

# **BONES OF AGATE**



**An Administrative History of  
Agate Fossil Beds National Monument, Nebraska**

**By Ron Cockrell  
National Park Service**

**1986**

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BONES OF AGATE  
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AN ADMINISTRATIVE HISTORY OF  
AGATE FOSSIL BEDS NATIONAL MONUMENT, NEBRASKA  
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RECOMMENDED:

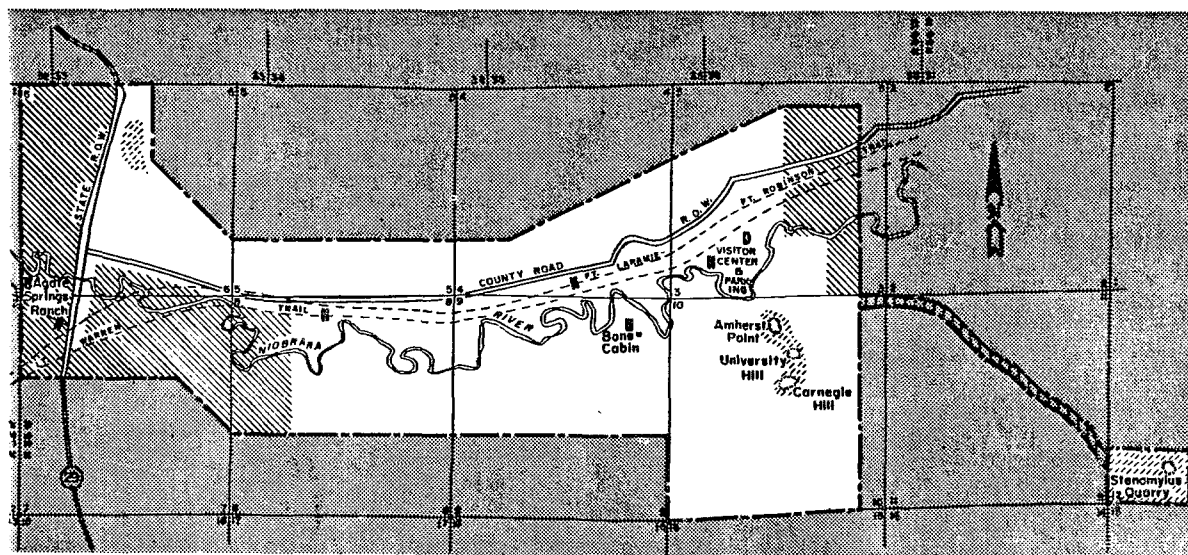
Alford J Banta  
Superintendent, Scotts Bluff/Agate Fossil Beds NM

12/19/86  
Date

APPROVED:

Charles H. Alagand  
Regional Director, Midwest Region

12/19/86  
Date



•• Outstanding Natural Feature  
(Subzone of NATURAL ZONE)

H••••• HISTORIC ZONE

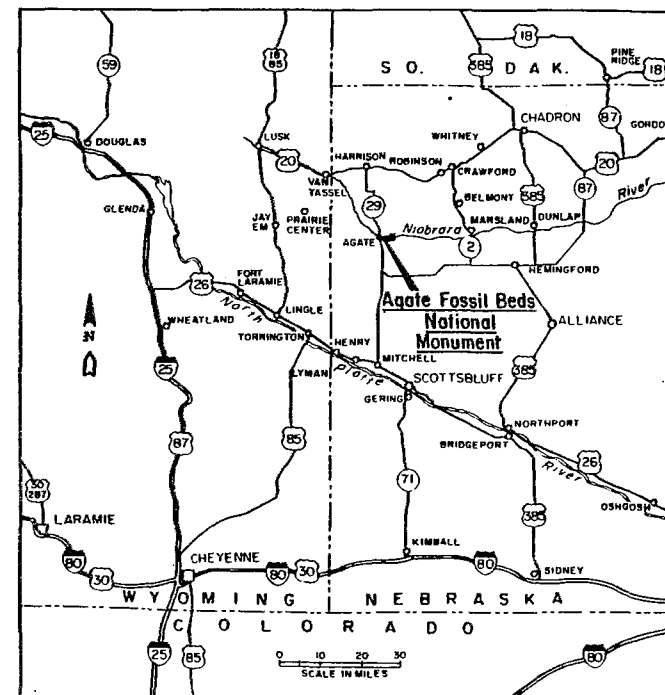
D••••• DEVELOPMENT ZONE

•• Access/Circulation  
(Right of Way)

•• Private Residential/Ranching  
(Subzone of SPECIAL USE ZONE)

• NATURAL ZONE

STATEMENT FOR MANAGEMENT  
EXISTING MANAGEMENT ZONING and BOUNDARY MAP



VICINITY MAP

Agate Fossil Beds National Monument  
SIOUX COUNTY NEBRASKA

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TABLE OF CONTENTS

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BONES OF AGATE:  
AN ADMINISTRATIVE HISTORY OF  
AGATE FOSSIL BEDS NATIONAL MONUMENT, NEBRASKA

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DOCUMENT APPROVAL PAGE . . . . .	i
EXISTING MANAGEMENT ZONING AND BOUNDARY MAP . . . . .	ii
DEDICATION . . . . .	iii
TABLE OF CONTENTS . . . . .	v
LIST OF ILLUSTRATIONS . . . . .	ix
INTRODUCTION . . . . .	1

Chapter I: THE COOKS OF AGATE SPRINGS RANCH

The Story of James H. Cook . . . . .	5
Discovery of the Fossil Hills Quarries . . . . .	7
Paleontological Excavations at Agate Springs . . . . .	11
A State Park at the Fossil Quarries? . . . . .	14
The Scotts Bluff Experience and A Persistent Preservation Ethic . . . . .	25
<u>Endnotes</u> . . . . .	38



Chapter II: THE ROAD TO A NATIONAL MONUMENT, 1961-1964

The Preliminary Study and Advisory Board Endorsement, 1961 . . . . .	43
Harold J. Cook's Death, 1962 . . . . .	51
The Cook Collection Goes To Scotts Bluff, 1963 . . . . .	58
Legislative Efforts Fizzle, 1963-1964 . . . . .	60
<u>Endnotes</u> . . . . .	79

Chapter III: AUTHORIZATION OF AGATE FOSSIL BEDS NATIONAL MONUMENT, 1965

Statistics for a National Monument . . . . .	85
Progress of House and Senate Hearings . . . . .	89
Congress Endorses the National Monument . . . . .	95
President Johnson Signs Public Law 89-33 . . . . .	97
An Exciting First Visitor Season . . . . .	99
A Management Assistant Arrives . . . . .	102
<u>Endnotes</u> . . . . .	104

Chapter IV: YEARS OF EXPECTATIONS, 1966-1970

The First Calendar Year of Operation, 1966 . . . . .	107
Land Acquisition Program Begins, 1966 . . . . .	115
Interim Headquarters Development, 1967-1968 . . . . .	118
Margaret C. Cook Donates the Collection, April 1968 . . . . .	120
Frustration Over Cook Remaindermen Interests . . . . .	122
Another Death and A Harsh Reality, August 1968 . . . . .	128
Evacuating the Ranch House, 1969 . . . . .	133

Land Woes and Organizing the Exhibits, 1970 . . .	141
<u>Endnotes</u> . . . . .	146
 <u>Chapter V: A DECADE OF CHALLENGES AND REASSESSMENTS, 1971-1980</u>	
Challenging the Cook Estate, 1971 . . . . .	153
The Solicitor Opines for the Park Service, 1971 . . . . .	155
Rescuing the Collection from Fort Larned, December 1971 . . . . .	158
Stalemate, 1972 . . . . .	160
The Threat of Condemnation, 1973-1974 . . . . .	163
Senator Hruska's Diligent Offensive, 1975-1976 . . . . .	180
The Great Agate Fence Fight . . . . .	191
Permanent Visitor Facilities? 1977-1980 . . . . .	197
<u>Endnotes</u> . . . . .	204
 <u>Chapter VI: ONE STEP AT A TIME, 1981-1985</u>	
Ronald Reagan's Mandate and Core Mission, 1981 . . . . .	213
Divestiture of the Cook II Collection, 1981-1984 . . . . .	217
Cooperative Agreement with Sioux County, 1984 . . . . .	227
A Look to the Past and to the Future, 1985 . . . . .	230
<u>Endnotes</u> . . . . .	237
 BIBLIOGRAPHY . . . . .	 241
 APPENDIX:	
A. Historic and Contemporary Site Photographs . . . . .	249
B. Area and Boundary Maps . . . . .	275

C. Legislative Acts . . . . .	279
D. Chronological List of National Park Service Employees . . . . .	287
E. Annual Visitation Figures . . . . .	295
F. Administrative Positions Chart . . . . .	297
G. Harold J. Cook's March 5, 1962 Letter to Howard Baker . . . . .	299
INDEX (to be completed upon document's approval) . . . . .	307

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LIST OF ILLUSTRATIONS

-----

Cover Page: Harold J. Cook (left) and Captain James H. Cook (right) examine fossils in the "big quarry" of Carnegie Hill. (Circa 1918).  
Donated by Mrs. Margaret C. Cook. AG-95, Photo File, Agate Fossil Beds National Monument.

APPENDIX A:

- Fig. 1: Gathering of Sioux Indians at Agate Springs Ranch (Circa 1897-98)
- Fig. 2: Harold J. Cook Homestead Cabin or "Bone Cabin" (Circa 1914)
- Fig. 3: James H. Cook looks for fossils in the quarries (Circa 1918)
- Fig. 4: Harold J. Cook in the quarries (Summer 1950)
- Fig. 5: Senator Roman L. Hruska, Mrs. Margaret C. Cook, and Superintendent Harold R. Jones (17 April 1963)
- Fig. 6: Superintendent Richard L. Holder examines a daemonelex (1966)
- Fig. 7: Moving the Diceratherium slab to the visitor center (3 July 1969)
- Fig. 8: Aerial view of Carnegie (foreground) and University (background) Hills (June 1970)
- Fig. 9: Aerial view of Amherst Point (foreground), Carnegie Hill (left), and University Hill (background, right) (June 1970)
- Fig. 10: Temporary visitor center trailer (1970)
- Fig. 11: Diceratherium slab on visitor center porch (1970)
- Fig. 12: Sign marking way on Fossil Hills Trail (Circa 1978)
- Fig. 13: Display case for daemonelex (Circa 1978)



- Fig. 14: Vertical display case for daemonelix (Circa 1978)
- Fig. 15: Fossil Hills Trail at Carnegie Hill (Circa 1978)
- Fig. 16: Principal interpretive display at Carnegie Hill (Circa 1978)
- Fig. 17: Fossils at Carnegie Hill (Circa 1978)
- Fig. 18: National Park Service park entrance sign (10 January 1983)
- Fig. 19: Headquarters complex of trailers (10 January 1983)
- Fig. 20: Administrative Office Trailer (10 January 1983)
- Fig. 21: Visitor Center Trailer (10 January 1983)
- Fig. 22: Visitor center sales display (10 January 1983)
- Fig. 23: Visitor center exhibit (10 January 1983)
- Fig. 24: Origination of Fossil Hills Trail (10 January 1983)
- Fig. 25: Maintenance Building (10 January 1983)

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## INTRODUCTION

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The history of the Agate Springs Fossil Quarries is a complicated, yet highly interesting story. It begins with an Agate, Nebraska, family named Cook who discovered the bone hills near their ranch in the late nineteenth century. The family unselfishly encouraged institutions from around the world to come to the Agate Springs Ranch and excavate fossils. It was also the Cooks' truthful, trusting nature that endeared them to the Ogalala Sioux who were always welcome at the Cook ranch.

As the significance of the fossil quarries became known, a central question arose: How could the Cook family best preserve and protect the scientific and historical wonders of Agate? This preservation ethic almost led to the incorporation of the quarries into the Nebraska State Park System, a movement which ceased with the onset of the Great Depression. The idea of an Agate monument did not die, but gained new impetus when Harold J. Cook served as Custodian of Scotts Bluff National Monument in the mid-1930s. This early contact with the National Park Service, and the friendships established with key Park Service personnel, helped lead to the 1965 authorization of Agate Fossil Beds National Monument.

The planned development of this area failed to materialize for reasons explained in the following pages. Problems over land acquisition are the principal culprits. Agate Fossil Beds' cause was heralded in the mid-1970s by the United States Senator who sponsored the park's enabling legislation--Roman Hruska of Nebraska--the ranking Republican of the Interior Appropriations Committee. Senator Hruska's initiative got the construction of permanent visitor facilities placed on the Service's priority schedule, only to fall victim later to changing national policies.

Shifting priorities and lack of funds have been the story of the non-development of Agate Fossil Beds National Monument. Park Service policies, particularly in regard to land acquisition, unified the community against area managers. The public and politicians viewed higher Park Service management in Omaha and Washington, D.C., as lacking commitment to the remote park and unwilling to fulfill the bright promises of the early 1960s. In fact, the park is commonly perceived in the Service as the stepchild of Scotts Bluff National Monument, the area which administers it. A few cry for deauthorization, disappointed because the Agate Springs Ranch headquarters is not a Service-owned interpretive facility. These voices, and those who belittle Agate Fossil Beds, quite simply are afflicted by the bias which perceives

National Park Service units as solely historical and/or natural areas. Science, and certainly paleontology, is unappreciated and misunderstood.

This historian operated under the same bias when the project began in early 1983. When I conducted research for the Scotts Bluff Administrative History, I also collected data for a similar study of Agate Fossil Beds. I determined that since the Scotts Bluff and Agate Fossil Beds files were often intermixed, two birds (administrative histories) could be killed with one stone (research trip). I made a two-hour visit to Agate Fossil Beds and furiously photocopied the Agate Fossil Beds files on my final morning in the area before returning to Omaha. I naively thought that that limited data would be sufficient to write the definitive administrative history of Agate Fossil Beds National Monument. There are the stepchild/inferiority complex, and ugly bias, plain and simple!

Fortunately, in April 1983, shifting Regional priorities for historical research necessitated the postponement of the Agate study. Research for the newly-established Harry S Truman National Historic Site, Missouri, relegated my Agate Fossil Beds notes and photocopies to a bottom desk drawer. In March 1985, the project was reactivated. A nagging fear that four hours of photocopying was not sufficient proved justified with another visit to Scotts Bluff, and a day-long visit to Agate Fossil Beds. Oral history interviews and a thorough examination of park files and photographs proved invaluable. By this time, the Cook Papers Collection had been organized and indexed by Karen Zimmerman of the University of South Dakota. A one-week research trip to Vermillion revealed a goldmine of information which has enlivened this administrative history.

The first draft underwent Regional review in the fall of 1985. In an effort to balance viewpoints, including both principal proponents and opponents, I conducted additional interviews in the spring of 1986. A more thorough investigation was also made of the land acquisition controversy with the Agate Springs Ranch. Thanks to a suggestion from former Agate Fossil Beds Management Assistant Roy W. Weaver, I researched the Agate Daily Log which he faithfully and laboriously maintained. These two volumes spanning 1968 to 1973, effectively trace daily on-site developments and should be maintained by park staff for easy referral.

I did not retrace the history of excavations because to do so would duplicate the work of Dr. Robert M. Hunt's The Agate Hills (1984). I believe the Cook Papers Collection, together with the park's excellent files and the oral history interviews, have provided sufficient, rich archival sources.

Early history of this fascinating area is necessarily sketchy for this study focuses on matters pertaining to area development and administration. Elaboration is made, however, on those issues which demonstrate the Cook's passionate desire to preserve the Fossil Hills and assorted cultural materials and to make the same available to the public. In the line of future historical research, the next logical step is for a park Historic Resource Study to be based on existing knowledge plus the largely untapped wealth of

the Cook Papers Collection. Only after conducting a Historic Resource Study can the real significance of the natural and cultural resources of Agate Fossil Beds be known.

A brief explanation of bibliographical style is also in order. When a National Park Service file code stands alone (i.e., H1417, L1425, D18), this indicates the information derives from Agate Fossil Beds' files which are maintained at the headquarters building of Scotts Bluff National Monument in Gering, Nebraska. Whenever information originates from Service files other than Agate Fossil Beds (i.e., Scotts Bluff or Midwest Regional Office), this is stated. In addition, because the preponderance of Park Service file documentation is the memorandum (in-house/Service correspondence), this designation is omitted, while a letter (out-house or external correspondence) is clearly identified in the chapter endnotes.

Finally, I would like to thank all of those people who helped along the way in the compilation of this study. A special note of gratitude goes to Karen Zimmerman, all interviewees listed in the bibliography, and to Midwest Region Secretaries Jane Beu and Carla Anderson who diligently transcribed the oral history interview tapes.

Ron Cockrell  
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## CHAPTER ONE

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### THE COOKS OF AGATE SPRINGS RANCH

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#### The Story of James H. Cook

James Henry Cook was in his early teens when he ran away from his foster home to seek his fortune. James H. Cook was born on August 26, 1857, in Kalamazoo, Michigan. His mother died two years later. His father, sea captain Henry Cook,\* could not care for his two sons and placed each in a foster home. James H. Cook lived with the Titus family in Kalamazoo and ended his public education at age twelve. After working two years in a Comstock machine shop, he set off to pursue a life at sea. Two years as a sailor on the Great Lakes only whetted his appetite for adventure; he left the Great Lakes to see the interior of the continent on his way to the Gulf of Mexico.

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\*Until the past fifteen years, the Cook family of Agate, Nebraska, claimed to be descendants of Captain James Cook (1728-1779), the "Great Navigator" who circumnavigated the globe, explored the New Zealand and Australian coasts, and discovered the Hawaiian Islands and Samoa. Recent genealogical research proved this to be in error and the family subsequently dropped the claim.

On his journey, Cook met some Midwestern cattlemen who persuaded him to abandon the sea for the lucrative cattle business. Enamored by the rough, independent lifestyle of the frontier cowboy, young Cook agreed and accompanied the cattlemen to southwest Texas. For five years, James H. Cook worked on a ranch under the guidance of Mexican vaqueros learning to herd wild cattle out of the brush, break horses, hunt, shoot, and track. In the early 1870s, he participated in the first cattle drives to Kansas and Nebraska helping establish the Ogalala, White Swan Agency, Plum Creek, and Red Cloud trails.

In 1874 and 1875, Cook first rode through western Nebraska to Wyoming before returning to Texas. He visited Fort Laramie and the Red Cloud Agency as well as other important frontier settlements. At the Red Cloud Agency, Cook stayed with Baptiste "Little Bat" Garnier who introduced Cook to Red Cloud, American Horse, Little Wound, and Young-Man-Afraid-of-His-Horses--all of whom became lifelong friends and later visited the Cook ranch at Agate, Nebraska. It was during one of these trips that Cook first met one of the pioneer paleontologists of that era, Dr. O. C. Marsh of Yale University, at Fort Robinson. James H. Cook's fascination with fossils grew as a result of his lengthy conversations with Dr. Marsh who became a close friend.

Cook was also an expert scout. He assisted the Texas Rangers pursue renegades. In 1876, at age nineteen, he scouted for the Fourth and Fifth U.S. Cavalry. His services were in especially great demand following the Battle of the Little Big Horn. Cook had been hunting near the Little Big Horn River and served as a trail scout for the Army troops following the massacre of Lt. Col. George A. Custer's command.

