

CONTRIBUTOR BIO



KIERAN ALTHUS is a fourth-year student at Cal Poly graduating this June. He will earn a BA in Political Science with a concentration in American Politics and have minors in both music and biology. He's originally from Culver City, CA, but Kieran plans to spend this summer in the eastern Sierra Nevada mountain range surveying plants. After this, Kieran wants to take a gap year before pursuing a master's degree. In his free time, Kieran loves to study plants, read, and practice both tuba and guitar.

By Ethan Gunnlaugsson

Nature vs. History: The Fight for National Park Designation

Kieran Althus

Abstract

National Parks are a pinnacle of the United States recreation scene. Providing the U.S. with over 52.2 million acres protected for the use of the public and for conservation and scientific research. National Parks are not the only entity in the National Park System that provides protections for land deemed valuable by Congress. There are National Monuments and National Historic Landmarks that are tasked with maintaining historic or natural areas for the sake of education and science. Within these three types of Park, there are to implicit types of locations someone can visit: one protected for its natural scenic/ scientific interest, and the other protected for its historic significance. This paper delves into the distinction between these two types of Parks, all of which are dubbed “National Park” for the sake of this paper. This paper explores the differences and similarities between the two, and whether or not there is a discrepancy as to which type of park is more attractive to California legislators when deliberating between park-types. This paper suggests that nature-based Parks are more attractive to legislators and therefore more likely to occur in California.

Introduction

Americans grow up with stories of the grandeur of National Parks. Yosemite, Yellowstone, and Grand Canyon all come immediately to mind when thinking about our great parks. Yosemite was the park that created the framework for the whole National Park System (NPS) after *Hutchings v. Low* solidified its status as protected land.¹ However, it wasn't until several years later that the first real National Park, Yellowstone, was created.

¹ Alfred Runte, “The California National Parks centennial: Introduction to the Special Issue,” *California History*, Vol. 69, no. 2 (Summer, 1990): 69-91.

Now, the NPS manages 7.6 million acres of land out of 100 million acres in California.² These lands are divided into National Parks, Monuments, Historic Landmarks, and many more designations.

The three types of designation explored throughout this paper are: National Parks, National Monuments, and National Historic Landmarks (NHL's). National Parks are usually large, remote stretches of wilderness scattered throughout the country that serve to highlight and protect beautiful and scenic locations. These parks are designated through the Legislature--presented as a Bill just like any other piece of legislation. National Monuments are typically smaller locales that either emphasize a set of buildings or property, or a natural location with scientific or historical value. These sites are designated through Executive orders from the President. Finally, there are NHL's, which highlight buildings or smaller locations throughout the country. These are designated by the Department of the Interior and do not require congressional approval. The designation system of these sites, however, is lacking and inconsistent. After examining all current National Parks, National Monuments and NHL's in California, I contend that there are only two criteria that should determine the designation of a park: historical/ cultural reasons and natural/scientific reasons.

To explore this point, I will look at four sites in California that represent the various types of parks and justify the two reasons for designation. I will explore Yosemite National Park, Devils Postpile National Monument, Cesar E. Chávez National Monument and Manzanar National Historic Landmark. Literature regarding the establishment of National Parks hasn't changed much in recent years, especially literature regarding California's parks. There is a myriad of literature on Yosemite, Redwood, Sequoia and Yellowstone, as those are some of the "crown jewels" of the park system. However, general literature exploring the establishment and history of parks and monuments is lacking.

This paper will first go into detail about the different protected sites (ie. National Park, Monument, etc.). Then, I will discuss the current legal criteria for the types of designations, the general economic effect of the different designations and finally criticism of the process and consequences of a park. After, the case studies will be explored in detail, highlighting their political process, economic effects and their respective criticism. Finally, I will

² Vincent and Laura Hanson and Carla Argueta "Federal Land Ownership: Overview and Data," (Congressional Research Service, March 3, 2017).

discuss the implications of the research, and what this could mean for the future of the National Park System.

Key Words & Definitions

Before I proceed, it is important that the two factors that warrant designation are defined; historic-based site and nature-based site. It is important for me to make this distinction because simply relying on the given designation of the protected site is unreliable. There tends to be a lot of overlap in the kinds of sites that are designated under a single Unit type.

A nature-based site is a sufficient designation for those parks which hold scenic, natural and/or scientific value. All National Parks are designated because of their scenic or recreational value. However, almost half of National Monuments are designated because they hold scientific or natural value. These sites include fossil beds, interesting geological formations, coral reefs and some natural sites that belong or belonged to Native American tribes, and lack any physical structure or artifacts. Historic-based sites are ones that hold cultural or historical value. If the site is located in a natural or scenic area but holds historic or cultural significance outside of the natural environment, then I designated it as a historic site. I made this decision because the primary purpose for its protected status is their historic or cultural significance. These mostly contain archeological ruins, buildings, old military forts, homes of past presidents and other nationally important sites.

Protected sites are specifically sites that the National Park Service designated and maintains. There are a number of monuments, historic sites, national historic trails and recreation sites that are managed by agencies other than the NPS, such as the Bureau of Land Management, Fish and Wildlife Service and the U.S. Forest Service. For the sake of this paper, I will be focusing on sites that have been designated and are managed or co-managed by the National Park Service.

