Bajada in the north to the Robledo Paraje near Fort Selden in the south (1991). Some of these are now listed on the State Register of Cultural Properties/National Register of Historic Places (SRCP/NRHP) as described in more detail below. This research was undertaken under the auspices of the Camino Real Project,

Inc., and the New Mexico Historic Preservation Division¹⁰, and set the stage for much of the work related to ELCA that would be accomplished in the ensuing decades, including the recent investigations that provided the basis for the multiple property nomination to the NRHP. The project work ultimately combined the results of research using historical documents begun by Marshall earlier in the 1980s with a study of place names related to ELCA, adding an archaeological reconnaissance of selected locations along the Trail in New Mexico (Marshall 1984; 1991). Fruits of the investigations included the creation of a museum exhibit, “El Camino Real—Un Sendero Histórico,” sponsored by the National Endowment for the Humanities. At around this time, a “Camino Real” scenic highway marker project was sponsored by the New Mexico State Highway and Transportation Department (now the New Mexico Department of Transportation [NMDOT]). The NMSHPO-HPD recently partnered with the BLM and the NPS to collect additional information about many of the road segments identified during Marshall’s survey and research work and to nominate them to the NRHP, resulting in the multiple property listing described above as well as listings for groups of trail segments and associated resources (Merlan et al. 2010a). This investigation combined the results of Marshall’s previous work with additional archival investigation and field reconnaissance, and encompassed comprehensive review of historic documents and maps, inspection of existing aerial photography, and archaeological reconnaissance and partial documentation of individual trail segments.

NRHP nominations were prepared under the aegis of the MPDF for five segments of ELCA by a group of landscape architects in 2011 (Morrow and Guist 2011). The nominations addressed four Trail segments near Santa Fe (two at La Bajada, and one each in the vicinity of Cieneguilla and El Rancho de las Golondrinas), and one located at the Arroyo Alamillo, near the Sevilleta National Wildlife Refuge in Socorro County¹¹. The team leader for this effort, Baker Morrow, also compiled a list of cultural landscape resources in the La Bajada area and assessed their significance and condition. The results of this work, which focused primarily on the extensive La Bajada road network—including portions of El Camino Real de Tierra Adentro, Territorial-era wagon roads, the National Old Trails Highway, and U.S. Highway 66—were summarized in a Cultural Landscape Report for the NPS (Morrow and Moses 2016). This document also discussed the Puebloan use of the landscape and its associated features, as well as cattle and livestock grazing in the 20th century and its associated features.

ELCA segments throughout the state were also addressed in the National Historic Trails Inventory Project conducted by the BLM for historic trails in seven western states, although the focus of the project was the Old Spanish NHT (BLM 2012). For this study, the BLM’s Visual Resource Management (VRM) methodology was applied to evaluate the scenic quality and visual sensitivity and visibility of long-distance trails, and elements of the NPS Cultural Landscape approach were employed to document and assess the historic integrity and contributing/noncontributing elements of the trail settings in a manner compatible with NRHP criteria. In addition to ELCA and the Old Spanish NHTs, aspects of other trails were also studied,

¹⁰ The New Mexico Historic Preservation Division is the state agency that houses the NMSHPO and staff.

¹¹ These have subsequently been listed on the SRCP/NRHP: “El Camino Real: La Cieneguilla South” (HPD No. 1992/NRHP No. 13000775; “El Rancho de las Golondrinas Section-El Camino Real de Tierra Adentro” (HPD No. 1993 /NRHP No. 13000774; “El Camino Real – North Arroyo Alamillo Segment” (HPD No. 2000/NRHP No. 14000898; “El Camino Real de Tierra Adentro: La Bajada North Section” (HPD No. 2042/NRHP No. 100002204); and “El Camino Real de Tierra Adentro: La Bajada South Section” (HPD No. 2043/NRHP No. 100002205).

including the California, Oregon, Mormon Pioneer, and the Pony Express NHTs. Overall, project work (performed by multiple cultural resources management firms) included: collecting and analyzing historic maps and photos; conducting field studies; integrating the VRM and Cultural Landscapes approaches; and creating a trail-wide inventory database for BLM using GIS and the internet. For ELCA, eight “Analysis Units” were defined and assessed using the synthetic VRM-Cultural Landscape methodology noted above, but no cultural resources inventory or other field studies were conducted. The study results for ELCA were summarized as follows:

A notable difference between El Camino Real and the OST [Old Spanish Trail] is that, in general, El Camino Real retains many verified trail traces. Previous archaeological field studies had also identified various constructed features as trail-associated, including improved river crossings and cairns. These features helped to support assessment of the trail setting and its historic character in the absence of extensive archival source materials. The trail’s historic setting in New Mexico retained integrity along all Analysis Units and included high-quality, notable historic character that was easily understood in the field (BLM 2012:79).

Identification Efforts and Related Studies Involving ELCA, Southern and Central New Mexico

Ed Staski (New Mexico State University-Las Cruces) conducted archaeological excavations at Paraje San Diego, located on the Trail near the southernmost portion of the Jornada del Muerto (1996, 1998, 1999; also see Fournier 1996). Excavation data for ELCA and associated resources are very scant, thus results of this work (as well as the excavations conducted further north, in connection with the Spaceport undertaking) are invaluable. Staski followed up this research with a survey of ELCA segments located between Las Cruces and El Paso (Staski 2004)¹². Mike Marshall’s study of Qualacú (LA 757), a Piro site visited by Oñate’s sixteenth-century expedition, provided excavation data for a contemporaneous indigenous village (Marshall 1987; also see Brown et al. 2014). Qualacú has been listed on the SRCP and the NRHP (HPD No. 1956/NRHP No. 11000373).

Prior to his work at Paraje San Diego, Staski and others conducted excavations and other investigations at Fort Fillmore, a high potential site on ELCA located south of Las Cruces (Staski 1989, 1990, 1995; also see Staski and Johnston 1992, Staski and Reiter 1996). Fort Fillmore, first occupied in 1851 and officially abandoned in 1862, served for a time as the southernmost military establishment on the expanding western frontier of the United States. Ostensibly constructed to protect both local residents from Apache depredations, its primary mission was to implant an American military presence in a region recently acquired from Mexico. The fort was surrendered to Confederate forces from Texas in the summer of 1861, but was retaken by Union troops in 1862 and then abandoned that same year. The investigations revealed a variety of information about the construction, layout, use, abandonment, and post-abandonment processes at the site.

The FAA, in partnership with the NMSA, conducted intensive cultural resource investigations the Spaceport America undertaking in 2007. These efforts built upon earlier survey that had been conducted in advance of the proposed “Southwest Regional Spaceport” by Human

¹² Staski also conducted a field school for the New Mexico State University at the Chihuahua Desert Rangeland Research Center, described in more detail in a later section of this document (Staski 2005). No sites or other resources associated with ELCA were recorded.

Systems Research (HSR 1997); the earlier survey overlapped some of the locations and associated resources—including ELCA segments—but also encompassed new acreage (Gibbs 2008 (Flowers and Gibbs 2008; Quaranta and Gibbs 2008). The inventory efforts resulted in survey of approximately 3,000 acres and included extensive research of ELCA and its setting. The investigations encompassed information derived from previous studies of the Trail and aerial photography with data provided by the ground surveys. ELCA resources that were documented included the ten identified trail segments that, with Yost Crossing, comprise the Yost Draw Study Area, as well as Paraje del Alemán¹³.

Following these efforts, data recovery was conducted in 2009 at four archaeological sites (LA 8871; LA 51205; LA 80070; LA 155962) located along the Spaceport America entrance road by Zia Engineering and Environmental Consultants (Gibbs et al. 2009; Vaughan et al. 2014). ELCA crosses the entrance road at this location, identified as LA 80070, but also bisects a prehistoric site (LA 155962) and touches the Aleman Draw historic district, LA 8871. Three studies included in the data recovery report as appendices capture the results of specialized studies of ELCA, including: an optical remote sensing study (3-band) of additional acreage in the vicinity of the Spaceport campus (Hudspeth 2014); a magnetic geophysical investigation conducted using a gradiometer in portions of LA 155962 and LA 80070 (Reynolds 2014); and a reconnaissance conducted along a short segment of the Trail immediately south of Aleman Draw (Marshall 2014)¹⁴. As described in more detail below, archaeological survey along the network of County roads that provide access to the Spaceport America from the south—collectively known as the Southern Road—has provided additional information about previously documented Trail segments as well as some newly identified traces and associated resources (Oakes and Zamora 2013).

Four surveys using metal detectors were conducted along four segments of ELCA in the Jornada del Muerto in 2008 and 2009, in locations that have been designated as “waysides for the public to experience the trail.” (Laumbach and Legare 2009:1). The locations that were examined include three contiguous segments in the Yost Draw area and one segment in the Point of Rocks area. Identification, collection, and analyses of metal artifacts (together with provenience data) in order to interpret different aspects of travel along the Trail were the primary objectives of the work that was performed in the field and later in the lab, but some samples of other historic materials were collected and analyzed as well. Prehistoric artifacts were noted and point-provenienced, but not collected. The post-field analyses included preparation of distribution maps for various artifacts in the assemblages, which were diverse and included some temporally sensitive items (Laumbach and Legare 2009).

Cameras mounted on remote-controlled model airplanes were used to locate and photograph ELCA segments between La Joyita and the southern boundary of Sevilleta National Wildlife Refuge in 2009 and 2010 (Harper 2010). The results of this work were analyzed to locate potential Trail segments and associated features and artifacts in the project area, then the segments (and associated features and artifacts) thus identified were visited by an archaeologist conducting reconnaissance survey to verify their association with the Trail. The outcome of this work was

¹³ The historic Aleman/Bar Cross/Cain Ranch complex has been determined as “eligible” for the NRHP as the Aleman Draw historic district, and encompasses standing structures as well as archaeological components, including ELCA segments.

¹⁴ Mitigation in progress along the Southern Road includes additional investigation—including excavation—of ELCA segments.

SRCP/ NRHP listing: “El Camino Real – North Arroyo Alamillo Segment” (HPD No. 2000, NRHP No. 14000898).

An additional piece of work involving identification survey conducted along ELCA in southern New Mexico is in progress, and will result in preparation of SRCP/NRHP nomination forms for ELCA segments in the vicinity of Leasburg: “Draft nomination for Camino Real: Leasburg to San Diego South.” This survey is being conducted by staff of the NMSHPO-HPD.

Identification Efforts and Related Studies Involving ELCA, Northern New Mexico

The University of New Mexico’s Office of Contract Archeology (UNM-OCA) conducted a large-scale, intensive cultural resources inventory in two phases (reported as NMCRIS 51927 and 71303) of over 8,000 acres on the Caja del Rio Plateau above and east of La Bajada escarpment for the New Mexico Army National Guard (NMARNG), encompassing terrain several miles of ELCA’s designated route. According to records on file 160 archaeological sites were recorded, but those same records suggest that only some of the site forms were submitted to the NMCRIS. The results of both survey phases were synthesized in a single report (Gerow and Doleman 2002 [NMCRIS 127942]). Other investigations, including archaeological excavations, were conducted on at least 25 sites (Gerow and Hogan 2004, Gerow and Hogan 2005). Some of the results of this work may have informed later archaeological inventory survey conducted by the UNM-OCA within the La Bajada Project Area administered by the Santa Fe National Forest (Española District).

The archaeological investigations conducted in the La Bajada Project Area featured intensive cultural resources inventory of 56.5 acres, including systematic pedestrian survey of corridors along four historical routes that traverse the escarpment as well as additional blocks within the study area (Worman and Gerow 2011). The fieldwork resulted in documentation of six previously unrecorded archaeological sites and additional documentation of one previously recorded site. Recording procedures included detailed mapping, narrative description, digital photography, and in-field artifact analysis. Archaeological materials recorded during the inventory indicated use of the project area by indigenous people for at least the past seven centuries (and probably far longer). Prehispanic artifacts were also recorded along each of the historical roadways (and in association with rock shelters LA 169387 and LA 169389)¹⁵. Historic artifacts and roadways in the study area were believed to be related to travel along four routes that may follow ancient indigenous paths or traces. The historic roadways included segments of ELCA (LA 169388), a wagon road improved by the U S Army in the 1860s (LA 169386); and alignments of New Mexico Highway 1 and Route 66 (LA 49903) completed in 1909 and 1926, respectively¹⁶.

Extensive investigations of another northern segment of ELCA were conducted by Criterion Environmental Consulting in 2007 and 2008 for the NMDOT during the New Mexico Rail Runner Phase 2 Project between Bernalillo and Santa Fe, in order to mitigate adverse effects to El Camino Real de Tierra Adentro NHT and the Atchison Topeka & Santa Fe (AT&SF) Santa Fe to Lamy

¹⁵ The rock shelters and a part of LA 169390 were believed to have been reused during the 19th and early 20th centuries by shepherds.

¹⁶ These historic roads have now been listed on the SCRP and NRHP as comprising a historic district: “Route 66 and National Old Trails Road Historic District at La Bajada,” (HPD. No.1822/NRHP No. 05000633).

Railway Spur (McCulloch 2008). Both properties had been determined “eligible” for inclusion in the NRHP; the Juana Lopez-San Felipe road (LA 80012) had been identified as an alternate route of the main portion of the Trail located between Albuquerque and Santa Fe, serving as an important detour route to the La Bajada and Las Bocas roads. Field activities were completed within a study area encompassing approximately ½-mile of the Trail (the San Felipe-Juana Lopez Road segment), including the approximate 200-foot Rail Runner proposed right-of-way. Mitigation activities for adverse effects to ELCA included:

- development of a historic context for the Trail in general and the Juana Lopez-San Felipe Road specifically, using both published and archival sources;
- imagery analysis of ELCA the study area in an effort to define pixel signatures of the trail and cost-path analysis of the various routes;
- remote sensing survey using proton magnetometer and ground penetrating radar (GPR);
- metal detection survey;
- test trenching across ELCA to reveal the subsurface profile; production of scaled drawings; and
- archival photography.

A number of other efforts that have added to the body of information available about ELCA in northern New Mexico deserve mention here, although they do not represent identification efforts. Two of these address a structure located on the campus of El Rancho de las Golondrinas. Anschuetz reports completing two field phases of archaeological testing in 2008 and 2010 at a low mound of stone rubble and melted adobe, LA 127373 (ERDLG 55), in order to determine whether the feature represented a Spanish colonial *torreón* (watchtower) or a residence dating to the latter part of the nineteenth century (2012). With the feature’s identity as the remains of a watchtower confirmed, a condition assessment was completed and recommendations for preservation of the structure have been prepared (Bass and Porter 2011).

Two of the additional relevant studies focused (all or in part) on La Bajada. Descriptive information for submittal to the Historic American Buildings Survey-Historic American Engineering Records (HABS-HAER) was collected under the auspices of the “La Bajada Historic Trails and Roads” project (HAER NM No. 15) by a group of students from the 2008 Southwest Summer Institute for Preservation and Regionalism, at the University of New Mexico, School of Architecture and Planning (HAER 2008). A sample metal detecting survey was completed for La Bajada Mesa and Las Bocas segments of ELCA by archaeologists from the National Park Service in 2014 and 2015 (Bauer and Haecker 2015). The final study of interest consisted of a management plan created for three archaeological sites located on the Bosque del Apache—the Piro pueblos of San Pascual (LA 487), Qualacú (LA 757), and San Pascualito (LA 756), as well as the intersecting segments of El Camino Real—and finalized in 2014 (Brown et al. 2014). As part of the work accomplished to develop the plan (which includes detailed and useful suggestions for proactive site management), the information available for surface remains on these sites was comprehensively updated.

2-B. Land Statuses of El Camino Real de Tierra Adentro in New Mexico

The purpose of this section is to answer the question: how much of El Camino Real de Tierra Adentro NHT crosses lands owned or managed by the State of New Mexico? Although it may seem that this question should be easy to answer, in truth it is very complicated. Issues with how the route of the trail is defined, and with determining land ownership exactly makes the precise answer somewhat ambiguous. Geographic information system (GIS) analysis makes it possible to provide very precise measurements to answer the question, but the accuracy of GIS analysis can only be as accurate as that of the input data. The greatest precision is provided by on-the-ground measurements, but those are only available in a limited number of instances. The enabling legislation that created El Camino Real de Tierra Adentro NHT describes a general route or Trail corridor extending north from El Paso, Texas, to San Juan Pueblo, New Mexico, encompassing 404 miles in New Mexico and Texas, with approximately 24 miles (about 6% of the total) crossing state land, including primary and duplicate routes (NPS and BLM 2004:48). These statistics are based on the information available at that time, including projected or speculative data in most cases. Studies of the Trail completed since the Trail was established, as well as increasing sophistication of GIS data available from a variety of sources provide a fuller picture, as detailed below.

Also contributing to the complexity of the answer are lands managed by state agencies like the NMDOT and the Middle Rio Grande Conservancy District (MRGCD). Many miles (the exact number is unknown) of ELCA lie under developed roadways administered by the NMDOT, or cross lands within the Conservancy District which are not necessarily owned by the MRGCD but are affected by public access and recreation managed by the Conservancy.

Trail Route and Land Status Issues

The official, “designated route” of El Camino Real de Tierra Adentro has been established by Congress, proceeding from the formal National Historic Trail designation in 2000. The “designated route” derives from research conducted for the feasibility study completed for designating the Trail (NPS 1997). Although the exact methodology was not specified in the feasibility study, it is likely that the preparers drew their proposed alignment on maps obtained from a variety of experts and sources, and had it hand-digitized by GIS specialists for further analysis. It is important to point out that the designated route of ELCA includes a number of parallel and connecting routes. Even though the mileage along the general trail corridor has been calculated as only about 360 miles in New Mexico, these parallel and connecting routes push the total mileage of the trail and all of its variants to approximately 655 miles in the United States. All but about 28 miles of the Trail corridor with its variants lies in New Mexico, the rest is in Texas (or Mexico, due to changes in the course of the Rio Grande through time). Although minor refinements to the Trail route have been made from time to time by the Trail Administrators, the designated route is virtually the same in 2018 as it was more than 20 years ago.

The BLM and NPS Trail Administrators completed the Comprehensive Management Plan/Environmental Impact Statement (CMP/EIS) for ELCA in 2004, as discussed in more detail in Chapter 3 of this plan. The document includes the following discussion of land ownership (NPS and BLM 2004: 4):

“The trail runs through 16.9 miles of public lands in the Taos Field Office; 4.2 miles of BLM-administered lands in the Socorro Field Office; and 28.6 miles of public

lands in the Las Cruces Field Office (mileages include duplicate, or variant, routes). [Total BLM=59.7]

Approximately 33.3 miles of the NHT pass through the Sevilleta National Wildlife Refuge, and 56.8 miles pass through the Bosque del Apache National Wildlife Refuge-both of these administered by the U.S. Fish & Wildlife Service (FWS). Approximately 7.7 miles of the NHT pass through the Santa Fe National Forest, administered by the USDA Forest Service (USFS); and approximately 4.6 miles of trail cross lands administered by the U.S. Army Corps of Engineers. The remainder of the trail passes through 376.7 miles of private lands; 24.7 miles of state-administered lands; and 89.5 miles of North American Indian tribal lands. [Total=653 miles].”

As noted above, these results were obtained from geographic information system (GIS) analysis.

The designated route of ELCA as depicted on the CMP/EIS maps actually only included about 54 miles of trail alignments that were considered as confirmed by observation of physical, on-the-ground remains such as swales or ruts. Another 473 miles of Trail alignments were classified as “probable,” presumably because they are on *camino* alignments illustrated on historic maps even though no physical trail traces had been confirmed. Some 128 miles of the designated route alignments were classified as “speculative.” Although this term was not defined in the CMP/EIS, perhaps it refers to routes between known stopping points along ELCA that have not been delineated on historic maps or discussed in sufficient detail in historic documents to permit their delineation on the ground.

Also important to consider, surface land ownership (as opposed to subsurface or mineral estate ownership, which is not considered here) changes frequently in the United States due to land sales, exchanges, and other transfers. Geospatial data have varying degrees of accuracy depending upon the geographic datum and projection employed, frequency of updates, and quality control in the digitization process; prior to the now-widespread use of GIS and global positional system (GPS) technology, land status maps were prepared by the BLM by hand. In 2018, geospatial data relevant to determining land status for ELCA segments (and associated resources) are available from a variety of national and state sources, which, when compared, vary from each other (at least slightly). Figure 2.2, below illustrates the designated Trail route from its point of entry into the United States in Texas to its northern terminus at Ohkay Owingeh/San Juan Pueblo.

The remainder of this chapter is devoted to finding the answer to the question posed at the beginning of this section, that is, to determining how much of the projected alignment of El Camino Real de Tierra Adentro NHT crosses lands owned or managed by the State of New Mexico. In considering this issue it is important to note the distinction between physical traces that can be observed on the ground versus the projected route, which in many cases cannot be directly observed. In many, perhaps most cases, the field survey necessary to confirm the presence or absence of swales or ruts (or associated historic features) has not been completed, while in others, ELCA lies under buildings, roadways, and other constructed features. The point of the GIS and mapping analyses that follow is to provide managers and administrators of state lands in New Mexico with the information they need to consider how they may wish to preserve ELCA traces and features when they are present, and/or to interpret the history of the NHT even when physical manifestations are absent, as in the case of portions of the route that pass through developed urban areas. In order to accomplish this, it is necessary to ascertain where to look.

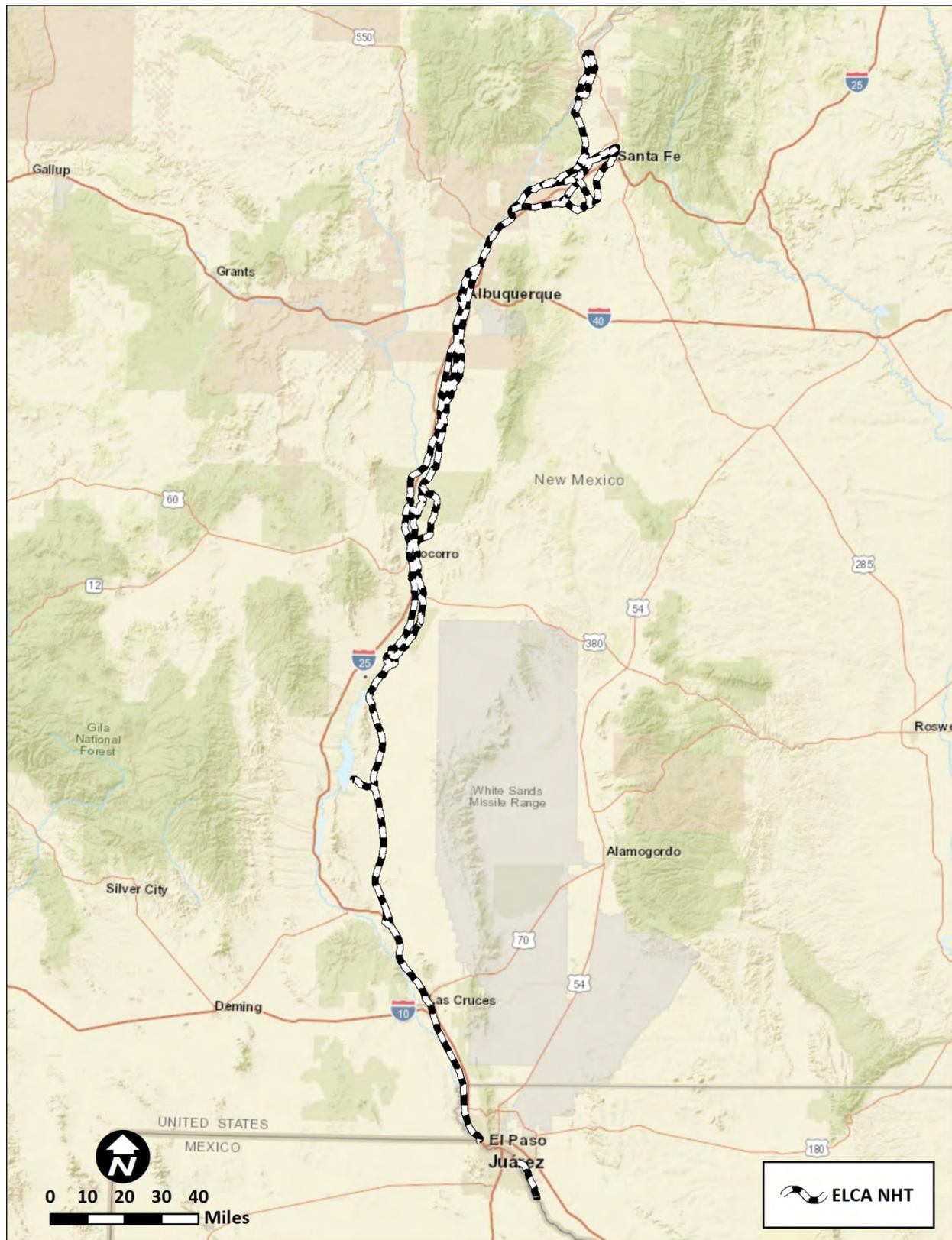


Figure 2.2. Map illustrating the designated Route of El Camino Real de Tierra Adentro National Historic Trail in the United States.

BLM Land Status Data

The national land status database maintained by the BLM provides the information listed in Table 2.2, below, regarding the number of miles of the designated Trail route that cross federal lands in New Mexico. This database does not provide breakdown of Trail route segments managed by various state agencies. “Department of Defense” in this dataset references lands administered by the US Army Corps of Engineers.

Table 2.2. 2018 BLM national land status data for designated ELCA trail routes in New Mexico.

Landowner/manager	Miles of Trail
Bureau of Indian Affairs	89.89
Bureau of Land Management	60.78
Department of Defense	4.61
USDA. Forest Service	6.08
US Fish and Wildlife Service	56.88
Private	385.62
State	22.47
Grand Total	626.33

The most recent BLM-New Mexico land ownership data are substantially—but not exactly—the same as the information provided by the national BLM database but provide a more detailed breakdown of lands crossed by the Trail that are administered by the state of New Mexico, as illustrated by Table 2.3, below.

Table 2.3. BLM-New Mexico data for designated ELCA trail routes on state lands in New Mexico.

Landowner/manager	Miles of trail
NM State Land Office	17.96
NM State Game and Fish	0.05
NM State Parks	4.47
Grand Total	22.48

ESRI Federal Lands Data

Another national database, maintained by the Environmental Systems Research Institute (ESRI) corporation—a private company that produces GIS applications used by many land managers—provides federal land managing agency data only, and then only for certain agencies. ELCA mileages included in the ESRI database are listed below in Table 2.4 for purposes of comparison, but no state, private, Department of Defense, or Native American land ownership information is included in this database.

Table 2.4. 2018 ESRI land status data for designated ELCA trail routes in New Mexico.

Landowner/manager	Miles of Trail
Bureau of Land Management	60.00
USDA Forest Service	6.17
US Fish and Wildlife Service	55.81
Grand Total	121.98

PAD-US Database

A national data source known as PAD-US (Protected Areas Database-United States) provides a somewhat different picture. PAD-US data include the lands of the Chihuahuan Desert Rangeland Research Center operated by the New Mexico State University that are crossed by ELCA (and described in more detail below), although the database does not distinguish between lands managed by the NMSLO and those administered by the University. Instead, only a non-existent agency, the “State Land Bureau” is referenced. The BLM data (the national BLM data as well as the information maintained by the BLM in New Mexico) reference this land as “privately owned.” Table 2.5, below, details this information.

Table 2.5. 2018 PAD-US land status data for designated ELCA trail routes on state lands in New Mexico.

Landowner/manager	Miles of trail
“State Land Bureau”	24.42
“State Parks and Recreation”	0.43
Grand Total	24.85

New Mexico State Engineer’s Office

The New Mexico State Engineers Office has formerly presented geospatial land status data for New Mexico. These data (from 2012) also provide Trail “ownership” mileages similar to the BLM national land status and the PAD-US databases, as indicate by Table 2.6, below.

Table 2.6. New Mexico State Engineer’s Office data for designated ELCA trail routes on state lands in New Mexico.

Landowner/manager	Miles of trail
State of NM	22.91
NM State Parks	5.27
Grand Total	24.85

New Mexico State Land Office

The NMSLO provides geospatial data for New Mexico State Trust Lands available for download. Recently revised NMSLO data indicate that ELCA crosses about 17.71 miles of State

Trust Lands without “split estate” (that is, the agency owns the surface as well as subsurface mineral rights).

New Mexico State Parks

Geospatial data for New Mexico State Parks are available at <<<https://www.data.gov>>>. These data reveal that ELCA crosses approximately 4.32 miles of state land at Elephant Butte State Park. The designated trail passes near to but does not intersect the Leasburg Dam State Park boundaries; the eastern boundary of the park is 0.25 miles west of the designated route.

New Mexico Museums and Historic Sites

While no single geospatial database available online could be found that provides the boundaries of New Mexico’s Historic Sites and museum properties, the designated route of ELCA does not cross into the boundaries of any of them. Facilities at “El Camino Real Historic Trail Site” are temporarily closed, but the designated trail route does not intersect the site, despite the name. Likewise, the designated route passes near but does not intersect the boundaries of the Fort Selden Historic Site, located approximately 0.44 miles west of the designated Trail route. Nonetheless, Fort Selden has been certified as a Trail-associated site as it presents a significant opportunity for education and outreach activities relevant to ELCA interpretation. This is also true for the Coronado Historic Site, which does not directly intersect the designated route of ELCA, but is historically associated with it. Site certification is discussed in more detail in Chapter 4 of this plan. Near the northernmost portions of the Trail, the Palace of the Governors/New Mexico History Museum in Santa Fe and the National Hispanic Cultural Center in Albuquerque are located on ELCA and represent great potential interpretive opportunities for the Trail and its resources.

New Mexico Department of Transportation

Unsurprisingly, many miles of ELCA lie under roadways or within rights-of-way owned or managed by the NMDOT. The exact mileage is not currently possible to calculate in GIS.

New Mexico General Services Administration

This agency manages about 750 state-owned and 400 leased buildings and other spaces. Some of these buildings or spaces are located on or very near ELCA, and may have historic significance associated with the Trail. This would include the Palace of the Governors in Santa Fe, now part of the New Mexico History Museum.

New Mexico Colleges and Universities

ELCA passes directly through the main campus of New Mexico State University (NMSU) in Las Cruces (described in more detail, below), within about one-half mile of the campus of the New Mexico Institute of Mining and Technology in Socorro, and within about a mile of the University of New Mexico campus in Albuquerque. The New Mexico colleges and universities own other lands used for various purposes, including research—such as the Chihuahuan Desert Rangeland Research Center associated with New Mexico State University, described below—that may be crossed by ELCA but are difficult to characterize further using available geospatial data.

Middle Rio Grande Conservancy District

About 267 miles of ELCA designated routes lie within the administrative boundaries of the MRGCD. Though the Conservancy does not own all of this land, it does own some of it, and it administers a variety of activities throughout the rest of the district. MRGCD provides irrigation, flood control, and recreational opportunities along a long section of the Rio Grande between

Cochiti Lake and Elephant Butte Reservoir. The Conservancy's activities present both preservation challenges as well as opportunities for resources related to the Trail.

New Mexico Department of Agriculture

Several Soil and Water Conservation Districts (SWCD's) coordinated by the New Mexico Department of Agriculture are crossed by ELCA. These SWCDs are independent subdivisions of state government, directed by boards of supervisors, local landowners and residents (elected or appointed). The SWCDs manage irrigation and flood control projects in their specific areas, utilizing assistance from available sources—public and private, local, state and federal—in an effort to develop locally-driven solutions to natural resources concerns. As is the case for the MRGCD, their activities present preservation challenges as well as opportunities for segments and other resources related to the Trail.

Albuquerque Metropolitan Arroyo Flood Control Authority

The state-chartered authority builds and maintains flood control structures which help alleviate flooding in and around the arroyos near Albuquerque. Since ELCA's designated route crosses some of these arroyos, flood control projects could affect the Trail and its resources.

Summary of Trail Route and Land Status Issues for State Lands in New Mexico

The available GIS data analyzed and presented here to delineate ownership of ELCA on state lands provide inconsistent results because of the different ways in which the Trail route and land ownership are calculated by different geospatial data providers. Although a definitive mileage total for lands owned/administered by the State of New Mexico that are crossed by ELCA awaits measurements taken in the field, it can be stated that approximately 30 miles of Trail routes are under direct control by the state, calculated as follows:

- The NMSLO owns and manages approximately 18 miles of designated ELCA routes on State Trust land;
- New Mexico State University owns and manages about seven and a half miles of designated ELCA routes;
- The New Mexico State Parks Department owns and manages a little over five miles of the designated Trail route at Elephant Butte State Park.

As described above, several other state agencies may own or control land, roadways, buildings, sites, and/or other resources associated with/traversed by ELCA. These agencies should be made aware of the possible presence of the Trail in areas or within projects that they manage or administer. It should also be noted that counties and municipalities—technically, subdivisions of the state of New Mexico—are crossed by many miles of ELCA (and associated cultural resources) on lands that they own or control. Figures 2.3 through 2.6, below, provide detailed illustrations of the designated Trail routes in New Mexico, from south to north.