Cook returned to Texas for the great cattle drives of 1877 and 1878, at which time he decided he wanted to be a hunter and trapper. In Cheyenne, Wyoming, James H. Cook formed a partnership with "Wild Horse Charley" to provide wild game for the booming town. Cook outfitted, managed, and guided many big game hunting excursions as well as expeditions of scientists and explorers. In 1877, James H. Cook explained to Chief Red Cloud that his friend O. C. Marsh was actually searching for bones and not for gold as so many other white men were doing. Red Cloud gave Marsh, dubbed "Man-That-Picks-Up-Bones," permission to hunt for fossils in the Badlands of South Dakota. Cook learned from these early paleontologists an appreciation of their discipline and the significance of fossil discoveries to science.

In the fall of 1882, James H. Cook went to New Mexico with two British big game clients to establish a ranch. Cook assisted in buying land and cattle for the new W S Ranch in Alma, New Mexico, a venture in which Cook himself invested. The W S grew to about 60,000 cattle. Cook organized the first stockgrowers' association in New Mexico and directed the first general cattle roundup in the region. A leader for law and order, Cook served in the campaign against Geronimo's terrorizing band of Apaches. Although never enlisting, he was chief scout for the Eighth U.S. Cavalry under Major S. S. Sumner in 1885. Since that time he used the honorary title of "Captain."<sup>1</sup>

#### Discovery of the Fossil Hills Quarries

On September 28, 1886, Captain James H. Cook married Kate Graham, the

daughter of Cheyenne physician Elisha Barker (E. B.) and Mary Eliza Hutchison Graham. Cook first met the Grahams during his Cheyenne hunting days when he courted and fell in love with Kate. Living in New Mexico, Cook found many reasons to travel to Cheyenne to see Kate. If the Grahams were not at their home in Cheyenne, he rode to their "O 4 Ranch" in Sioux County, Nebraska, where the family usually spent the summers. Established by Dr. Graham with 5,000 cattle in early 1878, the O 4 (presumably named because the ranch was near the 4th Meridian) was close to the Niobrara crossing of the Fort Laramie-Fort Robinson military road.

James and Kate Cook returned to the W S Ranch in New Mexico after their marriage in 1886, but soon sold their interests and returned to Cheyenne after Kate became pregnant. On July 3, 1887, Harold James Cook was born. When Harold was only six weeks old, Cook took his wife, son, and mother-in-law\* to the O 4 Ranch to live; Cook had purchased his father-in-law's squatters right to 160 acres of the O 4 Ranch.<sup>2</sup>

The ranch's designation was changed to the "Agate Springs Ranch" in honor of the native moss agates and the numerous springs in the Niobrara River Valley. They planted hundreds of trees (young saplings from along the Platte River); cottonwood and willows particularly thrived. A new ranch house, designed by Kate Graham Cook, was built in 1893. New furniture for

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\*Mary Eliza Graham, a matriarchal figure, preferred living with either of her two daughters for parts of each year. When her husband left Wyoming for California, she spent each summer with the Cooks at the Agate Springs Ranch. Mrs. Graham served as Agate postmistress from 1899 to 1902 and 1906 to 1909. In the 1910s, she moved to California with her daughter's (Clara Graham Heath) family. Mrs. Graham died on January 31, 1937. See Karen Zimmerman, The Cook Papers Collection, 1984.



the home was selected when the family visited the Columbian Exposition/World's Fair in Chicago where they also selected china, silver, cut glass, and rugs. The new goods were then shipped via railroad to western Nebraska.

James H. Cook began his ranching operation with roadsters, draft and saddle horses, and red and black polled cattle. He was determined to make the remote Agate Springs Ranch an economically viable operation. When a neighboring ranch folded, he bought it, expanded his holdings, and built extensive irrigation ditches. When it became evident horse breeding was not turning a profit, Cook concentrated on raising Angus cattle.<sup>3</sup>

It was during their courtship [circa 1878] that James Cook and Kate Graham first discovered the fossil deposits later to become known as Agate Fossil Beds. In Fifty Years on the Old Frontier, James H. Cook recounts the discovery:

Riding one day along the picturesque buttes which skirt the beautiful valley of the Niobrara, we came to two high conical hills about three miles from the ranch house. From the tops of these hills there was an unobstructed view of the country for miles up and down the valley. Dismounting and leaving the reins of our bridles trailing on the ground... we climbed the steep side of one of the hills. About halfway to the summit we noticed many fragments of bones scattered about on the ground. I at once concluded that at some period, perhaps years back, an Indian brave had been laid to his last long rest under one of the shelving rocks near the summit of the hill, and that, as was the custom among some tribes of Indians at one time, a number of his ponies had been killed near his body. Happening to notice a peculiar glitter on one of the bone fragments. I picked it up and I then discovered that it was a beautifully petrified piece of the shaft of some creature's leg bone. The marrow cavity was filled with tiny calcite crystals, enough of which were exposed to cause the glitter which had attracted my attention. Upon our return to the ranch we carried with us what was doubtless the first fossil material ever secured from what are now known to men of science as the Agate Springs Fossil Quarries.<sup>4</sup>

Although James Cook reported the discovery to the Wyoming Territorial and Nebraska State Geologists, no paleontologist evaluated the fossil quarries until 1892, when Dr. E. H. Barbour of the University of Nebraska visited the Agate Springs Ranch. Because Barbour's principal interest were the daemonilices ("Devil's Corkscrews"), he sent an inexperienced student assistant to investigate the weathered-out bones four miles distant from the ranch. Barbour's student misinterpreted what he uncovered there; the field team moved on after its brief stop and the fossilized treasures of the Agate Fossil Beds remained undiscovered.

A decade passed before Cook met J. B. Hatcher of Princeton University and O. A. Peterson of Pittsburgh's Carnegie Museum. Both were collecting fossils in the Sioux County badlands when the chance meeting with James H. Cook took place in Harrison, Nebraska. Cook told the paleontologists about the fossil deposit near Agate. Because they were engaged in their own field work and the collecting season was over, neither man came to the Agate Springs Ranch. Although Hatcher died in July 1904, O. A. Peterson finally arrived at Agate at the end of that summer. Seventeen-year-old Harold J. Cook led Peterson's wagon by horseback to the quarries. After a preliminary investigation, Peterson rode back to the ranch, shouting gleefully to an assistant: "Put the team in the barn! We aren't going anywhere!" Returning to the quarries, Harold Cook helped Peterson uncover more bones. The deposit was rich; the men found fossilized bones of a rhinoceros-like animal hitherto unknown to science. Peterson thus became the first professional paleontologist to discover the wonderful potential of the Agate Fossil Beds.

Because of the site's importance, a homestead petition was filed in the

name of Harold J. Cook who built a crude cabin near the quarries to establish his legal claim. The structure, which became known as the Harold J. Cook Homestead Cabin, or Bone Cabin, is extant.

#### Paleontological Excavations at Agate Springs Fossil Quarries

News of the Peterson findings on behalf of the Carnegie Museum spread quickly throughout the paleontological community. A missing link had been found at Agate representing a phase of the Miocene Epoch during the Tertiary Period of the on-going Cenozoic Era of Mammals. In 1905, E. H. Barbour of the University of Nebraska came to Agate on a collecting expedition funded by Charles H. Morrill of Lincoln. Barbour opened a quarry in a hillside 100 yards from Peterson's quarry. The rivalry that developed between the various collecting institutions was intense. Barbour's names for the principal hills reflect this professional jealousy: Carnegie Hill and University Hill. Amherst Point was named in 1906 when a team from Amherst College arrived to stake their claim to a portion of the quarries.

Harold Cook was present when Dr. Barbour extracted a large *Daemonelix* (paleocaster burrow) from a hillside one-half mile northeast of the ranch house. The skeleton of a horned antelope was enclosed in the soil. Barbour named a small creature "*Syndoceros cooki*" after young Harold, who had first discovered it. (The specimen may be seen today at the University of Nebraska museum.) The pair-horned rhinoceros was named *Diceratherium cooki* in honor of James H. Cook.

In the summer of 1907, Amherst College collectors prospecting one and one-half miles southeast of the principal quarries discovered *Stenomylus* bones smaller than the known *Stenomylus gracilis*. An excavation in 1908 revealed a rich pocket of eighteen skulls and enough disarticulated bones to reconstruct complete skeletons. In the ensuing years, other field parties uncovered an equally impressive number of skeletons. Some *Diceratherium* were found, as well as the principal part of *Daphoenodon superbus petersoni*.

Harold Cook spent most of his spare time with O. A. Peterson, known as one of the most skilled fossil collectors in the United States. The Cooks also became friends with other professional paleontologists who journeyed to their remote ranch over the next thirty years. Among those institutions represented at the Agate Springs Fossil Quarries were Yale University, Amherst College, the American Museum of Natural History, Chicago Museum of Natural History, University of Chicago, Harvard University, Princeton University, Colorado Museum of Natural History, Michigan University, Kansas University, the Smithsonian Institution and many others. Fossils from the Agate quarries are in museums throughout the world.<sup>5\*</sup> It is important to note that the Cook family, although in the midst of bitter paleontological competition, never profited from the exploitation of the Agate Springs Fossil Quarries.<sup>6</sup>

One benefit which Harold J. Cook gained from the early excavations was the inspiration for his life's work. Attending the University of Nebraska,

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\* For a comprehensive history of the Agate excavations, see Dr. Robert M. Hunt, Jr. The Agate Hills: History of the Paleontological Excavations, 1904-1925. Prepared Under Contract to the National Park Service, Midwest Regional Office. Lincoln, Nebraska: University of Nebraska, 1984.



Harold Cook first studied geology/paleontology under Dr. E. H. Barbour. In 1909, he began graduate studies at Columbia University. Combining two years of study into one, Cook conducted laboratory work at the American Museum of Natural History in New York City, becoming an authority in his field.

Harold Cook's formal education ended in early 1910 when he returned to help manage the Agate Springs Ranch. His mother, Kate Graham Cook, had suffered an irreversible mental breakdown. Although Harold was needed at home, his professional development did not end. Excavations continued at the Agate Springs Fossil Quarries and contact with his peers was frequent. Harold Cook was also a voracious writer. He corresponded with scientists and was widely published in nearly all professional journals of the day. Cook later became a lecturer at Chadron (Nebraska) State College, Western State College, Colorado; and Honorary Curator and Curator of the Department of Paleontology, Colorado Museum of Natural History in Denver.

Later in 1910, Harold married Professor Barbour's daughter, Eleanor. Harold and Eleanor Cook lived in the "Bone Cabin" until the homestead was "proved up;" then they moved to the Agate Springs Ranch House. The couple subsequently had four daughters--Margaret, Dorothy, Winifred, and Eleanor--who spent their early childhood on the ranch, experiencing the delightful stories of Grandfather Cook, famous paleontologists, and leaders of the Sioux Nation.

Social contact with the Indians, begun with Chief Red Cloud in the late nineteenth century, continued. Sioux leaders regarded James H. Cook as a friend. It was Captain Cook whom the Sioux looked to for assistance before the incident at Wounded Knee. And it was he who helped calm Indian/White

tensions and who agreed to serve as agent of the Pine Ridge Agency if called upon. Sioux bands came each year to visit their friend at the Agate Springs Ranch, erecting teepees nearby to dance and play games. It was the Cook ranch that Chief Red Cloud wished to visit shortly before his death. Cook's hospitality was repaid with Sioux craft items and clothing, the foundation of today's famous Cook Indian Collection.<sup>7</sup>

#### A State Park at the Fossil Quarries?

Since 1909 when Kate Graham Cook was committed to the Nebraska Hospital for the Insane in Lincoln, James H. Cook prayed for her recovery. By 1920, all hope was abandoned. To avoid legal difficulties in the event of his death, Captain Cook petitioned to have his son appointed as Kate's guardian to handle all of her affairs. Ownership of the Agate Springs Ranch transferred to Harold J. Cook, but was placed in a Trust Agreement. Necessitated by Kate's mental incompetency, the trust stipulated the son had no right to sell, divide, or otherwise dispose of any property held in trust. If he attempted to do so, all of his rights would cease automatically and revert to the real owner, James H. Cook.<sup>8</sup> Such were the legal avenues the Cooks used to retain their property.

By the 1920s, the Agate Springs Ranch was a popular tourist spot. On display in the ranch house were not only the Sioux Indian and Old West objects, but fossil displays. Many went to the quarries to observe the on-going excavations. In 1921, more than 5,000 visitors came. The popular

appeal and interest prompted James H. Cook to act on a recurring idea--how to preserve this historic and scientific resource. In the fall of 1921, Cook mailed a confidential form letter to all of his close friends with an appeal to help him preserve a portion of the Old West. Citing Fort Laramie as the epitome of romance and Old West history, Cook wrote:

It seems fitting, therefore, that there should stand in this region... some sort of a perpetual monument or memorial, which should represent, in a measure, the old Plains days and life, so that those who are to follow can actually see and come in personal contact with some phases of that life and a replica of those early days.

For many years it has been a cherished ambition and desire of mine to erect at the Agate Springs Ranch, upon a commanding site, an exact replica, in every detail, of old Fort Laramie; stockade and bastions to be constructed along the most solid and substantial lines possible, and yet preserve all the old original features intact. All building material used in the construction of the memorial would be of adobe or cement and cottonwood logs--a monument that shall stand for all time. The Agate Springs Ranch can furnish all the required material except for the cement.

The interior of the fort proper would be given over to sections devoted to displays of Indian art of the old times, and to replicas of the overland trail days; to the fossilized remains of prehistoric creatures taken from the Agate Springs quarries, and to such other features as would be proper and fitting for such a memorial. A lecture room would be a prominent feature, where learned men could, by motion pictures or lantern slides, furnish entertaining instruction along scientific lines and lecture on out-of-doors topics.<sup>9</sup>

Cook also envisioned an Indian village on the grounds surrounding the fort where visitors could observe the Native American lifestyle and purchase craft items. He was not interested in the operation becoming a "money-making proposition," but could allow for a small fee for maintenance and upkeep. Cook added:

It is my belief that the Fort Laramie memorial, with its entertaining features and attractions, would soon become the mecca of all autoists from the East to the West, and vice versa, and with the contemplated building of a railroad through this valley, thousands of others would be attracted to this spot.<sup>10</sup>

Cook's plea to his close friends proved disappointing. There were few positive responses to form a joint stock company for a monument commemorating the old frontier days. Undaunted, James H. Cook was in Los Angeles in March 1922, lobbying for financial support for his dream. The Cook family was optimistic that the monument ideal would be realized. Harold J. Cook began his own campaign to establish a State Highway in the area to ensure increased visitation. As president of the Good Roads Association in the 1920s, he pushed for a road to replace the rough trail which ran north and south (Gering to Harrison) and passed by the Agate Springs Ranch.<sup>11</sup> He used his father's dream of a monument and/or historical museum as well as the fossil beds to justify the need for a road. Results came in 1923 when engineers of the Nebraska Department of Public Works began surveying Nebraska 29 from Harrison to Agate.<sup>12</sup> By 1929, the last link, Mitchell to Agate, was completed and opened to motorists.<sup>13</sup>

Harold Cook also served on the Nebraska State Park Board in the 1920s. The movement to preserve Nebraska's natural and historic areas, coupled with the failure to attract private investment in the monument ideal, inspired him to suggest the Agate Springs Fossil Quarries as a potential state park. The suggestion captured the interest of members of the Nebraska Federation of Women's Clubs (NFWC). Four NFWC members visited the Agate Springs Ranch on October 23, 1925, and discussed the state park proposal with the Cooks.<sup>14</sup> In

early 1926, the NFWC Conservation Department began working on the details for establishing the new state park, one of which was a letter of inquiry to Nebraska Governor Adam McMullen. Governor McMullen subsequently asked Harold Cook's opinion of the NFWC's efforts.<sup>15</sup> Cook's response came in an April 22, 1926, letter:

Some little time back, you asked me what I thought of the proposition made by certain Women's Club members, that the state take over the Agate Springs Fossil Quarries, which I own. I appreciate the intention behind this move, but I question its being very practical. In the first place, if handled by the state, it is of a nature that should be handled entirely outside of politics, and be assured perpetual, proper care and attention,--and be handled by men who know such things, and understand and can interpret them,--or a large degree of their educational use and value is lost. In the next place, I cannot afford to donate those quarries or a good sized section of the ranch to the State; and I very greatly question the legislature being willing to pay us a sum for those beds that we could afford to consider. I AM anxious to see these wonderful deposits preserved properly, and perpetuated for public benefit and use; but as a practical matter, it does not seem likely to me that this can at this time be accomplished in just that way. Possibly it can. If so, I will be glad to consider any practical suggestions that anyone has to offer to solve the problem.<sup>16</sup>

Governor McMullen agreed with Cook that the legislature would probably not be willing to pay what the quarries were worth.<sup>17</sup>

Ironically, it was during the summer of 1926 that the deed in which Harold relinquished fee ownership of the fossil quarries was filed at the Sioux County Courthouse. On July 17, 1926, in a preliminary division of property prior to divorce, Cook transferred ownership to Eleanor Barbour Cook,\* while retaining the "exclusive right in perpetuity... for the purpose of digging, excavating for, collecting, examining, or exhibiting fossils in

the hills... or for preparing the fossil bones contained therein." Cook also reserved the right to build a road to the hills and to erect buildings for "preparing, housing, collecting, and exhibiting" the fossils.<sup>18\*\*</sup>

While the prospect for State involvement at Agate appeared bleak, the NFWC intensified its efforts. In October 1926, one member proposed to the State NFWC Convention that the club itself take over the Agate Springs Ranch and operate the combined ranch and fossil beds, a suggestion which angered Harold Cook. Although the proposal was not considered, the convention agreed that a bill had to be introduced in the winter session of the legislature before the new State elections brought the possibility of an unfavorable political climate. A NFWC poll of the legislature revealed many Nebraska senators favored the Agate Springs Fossil Quarries State Park, but with so many new state park proposals, chances of passage appeared bleak. By December 1926, NFWC prepared a draft bill and submitted it to Harold J. Cook for review. The NFWC's philosophy was for the State to acquire the fossil quarries immediately; details for the park's administration could be worked out later.<sup>19</sup>

In a January 20, 1927, response to NFWC State Chairwoman Elizabeth C.

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\*Apparently the transaction took place three years prior to the filing of the deed, July 6, 1923. The conveyance was performed in the presence of Margaret F. Crozier, the woman Harold Cook married following his divorce in 1927. Miss Crozier was hereafter noted as "the stimulus for the breaking up of the family." See Robert Simmons to Senator Roman Hruska, letter, 8 June 1963, box 192, Departmental Correspondence, 90th Congress 1st session, folder-- Department of the Interior, National Park Service, 1967, Papers of U.S. Senator Roman L. Hruska, Nebraska State Historical Society.

\*\*No mention of this change in fee ownership was made in subsequent correspondence on the state park issue.

Hoefer, Harold Cook confessed that it was indeed shameful that the wonders of ancient Nebraska could only be viewed outside of the State, in the Carnegie Institute in Pennsylvania or American Museum in New York. Admitting that the State should act to preserve its own treasures, he stated:

As I have a family to consider, and am not so situated financially that I can afford to donate these beds, and in view of what I KNOW their value to be, in dollars and cents, either developed to sell the material they contain to educational institutions, or as an attraction to tourists and students, I am sure I am not asking a high sum in relation to their value when I put a figure of one hundred thousand dollars on these fossil beds and the land about them of sufficient area for all practical purposes.