Types of Protected Sites

The National Park System is an expansive program. Many types of designations aren't specific to whether the park focuses on nature or history/culture. There are over twenty different types of protected sites, without any formal definitions ever having been established.³ The designation of

³ Carol Vincent, "National Park System: Establishing New Units," (Congressional Research Service, 2013).

“National Park” applies to sixty parks throughout the United States. Of these sixty parks, three are heralded as “crown jewel[s]” of the United States, including the Grand Canyon, Yosemite and Yellowstone.⁴ All sixty of these parks are scenic or are valued because of their natural splendor and outdoor recreation. In California, there are nine National Parks including: Joshua Tree, Channel Islands, Kings Canyon, Sequoia, Lassen Volcanic, Pinnacles, Redwood, Yosemite and Death Valley.

National Parks are created by legislators that consider the best use for a proposed resource.⁵ National Parks must be approved by Congress, and Congress typically explains and justifies the park’s purpose, size, directions for land acquisition and, most importantly, how to allocate funds.⁶ However, the National Park Service (NPS) must first prove to Congress that the site of the proposed park meets several criteria: it is nationally significant, it constitutes one of the most important or sole examples of a resource, and its incorporation into the Park System is feasible.⁷ These Bills are under the jurisdiction of several Congressional Committees, including the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources. The Department of the Interior and the NPS are always evaluating new sites to be reviewed for National Park designation, and the Secretary of the Interior submits a yearly report to Congress, in which the Secretary recommends areas for inclusion.⁸

National Monuments are similar to National Parks. However, they are designated differently than National Parks. There are currently eighty-seven National Monuments in the United States, six of which are in California. National Monuments are designated via an Executive Order through The Antiquities Act of 1906. The Antiquities Act allows a president to create monuments on federally owned or controlled land that contains “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest,” as long as the monument is confined to the smallest area possible for the upkeep of the site.⁹ The Antiquities Act was originally

4 Betty Martin, “America’s Three ‘Crown Jewel’ National Parks.” *Los Angeles Times* (May 16, 1993).

5 Tiffany Espinosa. Et al., “The Politics of U.S. National Park Unit Creation: The Influence of Electoral Competition, Political Control, and Presidential Election Years,” *Journal of Park and Recreation Administration*, Vol. 35, no. 3 (Fall, 2017): 112-121.

6 *op. cit.*, fn. 1.

7 *Ibid.*

8 *Ibid.*

9 National Monuments - 54 U.S.C. §320301 (a).

established to protect archeological ruins in the Southwest, and gave the president unchecked power to do so.¹⁰

In theory, the National Monument program wants to protect historic and cultural sites in the United States, similar to the National Historic Landmark program.¹¹ However, many of the National Monuments in the country are not history-focused at all. National Monuments were historically used by the President to hold or protect a natural or scenic site in order to give the NPS and Congress time to designate it as a National Park.¹² For example, Bryce Canyon and Carlsbad Cave were both originally National Monuments, and were then “upgraded” to National Parks.¹³ The designation of National Parks is inherently unorganized due to the lack of specificity in their designations.

National Historic Landmarks are the final National Park Unit that I will be analyzing in this paper. The Historic Sites Act of 1935 established the powers for the Department of the Interior to name National Historic Landmarks.¹⁴ The Historic Sites Act allows the U.S. to acquire property using eminent domain.¹⁵ However, this doesn’t mean that all NHL’s are acquired through eminent domain. According to a report by the Department of the Interior to Congress in 2001, about half of all NHL’s are privately owned.¹⁶ The process for designating these Landmarks is more difficult than other historic properties. The agency needs to, “to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark.”¹⁷

There are 2,596 NHL’s in the U.S., with 145 in California. Some of these sites are located in places of nature, but their designation is based around its historical context, so they are all counted as history-based sites. Thus, broadly speaking, nature-based sites refer to all National Parks and some National Monuments, and history-based sites refer to some National

10 Hal Rothman, “Second-Class Sites: National Monuments and the Growth of the National Park System,” *Environmental Review*, Vol. 10, no. 1 (Spring, 1986): 44-56.

11 National Historic Landmarks Program- 16 U.S.C. §470H-2(J). 36 C.F.R. §800.10(A.).

12 *Ibid.*

13 *Ibid.*

14 Kristina Alexander, “A Section 106 Review Under the National Historic Preservation Act (NHPA): How It Works,” (Congressional Research Service, 2012).

15 *Ibid.*

16 U.S. Dept. of the Interior. National Park Service. 2000. National Historic Landmarks at the Millennium: A Report to Congress and the American People.

17 *op. ct.*, fn. 11.

Monuments and all National Historic Landmarks. Next, I will be analyzing the designation of history and nature-based parks based on the legal process of creating them and the economic impact they have on their surrounding communities.

Designation of Protected Sites

I will analyze the designation of National Parks, National Monuments and National Historic Landmarks in California based on the political or legal process of creating them, the economic impact they are expected to make, and the type of criticism they receive during the designation process.