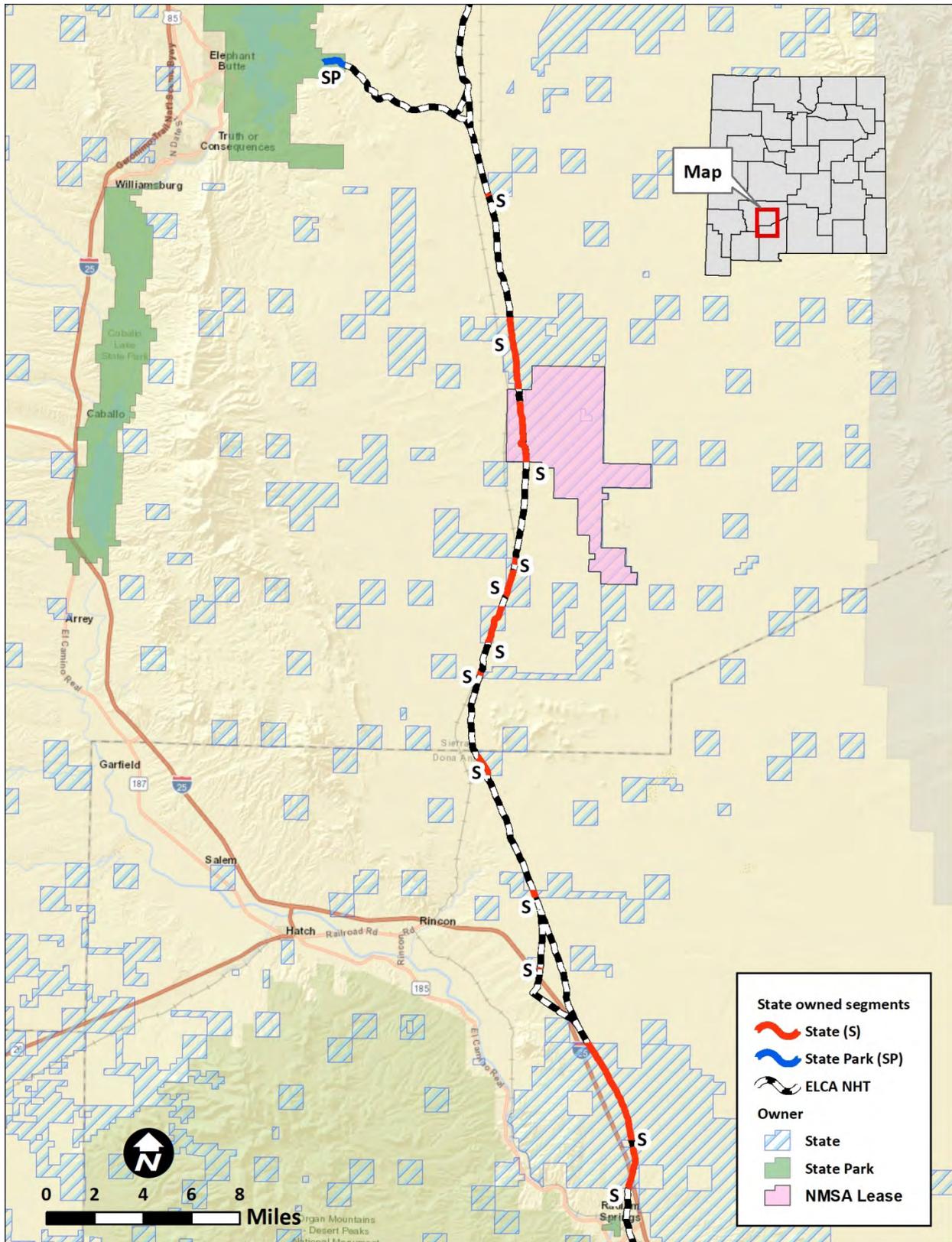


Figure 2.3. Map illustrating portions of the designated route of El Camino Real de Tierra Adentro National Historic Trail in New Mexico, southernmost segments. State of New Mexico land ownership/management is highlighted (red lines and blue line).

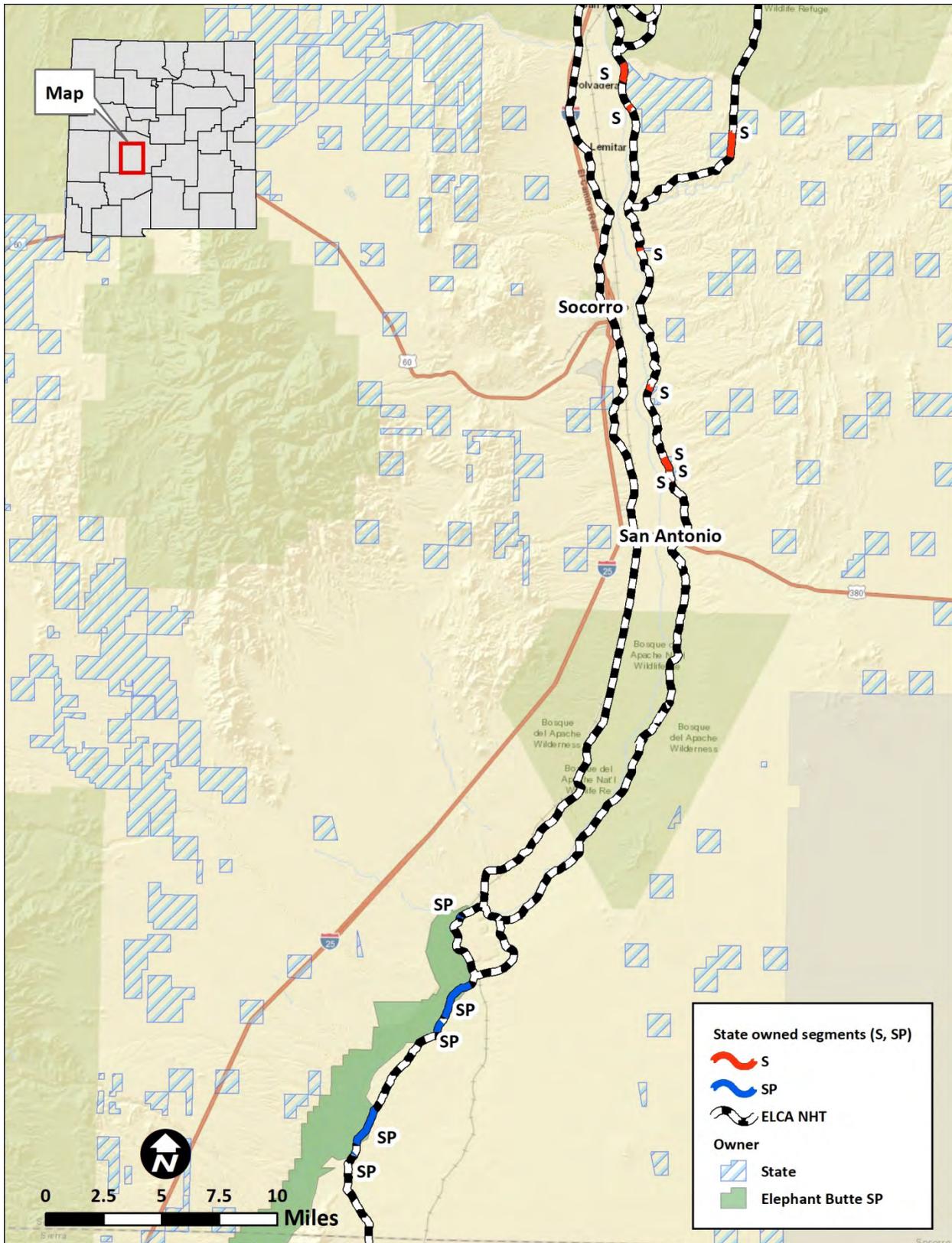


Figure 2.4. Map illustrating portions of the designated route of El Camino Real de Tierra Adentro National Historic Trail in New Mexico, central segments. State of New Mexico land ownership/management is highlighted (red lines and blue lines).

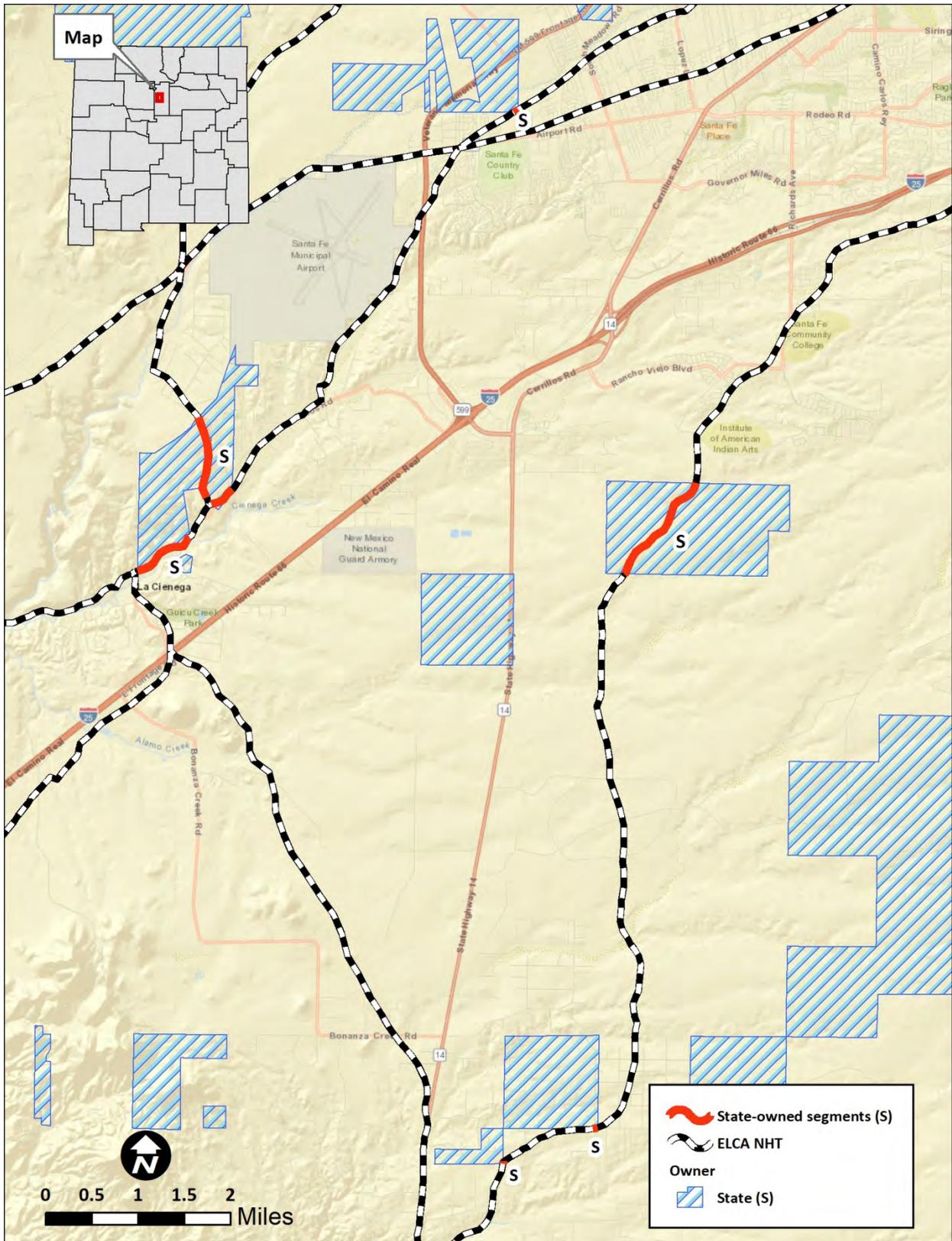


Figure 2.5. Map illustrating portions of the designated route of El Camino Real de Tierra Adentro National Historic Trail in New Mexico, northernmost segments. State of New Mexico land ownership/management is highlighted (red lines).

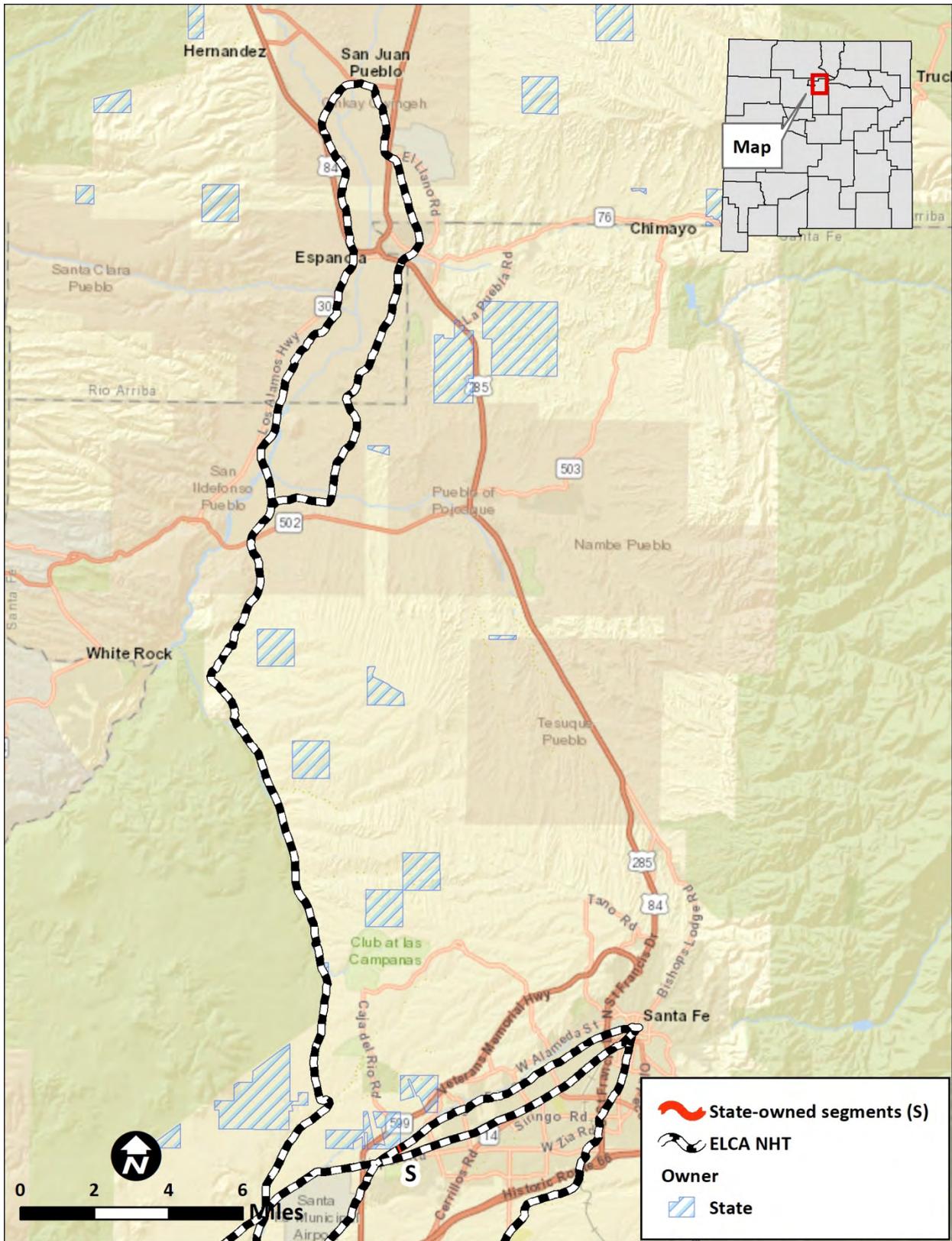


Figure 2.6. Map illustrating portions of the designated route of El Camino Real de Tierra Adentro National Historic Trail in New Mexico, illustrating the northernmost segments under State of New Mexico land ownership/management (red lines), as well as the terminus of the Trail at Ohkay Owingeh/Pueblo of San Juan.

2-C. Discussion of Designated Trail Routes on New Mexico's State Lands

As the preceding discussion of land statuses along ELCA's designated route makes clear, it is very difficult to specify definitively what portions of the Trail cross lands under the purview of the state. The answer depends on how the concepts of state entities and their ownership and/or management of specific locations are defined, as well as the source(s) of the data employed to make calculations. At present, however, it is possible to discern that about 30 miles of Trail routes cross lands under direct control of the State of New Mexico.

Of the approximately 18 miles of ELCA on State Trust land owned and managed by the NMSLO, two comparatively long contiguous segments of the Trail's designated route (3.03 and 2.64 miles, respectively) lie in the vicinity of the Spaceport America lease (Figure 2.3, above). Five non-contiguous segments of Trail totaling approximately 4.06 miles cross State Trust lands located along the Southern Road to the Spaceport America campus. Other relatively long segments lie to south of Santa Fe near El Rancho de las Golondrinas (ca. 1.89 miles, in three non-contiguous segments) and the Institute of American Indian Arts (ca. 1.3 miles), respectively. The remaining 5.06 miles under the purview of the NMSLO are scattered throughout the state, as illustrated by Figures 2.3-2.6, above.

The longest unbroken stretch of ELCA's designated route on state lands (6.59 miles) crosses acreage owned and managed by the NMSU (Figure 2.7, below). An additional 0.88 miles of Trail bisect the NMSU's main campus (Figure 2.8). Approximately five miles of ELCA definitively located on state land consist of non-contiguous segments at Elephant Butte State Park.

Below, the three locations on state lands that encompass comparatively substantial portions of ELCA's designated route are discussed in terms of current land uses and status of information about the Trail, beginning with the acreage owned and administered by the NMSU. In each instance, it is possible to envision both challenges and opportunities with respect to preservation. As will be seen, the status of information about ELCA in each of the three locations is highly variable.

Chihuahuan Desert Rangeland Research Center

Referred to colloquially as "The College Ranch," the Chihuahuan Desert Rangeland Research Center (CDRRC) has been owned and operated since 1927 by the NMSU (originally the "New Mexico College of Agriculture and Mechanic Arts") for educational activities and research related to livestock, grazing methods, and range forage. Located at the southern end of the Jornada del Muerto, the ranch comprises approximately 100 sections of land located about 23 miles north of the main university campus in Las Cruces. Currently, the CDRRC serves as a research facility for the Department of Animal Range Sciences within the College of Agriculture at the university. A herd of approximately 300 cattle—Hereford, Brangus, Angus, Simmental, and Charolais breeds, with various experimental crosses between them—is maintained in order to support research into cattle breeding and nutrition. Other research endeavors include brush control, ecological studies of the relationship between small herbivores and plants, and long-term ecological studies of vegetation changes over time. The latter investigations overlap and collaborate with research performed at the U.S. Department of Agriculture's-Agricultural Research Service (USDA-ARS) Jornada Experimental Range located just east of, and adjacent to, the CDRRC.

Approximately 6.59 miles of the ELCA designated route cross the CDRRC. This acreage has not been surveyed by archaeologists for the purpose of identifying Trail traces and/or associated resources, although the data in NMCRIS indicate that a limited amount of survey has been completed in the I-25 corridor, and a field school conducted by the NMSU completed some kind of archaeological survey—perhaps as a reconnaissance project?—of 4,480 acres in 2004 (Staski 2005)¹⁷. Current management of the landscape as an agricultural research facility is not incompatible with preservation and protection of the Trail, and may enhance opportunities for educational facilities and even activities focused on interpreting the history of ELCA as the longest wagon road in North America.

New Mexico State University—Main Campus

ELCA's designated route crosses under Interstate Highway 10 and enters the main campus from the southwest, passing through the "Student Family Housing" area to the center of the campus. At University Avenue the Trail exits the campus after crossing approximately 0.88 miles to travel for a short distance along South Solano drive, before it continues north (Figure 2.8, below).

¹⁷ Only two archaeological sites—LA 150064 and LA 150065— were identified, neither of which consists of Trail segments or probable associated resources, such as cairns. New survey conducted with the intent of identifying ELCA traces would likely yield different results.

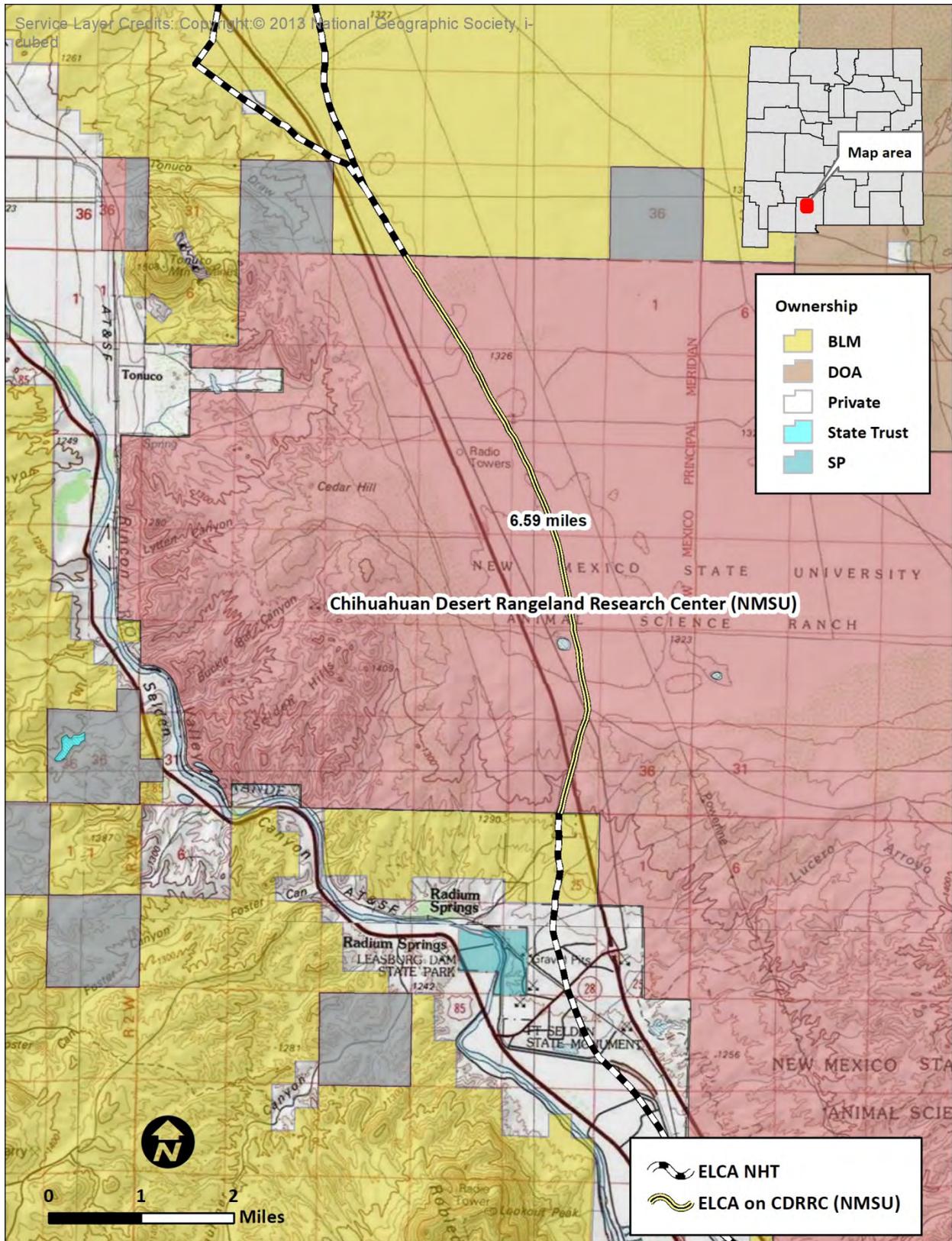


Figure 2.7. Map illustrating the designated route of El Camino Real de Tierra Adentro National Historic Trail in New Mexico, as it crosses through the Chihuahuan Desert Rangeland Research Center of the NMSU (yellow line).



Figure 2.8. Aerial photograph illustrating the designated route of El Camino Real de Tierra Adentro National Historic Trail in New Mexico, as it crosses the New Mexico State University campus (red line).

Spaceport America

Managed by the NMSA, also a state agency, the Spaceport America campus is located in the central Jornada del Muerto, in Sierra County, approximately 30 miles southeast of Truth or Consequences. Spaceport America and associated infrastructure are situated primarily on State Trust Land leased from the NMSLO, although some acreage managed by the BLM-Las Cruces is incorporated within/adjacent to the developed area (particularly where utility corridors have been created). BLM land is also crossed by major access routes to the campus. The Spaceport lease area encompasses approximately 15,149 contiguous acres (ca. 23.57 square miles, consisting of 29 full or partial sections of land), with an additional four detached sections (not connected to the “main” or primary lease area) located to the southwest adding approximately 2,567 acres or 4 square miles to the total leased acreage. Approximately 2.64 miles of the Trail’s designated route cross the Spaceport America lease area on State Trust Land (Figure 2.9); two additional (non-contiguous) stretches totaling approximately 1.5 miles—also on State Trust land—are located to the south of the leased acreage, while another 3.03 miles of Trail cross State Trust Land to the north. The portions of the Trail that pass through (and are adjacent to) the Spaceport campus are currently being investigated, as detailed below. The combined results of the investigations undertaken on behalf of the Spaceport will provide some of the most comprehensive identification data currently available for the Trail on state lands in New Mexico.

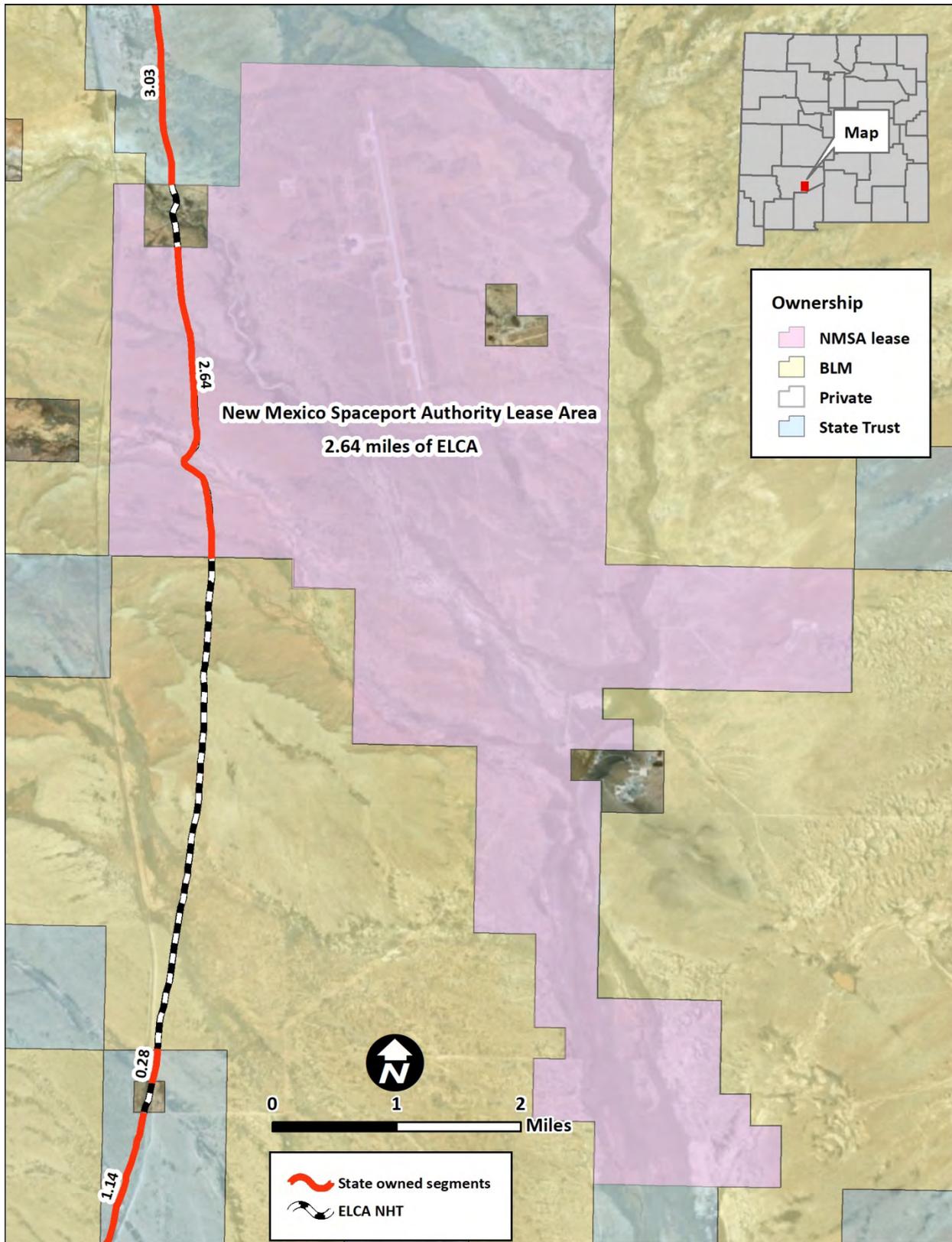


Figure 2.9. Aerial photograph illustrating the designated route of El Camino Real de Tierra Adentro National Historic Trail in New Mexico, as it crosses State of New Mexico Trust Lands including the Spaceport America lease (red line).

As noted above, during the planning stages for the Spaceport, approximately 3,000 acres of the leased area were surveyed intensively by archaeologists—in compliance with both state and federal cultural resources preservation laws—to identify, document, and evaluate cultural resources that might be adversely affected by the construction of the Spaceport. In order to guide the survey and evaluation efforts, two APEs were defined per Section 106 of the NHPA for the spaceport undertaking, as follows:

“...the Physical APE, comprised of the areas that may be directly affected by physical ground disturbance and construction of the commercial space launch site, [and] the Setting APE, comprised of the area within five miles of the facility wherein potential visual and audible effects to the historic properties may occur...” (Section 106 PA).

Eighty historic properties were identified and evaluated during the identification surveys within the APEs for their eligibility to the NRHP, including Precolumbian Native American sites as well as historic sites dating from Spanish colonial times to the twentieth century. Segments of ELCA were also documented within the APEs, include the ten identified Trail segments to the south of the campus that, with Yost Crossing, comprise the Yost Draw Study Area identified by Marshall (1991); all ten segments are referenced as Laboratory of Anthropology (LA) No. 80070 in the NMCRIIS, and all have been characterized as “high-potential route segments” (“high potential” sites/segments are discussed in more detail in Chapter 3). Along with additional, high-potential associated ELCA resources,¹⁸ the Yost Draw segments have been listed on the NRHP as the “Camino Real-Yost Draw Section” ([HPD No. 1959; NRHP No. 11000163] Merlan et al. 2010b).

Additional investigations of the Trail on and in the vicinity of the Spaceport campus have been undertaken as mitigation for adverse effects to cultural properties in the Physical and Setting APEs for the Spaceport America undertaking. The northernmost ELCA segment of the LA 80070 group has been examined by archaeologists conducting geophysical survey (gradiometry) and data recovery excavations, and both archival research and data recovery have been employed to investigate the historic Alemán/Bar Cross/Cain Ranch complex, (LA 8871), which served in various capacities through time as an important stop (*paraje*) along the Trail (Reynolds 2009, 2014; Vaughan et al. 2014). In addition, a field survey project is in progress in the Setting APE, involving focused pedestrian surveys conducted in locations within a 5-mile radius around the Spaceport America that have been pinpointed by analyses of remote sensing and other data, to identify traces of ELCA that have not been previously easily detectable. The methodology incorporates new information derived from multispectral satellite imagery, providing georeferenced locations for potential Trail segments. Preliminary results indicate that combining an array of remote sensing technologies with standard archaeological field methods (i.e., “boots on the ground”) permits a much fuller characterization of the cultural landscape of ELCA in Jornada del Muerto as it was used through time, perhaps improving the methods that archaeologists use to find and record elusive linear historic features such as trails. To date, 5.95 miles of ELCA’s designated route, a previously undocumented, parallel “alternate” Trail segment (1.23 miles long), and a segment of a historic Fort McRae trail have been documented in the northern portion of the study area in the Setting APE, on state and private lands. Condition data have been collected and interpretive potential has been evaluated. Fourteen

¹⁸ The additional ELCA-associated resources included within the NRHP “Camino Real-Yost Draw Section” are: LA 80052, the “Yost Escarpment Site;” LA 80053, the “Olive Jar Site;” and LA 80054, a historic ramp.

previously unknown archaeological sites, ranging from Archaic campsites to late historic occupations—some of which are associated with use of the Trail—have been comprehensively documented.

Additional archaeological fieldwork has been conducted along the linked series of County roads that provide access to the Spaceport America campus from the south during a road improvements project, under the aegis of the “Southern Road Project” (Oakes and Zamora 2013; Okun and Oster 2017). ELCA segments and associated artifacts have been documented during the initial surveys conducted in the construction zone (the Physical/“direct effects” APE for the road project), and additional investigations—including excavations and archival research—of specific segments are currently ongoing as part of the mitigation of identified adverse effects.

When planning for the Spaceport America was begun in the early 2000s, an easement of 5.67 miles between the BLM and the NMSLO generally following the designated route across the current Spaceport lease had been concurred upon by both agencies. The necessary realty steps to grant and promulgate the easement have not been finalized, thus as of this writing the BLM would still need to obtain the easement from the NMSLO.

Elephant Butte State Park

As the designated route of the Trail passes through Elephant Butte State Park, it crosses state land in four non-contiguous places (Figure 2.10, below). State land in this location abuts terrain managed by the Bureau of Reclamation and private land encompassed by the Armendaris Ranch. It should also be noted that some of the land encompassed with the State Park is indicated in some databases as administered directly by the Bureau of Reclamation. With the exception of the ELCA segment at historic Fort McRae (described in more detail below), the state Trail segments at Elephant Butte appear to be located such that they would frequently be subject to flooding, as is Fort McRae, depending upon water levels.