As you are aware, I have not been at all keen about the state or anyone else taking this over; I appreciate its value, and know how to handle it; but I have so many other interests that take and demand my time and attention that I find it very hard to protect and develop this as it should be; and, as there is surely ample evidence to prove, we have surely contributed very largely and free to the public of the state and outside, and for years with no charge of any sort whatsoever, as a contribution we really could not afford. We can no longer do this, and it is obvious that such an important natural asset, one that has no known duplicate in the whole world, should be held in public trust, and not in private hands, subject to the vicissitude and caprices of private ownership.<sup>20</sup>

Cook told Mrs. Hoefer that he had been approached by hotel and other commercial interests, including private developers, but wanted the State to have the first opportunity to acquire the quarries. He concluded, "Unless this legislature acts favorably upon this and now; I can say frankly that it is very apt to be the last chance they can have to get it, at this, or a very much higher price. I do not say this to coerce, but as a matter of plain fact, plainly stated."<sup>21</sup>

At the request of Governor McMullen, Harold Cook postponed his resigna-

tion from the Nebraska State Park Board until the park board and legislature acted on the Agate Springs Fossil Quarries question.<sup>22</sup> Cook disliked the "ticklish situation" he found himself in, sitting on both sides of the fence. In a lengthy January 22, 1927, letter, Cook presented his position on the state park issue to the Governor:

I well realize that such deposits SHOULD be handled either by the state, or some other competent, permanent organization, to assure their not getting into the hands of either vandals or fanatics--or side-show clap-trap artists!! And I also well realize that they are NOT secure from just this, as long as they are in our hands for any accident could easily happen at any time to father or me which might precipitate endless complications. I well know the commercial possibilities of exploitation of these fossil beds. In fact various people and interest have already discussed such possibilities with us seriously. Thousands of people are already visiting the place and fossil beds annually as it is, as you know. I cannot afford to give them away, and neither have I any desire to hold the state up, should they decide to take them over. At the value of \$100,000 that I put on those beds, I am sure that it is possible to make them pay good interest, as a straight commercial proposition, were that the consideration.

In fairness to my family, in case the state does not see fit to do this, it is quite probable that I will be compelled to resort to some type of Commercial development of them as things have gone to a point where I cannot afford any longer to donate all of these things as I have in the past to the museums from all over the world, and maintain free exhibits for the benefit of the increasing thousands who come there to see and to study. I regret the necessity of this, and wish that it might be handled as it should be, simply for public benefit and at most, enough charged to make it self sustaining. It really has wonderful possibilities and surely must not be boxed up or lost to the world. It is as yet hardly scratched--as to the amount of material present.

... in case the state SHOULD decide to take this over as a state reserve and monument, or park or spot for research symposiums, or what not, as it may be designated, I can well see the desirability of my being connected with it at least long enough to get it properly organized and in



efficient hands and with a set of proper working regulations in line with public interests and welfare. I have had to maintain a similar impartial position in other matters I have been in before, and so I believe I could in this, if it is desired that I do so.<sup>23</sup>

In a March 1927 letter to Nebraska State Senator Emerson R. Purcell, member of the legislature's Fish and Game Committee, Harold Cook further elaborated his concept of a state park at Agate. Reducing his monetary requirement to \$80,000, he stressed the importance of immediate action and that he would like to use the money to help educate his four daughters. Of critical significance to future events however, Cook expressed concern that the amount of acquired park land be limited. He professed that surrounding lands would remain active ranchland free from unsightly development. Cook wrote:

The land is held in fee simple, and is unincumbered and with clear title. The Bone Hills themselves, at their base, probably occupy twenty or thirty acres, stating the area offhand. At the price mentioned, we would deed over with the bone hills themselves, an acreage of 160 acres, surrounding them and including them which should be all there if any point in the state taking over, unless it wants to do it on a much larger scale, to make a game park or something of that sort, which is a separate and distinct matter, as I see it, and with no special relation to the Bone Hills. That would give ample room for anything the state might want to do with them, and would not be hard to fence, and would give all the room around them needed in any manner. As the surrounding lands on three sides are rough hills, it will remain wild enough, from a scenic standpoint, to satisfy anyone, without the state needing to take it over to protect it.<sup>24</sup> [emphasis added]

No positive action had come from the Nebraska Legislature when, in June 1927, President and Mrs. Calvin Coolidge came to the Black Hills of South Dakota to vacation. Governor McMullen and Harold Cook both urged the towns

of Crawford and Harrison to extend official invitations to the First Family to visit western Nebraska to see the fossil quarries and other historic sites.<sup>25</sup> Unfortunately, the President's secretary wrote from Rapid City that the Coolidges would be unable to take time out to visit Agate.<sup>26</sup> A presidential visit would have provided the capstone for the establishment of a state park at the fossil quarries.

In August 1927, NFWC Chairwoman Elizabeth Hoefer arrived at Agate Springs Ranch to visit with the Cooks and tour the fossil quarries. Mrs. Hoefer contended that the legislature was not eager to consider the Agate state park bill because of funding requirements for the new State Capitol, an elaborate, but expensive, architectural wonder. She hoped when construction was completed, the State and/or Nebraska State Historical Society would, at the very least, acquire the Cook Indian Collection.<sup>27</sup>

The Nebraska Legislature finally acted in 1928. The senators called upon the Nebraska State Park Board\* to inspect the Agate Springs Fossil Quarries and make recommendations on its candidacy for addition to the State Park System. Following a meeting of the park board at Agate, Cook again offered his resignation to Governor McMullen citing his precarious conflict of interest. Stating he would not take part in the park board's recommenda-

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\* One explanation for the inertia on the state park issue was the ineffectiveness of the State Park Board itself. At this time, Nebraska had only three units in its park system. The board had no authority, but served as merely an advisory group for the governor. Harold Cook himself was unable to attend any meetings in 1927 because he was not even living in the State of Nebraska, but working as a curator at the Colorado Museum of Natural History in Denver. See Adam McMullen to A. F. Buechler, Editor, Grand Island Daily Independent, letter, 8 October 1927, box 7 Departmental Correspondence, folder 16 Park Board 1926-1927, McMullen Papers, Nebraska State Historical Society.

tions concerning his own property, Cook repeated his offer on December 8, 1928, but with a one-year deadline:

I made the state an offer of these Quarries, providing the last legislature saw fit to take them over, at a flat price of \$80,000; but said I could not agree to hold that offer open; I well know they are worth much more than that amount; and I can capitalize them and make them pay good interest on a much higher valuation; but I hate to see them commercialized; and I know they should be in other than private ownership, for permanent protection and usefulness. Inasmuch as the last legislature had the matter continued over pending investigation of the beds, I will now repeat that offer to the state, of Eighty Thousand Dollars for those quarries. However, if the present legislature should not see fit to take them over, the state will not get another opportunity to get them at anywhere near this figure as I intend to take active action, one way or another with them, this coming year.

Should the state take it over, I will be glad to do anything in our power to act directly, or in an advisory capacity, to see that this is handled in an efficient manner, in line with educational and scientific and business needs in the case. It can easily be put on a self sustaining basis or be made to return a profit large enough to carry on and develop extensive and most valuable scientific research, and prepare some of the finest and most striking exhibits ever made in America, or anywhere else for that matter. I have some very definite recommendations to make in case the state DOES desire to take it over.<sup>28</sup>

Nebraska Republican Governor McMullen, who decided against a bid for re-election, was in the waning months of his term. He advised Cook against resignation while the matter was still under consideration. Because a final decision would not be made during the McMullen administration, the lame duck Governor suggested it would be more appropriate to tender any resignation to his successor.<sup>29</sup>

The new political machine in Lincoln led by Republican Governor

Arthur J. Weaver\* differed little from the McMullen era. During 1929, the Agate Springs Fossil Quarries State Park Bill languished. It effectively died in late October when economic catastrophe was triggered on Wall Street in New York City. With the nation entering the Great Depression, any notion of the development of the fossil beds by either the State of Nebraska or the Cook family vanished. The state park question was never again revived.

Ironically, the potential financial windfall represented by the fossil quarries almost became the focal point of a family legal battle. As early as 1922, Eleanor Barbour Cook had left her husband and taken the four Cook daughters to live in Chadron where she had a teaching position. In late 1928, Mrs. Cook filed for divorce. In an initial meeting with his estranged wife's lawyers, Harold Cook agreed to an amicable property settlement outside of court. By September 1929, however, Eleanor Cook was threatening legal action to acquire a fair share of the ranch for herself and the four Cook daughters. In a September 25 letter to the attorneys, Harold Cook explained the provisions of the trust agreement under which he was the de facto owner of the Agate Springs Ranch solely because of his mother's mental condition, with no right to sell, divide, or dispose of any trust property. Any attempt by himself or others to do so would result in cancellation of the trust and full rights reverting to the real owner, James H. Cook. If the divorce re-

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\*Governor Arthur J. Weaver served a single term, 1929 to 1931. Upon leaving office, Weaver took the bulk of his administration's papers with him. Of the small amount deposited at the Nebraska State Historical Society, nothing pertaining to state parks is contained therein. Indeed, succeeding governor Charles W. Bryan (Democrat, 1931-1935) did not have a State Park Board. It is a possibility, therefore, that this entity ceased to exist following Adam McMullen's term. See Governor Arthur J. Weaver Papers and Governor Charles W. Bryan Papers, Nebraska State Historical Society.

sulted in a court fight over the property, Harold Cook stood to lose his interests, but so, too, would Eleanor Cook and the children. Harold declared:

... my father naturally resents any attempt to divide and parcel out his property, while he lives, without consideration either of him or his rights in the matter.

On the other hand, if no such attempt is made to force a division of the property under such a suit, as I told you both personally, I will gladly sign any proper and reasonable contract or agreement to the effect that when this property does come into my hands... upon my father's death, I will at once proceed to a definite assignment of their respective interests in such amounts as may be agreed upon at this time as reasonable and proper, in line with accepted standards of fairness.<sup>30</sup>

Although he married Margaret F. Crozier the following year, this sense of family obligation and personal honor led Harold Cook to make good on his 1929 promise. In 1949, seven years after his father's death, Harold Cook executed a will which provided for his real property to be divided equally among his four daughters. This provision is what caused havoc in future efforts to establish a monument at the Agate Springs Fossil Quarries.

#### The Scotts Bluff Experience and A Persistent Preservation Ethic

Both Captain James Cook and son Harold Cook, although not historians by formal training were inherently historically-minded. They believed that significant cultural sites and objects should be preserved and made available to the public. It was this fundamental trait which prompted the visiting Sioux to give their precious heirlooms to the Cooks because they knew this special white family appreciated their heritage and wished equally as much to

preserve it. This deep sense of social and cultural responsibility resulted in the transformation of several rooms of the Cook ranchhouse into exhibit areas with names like the "Bone Room" and the "Indian Room." Established on an informal basis, it became known as the "Cook Museum of Natural History" with Captain Cook serving as a gracious host to a continuous stream of visitors. The surrounding grove of trees became a favorite spot of picnickers and campers; heavy visitation came in the summertime and weekends and it was not unusual for a hundred automobiles to be parked amidst the trees at one time. While all the members of the family took turns serving as interpretive guides with multiple groups squeezing from room to room, Captain Cook was the one most in demand to recollect his unique experiences. The Captain never complained about the long hours spent picking up litter in the area or the many times he suffered laryngitis. He even had to be coaxed into charging a small admission fee following the onset of the Depression to help make ends meet, although he declined to collect if people did not have the money.<sup>31</sup>

Captain Cook never stopped dreaming about a monument to preserve the scientific and historical wonders at Agate. Hoping to record as much of his own personal experiences as possible, much of his time in his later years was devoted to writing about life in the Old West. James H. Cook's greatest work, Fifty Years on the Old Frontier, foreshadows such a monument on his own ranch:

The frontiersmen of the type who used the flintlock and percussion-cap rifles, carrying bullets that ran from sixty to one hundred and twenty to the pound, and whose headgear and clothing were made almost entirely of the skins of animals, have practically all journeyed ahead with the

innumerable caravan. The ox team and stage drivers, also the cowboys of yesterday, are following closely after them. Were not the early pioneers of scientific research in the West also worthy of suitable monuments erected in their honor somewhere in or about the center of their activities? If so, is not the erection of such monuments a thing worth our doing at this time? Have we no people of wealth and culture who would take pleasure in doing something of this sort--something which would not only be a credit to the donors, but which would also give pleasure and comfort to the generations to come as the centuries pass?<sup>32</sup>

Together with earlier idea to duplicate Old Fort Laramie, the monument concept took preliminary form when architectural plans were prepared for a permanent museum building to house the famous Cook Collections. Because funding never became available, the plans remained tucked carefully away.<sup>33</sup>

The 1916 National Park Service Organic Act, and the establishment of Dinosaur (1915) and Scotts Bluff (1919) National Monuments, inspired and excited the Cooks. During a three-day visit to examine the feasibility of a tour road at Scotts Bluff in June 1931, National Park Service Director Horace M. Albright stopped at the Agate Springs Ranch. Director Albright and other Park Service officials met the Cook family, toured the ranch and fossil quarries, and "expressed great interest in the region and things they saw here."<sup>34</sup>

In early July 1932, Chief Red Cloud's family made their annual visit to the Agate Springs Ranch, an event which always attracted much attention. A twenty-five to fifty cent museum fee was charged for a guide and lecture service and fifty cents per vehicle was assessed for parking and use of the picnic grounds.<sup>35</sup> Following the Sioux celebration, Harold Cook wrote to Horace Albright to reissue an invitation to stay overnight at Agate during Albright's September visit to Scotts Bluff National Monument.<sup>36</sup> Albright re-

turned to western Nebraska to announce the beginning of development at Scotts Bluff. Custodian Albert N. Mathers consulted with Harold Cook over architectural drawings for a permanent administration building at the monument. Cook, seeing an opportunity for a regional scientific and cultural center based on the School of American Research in Santa Fe, New Mexico, suggested the plans be redrawn to include a museum.

In December 1933, Harold Cook was asked to direct a Civil Works Administration (CWA: 1933-34) team in historical and scientific research for the new Scotts Bluff museum. The CWA group was sponsored by the National Park Service Field Division of Education in Berkeley, California. Because he could no longer afford to pay his own expenses out of the ranch operating funds, Cook was appointed a temporary ranger in May 1934, and placed on the National Park Service payroll. Custodian Mathers resigned on June 15, 1934, to run for the U.S. House of Representatives, leaving Harold Cook acting superintendent.<sup>37</sup> On December 11, 1934, a telegram arrived from Acting National Park Service Director A. E. Demaray:

Due to lack of funds your appointment park ranger was terminated close November thirtieth stop. Will you accept appointment nominal rate twelve dollars per annum as temporary custodian Scotts Bluff until funds are available for new seasonal ranger appointment next spring stop. Regret no funds available [to] cover your travel [to] Berkeley....<sup>38</sup>

In a December 14 reply telegram, Cook accepted the position.<sup>39</sup>

Cook continued working with the Berkeley planning team, encouraging the prehistoric theme for the museum, exemplified by the Agate Springs Fossil Quarries, as well as the historic period. Ironically, the Deputy Secretary



of Public Works in the 1920s, a personal friend to whom Cook constantly wrote encouraging better roads, was now Governor of Nebraska. On February 4, 1935, Custodian Cook wrote Democratic Governor Roy Cochran about what he claimed was the Park Service's idea for a "National Parkway" in the area.\* With the completion of the Scotts Bluff museum, visitors would naturally proceed to the Agate Springs Fossil Quarries and then to the "Borlum Monument" [Mount Rushmore National Memorial; authorized March 3, 1925] as well as other Black Hills sites. Cook argued the visitor influx would require substantial improvements for Nebraska Highway 29, the principal north-south route in western Nebraska.<sup>40</sup>

Captain James H. Cook was also involved at Scotts Bluff. The Park Service Berkeley division asked his assistance in organizing museum exhibits,

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\*The impetus for this idea actually originated from citizens in the Bridgeport and Scottsbluff communities. They proposed a "National Parks Area" extending from Bridgeport to Old Fort Laramie, Wyoming, including all historical areas in the vicinity with Scotts Bluff National Monument at the core. In January 1935, Nebraska Governor Robert L. Cochran appointed the "Old Oregon and Mormon Trails, National Parks Area Commission" comprised of thirteen prominent Nebraskans to study the matter. Wyoming was asked for its cooperation. A map of the proposed "Oregon Trail National Park" detailed all the landmarks and recreational facilities of the region and included Agate, marked by a dinosaur with the caption "Fossil Beds, Capt. Cook's Ranch."

In 1937, the Commission's name was shortened to "Nebraska Old Oregon and Mormon Trails Commission." The Nebraska and a similar Wyoming commission worked closely with National Park Service officials and were successful only in the public acquisition of Old Fort Laramie. On July 16, 1938, Fort Laramie National Monument entered the National Park System. See Governor Robert L. Cochran to Leslie Miller, Governor of Wyoming, letter, January 26, 1935; Miller to Cochran, letter, January 30, 1935; map of the "Proposed Oregon Trail National Park"; Cochran to H.J. Dollinger, Chairman, Nebraska Old Oregon and Mormon Trails Commission, letter, June 7, 1937; and Dollinger to Cochran, letter, May 29, 1937, box 46 (1937) Series Two, Records and Correspondence of State Agencies and Departments 1935-1940, folder--Old Oregon and Mormon Trails, National Parks Area, Papers of Governor Robert Leroy Cochran, State of Nebraska Archives, Nebraska State Historical Society.

donating Old West objects, providing information, and locating original trails and ranches on maps.<sup>41</sup>

Working with Nebraska Congressman Terry Carpenter, Custodian Cook was successful in resuming construction at the monument which halted in April 1934 because of lack of funding. In April 1935, a Civilian Conservation Corps (CCC) camp opened at Scotts Bluff under the Emergency Conservation Work (ECW) program. Construction on the museum/administration building continued, and Cook worked closely with the young Park Service architect, Howard W. Baker. In May, Harold Cook was appointed Project Superintendent of CCC Camp 762 with a boost in salary. The same month Cook invited Acting Director Demaray, scheduled to arrive at Scotts Bluff on July 4 during a tour of fourteen National Parks and twelve National Monuments, to visit the Agate Springs Ranch, meet his father, and see the "world famous Agate Fossil Quarries."<sup>42</sup> Demaray replied, on May 24, that he looked forward to visiting the ranch.<sup>43</sup> Eleven days later, on June 4, 1935, a telegram arrived at the Agate Post Office:

Your services will be terminated close June fifteenth by director [sic] of Secretary for administrative reasons.  
Formal notification to follow.

Demaray<sup>44</sup>

Although upset and shaken, the action did not catch Cook by surprise. After his appointment as CCC project superintendent and Scotts Bluff custodian, Cook was visited by Scotts Bluff County Democratic Party Chairman Ray W. Coleman who threatened Cook with loss of his job if he did not allow Coleman to select all camp appointees and laborers according to party affiliation. Coleman said he was Secretary of the Interior Harold Ickes'

"personal fingertip" and if Cook did not do as he was told, he would see that Congressman Harry Coffee got Secretary Ickes to fire Cook. He wanted C. B. Turner, a loyal Democrat and former employee of Congressman Coffee with no engineering or scientific training, to be appointed foreman of the CCC camp. Cook stood firm, citing the President's and Secretary's instructions that appointments be nonpartisan and based on qualifications and need.<sup>45</sup>

In a June 6, 1935, letter to Acting Director Demaray, Cook explained the situation and declared:

Let me assure you that I do not blame the Park Service or any of its officials for the action taken by the Secretary in ordering my services terminated June 15th, as per your wire of June 4th.

In view of the fact that I have donated my time and training and experience and all expenses including more than 20,000 miles which I have driven my own car, at my own expense, on the business and related affairs pertinent to and of importance to the projects outlined here, for the National Park Service; have furnished even office equipment and a background of personal prestige and wide acquaintance that is certainly of value to the Park Service and that branch of the Federal Government, in trying to put this project on its feet in an intelligent, active manner that will mean an important step in the educational and practical development of the usefulness of the NPS in certain directions, I naturally deeply resent the utterly unjust, unfair and unwarranted action of summary dismissal under such circumstances, and of course, cannot and will not, take it lying down, without bringing the facts into the open.