The Legal Criteria

There are three criteria to establish a National Park: National significance, Feasibility, and Suitability.¹⁸ A number of considerations arise when thinking about the different criteria for parks. True for all nature-based parks, showing a site has national significance is paramount to its success in the designation process. Of the known 143 proposed National Parks, we have data on ninety-five proposals, and of those, forty-four were rejected because they lacked significance to the nation as a whole.¹⁹ This first step is important for preventing special interests from exploiting the land. The second criterion is feasibility, which is measured by scope and public feedback. If the land is too large, and the project faces intense local opposition, it is not feasible.²⁰ Part of the reason why California has such high numbers of nature-based sites is due to its public support for environmental protection. The final criterion, suitability, “includes the ecological or historical integrity of the proposed site, its accessibility, and whether it was or could be protected by another organization.”²¹ Fundamentally, California’s numerous National Parks are a product of the state’s geography. As one of the last states to be settled, there was plenty of untouched land to protect. Further, California boasts around 5,000 species of native plants and the most diverse climate and terrain within the forty-eight contiguous states.²² This allows for many different choices regarding the natural zones to encompass, furthering the

18 Lary Dilsaver, “Not of National Significance: Failed National Park Proposals in California,” *California History*, Vol. 85, no. 2 (2008): 4-23.

19 Ibid.

20 op. cit., fn. 16.

21 Ibid.

22 Flora and fauna – California.” *City-data.com*. (2017).

goal of the third criterion, which is to distinguish ecological integrity. The final criterion is whether or not the land could be protected by another organization. Thinking about the purpose of a nature-based park in California, the NPS's mission to protect, educate and promote the use of those natural parks is exactly what Californians want.

The criteria Historic parks need to meet bears some difference to that of nature-based parks. Historic parks still must maintain some level of national significance.²³ Similar to nature-based parks, there is some overlap in the type of designation a historic park receives. The two that I will cover are National Monuments, as mentioned before, and National Historic Landmarks. To recap, the Antiquities Act was created as a way to protect archeological ruins and other places of historic significance. National Historic Landmarks, however, are enumerated through the National Historic Preservation Act, which helped define standards for landmark eligibility.²⁴

The main criteria for designation as a Landmark is being considered a place of cultural significance. These culturally significant places exclude anywhere that has gained significance within the past 50 years.²⁵ This rule came about because in the 1930s, the NPS was flooded with requests for Landmark designation and protections.²⁶ The other reason is because history is inherently controversial. The most controversial aspects of history are the parts that we can remember and those that are closest to us; therefore, those sites are intentionally omitted from the Historic Landmark program. Throughout the country, there are a variety of other kinds of landmark types, and all are arranged by themes that are determined by the NPS. The National Monument and the National Historic Landmark program share a similar designation process, in that they're designated unilaterally by the President of the United States and the Secretary of the Interior respectively.

The objective criteria stated by law is: 1. The area is associated with events that are significant and represent the patterns of U.S. history, 2. The area is associated with the lives of people nationally significant in history, 3. The areas represents some American ideals, 4. The area embodies

23 Ibid.

24 Samuel Otterstorm and James Davis, "The Uneven Landscape of California's Historical Landmarks," *Geographical Review*, Vol. 106, no. 1 (October, 6, 2015): 28-53.

25 John Sprinkle, "'Of Exceptional Importance': The Origins of the 'Fifty-Year Rule' in Historic Preservation." *The Public Historian*, Vol. 29, no. 2 (Spring 2007): 871-103.

26 Ibid.

characteristics of an architectural specimen that is exceptional, 5. The area is made up of parts not significant individually but collectively create an entity of historical or artistic value, and 6. The area yields or may yield information of scientific value about cultures, or uncover new information about U.S. History.²⁷ The first, fourth and sixth criteria are consistent with designating a National Monument, in that the area should be significant to the country, be architecturally significant, and/or yield new information of use for the United States. The biggest difference between the two designations is that the NHL program is inherently people-centric. While Monuments highlight general spaces, NHL programs highlight the accomplishments of individual people.

My proposed method of designation is much simpler. The first question the National Park Service should ask themselves is: What are we trying to protect or accomplish with the establishment of this park? If the answer is nature, scenery, or some scientific resource, then the park would be designed as a nature-based park. Alternatively, if the answer is a historical building, culturally significant landmark or ruin, then the park would be designated as a history-based park. The current criteria that is laid out for establishing National Parks is effective for creating nature-based parks as a whole. Only parks that are nationally significant, suitable and feasible should become nature-based parks. For history-based parks, it is not only important to have national significance, but important to tailor the park as narrowly as possible. The park should be as small as possible, and not much larger than the site that it is attempting to protect. This is to ensure that the least amount of other buildings, if the site is in a city, are affected in the process.

Economic Effects

Large, nature-based parks are highly sought after for their economic value as well. Economic interests based in or around natural National Monuments is scanty, mostly because visitation is lower and the parks themselves are smaller than large National Parks. In other regards, large natural parks represent varying economical costs and benefits.²⁸ I say “large” because all nature-based parks in California are significantly larger than any history-based park, and it is important to distinguish between the two. Therefore, nature-based parks are more profitable than the alternative kinds of parks. Senators and Representatives understand that nature-based

²⁷ 36 CFR § 65.4.