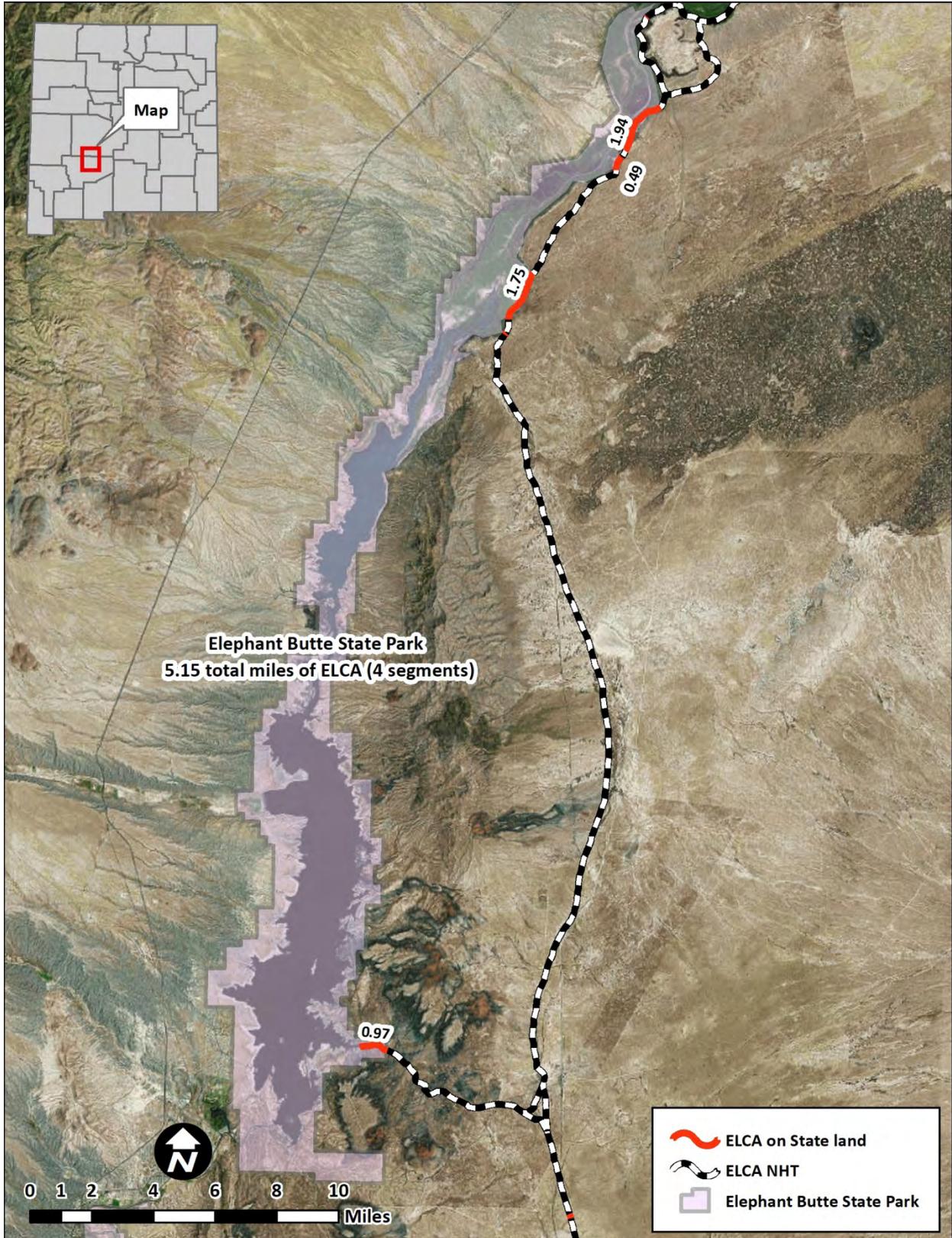


Figure 2.10. Aerial photograph of Elephant Butte State Park and vicinity, marked with the designated route of El Camino Real de Tierra Adentro National Historic Trail (state-owned segments are non-contiguous, and are highlighted in red).

Fort McRae (LA 4893)

Fort McRae, a military post in operation from April 3, 1863 until October 30, 1876, was established near the midpoint of the Jornada del Muerto close to the Ojo del Muerto, an important and reliable water source on the Jornada. Named for Captain Alexander McRae, 3rd US Calvary, killed on February 21, 1862, at the Battle of Valverde (the first of the two main Civil War battles to take place in the New Mexico Territory), the adobe fort functioned as an important outpost for quelling unrest in the region. Placed along a strategic route that linked the Jornada del Muerto to the Rio Grande—a corridor apparently favored by Apaches for running stolen livestock—the fort served both a physical and symbolic role in maintaining order in the area. The nearest military outposts during Fort McRae’s period of service were Fort Craig, located approximately 23 miles to the north, and Fort Selden, located about 60 miles south. With no other military posts nearby, the fort provided much-needed protection to small communities established along the Rio Grande. Fort McRae has been listed on the SCRP/NRHP on recognition of its historic role (HPD No. 1826/NRHP No. 05000258).

The fort is located on a terrace above the Elephant Butte floodpool in McRae Canyon, a wide, relatively flat canyon bounded by the Champagne Hills to the south and several low, unnamed mesas to the north. The site is bounded on the east by a north-south-trending volcanic basalt dike. To the west, the topography slopes gradually into the Rio Grande riparian corridor. During most of the twentieth century, most or all of the site was covered by water retained in Elephant Butte Reservoir; in general the Fort McRae site has been exposed only during extremely low water levels. Figures 2.11 and 2.12, below, illustrate recent conditions at and the location of the fort.



Figure 2.11. Photograph of the foundations of the partially inundated corral at historic Fort McRae (from HPD No. 1826, courtesy of SRI Foundation 2001).



Figure 2.12. Aerial photograph illustrating a close-up view of the remains of Fort McRae, located on a terrace above the floodplain at Elephant Butte State Park. A segment of the designated route of El Camino Real de Tierra Adentro terminates at the outline of one of the buildings.

Results of Records Searches for ELCA on State Lands in New Mexico

A recent search of the New Mexico Cultural Resources Information System (NMCRIS) indicates that 84 previously conducted cultural resources surveys have been performed within 500 meters (1,640.42 feet, or, slightly over 1/4-mile) of a state-owned segment of ELCA. Twenty-eight of these intersect the Trail. In addition, NMCRIS data document the site boundaries of 132 previously recorded archaeological sites within 500 meters of state-owned segments of ELCA. Nineteen of these intersect the designated route. These results are included in Appendix C of this document.

Although it appears that a large number of surveys have been conducted on or near state-owned segments of ELCA, and that numerous sites have been recorded nearby, these numbers may be misleading. Few of these surveys have identified or mentioned ELCA in the reports, or resulted in recordation of Trail segments. There may be many reasons for this. ELCA does not appear in NMCRIS in its entirety, only as detached segments recorded by researchers interested in the Trail. Thus, when archaeologists conduct records searches in NMCRIS, they may not know that ELCA lies in or near their survey area; it is necessary to check the designated route. It is also important to note that when the designated route of the Trail was calculated for the CMP/EIS prepared by the Trail Administrators, only about 54 miles of the trail was classified as “definite.”

In addition, the nature of the Trail as it passes through New Mexico and Texas poses many challenges for identification and documentation by field archaeologists. Military cartographers, particularly from the mid-nineteenth century forward, created some excellent maps that continue to provide useful information for scholars of ELCA, but documents such as these were not available for much of the Trail’s use-life. Until the twentieth century, when some portions of “El Camino Viejo” became formalized for use by motorized vehicles, the northern segments of the Trail were defined, for the most part, by oral tradition, directional clues provided by landscape features, and the marks of passage left behind by previous travelers along the Royal Road. Finding and correctly interpreting those physical traces has proven to be a daunting task. Investigations of the Trail in New Mexico have generally focused upon documentation of landscape features such as swales and traces, significant changes in vegetation patterns, or associated resources such as *parajes* or springs, all of which can be easily missed by traditional “eyes on the ground” approaches to transect-based field surveys in archaeology. While eroding constructed ramps or artifacts such as olive jar sherds or military ordnance are easier to spot on the landscape, such unequivocal physical manifestations of traffic along ELCA are also rare. Standard archaeological pedestrian survey methods are not an effective way to identify subtle trail resources in many cases. In the current era, it is not uncommon for a project proponent or land-managing agency to be required to send field archaeologists out to survey the landscape by walking transects (straight lines) 15 meters apart in a given project area where a historic trail is believed to be located, in the hope or belief that if anything is there to be seen, experienced field folk will find it, and be able to document it. Such an approach is not likely to be successful in many, or even most instances. Even if it is clearly visible, a Trail trace might only be a few meters wide and/or a few centimeters deep, and thus easily missed.

Trail archaeology requires an intimate knowledge of the landscape, including vegetation and topography as well as probable cultural manifestations, and a thorough understanding of relevant archival and other historical data. Even then, trail and “swale” indications are often so very subtle as to be invisible if one doesn’t know where to look for them. In New Mexico, working near historic trails requires a comprehensive pre-field background check consisting of a NMCRIS search, determining whether historic trails may cross a survey area by looking at online maps of their

locations at agencies such as the NPS and the BLM, checking historic maps and records relevant to a proposed project area, a review of aerial photos and imagery, and (if possible) discussions with Trail experts. These methods should be employed by archaeologists surveying near the state-owned segments of ELCA, and would be more effective in terms of identifying Trail traces and associated cultural resources.

Chapter 3. Trail Management Guidance

As stated at the outset, the focus of this management planning document is preservation and protection of—as well as public education and recreation at or in the vicinity of—a subset of traces and resources associated with a National Historic Trail that traverse or are situated on state lands in New Mexico. Many of the issues, challenges, and opportunities regarding these cultural properties will, of course, be specific to their location and administrative context, particularly with respect to the mission of the agency managing them. It is also true, however, that national-level issues and opportunities with respect to historic trail preservation play an instrumental role in how historic trail resources are preserved and enjoyed by constituents in any state, including New Mexico.

This chapter begins with a consideration of the federal legislation responsible for bringing ELCA into being. In addition to serving as necessary foundation documents, these statutes provide a great deal of information useful to the planning process, including: definitions of key terminology; discussions regarding effective cooperation between state, federal, and local agencies, and private landowners with respect to trail preservation and access; consideration of land management, status, and acquisition issues; and more. Following the discussion of how the National Trails System and El Camino Real de Tierra Adentro NHT were created, management planning and the roles of the Trail Administrators are described. The chapter closes with a discussion of other relevant federal guidance, as well as useful information provided by a historic trail association (the Oregon-California Trails Association).

3-A. National Trails Legislation

The National Trails System Act

(Public Law [PL] 90-543, as amended, through PL 111-11, March 30, 2009; also found in *United States Code* [USC], Volume 16, Sections 1241-1251)¹⁹.

Formal establishment of the National Trails System began with an idea expressed by President Lyndon Johnson in a speech he addressed to Congress in 1965, on the “Conservation and Preservation of Natural Beauty.” Among other things, Johnson said:

“The forgotten outdoorsmen of today are those who like to walk, hike, ride horseback, or bicycle. For them we must have trails as well as highways...Old and young alike can participate. Our doctors recommend and encourage such activity for fitness and fun...I am requesting, therefore, that the Secretary of the Interior work with his colleagues in the Federal Government and with State and local leaders and recommend to me a cooperative program to encourage a national system of trails...” (Trails 50 2018).

Accordingly, the Secretary of the Interior (Stewart Udall) established a committee to study existing trails in the United States and to recommend federal legislation that would serve as a basis for the creation of a national trails system. The result was a report, *Trails for America*, published in

¹⁹ The National Trails System Act was amended in 2000 with the addition of El Camino Real de Tierra Adentro National Historic Trail (PL 90-543, 16 USC 1241-1251; as amended through PL 106-509, November 13, 2000).

December, 1966. The National Trails System Act (NTSA) of 1968 developed directly out of the *Trails for America* report, establishing three different types of trails: National Scenic Trails, National Recreation Trails, and Connecting and Side Trails. Later, in 1978, President Carter signed an amendment to the NTSA that created an additional category: National Historic Trails²⁰. The Iditarod, Lewis and Clark, Mormon Pioneer, and Oregon National Historic Trails were among the first to be established.

National Scenic Trails are identified as extended trails of more than 100 miles in length that provide for the conservation and public enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which they pass. National Scenic Trails may only be land-based, and must be designated and authorized by an Act of Congress. Perhaps the best-known trails in this category (n=11) would be the Appalachian National Scenic Trail and the Pacific Crest National Scenic Trail. National Historic Trails are also defined as extended trails, although they may be less than 100 miles in length and are directed to follow historic trails or routes of travel as closely as possible. The purpose of these trails (n=19) is “the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment.” (16 USC 1242 [§3(a)(3)]). National Historic Trails may include water-based routes—such as the Lewis and Clark NHT—as well as overland routes and are also designated and authorized only by an Act of Congress. National Recreation Trails are created to provide opportunities for outdoor recreation primarily in and around urban areas and have no minimal length requirement. Trails in this category may be designated by either the Secretary of the Interior or the Secretary of Agriculture, depending upon the primary land status of the route under consideration. More than 1,200 National Recreation Trails have been designated in all 50 states, including New Mexico.

The NTSA has been amended numerous times since its passage in 1968 as new trails have been added, including the addition of El Camino Real de Tierra Adentro NHT in 2000²¹. Its essential premise has remained the same however, and that is to address the outdoor recreation needs of an expanding population and to promote preservation of and public appreciation and enjoyment of outdoor areas and historic resources of the US, through the establishment and maintenance of trails. In addition to establishing a variety of trails and providing essential definitions, the NTSA encompasses detailed discussions of how such national trails are to be studied, established, and administered, and how appropriate public-use facilities and trail markers and other signage are to be developed. Given the lengths of extended national trails, cooperation and coordination between state, local, and federal land administrators as well as private landowners is perforce an essential component of the successful establishment and administration of such a trail. The NTSA provides for the enactment of cooperative agreements between the Secretaries of Interior and Agriculture and state, local, and private individuals and organizations to provide trail rights-of-way and/or to acquire lands to be utilized as segments of a designated trail. Procedures for certifications of trail segments and associated cultural resources, enactments of conservation easements and rights-of-way, and the incorporation of volunteer trails assistance are also discussed. Significantly, the language of the NTSA makes clear that the requirements of establishing, maintaining and allowing for public use of a national trail are not meant to transfer ownership or

²⁰ The amendment referred to is the “National Parks and Recreation Act of 1978” (PL 95-625; 16 USC §1244 note).

²¹ The version included as Appendix B of this plan reflects the most recent amendment to the Trails System Act.

curtail the uses and activities of private landowners, or to confound or conflict with land management by local, state, and federal agencies.

Three sections of the NTSA, as amended, are particularly important with respect to how state, local, and private individuals and organizations might interact with federal law to establish protected national trail segments and associated resources (such as buildings and sites associated with the historic use of the trail). Section 3 of the NTSA discusses a process by which local, state, and private organizations/individuals may apply for certification of “other lands as protected segments of an historic trail” (16 USC 1242 [§3(a) (1)]), while Section 7 (16 USC 1246 [§7(h)]) elaborates on the process, requirements, and legal instruments by which certification may take place. Section 8 addresses establishment/incorporation of state and metropolitan area trails and authorizes application for financial assistance for such projects from the Land and Water Conservation Fund (16 USC 1247, [§8 (a-e)]). These elements of the statute are discussed in more detail in Chapter 4 of this plan.

Three additional sections of the NTSA, as amended, provide definitions and instruction for key components of national historic trail management: high-potential routes and segments which are defined in Section 12 (16 USC 1251 [§12(1) and (2)]), as follows:

- “(1) the term "high potential historic sites" means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.
- (2) The term "high potential route segments" means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.”

More information and instruction as to how high-potential historic sites and segments are to be identified and managed is contained in Section 5 (16USC1244 [§5(e)(1) and (f)(1) and (3)]).

El Camino Real de Tierra Adentro National Historic Trail Establishment Act (PL 106-307, 16 USC 1241 note; October 13, 2000)

The NTSA amendment incorporating El Camino Real de Tierra Adentro National Historic Trail dates to November of 2000, referencing the El Camino Real de Tierra Adentro National Historic Trail Act finalized in October of the same year (Appendix A). The enabling legislation for the El Camino Real de Tierra Adentro NHT briefly presents the findings reported in the 1997 feasibility study presented to Congress as justification for the establishment of the trail, described as “...a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico...” (PL 106-307[§3(2) (A)]; 16 USC 1241 note; also see NPS 1997). The El Camino Real de Tierra Adentro NHT Act specifies that no lands or interests therein outside of exterior boundaries of federal land may be acquired by the federal government for the NHT without owner consent. The Secretary of the Interior is also directed to encourage volunteer trail groups to participate in the development and maintenance of the trail, and to consult with other affected local, state, federal, and tribal agencies in administration of the trail. Bi-national coordination and cooperation with Mexico is also called out, for the purposes of exchanging trail information and research, fostering trail

preservation and education programs, providing technical assistance, and working to establish an international historic trail.

3-B. El Camino Real de Tierra Adentro National Historic Trail; Comprehensive Management Plan/Final Environmental Impact Statement

Finalized in 2004 after lengthy review and consultation with a wide variety of stakeholders and interest groups—including federal and state agencies, Native American tribal governments, and private citizens and organizations—the Comprehensive Management Plan/Final Environmental Impact Statement (CMP/EIS) for El Camino Real de Tierra Adentro NHT jointly prepared by the Trail Administration staff (the BLM and the NPS) offers an overarching “big picture” view of the Trail. The plan includes detailed discussions about the location, history, and significance of the Trail, as well as the many challenges and opportunities for preservation of Trail segments and associated resources. Public education and recreation are also addressed. Combining a Trail management plan with an EIS clearly addressed some agency and information management needs, but for readers/users unfamiliar with National Environmental Policy Act (NEPA) documentation, the format of the CMP/EIS can seem a little daunting. It contains, however, a great deal of useful information and serves as a starting point from which plans specific to particular Trail loci and resources (and the agencies/entities that manage them) can elaborate. Because the consultation efforts—including comments provided by the public and stakeholders—solicited during the NEPA process are documented in the plan, it also provides insight into what, exactly, it takes to create and preserve a National Historic Trail.

The layout of the plan reflects a hybridization of NPS and BLM document formats for NEPA. Issues and goals are identified at the outset, and then NEPA-style alternatives are presented:

- Preferred—implement the provisions of the National Trail Systems Act in a manner that reflects the public’s vision for Trail management, featuring interagency cooperation, a bi-national approach with Mexico, and a close relationship with the Camino Real International Heritage Center (now known as El Camino Real Historic Trail Site); and
- Alternative A/No Action—overall coordination or administration of the NHT, all agencies operate independently to preserve trail segments within their purview and provide visitor access as appropriate; and
- Alternative B—limited collaborative efforts, a coordinated visitor experience with the International Heritage Center serving as a focal point, and continuation of ongoing stewardship and existing recreational opportunities.

A detailed comparison is offered with respect to the ways in which implementation of the various alternatives would affect administration of the Trail and associated resources in all land statuses (public and private), as well as key aspects of Trail protection, preservation and the visitor experience (including recreation and interpretation and education). Continuity of agency management and stewardship responsibilities for public lands along the Trail is common to all three alternatives, while no alternative proposes abrogating private property rights or tribal land ownership. What distinguishes the three identified alternatives is the degree to which Trail protection, preservation, education, and recreation activities would be coordinated, with the Preferred Alternative offering the greatest degree of interagency and public-private cooperation, and the No Action Alternative (Alternative A) offering the least—essentially, a continuation of the status quo. Key to the implementation of the Preferred Alternative would be the development of formal

and informal partnerships, certification of Trail segments and associated sites (for which uniform signage would be provided), identification and implementation of interdisciplinary research needs, designation of an auto tour route, and development of interpretive facilities—such as visitor centers, kiosks, and trailheads—as well as a range of interpretive media and community outreach. The adoption of Alternative B would encompass many of these activities, although new recreation and interpretive facilities development would not be encouraged.

As is standard for NEPA documents of this type, the environmental consequences inherent to each of the three alternatives are also evaluated comprehensively. This section includes analyses, for each alternative, of impacts to the Trail with respect to the visitor experience along the Trail, but also considers: associated cultural resources (including landscapes and ethnography); natural resources and special status species; and socioeconomic impacts of terms of landowners and visitor use and recreation. Also considered are potential impacts to: Native American Tribes; access to/development of energy and minerals; continuation of livestock and grazing; land and realty uses; scenery; socioeconomic/social justice values; vegetation and soils (including the potential proliferation of noxious weeds); and air and water quality. An environmental analysis for compliance with NEPA will probably not be needed for actions taking place on state lands involving ELCA in New Mexico unless federal funds and/or permitting are involved, but it is useful for managers/administrators of state lands to consider these topics and issues when contemplating activities and projects that may affect the Trail and associated resources, and the other occupants of the landscape under consideration. Part of the value of this document is the careful consideration of all of these issues and concerns.

The description of the Visitor Experience for the Preferred Alternative incorporates discussion of potential recreational activities with interpretive and/or educational components, including the establishment of companion trails for hiking, biking, and horseback riding, and of auto tour routes. These activities would be facilitated by the installation of directional/ interpretive signage along routes and at kiosks, trailheads, and pullouts, along with the development of brochures that would both guide and inform ELCA's visiting public (including messages about responsible recreation on public lands and respect for private landowners). A number of proposed projects slated for BLM-administered lands on the Jornada del Muerto are specified, including: a pullout on the county road just north of the Upham exit off of I-25; a pullout near the Paraje San Diego (the southern entrance to the Jornada) featuring wayside exhibits and a short hiking trail; a pullout near at the Ojo del Perrillo/Point of Rocks, also featuring wayside exhibits and a short hiking trail; a pullout near the escarpment of Yost Draw, featuring wayside exhibits and a short hiking trail marked with interpretive signs; a 5 to 10-mile companion trail on the Jornada along a county road and parallel to the Trail for hiking, biking, and horseback travel; and a pullout with interpretive signs near Teypama (an Ancestral Puebloan archaeological site). Also outlined in this portion of the CMP/EIS are descriptions of the themes available to "...interpret and educate visitors to the rich history of New Mexico and western Texas in relation to the Camino Real" (CMP/EIS 2004:38), with a focus on trade and exchange, exploration and settlement, and travel and commerce throughout the centuries along the route ultimately encompassed by the Trail, from Precolumbian through historic times. The myriad, interconnected ways these activities affected peoples and landscapes in of the many regions crossed by ELCA in the United States and Mexico all factor into the expression of these themes, which are presented in tandem with descriptions of the various kinds of interpretive media that can best make them available to the visiting public.

Two other components of the CMP/EIS are important to mention here. The first is presentation and description of consistent signage for sites, segments, and other resources along the Trail route, incorporating a specific design style. Appendix G of the document presents examples of an “original trail” marker for use on an auto tour, as well as a “directional sign” of a type that would be employed to point the way to a Trail-related historic site accessible along an auto route²². The second component to consider in this discussion consists of the detailed descriptions of “high potential historic sites” and “high potential route segments” that comprise Appendices E and F, respectively, of the CMP/EIS. It will be recalled that trail administrators (and managing agencies) are directed to make such identifications by the N TSA. This work has been accomplished, thus administrators and managers can consult the identifications that have been made for locations under their purview. It is presumed that additional such sites and segments may be identified by ongoing research into Trail-related topics and themes, but the information presented in the CMP/EIS represents a substantive place to start.

Five high potential Trail segments/groups of segments cross state-owned lands: LA 71818, the Jornada Lakes segment; LA 80054, the Yost Draw Crossing segment; LA 80070, the Yost Draw Road segments; LA 80064, the North-South Avenue segments (in the San Diego Study Area); and LA 80068, the Robledo Road segments (located in the vicinity of the Radium Springs Arroyo). All five of these segments are situated between Radium Springs and Engle in southern New Mexico. In addition, three identified high potential sites lie within 500 meters of state-owned segments of ELCA. These are the Paraje del Alemán, on the Jornada del Muerto, and La Cienega and El Rancho de las Golondrinas, both south of Santa Fe. As detailed in Appendix C, some of these segments and resources have been subsequently listed on the SRCP/NRHP. If the search parameters for high potential sites and segments are amplified to include Trail segments and associated resources that are located near, if not directly on, the designated ELCA route, many more loci can be considered. High potential sites and segments offer great opportunities for certification, interpretation, and recreation. The NPS and BLM use such sites as vehicles to form partnerships with land owners and land managers for collaborative efforts to commemorate the trail and educate the public about its history. In this regard, for state and local land managers (and landowners), it is worth noting that even close proximity to a high-potential route segment or resource might be of interest with respect to certifying interpretive and/or recreational facilities offered to the visiting public, as described in more detail in Chapter 4.

Ultimately, the Preferred Alternative was selected, El Camino Real Historic Trail Site was opened, and ELCA began to be interpreted to New Mexico residents, and the state’s visitors, by means of exhibits and signage along Trail routes. The Trail Administrators planned public education and enjoyment activities, including professionally created information documents and brochures, and an interpretive plan for the Jornada del Muerto was developed, and began to be executed. An interpretive pullout near the Ojo del Perrillo/Point of Rocks featuring wayside exhibits and a short hiking trail has been installed, as has a pullout near the escarpment of Yost Draw, featuring wayside exhibits and a short hiking trail marked with interpretive signs that leads visitors to an opportunity to hike a long a “retracement” of a segment of ELCA that leads to the escarpment overlooking Yost Draw, where additional wayside exhibits interpret the history of the Trail at that location. Other locations on Trail routes have also been developed for access and use by hikers, as described in more detail in Chapter 4. The NMSHPO-HPD funded the creation of bilingual curriculum materials

²² Appropriate ELCA signage has been developed into a “sign family” available for use on routes, segments, and resources associated with the Trail. Signage is discussed further in Chapter 4 of this plan.

intended for use by 5th to 8th-grade students²³. A variety of activities—including conferences and symposia, and publication of a journal—involved El Camino Real de Tierra Adentro Trail Association (CARTA), a volunteer group established in 2003 to encourage archaeological investigation and preservation of the Trail, public education and exploration of the Trail’s history, and the participation and education of the communities along ELCA. While it is certainly true that significant opportunities for preserving and interpreting ELCA on and near state lands in New Mexico exist, a great deal of the work necessary to establish and promote such efforts has been accomplished, and is available for adaptation and use by landowners and managers interested in enhancing public appreciation of the Trail in New Mexico.

3-C. ELCA Trail Administrators

As noted above, the BLM and the NPS exercise Trail-wide administrative responsibilities under the National Trails System Act for the entire El Camino Real de Tierra Adentro NHT, subject to available funding and regardless of land status²⁴. The administrative duties for the BLM currently reside with the New Mexico State Office, in Santa Fe, New Mexico. The administrative duties for the NPS are carried out by the superintendent of the National Trail Intermountain Region (NTIR), with staff in Santa Fe, New Mexico, and Salt Lake City, Utah. The Trail Administrators work closely with other federal, state, and local agencies, tribes, private landowners, nonprofit organizations, and volunteers to support the Trail resources, qualities, and values and associated settings for which ELCA was designated as an NHT, and to support other activities as required by the NTSA.

Trail Administrators can provide technical assistance, review, and coordination between the various trail stakeholders and interest groups, including site and segment owners and managers, user and interest associations, and governmental agencies at the federal, state, and local levels. The BLM’s New Mexico State Office administrative lead will provide national coordination for individual state, district, and field office leads and experts within the BLM, while the NPS-NTIR leads coordination with internal NPS divisions and work groups, including the Rivers, Trails, and Conservation Assistance Program. The Trail Administrators are empowered to establish cooperative agreements (which may involve transfers of funds, goods, or services) and/or agreements of mutual understanding concerning shared goals for Trail resource management with state and local institutions, including: historic preservation offices; park, monument, and historic site managers and owners; and volunteer associations (those with interests in trail preservation, access, and use. The NPS-NTIR serves as the lead for managing and maintaining the trail administrative files. The administering agencies each maintain a public-facing website to facilitate public access to trail information and other resources²⁵.

²³ These materials are accessible under the heading “The Grand Adventure” at the Public Outreach component of the SRI Foundation website, at: << <http://www.srifoundation.org/library.html>>>.

²⁴ As noted in Chapter 2, approximately 90 miles of the designated route of ELCA NHT pass through two refuges managed by the US Fish & Wildlife Service (USFWS), the Sevilleta National Wildlife Refuge and the Bosque del Apache National Wildlife Refuge. Approximately 7.7 miles of the NHT pass through the Santa Fe National Forest, administered by the USDA Forest Service. While these agencies do not have overall Trail Administrator responsibilities for ELCA, they do have federal administrative and management responsibilities for lands and resources under their purview, including all categories of cultural resources.

²⁵ These are accessible as follows: NPS << <https://www.nps.gov/elca/index.htm>>>; BLM << <https://www.blm.gov/visit/el-camino-real-nht>>>.

Both the BLM and the NPS have issued comprehensive publications that address trail administration. The BLM has issued *Manual 6250—National Scenic and Historic Trail Administration*, which describes how to conduct national scenic or historic trail feasibility studies, how to administer a national scenic or historic trail upon designation by Congress, and the responsibilities of national scenic or historic trail administration. The NPS has issued *Director’s Order 45*, which usefully clarifies the differences between administration and management.

BLM Requirements for National Historic Trail Administration

In September 2012, the Bureau of Land Management issued its *Manual 6250—National Scenic and Historic Trail Administration*—which describes requirements for BLM national historic trail administration. Many of these requirements are addressed in this strategy, but some will be addressed in future planning. BLM *Manual 6250* directives for historic trail administration include the following:

- identify and determine the nature and purpose of the trail, and establish goals and objectives to safeguard the nature and purpose;
- identify ways to provide for maximum compatible outdoor recreation potential and protection, conservation and enjoyment of the nationally significant scenic, historic, natural, and cultural qualities of the areas and associated settings through which the trail may pass, as well as the primary use or uses of the trail;
- provide ways to encourage and assist tribes, affected agencies, willing landowners, and interested parties in the planning, management, education, and interpretation of the trail;
- produce a general description of the overall resources, qualities, values, and associated settings, (comprised of the scenic, historic, cultural, recreational, natural, and other landscape values of the land areas through which the trail passes) including the primary use and uses;
- ensure adequate public involvement in trail administration activities;
- identify and map high potential historic sites and high potential route segments;
- address national historic trail administration-level functions;
- develop strategies regarding protection, sufficient access, transportation, and land or easement acquisition planning and criteria;
- ensure that the resources, qualities, values, and associated settings and primary use or uses are inventoried and the federal trail data standards and related national geospatial standards are used; and
- Identify auto tour routes to retrace and commemorate the historic route, to the extent practicable.

The BLM Manual 6250 also directs offices with trail administration functions to select a national historic trail right-of-way based on the general route location designated by Congress and the best available resource data—coordinating, if possible, a viewshed analysis in cooperation with other land managing agencies to inform the selection—followed by publication of a “Notice of Availability” of the appropriate maps or descriptions in the *Federal Register*. BLM *Manual 6280 (Management of National Scenic and Historic Trails and Trails under Study or Recommended as Suitable for Congressional Designation)* provides details about how this work is to be accomplished, including

inventory processes, and a useful glossary of terminology used in trail designation, identification, preservation, and interpretation. BLM trail administrators are directed to propose exemplary connecting and side trails that adjoin two points along a trail, in accordance with the provisions established in BLM *Manual 8353—Trail Management Areas* (covering secretarially designated national recreation, water, and connecting and side trails) and any supplemental guidance or instruction developed nationally.

All actions identified in BLM policy that concern the agency's management responsibilities with respect to national historic trails are addressed comprehensively in *Manual 6280*. Where applicable, the BLM's *Manual 6250* and *Manual 6280* requirements are used to inform the development of the Resource Management Plans and implementation-level planning, specific to the agency's field/district offices.

NPS Requirements for National Historic Trail Administration and Management

NPS Director's Order 45, issued in 2013, specifies agency requirements for national historic trail administration. The trail superintendent and staff are responsible for administering the national scenic or national historic trails to which they were assigned in a manner that ensures adequate protection for the trails and their related features. These responsibilities include:

- coordination with planning;
- sustenance of trail partnerships;
- oversight of trail site and segment protection and development,;
- development of trail maintenance standards;
- trail marking, and authorization of appropriate uses of the trail logo;
- land protection planning;
- trail segment certification;
- resource protection;
- promotion of recreation and access;
- trailwide resource and viewshed inventory and mapping;
- promotion of interpretation and education;
- cooperative and interagency agreements;
- tracking volunteer contributions; and
- provision of financial assistance to other cooperating government agencies, landowners, interest groups, and individuals.

Once a national scenic or historic trail is established, the trail superintendent is expected to form an advisory council within one year as outlined in the NTSA (16 USC [§1244(d)]).

On-the-ground management of a trail corridor involves many different government entities and private groups and individuals who own and/or manage lands along each national trail. Management responsibilities include:

- conducting resource inventories;
- planning and development of trail segments and sites;
- compliance with environmental and other statutory requirements;

- avoidance or mitigation of resource damage;
- provision of appropriate public access and recreation management;
- interpretation and education;
- trail maintenance;
- trail marking;
- resource and viewshed protection; and
- management and tracking of visitor use.

Activities permitted on national scenic and historic trails are limited to those that will not substantially interfere with the nature and purposes of each trail (16 USC [§1246(c)]). Other uses are permitted or prohibited based on NPS *Management Policies 2006* and similar guidance, depending on the administering agency. Where national trails cross, touch, or pass near other NPS-administered areas, the opportunity exists to enhance both entities. Park units are encouraged to interpret, mark, and provide access to national trails—even if administered by other agencies—in or near those units. On park maps, brochures, and interpretive media, park units will indicate appropriate national trail(s) and their distinctive rounded triangle logos.

3-D. Other Federal Guidance

Federal Trail Data Standards

The Federal Trails Data Standards (FTDS) are a standardized set of 51 core attributes applicable to all categories of federal trails, including ownership, condition, measurements, and geospatial data. The standards were developed in 2010 by a working group of several federal agencies. These agencies have worked for many years with each other and with various states, local governments, and trail organizations to promote and develop trails for the benefit of the public.