I sent a personal wire to Secretary Ickes, demanding a fair hearing of facts before accepting this order for my dismissal. As he has a reputation of being an honest, fair-minded man, I am confident that a review of the facts regarding this case will be enlightening to him....<sup>46</sup>

Harold Cook refused to relinquish his office until an official investigation was conducted. His cause was joined by former Congressman Carpenter who

challenged incumbent Congressman Coffee on a radio program to stop trying to get Cook fired at the national monument or he would do everything in his power to defeat Coffee in the next election.<sup>47</sup>

Acting Director Demaray's July 4 visit to Scotts Bluff and Agate gave Harold Cook an opportunity to plead his case personally. From Gering, Demaray telegraphed Assistant Director Hillory A. Tolson in the Washington Office asking for an update on Cook's status. He related that Cook was non-partisan and the most qualified man to be project superintendent. In discussions with locals, Demaray ascertained that C. B. Turner was "utterly incompetent" and of questionable standing in the community.<sup>48</sup>

Howard Baker and his wife accompanied Arthur Demaray and his wife on a summer 1935 trek to the western parks. Baker, headquartered in San Francisco and working out of a field office in Rocky Mountain National Park from 1930 to 1935, recalled the visit at Agate Springs Ranch. The Demarays and Bakers had lunch with the Cooks and then journeyed to the fossil quarries for a personal tour. According to Baker, Demaray was quite impressed with the area. The Cooks discussed the possibility of the quarries being a unit of the National Park System. While no action took place during the Depression in this regard, it marked the first time serious discussions for a national monument to preserve the fossil beds were held with National Park Service officials. A monument would not be realized for another thirty years.<sup>49</sup>

Despite strong support from the Directorship of the National Park Service, Secretary Harold Ickes, enraged by Cook's defiance of his orders, refused to review the incident. In a July 15 telegram, Ickes stated:

I have appointed C. B. Turner as Superintendent of the ECW Camp at Scottsbluff [sic] National Monument pending his entry on duty. You are directed to turn over all records and property immediately to associate engineer Charles Randels. You have never held a civil service position in this department. I have satisfied myself as to the advisability of appointment Mr. Turner and this does not reflect on you. You occupied a non civil service position which you secured without competition and therefore your appointment carried no rights. In tenure of office you were separated from the Service at the close of June Fifteenth and your action in continuing in office and refusing to turn over records and property of the Government not only makes you guilty of insubordination but cause me to believe that I made no mistake in separating you from the Service.<sup>50</sup>

In reply, Cook asserted that office records were always open to Charles Randels, but files and equipment were Cook's own personal property: "In my enthusiasm for the splendid National Park Service work here I have put in over one year and over fifteen hundred dollars of my own money above any pay received in furthering this work and the locating of this camp...."<sup>51</sup> Ickes retaliated for the continued insubordination by releasing a scathing statement to the press.

Harold Cook resigned himself to defeat, but his devoted second wife, Margaret Crozier Cook, appealed to First Lady Eleanor Roosevelt. In a September 26 letter, Mrs. Cook explained the situation and introduced a new twist which her husband had refused to use in his own defense. Congressman Coffee aspired to purchase the Agate Springs Ranch by ruining her husband. Apparently, the local Congressman was President of the Coffee Cattle Company. By crippling the Cooks' finances, he was in a good position to undermine and buy the ranch--and the priceless Agate Springs Fossil Quarries--at a foreclosure sale. Mrs. Cook told Mrs. Roosevelt that the congressman was "trying by every means to force a foreclosure sale of Agate ranch, so that they may

bid it in. In fact they have bid it in, and only the fact that fair minded officials are handling the case has prevented them from forcing Captain Cook out of his home which he built and has occupied since 1891." She added:

This was, as you can see, a labor of love. Mr. Cook put the whole force of his training, his wonderful enthusiasm, and his vital energy and background, into this work. He loved it, and was absorbed by it. He worked in absolute accord with the Park Service and they were and are, still, back of him, in everything he has done at Scotts Bluff.<sup>52</sup>

Although it is unknown if Eleanor Roosevelt actually read or acted on the emotional appeal, the point became moot when Merrill J. Mattes entered on duty as the first permanent Service employee at Scotts Bluff on October 1, 1935. The appointment of Merrill J. Mattes resulted in a Departmental and Service resolve to squelch the political bickering in western Nebraska and to lend stability to the important development project at Scotts Bluff National Monument. Mattes served as Junior Historian from 1935 to 1937, and as Custodian from 1938 to 1946. Officially, Mattes always held the title of Custodian, but until he gained administrative experience, for the first two years Engineer Charles Randels was "Acting Custodian." Both Randels and Mattes were superiors of CCC Project Superintendent C. B. Turner, whose political appointment terminated with the closure of the CCC camp on May 31, 1938.\* In effect, Harold Cook had scored a victory. With a permanent Service employee onsite to act as a watchdog, Turner did not have a free hand

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\*The lesson of the Cook affair was apparently lost on C.B. Turner. During Mattes' first year at Scotts Bluff, Turner unsuccessfully pressured Mattes to make a contribution to the Democratic Party.

at Scotts Bluff.<sup>53</sup>

Harold Cook returned to operating the ranch and to the world of paleontology, as well as serving as geological consultant to several oil companies exploring for petroleum in Colorado, Wyoming, and Nebraska.<sup>54</sup> His contacts with the National Park Service continued. Cook held no grudge or bitterness against the National Park Service, an organization whose mission he deeply admired, but recognized he was the victim of local and Departmental politics. As early as April 1938, Earl A. Trager, Chief, Naturalist Division, Washington Office, requested Cook's assistance with geological and paleontological exhibits at Scotts Bluff. Occupied by other business interests, time did not permit Cook to participate in organizing the museum exhibits at Scotts Bluff.<sup>55</sup> Harold Cook granted the National Park Service permission to obtain specimens from the Agate Springs Fossil Quarries to display at Scotts Bluff. Two prime specimens, a slab of Diceratherium (two-horned rhinoceros) and Stenomylus (gazelle-like camel), were obtained by CCC paleontologist/archeologist foreman Paul C. McGrew.<sup>56</sup> McGrew was Harold Cook's son-in-law, having married Winifred Cook in November 1934.

The Cooks became good friends with Scotts Bluff Custodian Mattes and his family. It was Mattes who laid the groundwork for Cook's donation of an Army Dump Cart to Fort Laramie National Monument. The cart, and an old iron lock from a guardhouse which Cook also donated, were originally from Fort Laramie. The preservationist was delighted to contribute the items for the Service's restoration of the old fort.<sup>57</sup>

Shortly before his second book, Longhorn Cowboy, was finished, Captain James H. Cook died on January 27, 1942, at age eighty-four.<sup>58</sup> Operation of

the Agate Springs Ranch went on as before and Harold Cook continued to be occupied with his scientific work. With advancing age, his dream of preserving the Agate Springs Fossil Quarries and memorializing his beloved father intensified. In 1955, rumors that Cook did not actually own the quarries--after he sold the surface grazing rights to other relatives--prompted him to publish and distribute a "Statement on the Ownership and Control of Agate Springs Fossil Quarries." This was done on April 30, 1955. Retracing the history of the homestead claim and the provisions for quarrying, he stated:

It will be noted that I have at all times, therefore, owned and controlled the exclusive right to collect or to grant permission to collect fossils on these lands. This was done, primarily, to assure proper control of these fossil deposits at all times, regardless of any possible change of ownership, to protect them and all that they represent for Science and scientific research; and to assure, permanently, their protection from possible vandalism by untrained "specimen hunters" who do not know or understand the importance of such deposits, scientifically, and who might destroy important fossils or other scientific data by lack of knowledge or care, so long as they secured "specimens."

It is my intention now, as it always has been in the past, to grant permission for any reasonable collecting from these famous deposits, when it is done by properly trained people who know how to collect and preserve specimens and who are collecting for scientific and educational purposes. It is my wish and desire to encourage this kind of collecting by trained, responsible people, and I am always glad to consider the application of responsible people or institutions for permission to work in these deposits. Likewise, I am glad to have educational or scientific institutions bring students and seriously interested people to see these deposits. I will always be glad to grant permission for that purpose, with the provision that anyone going to these quarries will agree to do his part to keep the place free from trash and rubbish, to help prevent grass fires, to prevent vandalism and damage to these deposits, and who will do his part in leaving gates closed when they are found closed while crossing these lands, and in not disturbing livestock, unnecessarily. Parties wishing to visit the



Agate Springs Fossil Quarries should write, or see me in advance, when practical to do so.<sup>59</sup>

The statement was distributed to each visitor to the quarries. Thousands kept coming every year to see the fossils and the Agate Springs Ranch's "Cook Museum of Natural History" where Captain Cook's collections were displayed. The Cooks realized they could not accommodate everyone or go on operating the area forever. The couple traveled frequently, leaving their unincorporated "town" of Agate in the care of ranchhands or other relatives. One such time was several weeks in the summer of 1960, when Harold Cook presented a paper before an international paleontological conference in Copenhagen. Awaiting them upon their return was a letter stating a National Park Service official wished to visit and evaluate the area's eligibility for listing on a national inventory of scientific monuments.<sup>60</sup> The letter was an answer to Harold and Margaret Cooks' prayers.

## ENDNOTES

1. This section was taken from the following sources: Karen P. Zimmerman, The Cook Papers: An Archival Collection From Agate Fossil Beds National Monument, prepared under contract for the National Park Service, Midwest Regional Office (Vermillion: University of South Dakota, 1984) hereinafter referred to as Zimmerman, The Cook Papers Collection, 1984; Mrs. Margaret C. Cook, "History of the Agate Springs Ranch" and "The Cook Family in Sioux County, Nebraska," box 92, Cook Papers; "History of James Henry Cook," [unknown author; written for Morton's History of Nebraska], November 1911, box 92, Cook Papers; and R. Jay Roberts, "A Preliminary Sketch of the History of Agate Springs Ranch," (National Park Service, Scotts Bluff National Monument, August 1965), H2215; and Dr. Robert M. Hunt, Jr., The Agate Hills: History of Paleontological Excavations, 1904-1925, Prepared Under Contract to the National Park Service, Midwest Regional Office (Lincoln: University of Nebraska, 1984).
2. Ibid.
3. Mrs. Margaret C. Cook, "History of the Agate Springs Ranch" and "The Cook Family in Sioux County, Nebraska," box 92, Cook Papers.
4. As quoted in Lester A. Danielson to Roman Hruska, letter, 1 April 1963, box 26, Cook Papers.
5. Mrs. Margaret C. Cook, "Statement on the Fossil Collecting History in the Agate Springs Fossil Quarries Area," included in Lester A. Danielson to Roman Hruska, letter, 1 April 1963, box 26, Cook Papers.
6. Mrs. Margaret C. Cook, "The Cook Family in Sioux County, Nebraska," box 92, Cook Papers.
7. Ibid.; and Zimmerman, The Cook Papers Collection, 1984.
8. Petition of Guardianship, District Court of Sioux County, Nebraska; James H. Cook, granted 16 December 1920, found in Raymond M. Crossman correspondence, box 25; and Harold J. Cook to Peterson and Devoe, Attorneys, Lincoln, letter, 25 September 1929, box 43, Cook Papers.
9. James H. Cook, Proprietor, Agate Springs Cattle Ranch, Private and Confidential Form Letter to Friends, circa fall 1921, box 90, Cook Papers.
10. Ibid.
11. Ibid.; and Harold J. Cook to J. H. Boatsman, Farmers and Merchants Bank, Morrill, Nebraska, letter, 6 March 1922, box 20, Cook Papers.
12. Harold J. Cook to Roy Cochran, Deputy Secretary, Nebraska Department of Public Works, letter, 9 April 1923; and Cochran to Harold J. Cook, letter, 13

April 1923, box 24, Cook Papers.

13. Roy Cochran to Harold J. Cook, letter, 13 October 1929, box 24, Cook Papers.

14. Mrs. Elizabeth C. Hoefer, State Chairman, Nebraska Federation of Women's Clubs, to Dr. Harold J. Cook, letter, 13 February 1926, box 33, Cook Papers.

15. Ibid., letter, 28 January 1926; and Adam McMullen, Governor, State of Nebraska, to Harold J. Cook, letter, 19 February 1926, box 39, Cook Papers.

16. Harold J. Cook to Governor Adam McMullen, letter, 22 April 1926, box 39, Cook Papers.

17. Governor Adam McMullen to Harold J. Cook, letter, 29 April 1926, box 39, Cook Papers.

18. Harold J. Cook, Consulting Geologist, "Statement on the Ownership and Control of Agate Springs Fossil Quarries, Sioux County, Nebraska," to Whom It May Concern, 30 April 1955, Cook Papers.

19. Mrs. Elizabeth C. Hoefer, State Chairman, Nebraska Federation of Women's Clubs, to Dr. Harold J. Cook, letter, 31 December 1926, box 33, Cook Papers.

20. Harold J. Cook to Mrs. Elizabeth C. Hoefer, letter, 20 January 1927, box 33, Cook Papers.

21. Ibid.

22. Governor Adam McMullen to F. E. Edgerton, letter, 31 January 1927, box 7 Departmental Correspondence, folder 16 Park Board 1926-1927, McMullen Papers, Nebraska State Historical Society.

23. Harold J. Cook to Governor Adam McMullen, letter, 22 January 1927, box 39, Cook Papers.

24. Harold J. Cook to Senator Emerson R. Purcell, letter, 11 March 1927, box 7 Departmental Correspondence, folder 16 Park Board 1926-1927, McMullen Papers, Nebraska State Historical Society.

25. Governor Adam McMullen to Harold J. Cook, letter, 1 July 1927, box 39, Cook Papers.

26. Everett Sanders, Secretary to the President, to Harold J. Cook, letter, 30 June 1927, box 25, Cook Papers.

27. Mrs. Elizabeth C. Hoefer to James H. Cook, letter, 14 September 1927, box 33, Cook Papers.

28. Harold J. Cook to Governor Adam McMullen, letter, 8 December 1928,

box 29, Cook Papers.

29. Governor Adam McMullen to Harold J. Cook, letter, 20 December 1928, box 39, Cook Papers.

30. Harold J. Cook to Peterson and Devoe, Attorneys at Law, Lincoln, Nebraska, letter, 25 September 1929, box 43, Cook Papers.

31. Mrs. Grayson E. (Dorothy Cook) Meade, interview with author, Agate Springs Ranch, 22 May 1986, transcript, pp. 2,3,5, and 16.

32. As quoted in Lester A. Danielson to Roman Hruska, letter, 1 April 1963, box 26, Cook Papers.

33. Mrs. Grayson E. (Dorothy Cook) Meade, interview with author, Agate Springs Ranch, 22 May 1986, transcript, p. 3. The plans remain in the possession of the Meades.

34. Harold J. Cook to Roy Cochran, letter, 26 June 1931, box 24, Cook Papers; and Ron Cockrell, Scotts Bluff National Monument, Nebraska: An Administrative History, 1960-1983 (Omaha: National Park Service, Midwest Regional Office, 1983), pp. 15-16.

35. Harold J. Cook to G. N. Burnett, letter, 26 June 1932, box 22, Cook Papers.

36. Harold J. Cook to Horace Albright, Director, National Park Service, letter, 9 July 1932, box 17, Cook Papers.

37. Mrs. Margaret C. Cook to Mrs. Franklin D. Roosevelt, The White House, Washington, D.C., letter, 26 September 1935, box 46, Cook Papers; and Ron Cockrell, Scotts Bluff National Monument, Nebraska: An Administrative History, 1960-1983 (Omaha: National Park Service, Midwest Regional Office, 1983), pp. 16-17.

38. A. E. Demaray, Acting Director, National Park Service, to Harold J. Cook, Acting Custodian, Scotts Bluff National Monument, telegram, 11 December 1934, box 26, Cook Papers.

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40. Harold J. Cook to Governor Roy Cochran, letters--official and private, February 1935, box 24, Cook Papers.

41. Arthur A. Woodward, Associate Laboratory Technician, National Park Service, Field Division of Education, University of California-Berkeley, to Captain James H. Cook, letters, 19 April and 2 May 1935, box 58, Cook Papers.

42. Harold J. Cook to A. E. Demaray, letter, 19 May 1935, box 26, Cook

Papers.

43. A. E. Demaray to Harold J. Cook, letter, 24 May 1935, box 26, Cook Papers.

44. A. E. Demaray to Harold J. Cook, telegram, 4 June 1935, box 26, Cook Papers.

45. Mrs. Margaret C. Cook to Mrs. Franklin D. Roosevelt, The White House, Washington, D.C., letter, 26 September 1935, box 46; and Harold J. Cook to A. E. Demaray, letter, 6 June 1935, box 26, Cook Papers.

46. Harold J. Cook to A. E. Demaray, letter, 6 June 1935, box 26, Cook Papers.

47. Harold J. Cook to A. E. Demaray, letter, 16 June 1935, box 26, Cook Papers.

48. A. E. Demaray to H. A. Tolson, Assistant Director, National Park Service, telegram, 4 July 1935, box 26, Cook Papers.

49. Howard W. Baker, (former Midwest Regional Director), interview with author, Omaha, Nebraska, 13 May 1986, transcript, pp. 1-2.

50. Harold L. Ickes to Harold J. Cook, telegram, 15 July 1935, box 34, Cook Papers.

51. Harold J. Cook to Harold L. Ickes, telegram, 17 July 1935, box 34, Cook Papers.

52. Mrs. Margaret C. Cook to Mrs. Franklin D. Roosevelt, The White House, Washington, D.C., letter, 26 September 1935, box 46, Cook Papers.

53. Ron Cockrell, Scotts Bluff National Monument, Nebraska: An Administrative History, 1960-1983 (Omaha: National Park Service, Midwest Regional Office, 1983), pp. 19-20; Cockrell, An Interview with Historian Merrill J. Mattes on Scotts Bluff, Agate Fossil Beds, Grand Portage National Monuments and Other Areas, 24-25 May 1983, Littleton, Colorado (Omaha: National Park Service, Midwest Regional Office, 1983), pp. 2-3; and Merrill J. Mattes to author, 20 July 1985, letter, H1417, Midwest Regional Office Files.

54. Zimmerman, The Cook Papers Collection, 1984.

55. Harold J. Cook to Earl A. Trager, Chief, Naturalist Division, Washington Office, letter, 2 May 1938; and Traeger to Cook, letter, 18 November 1938, box 53, Cook Papers.

56. Merrill J. Mattes to author, 20 July 1985, letter, H1417, Midwest Regional Office Files.

57. Merrill J. Mattes, Custodian, Scotts Bluff National Monument, to Harold J. Cook, letter, 6 August 1942, box 38; and David L. Hieb, Superintendent, Fort Laramie National Monument, to Harold J. Cook, letter, 18 December 1949, and attached memorandum by Harold J. Cook, 8 February 1950, box 32, Cook Papers.

58. Zimmerman, The Cook Papers Collection, 1984.

59. Harold J. Cook, Consulting Geologist, "Statement on the Ownership and Control of Agate Springs Fossil Quarries, Sioux County, Nebraska," to To Whom It May Concern, 30 April 1955, Cook Papers.

60. Chester C. Brown, Regional Chief of Recreation Resource Planning, to Harold J. Cook, letter, 5 August 1960, box 22, Cook Papers.