²⁸ *op. cit.*, fn. 3.

parks, but more specifically, National Parks, are economically stimulating and help create growth within their districts, so they push to create parks for their districts.²⁹ This practice has died down since the end of WWII, mostly because the “crown jewel” parks had already been created.³⁰ Thus, the development of large-scale nature-based parks has slowed, but it has not stymied the growth of small natural preserves, such as those represented in the National Monument program.

It is interesting to note the disparity between the funding for the National Park System, and just how economically important the system can be for surrounding communities. Communities that surround National Parks and nature-based parks are called “gateway communities,” a title worn like a badge of honor.³¹ Pinnacles National Park, the newest Park in California, is surrounded by the small agricultural towns of Soledad and King’s City. Soledad has proudly branded itself as the “Gateway to the Pinnacles,” while King’s City has branded itself as “Entrance to West & East Pinnacles.”³² This trend reflects the ideas that there is a symbiotic relationship between gateway communities and nature-based parks. Large nature-based parks are economically stimulating for their surrounding communities, and, in turn this leads to an increase in tourism to the parks themselves.³³ The NPS estimates that gateway communities generated \$18.4 billion from tourist spending in 2016 alone.³⁴

Many people believe historic parks to be a waste of space and money for the national government.³⁵ However, historic-based sites come with their own challenges. Nature-based parks are generally more removed and out-of-the-way, whereas we interact with historic sites every day because they are often located within our cities and streets. There have been many

29 Ibid.

30 Ibid.

31 Richard Ansson., “Our National Parks—Overcrowded, Underfunded, and Besieged with a Myriad of Vexing Problems: How Can We Best Fund our Imperiled National Park System?” *Journal of Land Use & Environmental Law*, Vol. 14, no. 1 (Fall, 1998): 1

32 Lee Romney, “Soledad re-brands itself as the ‘Gateway to the Pinnacles,’” *Los Angeles Times* (February 16, 2013); Felix Cortez, “New Pinnacles sign goes up in King City,” *KSBW8* (December 19, 2014).

33 *op. cit.*, fn. 31

34 Catherine Thomas and Lynne Koontz, “2016 National Park Visitor Spending Effects: Economic Contributions to Local Communities, States and the Nations,” (Natural Resource Report, U.S. Department of the Interior, 2017).

35 *op. cit.*, fn. 3

efforts to encourage historic preservation through economic means, for example, the Economic Recovery Act of 1981 that created tax deductions for rehabilitation.³⁶ The idea behind the Act wasn't geared toward preserving history; it was meant to preserve the integrity of neighborhoods. In spite of that, it evolved to pertain to historical buildings. Even without federal intervention, historic preservation of land became increasingly popular at the federal, state and city levels. In fact, most landmark preservation occurs on the local, city level.³⁷ This is because preservation is controversial, and because there are probably more sites that are important to the local history than national history in a given town. In a small, low-density city or town, such as San Luis Obispo, California, designation as a historic-based site might be welcome by an owner.³⁸ While in big cities where landowners are pressed to utilize every square foot, building owners tend to prevent historical preservation of their buildings.³⁹ In fact, the early development of parks was directly linked to their perceived economic benefits. Barry Mackintosh, a National Parks historian in Washington D.C., wrote that the first Directors of the National Park Service, "Mather and Albright blurred the distinction between utilitarian conservation and preservation by emphasizing the economic potential of parks as tourist meccas."⁴⁰

Criticism

Common criticism of nature-based parks is that they're an inefficient use of natural resources.⁴¹ Hetch Hetchy Valley, located in the Northernmost part of Yosemite immediately comes to mind when deliberating this claim, as Hetch Hetchy was dammed in 1923, flooding the entire valley. However, designation provides similar benefits to surrounding communities as exploitation does, in theory making jobs available to locals in surrounding communities in much the same way. Additionally, the expense of National Parks is well worth it. The NPS usually receives and requests somewhere

36 Glenn Gerstell, "Needed: A Landmark Decision: Takings, Landmark Preservation, and Social Cost," *The Urban Lawyer*, Vol. 8, No. 2 (Spring, 1976): 213-278.

37 Felipe Núñez and Eric Sidman, "California's Statutory Exemption for Religious Properties from Landmark Ordinances: A Constitutional and Policy Analysis," *Journal of Law and Religion*, Vol. 12, No. 1 (1995-1996): 271-322.

38 *op. cit.*, fn. 36

39 *Ibid.*

40 Barry Mackintosh and Dept. of the Interior. Washington, DC. National Park Service. "The National Parks: Shaping the System," January 1, 1985.

41 *op. cit.*, fn. 3

between \$2 billion and \$3 billion, which is a fraction of how much those large natural parks help surrounding communities. That is an even smaller fraction of how much National Parks are estimated to be worth, which is a whopping \$92 billion.⁴²

There is additional criticism in the simple practice of adding parks to the system at all, with people saying that the system is “mature,” and that the NPS should focus its attention on preserving the nature it has.⁴³ In conjunction with that, it may be time for the natural side of the park system to slow, letting historic sites, which were historically seen as second-tier, to flourish.