The trail data standards were developed to enable national, regional, state, and trail-level managers and the public to use mutually understood terminology for recording, retrieving and applying spatial and tabular information. The standards should make it easier for trail information to be accessed, exchanged and used by more than one individual, agency or group. Ease in sharing data increases the capability for enhanced and consistent mapping, inventory, monitoring, condition assessment, maintenance, costing, budgeting, information retrieval, and summary reporting for most internal and external needs. The FTDS are applicable to all trails managed by the BLM, the NPS, the USFWS, and the USDA Forest Service, including National Scenic Trails and National Historic Trails. The FTDS can also be applied to trails managed by state or local governments and other entities. Such a use is not mandatory, but might help state or local managers communicate and collaborate more effectively with their federal counterparts about trail resources.

3-E. Other Relevant Trail Guidance

Oregon-California Trails Association

The Oregon-California Trails Association (OCTA) is the nation’s largest (and probably most influential) citizens’ organization in the US dedicated to the preservation and protection of two overland emigrant trails—the Oregon National Historic Trail and the California National Historic

Trail—that commemorate the experiences of the more than 500,000 emigrants who traveled the routes, beginning in 1812, to travel from Missouri with the goal of settling in the American West. OCTA headquarters are located on the grounds of the National Frontier Trails Museum in Independence, Missouri. Goals of the association include:

- initiating/coordinating activities relating to the identification, preservation, interpretation and improved accessibility of extant rut segments, trail remains, graves and associated historic trail sites, landmarks, artifacts and objects along the overland western historic trails, roads, routes, branches, and cutoffs of the Trans-Mississippi region;
- acquiring either alone or jointly with others—federal, state, local, or private— title and/or preservation easements to Trail routes and associated resources; and
- facilitating research projects about the Trails and publishing a journal as a forum for scholarly articles about them.

OCTA cooperates and coordinates with state and federal agencies with designated NHT administrative and management responsibilities to accomplish their goals. One of the OCTA products most useful for those interested in documentation of historic trails consists of their publication, *Mapping Emigrant Trails Manual* (MET Manual).

In use for over two decades, the MET Manual has been revised and reissued (in 2014), to incorporate advances in technology such as satellite-based geo-positioning systems and computer-based mapping software, along with new thinking on additional ways to document and classify historic trails. The MET Manual has been developed to guide recordation of trail sites and segments in accordance with the data management systems in the states crossed by the Oregon and California NHTs, as well as the state and federal agency lands crossed by those trails. It is thus particular to those trails, their periods of significance, and geographic instances.

Trail recordation in New Mexico must meet standards and requirements for all cultural resources documentation in the New Mexico Cultural Resources Information System (NMCRIS) managed by the Archaeological Records Management Section (ARMS). And of course, the period of significance and geographic locations relevant to ELCA are specific to the Trail. Perhaps most distinctive, ELCA is an *immigrant* as well as an *emigrant* trail. Nevertheless, the concepts and methods addressed in the MET Manual represent a comprehensive and carefully conceived framework of historic trail documentation, one worth consulting for anyone planning to document such trails. The success of OCTA in attracting and maintaining public interest, preserving historic trail routes and associated resources, coordinating efforts with local, state, and federal managing authorities, and sustaining a publication series also provides a useful example.

Chapter 4. El Camino Real de Tierra Adentro in New Mexico: Opportunities and Challenges for Protection and Preservation, and Education and Recreation

The information available about the locations where the designated route of ELCA crosses state lands in New Mexico has been examined in detail, and the processes by which National Historic Trails are established and managed have been reviewed. At this juncture, the strategies that managers of state lands in New Mexico crossed by the Trail might employ in order to protect this historic property while accomplishing agency objectives—and, perhaps, allowing for public access—can be considered. An overarching goal for the development of this document, as stated at the outset, was the creation of an aspirational plan for the management of ELCA segments and associated resources in a manner that would increase knowledge about the Trail and promote public awareness of its importance. The word “aspirational” is particularly important in this context because it connotes willing, even inspired participation: Trail protection and preservation are worthwhile goals, but the process is not intended to interfere with an agency’s mission (or, for that matter, the property rights of private citizens).

Below, available strategies for protection and preservation of historic trail resources while facilitating appropriate public access and enjoyment are presented. It should be noted that the basic concepts and methods are the same, whether a particular trail segment or an associated site is located on state or private land. Trail resources should be: (1) identified; (2) evaluated for their condition/integrity; and (3) assessed with respect to how protection as well as potential public access and enjoyment might affect not only continued preservation of the resource under consideration, but also a managing agency’s mission and objectives for the location. Specific options for implementing these principles will vary, depending upon an agency’s role and responsibilities (or a private landowner’s wishes) with respect to cultural resources management and public access.

4-A. Identification, Evaluation, and Assessment

1. Identification of ELCA Segments and Associated Resources

Identification is an essential first step in the Trail preservation process; in order to implement measures to protect (or develop for public access) a resource, it is necessary to specify what it is, and where it is. Possibilities for physical manifestations of Trail features include: traces and swales, constructed features such as ramps; historic wayfinding markers such as cairns; water collection features; the remains of campsites; gravesites; artifact scatters; buildings (or the remains of buildings), and more. In some cases, however, eyes-on-the-ground observation of a Trail segment or other resource may not be possible, as in instances where a contemporary roadway has incorporated the historic route and developed and improved it over time to facilitate use by modern vehicle traffic. Portions of Interstate Highway 25, for example incorporate segments of ELCA, as does the network of improved county roads (collectively referred to as the “Southern Road”) that provide access to the Spaceport America campus from the south. Opportunities for Trail designation and public education are not absent in these instances, but the options differ from those available in locations where visible traces or swales, for example, are present.

The “designated route” for ELCA was established by Congress when the Trail was formally established as an NHT in 2000. As discussed in Chapter 3 of this plan, formal establishment of the NHT followed a feasibility study and evaluative process (NPS 1997). For contemporary agency staff and interested members of the public, this aspect of the process has had the effect of accomplishing

a significant portion of the work necessary to begin the “identification” phase: ELCA’s route in the United States has been Congressionally designated and it is possible, with some caveats as detailed in Chapter 2, to specify the locations of potential Trail segments and associated resources with a greater level of accuracy. For physical manifestations of potential Trail traces and associated resources, direct observation and documentation—following appropriate agency protocols and best practices, depending upon the specific location under consideration (and its land status)—are recommended. For loci in developed location such as improved roadways, including interstate highways, consulting archival resources and comparing developed “designated route” segments to physically documented Trail traces recorded by means of direct observation would be a more productive strategy. The strategies for interpreting “developed” Trail locations are also somewhat different, as described below.

For state lands in New Mexico, procedures for physical identification and documentation of ELCA traces, swales and associated archaeological sites—such as campsites or other loci that preserve traces of past human activity—as well as historic buildings (that may still be in use) are guided by state laws that address cultural properties identification and preservation issues, particularly the New Mexico Cultural Properties Act of 1969 (§§18-6-1 through 18-6-17, New Mexico Statutes Annotated [NMSA] 1978), the Cultural Properties Protection Act of 1993 (§§18-6A-1 through 18-6A-6, NMSA 1978) and the Prehistoric and Historic Sites Preservation Act of 1989 (§§18-8-1 through 18-8-8, NMSA 1978). The implementing regulations (which are periodically reviewed and updated) for the Cultural Properties Act and the Prehistoric and Historic Sites Preservation Act provide comprehensive, detailed standards for how archaeological resources and historic structures in New Mexico are to be investigated and recorded, including descriptions of the appropriate qualifications for people performing such work²⁶. Documentation for New Mexico’s cultural properties, including archaeological resources as well as historic buildings, structures, and objects is maintained in the NMCRIS, a state-of-the-art database maintained by the NMSHPO-HPD and available for consultation by agency land managers and registered cultural resources professionals. Additional information about the state’s cultural properties, particularly those listed on the State or National Registers is maintained and available for consultation at the central office for the NMSHPO-HPD, in Santa Fe. Information about listed historic properties is also available online:

- <<http://www.nmhistoricpreservation.org/programs/registers.html>> to access listings on the SRCP as well as other useful information; and
- <<http://www.nps.gov/subjects/nationalregister/index.htm>> to access the NRHP.

Both of the websites listed above also provide information about how to list properties on the State and National Registers, as discussed in more detail below.

New Mexico’s statutes and regulations generally complement those found in federal preservation law, particularly the NHPA (54 USC §300101 et seq.) and the Archeological Resources Protection Act (ARPA, 16 USC 470aa-mm). Federal agencies also adhere to standards and professional qualifications for documentation of historic properties, including: the implementing regulations for Section 106 of the NHPA, found in 36 CFR (Code of Federal Regulations) Part 800; the Secretary of Interior’s standards (1983); and the Advisory Council on Historic Preservation’s

²⁶ Some cities and counties in New Mexico—considered to be political subdivisions of the state—have also developed standards, rules, policies, and/or procedures regarding survey, recording, reporting, and treatment of cultural resources, including historic trails

recommended approach for recovery of significant information from archaeological sites (1999). These standards apply to projects supported by federal funding or requiring a federal permit, license, or approval, regardless of the land ownership/management status. In addition, most federal agencies have developed their own internal standards for cultural resources documentation, adapting the overarching statutory requirements to the kinds of resources and projects in management areas under their purview, such as the BLM Manual Supplement H-8100-1, *Procedures for Performing Cultural Resource Fieldwork on Public Lands in the Area of New Mexico BLM Responsibilities*.

In actual practice, for many projects, both state and federal standards are considered applicable and are followed. The Trail recording project in taking place on and around the Spaceport America campus is an example of a project—or “undertaking” in the parlance of Section 106 of the NHPA—for which combining state and federal cultural resources preservation and documentation requirements has made sense, given the fact that significant portions of state land and federal permitting are involved. For such projects, overarching documents such as programmatic agreements or memoranda of agreement are typically created, and include sections which outline the various statutory and regulatory requirements for cultural resources per state and federal law, as well as how these requirements will be addressed. As noted, in New Mexico the state and federal laws governing identification, documentation, and treatment of cultural resources are generally complementary.

One final, important aspect of “identification” of Trail segments has been described in detail in Chapter 2 of this plan, but also deserves mention here. Historic trails that do not incorporate formally engineered features can be extremely difficult to identify in any setting, and ELCA traces in New Mexico are no exception to this rule. Trail archaeology requires an intimate knowledge of the landscape, probable cultural manifestations, and a thorough understanding of relevant archival and other historical data. Successful location and documentation of historic trails in New Mexico requires a comprehensive pre-field background check consisting of a NMCRIS search, consulting maps of their locations at agencies such as NPS and BLM, checking historic maps and records relevant to a proposed project area, review of aerial and/or satellite photos and imagery, and consultation with Trail experts. Discussions with neighboring communities and tribes may also provide useful “identification” information; formal consultation with tribes and the public is required when certain actions are contemplated, as described below, but in this instance it is meant to refer to an information-gathering phase of research. These methods should be employed by archaeologists surveying near the state-owned segments of ELCA. Also most important, as the research into land statuses of Trail resources reported in Chapter 2 has shown, the available geospatial data for location and ownership of segments and sites has significant limitations. The results of a pre-field records check for ownership and location should be regarded as provisional until they can be georeferenced in the field.

2. Evaluation of ELCA Segments and Associated Resources

“Evaluation” of historic properties resources can mean a number of different things, ranging from deciding whether or not a particular property has sufficient integrity to justify preservation and/or interpretation activities to formally determining a particular building or site’s eligibility to the State or National Registers. Cultural resources professionals recording sites and buildings commonly make recommendations regarding the eligibility of a property to either or both registers, and managers (or property owners), in turn, decide whether to concur with the recommendations. Actually listing the property on the State or National Registers is the next step and requires the land

manager or owner to prepare the appropriate forms and submit them for listing. If the particular property may be adversely affected by an undertaking or project, its eligibility status may necessitate additional actions, including avoidance or mitigation (described in more detail below). In this section, however, the term “evaluation” is employed in an expanded sense, to refer to the processes involved in deciding how to manage ELCA resources as well as making SRCP/NRHP determinations.

The first (and simplest) question to ask when evaluating any historic property is: does it have integrity? That is, are visible structures, features, or artifacts present, or, in the case of an archaeological site, likely present below the ground surface? Properties such as archaeological sites—including ELCA traces and swales—generally exhibit some loss of integrity due to later uses, erosion and/or other natural processes, vandalism, or surface modification by landowners/managers. A building’s loss of integrity can take place over time as the structure “ages,” but also may result from “unsympathetic” modifications made by occupants/users. For properties that lack sufficient integrity to be considered for preservation and avoidance or interpretation, thorough documentation is generally the most reasonable strategy, the idea being that the information about it will be preserved, if not the site or structure. For a property that exhibits sufficient integrity to be considered further, the next logical question would be whether or not it is eligible for listing on the SRCP or the NRHP. Section 4-B of this chapter, below, provides more detail about how to go about formally listing a property on the State and National Registers. It should also be noted that cultural properties located on state or federal lands that are “eligible” to the SRCP and NRHP, or which are subject to effects of projects or undertakings that are funded/permitted/licensed/approved at state/federal levels require some additional consideration, as discussed in Section 3 of this chapter, below.

In the case of sites or buildings associated with ELCA, if the property under consideration has sufficient integrity to be considered further for listing, the association with El Camino Real de Tierra Adentro NHT could serve to recommend the property for formal listing on both the National and State Registers, although formal listing is not required unless tax credits are contemplated, as described below. Doing so, however, is not a foregone conclusion. A manager or property owner has the discretion to determine whether or not to pursue formal register listing; there are a variety of factors to be considered. Formal listing is a process that takes time and is viewed by some as placing limitations about how a historic property might be used, given that listed properties have the highest status with respect to historic preservation, and that state agency activities with respect to listed properties are regulated. There are, however, no limitations imposed upon the private land owner for listed properties on their property. Formal listing can, however, open the door to acquiring funds for enhanced preservation and public education activities, as described below.

Whether or not listing is pursued for an ELCA resource, a property manager has additional evaluative factors to consider. Are agency activities, ongoing or planned, affecting the resource? Would there be a public benefit to providing exhibitry, and/or incorporating the property within the framework of education and outreach activities, such as a hiking trail or a location visited by school groups? Would a public access/outreach component situated at or near an ELCA resource inhibit a manager (or landowner) from accomplishing other, necessary objectives? The answers to these questions will factor into how an ELCA resource should be managed, leading to the next step in the process.

3. Assessment of ELCA Segments and Associated Resources

“Assessment,” like “identification” and “evaluation,” is a term that has a formal meaning with respect to cultural resources management, but also has wider implications with respect to how public land administrators (and landowners) may decide to manage ELCA segments and associated resources under their purview. In the more formal sense, “assessment” refers to the process of assessing the effects that a contemplated action may have upon a historic property that has been identified and determined to be “eligible” for listing on the NRHP or SRCP. Review of proposed actions under state law follows the implementing regulations established for the NM Cultural Properties Act of 1969 (§§18-6-1 through 18-6-17, NMSA 1978), and/or the NM Prehistoric and Historic Sites Preservation Act of 1989 (§§18-8-1 through 18-8-8, NMSA 1978), depending upon the details of the proposed action and the status of the property that may be affected. The NM Cultural Properties Act requires that state agencies provide the NMSHPO with an opportunity to participate in planning for activities that will affect properties that are listed on the SRCP. Specifically, the head of any state agency or department having direct or indirect jurisdiction over any land or structure modification which may affect a registered cultural property is required to provide the NM SHPO with an opportunity to participate in planning such undertaking so as to preserve, protect, and avoid or minimize adverse effects on, registered cultural properties²⁷. The NM Prehistoric and Historic Sites Preservation Act prohibits the use of state funds for any program or project that requires the “use” of any portion of or any land from a prehistoric or historic site listed in the SRCP or the NRHP, unless there is no feasible and prudent alternative to such use, and unless the program or project includes all possible planning to preserve and protect and to minimize harm to the significant prehistoric or historic site resulting from such use. The NM Cultural Properties Protection Act of 1993 (§§18-6A-1 through 18-6A-6, NMSA 1978) may also be applicable. Implementing regulations have not been established for the NM Cultural Properties Protection Act, but the statute encourages state agencies to consult with the NMSHPO-HPD to avoid inadvertent damage to significant cultural properties, thus encompassing cultural properties that are eligible to State and National Registers, even if they have not been formally listed²⁸.

For the formal review processes per the state statutes outlined above and Section 106 of the NHPA, there are three potential outcomes of the assessment of the effects of a planned action, or undertaking: (1) no effect; (2) no adverse effect; and (3) adverse effect (or “use” per the NM Prehistoric and Historic Sites Preservation Act). Most important to note, an assessment of “adverse effect” upon cultural properties for a given project or undertaking does not mean that the planned activity cannot take place. Rather, an assessment of “adverse effect” should initiate consultation between agency managers and the NMSHPO-HPD regarding potential treatment or mitigation for the specified adverse effect, or effects. Also important to note, formal review per state and federal statutes and implementing regulations frequently incorporates consultation with neighboring/culturally affiliated Native American tribes as well as members of the public, depending on what kind of action is contemplated, where it is taking place, and how it is funded/permitted/approved. State managers/administrators that have proactively established relationships with tribes

²⁷The NM Cultural Properties Act further provides for the protection of archaeological sites through the creation of a permitting process for survey and excavation of sites and unmarked human burials by qualified institutions, and establishes civil and criminal penalties for looting of archaeological sites and disturbance of unmarked burials.

²⁸The NM Cultural Properties Protection Act also establishes a Cultural Properties Restoration Fund for the purpose of providing grants for interpretation, restoration, preservation, stabilization and protection of cultural property that is state property.

and other interested parties will likely find that the necessary consultation processes may flow more smoothly.

For an “eligible” or listed archaeological site that will be adversely affected, data recovery is a common strategy employed to mitigate adverse effect. As described below, data recovery could consist of formal excavation, but additional strategies for the necessary documentation might be employed. For “eligible” or listed buildings, structures, and objects, comprehensive documentation—such as recordation that meets the standard of the Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER)—is also a frequently selected mitigation option²⁹. In some instances, consultation regarding appropriate mitigation for adverse effects may influence aspects of a project’s design, so that, for example, an access route might be slightly changed to avoid an “eligible” or listed archaeological site, or a building renovation might be designed to incorporate rehabilitation strategies that will preserve and/or complement the original historic “fabric” and design style of a building. Replacements of doors and windows in historic structures are particularly sensitive in this regard. Mitigation could also involve actions such as documenting and/or preserving another comparable historic property, producing interpretive/educational materials (including publications as well as wayside exhibits), developing/presenting a cultural resources training activity, nominating a Trail-related property to the SRCP and/or NRHP, and more. For managers of cultural properties on public lands (whether state or federal), performing approved mitigation for an identified adverse effect is often the likeliest means by which funding for cultural properties protection and education activities might be budgeted.

In the more expanded sense of the term, as noted, “assessment” can refer to the process of weighing the options available to managers for protecting and, where appropriate, promoting public access to and enjoyment, of cultural properties such as those represented by ELCA. The answers to the questions posed in the evaluation phase will determine which options should best be considered. If a Trail segment or segments have been identified and recorded, for example, are they located such that members of the public can easily access them, perhaps as hiking trails or as loci where school groups could visit for special program activities involving ELCA? If the answer is yes, what is the potential risk from vandalism or looting while remaining accessible to the public? In some instances where Trail traces have been identified for public access and enjoyment, additional research studies—such as metal detecting by cultural resources professionals trained to use such equipment—have been conducted prior to opening the locations to the public. This kind of activity represents a form of data recovery, because artifacts are located and recorded in situ before removal to a curation facility, and a professional report is prepared to document the investigation and describe the resulting information. Similarly, an archaeological resource such as a campsite thought to have been used by ELCA travelers might be professionally excavated prior to opening an area to public access. In this manner, the information potential for these resources is retained in another form available to researchers.

Other options are available for consideration. In some cases, a manager may determine that a Trail segment or an associated site is too fragile to allow for public visitation, or that developing safe access would be too complicated (or would involve adverse effects to other historic resources, or even to threatened and endangered species). In situ preservation without access may be the best

²⁹ More recently, methodologies referenced as the Historic American Landscape Survey (HALS) have been added to the preservation toolkit available to managers of cultural properties.

option. Public access may also negatively impact a manager's intended use of a particular location in a way that circumvents an agency's goals. In these instances, a preferable option may be creating exhibitry such as wayside panels and/or museum displays that are placed near, but not directly upon, an ELCA segment or site. In this regard, it is important to remember that the NHT designation references a corridor for the route rather than narrowly defined loci. Positioning a wayside exhibit in a location near a Trail segment in such a way that visitors are able to appreciate the setting while learning a bit about the history of the resource—while, meanwhile, the actual Trail trace is protected from public access—might be the best way to preserve that portion of ELCA while facilitating public enjoyment of a historic property. Production of educational materials that address the significance and use of the Trail in particular locations is also an option, as are development of curricula for use by local schools. Site stewards, such as the participants in the NM SiteWatch program managed by the NMSHPO-HPD, can monitor Trail resources set aside for long-term preservation in order to deter vandalism and track threats proceeding from natural processes such as erosion.

In the end, it is up to managers and landowners to decide how to accomplish their overall objectives, and to determine how to preserve the Trail for the benefit of future generations while allowing for access and enjoyment by the members of current visiting public. Funds for cultural properties preservation and interpretive/educational facility development remain perennially slim. There are, however, some methods and sources by which available funds for ELCA resources protection and visitor use can be accessed by interested managers and landowners, and it is to these we will now turn.

4-B. Support for ELCA Preservation, Interpretation, and Recreation

Listing a Historic Property on the SRCP/NRHP

Pursuing formal listing for a historic property on the State and/or National Registers strengthens the long-term preservation and protection of the property under consideration, not only by highlighting its special status during review of projects and undertakings per state and federal law as outlined above, but also, in many cases, by making it possible for managers/owners of listed properties to apply for funds that support or enhance continued preservation. Any individual or group may prepare a nomination form for a property to be considered for listing in the SRCP or the NRHP, although multiple property or other complex nominations are usually prepared by professional contractors. New Mexico uses the National Register Nomination Forms for applications to both registers. The necessary forms for (and information and guidance about) preparing them can be obtained from the NMSHPO-HPD as well as the NPS; the NMSHPO-HPD includes a State and National Register Coordinator on staff that receives and reviews the application forms for all proposed listings in New Mexico. When the paperwork for a proposed register listing has been reviewed and determined to be complete (including requisite landowner/manager consent), it is submitted to the Cultural Properties Review Committee (CPRC) for the State of New Mexico. The CPRC makes the final determination regarding listing a historic property on the State Register, while national-level listing is determined by the Keeper of the National Register. Submittals for cultural properties accepted for listing at the state level are forwarded to the Keeper following state approval.

For many archaeological sites, “eligibility” is frequently related to the potential that sites may have to yield information, while for buildings or structures, the questions to ask more frequently relate to their associations with events in history, important people, or architecture. Listed historic properties include districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. The criteria for eligibility to the NRHP and the SRCP include:

- (a) association with events that have made a significant contribution to the broad patterns of history;
- (b) association with the lives of persons significant in history;
- (c) embodiment of distinctive characteristics of a type, period, or method of construction, or high artistic values, or that represent the work of a master;
- (d) That have yielded or may be likely to yield, information important in history or prehistory³⁰.

Listed properties may certainly embody more than one criterion. With respect to ELCA segments and associated historic properties, while such properties are often considered under Criterion D, “information potential,” they may also be evaluated as “eligible” due to their association with events important to the broad patterns of history, and/or the lives of persons significant in history. Attributes of Criterion C—in particular, characteristics of a type, period, or method of construction—may also be relevant. As described above, the MPDF for ELCA segments and associated cultural properties has already been prepared and accepted at state and federal levels (Merlan et al. 2010a). This means that a historic context and property types for ELCA segments has been approved, thus individual nomination forms for specific segments or associated properties that meet the criteria in the MPDF can be prepared using the approved historic context. Table C.3 in Appendix C of this document includes all of the listed cultural properties located on or within 500 meters of a state-owned segment of ELCA in New Mexico; of these, only three intersect a state-owned section of ELCA: Fort McRae (LA 4983/HPD 1826), Camino Real -Jornada Lakes Section (HPD 1958), and Camino Real -Yost Draw Section (HPD-1959).

Site Certification on a Congressionally-Designated National Historic Trail

As noted above, one option for land managers and owners interested in obtaining assistance for preservation and promotion of ELCA segments and associated resources is provided via the Trail site certification process. In New Mexico, Trail resources certification is supervised by the NPS-NTIR office in Santa Fe. In order to become a certified site, the property owners/managers need to apply to NPS-NTIR and go through the process. Appendix D of this plan contains detailed information about certification, including an application form. It is not necessary for a certified site to be located directly on an ELCA segment or resource to be considered eligible for certification. It must, however, be owned or managed by a non-federal entity, and if it is not a Trail resource it must include a permanent display or exhibit accessible to the public that speaks to the significance of ELCA.

³⁰ More information (and additional criteria) may be found in National Register Bulletin 15, *Guidelines for Applying the National Register Criteria for Evaluation*, and related publications. These publications and, as noted, additional information may be obtained from the NMSHPO-HPD.

Site certification on a national historic trail is described in the National Trails System Act of 1968 (as amended) in Section 3(a)(3).

*“(3) National historic trails, established as provided in section 5 of this Act, which will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous onsite. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. Only those selected land and water based components of a historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act are included as Federal protection components of a national historic trail. **The appropriate Secretary may certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States.** [emphasis added]”*

The process by which an Interior agency may go about site certification is addressed in Section 7(h) of the NTSA, which spells out how to form the partnership necessary to create and maintain the certification.

A historic site associated with ELCA—whether it is a structure or an archaeological site, such as a Trail trace—that is under consideration for certification should exhibit visible and above-ground resources or an intact setting that are worthy of certifying, and that pertain to events along the Trail during the period of significance (1598-1881). And for an interpretive facility such as a museum or visitor center to be certified, it needs to include an existing permanent display or exhibit that provides information about ELCA.

The certification process is implemented along ELCA through a written agreement between the landowner or manager and the NPS-NTIR. Once approved, the certified site may be eligible for interpretation, protection, and other assistance funded by the NPS provided that the public is allowed at least limited access to the site. The agreements are not easements, and do not transfer ownership. The owner/manager still retains all ownership rights to the sites or segments, and either party may revoke the certification agreement at any time with appropriate notice to the other party.

The NPS has certification agreements with owner/managers for 18 sites along or near ELCA within New Mexico. The State of New Mexico owns and/or manages five of these sites: the Palace of the Governors in Santa Fe; the Coronado State Historic Site in Bernalillo; El Camino Real Historic Trail Site (currently closed) near San Antonio; Fort Selden State Historic Site in Radium Springs; and the New Mexico Farm and Ranch Heritage Museum in Las Cruces. Of these five sites, only the Palace of the Governors is located directly on the Trail. The other sites are located near the Trail and provide exhibits or other educational materials that help the public understand the history and significance of ELCA.

Table 4.1 Certified sites along ELCA in New Mexico.*

Site Name	Location	Owner
Albuquerque Museum of Art and History	2000 Mountain Road NW (corner of 19th Street), Albuquerque	City
Antonio Store	5285 Cristo Rey, Doña Ana	Private
Barncastle House, John M. and John D.	5492 Cristo Rey, Doña Ana	Private
Branigan Cultural Center	501 North Main Street, Las Cruces	City
Camino Real Site	La Cienega area, southwest of Santa Fe. The specific location is restricted.	Private
Casa San Ysidro, The Gutiérrez-Minge House	973 Old Church Road, Corrales	City
Coronado Historic Site	485 Kuaua Road, Bernalillo	State
El Camino Real Historic Trail Site	Approximately 30 miles south of Socorro and 35 miles north of Truth or Consequences. Closed to the public.	State
El Rancho de las Golondrinas	334 Los Pinos Road, La Cienega	Private
Estancia de los Jaramillo	1305 Blake Road, SW, Albuquerque	Private
Fort Selden Historic Site	Radium Springs, 13 miles north of Las Cruces	State
Gutiérrez-Hubbell House	6029 Isleta Boulevard SW, Albuquerque	County
Mesilla Plaza	Central Mesilla, bounded by Calle Principal, Calle de Guadalupe, Calle de Santiago, and Calle de Parian	City
New Mexico Farm and Ranch Heritage Museum	4100 Dripping Springs Road, Las Cruces	State
Palace of the Governors	105 West Palace Avenue, on the north side of the Santa Fe Plaza	State
Spanish Colonial Arts Museum	750 Camino Lejo, Santa Fe (at Museum Hill)	Private
Tomé Hill (El Cerro de Tomé)	Approximately five miles southeast of Los Lunas. A portion of the hill is protected in Tomé Hill Park, at the corner of Tomé Hill Road (Rio del Oro Loop North) and La Entrada Road.	City/Private
Tomé Jail	8 Church Loop (SW side of plaza), Tomé	Private

*The list is derived from << <https://www.nps.gov/elca/getinvolved/certified-sites-on-el-camino-real-de-tierra-adentro-nht.htm>>>. Eight additional certified sites are found on or near ELCA in Texas.

Trail Route Markers and Signs

Installation of signage for ELCA resources along the designated route is addressed in the CMP/EIS, and represents an option for enhancing public awareness of and appreciation for the Trail. Permission must be obtained from the Trail Administrators to use the official logo on Trail marking signs, which have been designed as part of a sign family of related informational markers. The Trail Administrators also have staff and resources to assist partners in planning the placement of various signs within the sign family for the Trail, and securing funds to support the project. The NPS-NTIR provides an online sign planning viewer to assist in the preparation of a sign plan for a particular project or area. Once the sign plan has been finalized and landowner/land manager jurisdiction agreements have been prepared, the signs can be ordered and installed. The total time and costs to complete a signing project depends on the size and complexity of the project,

availability and timing of funding, and the speed of the approvals by landowners/land managers. Figure 4.1, below, illustrates the different kinds of signage that may be developed and displayed along ELCA.



Figure 4.1. The “sign family” approved for use in various locations associated with El Camino Real de Tierra Adentro NHT in New Mexico.

Tax Credits and Preservation Easements

State and Federal Tax Credits and Preservation Easements are generally thought of as proceeding from programs that are only applicable to private lands. This information is included here, however, for two reasons. First, state agencies interested in forming partnerships with private landowners for the purpose of promoting preservation of Trail segments and associated resources, or establishment of public access over longer distances—such as would be considered for hiking trails—can provide this information to interested members of the public. Second, state (and other) agencies can and do grant easements for purposes of resources preservation. For an individual or an agency interested in creating an easement for conservation of Trail-related resources, the best first step is contacting one of the agencies described below that can help identify the requisite sequence of actions, including specification of the terms of an easement and an appropriate entity to hold the easement.

State Tax Credits

The state of New Mexico, through the NMSHPO-HPD and the Department of Taxation and Revenue (TRD), offers state income tax credits for rehabilitation work performed on registered cultural properties through a program that has been in service since 1984. In general, properties that have been granted tax credits through this program consist of “built environment” resources, such as historic buildings, although stabilization of an archaeological site (depending upon what such an

activity consists of, and how it is executed) can be considered. To be eligible for participation, a property must be listed individually on the SRCP or be documented as a “contributing resource” in a historic district listed on the SRCP. Both commercial and residential buildings may be eligible for the program. The NMSHPO-HPD can assist interested property owners with determining the listing status for their property, or developing a listing for an eligible unlisted property. Typically, tax credit projects include activities such as: roof replacement; rehabilitation of exterior woodwork; repair of historic windows; stabilization of foundations and structural elements; and replacement of outdated mechanical, electrical, and plumbing systems. Rehabilitation of historic landscaping may be eligible for tax credits, if it has been documented on the SRCP. Eligible projects must meet the standards outlined in the *Secretary of the Interior’s Standards for Rehabilitation*. Applications are reviewed by the CPRC for conformance with the program standards, and must be approved before the proposed work is accomplished. Of particular importance, property owners/managers should ascertain if the expenses they are planning to propose for state tax credits are eligible under the program.

The tax credit offered through the program consists of a 50% income tax credit for eligible costs spent in a pre-approved rehabilitation project, up to a maximum credit of \$25,000 or 5 years of state income tax liability, whichever is least; project expenses may be greater but the eligible expenses and tax credits are capped at these figures³¹. The credit offsets the amount of income tax owed, generally dollar-for-dollar. If the credit is not expended to offset tax owed for the year of project completion, the remaining amount may be applied to up to four additional tax years until it is used up. Any unused credit remaining after five years is forfeited.

The two part application process commences before the proposed work begins, and is finalized when the work has been completed. Detailed information about the program (including very specific information about applicable costs), and application forms, are available at the NMSHPO-HPD. Applicants are encouraged to consult with NMSPO-HPD staff as early in their planning process as possible.

Federal Tax Incentives for Rehabilitating Historic Buildings

In cooperation with the NPS, the NMSHO-HPD also administers a program that can result in tax credits for rehabilitation actions taken to preserve income-producing/commercial historic buildings listed in the NRHP. The specifications for participation in this program are similar but not exactly the same as the requirements and procedures for state tax credits. Interested applicants should consult with the NMSHPO-HPD to ascertain whether their proposed rehabilitation project might qualify for federal tax credits, and to obtain guidance in following the process.