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## CHAPTER TWO

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### THE ROAD TO A NATIONAL MONUMENT, 1961-1964

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#### The Preliminary Study and Advisory Board Endorsement, 1961

Decades of dreams and hopeful conversations finally bore fruit in 1960 when the National Park Service, as a component of its "MISSION 66" program, identified the Agate Springs Fossil Quarries in an inventory of scientific areas. In an August 5 letter from Chester C. Brown, Chief of Recreation Resource Planning of the Region II Office in Omaha (now called the Midwest Regional Office), the Service announced, "In connection with our Nationwide planning activities, we should like to include the Agate Fossil Quarries in an inventory of scientific monuments. Our purpose is to provide a readily consulted file of significant scenic, scientific, and cultural resources."<sup>1</sup>

Jack Eichstedt, a Park Planner from the Omaha Office, visited Harold and Margaret Cook on October 5, 1960.<sup>2</sup> A more detailed study of the area was made in November when Ed Alberts and Larry F. Knowles, Division of Proposed Park Studies, visited the ranch for two days.<sup>3</sup>

The prospect of Park Service involvement at Agate excited Harold and Margaret Cook. In a January 16, 1961, letter to his old friend, Howard W. Baker, now the Midwest Regional Director, Cook explained that the principal reason for the establishment of the Cook Museum of Natural History was "to save and protect collections we have here that are irreplaceable..."

We have felt for some time that the best possible arrangements should be made to carry on the ownership of the Agate Springs Fossil Quarries, in hands that will not only appreciate and use it, but will prevent vandalism and waste of these irreplaceable resources. To that end I have considered some sort of a trusteeship by one or more of the larger institutions, universities, and organizations, such as the Geological Society of America; and while that would be fine in some respects, in each case and to which we have given some direct thought, there are limiting factors and reasons why THAT ONE, might not work out as it should. I have the feeling that the N.P.S. could do this to the best possible advantage, even if it did require a bit in the way of special or unusual arranging of the usual patterns of activity. Certainly, from the widest viewpoints, it IS worthy of careful thought by all concerned.<sup>4</sup>

Authored by Larry Knowles, the "Preliminary Study of the Agate Springs Quarries Area, Sioux County, Nebraska" was completed on April 14, 1961, and forwarded to Director Conrad Wirth for approval. The Preliminary Study outlined the extent of the National Park Service's plans for a new national monument in northwest Nebraska. The study served not only as the basis of the Service's argument for establishment of an Agate Fossil Beds National Monument before Congress, but for all subsequent initial planning efforts in the new park.

The 1961 Preliminary Study noted that the site was of national significance and met the Evolutionary Development of Modern Mammals portion of Sub-theme VII, Golden Age of Mammals, of the National Park System Plan Handbook.



If included, the Agate Springs Fossil Quarries would be unique in the System and "as outstanding to the chapter of life pertaining to Miocene mammals as Dinosaur National Monument is to Jurassic reptiles."<sup>5</sup>

A prefatory remark revealed that Dr. Harold J. Cook "is quite concerned about the future of this classic scientific site when he can no longer care for it. He has indicated he would like to donate his paleontological collection and quarry area to the Service."<sup>6</sup> The report admitted that although the Agate Springs Fossil Quarries had been worked by scientists for more than seventy years, the landscape had been only slightly disturbed. Further, it cited Harold Cook's assertion that "large representative remains" could be found within the untouched portions of Carnegie and University Hills, and Amherst Point--an estimated seventy-five percent of the quarries.

The interpretive potential, according to the Preliminary Study, was great and followed the often-cited National Park System's model, Dinosaur National Monument, Colorado:

An unusual opportunity presents itself for display of in situ fossils by tooling beneath the burden at Carnegie Hill to the two- to three-foot thick horizontal fossil beds. Through use of electric lighting and imaginative interpretive display techniques, a visitor could more closely feel himself associated with conditions of this now vanished landscape than is possible even at the elaborately developed Mesozoic fossil quarry at Dinosaur National Monument. Here, he could be made to feel he's right there within the Miocene, so to speak.

In addition, other methods could be used to present the story to the public, including visitor opportunity to observe scientists exposing the deposits, reconstruction of some of the creatures in place, and other interpretive techniques.<sup>7</sup>

With fossil relieving on-going, there was a natural need for paleonto-

logical laboratory facilities at Agate which would then evolve into a Miocene research center complete with a reference library and fossil collection. This added attraction could then be made an important facet of the area's interpretation.

Site feasibility was termed "unusually high" with Cook's intention to make available land to preserve the fossil hills and "any additional land in the family that the Service feels is necessary to preserve the quarries and provide for public use and enjoyment."<sup>8</sup> At the time of the report, Cook had placed no conditions on his offer to donate the land, but several future considerations were discussed:

He would be very pleased if his ranch headquarters area could be retained as a base of operations for research workers in the area since it has so long a tradition of established hospitality to nearly all the noted vertebrate paleontologists of the past half century. He also feels that the achievements of his father in settling this territory and encouraging paleontological work should be memorialized in some way. In addition, he is concerned with the preservation of his father's priceless Indian collection and is very hesitant to break it up. He showed only lukewarm interest in the possible donation of it presently for display at Fort Laramie.

There are about 7 ownerships involved... totaling about 2,600 acres. Assuming Dr. Cook donated the approximate 1,600 acres of family land, there would be about 1,000 acres at an average cost per acre of \$50 for the Service to acquire.<sup>9</sup>

The Preliminary Study outlined the "ideal" solution for a national monument consisting of 2,600 acres. The principal area, which included the three fossil quarries, was a 2,200-acre rectangle measuring one and one-half by two miles. Carnegie Hill, the site of the in situ fossil display area, was the focal point of the proposed boundary which was drawn to prevent any

adverse development to the natural scene along the east-west road. The Stenomylus Quarry should be attached to the principal monument segment by a new road. The study admitted, however, that little was known about the area.

Similarly, a portion of the Devil's Corkscrew (*daemonelix*) area was incorporated into the remaining 400-acre tract which included the Agate Springs Ranch headquarters and a strip of State Highway 29. Described as an "interesting secondary feature," the Devil's Corkscrew was "desirable but not essential." With subsequent study, both the Stenomylus and Devil's Corkscrew features could be detached or deleted from the proposed monument. If included, the Service should control a narrow strip of land centering on the county road connecting the two detached areas to prevent adverse development. Control through scenic easement or fee acquisition was recommended for up to 350 acres per mile of roadway.

The Agate Springs Ranch headquarters was envisioned as the site of a visitor center and park headquarters to include orientation and information, laboratory, research library, camping, picnicking, administrative, residential, and utility facilities. Except for the in situ fossil site, interpretive services were also to be a principal function of the park headquarters. The site was chosen "because of the existence of mature trees, a good water supply from springs, both of which would provide pleasant and inviting surroundings and proximity to a state highway."<sup>10</sup> In addition, the facilities would not intrude upon the natural scene of the in situ feature.

The Cooks continued intimate involvement at the Agate Springs Ranch headquarters was seen as an added incentive to place park facilities there:

There is ample room for Dr. Cook to continue living at his home even with the addition of the facilities suggested.

In fact, he should be encouraged to stay because of the great contribution and intimate knowledge of the scientific discovery and research aspects of the area's paleontology and the Indian history would indeed be assets to draw upon. His Indian collection is of such a high quality as to be worthy of representation in the Visitor Center as an interesting chapter subordinate to the paleontological theme.

This part of Nebraska can be very hot in the summer and cold and windy in the winter. An inviting oasis such as the Agate Ranch in this Great Plains setting of grassland would encourage the visitor to stay awhile and obtain a more meaningful understanding of the area. For many years, scientists have camped in a portion of the attractive wooded area as a base of operations for study; this type [of] use could continue. More recently, lay visitors to the site have camped here also.<sup>11</sup>

Following this outline of the area's attractiveness, the report hinted at the opposition of Harold Cook: "Although the area described is optimum, it is not minimum. Perhaps Dr. Cook would not be agreeable to this solution in its entirety. If this turns out to be the case after discussions with him, there are other possibilities." Later, it stated, "Perhaps Dr. Cook would prefer not to include a portion of his ranch for Visitor Center-Park Headquarters site. In this event, a minimum solution has been worked out."<sup>12</sup> Clearly, the National Park Service wished to include the Cook ranch headquarters within the boundaries, but was prepared to compromise in the face of Harold Cook's objections.

The alternate proposal called for the same provisions listed under the ideal, except for control of the roadway leading to the two detached areas. The minimum solution outlined the minimal elements acceptable for a national monument. The minimum differed from the ideal only by the absence of the Agate Springs Ranch as the visitor center/headquarters.

The Preliminary Study recommended the Director of the National Park Service approve the Agate Springs Fossil Quarries site as a national monument proposal. Subsequent to the Director's approval, the Midwest Regional Office would commence negotiations with Harold J. Cook, "striving for the Ideal solution, as soon as possible so that the necessary steps can be taken and action initiated to achieve the establishment of this area as a National Monument."<sup>13</sup>

Years later, this entire early park planning process was denounced by Park Service veteran Historian Merrill J. Mattes. Mattes, intimately acquainted with the Cook family from his service at Scotts Bluff, was Midwest Regional Historian during this time. Mattes accused his Omaha colleagues of failing to do their homework:

When the Agate Fossil bed proposition came up the landscape architects, planners, and naturalists took over, notwithstanding the fact that the historical elements were important. As Regional Historian I was left entirely out of it; all the planning and consulting was done without considering historical interpretation or preservation. Also ignored was the fact that I was acquainted with the Cook family, the principals as well as the daughters. Had I not been excluded (for whatever reason) from the process, not only would there have been a better grasp of the historical dimension, there would have been a better understanding of the people the NPS was dealing with. I was fully aware of the antagonism between the four daughters and their step-mother, but when that surfaced later, everyone else was amazed. Had I been consulted I could have warned that any agreement with the NPS that did not include an understanding with the girls would be an agreement in jeopardy.<sup>14</sup>

Also from retrospect, former Midwest Regional Director Howard W. Baker did not recall that the Regional Historian was left out of planning, but Baker believed early planning was broad enough to include all the aspects: ranch, collections, and quarries.<sup>15</sup>

At its April 15-19, 1961 meeting, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments considered the Preliminary Study. The Advisory Board concurred that the Agate Springs Fossil Quarries should be acquired for establishment as a national monument.<sup>16</sup> A news release from Interior Secretary Stewart L. Udall's office on May 30 announced the Board's decision.<sup>17</sup>

Serious negotiations commenced June 26, 1961, when Regional Director Howard Baker and Chet Brown, Chief of Recreational Resources and Planning, went to Agate. Accompanied by Scotts Bluff Superintendent John W. Henneberger, the group conferred with the Cooks. It marked the first time since the development of Scotts Bluff National Monument in the mid-1930s that Cook and Baker had worked together. Baker remarked:

I am greatly enthused about the future of the Agate Quarries and hope something can be worked out. We shall let you know as soon as we can arrange for our planner to come to the area to work out preliminary development plans.<sup>18</sup>

Two months later another Service team arrived. Richard W. Barnett (Western Office, Design and Construction, San Francisco) and Harry Robinson (Chief, National Park System Planning) and Larry Knowles (Chief, Proposed-Park Studies), both of the Omaha Office, came for further discussions.<sup>19</sup>

In a show of good faith, Harold Cook donated an additional assortment of frontier style furniture to Fort Laramie National Historic Site.<sup>20</sup> While confidence with the National Park Service boomed, dissention began to grow within the family. A grandson studying economics at the University of Nebraska asserted that the investment of tax dollars at Agate would be wasteful as the majority of Americans would rather see the fossils displayed in a

museum. Castigating him for short-sightedness, Margaret C. Cook responded that "your attitude toward his life-long dream of this development of the fossil quarries will hurt [Harold] very much."<sup>21</sup>

#### Harold J. Cook's Death, 1962

Following the fast-moving, positive developments of 1961, the momentum for the proposed national monument evaporated with surprising swiftness in 1962. Had the National Park Service proceeded to obtain prompt Congressional approval, the course of development at Agate Fossil Beds National Monument may have been quite different. In the first nine months, there had been no action taken by the Park Service.

The sole initiative came from Harold Cook. In a seven-page letter to Howard Baker dated March 5, 1962, Cook delineated terms for relinquishing his rights to the government. Cook wanted the Agate Springs Ranch to continue as an operating ranch. Clearly he was concerned that land required for the monument not impede ranch operations. He specifically cited the "640 acres of the quarry hills area" and his donation of rights to the area providing "related considerations" were agreed upon. As background for his position, Cook explained:

The situation which my father laid out here, and which we have further developed at Agate around our home, with its groves and other buildings, corrals, ditches, etc., is something that has required almost 75 years to grow, develop, and produce and it could not be duplicated, since unalterable topographic and physical factors are involved, in ways vital to make this possible as it is today. It

would take completely prohibitive expense and time to make even a workable inferior substitute.

Our whole ranch operations and economy are based on the irrigated valley sections of this ranch, with its hub and operational center at Agate; and in and around this area our main grove is situated. Consequently, the problems we face in your wanting to take over this grove area, go far beyond the old home in which we live, or any sort of life-tenancy arrangement for us to continue to occupy it, while we live. This actually strikes at the very foundation of our ranch operations here, from which we derive our principal income. [Emphasis added by author.]

This is a vital, key area, necessary for the continuation of our ranch operations, as long as we operate this Agate Springs Ranch, in many ways, that I could show you in detail ... might not be seen or realized by people long distances away, who are not practical ranch operators.<sup>22</sup>

Cook further explained:

We were particularly delighted when the National Park Service approached us, proposing to develop these famous deposits properly, and make them available to the public in a safe and proper manner. It is exactly the sort of thing my father, my wife, and I have all hoped to be able to do for many years in some practical manner. This suggestion which you people made would offer a most practical solution. Anticipating the possibility of some such development many years ago, when it became necessary for me to transfer surface title to the land on which the fossil quarries are situated to others, I inserted in the deed a clause by which I retained, in perpetuity, all rights for the exploration and development of these quarries for scientific and educational purposes, and together with rights of ingress and egress to and from the quarry areas, which means the right to build roads and a right-of-way across the adjoining lands later acquired by George H. Hoffman, as well.<sup>23</sup>

George Hoffman was Harold Cook's son-in-law. In 1934, Hoffman married Margaret ("Margy") Cook and acquired Eleanor Barbour Cook's property-- including the quarries, but not the quarrying rights which Harold Cook



retained--and began ranching. The Hoffmans purchased another large tract from Harold Cook in 1948 and lived in the Bone Cabin for several years until their own ranchhouse was built in 1952.<sup>24</sup> Cook stated that Hoffman would have to be bought out as he "is unwilling to deal with you, since he does not have the background, perspectives, or interest in scientific and educational matters that we have, and since he is completely dependent for his present and future income on this property." If the government purchased Hoffman's surface rights, preparatory to developing the fossil beds in situ, "I will, as I told you, convey all my rights and title to the quarries to the N.P.S. as a donation, in appreciation of their being put to this splendid public use." Cook also promised, if a museum and research center were built at Agate, to donate his extensive research library "for permanent use and safekeeping, if it is kept here, catalogued and made available to properly accredited research people."<sup>25</sup>

Cook's primary concern was that land, water rights, and windbreaks not be taken by the Federal Government. Without these, operation of the Agate Springs Ranch would be impossible. Preliminary plans called for Service headquarters to be built in the cottonwood grove enveloping the ranchhouse. Cook made a counter-offer:

...since the suggestions made to place this in our grove here are impractical from our ranch operations standpoint... I am willing to give to this project enough land adjoining Highway 29, and just east of the oiled State road, on which to locate your headquarters facilities, such as you, personally mentioned to me, and space for the proposed Museum and Research Center, to house the present collections of the Cook Museum of Natural History, appropriately and safely in fireproof quarters, properly exhibited, and, in the case of the library and research specimens, kept here permanently, catalogued, and with appropriate supervision

and protection at all times. I must have positive, unalterable guarantees that these collections are to be kept in this area permanently, and not transferred for storage, or any other purposes, away from this area where they belong, and are of most effective use.<sup>26</sup>

Until the Service planted its own trees to shade and protect its facility, the Cook grove across the highway would provide this assistance. The use of the Agate Springs Ranch picnic grounds was also offered. As for the Park Service's desire to own and control all adjoining lands to prevent commercial development, Cook stated that he owned all the land within a mile in each direction, had never permitted any outside developments, and would cooperate on this point. He added:

Some features... like Daemonilix... can be worked into development without our having to run our ranch under serious handicaps, or you buying the whole thing from us. We know that the N.P.S. has long been wanting a Grasslands National Park, and it is possible you might want to consider these two ranches as the nucleus of, or a type unit of, such an area. In that event, of course, the N.P.S. would have to pay the commercial price for these lands, some 5,000 acres, as we cannot afford to donate them.<sup>27</sup>

In Omaha, great enthusiasm followed Harold Cook's positive letter. In the following six months, the National Park Service studied Cook's letter and discussed various planning alternatives. The delay proved costly. On September 29, following a bout of viral pneumonia, Harold J. Cook died from a massive coronary thrombosis. The result of Cook's sudden death, although an obstacle in the road to a national monument, did not become clear for several years. A Pandora's box of troubles opened. Within the Cook family a simmering rift--largely unknown to the Service--became much deeper and

gradually manifested itself, much to the distress of the National Park Service.

Eight days after Harold Cook's death, Margaret C. Cook informed Regional Director Howard Baker of her intention to see the monument established and to work with the Midwest Regional Office on the basis of her husband's March 5 letter to Baker. Scottsbluff attorney Lester Danielson joined Margaret Cook in her campaign. With Danielson's strong support, the widow announced her plan to form the "Agate Springs National Monument Association," a lobby group to further the establishment of the monument. Mrs. Cook also asked for a prompt meeting with Service officials "to carry on as if Harold were here."<sup>28</sup>

When Harold Cook's will was probated on October 5, 1962, the provisions were disappointing for the Service. Cook had failed to update his will. Executed in 1949, the document did not include a codicil for donating any portion of the Agate Springs Ranch for a national monument. Howard Baker later recalled how "aghast" Park Service officials were when they discovered Harold Cook never updated his will, but felt justified that no prompting or "looking over the shoulder" of Harold Cook was ever done.<sup>29</sup>

Harold Cook's widow was named executrix and was given "all land and real estate and interests during the term of her natural life." His four daughters, Margaret, Winifred, Dorothy, and Eleanor, were bequeathed equal shares of this life estate. Therein lay the basis for the widening disagreement between stepmother and stepdaughters. Margaret Crozier Cook welcomed the National Park Service with open arms to fulfill her late husband's wishes while her stepdaughters were less enthused by the Federal Government appropriating any part of the ranch headquarters. The remainder

of the estate, which included personal papers and the famous Indian collection, went to Margaret Crozier Cook.<sup>30</sup>

Harold Cook had clearly stated his objection to an all-encompassing National Monument in his March 1962 letter. His intention of a ranch operating under the control of his heirs in coexistence with the monument became clouded and eventually diverted by his widow. Margaret C. Cook, portraying herself as sole owner and excluding her stepdaughters in the decision-making process, advocated a "shrine concept" whereby to honor her late husband. The Agate Springs Ranch headquarters would become incorporated into the monument, the house to be used for exhibits and the grove for a picnic and camping area. Her vision of Agate Fossil Beds National Monument emphasized not simply the fossil quarries, but enshrining both Harold Cook and Captain James H. Cook in the new park.

This vision, nurtured by early park planning, provided for an expansive park area, and did not allow for the positions of Harold Cook's four daughters or the future operation of the Agate Springs Ranch. It was Margaret C. Cook's vision, acting as spokesman for the Cook family, that the National Park Service and the Nebraska Congressional Delegation eagerly embraced. Commenting later on her stepmother's actions and favored sale of ranch headquarters, Dorothy Cook Meade wrote:

Naturally she did all in her power to further this aim; and under her guidance, all publicity for years was based on the assumption that this sale could be treated as an accomplished fact.