Available literature had a more critical response towards historic preservation. A common criticism is that all historic districts are designated unilaterally, circumventing all democratic checks. The President has authority to designate Monuments and the Secretary of the Interior has the power to designate NHL's. In regards to the President, the designation of Monuments as historic sites can be seen as political in nature, used to prevent other interests from getting ahold of an otherwise unimportant site.⁴⁴ The major concern with historic sites is the lack of opportunity for the community to participate in the designation process.⁴⁵

Additionally, historic-sites are created to present history as it is, and sometimes history is remembered alternatively to how it actually occurred. So, collective memory can shape the history that is presented, which is detrimental to the primary purpose of the sites.⁴⁶ Another issue is the lack of representation in historical sites. Culture and heritage sites tends to highlight famous, wealthy and politically powerful people, oftentimes neglecting minorities and women.⁴⁷

42 Bourree Lam, “How Much Are America’s National Parks Worth?” *The Atlantic*, (July 19, 2016).

43 *op. cit.*, fn. 1.

44 Hope Babcock, “Recession of a Previously Designated National Monument: A Bad Idea Whose Time Has Not Come,” *Stanford Environmental Law Journal*, Vol. 37, no. 1 (December, 2017): 3-74.

45 *Ibid.*

46 Robert Stipe, *A Richer Heritage: Historic Preservation in 21st Century* (Chapel Hill: University of Chapel Hill Press, 2003), 35.

47 *Ibid.*

Case Studies

Yosemite National Park

The opening of Yosemite in 1855 to the public was met with little fanfare, as the beauty of the valley was yet unknown to the camera-less world. After initial sketches and lithographs of the landscape were published in newspapers in 1856, the nation became ensconced with Yosemite, and, year-by-year, people began visiting the area.⁴⁸ As interest and tourism rose, the concern over its preservation increased as commercial interests began to vie for positions in the Valley. Israel Ward Raymond, the California state representative of the Central American Steamship Transit Company of New York, was credited as the one to write to John Conness, a senator from California, urging him to preserve the Mariposa Grove of Giant Sequoias. In Raymond's letter, he explicitly noted that the area "[could] never be of much value," preemptively preventing outside interests from establishing themselves within the valley.⁴⁹ The Senate Committee on Public Lands voted in favor of Conness' bill in 1864, with Conness expressing the economic infertility of the land, as well as stoking American patriotism through the Giant Sequoias that the British didn't believe to be of American origin, which was a point of pride for Americans.⁵⁰ One of the most important provisions of the grant was that Conness' assurance that the park wouldn't cost money to maintain or preserve, which was important in the wake of the Civil War. Thus, on June 30, 1864, President Lincoln signed the Yosemite Park Act into law, effectively establishing the first National Park.⁵¹ To this day, Yosemite is one of the most visited parks in the Country, with 5 million visitors in 2016.⁵²

The motivation for creating a park protecting Yosemite is purely for scenic and natural reasons, placing Yosemite in the "nature-based park" category. If I apply my adapted standards, Yosemite passes with flying colors. Because my set of criteria is taken from the National Park standards, it makes sense that Yosemite meets the standards. First is national significance, which can be explained through Yosemite's sheer natural grandeur. The park is one of the few places in the world with groves of Giant Sequoias and sheer

48 Huth, Hans, *Yosemite: The Story of an Idea* (Literary Licensing, LLC, 2011).

49 Raymond to Conness, February 20, 1864, Yosemite-Legislation, File 979.447, Y-7, Yosemite National Park Research Library.

50 Ibid.

51 Yosemite Grant Act of 1864, 13 U.S.C., §48 (1864).

52 National Park Service, "Park Statistics," (Yosemite Park Statistics, April 5, 2018).

exposed granite rock formations.⁵³ The question of feasibility is simple; what did the public think? While there are no direct records of public feedback regarding the establishment of Yosemite, Raymond made it abundantly clear in his letter that the valley holds no practical value to Americans other than its recreational feasibility. Lastly, is suitability. John Muir, credited as being the Father of the National Parks, believed that Yosemite was too important a natural landmark not to protect and convinced Roosevelt during a 3-day camping trip with the President.⁵⁴ Yosemite had no other hope in the early 1900's of being protected from another Government agency because there was none. Based on these considerations, I believe the designation as a nature-based park is most applicable to Yosemite. The purpose of its designation is purely for that of natural grandeur. Not only was that its original purpose, but that is how it is currently used and why it continues to be maintained. Not only was Yosemite created to protect its natural beauty, but its effects on the community are homologous to how I define a nature-based park. Ultimately I will use the criteria that Yosemite put in place to define a nature-based park later in this paper.