Preservation/Conservation Easements

A conservation or preservation easement is a legal agreement that a property owner makes to restrict the type and amount of the development rights that allow for changes to be made to a building and its surroundings, or to land or property. An easement’s restrictions are tailored to the particular property and to the interests of the owner; a landowner may decide to relinquish only certain rights to property, such as the rights to subdivide the land, to restrict access, or to harvest

³¹ The sole exception is represented by listed historic buildings located within state-certified “Arts and Cultural Districts,” in which the maximum in eligible expense is \$100,000 for a 50% tax credit maximum of \$50,000.

resources³². To yield specified rights while retaining others, a property owner grants an easement to an appropriate third party which will hold the easement. The easement document will specify the rights and restrictions on use that are necessary to protect the property per the terms of the easement. The owner then conveys the right to enforce those restrictions to a qualified conservation recipient, such as a public agency, a land trust, or a historic preservation organization.

Easements are referred to by a variety of names, according to the resource(s) they are enacted to protect; any property with significant conservation or historic preservation values can be protected by an easement. Historic preservation easements that apply to buildings are commonly referred to as “façade easements,” but such easements may also be employed to preserve the surroundings of historic structures and/or land-use areas. Categories exist for easements that preserve agricultural operation (“agricultural preservation easements”), as well as scenic resources. Another term for a conservation easement is “conservation restriction.” Enacting a conservation easement allows a landowner to protect their land or historic buildings from inappropriate development while continuing to retain private ownership. Granting an easement can also yield tax savings, but the easement must be granted in perpetuity in order to qualify for federal and estate tax benefits. Enacting a conservation easement does not require a landowner to allow public access to the property unless tax benefits are to be claimed. If federal tax benefits are anticipated, easements granted for recreation or educational purposes necessitate public access. For historic preservation easements, either visual or physical access may be required, depending on the property or building to be preserved, in order to claim federal tax and estate benefits. Visual public access is required for scenic easements, but physical access is not necessary. Allowing for public access is not generally required for easements that protect wildlife or plant habitats or agricultural lands.

The difference in property value between the unencumbered property and the property after donation of the easement may be taken as a federal tax deduction for a charitable gift provided that the easement is perpetual (as opposed to a “term easement”) and is donated exclusively for conservation purposes. To determine the value of the easement donation, the owner must (in accordance with detailed federal instructions) have the property appraised both at its fair market value before the easement restrictions are applied, and then at its fair market value with the easement restrictions; the difference between these two appraised values is the easement value. A state statute must be extant to enable taking an easement deduction on federal income taxes, and such is the case in New Mexico³³. State tax incentives for preservation easements may also be applicable.

One of the complications for landowners contemplating a conservation easement is identifying a not-for-profit/non-profit organization that is willing and able to hold the easement. The NMSHPO-HPD (for historic preservation easements) and the New Mexico Energy, Minerals, and Natural Resources Department ([EMNRD] for easements involving lands rather than structures), can provide information about the process of creating a preservation easement and identifying an appropriate entity willing to hold it. Organizations in New Mexico that can work with property owners regarding easements include: the Trust for Public Land (with an office in Santa Fe)

³² If the property is owned by more than one person, all owners must agree to enactment of a preservation easement. If the property is mortgaged, agreement must be sought from the lender.

³³ Applicable state statutes include the NM Land Conservation Incentives Act of 2004 (§§75-9-1 through 6 NMSA 1978) and the NM Cultural Properties Preservation Easement Act (§§47-12A-1 to 47-12A-6 NMSA 1978) .

and the Archaeological Conservancy (in Albuquerque). National-level organizations that may be able to provide assistance to landowners include the Land Trust Alliance and the National Trust for Historic Preservation³⁴.

4-C. Hiking El Camino Real de Tierra Adentro NHT

Opportunities to walk along portions of ELCA's designated route in New Mexico are available in five locations, including: Point of Rocks and Yost Draw in the Jornada del Muerto; Tomé Hill (El Cerro de Tomé) south of Albuquerque and Isleta Pueblo; and La Bajada Mesa and commencing at the Dead Dog Well Trailhead on Buckman Road, on the southern and northern entrances to Santa Fe, respectively. The first three trails on the list provide relatively short but inspirational hiking opportunities to experience magnificent settings associated with ELCA's designated route; the trail at Yost Draw also encompasses a "retracement" stretch that allows visitors to walk along an original stretch of the Trail. The ELCA route segments accessible to hikers near Santa Fe offer somewhat more expansive mileages as well as spectacular scenery.

The La Bajada Mesa location south of Santa Fe is open but undeveloped, and encompasses a convergence of historic roads that wind their way up the face of the escarpment, including ELCA, Route 66, and New Mexico's first state highway, Route 1. Accessing this location requires clambering and scrambling and as well as walking and the precise mileage is difficult to calculate, since an official trail has not been marked (although hikers should expect to walk at least five miles round-trip from their vehicles). Land status is somewhat convoluted, as acreage managed by the Santa Fe National Forest, the BLM, and Cochiti Pueblo converge on the escarpment; currently, the Pueblo has restricted access to the lower portion of the roads. The location is accessible to vehicle traffic, although only the most intrepid drivers using robust off-road vehicles would be likely to chance it. As indicated by Figure 1.1, however, the persistent hiker is rewarded by views of the magnificent setting of the northern route matched by few. Hiking out of the Dead Dog Well Trailhead, north of Santa Fe, offers a somewhat more developed trail hiking experience, connecting the Santa Fe Greenway with the designated route of the Trail, also in a splendid setting. At 14.7 miles, it is the longest non-motorized stretch of the designated route now accessible to the public. The partnership that succeeded in creating this trail included the BLM, the City of Santa Fe, the County of Santa Fe, the Federal Highway Administration (FHWA), the NPS, and the USDA Forest Service.

A salient question to pose at this juncture would be: why can't New Mexico develop more opportunities to experience the Trail without using motor vehicles? Cultural tourism is economically important to this state, and offers an avenue for creating visitor experiences that can generate income for citizens (as well as agencies) in a context that requires preservation of the properties and values that members of the public would wish to see. Careful thought would have to be given to a variety of issues, as outlined in the legislative and planning documents discussed in Chapter 3. The existing non-motorized Trail access locations that have already been developed, however, attest to the fact that it would be possible to continue developing opportunities for members of the public to

³⁴ The National Conservation Easement Database (NCED) can be consulted online (<<<https://www.conservationeasement.us/>>>) and provides useful information about easements.

walk, bike, or ride along the designated route as a true long distance trail, perhaps even creating what is referred to as a “through-hiking” experience.

Most Americans think of such trails as involving backpacking in the wilderness, as is the case for the Pacific Crest National Scenic Trail and the Appalachian National Scenic Trail. A number of foreign countries have, however, successfully pioneered the concept of combining “through-hiking” with cultural tourism, offering hikers the opportunity to walk through historic/cultural landscapes while stopping and staying in towns, villages, and even cities along the way. Pre-eminent among these would probably be the great Camino de Santiago/Way of Saint James, the name given to a series of connected routes traveled by pilgrims for many centuries (and along many hundreds of miles, depending upon the starting point) that converge at the city of Santiago de Compostela in northwestern Spain. Portions of the Camino de Santiago coincide with modern highways and roads, while others cross farmlands and ranches, forests, and mountains. Some stretches contain historic paving and engineering features such as bridges constructed by the ancient Romans. Travelers along the Way have the opportunity to stay in hostels, inns and hotels, and even pre-screened private residences in remote villages whose owners have elected to offer amenities such as a bed and a hot meal to modern pilgrims, through programs coordinated by municipal authorities who maintain lists of participants willing to open their homes. This tourism has provided an economic boost to property owners in rural settings across the country, enabling them to remain in their homes/on their lands while deriving income.

For New Mexico to develop a long-distance Trail route, or routes, available to through-hikers, a central, organizing authority would need to propose and promote it. The State of New Mexico could fulfill that role, first by bringing together the various state agencies and entities (including political subdivisions of the state, such as municipalities) that own/manage public lands crossed by the designated route of ELCA, then by reaching out to the various federal partners, to private landowners, to Native American tribal governments, and perhaps even to similar entities in the state of Texas. A common response to enthusiasts of such an idea is that private owners would not possibly be interested in such a prospect, especially since it could interfere with ranching or mineral extraction operations. The experiences of private landowners in foreign countries which have successfully developed long-distance trails in settled areas belie this assertion. In Scotland, for example, where there is almost no publicly owned land, long-distance hikers traveling along a variety of established (and well-promoted) routes trek through fields and farmsteads, ranches and private timber holdings without incident (and without, apparently, setting fires or disturbing the cows and sheep). While the proposition of organizing a long-distance ELCA route for through-hikers in New Mexico would certainly take time, funds, and a substantial amount of work, it is also true that a great deal of the effort that it would take to get started has already been expended, as detailed in Chapter 3, and there are many opportunities for financial and technical support, not to mention tax incentives. Such an effort has been successful in the establishment of the Continental Divide National Scenic Trail, which crosses New Mexico. What is needed, at this point, is the will to do it.

4-D. Conclusions

We have examined in detail the history, significance, location, and many other aspects of El Camino Real de Tierra Adentro NHT in the United States, with an emphasis upon the New Mexico portion of the Trail’s story. A great deal of research, thought, and care has gone into planning for preservation of the designated route and associated resources, and some of the initial stages of the

work necessary to appropriately allow for public access to and appreciation of ELCA segments and sites has been accomplished. Some of this work is ongoing; the Dead Dog Well Trailhead opened in June of 2018. From the state perspective, however, the closing of El Camino Historic Trail Site (formerly known, as noted, as El Camino International Heritage Center) appears to have stymied further progress, at least for now. As originally envisioned in the CMP/EIS this facility would have functioned as a central point for a variety of activities involved in interpretation and education about the Trail, but at present it is shuttered and plans to revive it (or to re-use the wonderful exhibitry) have not been announced. Concomitantly, the official Trail association in New Mexico, CARTA, has lost federal funding, resulting in curtailment of many activities, including publication of its award-winning journal, *Chronicles of the Trail*. Perhaps not surprisingly, these events have taken place against a backdrop of economic downturn for New Mexico. What, then, is to be done?

As was stated at the outset, the purpose of this document has been to present a set of tools for aspirational, proactive management of New Mexico's premier linear cultural resource. There are many opportunities for funding, technical assistance, and other support for those who are interested in preserving ELCA while facilitating public access, but for the most part, those who wish to do so have to want to do it: it is a goal, not a requirement, at least in many instances. And besides willingness to get involved and stay involved, participants would need to coordinate with each other, including agencies, municipalities, private landowners, and Native American tribal governments. The NMSHPO-HPD has suggested that, as a logical starting point, state agencies could convene a work group, along with the federal trail administrators, to discuss which segments of ELCA could be certified and/or listed, and opened to the public. If agency folk are willing, CARTA may be able to participate as well. This work group could also identify potential Trail segments and/or associated resources that could be listed in the SRCP/NRHP. Other state agencies would also logically have a stake in such an effort, including the New Mexico Tourism Department, EMNRD, the NMSA, the NMSLO, the NMSU, and the NMDOT. Federal partners, as described here, are willing and able to provide assistance, and would most likely respond well to a coordinated effort proceeding from the state. New Mexico needs to take that first step, to re-connect with the effort to preserve, protect, and interpret the story of the Trail that made it.

“A trace, when followed, becomes a trail. Likewise, a trail, when transformed by technology, becomes a road, a highway, a flight path, a copper cable, a radio wave, a digital network. With each innovation, we're able to get where we want to go faster and more directly—yet each new gain comes with a feeling of loss.

From trains to automobiles to airplanes, each time the speed of connection quickens, travelers have expressed sense of growing alienation from the land blurring past our window. In the same vein, many people currently worry that digital technology is making us less connected to the people and things in our immediate environments. It is easy to dismiss these responses to overreactions, the curmudgeonly groans of the progress-averse. Yet in all these cases, a faster connection palpably diminishes our ability to experience the richness of the physical world.” (Moor 2016:254-255).

One of New Mexico's great strengths has, for much of the state's history, been the ability to participate, even lead, in the technological efforts that are building the future while preserving traditions, lifeways, and landscapes that celebrate the richness of the past. Preservation and interpretation of El Camino Real de Tierra Adentro NHT provides an opportunity for New Mexico

to make certain that a substantial component of the history and magnificent settings of its past will be part of its cultural trajectory and traditions for the centuries to come.

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Appendix A

El Camino Real de Tierra Adentro National Historic Trail Establishment Act

PUBLIC LAW 106-307—OCT. 13, 2000

EL CAMINO REAL DE TIERRA ADENTRO
NATIONAL HISTORIC TRAIL ACT

Public Law 106-307
106th Congress

An Act

Oct. 13, 2000
[S. 366]

To amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

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

El Camino Real
de Tierra
Adentro National
Historic Trail
Act.
New Mexico.
Texas.
16 USC 1241
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “El Camino Real de Tierra Adentro National Historic Trail Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(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 (1598-1600), San Gabriel (1600-1609) and then Santa Fe (1610-1821).

(2) The portion of El Camino Real de Tierra Adentro that resided 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 de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period 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 borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(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.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating 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; and

(2) by adding at the end the following:

“(21) EL CAMINO REAL DE TIERRA ADENTRO.—

“(A) 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 Feasibility 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.

“(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior.

“(D) LAND ACQUISITION.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

“(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 other affected Federal, State, local governmental, 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.”.

Approved October 13, 2000.

LEGISLATIVE HISTORY—S. 366:

SENATE REPORTS: No. 106-22 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 3, considered and passed House.



Appendix B

The National Trails System Act

THE NATIONAL TRAILS SYSTEM ACT

(P.L. 90-543)
(16 U.S.C. 1241 et. seq.)
as amended through P.L. 103-145, November 17, 1993

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,

SEC 1. SHORT TITLE

This Act may be cited as the "National Trails System Act".

SEC 2. STATEMENT OF POLICY

(a) In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within scenic areas and along historic travel routes of the Nation which are often more remotely located.

(b) The purpose of this Act is to provide the means for attaining these objectives by instituting a national system of recreation, scenic and historic trails, by designating the Appalachian Trail and the Pacific Crest Trail as the initial components of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

(c) The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation's trails. In recognition of these contributions, it is further the purpose of this Act to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails.

SEC 3. NATIONAL TRAILS SYSTEM

(a) The national system of trails shall be composed of the following:

(1) National recreation trails, established as provided in section 4 of this Act, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.

(2) National scenic trails, established as provided in section 5 of this Act, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. National scenic trails may be located so as to represent desert, marsh, grassland, mountain, canyon, river,

forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation.

(3) National historic trails, established as provided in section 5 of this Act, which will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous onsite. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. Only those selected land and water based components of a historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act are included as Federal protection components of a national historic trail. The appropriate Secretary may certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States.

(4) Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker for the national trails system.

(b) For purposes of this section, the term 'extended trails' means trails or trail segments which total at least one hundred miles in length, except that historic trails of less than one hundred miles may be designated as extended trails. While it is desirable that extended trails be continuous, studies of such trails may conclude that it is feasible to propose one or more trail segments which, in the aggregate, constitute at least one hundred miles in length.

(c) On October 1, 1982, and at the beginning of each odd numbered fiscal year thereafter, the Secretary of the Interior shall submit to the Speaker of the United States House of Representatives and to the President of the United States Senate, an initial and revised (respectively) National Trails System plan. Such comprehensive plan shall indicate the scope and extent of a completed nationwide system of trails, to include (1) desirable nationally significant scenic and historic components which are considered necessary to complete a comprehensive national system, and (2) other trails which would balance out a complete and comprehensive nationwide system of trails. Such plan, and the periodic revisions thereto, shall be prepared in full consultation with the Secretary of Agriculture, the Governors of the various States, and the trails community.

SEC 4. NATIONAL RECREATION TRAILS

(a) The Secretary of the Interior, or the Secretary of Agriculture where lands administered by him are involved, may establish and designate national recreation trails, with the consent of the Federal agency, State, or political subdivision having jurisdiction over the lands involved, upon finding that--

(i) such trails are reasonably accessible to urban areas, and, or

(ii) such trails meet the criteria established in this Act and such supplementary criteria as he may prescribe.

(b) As provided in this section, trails within park, forest, and other recreation areas administered by the Secretary of the Interior or the Secretary of Agriculture or in other federally administered areas may be established and designated as "National Recreation Trails" by the appropriate Secretary and, when no Federal land acquisition is involved --

(i) trails in or reasonably accessible to urban areas may be designated as "National Recreation Trails" by the appropriate Secretary with the consent of the States, their political subdivisions, or other appropriate administering agencies;

(ii) trails within park, forest, and other recreation areas owned or administered by States may be designated as "National Recreation Trails" by the appropriate Secretary with the consent of the State; and

(iii) trails on privately owned lands may be designated 'National Recreation Trails' by the appropriate Secretary with the written consent of the owner of the property involved.

SEC. 5 NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS

(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:

(1) The Appalachian National Scenic Trail, a trail of approximately two thousand miles extending generally along the Appalachian Mountains from Mount Katahdin, Maine, to Springer Mountain, Georgia. Insofar as practicable, the right-of-way for such trail shall comprise the trail depicted on the maps identified as "Nationwide System of Trails, Proposed Appalachian Trail, NST-AT-101-May 1967", which shall be on file and available for public inspection in the office of the Director of the National Park Service. Where practicable, such rights-of-way shall include lands protected for it under agreements in effect as of the date of enactment of this Act, to which Federal agencies and States were parties. The Appalachian Trail shall be administered primarily as a footpath by the Secretary of the Interior, in consultation with the Secretary of Agriculture.

(2) The Pacific Crest National Scenic Trail, a trail of approximately two thousand three hundred fifty miles, extending from the Mexican-California border northward generally along the mountain ranges of the west coast States to the Canadian-Washington border near Lake Ross, following the route as generally depicted on the map, identified as "Nationwide System of Trails, Proposed Pacific Crest Trail, NST-PC-103-May 1967" which shall be on file and available for public inspection in the office of the Chief of the Forest Service. The Pacific Crest Trail shall be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

(3) The Oregon National Historic Trail, a route of approximately two thousand miles extending from near Independence, Missouri, to the vicinity of Portland, Oregon, following a route as depicted on maps identified as 'Primary Route of the Oregon Trail 1841-1848', in the Department of the Interior's Oregon Trail study report dated April 1977, and which shall be on file and available for public inspection in the office of the Director of the National

Park Service. The trail shall be administered by the Secretary of the Interior.

(4) The Mormon Pioneer National Historic Trail, a route of approximately one thousand three hundred miles extending from Nauvoo, Illinois, to Salt Lake City, Utah, following the primary historical route of the Mormon Trail as generally depicted on a map, identified as, 'Mormon Trail Vicinity Map, figure 2' in the Department of the Interior Mormon Trail study report dated March 1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(5) The Continental Divide National Scenic Trail, a trail of approximately thirty-one hundred miles, extending from the Montana-Canada border to the New Mexico-Mexico border, following the approximate route depicted on the map, identified as 'Proposed Continental Divide National Scenic Trail' in the Department of the Interior Continental Divide Trail study report dated March 1977 and which shall be on file and available for public inspection in the office of the Chief, Forest Service, Washington, D.C. The Continental Divide National Scenic Trail shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior. Notwithstanding the provisions of section 7(c), the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary.

(6) The Lewis and Clark National Historic Trail, a trail of approximately three thousand seven hundred miles, extending from Wood River, Illinois, to the mouth of the Columbia River in Oregon, following the outbound and inbound routes of the Lewis and Clark Expedition depicted on maps identified as, 'Vicinity Map, Lewis and Clark Trail' study report dated April 1977. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(7) The Iditarod National Historic Trail, a route of approximately two thousand miles extending from Seward, Alaska, to Nome, Alaska, following the routes as depicted on maps identified as 'Seward-Nome Trail', in the Department of the Interior's study report entitled 'The Iditarod Trail (Seward-Nome Route) and other Alaskan Gold Rush Trails' dated September 1977. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(8) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as 'Proposed North Country Trail-Vicinity Map' in the Department of the Interior 'North Country Trail Report', dated June 1975. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(9) The Overmountain Victory National Historic Trail, a system totaling approximately two hundred seventy-two miles of trail with routes from the mustering point near Abingdon, Virginia, to Sycamore Shoals (near Elizabethton, Tennessee); from Sycamore Shoals to Quaker Meadows (near Morganton, North Carolina); from the mustering point in Surry County, North Carolina, to Quaker Meadows; and from Quaker Meadows to Kings Mountain, South Carolina, as depicted on the map identified as Map 3--Historic Features--1780

in the draft study report entitled 'Overmountain Victory Trail' dated December 1979. The map shall be on file and available for public inspection in the Office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(10) The Ice Age National Scenic Trail, a trail of approximately one thousand miles, extending from Door County, Wisconsin, to Interstate Park in Saint Croix County, Wisconsin, generally following the route described in "On the Trail of the Ice Age--A Hiker's and Biker's Guide to Wisconsin's Ice Age National Scientific Reserve and Trail", by Henry S. Reuss, Member of Congress, dated 1980. The guide and maps shall be on file and available for public inspection in the Office of the Director, National Park Service, Washington, District of Columbia. Overall administration of the trail shall be the responsibility of the Secretary of the Interior pursuant to section 5(d) of this Act. The State of Wisconsin, in consultation with the Secretary of the Interior, may, subject to the approval of the Secretary, prepare a plan for the management of the trail which shall be deemed to meet the requirements of section 5(e) of this Act. Notwithstanding the provisions of section 7(c), snowmobile use may be permitted on segments of the Ice Age National Scenic Trail where deemed appropriate by the Secretary and the managing authority responsible for the segment.

(11) The Potomac Heritage National Scenic Trail, a corridor of approximately seven hundred and four miles following the route as generally depicted on the map identified as 'National Trails System, Proposed Potomac Heritage Trail' in 'The Potomac Heritage Trail', a report prepared by the Department of the Interior and dated December 1974, except that no designation of the trail shall be made in the State of West Virginia. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Potomac Heritage Trail. The Secretary of the Interior may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of the Interior.

(12) The Natchez Trace National Scenic Trail, a trail system of approximately six hundred and ninety-four miles extending from Nashville, Tennessee, to Natchez, Mississippi, as depicted on the map entitled 'Concept Plan, Natchez Trace Trails Study' in 'The Natchez Trace', a report prepared by the Department of the Interior and dated August 1979. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(13) The Florida National Scenic Trail, a route of approximately thirteen hundred miles extending through the State of Florida as generally depicted in 'The Florida Trail', a national scenic trail study draft report prepared by the Department of the Interior and dated February 1980. The report shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Florida Trail except with the consent of the owner thereof. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail, only

upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of Agriculture.

(14) The Nez Perce National Historic Trail, a route of approximately eleven hundred and seventy miles extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana, as generally depicted in 'Nez Perce (Nee-Me-Poo) Trail Study Report' prepared by the Department of Agriculture and dated March 1982. The report shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. The trail shall be administered by the Secretary of Agriculture. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Nez Perce National Historic Trail. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail upon application from the States or local governmental agencies involved if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. So that significant route segments and sites recognized as associated with the Nez Perce Trail may be distinguished by suitable markers, the Secretary of Agriculture is authorized to accept the donation of suitable markers for placement at appropriate locations. Any such markers associated with the Nez Perce Trail which are to be located on lands administered by any other department or agency of the United States may be placed on such lands only with the concurrence of the head of such department or agency.

(15) The Santa Fe National Historic Trail, a trail of approximately 950 miles from a point near Old Franklin, Missouri, through Kansas, Oklahoma, and Colorado to Santa Fe, New Mexico, as generally depicted on a map entitled "The Santa Fe Trail" contained in the Final Report of the Secretary of the Interior pursuant to subsection (b) of this section, dated July 1976. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. 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 Federal Government for the Santa Fe Trail except with the consent of the owner thereof. Before acquiring any easement or entering into any cooperative agreement with a private landowner with respect to the trail, the Secretary shall notify the landowner of the potential liability, if any, for injury to the public resulting from physical conditions which may be on the landowner's land. The United States shall not be held liable by reason of such notice or failure to provide such notice to the landowner. So that significant route segments and sites recognized as associated with the Santa Fe Trail may be distinguished by suitable markers, the Secretary of the Interior is authorized to accept the donation of suitable markers for placement at appropriate locations.

(16)(A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes traveled by the Cherokee Nation during its removal from ancestral lands in the East to Oklahoma during 1838 and 1839, generally located within the corridor described through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the final report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Trail of Tears" and dated June 1986. Maps depicting the corridor 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 Federal Government for the Trail of Tears except with the consent of the owner thereof.

(B) In carrying out his responsibilities pursuant to subsections 5(f) and 7(c) of this Act, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky, Fort Smith, Arkansas, Trail of Tears State Park, Missouri, and Tahlequah, Oklahoma.

(17) The Juan Bautista de Anza National Historic Trail, a trail comprising the overland route traveled by Captain Juan Bautista de Anza of Spain during the years 1775 and 1776 from Sonora, Mexico, to the vicinity of San Francisco, California, as generally described in the report of the Department of Interior prepared pursuant to the subsection (b) entitled 'Juan Bautista de Anza National Trail Study, Feasibility Study and Environmental Assessment' and dated August, 1986. A map generally depicting the trail shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of Interior. No lands or interest therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Juan Bautista de Anza National Historic Trail without the consent of the owner thereof. In implementing this paragraph, the Secretary shall encourage volunteer trail groups to participate in the development and maintenance of the trail.

(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 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 California National Historic Trail except with the consent of the owner thereof.

(19) (a) 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.

[Related language from section 2, P.L. 102-328: The Secretary of the Interior (hereinafter referred to as the Secretary) shall undertake a study of the land and water route used to carry mail from Sacramento to San Francisco, California, to determine the feasibility and suitability of designation of such route as a component of the Pony Express National Historic Trail designated by section 1 of this Act. Upon completion of the study, if the Secretary determines such a route is a feasible and suitable addition to the

Pony Express National Historic Trail, the Secretary shall designate the route as a component of the Pony Express National Historic Trail. The Secretary shall publish notice of such designation in the Federal Register and shall submit the study along with his findings to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.]

(b) The Secretary of the Interior, through the agency most likely to administer such trail, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic or national historic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of a trail would be financially feasible. The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of this sentence, whichever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:

- (1) the proposed route of such trail (including maps and illustrations);
- (2) the areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental purposes;
- (3) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic or national historic trail; and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (40 Stat. 666; 16 U.S.C. 461);
- (4) the current status of land ownership and current and potential use along the designated route;
- (5) the estimated cost of acquisition of lands or interest in lands, if any;
- (6) the plans for developing and maintaining the trail and the cost thereof;
- (7) the proposed Federal administering agency (which, in the case of a national scenic trail wholly or substantially within a national forest, shall be the Department of Agriculture);
- (8) the extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof;
- (9) the relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for

segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail;

(10) the anticipated impact of public outdoor recreation use on the preservation of a proposed national historic trail and its related historic and archeological features and settings, including the measures proposed to ensure evaluation and preservation of the values that contribute to their national historic significance; and

(11) To qualify for designation as a national historic trail, a trail must meet all three of the following criteria:

(A) It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential.

A designated trail should generally accurately follow the historic route, but may deviate somewhat on occasion of necessity to avoid difficult routing through subsequent development, or to provide some route variations offering a more pleasurable recreational experience. Such deviations shall be so noted on site. Trail segments no longer possible to travel by trail due to subsequent development as motorized transportation routes may be designated and marked onsite as segments which link to the historic trail.

(B) It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, exploration, migration and settlement, or military campaigns. To qualify as nationally significant, historic use of the trail must have had a far reaching effect on broad patterns of American culture. Trails significant in the history of native Americans may be included.

(C) It must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation. The potential for such use is generally greater along roadless segments developed as historic trails and at historic sites associated with the trail. The presence of recreation potential not related to historic appreciation is not sufficient justification for designation under this category.

(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section.

(1) Continental Divide Trail, a three-thousand-one-hundred-mile trail extending from near the Mexican border in southwestern New Mexico northward generally along the Continental Divide to the Canadian border in Glacier National Park.

(2) Potomac Heritage Trail, an eight-hundred-and-twenty-five-mile trail extending generally from the mouth of the Potomac River to its sources in Pennsylvania and West Virginia including the one-hundred- and- seventy-mile Chesapeake and Ohio Canal towpath.

(3) Old Cattle Trails of the Southwest from the vicinity of San Antonio, Texas, approximately eight hundred miles through Oklahoma via Baxter Springs

and Chetopa, Kansas, to Fort Scott, Kansas, including the Chisholm Trail, from the vicinity of San Antonio or Cuero, Texas, approximately eight hundred miles north through Oklahoma to Abilene, Kansas.

(4) Lewis and Clark Trail, from Wood River, Illinois, to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.

(5) Natchez Trace, from Nashville, Tennessee, approximately six hundred miles to Natchez, Mississippi.

(6) North Country Trail, from the Appalachian Trail in Vermont, approximately three thousand two hundred miles through the States of New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, to the Lewis and Clark Trail in North Dakota.

(7) Kittanning Trail from Shirleysburg in Huntingdon County to Kittanning, Armstrong County, Pennsylvania.

(8) Oregon Trail, from Independence, Missouri, approximately two thousand miles to near Fort Vancouver, Washington.

(9) Santa Fe Trail, from Independence, Missouri, approximately eight hundred miles to Santa Fe, New Mexico.

(10) Long Trail extending two hundred and fifty-five miles from the Massachusetts border northward through Vermont to the Canadian border.

(11) Mormon Trail, extending from Nauvoo, Illinois, to Salt Lake City, Utah, through the States of Iowa, Nebraska, and Wyoming.

(12) Gold Rush Trails in Alaska.

(13) Mormon Battalion Trail, extending two thousand miles from Mount Pisgah, Iowa, through Kansas, Colorado, New Mexico, and Arizona to Los Angeles, California.

(14) El Camino Real from St. Augustine to San Mateo, Florida, approximately 20 miles along the southern boundary of the St. Johns River from Fort Caroline National Memorial to the St. August National Park Monument.

(15) Bartram Trail, extending through the States of Georgia, North Carolina, South Carolina, Alabama, Florida, Louisiana, Mississippi, and Tennessee.

(16) Daniel Boone Trail, extending from the vicinity of Statesville, North Carolina, to Fort Boonesborough State Park, Kentucky.

(17) Desert Trail, extending from the Canadian border through parts of Idaho, Washington, Oregon, Nevada, California, and Arizona, to the Mexican border.

(18) Dominguez-Escalante Trail, extending approximately two thousand miles along the route of the 1776 expedition led by Father Francisco Atanasio Dominguez and Father Silvestre Velez de Escalante, originating in Santa Fe, New Mexico; proceeding northwest along the San Juan, Dolores, Gunnison, and White Rivers in Colorado, thence westerly to Utah Lake; thence southward to Arizona and returning to Santa Fe.

(19) Florida Trail, extending north from Everglade National Park, including

the Big Cypress Swamp, the Kissimmee Prairie, the Withlacoochee State Forest, Ocala National Forest, Osceola National Forest, and Black Water River State Forest, said completed trail to be approximately one thousand three hundred miles along, of which over four hundred miles of trail have already been built.

(20) Indian Nations Trail, extending from the Red River in Oklahoma approximately two hundred miles northward through the former Indian nations to the Oklahoma-Kansas boundary line.

(21) Nez Perce Trail extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana.

(22) Pacific Northwest Trail, extending approximately one thousand miles from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean beach of Olympic National Park, Washington, by way of --

(A) Flathead National Forest and Kootenai National Forest in the State of Montana;

(B) Kaniksu National Forest in the State of Idaho; and

(C) Colville National Forest, Okanogan National Forest, Pasayten Wilderness Area, Ross Lake National Recreation Area, North Cascades National Park, Mount Baker, the Skagit River, Deception Pass, Whidbey Island, Olympic National Forest, and Olympic National Park in the State of Washington.

(23) Overmountain Victory Trail, extending from the vicinity of Elizabethton, Tennessee, to Kings Mountain National Military Park, South Carolina.

(24) Juan Bautista de Anza Trail, following the overland route taken by Juan Bautista de Anza in connection with his travels from the United Mexican States to San Francisco, California.

(25) Trail of Tears, including the associated forts and specifically, Fort Mitchell, Alabama, and historic properties, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas, to the vicinity of Tahlequah, Oklahoma.

(26) Illinois Trail, extending from the Lewis and Clark Trail at Wood River, Illinois to the Chicago Portage National Historic Site, generally following the Illinois River and the Illinois and Michigan Canal.

(27) Jedediah Smith Trail, to include the routes of the explorations led by Jedediah Smith --

(A) during the period 1826-1827, extending from the Idaho-Wyoming border, through the Great Salt Lake, Sevier, Virgin, and Colorado River Valleys, and the Mojave Desert, to the San Gabriel Mission, California; thence through the Tehachapi Mountains, San Joaquin and Stanislaus River Valleys, Ebbetts Pass, Walker River Valley, Bald Mount, Mount Grafton, and Great Salt Lake to Bear Lake, Utah; and

(B) during 1828, extending from the Sacramento and Trinity River valleys along the Pacific coastline, through the Smith and Willamette River Valleys to the Fort Vancouver National Historic Site, Washington, on the Columbia River.

(28) General Crook Trail, extending from Prescott, Arizona, across the Mogollon Rim to Fort Apache.

(29) Beale Wagon Road, within the Kaibab and Cononino National Forests in Arizona; Provided, such study may be prepared in conjunction with ongoing planning processes for these National Forests to be completed before 1990.

(30) Pony Express Trail, extending from Saint Joseph, Missouri, through Kansas, Nebraska, Colorado, Wyoming, Utah, Nevada, to Sacramento, California, as indicated on a map labeled "Potential Pony Express Trail", dated October 1983 and the California Trail extending from the vicinity of Omaha, Nebraska, and Saint Joseph, Missouri, to various points in California, as indicated on a map labeled "Potential California Trail" and dated August 1, 1983. Notwithstanding subsection (b) of this section, the study under this paragraph shall be completed and submitted to the Congress no later than the end of two complete fiscal years beginning after the date of the enactment of this paragraph. Such study shall be separated into two portions, one relating to the Pony Express Trail and one relating to the California Trail.