Mrs. Margaret Cook, however, had only a life estate in the ranch. This gave her control of ranching operations and all income during her life, and all personal property to

dispose of as she liked; but it did not give her ownership of land.

Harold Cook, our father, liked the idea of an Agate Fossil Beds National Monument, but not in the form it was threatening to take before he died. He opposed purchase of large tracts of ranchland for the Monument, regardless of the owner. It was his opinion that 350 acres would be ample for the Monument and all its facilities; an opinion shared by many informed observers.

He was adamant in his refusal to consider sale of any part of Agate Ranch headquarters for Monument purposes. Nevertheless, after his death in 1962, plans for Agate Fossil Beds National Monument rolled ahead, expanding rapidly... up to 3,150 acres of ranchland, including the entire headquarters of our ranch. These plans were at all times represented as fulfilling Harold Cook's great dream, although his letter of March 1962... was on record to the contrary.<sup>31</sup>

The conflicting visions caused a deep rift within the Cook family with Margaret C. Cook portraying herself as the monument's enthusiastic champion able to mediate and overcome any opposition from within her own family. Mrs. Meade later asserted:

Since our existence was never referred to, it was the logical assumption that Mrs. Margaret Cook was the owner of Agate Springs Ranch, and could make the various donations of land and quarrying rights frequently publicized. There were those within the National Park Service who knew that Mrs. Cook did not own a great deal of that which she was credited with donating; but no doubt they found it awkward to correct this impression with the publicity campaign well under way. We also found it awkward, difficult to combat, and simply let it go.<sup>32</sup>

On November 7, Chester Brown and Larry Knowles, accompanied by Scotts Bluff's new superintendent, Harold R. ("Bob") Jones, met with Mrs. Cook and attorney Danielson.<sup>33</sup> Also present to discuss the monument proposal from the

standpoint of paleontological significance were Malcolm McKenna and Morris Skinner from New York's American Museum of Natural History. Among other topics, Mrs. Cook gained assurances that the Service had no objection to the donation of Harold Cook's fossil collection found outside Agate Springs Fossil Quarries to the New York institution,<sup>34</sup> a decision later regretted by some Park Service personnel.

Scotts Bluff Superintendent Bob Jones soon became a close, personal friend of Mrs. Cook, and a devoted advocate of the proposed monument. In a November 23 memorandum to Midwest Regional Director Howard Baker, Superintendent Jones accepted the title of "Special National Park Service Representative of the Agate Quarry Project." Jones continued discussions with area landowners and reported that at a meeting in Scottsbluff of 100 businessmen, there was considerable local support for the new monument.<sup>35</sup>

#### The Cook Collection Goes To Scotts Bluff, 1963

On November 30, 1962, Mrs. Cook and attorney Lester Danielson visited Scotts Bluff National Monument to discuss storing the Cook library and Indian and Western gun collection there. Because of her periodic absences from the ranch, Margaret Cook expressed concern that the valuable items were not safe from fire, or from family members who wanted to possess some of the articles. Mrs. Cook repeated her intention to donate most, if not all, of the items to the Park Service. The fireproof walk-in vault at Scotts Bluff was an ideal place for the artifacts. Superintendent Jones noted:

She is very anxious not to have either the library or the artifact collection broken up. She will not be willing to donate this material until there is reasonable assurance that the Agate Springs Fossil Quarries National Monument will be established and the material can be used and exhibited there.<sup>36</sup>

Jones asked Regional Director Baker for special authority from the Director to store the historic, but not Federally-owned, items at Scotts Bluff, and forwarded a draft agreement for review.<sup>37</sup>

Following a ruling of the Interior Department's Field Solicitor in Omaha, the Regional Director reported on January 25, 1963, that since the loan was advantageous to the Service, "there is authority for accepting such loans where there is no unusual expense to the Government for maintenance, protection, and/or display." With the assistance of Field Solicitor Morris Cook (no relation), the Regional Office developed a proposed loan agreement based on Jones' draft.<sup>38</sup> On February 17 and 18, while Jones discussed the agreement, Mrs. Cook declared she would donate the collection when the fossil beds became a national monument.<sup>39</sup> During the review of the draft agreement, Field Solicitor Cook stated that since the estate of Harold J. Cook had not been officially closed, Mrs. Cook as an individual had no right to loan the objects until title to the objects had been transferred to her by the Sioux County Probate Court. The field solicitor urged that Mrs. Cook not only sign as an individual and as executrix, but a court order voicing approval should also be required.<sup>40</sup>

Margaret C. Cook signed the loan agreement in her Scottsbluff attorney's office on March 4, 1963. Scotts Bluff Superintendent Bob Jones signed on behalf of the Service. Lester Danielson did not agree to the need for a

Sioux County Probate Court order, and Jones did not pursue the stipulation.<sup>41</sup> The agreement formalized Mrs. Cook's desire to donate the collection "if the establishment of the Monument in the vicinity of Agate, Nebraska, is assured before January 1, 1967," the centennial of the State of Nebraska.<sup>42</sup>

The transfer of the Cook Collection to Scotts Bluff began in the following weeks. Regional Museum Curator Newell F. Joyner was at the Agate Springs Ranch from May 13 to 15 to assist in packaging and fumigating the bulk of the collection.<sup>43</sup> On May 16, Mrs. Cook received an official receipt for the loaned collection which acknowledged that the items would be stored at Scotts Bluff until "the establishment of Agate Fossil Beds National Monument and the construction of suitable facilities for the storage and research use of the material."<sup>44</sup> On the same day, Mrs. Cook, with her personal secretary Mrs. Teresa Forsling (wife of the foreman of the Agate Springs Ranch), helped Fort Laramie Museum Curator Robert Murray in conducting an inventory of the items. Stored in the vault at Scotts Bluff were thirty-eight cartons containing a paleontological research library of 5,656 books, periodicals, journals, research papers, and other scientific papers and publications. In addition, the Cook Indian Collection of artifacts and wearing apparel, and the Western gun collection were also in safekeeping at Scotts Bluff.<sup>45</sup>

#### Legislative Efforts Fizzle, 1963-1964

During the first week of January 1963, Senator Roman L. Hruska called Howard Baker and offered his strong support for the proposed monument.



Hruska had already been approached by a Nebraska press delegation lobbying for a National Park Service unit at Agate. Among that group (whose other members are not known) was Joe Seacrest, a reporter for the Lincoln Journal. Seacrest's enthusiasm and appreciation for the quarries was contagious, both in his writing and his lobbying effort, and served to spark the staunch advocacy of Roman Hruska. The Cooks and the Agate Springs Fossil Quarries were by no means unfamiliar to Hruska who had toured the ranch and the fossil beds on a swing through the Nebraska Panhandle several years before. The press delegation approached Omaha-based Senator Hruska (elected to Congress in 1952 and the Senate in 1954) because of his important appropriations committee positions and other primary contacts vital to advancing the Agate initiative. Nebraska's other U.S. Senator, Carl T. Curtis from "out-state" Kearney County near Minden (elected to Congress in 1939 and appointed to the Senate in 1955), also supported the measure, but did not emerge as its principal Senate advocate.

Hruska thus began close consultations with the National Park Service, primarily with personnel at Scotts Bluff and the Midwest Regional Office, and later during the legislative process with the Washington Office. Hruska had considerable respect for the National Park Service and the dedication of its employees. He enjoyed particularly close working relationships with Park Service directors Conrad Wirth and George Hartzog and discussed the Agate program with them on several occasions. Close, too, was Hruska's acquaintance with Margaret C. Cook. The two corresponded frequently and held several meetings. The Senator admired Mrs. Cook's determination and dedication to the proposed park and believed her personal lobbying and

testimony convinced members of Congress to support Agate Fossil Beds also. It was not until after the park's authorization, however, that Roman Hruska became aware of the different views of Mrs. Cook's stepdaughters. At no time did Mrs. Cook discuss this with Senator Hruska.<sup>46</sup>

On January 15, Howard Baker informed Mrs. Cook that it would be advisable to introduce a bill to establish the Agate Fossil Beds National Monument soon if it was to receive consideration and action during 1963. Baker offered Mrs. Cook a life tenancy; the Service would purchase her land within the proposed boundary and the ranching operations could continue for the rest of her life. Baker said a solution could be found to provide suitable access for the Cook cattle to and from the corral area, either by a bridge or culvert. As for the location of land donated for administrative and residential purposes, he suggested twenty acres east of Highway 29 for a Service residential area and six acres west of the highway for the visitor center and administrative offices. The later site would be bounded on the north by the Niobrara, on the east by Highway 29, on the south by an irrigation ditch, and the west by the old State Highway 29 alignment. Baker concluded:

Your offer to donate perhaps 30 or 40 acres of land and the scientific and historical library and collections to the Federal Government on the condition that the National Monument be established could not but help impress the Congress favorably. Authority to accept donations should be, and customarily is, included in any bill authorizing a new park or monument.

...I wanted particularly to point out to you that we should strive for early introduction of legislation and that many details concerning land acquisition, donations, and other matters can be worked out later. The big objective now is to get the Monument authorized.<sup>47</sup>

Predictably, Mrs. Cook signalled her concurrence by authorizing Senator Hruska to proceed and get the monument authorized. She assured Baker there would be no insolvable problems.<sup>48</sup> The wheels of progress did not gain much speed. During the same March 4 meeting with Superintendent Jones when the loan agreement was signed, Lester Danielson announced his intention to write Senator Hruska outlining his client's plan to donate the Cook Collection as well as land for an administrative site for the national monument. He agreed to delay sending the letter until Midwest Regional Director Baker contacted Senator Hruska about introducing the requisite legislation.<sup>49</sup>

The Agate proposal first came to public attention in mid-March 1963. The Omaha World-Herald featured the initiative, announcing Senator Hruska's interest and his impending trip to the area to meet with National Park Service personnel. The newspaper reported the Midwest Regional Office was preparing a study for Congress outlining the proposal and that "a good deal of the land is owned by Mrs. Harold J. Cook." Howard Baker told the newspaper that "Mrs. Cook is anxious to carry out his [Harold Cook's] wishes that the National Park Service take over the site. Other owners of the land are favorable to the development."<sup>50</sup>

Thus began a succession of favorable press accounts in Nebraska. The World-Herald editorialized that the price for developing the new park would be \$1,750,000, but that "Preservation of one of the greatest of scientific treasures should be worth that much, and more."<sup>51</sup> The Lincoln Journal believed it would assist in the continued growth of the Nebraska Panhandle while providing a "great educational service" in helping the State realize it

possessed one of the richest fossil concentrations in the United States. The newspaper added, "The national monument would not only be a fine thing in itself, but it could further stimulate Nebraskans to greater development of points of interest and recreation. The fossil monument is evidence of the potential that could be realized by this state."<sup>52</sup>

The Midwest Regional Office's "Summary Statement for a Proposed Agate Fossil Beds National Monument" was ready for distribution on April 15, 1963. It stated that park headquarters--a visitor center, campground, staff housing, and administrative facilities--would be "in the vicinity of the Agate Springs Ranch," and that "Mrs. Cook has expressed the desire to donate sufficient land for these headquarters developments." The report recommended an area of 3,150 acres for the monument. It continued, "The proposal has been discussed with the owners who have all indicated an interest in it and willingness to negotiate with the National Park Service concerning their property." The Summary Statement concluded with a map, drawn originally in March 1961 and revised in April 1963. All of the Agate Springs Ranch headquarters area on the west side of Nebraska Highway 29 fell within the "Developed Area" for park headquarters.<sup>53</sup>

On April 17, Senator Hruska led a press delegation to the Agate Springs Ranch for an inspection tour of the proposed monument. Declaring his full support, Hruska told reporters, "It is my intention to introduce such a bill [authorizing Agate Fossil Beds National Monument] at a very early date."<sup>54</sup> Hruska advised that Nebraska 3rd District Representative David Martin would introduce a similar bill in the House. Regional Director Howard Baker added that if the bill passed during the current session, the Park Service would be

authorized to seek funds to begin construction in fiscal 1965, but it was unlikely development would be completed by Nebraska's centennial year. Scotts Bluff Superintendent Jones commented that the proposed visitor center at the Agate Springs Ranch headquarters could be finished as early as 1967. Mrs. Margaret Cook hosted the delegation of twenty-three with a dinner and then led them on a tour of the Carnegie Hill quarry. She made it clear that "establishment of a museum and paleontologic[al] study center was a dream of her late husband and that she was attempting to bring that dream to a reality."<sup>55</sup>

One of the most significant questions newsmen asked during the Hruska visit concerned the land acquisition program. Service officials responded that since no appropriation was available, no offers had been made. They quickly added, however, that the landowners involved were all contacted and "agreeable," and they foresaw no obstacles. In direct opposition to these statements, however, was George Hoffman who stated no one had even discussed land acquisition with him or any of his neighbors, with the obvious exception of Margaret C. Cook. Indeed, Mrs. Cook had not even invited the Hoffmans to participate in any of the events of Hruska's visit.\* Subsequent to his visit, however, a Park Service official did discuss the matter with Hoffman

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\*While Mrs. Cook declined to include the Hoffmans (and thereby prevent dissenting viewpoints from being aired), the Hoffmans were not dropped from Senator Hruska's mailing list for the occasion. The Senator's staff sent out letters under his signature expressing how he "enjoyed the day with you," and "we will keep in close touch." It continued, "Again, my thanks for your long standing and active support of legislation to preserve this historic area." A search of the files revealed no further correspondence to the Hoffmans. See Roman Hruska to Mr. and Mrs. George Hoffman, letter, 20 April 1963, Box 24: Correspondence, Alphabetical, 88-89th Congress, folder 123, Papers of U.S. Senator Roman L. Hruska, Nebraska State Historical Society.

and showed him a map. Prior to this, Hoffman asserted he had no idea how much land the Service wanted to take for the park. When he learned he would be left with only a small strip of land which would effectively make future ranching impossible, he was told the Park Service would take his entire ranch to alleviate this problem.<sup>56</sup>

It was during the early spring of 1963 that Margaret C. Cook terminated all communications--up to her death five years later--with her four stepdaughters (whether this occurred before or after the Hruska visit is not known). As for her local relatives, Mrs. Cook requested that Margaret Hoffman discontinue receiving her mail at the Agate Post Office in order to avoid contact. Apparently, Mrs. Cook was angry over the suggestion that, if deemed appropriate by a judge, she pay her equal share of the Federal estate tax and mortgage encumbered on the ranch. She viewed this as a personal affront and, combined with her stepdaughters' unwillingness to embrace her position on the monument, Margaret C. Cook redoubled her efforts to ensure Congressional authorization for the park with boundaries which encompassed the ranch headquarters. Ingrained with this bitter attitude, Mrs. Cook referred to her stepdaughters' legal appeal as a blatant attempt to break Harold Cook's will and, thereby, her prerogatives.<sup>57</sup>

Hruska believed in the importance of including the Agate Springs Ranch headquarters within the boundaries of the national monument. He later recalled:

I think it is of prime importance for the normal tourist--aside from those who are scientifically qualified and interested--or the normal tourist that has a more or less superficial appreciation of paleontology. Unless there is on-site concrete evidence of the products of that site, it is most difficult to enlist support, enthusiasm, or

interest. Without a display and without the ranch headquarters and exhibit hall, it's almost impossible to get attendance and interest.<sup>58</sup>

The Hruska visit spurred Margaret Cook to intensify her vigorous letter-writing campaign lobbying for legislation. People of influence, particularly members of Congress, were invited to come to the Agate Springs Ranch as her guest and see the fabulous fossil quarries firsthand. Referring to the bone-wearying effort, "I have to live outside of myself," she declared to a family member to whom she also confessed disappointment and frustration:

I do wish so much that the family would all get back of Harold's plans for the Monument. It grieves me that M. and G. [Margaret and George Hoffman] are behaving so queerly. I only wish them the best, and George will be the only one in the family to really profit by the project. He will receive a very fine price for his land. As he was going to sell anyway, it seems to me this is merely putting a very unusual opportunity for profit in his path. Why he behaves as he does is perplexing to me. I have studied psychology, but I confess these two baffle me.

I feel very, very strongly that since Harold and I have saved the ranch, have put it on a fine, businesslike, profitable basis, and have improved it considerably, and then have so drawn our Wills that it goes to the family, we both deserve fair consideration and deserve to have Harold's wishes and those of his father respected. This is my strong feeling.<sup>59</sup>

In an attempt to involve and inspire other family members in the monument proposal, Margaret Cook discussed the possibility of her son-in-law Grayson Meade's employment as the paleontologist at Agate Fossil Beds. The position, according to Bob Jones, could probably be arranged, although the potential salary would not be an incentive.<sup>60</sup>

A severe disappointment for Margaret Cook came in May 1963 when Director

Conrad Wirth demanded Bob Jones' immediate transfer to the Washington Office to head the Park System Studies Division. To Margaret Cook, Bob Jones was the National Park Service official most committed to the proposed monument. His transfer would be a severe blow. Both Howard Baker and Margaret Cook wrote Director Wirth asking for a delay of the transfer until authorization occurred. Thanking Mrs. Cook for her effort, Jones admitted, "Our requests may not prevent my transfer, but at least we tried our best."<sup>61</sup> Jones was correct. By early June, he was on duty in the Washington Office.

The long-awaited day for introducing legislation for establishment of Agate Fossil Beds National Monument came on May 8, 1963, during the First Session of the 88th Congress. In the Senate, Roman Hruska introduced S. 1481, while in the House, Dave Martin submitted H.R. 6149. The identical bills were referred to each chamber's Committee on Interior and Insular Affairs.<sup>62</sup>

If Roman Hruska did not already know about the dispute in the land acquisition at Agate, he became informed through a June 8 letter from Scottsbluff attorney Robert Simmons, Jr. Written in response to statements in the Congressional Record upon the introduction of legislation, Simmons wrote that the quarries were not on Agate Springs Ranch land, but owned by George and Margaret Hoffman. Simmons explained that Harold Cook had conveyed the land in a property settlement to his first wife, Eleanor B. Cook, in the 1920s. Eleanor Cook later conveyed the property to her daughter and son-in-law to form the Hoffman Ranch. Simmons stated that Margaret C. Cook, responsible for breaking up the marriage of Harold and Eleanor Cook, was fully aware of the quarries ownership, but chose not to elaborate the fact



during Hruska's April visit. He added that the Hoffman Ranch was quite small with only 140 cows and the Hoffman could not understand why they had to relinquish all of their land when a mere thirty-acre area was involved. The Hoffmans contended that not even Harold Cook had favored such a large area. "Now that Harold J. Cook is deceased, Mrs. Cook has made it as her personal project, to create a monument there and has suggested an area which included all of Mr. Hoffman's ranch and has offered very little additional land that is actually owned by herself."<sup>63</sup>

The new superintendent of Scotts Bluff, Keith E. Miller, first met Margaret Cook at the Agate Springs Ranch on July 23. During the four-hour meeting, the two discussed the problem of George Hoffman. Hoffman's lawyers had already contacted the Midwest Regional Office proclaiming Hoffman's opposition to the national monument. Superintendent Miller reported to the Regional Director:

She [Mrs. Cook] requested that I not approach Mr. Hoffman on the proposal at this time. She stated that there was some difficulty, but that it was a family affair; and, although there were friendly relations between all members of the family, that Mr. Hoffman was uncooperative. She was certain that Mrs. Hoffman would see the value of the project and would bring him around. She also stated that she was certain the government would pay what Mr. Hoffman wanted for his land and probably more than he expected. I did not attempt to enlighten her on that prospect at this time.