Yosemite is a prolific economic force for its surrounding communities, or gateway communities. Gateway communities benefit immensely from the popularity of the parks that they surround, creating a symbiotic relationship between park and community. The National Park Service estimates that visitors in 2017 spent \$452,782,000 in “communities near the park.”⁵⁵ Those communities include Mariposa, Mammoth Lakes, Merced, Groveland and Fresno. Additionally, visitor spending is estimate to support 6,666 jobs in those communities.⁵⁶ Yosemite's economic fitness hasn't even been fully explored yet, with commercial influence inside the Park being increasingly likely. In 2017, more than 25,000 people petitioned against the establishment of this Starbucks in the park.⁵⁷ Widely interpreted as a sign of our evolving consumer-based culture, the implementation of Starbucks comes with other renovations to dining and lodging options within the park. In an effort to fight for money to satisfy a \$12 billion backlogged maintenance, food and

53 op. ct., fn. 49.

54 op. ct., fn. 1.

55 Dept. of the Interior. National Park Service. “Tourism to Yosemite National Park creates \$589,343,700 in Economic Benefits.” (April 20, 2017).

56 Ibid.

57 Grace Donnelly, “Starbucks Opened a Location in Yosemite. Not Everyone is Excited,” *Fortune* (March 29, 2018).

beverage purchase and contracts with private companies can help pave the way to satisfy financial needs.⁵⁸

Devils Postpile National Monument

Devils Postpile is a National Monument near Mammoth Mountain in east California and was established in 1911.⁵⁹ It was once a part of Yosemite National Park, but when gold was discovered in Mammoth Lakes, boundaries were redrawn leaving the Postpile on the public land.⁶⁰ The main threat to the area was a proposal to blast the area into the nearby river, to make room for a hydroelectric dam. In 1905, mining and timber companies were successful in removing the area from the park. John Muir then convinced the federal government to stop its development effort, and in 1911, President Taft designated it as a National Monument.⁶¹ This designation came just as the battle to preserve Hetch Hetchy was reaching its climax, and thus Devils Postpile symbolized a compromise of commercial interests and preservation.

Devil Postpile's three-point criteria for designation is similar to that of other nature-based sites. First, it's creation is strictly to protect a natural space with interesting geological features, and therefore it should be considered for designation as a nature-based site. Devil Postpile is a significant landmark in America because of the Postpiles, which represent an interesting geological phenomenon resulting in standing pillars of hexagonal stone. Now, is the creation of Devils Postpile feasible? Devils Postpile's close proximity to Yosemite meant it wouldn't have been too difficult to create the proper infrastructure for the park. In relation to suitability, I believe that Devils could have stayed in Yosemite. A lot of future troubles with maintenance and staffing could have been solved by lumping Devils back in Yosemite with newly redrawn boundary lines.⁶² Nonetheless, according to my standards for park designation, Devils Postpile is a nature-based park that belongs in the program.

58 Ibid.

59 "A Proclamation." (1911) Statutes of the United States of America. (Creation of Devil Postpile Proclamation)

60 U.S. Dept. of Agriculture and Dept. of the Interior. National Park Service. National Forest Service. 2009-2010. Visitor Guide to Devils Postpile and the Reds Meadow Valley.

61 Ibid.

62 Christopher Johnson, "Nature and the History of the Sierra Crest Devils Postpile and the Mammoth Lakes Sierra," United States National Park Service, (July 29, 2013).

Devils Postpile was created for its scientific interest to the nation, and thus was not expected to generate much income. However, the park slowly became connected to the region and grew in significance usurping the reason for designation as scientifically important to emphasizing its natural and “rustic camping” opportunities.⁶³ As the NPS budget decreased and visitation increased, the lean toward promoting tourism over the protection of nature became readily apparent. This led to a drain of resources from Devils Postpile in order to better fund Yosemite. These decisions in the early days of the park inevitably led to Postpiles becoming an independent park. The park averages over 100,000 visitors a year, which is among the lowest of the National Monuments in California, and the lowest of the nature-based parks in California.

The existence of the Postpile is not without criticism and conflict. A most notable conflict arose when President Roosevelt was transferring National Monuments over to Park Service control within the Forest Service. The two agencies began to conflict with each other, fighting over control of the monument in Yosemite.⁶⁴ This conflict eventually spread to the public. Those living in the Mammoth Lakes area were apprehensive that the transfer of management to the NPS would expand the monument’s borders, confusing business owners and public visitors. Their concerns stemmed from the idea that the Park Service could extend the Yosemite boundary to meet with the Devils Postpile boundary, and that the National Park Concessionaire Company would prove too competitive for the Mammoth Lakes businesses.⁶⁵ Despite the typical shortcomings of nature-based parks, Devils Postpile has remained uncontroversial in the recent years. A better understanding of the ecosystem and geology has led to better management practices. Additionally, the park has gone to great lengths to establish relationships with local Indian tribes that were known to have inhabited the area before Yosemite was established.⁶⁶ Nonetheless, Devils Postpile still meets my criteria for a nature-based parks because it holds immense scientific and natural importance, and is one of the few places in the U.S. with this phenomenon.