(31) De Soto Trail, the approximate route taken by the expedition of the Spanish explorer Hernando de Soto in 1539, extending through portions of the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, to the area of Little Rock, Arkansas, on to Texas and Louisiana, and any other States which may have been crossed by the expedition.

The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than one calendar year after the date of enactment of this paragraph.

(32) Coronado Trail, the approximate route taken by the expedition of the Spanish explorer Francisco Vasquez de Coronado between 1540 and 1542, extending through portions of the States of Arizona, New Mexico, Texas, Oklahoma, and Kansas. The study under this paragraph shall be prepared in accordance with subsection (b) of this section. In conducting the study under this paragraph, the Secretary shall provide for (A) the review of all original Spanish documentation on the Coronado Trail, (B) the continuing search for new primary documentation on the trail, and (C) the examination of all information on the archeological sites along the trail.

(33) The route from Selma to Montgomery, Alabama traveled by people in a march dramatizing the need for voting rights legislation, in March 1965, includes Sylvan South Street, Water Avenue, the Edmund Pettus Bridge, and Highway 80. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than 1 year after the enactment of this paragraph.

(34) American Discovery Trail, extending from Pt. Reyes, California, across the United States through Nevada, Utah, Colorado, Kansas, Nebraska, Missouri, Iowa, Indiana, Illinois, Ohio, West Virginia, Maryland, and the District of Columbia, to Cape Henlopen State Park, Delaware; to include in the central United States a northern route through Colorado, Nebraska, Iowa, Illinois, and Indiana and a southern route through Colorado, Kansas, Missouri, Illinois, and Indiana.

(35) Ala Kahakai Trail in the State of Hawaii, an ancient Hawaiian trail on the island of Hawaii extending from the northern tip of the Island of Hawaii approximately 175 miles along the western and southern coasts to the northern

boundary of Hawaii Volcanoes National Park.

(36) (A) El Camino Real de Tierra Adentro, the approximately 1,800 mile route extending from Mexico City, Mexico, across the international border at El Paso, Texas, to Santa Fe, New Mexico.

(B) The study shall (i) examine changing routes within the general corridor; (ii) examine major connecting branch routes; and (iii) give due consideration to alternative name designations.

(C) The Secretary of the Interior is authorized to work in cooperation with the Government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic route along the El Camino Real de Tierra Adentro.

(37) (A) El Camino Real Para Los Texas, the approximate series of routes from Saltillo, Monclova, and Guerrero, Mexico across Texas through San Antonio and Nacogdoches, to the vicinity of Los Adaes, Louisiana, together with the evolving routes later known as the San Antonio Road.

(B) The study shall (i) examine the changing roads within the historic corridor; (ii) examine the major connecting branch routes; (iii) determine the individual or combined suitability and feasibility of routes for potential national historic trail designation; (iv) consider the preservation heritage plan developed by the Texas Department of Transportation entitled "A Texas Legacy: The Old San Antonio Road and the Caminos Reales", dated January, 1991; and (v) make recommendations concerning the suitability and feasibility of establishing an international historical park where the trail crosses the United States-Mexico border at Maverick County, Texas, and Guerrero, Mexico.

(C) The Secretary of the Interior is authorized to work in cooperation with the government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic trail along the El Camino Real Para Los Texas.

(D) The study shall be undertaken in consultation with the Louisiana Department of Transportation and Development and the Texas Department of Transportation.

(E) The study shall consider alternative name designations for the trail.

(F) The study shall be completed no later than two years after the date funds are made available for the study.

(d) The Secretary charged with the administration of each respective trail shall, within one year of the date of the addition of any national scenic or national historic trail to the system, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment, except that the Advisory Council established for the Iditarod Historic Trail shall expire twenty years from the date of its establishment. If the appropriate Secretary is unable to establish such an advisory council because of the lack of adequate public interest, the Secretary shall so advise the appropriate committees of the Congress. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail,

including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

(1) the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee;

(2) a member appointed to represent each State through which the trail passes, and such appointments shall be made from recommendations of the Governors of such States;

(3) one or more members appointed to represent private organizations, including corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations: Provided, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

(4) the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(e) Within two complete fiscal years of the date of enactment of legislation designating a national scenic trail, except for the Continental Divide National Scenic Trail and the North Country National Scenic Trail, as part of the system, and within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, the relevant advisory council established pursuant to section 5(d), and the Appalachian Trail Conference in the case of the Appalachian Trail, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved (along with high potential historic sites and high potential route segments in the case of national historic trails), details of any anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation;

(2) an acquisition or protection plan, by fiscal year for all lands to be acquired by fee title or lesser interest, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired; and

(3) general and site-specific development plans including anticipated costs.

(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National

Scenic Trail or the North Country National Scenic Trail as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

- (1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national historic trails an identified carrying capacity of the trail and a plan for its implementation;
- (2) the process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(c) of this Act;
- (3) a protection plan for any high potential historic sites or high potential route segments; and
- (4) general and site-specific development plans, including anticipated costs.

SEC. 6. CONNECTING AND SIDE TRAILS

Connecting or side trails within park, forest, and other recreation areas administered by the Secretary of the Interior or Secretary of Agriculture may be established, designated, and marked by the appropriate Secretary as components of a national recreation, national scenic or national historic trail. When no Federal land acquisition is involved, connecting or side trails may be located across lands administered by interstate, State, or local governmental agencies with their consent, or, where the appropriate Secretary deems necessary or desirable, on privately owned lands with the consent of the landowners. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the appropriate Secretary.

SEC. 7. ADMINISTRATION AND DEVELOPMENT

(a)(1) (A) The Secretary charged with the overall administration of a trail pursuant to section 5(a) shall, in administering and managing the trail, consult with the heads of all other affected State and Federal agencies. Nothing contained in this Act shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System. Any transfer of management responsibilities may be carried out between the Secretary of the Interior and the Secretary of Agriculture only as provided under subparagraph (B).

(B) The Secretary charged with the overall administration of any trail pursuant to section 5(a) may transfer management of any specified trail segment of such trail to the other appropriate Secretary pursuant to a joint memorandum of agreement containing such terms and conditions as the Secretaries consider most appropriate to accomplish the purposes of this Act. During any period in which management responsibilities for any trail segment are transferred under such an agreement, the management of any such

segment shall be subject to the laws, rules, and regulations of the Secretary provided with the management authority under the agreement except to such extent as the agreement may otherwise expressly provide.

(2) Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register; Provided, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for the specific area in order to insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

(b) After publication of notice of the availability of appropriate maps or descriptions in the Federal Register, the Secretary charged with the administration of a national scenic or national historic trail may relocate segments of a national scenic or national historic trail right-of-way with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that: (i) Such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles: Provided, That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress.

(c) National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: Provided, That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights: Provided further, That private lands included in the national recreation, national scenic, or national historic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary. Where a national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route,

and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route. Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with administration of the trail. The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for each national recreation, national scenic, and national historic trail. Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriate points along the trails and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary and where the trails cross non-Federal lands, in accordance with written cooperative agreements, the appropriate Secretary shall provide such uniform markers to cooperating agencies and shall require such agencies to erect and maintain them in accordance with the standards established. The appropriate Secretary may also provide for trail interpretation sites, which shall be located at historic sites along the route of any national scenic or national historic trail, in order to present information to the public about the trail, at the lowest possible cost, with emphasis on the portion of the trail passing through the State in which the site is located. Wherever possible, the sites shall be maintained by a State agency under a cooperative agreement between the appropriate Secretary and the State agency.

(d) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation, national scenic, or national historic trail, the heads of Federal agencies may use lands for trail purposes and may acquire lands or interests in lands by written cooperative agreement, donation, purchase with donated or appropriated funds or exchange.

(e) Where the lands included in a national scenic or national historic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic or national historic trail: Provided, That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein after notice of the selection of the right-of-way is published, the appropriate Secretary, may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (f) of this section: Provided further, That the appropriate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired: Provided, That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns, shall be offered, by notice given at the former owner's last known address, the right of first refusal at the fair market price.

(f) (1) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(2) In acquiring lands or interests therein for a National Scenic or Historic Trail, the appropriate Secretary may, with consent of a landowner, acquire whole tracts notwithstanding that parts of such tracts may lie outside the area of trail acquisition. In furtherance of the purposes of this act, lands so acquired outside the area of trail acquisition may be exchanged for any non-Federal lands or interests therein within the trail right-of-way, or disposed of in accordance with such procedures or regulations as the appropriate Secretary shall prescribe, including: (i) provisions for conveyance of such acquired lands or interests therein at not less than fair market value to the highest bidder, and (ii) provisions for allowing the last owners of record a right to purchase said acquired lands or interests therein upon payment or agreement to pay an amount equal to the highest bid price. For lands designated for exchange or disposal, the appropriate Secretary may convey these lands with any reservations or covenants deemed desirable to further the purposes of this Act. The proceeds from any disposal shall be credited to the appropriation bearing the costs of land acquisition for the affected trail.

(g) The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests, therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interest therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: Provided, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than an average of one hundred and twenty-five acres per mile. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this Act. For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites. Except for designated protected components of the trail, no land or site located along a designated national historic trail or along the Continental Divide National Scenic Trail shall be subject to the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)) unless such land or site is deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places.

(h) (1) The Secretary charged with the administration of a national recreation, national scenic, or national historic trail shall provide for the development and maintenance of such trails within federally administered areas, and shall cooperate with and encourage the States to operate, develop, and maintain portions of such trails which are located outside the boundaries of federally administered areas. When deemed to be in the public interest, such Secretary may enter written cooperative agreements with the States or

their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of such a trail either within or outside a federally administered area. Such agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status (in accordance with the Volunteers in the Parks Act of 1969 and the Volunteers in the Forests Act of 1972) to individuals, private organizations, or landowners participating in such activities, or provisions of both types. The appropriate Secretary shall also initiate consultations with affected States and their political subdivisions to encourage --

(A) the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use, and

(B) the development and implementation by such entities of provisions for land practices compatible with the purposes of this Act, for property within or adjacent to trail rights-of-way. After consulting with States and their political subdivisions under the preceding sentence, the Secretary may provide assistance to such entities under appropriate cooperative agreements in the manner provided by this subsection.

(2) Whenever the Secretary of the Interior makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purposes -- of this Act.

(i) The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national recreation, national scenic, or national historic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system. In order to maintain good conduct on and along the trails located within federally administered areas and to provide for the proper government and protection of such trails, the Secretary of the Interior and the Secretary of Agriculture shall prescribe and publish such uniform regulations as they deem necessary and any person who violates such regulations shall be guilty of a misdemeanor, and may be punished by a fine of not more \$500 or by imprisonment not exceeding six months, or by both such fine and imprisonment. The Secretary responsible for the administration of any segment of any component of the National Trails System (as determined in a manner consistent with subsection (a)(1) of this section) may also utilize authorities related to units of the national park system or the national forest system, as the case may be, in carrying out his administrative responsibilities for such component.

(j) Potential trail uses allowed on designated components of the national trails system may include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which may be permitted on certain trails may include, but need not be limited to, motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles. In addition, trail access for handicapped individuals may be provided. The provisions of this subsection shall not supersede any other provisions of this Act or other Federal laws, or any State or local laws.

(k) For the conservation purpose of preserving or enhancing the recreational,

scenic, natural, or historical values of components of the national trails system, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organizations consistent with section 170(h)(3) of the Internal Revenue Code of 1954, including, but not limited to, right-of-way, open space, scenic, or conservation easements, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located. The conveyance of any such interest in land in accordance with this subsection shall be deemed to further a Federal conservation policy and yield a significant public benefit for purposes of section 6 of Public Law 96-541.

SEC. 8. STATE AND METROPOLITAN AREA TRAILS

(a) The Secretary of the Interior is directed to encourage States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act, needs and opportunities for establishing park, forest, and other recreation and historic trails on lands owned or administered by States, and recreation and historic trails on lands in or near urban areas. The Secretary is also directed to encourage States to consider, in their comprehensive statewide historic preservation plans and proposals for financial assistance for State, local, and private projects submitted pursuant to the Act of October 15, 1966 (80 Stat. 915), as amended, needs and opportunities for establishing historic trails. He is further directed in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish such trails.

(b) The Secretary of Housing and Urban Development is directed, in administering the program of comprehensive urban planning and assistance under section 701 of the Housing Act of 1954, to encourage the planning of recreation trails in connection with the recreation and transportation planning for metropolitan and other urban areas. He is further directed, in administering the urban openspace program under title VII of the Housing Act of 1961, to encourage such recreation trails.

(c) The Secretary of Agriculture is directed, in accordance with authority vested in him, to encourage States and local agencies and private interests to establish such trails.

(d) The Secretary of Transportation, the Chairman of the Interstate Commerce Commission, and the Secretary of the Interior, in administering the Railroad Revitalization and Regulatory Reform Act of 1976, shall encourage State and local agencies and private interests to establish appropriate trails using the provisions of such programs. Consistent with the purposes of that Act, and in furtherance of the national policy to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use, in the case of interim use of any established railroad rights-of-way pursuant to donation, transfer, lease, sale, or otherwise in a manner consistent with the National Trails System Act, if such interim use is subject to restoration or reconstruction for railroad purposes, such interim use shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of such rights-of-way for railroad purposes. If a State, political subdivision, or qualified private organization is prepared to assume full responsibility for management of such rights-of-way and for any legal liability arising out of such transfer or use, and for the payment of any and all taxes that may be levied or assessed against such rights-of-way, then the

Commission shall impose such terms and conditions as a requirement of any transfer or conveyance for interim use in a manner consistent with this Act, and shall not permit abandonment or discontinuance inconsistent or disruptive of such use.

(e) Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

SEC. 9. RIGHTS-OF-WAY AND OTHER PROPERTIES

(a) The Secretary of the Interior or the Secretary of Agriculture as the case may be, may grant easements and rights-of-way upon, over, under, across, or along any component of the national trails system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, That any conditions contained in such easements and rights-of-way shall be related to the policy and purposes of this Act.

(b) The Department of Defense, the Department of Transportation, the Interstate Commerce Commission, the Federal Communications Commission, the Federal Power Commission, and other Federal agencies having jurisdiction or control over or information concerning the use, abandonment, or disposition of roadways, utility rights-of-way, or other properties which may be suitable for the purpose of improving or expanding the national trails system shall cooperate with the Secretary of the Interior and the Secretary of Agriculture in order to assure, to the extent practicable, that any such properties having values suitable for trail purposes may be made available for such use.

(c) Commencing upon the date of enactment of this subsection, any and all right, title, interest, and estate of the United States in all rights-of-way of the type described in the Act of March 8, 1922 (43 U.S.C. 912), shall remain in the United States upon the abandonment or forfeiture of such rights-of-way, or portions thereof, except to the extent that any such right-of-way, or portion thereof, is embraced within a public highway no later than one year after a determination of abandonment or forfeiture, as provided under such Act.

(d) (1) All rights-of-way, or portions thereof, retained by the United States pursuant to subsection (c) which are located within the boundaries of a conservation system unit or a National Forest shall be added to and incorporated within such unit or National Forest and managed in accordance with applicable provisions of law, including this Act.

(2) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or a National Forest but adjacent to or contiguous with any portion of the public lands shall be managed pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, including this section.

(3) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or National Forest which the Secretary of the Interior determines suitable for use as a public recreational trail or other recreational purposes shall be managed by the Secretary for such uses, as well as for such other uses as the Secretary determines to be appropriate pursuant to applicable laws, as long as such uses do not preclude trail use.

(e) (1) The Secretary of the Interior is authorized where appropriate to

release and quitclaim to a unit of government or to another entity meeting the requirements of this subsection any and all right, title, and interest in the surface estate of any portion of any right-of-way to the extent any such right, title, and interest was retained by the United States pursuant to subsection (c), if such portion is not located within the boundaries of any conservation system unit or National Forest. Such release and quitclaim shall be made only in response to an application therefor by a unit of State or local government or another entity which the Secretary of the Interior determines to be legally and financially qualified to manage the relevant portion for public recreational purposes. Upon receipt of such an application, the Secretary shall publish a notice concerning such application in a newspaper of general circulation in the area where the relevant portion is located. Such release and quitclaim shall be on the following conditions:

(A) If such unit or entity attempts to sell, convey, or otherwise transfer such right, title, or interest or attempts to permit the use of any part of such portion for any purpose incompatible with its use for public recreation, then any and all right, title, and interest released and quitclaimed by the Secretary pursuant to this subsection shall revert to the United States.

(B) Such unit or entity shall assume full responsibility and hold the United States harmless for any legal liability which might arise with respect to the transfer, possession, use, release, or quitclaim of such right-of-way.

(C) Notwithstanding any other provision of law, the United States shall be under no duty to inspect such portion prior to such release and quitclaim, and shall incur no legal liability with respect to any hazard or any unsafe condition existing on such portion at the time of such release and quitclaim.

(2) The Secretary is authorized to sell any portion of a right-of-way retained by the United States pursuant to subsection (c) located outside the boundaries of a conservation system unit or National Forest if any such portion is --

(A) not adjacent to or contiguous with any portion of the public lands;
or

(B) determined by the Secretary, pursuant to the disposal criteria established by section 203 of the Federal Land Policy and Management Act of 1976, to be suitable for sale.

Prior to conducting any such sale, the Secretary shall take appropriate steps to afford a unit of State or local government or any other entity an opportunity to seek to obtain such portion pursuant to paragraph (1) of this subsection.

(3) All proceeds from sales of such retained rights of way shall be deposited into the Treasury of the United States and credited to the Land and Water Conservation Fund as provided in section 2 of the Land and Water Conservation Fund Act of 1965.

(4) The Secretary of the Interior shall annually report to the Congress the total proceeds from sales under paragraph (2) during the preceding fiscal year. Such report shall be included in the President's annual budget submitted to the Congress.

(f) As used in this section --

(1) The term "conservation system unit" has the same meaning given such term in the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371 et seq.), except that such term shall also include units outside Alaska.

(2) The term "public lands" has the same meaning given such term in the Federal Land Policy and Management Act of 1976.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS

(a) (1) There are hereby authorized to be appropriated for the acquisition of lands or interests in lands not more than \$5,000,000 for the Appalachian National Scenic Trail and not more than \$500,000 for the Pacific Crest National Scenic Trail. From the appropriations authorized for fiscal year 1979 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than the following amounts may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this Act: for the Appalachian National Scenic Trail, not to exceed \$30,000,000 for fiscal year 1979, \$30,000,000 for fiscal year 1980, and \$30,000,000 for fiscal year 1981, except that the difference between the foregoing amounts and the actual appropriations in any one fiscal year shall be available for appropriation in subsequent fiscal years.

(2) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program necessary to insure the protection of the Appalachian Trail within three complete fiscal years following the date of enactment of this sentence. Until the entire acquisition program is completed, he shall transmit in writing at the close of each fiscal year the following information to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives:

(A) the amount of land acquired during the fiscal year and the amount expended therefor;

(B) the estimated amount of land remaining to be acquired; and

(C) the amount of land planned for acquisition in the ensuing fiscal year and the estimated cost thereof.

(b) For the purposes of Public Law 95-42 (91 Stat. 211), the lands and interests therein acquired pursuant to this section shall be deemed to qualify for funding under the provisions of section 1, clause 2, of said Act.

(c) (1) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a)(3), (4), (5), (6), (7), (8), (9) and (10): Provided, That no such funds are authorized to be appropriated prior to October 1, 1978: And provided further, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, The Ice Age National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail, except that funds may be expended for the acquisition of lands or interests therein for the

purpose of providing for one trail interpretation site, as described in section 7(c), along with such trail in each State crossed by the trail.

(2) Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a). Not more than \$500,000 may be appropriated for the purposes of acquisition of land and interests therein for the trail designated by section 5(a)(12) of this Act, and not more than \$2,000,000 may be appropriated for the purposes of the development of such trail. The administrating agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.

SEC. 11. VOLUNTEER TRAILS ASSISTANCE

(a) (1) In addition to the cooperative agreement and other authorities contained in this Act, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.

(2) Wherever appropriate in furtherance of the purposes of this Act, the Secretaries are authorized and encouraged to utilize the Volunteers in the Parks Act of 1969, the Volunteers in the Forests Act of 1972, and section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

(b) Each Secretary or the head of any Federal land managing agency, may assist volunteers and volunteers organizations in planning, developing, maintaining, and managing trails. Volunteer work may include, but need not be limited to--

(1) planning, developing, maintaining, or managing (A) trails which are components of the national trails system, or (B) trails which, if so developed and maintained, could qualify for designation as components of the national trails system; or

(2) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in paragraph (1), conducting trail-related research projects, or providing education and training to volunteers on methods of trails planning, construction, and maintenance.

(c) The appropriate Secretary or the head of any Federal land managing agency may utilize and to make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.

SEC. 12. DEFINITIONS

As used in this Act:

(1) The term "high potential historic sites" means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.

(2) The term "high potential route segments" means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.

(3) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(4) The term "without expense to the United States" means that no funds may be expended by Federal agencies for the development of trail related facilities or for the acquisition of lands or interest in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Fund Act of 1965 or any other provision of law shall not be treated as an expense to the United States.

Appendix C

Previous Surveys, Sites, and Registered Properties Located On/Near State-owned Segments of El Camino Real de Tierra Adentro National Historic Trail

Previous Surveys, Sites, and Registered Properties Located On/Near State-Owned Segments of El Camino Real de Tierra Adentro National Historic Trail

Introduction

Using the NPS official designated trail alignment for ELCA (<<https://irma.nps.gov/DataStore/Reference/Profile/2238908>>), the BLM and other data sources for land status, and the New Mexico Cultural Resources Information System (NMCRIS), Jemez Mountains Research Center conducted a records search to determine what previous resources surveys had been conducted, what cultural resources sites had been recorded, and what registered properties (those listed on either the State or National Registers) occur within 500 meters (1,640.42 feet, or, slightly over 1/4-mile) of a state-owned segment of ELCA^{1 2}.

Previous Surveys

Eighty-four previously conducted cultural resources surveys have been conducted within 500 meters of a state-owned segment of ELCA. Twenty-eight of these surveys (highlighted in gray) intersect the designated ELCA route, although Trail segments and associated resources have not necessarily been identified or documented during these surveys. Table C.1, below, details the results of the search. It should be noted that the information below reflects the NMCRIS listing; actual report titles (and other information) may differ slightly from what is presented below. The NMCRIS numbers (in the first column) are the most reliable search indicators for a particular report or activity.

Table C.1. Previous cultural resources surveys conducted on or within 500 meters of a state-owned segment of ELCA in New Mexico.

NMCRIS No.	Performer	Report Date	Report Title	Acres
115	NMSU-CRMD	1981	407 Miles of Archaeological Transect Sampling in the Basins of Southern New Mexico	0.00
540	PBS&J Cultural Resources Division	1982	A Cultural Resources Survey of the Proposed Water Dispersal System and Vineyards of the French Wine Growers Association, Sierra County, New Mexico	1,090.00
636	NMSU-CRMD	1983	Seismic Testing Transects for Petty-Ray Geophysical	469.00
3951	OAS-MNM	1976	An Archeological Clearance Investigation of Five Seismic Testing Corridors in the Galisteo Basin, Santa Fe County, New Mexico	317.57
7023	HSR	1985	An Archaeological Survey of 47 Miles of Telephone Right-of-Way in the Jornada del Muerto, Sierra and Dona Ana Counties, New Mexico	57.31

¹ The analysis was completed in early 2016.

² The figure 500 meters is used here because it is a standard search parameter for a pre-field records check, and is roughly coincident with 0.25 or 1/4 miles.

NMCRIS No.	Performer	Report Date	Report Title	Acres
7582	NMSU-CRMD	1983	37 Geothermal Drill Pads for NMSU Energy Institute	1.00
8633	Rio Abajo Archaeological Services	1985	76-Mile-Long Powerline R.O.W. Between Elephant Butte & Picacho For Plains Electric Gen & Trans Co	373.92
8707	NMDOT	1984	Letter Report: Inventory on Airport Road for NMSHD Project No. RS-1546(1)	24.20
10530	HSR	1986	A Cultural Resource Inventory of an Electric Distribution Line in Sierra County, New Mexico	3.05
11022	NMSU-CRMD	1983	An Archaeological Clearance Survey of a Seismic Testing Transect Crossing the Jornada Del Muerto in Sierra County, New Mexico	206.06
11157	NMSU-CRMD	1980	An Archaeological Clearance Survey of Eleven Magneto-Telluric Survey Sites Near Radium Springs, Dona Ana County, New Mexico	22.77
11239	NMSU-CRMD	1979	40 Drill Sites Near Radium Spring, NM for Geothermal Services	0.41
11324	NMSU-CRMD	1978	15 Drill Hole Sites Near Radium Springs for Geothermal Services	0.00
11403	NMSU-CRMD	1978	An Archaeological Survey of 18 Proposed Drilling and Testing Locations for Phillips Petroleum Company & Geotronics in Dona Ana County, New Mexico	3.24
11557	NMSU-CRMD	1977	3 Drilling Location Near Radium Springs, NM for Geothermal Service	0.00
11599	NMSU-CRMD	1977	18 Geothermal Temperature-Gradient Test Wells for Geothermal Services	0.02
15503	BLM-Las Cruces (Socorro Resource Area)	1986	Letter Report: Cultural Resource Survey, Middle Rio Grande Occupancy Program, Case Nos. NM 64765, Lot 7, T2S, R1E, Section 31	8.81
15542	BLM-Las Cruces (Socorro Resource Area)	1986	Memorandum Report: Cultural Resource Survey, Middle Rio Grande Occupancy Program Case Nos. Lot 13 T4S, R1E Section 9	2.38
15549	BLM-Las Cruces (Socorro Resource Area)	1986	Memorandum Report: Cultural Resource Survey, Middle Rio Grande Occupancy Program, Case Nos. Lot 57 T4S R1E Sec 8 (and part of Sec 17)	17.92
15550	BLM-Las Cruces (Socorro Resource Area)	1986	Memorandum Report: Cultural Resource Survey, Middle Rio Grande Occupancy Program, Case Nos. Lot 56, T4S, R1E, Sec 8	7.78
15986	BLM-Las Cruces (Socorro Resource Area)	1986	Memorandum report: Cultural Resource Survey, Middle Rio Grande Occupancy Program, Case Nos. COT 66326, Lots 25 & 26 Sec. 17, T4S, R1E	2.11

NMCRIS No.	Performer	Report Date	Report Title	Acres
16302	MNM-OAS	1976	A Cultural Resource Investigation of a Proposed Electric Distribution Line Across State Trust Land Northeast of Cerrillos, Santa Fe County, New Mexico for the Public Service Company of New Mexico	0.91
16340	MNM-OAS	1978	An Archaeological Survey for the Proposed Santa Fe Land Application Project, Santa Fe County, New Mexico	2,300.00
18518	BLM-Albuquerque (Taos Resource Area)	1984	Cultural Resources Report for La Cienega Landfill	7.00
21005	BLM-Las Cruces (Socorro Resource Area)	1988	A Cultural Survey and Reconnaissance of a Proposed Road Improvement Near Parida, New Mexico	8.00
21524	UNM-OCA	1988	An Archeological Survey for Proposed Waterline Construction and Road Improvement Near San Antonio, New Mexico	1.94
23984	BLM-Las Cruces (Socorro Resource Area)	1989	An Archeological Survey and Reconnaissance of a Proposed Motorcycle Race Northeast of Socorro, New Mexico	80.00
27974	NMDOT	1989	Cultural Resource Survey of Bridge No. 1580 Near La Cienega, Santa Fe County	3.00
35294	BLM-Las Cruces (Caballo Resource Area)	1990	Cultural Resource Survey for the UPHAM PIPE LINE	23.70
37484	BLM-Las Cruces (Socorro Resource Area)	1979	Rio Grande Cattleguard	0.50
38707	BLM-Albuquerque (Taos Resource Area)	1991	Cultural Resource Inventory for County Road No. 54 Realignment in La Cienega	2.00
40001	US ACE Albuquerque District	1992	3 Water Well Locations in The Area of Las Cruces, NM for USACE	11.50
43172	BLM-Las Cruces (Socorro Resource Area)	1993	Veranito Boundary Fence, East of Escondido, N.M.: A Cultural Resource Survey	0.20
44011	Quivira Research Center/Associates	1993	An Archaeological Survey of 4.6 Acres of Private Land in the Pacheco Grant, Santa Fe, New Mexico	4.63
45989	Complete Archaeological Service Assoc.	1989	Cultural Resource Inventory Twelve Tracts of Land Along the Eastern Shore Elephant Butte Reservoir Area Sierra County, New Mexico	350.00
49044	Cross Cultural Research Systems	1995	Archeological and Historical Investigations of a 21.20-Acre Parcel of Land in Section 1 T14N R8E Santa Fe County, New Mexico	21.20

NMCRIS No.	Performer	Report Date	Report Title	Acres
49120	Snow, Cordelia T.	1995	An Archaeological Survey and Land Use Study of 1.821 Acres in the NE 1/4 of Section 6, T15N, R8E and the SE 1/4 of Section 31 and the SW 1/4 of Section 32 T16N, R8E, Santa Fe County, New Mexico	1.82
53252	Lone Mountain Archaeological Services	1996	Archaeological, Historical and Ethnographic Study of 2.4 Acres for a Sanitary Sewer Interceptor near the Santa Fe Airport Santa Fe, New Mexico	2.40
57082	Cibola Research Consultants	1996	A Cultural Resource Survey for the Proposed Airport Road, NM 284, Phase I Project, Santa Fe County, New Mexico	12.30
57172	NMDOT	1997	A Cultural Resources Inventory Along I-25 Near Fort Selden Interchange Dona Ana County, New Mexico	149.22
58318	SWCA Environmental Consultants	1998	Class III Cultural Resource Survey of Elephant Butte Reservoir, Sierra and Socorro Counties, New Mexico, Phase 2: Archaeological Resources of the West Shore	6,480.00
58373	UNM-OCA	1997	Letter Report: Cultural Resources Survey Isleta to Belen and San Acacia to San Marcial for the Army Corps of Engineers	0.00
58386	School of American Research	1979	Archaeological Survey near Agua Fria, New Mexico and Limited Testing of a 17th Century Spanish Colonial Site, LA 16773	60.00
58899	SWCA Environmental Consultants	1999	Class III Cultural Resource Survey of Elephant Butte Reservoir, Sierra and Socorro Counties, New Mexico Phase 3: Archaeological Resources of the East Shore	6,186.00
59705	Feliz Colibri A.C.S. Corp	1998	Bennett Ranch Cultural Resource Survey	50.00
64373	Archaeological Services by Laura Michalik	1999	Cultural Resources Class III Inventory and Significance Evaluation of a Proposed Buried Fiber Optic Cable from Radium Springs to NASA-WSTF to Las Cruces, Dona Ana County, New Mexico	129.20
65090	Rio Grande Foundation for Communities and Cultural Landscapes	2000	An Archaeological and Historical Cultural Landscape Study of El Rancho de las Golondrinas Living History Museum	475.00
67712	Tetra Tech, Inc.	2000	Cultural Resource Survey of a Proposed Antenna Location near La Cienega (#NM4 I-25 Alternative 1), Santa Fe County, New Mexico	0.08
73298	US ACE Albuquerque District	2000	A Cultural Resources Inventory for Rehabilitation of a Retention Structure on La Cienega Acequia System, La Cienega, Santa Fe County, New Mexico	0.00

NMCRIS No.	Performer	Report Date	Report Title	Acres
76042	Tamarch CRMS	2001	An Archaeological Survey of an Approximate 7-Acre Parcel Adjacent to Agua Fria Road for a Proposed Youth Shelter Facility, Santa Fe County, New Mexico	7.00
76473	NRCS (NM State Office)	2001	Cultural Resource Inventory of the La Cienega Fields North of La Cienega, New Mexico	12.00
78032	HSR	2002	An Archaeological Survey of 7.1 Miles (38.7 Acres; 15.67 HA) of Proposed Buried Fiber-Optic Right-of-Way between Mileposts 19.2 and 26.3, Interstate 25 Right-of-Way, Dona Ana County, New Mexico	42.00
78665	Escondida Research Group	2002	A Cultural Resources Inventory of 22.8 Acres of Rio Grande Floodplain Near Socorro, New Mexico, Proposed for Vegetation Removal	22.80
78912	Southwest Archaeological Consultants	2002	An Archaeological Survey of DeJavanne Subdivision, Agua Fria, Santa Fe County, New Mexico	2.17
80581	Lopez Garcia Group	2003	Archaeological Inventory of Portions of Public Service Company of New Mexico's AN, NZ and ZB Transmissions Lines, Santa Fe County, New Mexico	666.80
81766	NRCS (NM State Office)	2002	Section 106 Consultation Form Rey Romero Irrigation System La Cienega	0.16
83576	Cibola Research Consultants	2003	A Cultural Resource Survey for the Proposed Blue Horse Ranch Riparian Habitat Improvement Project, Santa Fe County, New Mexico a U.S. Fish and Wildlife Service Partners for Fish and Wildlife Project	5.50
86901	NRCS (NM State Office)	2004	Cultural Resource Inventory of the Acequia de la Cienega	0.10
87900	Lone Mountain Archaeological Services	2004	Cultural Resource Survey of a 22-Acre Proposed Five-Lot Development in Santa Fe County, New Mexico	22.00
90647	Townsend Archaeological Consultants	2004	An Intensive Cultural Resource Inventory for the Proposed Tierra Real Phase III Mixed Use Development, Santa Fe County, New Mexico	11.94
94811	Cibola Research Consultants	2005	A Cultural Resource Survey for the Cienega Creek Riparian Habitat Improvement Project, Blue Horse Ranch, Santa Fe County, New Mexico	4.80
94911	Townsend Archaeological Consultants	2006	A Cultural Resources Inventory for Improvements to the Domestic Water Delivery System at La Cienega, Santa Fe County, New Mexico	15.95
95651	RedVine Consultants, Inc.	2007	State Trust Easement on the Santa Fe River: Assessment of Cultural Resources on 48.36 Acres, Santa Fe County, New Mexico	48.36

NMCRIS No.	Performer	Report Date	Report Title	Acres
102849	Abboteck	2007	Archaeological and Historical Investigation of 6.878 Acres for the Airport Vista Apartments, 6921 Airport Road, River and Trails Archaeological Review District, Santa Fe, New Mexico	6.87
103205	Parsons, Brinckerhoff	2007	Cultural Resource Investigations for the New Mexico Rail Runner Phase 2 Santa Fe County, New Mexico	1,653.00
104520	Tamarch CRMS	2007	Archaeological Survey of 81.78-acre El Rancho de las Golondrinas Santa Fe County Open Space Property, La Cienega, New Mexico	81.00
104731	Criterion Consulting	2007	Negative Cultural Resource Survey for a Proposed Wireless Communications (Cell) Tower Location at the Property of the Santa Fe Country Clue, Santa Fe County, NM	2.40
106384	Townsend Archaeological Consultants	2007	A Cultural Resources Inventory for a Proposed Residential Lot-Split in the Village of La Cienega, Santa Fe County, New Mexico	4.00
108029	Hammerstone Archaeological Services	2007	Class III Cultural Resource Inventory of 92.7 Acres for Proposed Salt Cedar Removal near San Antonio, Socorro County, New Mexico	92.70
109417	Zia Engineering & Environmental Cons.	2009	A Cultural Resources Survey of Proposed Petroleum Pipeline Improvements in Sierra, Socorro, and Valencia Counties, New Mexico	2,404.00
109948	NM State Department of Game & Fish	2008	The New Mexico Department of Game and Fish Escondido Property Salt Cedar (<i>Tamarix aphylla</i>) Treatment and Remediation Cultural Resource Survey Socorro County, New Mexico	60.21
115323	Criterion Consulting	2009	Cultural Resource Survey for Two Proposed Water Lines for La Cienega Mutual Domestic Water Consumers Association La Cienega Santa Fe County, New Mexico	5.90
119365	Zia Archaeology	2010	An Archaeological Study of 5 Acres for the Chaparral Compound along Lower Agua Fria Road, Santa Fe County, New Mexico	5.00
119592	Winters, Ron	2011	An Archaeological Inventory of 8.140 Acres for the Proposed Development at 6537 Airport Road, Santa Fe, New Mexico	8.14
122314	MNM-OAS	2012	Archaeological Survey of the Proposed Southern Road County Roads E070, E071, E072, and A-013, Doña Ana and Sierra Counties, New Mexico	
124426	US BOR Lower (Colorado Region LC-2512)	1982	Cultural Resources Survey of Conveyance Channel Rehabilitation Middle Rio Grande Project, New Mexico	1.00

NMCRIS No.	Performer	Report Date	Report Title	Acres
127020	Townsend Archaeological Consultants		A Cultural Resources Inventory for a Proposed Lot-Split for Oliver C De Baca in La Cieneguilla, Santa Fe County, New Mexico	5.07
130597	Aspen CRM Solutions	2014	Archaeological Survey of El Tanque Tract, Penasco Blanco Open Space, Santa Fe County.	11.55
131155	Hammerstone Archaeological Services			7.43
131503	Townsend Archaeological Consultants		A Cultural Resources Inventory of Lot 13-A for a Proposed Senior Citizen's Center near El Rancho de las Golondrinas, Santa Fe County, New Mexico	48.41
132653	NRCS (NM State Office)	2015	O.C. de Baca Irrigation Pipeline	0.15
132860	Beth O Leary	2015	A Cultural Resource Inventory for a Bladed Road near Selden Well, Dona Ana Country, New Mexico	0.67
134921	SWCA Environmental Consultants	2016	A Cultural Resources Survey of RM 112 for the New Mexico Interstate Stream Commission San Acacia Habitat Restoration Project, from River Mile 116 to 99, Socorro County, New Mexico	19.79
134947	BLM-Socorro	2016	A Cultural Resource Inventory of the Pueblito Pipeline	1.00

Key to abbreviations used in Table C.1: BLM=Bureau of Land Management; HSR=Human Systems Research; MNM-OAS=Museum of New Mexico-Office of Archaeological Studies; NMSU-CRMD=New Mexico State University-Cultural Resources Management Division; NMDOT=New Mexico Department of Transportation (previously known as New Mexico State Highway and Transportation Department, or NMSHTD); NRCS (Natural Resources Conservation Service); Tamarch CRMS=Tamarch Cultural Resource Management Services; UNM-OCA=University of New Mexico-Office of Contract Archaeology; US ACE=U.S. Army Corps of Engineers; US BOR=U.S. Bureau of Reclamation.