On our return from the tour of the quarry, we drove behind Mr. Hoffman's pickup through the gate and by the Hoffman residence. Mrs. Cook indicated that she would prefer not stopping at the house although she was sure Mr. Hoffman would be quite friendly.

My general impression at this point is that there is considerable conflict in the family and that Mr. Hoffman will not cooperate to the extent that has been previously indicated. Some mention was made by Mrs. Cook of the land

that Mr. Hoffman claims an option on of \$10.00 an acre. Her statement was that he desired to acquire the land for \$10.00 so he could sell it to the government for \$40.00.<sup>64</sup>

Miller also conveyed Mrs. Cook's plans to occupy a three-room suite in the Agate Springs Ranch House, while visitors could see the remaining rooms. She also wished to retain the old Agate Post Office (of which she remained the postmistress) as part of the historic scene of the ranch. Miller concluded he was impressed with the woman's desire "to be closely associated with the National Park Service. This was manifested in many ways, some too subtle to attempt to delineate. The presumption here is the probable alienation of George Hoffman and possibly other principals...."<sup>65</sup>

While the April 1963 "Summary Statement" failed to clarify the land acquisition situation, the August 1963 Agate Fossil Beds National Monument: A Proposal, which was published by the Midwest Regional Office for public information, did elaborate on the point:

Mrs. Cook... has expressed a desire to donate sufficient land in the vicinity of the Agate Spings Ranch quarters for the Monument headquarters, and to donate quarrying rights at the principal Agate Springs Fossil Quarries (an area including Carnegie and University Hills). These rights include provisions for exploration and development of the quarries for scientific and educational purposes and for road access.\* The surface rights for this area belong to Mr. George Hoffman.<sup>66</sup>

The August 1963 report repeated the figure of 3,150 acres recommended for the new park. The boundaries were justified in order to preserve princi-

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\*The "quarrying rights" refer to the stipulations Harold Cook inserted in the 1926 deed conveying surface rights to Eleanor B. Cook. The legality of these rights upon his death passing to Margaret C. Cook was never challenged in court.

pal paleontological sites and a "scenic stretch of the Niobrara River bluffs which today is somewhat indicative of the ancient scene here in Miocene times." It further explained that the proposed boundaries would "protect from unsightly developments the unspoiled scene along the existing roads; preserve the locale at the Agate Springs Ranch where scientific groups based their early historic operations; and provide space for the necessary public and administrative facilities."<sup>67</sup>

On February 7, 1964, following a report by the Budget Bureau that the Johnson administration did not object to the establishing legislation, Senator Hruska predicted speedy congressional approval before the fall adjournment. Unlike H.R. 6149, S. 1481 was blessed with a broad base of support. Joining Senator Hruska as co-sponsors were Carl Curtis (R.-Nebr.), Milward Simpson (R.-Wyo.), Gordon Allott and Petere Dominick (R.-Colo.), Gale McGee (D.-Wyo.), and Karl Mundt (R.-S.Dak.).<sup>68</sup> A week later, the Department endorsed the legislation and submitted recommendations to the Senate and House committees on Interior and Insular Affairs. In March, the Secretary of the Interior presented each member of the Nebraska Congressional Delegation and other sponsors of the bills copies of the Department's full report on the proposal.<sup>69</sup> Hruska confided to Margaret Cook confidence that his bill would pass the Senate by Easter, and clear the House by early summer.<sup>70</sup>

On March 11, 1964 following Baker's\* transfer as Assistant Director for

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\*Howard Baker stated he never considered acquisition of the Agate Springs Ranch headquarters vital to the authorization of the park. His primary concern was for the protection of the fossil quarries and a natural entrance-way into the park. See Howard W. Baker, interview with author, Omaha, Nebraska, 13 May 1986, transcript, p. 4.

Operations under new Director George B. Hartzog, Jr., Mrs. Cook wrote Lemuel A. ("Lon") Garrison welcoming him as Baker's replacement. Baker's move, coming less than a year after Jones', was another setback. While the constant shift of personnel must have proven mystifying as well as unsettling, Margaret C. Cook expressed full confidence in the National Park Service. She invited the new, regional director to attend the April 17 organizational meeting of the Agate Fossil Beds National Monument Association.<sup>71</sup>

On March 17, Superintendent Miller drove to the Agate Springs Ranch to discuss the formation of the Agate Fossil Beds National Monument Association. He wrote, "I was unable to determine the specific motive for the formation of the organization except that it will undoubtedly be a prime pressure group. It can be hoped that their efforts can be directed primarily in assisting the National Park Service."<sup>72</sup>

Because Garrison had not yet entered on duty in Omaha,\* Acting Regional Director Harry Robinson and Superintendent Miller attended the April 17 event. Earl Cherry, a Mitchell rancher and member of the Nebraska Centennial Committee, was elected president. Gene Ramsey, Crawford (Nebraska) Tribune publisher, was elected vice-president; Father Robert L. O'Neill, Harrison, was elected secretary, and Paul Hefti, executive vice-president of the Bank of Chadron, was elected treasurer. Other members of the board of directors

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\*Lon Garrison did meet with Mrs. Cook at the Agate Springs Ranch on the morning of May 14, and was reported to be "impressed with the quality of the area and in the possibilities for development." See Harry Robinson to Margaret Cook, letter, 18 May 1964, box 46, Cook Papers.

were Margaret C. Cook; Lester Danielson; Gene Kemper, publisher of the Alliance (Nebraska) Times-Herald; W. E. Mumby, Harrison attorney; and Gerald Bardo, copublisher of the The Harrison (Nebraska) Sun and Lusk (Wyoming) Herald.<sup>73</sup>

The Agate Fossil Beds National Monument Association was incorporated with the State of Nebraska on May 19, 1964, with the purpose of promoting the establishment of "Agate Springs National Monument." The day before, the same officers and directors filed incorporation papers for a separate entity, the "Agate Springs Foundation." Its purpose was to "receive and maintain a fund for charitable, scientific, and educational purposes in connection with the Agate Springs National Monument."<sup>74</sup>

During the early weeks of spring the uneasy truce in the Cook family shattered. No longer willing to sit idly by and allow their stepmother free reign regarding the future of the family ranch, Winifred C. McGrew Howard wrote a candid letter in which she expressed the four daughters' position that they, not Margaret C. Cook with her life interest, were the actual owners of the Agate Springs Ranch. The letter, which received only polite responses from public officials, along with other circumstances served to rupture the already strained relationship between stepmother and stepdaughters. Margaret C. Cook continued not to speak to Margaret and George Hoffman or any other family member who opposed her views. With this communication source terminated, information concerning Park Service plans at Agate had to be obtained by direct request as no attempt was made to inform the four heirs.<sup>75</sup>

Another chapter in the growing public anticipation for the monument came

in April. Senior architecture students at the University of Nebraska in Lincoln revealed plans and sketches for visitor facilities at Carnegie Hill. The students proposed elaborate plans for multi-level chambers to view excavations and a subterranean auditorium for interpretive purposes.<sup>76</sup> Covered extensively in the press, the students' concepts were more grandiose than the popular public conception which held Dinosaur National Monument as the model. The University hoped the Park Service would incorporate these ideas when construction drawings were prepared. The highly imaginative plans served to heighten public expectations throughout Nebraska for the Congress to act quickly on the Agate Fossil Beds proposal.

Swift congressional action was not to be. The Senate became bogged down with the debate over the proposed Civil Rights Act and other Kennedy era New Frontier legislation advocated by the Johnson administration. Senator Roman Hruska vowed to Mrs. Cook that he would press for prompt consideration of S. 1481 "in every way possible."<sup>77</sup> Under Roman Hruska's direction, the Senate approved the bill on August 3, authorizing "\$275,000 land acquisition of the Agate Springs Ranch." The bill went to the House where no action was taken by the Interior and Insular Affairs Committee despite repeated pleas from Dave Martin.<sup>78</sup> The reason for the lack of lateral support in the House involved a failure to solicit the hearty support of the Nebraska and other regional state delegations.<sup>79</sup>

At a September 3 meeting of the Western Nebraska United Chambers of Commerce (WNUCC), Keith Miller read a telegram from Senator Hruska confirming the bad news: the House would not likely act on the bill before adjournment for the fall general election. Hruska expressed optimism that strong support

in the Senate would ensure early approval in the next Congress.

While the announcement was met with general disappointment throughout the state, there were few more chagrined than Nebraska Governor Frank B. Morrison. Midwest Regional Director Lemuel A. Garrison met with Governor Morrison in Lincoln on June 24 to discuss Agate Fossil Beds. Garrison praised Morrison's letter to Senator Henry Jackson, Chairman of the Committee on Interior and Insular Affairs in which he pledged full support of the State of Nebraska to the bill.<sup>80</sup> Governor Morrison sent a similar letter to Jackson's House counterpart, Wayne N. Aspinall, who also happened to be a good friend. In a response explaining the matter would have to be held over for the 89th Congress, Aspinall included a handwritten note: "I'm sorry, Frank, but if I'm back next year this will have priority."<sup>81</sup> Governor Morrison also personally lobbied Secretary of the Interior Stuart Udall and the Washington establishment which doubted Nebraska's commitment to Federal involvement. In a letter to father Robert O'Neill, he wrote:

I am dedicated to the matter of the Agate Beds Monument and am working for it. I discussed the matter fully with Secretary Udall when he was here recently.

It is difficult to get these things when the representatives are always giving the administration fits for spending money. If it hadn't been for this sort of thing it probably would have been obtained.

There is a question in Washington whether people in Nebraska want federal projects. I have been doing all I can in spite of this difficulty.<sup>82</sup>

More than 200 people attended the WNUCC meeting which was held at the Agate Springs Ranch. Superintendent Miller informed the WNUCC that the establishment would result in nearly \$2,000,000 in land acquisitions and con-

struction funding, and provide an annual payroll of more than \$100,000. With surrounding national monuments and State areas, the Agate site would naturally become a major tourist attraction.<sup>83</sup>

Evidence of the intra-family disagreement over the scope of the monument surfaced when one stepdaughter, Mrs. Grayson (Dorothy Cook) Meade, wrote to Director Conrad Wirth and other officials complaining that she and her sisters, having equal interests in the ranch, were being ignored.\* Acting Assistant Director Ira B. Lykes responded that the Service had dealt with Mrs. Harold Cook as the family representative, but would require the Midwest Regional Office to keep all the daughters informed. Lykes affirmed the Park Service would not retreat on any planning goals:

In following out the wishes of your father, Mrs. Cook has discussed the possibility of a donation of a headquarters site for the national monument with the full understanding that this could only be done with the concurrence of all of the daughters. Although the exact acreage or location of this site was not finally determined, it was felt that the daughters would approve of this donation on behalf of their father. Your father's original offer of this donation was predicated on his active continuation of the ranching operations as a primary source of income. The new set of circumstances brought about by your father's death increases the urgency for the National Park Service to acquire those lands needed for development of a visitor and service facilities for national monument

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\*Because Mrs. Margaret C. Cook had decided to cease communications with her stepdaughters, Mrs. Meade emerged as the spokesman for her sisters and began writing to Senator Roman Hruska to forward copies of the Senate hearing and draft legislation. A copy of the final bill was obtained in this same manner. See Roman Hruska to Mrs. Grayson E. Meade, Calgary, Alberta, Canada, letter, September 29, 1964, Box 26 Correspondence Alphabetical 88-89th Congress, folder 178, Hruska papers, Nebraska State Historical Society; and Mrs. Grayson E. (Dorothy Cook) Meade, interview with author, Agate Springs Ranch, 22 May 1986, transcript, p. 9.



purposes before the occasion arises in which these lands might be sold to settle an estate. However, we are willing to negotiate with the members of the Cook family and the Hoffmans for the purchase the other lands involved with reservations for a life tenancy or a term estate for a specified number of years at the option of the present owners. We realize that none of the lands in the Cook estate can be purchased without the concurrence of all four daughters and Mrs. Cook.<sup>84</sup>

The dispute even reached the attention of Representative Dave Martin. In a reassuring letter, Margaret Cook convinced him to continue his efforts in Congress:

I can assure you, very strongly, that I am not opposing the view of Harold's daughters as to the reduced acreage, but I do not agree. I know Harold's views and wishes and I sent copies of his letter to the National Park Service to his daughters. Harold thought carefully, with a scientific thoroughness, for six months before he wrote his letter longhand, then I copied it and we sent it to [Regional] Director Howard W. Baker in Omaha. In this letter Harold stated his wish to give land to the N.P.S. for their Visitor Center, Indian and Historical Museum and headquarters buildings. This land is opposite the post office, on the east side of Highway 29, as described in Harold's letter.

This is why I am devoting my time, health, and the best of my abilities and wisdom to carrying out his dearest wish: that of establishing a Monument to protect the fossil quarries at Agate for future generations.<sup>85</sup>

Why did the four Cook daughters choose to remain virtually silent while Margaret C. Cook acted as family spokesman and monument champion? The reasons are personal and rooted in family loyalty and love. Margaret Cook Hoffman, an extremely shy woman and fearful of public controversy, was the only daughter residing in the area and the one most directly affected by the new park. Her other three sisters had their own families and lived far from

Agate. Because they did not wish to be "quarrelsome within the family" and did not want to embarrass Margaret Hoffman, they resigned themselves to writing letters stating their positions to Congressional and Park Service officials. That decision, Dorothy Cook Meade later admitted, was a mistake:

We just shut-up and said nothing. That's how we went through the whole thing. It was more or less just shutting-up and saying nothing. I feel now we made a serious mistake. I feel now we would have had less trouble with the Park Service actually if we had expressed ourselves strongly, early. All we did was write and say in a very civilized way that we were the actual owners, and that they should know that, and that we'd like to be kept informed. And then we didn't nag or carry on or anything else. I think probably we should have tried to because, you see, she was talking to the Rotary and Kiwanis and so forth, and my sister would sometimes send a copy of the report of the talk. She was talking about how she was going to give this land and give that land. Right then a person should have xeroxed that and sent a copy of it to the relevant Park Service individual, whoever that might be, and say, "Now, this is a mistake. If you'll look up the deeds, you'll see. If you look up the will, you'll see." Perhaps we would have gotten into less trouble if we would have done that, but we were trying not to be quarrelsome within the family."<sup>86</sup>

An October 1964 meeting of Midwest Region superintendents held at Fort Robinson (Nebraska) State Park included a field trip to the proposed Agate Fossil Beds area. On October 2, the group arrived at the Agate Springs Ranch where Margaret Cook, Father O'Neill, and Charles Mumby greeted them. As she had done on countless opportunities, Mrs. Cook delivered a speech on the area's history.<sup>87</sup>

On November 1, Keith Miller visited Agate to meet with Mr. and Mrs. George Hoffman. Miller informed the couple of an impending appraisal of the Hoffman Ranch to be used in a supplemental report to Congress. Mr. Hoffman

was primarily concerned that local ranchers were trying to keep land prices down so that he would not receive a favorable appraisal. Miller assured him that it would be conducted by an independent certified appraiser.<sup>88</sup> When approval by the Regional Office was received to permit Mr. Elmer Magdanz of Scottsbluff to make the appraisal, Miller met with Margaret C. Cook, George Hoffman, and Harold Skavdahl, the three principal landowners. Miller experienced great difficulty with George Hoffman who finally agreed to the appraisal only after considerable coaxing.

Miller's goal was to have the Magdanz appraisal ready for submission to the 89th Congress by mid-January.<sup>89</sup> The Service hoped that the appraisal, together with the Department's report, would make a strong case and result in early passage of the Agate Fossil Beds National Monument organic act.

#### ENDNOTES

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30. Last Will and Testament, Harold J. Cook, 24 October 1949, D6215.
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### CHAPTER THREE

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#### AUTHORIZATION OF AGATE FOSSIL BEDS NATIONAL MONUMENT, 1965

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##### Statistics for a National Monument

The Department of the Interior's background report, Proposed Agate Fossil Beds National Monument, was updated for the new 89th Congress. Compiled by the Midwest Regional Office, the report was an admirable document. In straight-forward terms it spelled out the precise dimension of the initiative and left few "holes" open to question by meticulous congressmen.

The Magdanz land appraisal was completed on January 14, 1965, and incorporated into the updated report. Magdanz prorated the appraised and assessed values which included both land and improvements. The following is an excerpt from his report:<sup>1</sup>

##### SIOUX COUNTY

Appraised Value for 1964	Assessed Value for 1964	Total 1964 tax for all purposes
\$32,003,733.	\$8,400,980.	\$406,848.69

TOWNSHIP 28, RANGE 55

\$591,771.	\$155,340.	\$6,558.82
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SCHOOL DISTRICT #43

674,400.	177,030.	1,664.08
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<u>ACRES TAKEN</u>	<u>APPRAISED VALUE</u>	<u>ASSESSED VALUE</u>	<u>SCHOOL TAX</u>	<u>TOTAL TAX</u>
<u>Harold J. Cook Estate</u>				
1104	\$31,163.	\$8,180.	\$76.88	\$322.05
<u>George H. Hoffman</u>				
1350	91,123.	23,920.	224.85	941.73
<u>Harold Skavdahl</u>				
240	8,500.	2,231.	20.97	87.83
<u>Mabel Morgan</u>				
165	3,390.	890.	8.37	35.04
<u>Hazel Harris</u>				
60	1,050.	275.	2.60	10.83
<u>William F. Buckley</u>				
130	3,000.	758.	7.13	29.84
<u>TOTAL OF LAND TAKEN</u>				
3049	\$138,226.	\$36,254.	\$340.80	\$1,427.32

The Department report stated that all the privately-owned land was used primarily for grazing with some native hay production along the Niobrara River. The Service recommended grazing eventually be eliminated, but current grazing could be continued during the lifetime of the landowners only in

areas not needed for park development. Of the six landowners, only three families actually lived within the proposed boundary at two ranch headquarters. The Hoffman ranch consisted of a house, cattle sheds, corrals, and other support structures at an estimated value of \$25,000. The second was the Cook's Agate Springs Ranch with two houses, one for Mrs. Cook and the other for her ranch foreman and family. Together with cattle sheds, corrals, irrigation systems, and other support facilities, the improvements were estimated at \$50,000. With severance damages (five ownerships) combined with total values of land and improvements and road rights-of-way, the Service offer on the six ownerships of 3,080 acres was:<sup>2</sup>

Harold J. Cook Estate	\$ 76,800
George H. Hoffman, et al.	143,050
Harold Skavdahl	22,675
William F. Buckley, et al.	8,415
Mabel Morgan	8,025
Hazel D. Harris	2,900
Total:	\$261,865
Contingency and Administrative Costs:	\$ 39,285
Grand Total:	\$301,150

The report recounted Margaret C. Cook's offer to donate sufficient land for a monument headquarters and quarrying rights at the fossil beds, including road access and provisions for exploration and development for scientific and educational purposes. Also outlined was the promised donation of the famous Cook Collection if the monument was established before the Nebraska centennial. Statements on the interests and attitudes of the other principal landowners along with long-range preservation goals were also included:

Three of the six owners appear to be willing to consider the sale of their affected land. One of these,

Mr. George H. Hoffman, is willing to consider the sale of land essential for development of the quarries, but is not interested in the sale of any other land now. He wants to continue his cattle ranching operations. The other owner, Mr. Harold Skavdahl, does not want to sell any land that is near the Niobrara River. He is willing, however, to negotiate for the sale of right-of-way for a road to the Stenomylus Quarry. One property, the estate of the late Dr. Harold J. Cook, is now under joint ownership between his four daughters with his wife retaining a life estate and control of livestock. The collective attitude of this group is not known. [Emphasis added by author.]