63 Ibid.

64 Ibid.

65 Ibid.

66 Ibid.

César E. Chávez National Monument

The César E. Chávez National Monument was established on October 8, 2012 by President Obama. The monument was established to recognize and memorialize the monumental role Chávez played in the farm workers' and civil rights movements of the 1960s.⁶⁷ The site where the monument now rests is known as Nuestra Señora Reina de la Paz ("Our Lady Queen of Peace"), and was an incredibly important location for the labor movement. "Nuestra Señora Reina de la Paz" was the headquarters for the United Farm Workers. It became Chávez's home until his death in 1993 and is now the location of his gravesite.⁶⁸ The history of Chávez and his contributions as a leader of the farm workers labor movement is incredibly important to that of California because it is the most productive agricultural state in all of the country. Although widely seen as an advocate for all American laborers, Chávez was primarily credited with his role in the Latino American community, where he promoted the hiring of Hispanics and their inclusion into the American labor force.

The Cesar Chávez National Monument was established in order to commemorate the historical role Chávez had in farmers' rights. As I stated above, the location was the headquarters for the Farm Worker's movement, making it an incredibly important site. Therefore, the criteria the site is subject to is that of a history-based park. Therefore, the first criterion is national significance. Cesar Chávez is certainly a character of national importance; his advocacy for the workers' union is now significant to every unionized worker in America. The second criterion is that a site should be narrowly tailored. For Chávez, this is not difficult, as the location of the movement is a small property in an uninhabited area of California. With these two points considered, Cesar Chávez deserves national protection as a history-based park.

It is difficult to measure the economic impact of a historic site as small and sparsely visited as this one. However, it is safe to assume that the lack of documentation, the scope of the site, and the amount of other economic prosperity in the surrounding areas show how little impact the historic site has. The location of Bakersfield is most likely of more economic benefit to the Monument than the Monument is to Bakersfield. The historic site is

67 Barack Obama, Proclamation 8884—Establishment of the Cesar E. Chavez National Monument, (October 8, 2012).

68 Ibid.

the least visited national monument in California, only racking up just over 15,000 visits in 2017.⁶⁹ Therefore, the revenue produced by this Monument is negligible.

Manzanar National Historic Landmark

Manzanar is the site of one of the two war relocation centers, or concentration camps, in California. Thus, Manzanar was the exact location where Japanese Americans were forcibly moved during World War II under the rationale of protection against supposed espionage.⁷⁰ American and Japanese immigrants were interned between December of 1942 and 1945. The attack on Pearl Harbor was the catalyst in creating Manzanar's War relocation center. The United States worked fast to solve the "Japanese problem" on the west coast, and on February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, authorizing the military to designate exclusion areas where they could effectively remove Japanese Americans to relocation centers.⁷¹ 120,000 people were relocated in total, two-thirds of whom were American citizens. Of these 120,000, Manzanar housed 10,000 individuals in its small barracks.⁷²

A majority of the people incarcerated at Manzanar were from the Los Angeles area, along with others coming from other places throughout California and Washington.⁷³ On November 21, 1945, Manzanar was closed, which in effect led to the removal of Americans again, but this time from Manzanar. Many people left willingly, and were each given \$25, meals, and transportation to Owens Valley. From there, they were left to find their own way.⁷⁴ Because there was no longer any home for them to return to, some individuals did not leave willingly and were forced from the camp.⁷⁵ In all, 146 of the people incarcerated died at Manzanar, two of those being confirmed killings.⁷⁶ In February 1985, Manzanar was designated a National

69 op. cit., fn. 52.

70 Frank Hays, "The National Park Service: Groveling Sycophant or Social Conscience: Telling the Story of Mountains, Valley, and Barbed Wire at Manzanar National Historic Site," *The Public Historian*, Vol. 25, no. 4 (Fall, 2003): 73-80.

71 The National Park Service. "Japanese Americans at Manzanar." (February 28, 2015).

72 Ibid.

73 Ibid.

74 U.S. Dept. of the Interior. National Park Service. Cultural Landscape Report: Manzanar National Historic Site. (2006).

75 Ibid.

76 U.S. Department of the Interior. National Park Service Jeffery Burton, Jeremy

Historic Landmark, and, on March 3rd, 1992, was further designated as a National Historic Site by George H.W. Bush.⁷⁷

The real process for NHL's is different than that of the other two types of protected sites. Manzanar National Historic Site is nationally significant and culturally significant because it symbolizes a moment in U.S. History when citizens were incarcerated out of fear. In addition to being significant to the Japanese-American community, it was a significant blunder on the end of the United States government and serves as reminder of our past failures. This is enough to satisfy the first criteria in being nationally significant. Next is whether it is a narrowly tailored site. In locations trying to preserve historic buildings, active steps need to be taken in order to preserve these buildings and physical structures. At Manzanar there aren't many standing buildings left, and the only other structures that require maintenance are the main hall and the gravesites. Although it is quite a bit of land, the park would be the minimum size that still encompasses the entirety of the original relocation center.

Manzanar is located at the foothills of the Eastern Sierra Nevada in Owens Valley by Lone Pine, California. It is about 200 miles North of L.A., and is on the 395 Highway. The route is commonly used to get to and from Mammoth Mountain from Los Angeles and Southern California. The average annual visitation is 86,691, with 2017 breaking visitation records with a whopping 114,461 visitors.⁷⁸ That makes it one of the most visited historic-based sites in California. However, there is no information about the direct economic impact of Manzanar on the surrounding community.