Previously Recorded Archaeological Sites

The site boundaries of 132 previously recorded archaeological sites lie within 500 meters of state-owned segments of ELCA. Nineteen of these (highlighted in gray) intersect the designated route. Table C.2, below, lists those sites by the Laboratory of Anthropology (LA) site number, site type, site occupation date, and the site area in meters squared. The descriptors “STRAL” and “NONSTR” in the “Site Type” column are NMCRIS referents for whether or not a given site exhibits the remains of structures or other features (STRAL) or not (NONSTR). The terminology for “Site Date” references whether the component(s) or occupational horizon(s) of the site is/are prehistoric only, historic only, or both. “unknown” in the “Site Date” column signifies that the site does not exhibit diagnostic materials or features that permit even a general time period to be assigned to the occupation.

Table C.2. Previously recorded cultural resources sites on or within 500 meters of a state-owned segment of ELCA in New Mexico.

LA Site No.	Site Type	Site Date	Site area (meters squared)
115	NONSTR	both	0
163	STRAL	historic	0
755	STRAL	both	7,500
948	NONSTR	prehistoric	2,795
959	NONSTR	prehistoric	21,250
1081	NONSTR	prehistoric	0
1097	STRAL	prehistoric	0
1112	NONSTR	prehistoric	750
1124	STRAL	historic	9,000
2448	NONSTR	historic	0
4983	NONSTR	historic	62
5385	STRAL	prehistoric	21
6338	STRAL	prehistoric	30,000
6862	NONSTR	unknown	0
8871	STRAL	historic	15,6662
8883	NONSTR	unknown	0
16773	STRAL	historic	750
31689	STRAL	prehistoric	7,500
31709	STRAL	prehistoric	750
31718	STRAL	historic	30,000
31733	NONSTR	prehistoric	371,250
31742	STRAL	prehistoric	3000
31870	STRAL	prehistoric	30,000
33363	STRAL	unknown	43,200
37514	STRAL	both	26,250
49037	STRAL	unknown	300
49039	STRAL	unknown	300
49040	STRAL	prehistoric	17,316

LA Site No.	Site Type	Site Date	Site area (meters squared)
49041	STRAL	both	33,000
49042	STRAL	historic	300
51203	STRAL	both	350,000
51204	STRAL	unknown	610,000
51205	NONSTR	historic	254,567
51206	STRAL	prehistoric	187,500
53850	NONSTR	prehistoric	30,000
57000	STRAL	unknown	0
68905	STRAL	prehistoric	0
71818	STRAL	historic	0
80053	NONSTR	historic	200
80054	STRAL	historic	1,000
80064	STRAL	historic	0
80068	STRAL	historic	50,220
80070	STRAL	historic	166,500
80074	STRAL	historic	30,000
110394	NONSTR	prehistoric	3,770
110396	NONSTR	both	23,562
110397	NONSTR	prehistoric	26,533
110399	STRAL	historic	115,450
110403	STRAL	both	4,712
110404	STRAL	historic	1,884
110405	STRAL	both	2,199
110406	STRAL	both	6,428
110903	STRAL	historic	485
110904	NONSTR	historic	2,474
111000	STRAL	historic	0
111008	STRAL	historic	7,673
121111	STRAL	historic	775
125418	NONSTR	both	1,400
125419	NONSTR	unknown	3,063
127327	STRAL	historic	69
127328	STRAL	prehistoric	17,000
127329	STRAL	prehistoric	1,440
127330	NONSTR	prehistoric	225
127331	STRAL	prehistoric	750
127332	NONSTR	prehistoric	230
127333	NONSTR	prehistoric	320
127334	STRAL	prehistoric	230
127335	NONSTR	both	61,200
127342	NONSTR	unknown	992

LA Site No.	Site Type	Site Date	Site area (meters squared)
127343	NONSTR	unknown	1,761
127346	NONSTR	prehistoric	1,044
127357	STRAL	prehistoric	1,083
127360	STRAL	prehistoric	27,600
127361	STRAL	historic	29
127362	NONSTR	unknown	429
127363	STRAL	unknown	3,040
127367	STRAL	historic	1,020
127368	NONSTR	unknown	220
127372	NONSTR	both	38,400
127373	STRAL	both	1,333
127374	STRAL	both	2,565
127376	STRAL	historic	16
127383	STRAL	both	750
130982	NONSTR	prehistoric	1
130983	STRAL	prehistoric	28
130984	NONSTR	prehistoric	1
130985	STRAL	prehistoric	11
130986	STRAL	prehistoric	21
130987	STRAL	prehistoric	9,000
130988	NONSTR	prehistoric	10,800
130989	NONSTR	prehistoric	2,475
130990	STRAL	prehistoric	560
130991	NONSTR	prehistoric	620
130993	NONSTR	prehistoric	8,200
130994	NONSTR	prehistoric	16,200
130995	STRAL	prehistoric	27,000
131029	NONSTR	historic	24,800
131030	NONSTR	prehistoric	13,500
131031	NONSTR	prehistoric	455
131032	NONSTR	unknown	2,600
131033	NONSTR	prehistoric	1,650
131039	STRAL	historic	80
134117	STRAL	historic	174
139406	STRAL	historic	350
150065	NONSTR	prehistoric	40
151728	NONSTR	prehistoric	0
152400	STRAL	historic	96
152402	STRAL	historic	20
153603	NONSTR	prehistoric	6,968
155638	NONSTR	historic	300

LA Site No.	Site Type	Site Date	Site area (meters squared)
155956	NONSTR	historic	165
155957	NONSTR	prehistoric	336
155958	NONSTR	both	19,383
155959	STRAL	prehistoric	154
155960	NONSTR	prehistoric	1,750
155961	STRAL	unknown	840
155962	STRAL	historic	60,027
156770	NONSTR	both	8
156863	STRAL	both	10,665
156864	STRAL	both	0
157707	STRAL	historic	0
158890	NONSTR	prehistoric	,7634
167322	STRAL	historic	42,000
171595	STRAL	prehistoric	349
171596	NONSTR	prehistoric	602
171597	STRAL	unknown	3,835
173392	OTHER	unknown	1,075
173436	OTHER	unknown	1,075
179864	STRAL	prehistoric	126
180175	STRAL	unknown	0
180176	STRAL	unknown	0
184130	NONSTR	both	0

Key to abbreviations used in Table C.2: LA=Laboratory of Anthropology; STRAL=structures or other features are present; NONSTR= non-structural, or, no structures or other features are present.

Registered Properties

As indicated by Table C.3, below, nine previously registered properties lie within 500 meters of a state-owned segment of ELCA. All of them are listed on the New Mexico State Register of Cultural Properties (SR). In addition, seven of these are listed on the National Register of Historic Places (NRHP). Of these, three properties intersect the designated Trail (shaded in Table C.3).

Table C.3. Listed cultural properties on or within 500 meters of a state-owned segment of ELCA in New Mexico.

HPD No.	Acres	Property Name	NRHP number	NRHP Status	SR Date Listed	Description	County	Town
219	31.38	Las Golondrinas Ranch Site and Acequia System	80002572	Listed; 2/1/1980	8/6/1971	Structure(s)	Santa Fe	La Cienega
387	267.84	Cienega Village Museum, Old			8/24/1979	District (Historic)	Santa Fe	La Cienega
1778	4.33	Jackson, J. B., House	99000598	Listed; 6/4/1999	3/26/1999	Building(s)	Santa Fe	La Cienega
1826	20.43	Fort McRae (LA 4983)	5000258	Listed; 4/7/2005	6/13/2003	Site(s)	Sierra	Elephant Butte
1909	0.13	Molino Barela de Truchas			6/8/2007	Structure(s)	Santa Fe	La Cienega
1958	58.89	Camino Real - Jornada Lakes Section		Listed; 2/4/2008	12/10/2010	Multiple Trail segments and associated resources	Sierra	Engle
1959	112.58	Camino Real - Yost Draw Section		Listed; 4/8/2011	12/10/2010	Multiple Trail segments and associated resources	Sierra	Engle
1992	9.94	El Camino Real: La Cieneguilla South		Listed; 9/25/2013	4/12/2013	Structure(s)	Santa Fe	La Cienega
2000	25.90	El Camino Real - North Arroyo Alamillo Segment	14000898	Listed; 11/5/2014	4/4/2014	Site(s)	Socorro	San Acacia

Registered properties on or near the state-owned ELCA segments require careful consideration during compliance and consultation for projects or developments that are proposed near them. If they cannot be avoided, some form of mitigation might be required, such as data recovery or other compensatory measures. It seems likely that other properties, perhaps still unrecorded, might be considered significant and eligible for nomination to the state or national registers. Such nominations are appropriate ways to recognize Trail resources and the contributions they have made to the history of our state and nation.

Appendix D
Site Certification

**Guide to Partnership
Certification Along
National Historic Trails**

April 2009

National Trails Intermountain Region
National Park Service

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The National Historic Trails

(Trails administered by the NPS's Intermountain Region are noted in *italics*)

National Historic Trail	Agency/Region	Office Location
Ala Kahakai	NPS/Pacific West Region	Kailua-Kona, Hawaii
<i>California</i>	<i>NPS/Intermountain Region</i>	<i>Salt Lake City, Utah</i>
Captain John Smith Chesapeake	NPS/Northeast Region	Annapolis, Maryland
<i>El Camino Real de los Tejas</i>	<i>NPS/Intermountain Region</i>	<i>Santa Fe, New Mexico</i>
<i>El Camino Real de Tierra Adentro</i>	<i>NPS/Intermountain Region and BLM/New Mexico</i>	<i>Santa Fe, New Mexico</i>
Iditarod	BLM/Alaska	Anchorage, Alaska
Juan Bautista de Anza	NPS/Pacific West Region	Oakland, California
Lewis and Clark	NPS/Midwest Region	Omaha, Nebraska
<i>Mormon Pioneer</i>	<i>NPS/Intermountain Region</i>	<i>Salt Lake City, Utah</i>
Nez Perce (Nee-Me-Poo)	USFS/Region 1	Orofino, Idaho
<i>Old Spanish</i>	<i>NPS/Intermountain Region and BLM/New Mexico</i>	<i>Santa Fe, New Mexico</i>
<i>Oregon</i>	<i>NPS/Intermountain Region</i>	<i>Salt Lake City, Utah</i>
Overmountain Victory	NPS/Southeast Region	Blacksburg, South Carolina
<i>Pony Express</i>	<i>NPS/Intermountain Region</i>	<i>Salt Lake City, Utah</i>
<i>Santa Fe</i>	<i>NPS/Intermountain Region</i>	<i>Santa Fe, New Mexico</i>
Selma to Montgomery	NPS/Southeast Region	Hayneville, Alabama
Star-Spangled Banner	NPS/Northeast Region	Annapolis, Maryland
<i>Trail of Tears</i>	<i>NPS/Intermountain Region</i>	<i>Santa Fe, New Mexico</i>
Washington-Rochambeau Revolutionary Route	NPS/Northeast Region	Annapolis, Maryland

Introduction

The partnership certification¹ of sites and segments associated with America's national historic trails is an authority outlined in Section 7 of the National Trails System Act (16 USC 1241-1251). It is a tool used by Federal trail administrators to officially recognize trail resources on non-Federal lands. The outcome of certification is not simply a paper certificate acknowledging a property's link to trail history, but an ongoing partnership between the property owner/manager and the trail administrator. These partners work together to preserve the trail resource and make it accessible, as appropriate, to the visiting public.

Along a national historic trail there typically are many types of partnerships. Each trail is administered by one or sometimes two Federal agencies (the National Park Service, Bureau of Land Management, and U.S. Forest Service), which coordinate trail-wide partnerships, planning efforts, and similar activities. Actual on-the-ground management of trail properties, however, is accomplished by many types of landowners along the trail: Federal and state land management agencies, regional and local park authorities, departments of transportation, and private landowners. Non-Federal owners or managers of properties associated with a national historic trail can choose to enter a certification partnership with the administering agency. The purpose of such partnerships is to meet the needs of the resource (e.g., stabilization, preservation, archeological investigations, landscape planning), the landowner (e.g., conditions of public access and use, concurrent land uses), and the visiting public (e.g., meaningful interpretation, signing, safe access).

Certification begins with a conversation between the property owner/manager and the trail administrator about the historical significance and management needs of a particular trail-related property. As shared interests emerge, the land owner/manager and trail administrator may agree to enter a voluntary partnership to manage and interpret the site for visitors. Commitment to that partnership is formalized with a simple, legally non-binding agreement that says that the parties will work together toward those general mutual goals. The administering agency provides a certificate and trail logos designating the property as a national historic trail certified site or segment.

Trail certification cultivates civic pride and community identity, promotes a public preservation ethic, and stimulates heritage tourism. It also presents the Federal trail administrator with opportunities for public service and fosters productive public/private partnerships—increasingly a priority for Federal agencies. With these accomplishments, certification benefits the public, landowners and site managers, and the administering Federal agency. It also establishes a formal record of all non-Federal site owners and managers officially recognized as on-the-ground trail partners.

Note: This certification guide is an informal document that has been written primarily for National Trails-Intermountain Region. However, copies may be provided to anyone—including other Federal and state agencies, partners, and others—who may wish to have detailed information about the National Historic Trail certification process.

A glossary of terms commonly used in the certification process is provided in Appendix A.

¹ "Partnership certification" is the proper term that describes the relationship, as noted in this publication, between Federal agencies and their non-Federal partners, but for descriptive simplicity, the term "certification" is also used.

Purpose of and Need for this Guide

Therefore, it is the purpose of this document to provide guidance for the consistent development and management of certification agreements between Federal national historic trails offices and their non-Federal partners. This guidance is intended to allow maximum operational flexibility and to offer a range of preferred approaches rather than delineate a strict protocol.

Legal Authority for Partnership Certification

Certification of non-Federal properties on national historic trails is authorized by Section 7(h)(1) of the **National Trails System Act** (P.L. 90-543), which states:

When deemed to be in the public interest, [the] Secretary may enter written cooperative agreements with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of such a trail either within or outside a federally administered area. Such agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status ... to individuals, private organizations, or landowners participating in such activities, or provisions of both types. [16 USC 1242 §7(h)(1)]

Section 3(a)(3) of the Act establishes that Federal agencies would control segments of historic trails within existing Federal areas. Federally owned or controlled segments of national historic trails are declared by the Act to be “Federal protection components,” and hence are ineligible for certification. This section also, however, provides a legal basis for certification when it states that “The appropriate Secretary may certify other lands as protected segments of an historic trail upon application from state or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this act and such criteria supplemental hereto as the appropriate Secretary may prescribe.” Through certification, non-Federal parties (as noted in Section 7(h)(1), above) may choose to work with the appropriate federal trail administrator to manage their trail properties as officially recognized parts of a national historic trail.

Purposes of Certification

Congress established each national historic trail for the purpose of identifying and protecting an “historic route and its historic remnants and artifacts for public use and enjoyment” [16 USC 1242 §3(a)(3)]. Certification, in turn, extends national trail identity and status to non-Federal trails resources. Therefore, the purpose of certification, narrowly defined by Congress in this section of the Act, is to afford recognition of non-federal trail remnants and associated artifacts, and to make them available for public use and appreciation. Certification, as it applies to sites as well as segments, is also provided for in Section 7(h) of the Act. Certification is not *exclusively* for the benefit of the property owner/manager, even if the property is a significant, privately

owned resource in need of protection or stabilization. Instead, certification is a public program that should provide some public benefit. Therefore, conditions of certification should include some allowance for “public use and enjoyment” – a way for people to experience parts of the trail that otherwise would be unavailable for visitation.

Criteria and Guiding Principles for Certification

Certification Provisions

The National Trails System Act either directly or indirectly provides for three types of certified sites: trail segments, historic sites, and interpretive facilities.

A. General Provisions and Requirements

The National Trails System Act establishes three broad criteria that must be met by a prospective national historic trail to qualify for authorization to the system. The Act further requires that certified properties meet those same criteria (“The appropriate Secretary may certify other lands as protected segments of an historic trail *...if such segments meet the national historic trail criteria established in this Act...*”). Criteria for national historic trails, as stated in Section 5(b)(11) of the National Trails System Act, are as follows:

- (A) *It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential....*
 - (B) *It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, exploration, migration and settlement, or military campaigns. To qualify as nationally significant, historic use of the trail must have had a far-reaching effect on broad patterns of American culture. Trails significant in the history of Native Americans may be included.*
 - (C) *It must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation....*
- [16 USC 1244]

These specifications were written for the national historic trails (and, by implication, the entire length of those trails) and not for individual trail sites and segments. In fact, it is extremely difficult for individual trail properties to fulfill each of these requirements as written. Rather, certified properties should be *consistent* with these umbrella criteria.

Under Part A, a trail “must be established by historic use and must be historically significant as a result of that use.” It follows, then, that a non-Federal trail-related site or segment must be associated with the historic use of a national historic trail in order to be certified. (See Appendix A for definition of “Association.”) A property that is located along a national historic trail but is not associated historically or thematically with trail *use* or history does not meet the criterion.

Although specific language in the National Trails System Act does not provide for the certification of historic sites, the Act's delineation of high potential sites (as well as historic segments) in Section 5(e)(1) suggests that Congress has a continuing interest in demarcating trailside historic sites. Federal agency staff, in response to Congress's interest, sanctions certification for both historic segments and historic sites, and it also sanctions sites in the trail's vicinity that interpret the trail and its resources.

Part A also requires a trail to be historically significant as a result of its historic use, and Part B requires it to be of "national significance," a concept drawn directly from the National Historic Preservation Act of 1966 (NHPA). (The NHPA also provides for state and local levels of significance.) Generally, "significance" means that a property is eligible for listing on the National Register of Historic Places. Under the NHPA, a property is National Register-eligible if it meets one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of national, state, or local history.
2. It is associated with the lives of persons who are significant in the past of our nation, state, or local area.
3. It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
4. It has yielded or maybe likely to yield information important in prehistory or history.

Once a property is determined to be eligible, then its level of historic significance—national, state, or local—may be evaluated. To be nationally significant—and thus qualify under Criterion B, as noted above—a property must be related to historic events, trends, or persons of national importance. An example of a nationally significant trail property is Nauvoo, Illinois, where the Mormon Pioneer National Historic Trail begins. Followers of the Mormon prophet Joseph Smith, Jr. began settling Nauvoo in 1839. Smith's assassination in 1844 triggered an American religious war and forced a mass exodus of Mormons from Nauvoo two years later. Mormon emigration to Utah in turn had profound influence on the ensuing settlement of the rest of the West. Because of its significance in American history, privately-owned Nauvoo is now a National Historic Landmark. The Bingham-Waggoner Home and Estate, a residence located in Independence, Missouri (along the Santa Fe, California, and Oregon trails), is a National Register property significant at the state level. The Tremonti-Rice House, a historic residence in Raytown, Missouri, and also located along the above three trails, provides an example of a National Register-listed property that is significant at the local level.

An authorized national historic trail is, by definition, of national significance. However, many trail sites and segments, *evaluated as isolated, individual properties*, may be determined significant only at a local or state—not national—level of significance. Some historic locations associated with a trail might not be National Register-eligible nor significant at any level because the historical integrity of physical trail remnants or setting has been destroyed, yet those locations might still be of interpretive interest. An overly narrow interpretation of this stipulation relative to trail-associated sites and segments would result in very few properties being eligible for certification.

In considering this criterion, then, a national historic trail may be conceptualized as a linear cultural landscape (or rural historic district). Within this context, sites and segments along its

length should be evaluated as contributing resources to that landscape or district and not as individual, isolated properties. A “contributing” resource to a national historic trail would be one that a) independently meets one or more of the four National Register eligibility criteria; b) was present during the trail’s period of significance or historic use; c) relates to the significance of the trail; and/or d) has good information value (including interpretive value) relating to the trail. Following this line of reasoning, a non-Federal trail property that somehow contributes to the overall significance of a national historic trail would be eligible for certification. A number of these properties are listed in the trail’s comprehensive management plan (CMP) as a high potential site or segment.

Eligibility criterion C simply requires that a certified site or segment have some potential recreational use and/or historic quality that can be interpreted for and appreciated by the public. It must also provide for public access (at least to some extent) and also provide accessibility to those persons subject to the Americans With Disabilities Act, as specified below (see page 11).

B. Historic Sites and Segments and the “High Potential” Concept

Section 5(e)(1) of the National Trails System Act introduces the terms “high potential historic sites” and “high potential route segments.” Later, in Section 12, subsections 1 and 2, it provides definitions that offer (but do not mandate) further guidance in determining what kinds of individual properties may be eligible for certification:

- (1) *The term “high potential historic sites” means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.*
 - (2) *The term “high potential route segments” means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.*
- [16 USC 1251 §12(1-2)]

The Act directs the Secretary to submit a comprehensive management plan (CMP) for each national trail, and further directs that high potential sites and high potential segments be identified and listed in those plans [16 USC 1244(e)(1)]. However, those “high potential” lists are compiled based on information available when the CMP is being drafted, and so should not be regarded as complete, conclusive, or final. Lists may be amended to add or remove properties, as appropriate. That point is important because it highlights why a CMP list of high potential sites and segments should not be regarded as a complete list of certifiable trail properties, but rather as a work in progress that will be either augmented or reduced based on subsequent research findings. *The Act does **not require** that a property be identified in a CMP as a high potential site*

or segment in order to be eligible for certification. In fact, the Act does not link “high potential” designation with certification at all.

The high potential designation itself is not subject directly to National Register eligibility criteria or level of significance guidelines, although the “high potential criteria” cited in 16 USC 1251 §12(1-2) above are certainly consistent with those criteria and guidelines. Many high potential properties do, in fact, meet National Register listing criteria, but others might not. As a result, not all high potential sites and segments are necessarily eligible for certification, and not all certified properties are eligible for listing as high potential sites and segments. Certification and high potential designation are two distinct processes.

National Register eligibility and significance criteria should be considered during evaluation of historic (not purely interpretive) properties for certification. To be certified, a site or a segment (high potential or not) ideally retains either visible vestiges of trail *or* characteristics of open space or vista similar to those that existed during the trail’s period of significance. However, a trail site or segment without physical traces of use may be eligible for certification if it is along the documented historical route of travel. Because national historic sites and segments were created by actual historical use, by definition they are historically and geographically associated with one or more trails.

C. Interpretive Facilities

Another broad class of certifiable properties, usually termed “interpretive facilities” (but also sometimes called “visitor centers,” “interpretive centers,” and “interpretive sites”) comprises facilities that interpret or otherwise provide substantial information about, or interpretation of, historic trails. Examples include visitor centers, museums, and other venues with significant trail related information, orientation, or interpretation.

Interpretive facilities are not mentioned in the text of the Act as specifically eligible for certification, but they sometimes are certified because of their contributions to public understanding and appreciation of national historic trail resources. Certification of interpretive sites and centers, however, is deemed permissible under the Act. No interpretive facility can be certified unless it is near a specific national historic trail and has existing interpretive media (waysides, films, programs, brochures, etc.) that are thematically related to that trail.

National Historic Trails Certification Eligibility Criteria

From the three criteria established by the Act for national historic trails, and the definitions of high-potential sites and segments, it is possible to derive five necessary conditions for certification of a national historic trail property:

- 1. The property must be non-Federally owned and managed.**
- 2. The property must have direct and significant historical and/or thematic associations with a national historic trail.** Definitions of “historical association” and “thematic association” are provided in Appendix A.

Note: The following examples are not intended to serve as exclusive lists, but only to provide a clearer understanding of historical and thematic associations. Trails staff may always exercise professional judgment in determining whether a property has direct historical or thematic association with a national historic trail.

Examples of properties with **direct historical association** with national historic trails include: trailside campsites, cemeteries, isolated graves, and inscriptions created during a trail's period of significance; ruts, swales, and water crossings; and natural features such as springs, trees, streams, or rock formations mentioned in historic trail documents. Further examples include trail junctions; buildings, streets, sidewalks, and structures, and ruins thereof, that existed along the trail corridor during the trail's period of significance; residences of persons linked to the trail, provided that the building was occupied by that person during his/her use of the trail, or was purchased with money earned by commercial use of the trail, or is otherwise associated with both the person and the trail; and locations of significant events associated with trail history. Places where Native American peoples interacted with other users of a trail and traditional cultural properties associated with trail history also might have direct historical association with national historic trails. Properties most closely associated with people significant to a national historic trail would also qualify, so long as those properties are located within the immediate vicinity of the historical trail right-of-way.

Examples of places lacking direct historical association might include: residences of persons who were historically linked to the trail, where those residences did not exist during the trail's period of significance, or were not constructed by money gained by commercial use of the trail, or were not otherwise connected both to the persona and the trail; and post-trail commemorative statuary, murals, markers, or monuments with no associated interpretive media or physical evidence of trail use. Further examples include sites lacking sufficient physical, oral, or documentary evidence of historical association with trail use; and developed locations with no remaining vestige of trail use, destroyed or significantly impaired trail setting, *and* judged by trails personnel to have little potential for meaningful interpretation.

Examples of **thematic association** include facilities and parks with exhibits and/or programs that interpret trails or the broader topics of westward expansion, communications, civil rights, Indian removal, or other themes relating to authorization of the relevant trail; that present Native American or other minority perspectives on a trail or its impacts on that group; or that inform the public about lifeways of indigenous groups who were impacted by the use of the trail (e.g., tribal visitor centers or museums). Further examples include art museums with permanent Western art exhibits having a particular focus on trails-related topic; and overlooks or sites with trail exhibits, and roadside parks or pullouts with wayside exhibits interpreting the trail corridor.

Commercial exhibits (e.g., promoting the sale of trail-related art, books, clothing, or other goods) alone do not establish thematic association for a facility. Commercial exhibits are, however, permissible *in conjunction with* interpretive exhibits and programs. Business venues (including those with a trail-related name, menu, or architectural or decorative theme) that do not provide accurate trail information or interpretation *as a primary function* should not be considered thematically related to a trail. For example, the Wagon Wheel Café cannot be certified simply because it has Old West decor and provides trail tour brochures. National Park Service certification should not be made available solely for commercial marketing or advertising purposes.

Likewise, a purely commemorative structure without interpretation and not associated with a trail-related historic or interpretive site, is not eligible for certification.

3. The property must be made available to some degree for public interpretation and appreciation. This requirement is derived from 16 USC 1244 §5(b)(11), which states that a national historic trail must have “significant potential for public recreational use or historical interest based on historic interpretation and appreciation....”

Available means that the owner/manager agrees to permit at least occasional public viewing of the property. Availability does *not* necessarily mean that the public must be allowed free and unlimited access to the property, although some certified property owners do provide for that kind of access. Owners and managers may set visiting hours, require advance arrangements for visitation, charge admission, deny access at certain times of year, use their property for agricultural, commercial, and other purposes, limit visitor group size, place some areas of their property off-limits to visitors, require guides, prohibit vehicle access, and set other reasonable limits for visitor use of their property. The Federal trail administrator should be highly flexible in accommodating the property owner’s preferences with regard to public use of a site.

Available further means that a property or adjacent viewing area can physically and legally be entered by visitors, *and* that entering the property or viewing area does not pose an unreasonable safety risk to the public.

Examples of *available* properties include: a site in an agricultural field that is entered, with the owner’s permission, by crossing a fence and walking across undeveloped land; a closed and secured or occupied historical building that can be observed from surrounding grounds, but not entered; a private museum with entrance fees; and a public visitor center offering outdoor guided tours.

Examples of *unavailable* properties include: a site that is surrounded by property owned by non-partners and that has no access easement; property located along a busy highway without off-road parking or safe crossings; property that is protected by dogs or regularly occupied by potentially aggressive livestock, such as bulls; an unstable, open building or structure that poses a potential safety hazard; and property on which abandoned wells, mines, or dumps are located on the site or along access to the site. Unavailable properties do not qualify as certified sites.

4. The property must meet accessibility requirements mandated by Federal law, where applicable. Under certain circumstances, a property opened to public visitation must be made accessible to individuals with disabilities. However, this does not mean that *all* certified sites must be fully handicap-accessible; nor does it mean that handicap-accessibility *must* entail construction of wheelchair ramps or installation of elevators.

Undeveloped trail segments, sites, and privately owned and occupied buildings are not required to meet Americans with Disabilities Act (ADA) standards. ADA standards apply to relevant state, local, and private facilities, as described below. However, even when ADA compliance is not mandated by law, the Federal trail administrator should encourage accessibility accommodations in those places where they reasonably could be provided without adverse impacts to trail resources, setting, or land use practices. The NPS can assist property owners and managers with assessing accessibility needs and can provide technical assistance with planning for those project needs.

All new commercial establishments and places of public accommodation (such as libraries, museums, and visitor centers) already are required to comply with ADA standards. Most museums and visitor centers have made these accommodations as required by law; however, some smaller facilities have not. The Federal trail administrator should encourage and help partners retrofit their facilities and programs to make them more accessible, and in some cases, trails staff can help plan minor modifications to improve accessibility. Otherwise, if a facility that legally should meet ADA requirements does *not* meet them and has no plans for compliance, then that property is not accessible and should not be certified until the deficiency is resolved.