For such a small and seldom visited historic site, there is a lot of criticism surrounding the creation and the continued existence of Manzanar. It's not surprising that there is a lot of criticism and controversy for a historic-based park that has such a controversial past. One of the main points of contention is determining how to tell the story of Manzanar.⁷⁹ Understandably, the Japanese community wanted the history of Manzanar presented in a way that would highlight the history without sugarcoating

Haines, Mary Farrell. 2001., "I Rei To: Archaeological Investigations at the Manzanar Relocation Center Cemetery, Manzanar National Historic Site, California," Western Archeological and Conservation Center.

77 H.R. Res. 543, Sess. of 1992.

78 Department of the Interior. National Park Service. "Annual Visitation by Park (1979-Last Calendar Year)," (2017).

79 op. ct., fn. 70.

what happened. The community wanted several structures reconstructed, such as the guard tower an entrance gate resembling the original, and a barrack.⁸⁰ Reconstruction is not the preferred method of preserving history, being that it only attempts to recreate something historical and is inherently inauthentic. The NPS says that “the public [can be] misled by many reconstructions that have not been absolutely verified by archaeology and documentary records,” hence the hesitation of rebuilding sites.⁸¹

Additionally, other older interests in the area were brought up when discussion for preserving Manzanar started.⁸² In 1991, when hearing public testimony in regards to establishing a monument there, the Inyo County Assistant Administrator Paul Morrison expressed concerns that Manzanar’s designation could complicate other histories associated with the area.⁸³ Morrison is presumably referring to the cattle ranching and Native American association with the land prior to the establishment of the Relocation Center. Or, possibly, he was referring to the town that existed before the Camp was established. Either way, Paul Morrison makes the insightful point that history is often contested and complicated, and that different unrelated histories can belong to a single location thus making it difficult to present one without stomping out the others.

With Manzanar located in the beautiful Sierra foothills, its location can distance people away from the atrocities that went on in the relocation center, adding to the difficulty in accurately portraying what occurred at the camp. And while the National Park System inevitably called it a “War Relocation Center,” the Japanese American Citizens League wanted the Landmark called a “concentration camp,” to highlight the cruelty of the action.⁸⁴ Historic portrayal is the most crucial aspect of creating a history-based park and greatly affects the communities that are represented by the site. Manzanar attempts to do exactly that, and therefore deserves the protection as a history-based park.

80 Ibid.

81 Ibid.

82 Robert Hayashi, “Transfigured Patterns: Contesting Memories at the Manzanar National Historic Site.” *The Public Historian*, Vol. 25, no. 4 (Fall, 2003): 51-71.

83 Ibid.

84 Ibid.

Discussion

The four case studies described above are a comprehensive representation of the different historic and natural sites that exist in California. These examples were discussed in order to demonstrate how a site should be examined in order to designate it as historic or nature-based. Currently, overlapping designation occurs often in the Park System. Out of the eighty-seven monuments that are managed or co-managed by the NPS, I find forty-eight that are monuments of historical or cultural value, with the remaining thirty-nine of natural, scenic and/or scientific value. In California, there are six National Monuments, four of which are nature-based, with the last two being historical. I made these conclusions using the criteria I set in the earlier section, and applying them to a list of National Monuments. The four nature-based parks are: Lava Beds, Devils Postpiles, Muir Woods and Castle Mountains. The two historic parks are Cabrillo and Cesar Chávez National Monuments.

The designation of a site is significant due to the various implications that come with a specific type of designation. Across the board, nature-based sites do a much better job at stimulating their local economies. There are no “gateway communities” that surround remote historic landmarks, or even businesses that directly benefit by being next to a historic site in the middle of a city. It is important in realizing the economic role and variation between historic-based and nature-based sites. Whereas if you look at the case studies surrounding nature-based parks, whole towns and thousands of people depend on the existence of well visited natural parks. And while the existence of economic interests is dependent solely on public interest in visiting a park, California’s natural parks are known throughout the country for having some of the greatest views and recreational opportunities. It seems across the board, that historic-sites benefit more from what’s around it than vice versa, while nature-based sites share a symbiotic relationship with their surrounding communities. The characteristics that sort parks into my two categories are undeniable. Therefore, I do not believe the current system for sorting parks is adequate, and has clearly led to confusion and mismanagement on several occasions. The National Park Service should focus solely on protecting places of National significance. Therefore, that piece of the criteria is universal to establishing sites for protecting. However, that is where the similarities between my two categories divert. The method for protecting natural lands and historic buildings is inherently different, and

therefore need to be treated as such. Distinguishing these two types of parks will aid in future designations, maintenance and budgeting.

There is still a wealth of material that needs to be studied surrounding the National Park System and the entire system that revolves around protected sites. Further nuance can be placed on the system of designation that I have put in place. I understand that there are always exceptions to the rule, and those exceptions need be studied more in-depth. Additionally, my research has generated many questions left unanswered. For instance, should other states adopt a similar dichotomous system of nature and history-based parks? Can this system apply to other protected sites managed by other governmental agencies? Should all protected land be consolidated into one agency? I hope that this research fuels further research into the United States' protected sites, and more can be done to protect the parks that Americans love and admire.