In addition, Federal trail administering agencies must comply with Sections 504 and 508 of the Rehabilitation Act of 1973, which requires programmatic accessibility to interpretive media and programs. This requirement must be met when an executive branch Federal agency funds new programs, media development, or exhibits. It is the legal responsibility of the agency, not the certified partner, to see that programmatic accessibility requirements are met. Programmatic accessibility generally means ensuring that mobility impaired persons are provided access to a facility or exhibit, or that the same information is made available to them in an accessible location; that visual information is presented in formats accessible to those with visual impairments; and that audible information is presented in formats accessible to those with hearing impairments.

Again, these requirements apply to *new* programs and exhibits that are *funded* by the Federal agencies. Certified partners should be reassured that national historic trail certification will not require retrofitting *existing* exhibits and programs. However, if the Federal agency assists, for example, with interpretive wayside exhibits for a site, then those exhibits must be designed to meet the programmatic accessibility requirements of the Rehabilitation Act.

Due to the complexity of the laws and regulations and the tremendous variability of certified sites and partner needs, individual landowners or managers should consult with NPS accessibility experts on a case-by-case basis.

5. The person or organization requesting certification must be the legal owner of the property, have the legal owner's authorization to pursue certification, or be the owner's designated manager of the property. Properties will not be certified by a Federal administrator without the knowledge and permission of the owner. On the other hand, National Park Service staff play an active role in the certification process as well. Communication and cooperation is a key element both in the property certification process and in maintaining the partnership after the property has been certified (see the "How to Certify: Procedures" section below).

General Principles for Nomination and Management of Certified Properties

Through the years, Federal national historic trail administrators have developed additional general principles that guide their overall approach to developing and sustaining certification partnerships. These include:

- **Outreach** -- The trail administrator generally should publicize its site certification program to make potential partners aware of its existence and to invite them to participate. Some trails, crossing mostly public lands, are already largely protected, interpreted, and made accessible by Federal land managers. In those cases,

owner/managers of trail properties on adjoining non-Federal lands should be advised of the certification opportunity, and encouraged to look into the program. Other trail corridors cross largely non-Federal lands. Trail resources along those corridors typically are not available to the public, and usually do not receive the benefit of professional planning, interpretation, and resource protection. Federal trail administrators should actively market their certification programs to the owner/managers of such properties.

- **Types of Properties** -- The site certification program should be as inclusive as possible, accommodating a wide variety of trail-related property types, settings, and conditions. Priority for certification should be accorded to protected non-Federal high potential sites and segments that are named in a trail's comprehensive management plan, but only so long as current research has not diminished the historical importance of that site or segment.
- **Streamlining** -- Property documentation, agreement development, and overall program management requirements should be streamlined to minimize staff and property owner/manager workload.
- **Development** -- Each certified property should be evaluated by Federal trails staff in cooperation with the landowner/manager to determine what, if any, level of planning and development of visitor facilities might be beneficial to accommodate resource protection and public use. However, certification should not be construed to *require* development or improvement of non-Federal properties, except when such development would be mandated by law.
- **Benefits** -- Certification confers to certified partners some special benefits or recognition that are not otherwise available to the public. (See the "Benefits of Certification" section below.) In general, however, Federal staff should be willing to work with all trails partners to interpret and protect trails properties, regardless of their certification status
- **Standards and Flexibility** -- Certification agreements ideally should be formalized with a simplified, standard agreement form rather than a complex, individualized, legal document (see example in Appendix B). However, agreements are flexible, and forms can be adapted as necessary to the particular circumstances for which they are employed. If a partnership is to be documented for a property/site that is not eligible for certification, the trail office can use a cooperative agreement or memorandum of understanding to formalize the relationship.
- **Term of Partnership** -- The length of term of a certification agreement should be indefinite. (In practice, certifications approved since approximately 2004 have typically been approved for an indefinite period, while older certifications have typically been valid for three to five years.) From time to time, signed agreements should be reviewed and partners should be contacted to evaluate how well an agreement is working, and to determine whether any modifications to the agreement are in order.

Benefits of Certification for Trails Partners

The NPS has a relatively inclusive approach toward certification. The agency, for example, provides trail logos both to certified partners and to other parties that demonstrate a legitimate, non-commercial need for them. The agency also awards Challenge Cost Share Program (CCSP) funds to both certified and non-certified trail partners, and it also assists any party that requests professional technical advice. The agency now attempts to cultivate broad public recognition of national historic trails via a wide distribution of trail logos (to cite one specific example), and more generally it fosters goodwill and trails advocacy among all trails partners whether they are certified or not.

Despite that relative sense of equality, certifying a property offers three specific advantages to the landowner or manager.

- NPS managers may be more inclined to provide various forms of technical assistance to certified partners than to others. This includes, for example, the distribution of CCSP funds, the provision of logos and directional signs. The agency is also more likely to recognize certified partners in various NPS media. Certification, in fact, is one of the primary criteria that NPS staff use in determining technical and financial assistance.
- Owners or managers of certified sites are eligible to receive and distribute trail brochures, site bulletins, and similar items, and their sites will be publicized on the agency's website.
- On a more intangible level, becoming a certified partner gives landowners and managers a sense of Federal validation and recognition in the community and region, and it conveys a larger sense of legitimacy, both of the property's historical importance and of its public values.

In this and other ways, the agency recognizes certification as an ongoing relationship with its partners, and it strives to favorably maintain that relationship as a way to attain mutually-desired goals related to trail preservation, site preservation, and interpretation.

Costs and Concerns

Costs

No direct costs are incurred by the landowner/manager in certifying a property. However, if certified partners wish to improve resource accessibility, protection, preservation, interpretation, etc., expenses may arise. Some costs associated with such projects may be mitigated with the help of the Federal partner agency, which can provide limited expert assistance from its staff of interpreters, planners and other technical specialists. Funds cannot be provided for property administration, but only for projects and special events. In addition, if a project proponent can provide in-kind or monetary matching from non-Federal sources, a qualified project may be eligible for challenge cost share funds and for grants from other organizations. (Generally, challenge cost share funding is available for qualified projects regardless of whether or not the project property is a certified trail site.)

Personal Liability

A big concern to landowners is their potential liability if they open their historic trail properties to the public. Fortunately, most states have excellent recreational tort liability waiver laws that

protect landowners from such liability when they make their lands available to the public for recreational purposes. These laws, however, provide limited protection to the landowner, regardless of whether a fee is charged for use of the property.

Upon request, Federal trails staff may try to help identify the relevant tort liability laws effective in a potential partner site's state, and refer the trail partner to it. However, staffers must not attempt to offer legal advice or interpretation. Instead, they should defer to private legal professionals if the trail partner requests clarification or advice. A website from the NPS's Rivers, Trails, and Conservation Assistance program that may be of some assistance in this area is as follows: <<http://www.nps.gov/nrcr/programs/rtca/helpfultools/recusebrochures/index.htm>>

Another avenue for liability protection is provided by the National Trails System Act itself. Under the terms of the Act, a landowner may be enrolled as a Volunteer-in-Park (VIP) and/or a Volunteer-in-Forests (VIF), and receive coverage under the Federal Tort Claims Act and Workman's Compensation in case of injury for approved certified site activities. This pertains *even when a volunteer is working for the trail on his or her own lands* and regardless of whether that property is certified under the National Trails System Act.

VIP or VIF status is extended by the National Park Service and USDA Forest Service to private individuals, not to employees of other agencies, businesses, or non-profit organizations. Persons working on a trail on behalf of another agency, business, or non-profit organization are protected by that entity's insurance. VIP and VIF status requires a signed volunteer agreement form and a job description that specifies the volunteer's trail-related duties.

Property Rights and Responsibilities

No property rights are transferred to the Federal government as a result of certification. Certification does not establish a government right-of-way, easement, or other kind of legal interest in the property, and the Federal trail administrator can neither require nor prohibit development of a certified property. A landowner or manager can continue motor vehicle use, agricultural activities, occupation, and other customary land uses, and the owner or manager may also charge admission and set reasonable restrictions on visitor use of the certified property.

While private property rights are not affected by certification agreements, the landowner/manager is asked to consent to certain parameters of the partnership. (See "public interpretation and appreciation" section [#3] on page 9.) Parameters include allowing for reasonable and safe access to the property, as worked out by mutual agreement between the landowner and administering trail office; advising the trail administrator about planned changes of ownership, land use, or development that could impact the condition of a trail segment or the public use of a historic site; and protecting and preserving trail resources on the property. These parameters are not specifically spelled out in the written certification agreement, but they should be discussed with the partner.

The certification agreement between the landowner/manager and the Federal trail administrator can be terminated by either party for any reason at any time. For instance, the administrator might end the partnership if on-site development impacts trail resources or discourages visitation; or the owner might terminate the agreement if he or she plans to adopt a new, incompatible use for it. If a certification agreement is terminated or if it lapses, the administrator may request the return of signs and other agency-provided materials.

Legally, certification agreements cannot encumber subsequent owners of the property. When a property changes hands, the existing certification agreement will remain in force unless the new owner wishes to terminate it. Alternatively, a new agreement can be arranged if the new owner wishes to participate in the site certification program.

Should a property owner want to ensure continual public access to and appreciation of a certified property, he or she could arrange for a public access easement, possibly in conjunction with a conservation easement, to the Federal trail administrator, a state agency, or a local land trust. This would ensure long-term or even perpetual public access to trail resources while keeping the property in private stewardship. Trail personnel may be able to assist with investigating and implementing such arrangements.

Planning and Development

Many certified properties may benefit from an appropriate degree of visitor facility development to accommodate visitor use and preservation goals. The Federal trail administrator may assist the owner/manager with planning, designing, and constructing such accommodations where they are appropriate and where they do not unduly impact the historic character of the site or its setting. However, developing or improving a certified property is not a condition for certification. Trail staff recognizes, too, that some properties are best left untouched to avoid introducing modern intrusions into an historic setting or interfering with the owner's use of the land.

The range of desirable visitor facility development is highly variable, depending on site conditions, current property use, and the landowner's preferences. Certified partners are encouraged to work with agency personnel, as time and resources permit, to evaluate their property, discuss appropriate levels of visitor use, and identify any potentially beneficial and appropriate improvements that facilitate the visitors' ability to experience the trail, such as signage, parking, interpretation, and pedestrian pathways. Federal agency staff may be able to assist in this effort, and these personnel may be able to identify any potential environmental, cultural, and accessibility compliance issues. If the property owner/manager wishes to proceed with planning and development, the trail administrator may be able to provide further technical assistance and other kinds of help. The trail administrator may assist with obtaining permits, when staffing and time permit. It is ultimately the owner's responsibility, however, to obtain any required permits and to ensure that the plan meets state and local zoning, construction, accessibility, and other requirements.

Interpretation of certified properties is strongly encouraged, but interpretation does not necessarily demand the installation of onsite signs and wayside exhibits. Interpretation also can be provided by guides conducting escorted tours, publications, and internet web sites.

How to Certify: Procedures

Information about certification is available from printed brochures, agency national historic trail web sites, and trails staff. Property owners and managers may independently inquire about certification, or trails staff and others may invite them to consider certifying their property.

The certification process for national historic trails consists of the following steps:

1. State or local governments, or private landowners or managers, will contact the Federal trail administrator by mail, phone, email, or in person to inquire about certification. Any available information concerning the property's historical or thematic association with a national historic trail should be provided at this time, or soon afterward, to help determine the property's eligibility as a certified site.
2. Trails staff will visit the property with the landowner or manager to evaluate the resource, collect information, identify any potential safety issues, and identify any interpretive and development needs and potential compliance issues. Federal trails staff should fill out a Property Contact Information and Certification Evaluation Form (see Appendix B).
3. As appropriate, partners and staff will identify any urgent planning, management, and public use objectives for a site or segment, and any restrictions they may wish to place on visitor use of the property. The optional Property Data and Planning Form (Appendix B) may be useful in this process.
4. The owner/manager and a designated Federal official will then sign a simple certification agreement, in which they agree to work together for the benefit of the resource, the public, and the property owner/manager. Federal officials, at that time, will provide a copy of the agreement (see Appendix B) to the property owner or manager.
5. The owner or manager and a designated Federal official may participate, as appropriate, in signing ceremonies, press events, and other public notifications.
6. Post-certification actions may include historical and other technical assistance, site and interpretive planning, design and development, project compliance, and other mutually agreed-upon endeavors.

The amount of time required to certify a property is highly variable, depending on the nature of the property and the concerns of the certifying partner. If trails staff are already familiar with the property and have an established relationship with the partner, certification might consist of an exchange of documents for signing and filing, taking only a few hours of work time. If the property needs to be examined and assessed by trails staff, and/or if the certifying partner has numerous concerns about the process or requires extensive legal review of the written agreement, the certification process can be work-intensive and stretch out over weeks or months. Usually, though, on-site evaluation of the property and completion of the agreement can be expected to take two to four workdays.

Likewise, the amount of time required to properly maintain a certified partnership is variable. An active partner who requests technical assistance might require several work days (or even weeks) per year; others may prefer to have little contact with trails staff. Ideally, trails staff will make time at least to make occasional telephone contact with all certified partners.

Multiple-Trail Certifications

Where national historic trails overlap, cross, or otherwise coincide, appropriate properties may be eligible for multiple-trail certification. To the greatest extent possible, trails staff will certify such properties *under a single agreement* for all the trails with which it is historically or thematically associated. Single agreements for properties on multiple trails will be sought, even

if these trails are administered by separate agencies. In all of these instances, the property owner or manager would receive a single certificate acknowledging the property's participation in the certification program.

Maintaining the Partnership

As noted above, responsibilities of the trails office to the certified partner do not end with the signing of the agreement. Trails staff need occasionally to contact partners to monitor their satisfaction with the arrangement and to identify potential impacts of site visitation to the on-site resources. The partner may periodically be asked about site conditions, identification of new trails resources on the property, impacts of visitation, anticipated land use changes, and any safety, resource, or other issues that might arise. The partner should be afforded opportunities to advise the Federal trail administrator of any changes in conditions of visitation, such as visiting hours or entrance fees, so that those changes can be incorporated into trails publications and web sites. In addition, agency staff need to keep partnership files updated with new resource or ownership information, and cross-referenced (where appropriate) to Challenge Cost Share Project files.

It is important for Federal agency staff to stay in touch with partners and that they continue to ask partners how the NPS can assist them. It is hoped that certification will commence a process that will build each partner into a supporter and friend of national historic trails.

Appendix A

Glossary

A consistent policy or protocol begins with an explicit, shared, and well-defined terminology. The following definitions are derived from a combination of sources, including the National Trails System Act, *NPS Management Policies*, National Register Bulletins, and professional handbooks and texts.

Accessible: A property is accessible if it meets the standards of the Americans with Disabilities Act and/or the Rehabilitation Act. Federal properties must conform with Uniform Federal Accessibility Standards and include providing reasonable accommodations for persons with mobility, vision, or hearing impairments. Accommodations may include visual presentation of aurally-delivered information for hearing-impaired persons, and audible presentation of visually-delivered information for vision-impaired persons.

Act: National Trails System Act (16 USC 1241-51)

Administration: Each national trail is administered by one or more Federal agencies. That agency is responsible for the funding and staffing necessary to operate the trail. It is further responsible for exercising trail-wide authorities from the NTSA and its own organic legislation for such functions as coordination among and between agencies and partnership organizations, planning, marking, certification, resource preservation and protection, interpretation, cooperative and interagency agreements, technical assistance, and limited financial assistance to cooperating government agencies, landowners, interest groups, and individuals. Trail administration provides trail-wide coordination and consistency. NTSA Section 7 provides authority for many of these administrative functions.

Association: The tie between the resource and its cultural context.

Historical association: The link between the property and actual use of the trail during the trail's period of significance. Association may be demonstrated by historical documentation, oral tradition, oral history, and folklore, and/or by physical evidence of one-time events and repeated activities that occurred on or near a trail, in connection with the trail's historical uses.

a. *Historical documentation* consists of written and graphic sources of information; e.g., contemporary letters, journals, photos, drawings, published trail guides, survey reports, maps, advertisements, books, newspaper articles, etc.

b. *Oral tradition* consists of reported statements from the past that are passed orally from generation to generation; e.g., American Indian accounts of encounters with emigrants.

c. *Oral history* consists of statements of an individual's personal recollections; e.g., an elderly individual who recalls seeing trail-related graves in his youth at a location where visible evidence of graves no longer exists.

d. *Folklore* consists of widely held ideas about the past that are not based on personal experience or documentary or physical evidence. Folklore alone might not be strong enough evidence to establish an historical association, but it can be considered along with other lines of historical evidence.

e. *Physical evidence* consists of cultural remains and environmental conditions, detectable by the eye, instruments, or pattern analysis, that are consistent with trail uses; e.g., artifact scatters, inscriptions, ruts, swales, fire rings, graves, geophysical survey data, aerial photography, vegetation patterns, etc.

Geographical association: Located in the general vicinity of a congressionally authorized NHT route or auto tour route; or in the case of a landmark or natural feature, that the property would have been observable from the authorized NHT route during the trail's period of significance.

Thematic association: Providing public interpretation or non-commercial exhibits primarily focused on a national historic trail, trail-related resources, setting, or history, or other trail-related topics.

Auto Tour Route: Most national historic trails today are traced by Auto Tour Routes, which typically follow highways and local roads. Auto Tour Routes sometimes exist within historic trail corridor, but often only approximate the historic route of travel. Generally, they are marked with the trail's marker logo.

Availability: The physical and legal ability to enter a property or adjoining viewing area. This means that there is no physical barrier, such as a fence or canal, or legal barrier, such as lack of right-of-way across adjoining land, that excludes the general public from viewing the property. Likewise, there is no obvious hazard, such as an uncapped well or unstable building, on the property.

Certification: The administrative process whereby non-Federally owned properties along national historic trails are identified and recognized for their historical and/or thematic association with one or more national historic trails. Certification is undertaken for the purpose of officially recognizing protected historic trail properties, making them available for public use, and enhancing the public's enjoyment and understanding of them. (This concept is also being used to track completed and recognized segments of some national scenic trails.)

Certification Agreement: A simple, non-binding agreement between a Federal agency and one or more partners, which formalizes a good-faith arrangement to work together toward common goals, such as protecting and interpreting an historic property.

Compliance: Generally, conformance with the requirements of a law, regulation, or policy. However, the term is commonly applied specifically to the review of potential impacts of Federal undertakings on the environment and on cultural resources (as in "NEPA compliance" and "106 compliance").

Comprehensive Management Plan (CMP): These legislatively required planning documents are essential blueprints to the complex resource management, development, interpretation, interagency collaboration, and partnerships endemic to national scenic and historic trails. They are to be completed within two complete fiscal years of a trail's establishment. Legal requirements for such plans are outlined in National Trails System Act §5e-f. These plans also can be used for additional trail-wide planning issues, as necessary.

Federal Protection Component: These portions of trail, as defined in National Trails System Act § 3(a)(3), are “those selected land and water based components of a historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act...”. These should be defined in and listed in a trail’s CMP.

High Potential Segments: Trail segments (see definition of “segment,” below) that “afford [a] high quality recreation experience in a portion of the route having greater than average scenic values and affording an opportunity to vicariously share the experience of the original users of the historic route” [National Trails System Act §12(2) (see subchapters 5.1 and 8.5)].

High Potential Sites: “Those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion” [National Trails System Act §12(1) (see subchapters 5.1 and 8.5)].

Historic Routes: Many national historic trails commemorate nationally significant movements of people across the landscape. The route of travel is the actual line of movement as documented through maps, journals, and other accounts. It is a continuous line, although remnant sites and segments may be only fragmentary. Most national historic trails today are traced by Auto Tour Routes, which only approximate the actual route of travel.

Interpretation: Verbal, graphic, photographic, and/or written informational presentations that link “specific and tangible artifacts, buildings, and places with ideas, events, and concepts” relating to a national historic trail. Interpretive media “provide visitors with relevant [trail] information, and facilitate more in-depth understanding of—and personal connection with—[trail] themes and resources.” (NPS *Management Policies*, p. 74).

Interpretive (Visitor) Center: A site, typically including a building or an outdoor interpretive complex, where orientation information and/or interpretive exhibits are provided to visitors. Trails may be the exclusive focus of a visitor center, or may be one of several topics addressed there. Exhibits in or at a certified interpretive center must be primarily informational and interpretive, not commercial or fictitious in nature. (Commercial exhibits, such as book sales displays, are permissible *in conjunction with* interpretive exhibits.) Museums, interpretive centers, and interpretive sites are not mutually exclusive, and a certified property may include one or all of these elements. Interpretive centers are not required to be adjacent to an authorized national historic trail, but must be in reasonable proximity and must be thematically associated with a trail in order to be eligible for certification.

Interpretive Site: Outdoor venues with substantive interpretive media that provide visitors with the opportunity for understanding and enjoyment of a national historic trail. Sites may include interpretive complexes (such as walking trails with wayside exhibits or significant trail-related sculptural exhibits), commemorative parks, and interpreted trail overlooks. Simple highway pullouts with historical signs or “generic” wayside exhibits (i.e., exhibits that touch on broad topics and are not specific to that location or to historical events that occurred at that site) typically are not eligible for certification. Interpretive sites interpret trail history, setting, or historic events and activities, but are not themselves trail sites or segments (see definitions below). Museums, interpretive centers, and interpretive sites are not mutually exclusive, so a certified property may include one or all of these elements. Interpretive facilities are not required

to be adjacent to an authorized national historic trail, but must be in reasonable proximity to a trail in order to be eligible for certification.

Management: Many government and private entities own or manage lands along each national trail. Management responsibilities include inventorying and mapping resources, managing visitor use, planning and developing trail segments or sites, and site-specific compliance; and providing appropriate public access, site interpretation, trail maintenance, parking, resource preservation and protection, and viewshed protection.

Museum: For the purposes of national historic trail certification, a museum is a building that houses exhibits of objects, dating to a national historic trail's period of significance, that were used or carried on the trail, *and* whose relationships to the trail are identified to the public; *or* that exhibits objects or replicas of objects that were typical or illustrative of items used or carried on the trail; *and* that provides public interpretation of those exhibits. Museums, interpretive centers, and interpretive sites are not mutually exclusive, so a certified property may include one or all of these elements.

National Historic Trails: These are "extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance" [National Trails System Act §3(a)(3)]. National historic trails do not have to be continuous, can be less than 100 miles in length, can include land and water segments, must be authorized by Congress, and must meet all three criteria provided in the National Trails System Act §5(b)(11).

National Trails System Act (NTSA): This Act was passed as Public Law 90-543 and signed by President Johnson on October 2, 1968, after several years of negotiations. It has been amended more than 20 times since. The category of national historic trails was added in 1978.

Partnership Certification (Agreement): see Certification (Agreement). Also see clarifying note on the introductory page.

Period of Significance: The span of years, identified in a trail feasibility study or comprehensive management plan, during which a trail was used for its primary purpose, and for which it has received national recognition. For example, the period of significance for the Oregon National Historic Trail is 1841-1867, the period during which the trail was primarily used for emigration.

Segment: Section of trail, route, or other corridors of authorized NHT. Segments can include ruts, swales, non-natural grade changes caused by historical use, or other visible evidence of passage; and they also can include stretches of the known historic route that no longer show evidence of historic use.

Site: Location of a significant event, historic occupation or activity, or building or structure (including both standing buildings/structures and historical archeological remains, or ruins), that is historically associated with a national historic trail. A site need not exhibit visible surface evidence of trail-related use. A site also may be a natural landmark, feature, or traditional cultural property with historical, temporal, and geographical association with a national historic trail.

Trail Corridor: The historic route, commemorated as a national historic trail, taken by people across the landscape. It is a continuous line, although remnant sites and segments may be only

fragmentary. The width of a trail corridor is variable, depending on how travelers and their vehicles spread out across the landscape and what alternative routes or cutoffs they may have taken. Trail corridors may include all of the properties, resources, facilities, and views associated with a trail—what the traveler saw or would see if on the trail today.

Trail Marker: Each national trail is marked by “an appropriate and distinctive symbol” as authorized in the National Trails System Act § 7c.

Volunteer in the Forest (VIF): An officially registered and recognized individual who contributes time and energy to helping programs associated with the USDA Forest Service.

Volunteer in the Park (VIP): An officially registered and recognized individual who contributes time and energy to helping programs associated with the National Park Service.

Abbreviations:

ADA	Americans with Disabilities Act
BLM	Bureau of Land Management
CMP	Comprehensive Management Plan
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NHT	National Historic Trail
NPS	National Park Service
NTSA	National Trails System Act
P.L.	Public Law
USC	United States Code
USDA	United States Department of Agriculture
USFS	USDA Forest Service
VIF	Volunteer in the [National] Forest
VIP	Volunteer in the Park

Appendix B

Forms and Fact Sheets

- ✓ *Partnership Certification Agreement (example)*
- ✓ *Property Contact Information Form (required)*
- ✓ *Certification Evaluation Form (required)*
- ✓ *Property Data and Planning Form (optional, useful for planning purposes)*



Partnership Certification Agreement

[Note: words in *italics* are modified for each specific agreement]

Joe's Ruts My hometown, Kansas

Type of Property: *Historic Site*

Owner: *Joe Trailowner*

General

This agreement represents the Secretary of the Interior's certification, under section 7(h) of the National Trails System Act, that *Joese's Ruts, located 5 miles north of Highway 56 four miles west of Myhometown, Kansas*, meets the national historic trail criteria established by the National Trails System Act and any supplemental criteria prescribed by the Secretary of the Interior.

The National Park Service and *Joe Trailowner* agree voluntarily to strive to achieve the highest level of resource protection and visitor appreciation of trail resources and history at the historic site, as provided for in the Comprehensive Management and Use Plan for the *Santa Fe National Historic Trail* for "...the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment." (National Trails System Act 16 U.S.C. - 1241 et seq. Section 3(a)(3)).

Through this agreement, the National Park Service and the *Joe Trailowner* agree, if mutually deemed appropriate, to work jointly on planning, interpretation, resource management, and other matters that relate to the Santa Fe National Historic Trail at the historic site and to strive to meet the goals and objectives of the Comprehensive Management and Use Plan for the Trail.

Joe Trailowner 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 *Joe Trailowner*.

The agreement may be canceled by either party at any time by providing written notice to the other party. The National Park Service and *Joe Trailowner* agree, whenever possible, to identify issues or concerns to allow for resolution.

This agreement will remain in effect unless cancelled by either party, or until the ownership of the property is transferred to another entity.

Signatures

I hereby agree to a partnership with the National Park Service for *Joe's Ruts, an historic site on the Santa Fe National Historic Trail*.

Joe Trailowner

Date

On behalf of the Secretary of the Interior, I agree to a partnership with *Joe Trailowner* for *Joe's ruts, an historic site on the Santa Fe National Historic Trail*.

Aaron Mahr Yáñez, Superintendent
National Trails System – Intermountain Region

Date

National Trails System Certification Program

Property Contact Information (required)

Date: _____

Property Name: _____

County: _____

Primary Contact: _____

Phone: (w) _____ (h) _____

Mailing Address: _____

Email: _____

Contact is (check one) Owner Designated manager Other (explain)

Secondary Contact Name (optional): _____

Phone: (w) _____ (h) _____

Contact is (check one) Owner Designated manager Other (explain)

Property owner's name and contact info, if different from contact:

Name of property owner

Phone/email

City and state of residence

National Trails System Certification Program
Certification Evaluation Form (required)
(For staff use)

Evaluator (name and home office)_____

Date:_____

Property:_____

1. Property is (check all that apply):

an historic site a trail segment (> ½ mile) an interpretive facility
(museum, visitor center, etc.)

2. National Historic Trail(s) associated with the property:

In the opinion of the evaluator, this property meets all criteria for certification as part of an authorized national historic trail.

In the opinion of the evaluator, this property does not meet all criteria for certification as part of an authorized national historic trail. It is deficient because

Signature, agency evaluator

Date

National Trails System Certification Program

Property Data & Planning Form *(optional)*

Date: _____

Property Name: _____

Name and title of person(s) providing site information (including NPS staff):

Site Manager (name and title), if different from above:

1. Site Type (check all that apply):

trail site trail segment (> 1/2 mile) interpretive site
 interpretive center other (describe)

2. Address and location of property (continue on back and attach map or sketch, if needed): _____

3. National Historic Trail(s) associated with the property:

4. Estimated area (size) of property or distance or trail segment to be certified:

5. Type of ownership (check one):

private landowner non-profit organization city county
 state business organization other (explain)

Property Data (2/5)

Property _____

6. Property description

A. Setting (check all that apply):

Present	Setting	Present	Setting
<input type="checkbox"/>	Rural	<input type="checkbox"/>	Suburban/residential
<input type="checkbox"/>	Business district	<input type="checkbox"/>	Industrial district
<input type="checkbox"/>	Urban	<input type="checkbox"/>	Marine, river, or lake
<input type="checkbox"/>	Agricultural	<input type="checkbox"/>	Park
<input type="checkbox"/>	School grounds/ campus	<input type="checkbox"/>	Roadside attraction/facility
<input type="checkbox"/>	Historic district	<input type="checkbox"/>	

B. Historic features related to NHT (check all present):

Present	Historic Feature	Present	Historic Feature
<input type="checkbox"/>	Ruts/swales/track	<input type="checkbox"/>	Historic paved street or road
<input type="checkbox"/>	Historic walkway, stairs, etc.	<input type="checkbox"/>	Historic railroad
<input type="checkbox"/>	Historic signs, lampposts, etc.	<input type="checkbox"/>	Bridge or bridge site
<input type="checkbox"/>	Ferry site	<input type="checkbox"/>	Boat Landing
<input type="checkbox"/>	Grave, cemetery	<input type="checkbox"/>	Spring/waterhole
<input type="checkbox"/>	Historic building, open to public	<input type="checkbox"/>	Historic building, closed to public
<input type="checkbox"/>	Historic structure, open to public	<input type="checkbox"/>	Historic structure, closed to public
<input type="checkbox"/>	Building or structure ruin	<input type="checkbox"/>	Historic campsite
<input type="checkbox"/>	Natural landmark	<input type="checkbox"/>	Stone alignment
<input type="checkbox"/>	Historic natural landscape	<input type="checkbox"/>	Historic agricultural landscape
<input type="checkbox"/>	Blazed tree	<input type="checkbox"/>	Cairn
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

6. (Property description, continued)

C. Facilities and exhibits related to NHT currently on-site (check or apply rating as applicable to all that are present): 1 - nearly exclusively trail-related; 2- significantly trail-relate; 3 - moderately trail-related; 4 - only slightly trail-related

Rating	Facility/feature	Rating	Facility/feature	Rating	Facility/feature
<input type="checkbox"/>	Orientation exhibit	<input type="checkbox"/>	NHT trailhead	<input type="checkbox"/>	Wayside exhibits
<input type="checkbox"/>	Outdoor exhibits	<input type="checkbox"/>	Statuary/artwork	<input type="checkbox"/>	Museum exhibits
<input type="checkbox"/>	Plaques, markers	<input type="checkbox"/>	Nature trail	<input type="checkbox"/>	Paid interp staff
<input type="checkbox"/>	Volunteer staff	<input type="checkbox"/>	Interactive exhibits	<input type="checkbox"/>	Research library
<input type="checkbox"/>	NHT-related directional signs	<input type="checkbox"/>	NHT-related cemetery	<input type="checkbox"/>	NHT-related interpretive trail
<input type="checkbox"/>	NHT logo	<input type="checkbox"/>	Commem. Monmt.	<input type="checkbox"/>	NHT-related film
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

Property Data (3/5)

Property _____

D. Other accommodations (check all that are present):

Present	Accommodation	Present	Accommodation
	Off-road parking		Roadside parking
	Hardened walkway		Dirt/gravel trail
	Viewing platforms		Public restrooms
	Shade shelter		Potable water
	Trash cans		Public phone
	Outdoor seating		Indoor seating
	NPS passport stamp		camping
	Picnic facilities		Food service
	Vending machines		Wheelchair accommodations

7. List current and intended continuing uses of the property (e.g., grazing, cultivation, fallow, commercial, visitation, etc.):

8. Check all interpretive or visitor needs that apply:

Needed	Accommodation	Needed	Accommodation
	Site plan/design (limited, moderate, extensive)		Trail brochure and passport stamp station
	Historic research/documentation		NHT vehicular directional signs
	Wayside exhibits		Site bulletin
	Parking		Trail construction
	Wheelchair accommodations		Trail site identification sign
	Trail site shelter		Restroom
	Fencing/screening		

Property Data (4/5)

Property _____

9. Describe any safety concerns (e.g., parking, traffic, livestock, electric fences, open wells, unstable buildings, etc.):

10. Describe any accessibility concerns (e.g., no ramps, no hardened trails, narrow doorways, interior stairs, etc.):

11. Describe any imminent changes (unrelated to certification) in the use or development of the property.

12. List any known or potential threats to historic resources such as ruts, graves, etc. (e.g., vandalism, development, erosion, unauthorized vehicle traffic):

Property Data (5/ 5)

Property _____

13. The property owner or designated manager may specify reasonable limitations on use of the certified property; e.g., establishing visiting protocols and points of access; prohibiting motor vehicles, metal detectors, and pets; limiting group size; barring entry to buildings; etc. *List or attach any stipulations here, and advise owners/managers of their responsibility to notify the trails office of changes to these conditions.*

14. *Entrance fees (if applicable):* _____ per visitor/day _____ per vehicle
_____ NA _____ other

15. *Indicate visiting seasons/days/hours, if applicable:*

16. *Other comments or issues:*