Preservation of portions of the area by easement might be a possibility provided the costs were considerably less than acquisition in fee simple. Certain arrangements, such as continued grazing and life tenancy, probably could be worked out so as to achieve the long-range preservation objectives of the National Park Service, and also minimize the inconvenience to present landowners. Zoning in this portion of the State does not appear to be effective enough at this time to be a realistic means of assuring preservation.<sup>3</sup>

A staffing summary was included to prove the extent of the Service's commitment to the future development of Agate Fossil Beds National Monument:

<u>POSITION AND GRADE</u>	<u>YEAR AND NUMBER OF EMPLOYEES</u>				
<u>(Permanent Full Time)</u>	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>
Superintendent GS-11	1	1	1	1	1
Museum Geologist (vertebrate paleontology) GS-11	1	1	1	1	1
Park Naturalist (Chief of Interpretation) GS-09		1	1	1	1
Chief Park Ranger GS-09			1	1	1
* Museum Technician GS-07	1	1	1	1	1
Clerk-Stenographer GS-04	1	1	1	1	1
Caretaker		1	1	1	1
Foreman I--Maintenance			1	1	1
<u>TOTAL PERMANENT</u>	<u>4</u>	<u>6</u>	<u>8</u>	<u>8</u>	<u>8</u>

\*The Museum Technician would assist the Museum Geologist in the preparation of fossil exhibits, and his work, including quarrying and relieving of fossils in the presence of visitors, would be an important part of the interpretive program.

POSITION AND GRADEYEAR AND NUMBER OF EMPLOYEES(Seasonal)

Park Naturalist GS-04	0.5	0.5	1.0	1.5	1.5
Park Ranger GS-04			0.5	1.0	1.0
Laborer	0.5	0.5	0.5	1.0	1.5
Truck Driver			0.5	0.5	0.5
* Museum Technician	1.0	1.0	0.5	0.5	
<u>TOTAL SEASONAL</u>	2.0	2.0	3.0	4.5	4.5 <sup>4</sup>

Progress of House and Senate Hearings

In the initial hours of the First Session of the 89th Congress, identical bills "To provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes" were again introduced. In the Senate, the measure was S. 339, while in the House, H.R. 500. On January 10, 1965, the directors of the Agate Fossil Beds National Monument Association met at the Agate Springs Ranch. They voted to send Father Robert O'Neill to the capital to lobby committee members and other officials to ensure early passage of the two bills. Father O'Neill left for Washington, D.C., on January 18.<sup>5</sup>

On February 2, Representative Dave Martin urged the House Interior Committee to hold early hearings on his bill. In an appeal to each member of the National Parks and Recreation Subcommittee, he called for immediate action to preserve the site.<sup>6</sup> Martin's effort bore fruit. Three weeks

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\*This position would be abolished after the fourth year when the fossil relieving planned at Carnegie Hill site as the major in-place exhibit would be completed.

later, a March 2 hearing date was scheduled.<sup>7</sup>

Scotts Bluff Superintendent Keith Miller met with Margaret Cook and Lester Danielson on February 16 to draft a letter which Dave Martin requested from the Agate Fossil Beds National Monument Association. The letter indicated the Association's support of H.R. 500. In a subsequent public meeting where Father O'Neill related his discussions with various congressmen in Washington, D.C., Miller was startled that the Service's land appraisal was prematurely divulged. Miller informed the Regional Director:

I was surprised to find that Father O'Neill not only knew the appraisal figure, but gave it in his talk. It was not picked up in the Mitchell newspaper as yet, and I am hopeful it will come out in the congressional hearings so it can be released officially. I would assume that the figure is quite well known in the Harrison area.<sup>8</sup>

On March 1, Assistant Secretary of the Interior John M. Kelly supplied a report on H.R. 500 to Rep. Wayne N. Aspinall, Chairman of the Committee on Interior and Insular Affairs. Assistant Secretary Kelly set forth the Department's proposal. With acquisition limitation of 3,150 acres at an estimated \$301,150, the Department set the cost of development at \$1,842,000, and anticipated annual operating expenditures of \$51,000 the first year and \$106,000 after the five-year development plan. The Department suggested three amendments. The first amendment clarified the language in the section on land acquisition. A second amendment provided authorization to acquire a road right-of-way between the principal quarries and the Stenomylus Quarry. The final amendment revised the sentence dealing with establishment and boundary adjustments to read:

When the Secretary finds that lands constituting an initially administrable unit are in Federal ownership, he shall establish such national monument by publication of notice thereof in the Federal Register, and any subsequent adjustment of its boundaries shall be effectuated in the same manner.<sup>9</sup>

On March 2, the House Committee on Interior and Insular Affairs, Subcommittee on National Parks and Recreation, held a fifty-minute hearing. Margaret C. Cook, Dr. C. C. Black of the Carnegie Museum, and Dr. Malcolm C. McKenna of the American Museum of Natural History were present to testify. With Chairman Ralph J. Rivers (D.-Alaska) presiding, Rep. Dave Martin introduced his bill and briefly discussed the historical significance of the Agate Fossil Beds. Rep. Roy A. Taylor (D.-N.C.) demanded to know why the State of Nebraska did not use the Land and Water Conservation Fund to acquire the land. Martin dismissed the inquiry, stating Nebraska could not manage the area even with the new funds,\* but Congress should act to authorize the area before the 1967 centennial. He then submitted for the record letters of recommendation by Senators Hruska and Curtis, Society of Vertebrate Paleontology, Western Nebraska United Chambers of Commerce, and Agate Fossil

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\*Senator Roman L. Hruska scoffed at the notion of Nebraska owning and operating the Agate Fossil Beds: "The response of the State would not have been in keeping with the importance of the location and the essence of that project. Knowing of the financial limitations on states generally, it's no affliction unique to the Nebraska Legislature. But they do not have that vision and that stability of purpose and of development and of the historical significance to a point where there could be assured the necessary funds to purchase, and even more important, to maintain and to develop the park. So it was a matter of putting it on a national basis because it is a national resource, a national asset. It's more than just a State or local situation." See Honorable Roman L. Hruska (former U.S. Senator from Nebraska), interview with author, Omaha, Nebraska, 26 June 1986, transcript, p. 3.

Beds National Monument Association.<sup>10</sup>

A statement by Assistant Director Howard W. Baker was submitted for the record<sup>11</sup> before Margaret Cook recited a brief history of the area for the committee. No mention was made of ownership or donation rights. The most persuasive testimony came from Dr. Malcolm C. McKenna:

Ever since 1904 this locality has been the source of display specimens for the major museums of this country and of the world, and ever since 1904 there has been a steady stream of not only vertebrate paleontologists but others interested in fossils from all over the world. There is not a year that goes by without a number of very famous foreign paleontologists as well as Americans visiting the Agate area.

Agate has also made its mark on the textbooks. Every textbook that I know about of historical geology or vertebrate paleontology will have in it murals or illustrations of murals made of the animals that once lived at Agate. Our whole idea of the history of the Myocene has grown up with Agate as a main part of our knowledge about the life of the past in the United States.<sup>12</sup>

Dr. McKenna testified that the fossil beds were not mined out, but seventy-five percent of the bones remained. "It is like a good many mines," he commented:

The more you dig, the more there is. This site is of international importance from a paleontological standpoint. It is not just a local spot. It is not just something of interest only to Americans. It is a very famous source of paleontological information. And I certainly believe that it is very important that this become a national monument and be preserved in that way for posterity.<sup>13</sup>

In response to the statement that the boundaries appeared to encompass an area greater than required, Dr. C. C. Black declared that fossils existed



throughout the area. Although it was true the richest concentrations were in the hill quarries, the banks of the Niobrara were also fossiliferous.<sup>14</sup>

Director George B. Hartzog, Jr., testified before the same House subcommittee in a fifteen-minute hearing on March 16. In a prepared statement, Hartzog declared approval of the bill would allow the Park Service to:

preserve an outstanding paleontological site with significant related geological features. It would also provide a center for continuing paleontological research, for the display and interpretation of scientific specimens, and for the protection and exhibition of a valuable collection of Indian artifacts and relics.

National Park Service studies of the fossil quarries at Agate Springs indicate that they are nationally significant and represent an important chapter in the evolution of mammals, a chapter which is not now adequately represented in the National Park System.

Planned developments include a major interpretive facility in the vicinity of Carnegie and University Hills.... The exposure of fossils for in-place exhibits, reconstructing and relieving certain skeletons and the preparation of museum exhibits will require a paleontological laboratory to assist the scientists in their work, along with a reference library and a collection of fossil materials. The Indian artifacts and historical materials of the famous Cook family collection would be exhibited at a combination visitor and administrative office facility near the present-day ranch headquarters.<sup>15</sup>

Rep. John P. Saylor (R.-Pa.) asked Director Hartzog his opinion of the meaning of a telegram the committee received from the law firm of Wright, Simmons and Hancock of Scottsbluff: "Re Agate Springs Park, committee should realize that tender donation does not include land on which fossil deposits are located, that donor has only a life estate of heavily encumbered land to donate." Hartzog was at a loss to explain the telegram, but guessed it

originated from the interests in the Cook estate: "Now, with respect to the legal rights that Mrs. Cook may have with respect to that estate, I am not acquainted; ...she proposes to donate whatever interest she has in it, and if that is not in accordance with the facts, we will clarify it for the record."<sup>16</sup> The hearing concluded with a weak request to look into the land donation question.

There is no record the Service ever clarified the matter. The evidence is clear, however, that Park Service officials were fully aware of the four Cook daughters opposition to Service plans in regard to the Agate Springs Ranch headquarters. The same applied to the legislators pushing for the bill. Kirk Coulter, an aide to Senator Roman Hruska, later wrote: "At the time the legislation was passed authorizing the Agate Monument, I do recall there was a sharp difference of feeling between Dr. Cook's widow (his second wife), and the four children by the first wife. The Park Service sided with the widow, and we went along, in order to put over the legislation,"<sup>17</sup> It was Senator Roman L. Hruska's intent--and by extension, the intent of Congress--that the ranch headquarters fall within the boundaries of the proposed monument.<sup>18</sup>

On the Senate side of the Capitol, on March 8, the Department sent a status report on S. 339 to Henry M. Jackson, Chairman of the Committee on Interior and Insular Affairs.<sup>19</sup> On April 6, the first and only hearing was held on S. 339 before the Subcommittee on Parks and Recreation. Because of the favorable outcome of the previous hearings, the proceedings of 1964 were reincorporated by reference in the 1965 session. Assistant Director Howard Baker submitted a statement similar to the one prepared for the House.<sup>20</sup>

Baker was the only witness testifying. When asked to explain the discrepancy between the \$275,000 for acquisition in 1964 and the current \$301,000 price, Baker explained the independent Magdanz appraisal. Senator Milward L. Simpson criticized the difference stating, "The Park Service for some reason is notoriously low on their appraisals. In some instances I have seen it where it has tripled over their appraisal figures." Citing the case of Fort Larned National Historic Site, Kansas (established August 31, 1964), he declared, "I don't want to be chinchsy [sic] about it. It is unfortunate it did not get through last year when we would have paid less."<sup>21</sup> After twenty-five minutes the subcommittee went into executive session.

#### Congress Endorses the National Monument

On April 5, the House subcommittee approved H.R. 500.<sup>22</sup> The following day, the Senate subcommittee followed suit.<sup>23</sup> On April 7, the House Interior Committee passed H.R. 500. On April 8, the Senate Interior Committee endorsed the bill, and sent it on to the floor of the Senate.<sup>24</sup> On April 9, S. 339 passed the Senate without opposition.<sup>25</sup> The House bill did not come to a vote before the one-week Easter recess, but it was passed on May 3, 1965. The House immediately voted to consider S. 339. It was also passed with one amendment: to insert the language of H.R. 500's enacting clause.<sup>26</sup>

The primary difference between the two bills involved the ceiling for land acquisition. S. 339 provided for "not more than \$315,000," while H.R. 500 called for "not more than \$301,150 for acquisition of lands and interests

in land and not more than \$1,842,000 for development."

On May 24, the difference in the legislation necessitated it being returned for consideration by the Senate. The Senate concurred with the House version. The bill was on its way to the White House.<sup>27</sup> Senators Hruska and Curtis jubilantly proclaimed to their constituency: "We are very pleased to report this happy conclusion in the prolonged effort to secure enactment of this measure, which will mean much to the tourist attractiveness and economic development of Nebraska."<sup>28</sup>

Residents of the Nebraska panhandle followed the progress of the Agate Fossil Beds National Monument legislation closely. The high public interest and enthusiasm prompted a softening in George Hoffman's stoic position. On March 31, he told Superintendent Miller that he would like to remain on his ranch and expressed a willingness to sell any land needed for immediate development purposes.<sup>29</sup> Congressional approval in May prompted Miller to write about a new headache in his monthly report, increasing visitation:

Big news this month was the passage of the bill by the House and Senate. Newspaper coverage has created interest and visitation with some negative results. Several visitors commented on their disappointment at not seeing what they expected. They evidently expected to see a large exposure of fossils and ready access to the area.

Access is a problem as it is necessary to drive across Mr. Hoffman's land on his road, through his corrals and up the hill on a rough road across his pastureland. It is hoped that we can have a seasonal uniformed employee stationed at Agate to explain the area and the situation and to discourage people from traveling to the fossil site until an adequate access can be provided.<sup>30</sup>

### President Johnson Signs Public Law 89-33

On June 2, 1965, Mrs. Margaret C. Cook wrote Superintendent Keith Miller and offered the Agate Post Office as an interim headquarters. Reasoning that few patrons came since the advent of thrice-weekly mail delivery and that the structure was fenced off from the cattle feed lot, she added, "It should be a pleasant, shaded place for a headquarters while permanent arrangements are pending."<sup>31</sup>

The offer came at a propitious time. Three days later, on June 5, President Lyndon Baines Johnson signed P.L. 89-33. With the program clearly spelled out in Congress, no special lobbying of the White House was necessary. The Act authorizing Agate Fossil Beds National Monument was finally Federal law.<sup>32</sup> Agate Fossil Beds' legislative purpose is:

to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Agate Springs Fossil Quarries, and nearby related geological phenomena, to provide for continuing paleontological research and for the display and interpretation of the scientific specimens uncovered at such sites, and to facilitate the protection and exhibition of a valuable collection of Indian artifacts and relics that are representative of an important phase of Indian history.

Two pens the President used to sign the bill were sent to Margaret Cook and Father Robert O'Neill.<sup>33\*</sup> In a congratulatory telegram from Omaha, Regional Director Lon Garrison stated: "The passage of the Agate Fossil Beds National

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\*The third pen President Johnson used was given to Senator Roman L. Hruska. Hruska donated it to the National Park Service in 1986. See Honorable Roman L. Hruska (former U.S. Senator from Nebraska), interview with author, Omaha, Nebraska, 26 June 1986, transcript, pp. 5-6.

Monument bill has been a cooperative endeavor. Your time and effort through personal interest and the Agate Fossil Beds National Monument Association were a contributing factor in its passage. My personal thanks for this interest and your help."<sup>34</sup>

Even before the bill got to President Johnson's desk, Margaret C. Cook appealed to Senator Hruska for help in getting a National Park Service ranger onsite as soon as possible. Hruska, foreseeing this need, had already submitted a formal request to the Park Service. He reported, "I am advised that the proposal is being given consideration... and [I] am very hopeful that some arrangement will be made. If there is any difficulty about this, please advise, and any assistance you desire will be forthcoming."<sup>35</sup> In fact, as early as April 22, Hruska requested Senator Carl Hayden, Chairman of the Subcommittee on Interior Appropriations, to provide funds for Agate Fossil Beds development during the mark-up sessions of the Department of the Interior's Fiscal Year 1966 budget. Hruska explained:

The need for promptness in providing funds is based on an agreement by the NPS with Mrs. Margaret C. Cook, occupant of the Agate Springs Ranch which is to be used as headquarters of the Monument. [She will donate the Cook Collection] provided the proposal for the Monument is realized by January 1, 1967... by which date it is hoped that the Monument will be a "going concern" as a tourist attraction. It is my thought that, if an initial appropriation can be made for the fiscal year 1966, this whole timetable can be met.<sup>36</sup>

Four days following the President's action, a meeting was held in Omaha between Regional personnel and Keith Miller to establish the objectives of the new park by completing the draft Master Plan. The process was finished

on June 11, signed by Regional Director Garrison, and forwarded to the Washington Office for approval by Director George Hartzog.

#### An Exciting First Visitor Season

On June 15, Superintendent Miller met with Mrs. Cook and the Hoffmans. He reported that "the Hoffmans were greatly interested in the progression of events which will take place. They were reassured that we wouldn't be rushing in and taking their place. They have been very cooperative, and I feel have considerable trust in the National Park Service."<sup>37</sup> On June 30, Miller returned to Agate to supervise the installation of a trailer, the quarters for the seasonal ranger. Clearance to use the lobby area of the Agate Post Office had been secured from the U.S. Postal Service. There the seasonal employee could dispense interpretive brochures and answer questions.<sup>38</sup>

Frank W. Frailey, the first employee of Agate Fossil Beds, entered on duty July 1, 1965. The seasonal park ranger (general), a biology teacher at Scottsbluff High School, arrived at Agate after two days of orientation at Scotts Bluff National Monument. Frailey had a desk in the post office while nearby he and his family occupied the rental trailer. Since the Service had no actual authority in the area, visitors were not encouraged to go to the fossil beds. Those who persisted were told they had to make their own arrangements with the landowners. The only physical evidence of visitor facilities were two pit toilets, borrowed from Fort Laramie National Historic Site, which arrived on site July 3.

Ranger Frailey maintained a daily log of events which he submitted each week to Scotts Bluff. In July, he counted 460 visitors, eighty-seven of whom were from out-of-state. Most of the latter came believing the monument was already developed. Local people were only interested in fishing the Niobrara or using the Cook's picnic area. In between visits by Keith Miller, Margaret Cook was interviewed on July 14 by Scotts Bluff Historian Earl R. Harris and Seasonal Historian R. Jay Roberts. Roberts was charged with writing a history of the area to be used in future planning efforts.<sup>39</sup>

In September, Keith Miller transferred to the Midwest Regional Office, and a new superintendent arrived at Scotts Bluff. Richard L. Holder's first visit at Agate Fossil Beds was on August 9, to meet with Mrs. Cook, the Hoffmans, and others. Reporting 367 visitors during August, Holder informed the Regional Director:

There is little doubt that the presence of a National Park Service employee (in uniform) has been most beneficial. Mr. Frailey has carefully logged all of his contacts, and has worked very well with Mrs. Cook and the other landowners in the vicinity. In addition to his other duties, Mr. Frailey has compiled a list of the flora and birdlife at Agate,

Practically all visitors are interested in fossils, and have stopped because of a desire to look at or dig for them. Publicity about the area (from non-NPS sources) does not make it clear that development has not begun, that no fossils are presently exposed to view, and that permission to visit the quarry sites must come from the landowners.<sup>40</sup>

Holder commended the Region's preparation of an excellent public folder. Although the text plainly stated the site was undeveloped, for those who did not read the "fine print," stamped on the front of each folder was a simple



message: "At the present time there are no visitor facilities at the Monument, nor are there any exposed fossils to be seen at the quarry sites."<sup>41</sup> Only people known to Mrs. Cook were permitted to go to the quarries.

On August 26, the Agate Fossil Beds National Monument Association held its first annual meeting since passage of the organic act. Richard Holder addressed a crowd of 200 people gathered at the Agate Springs Ranch on the Service's development plans. After the meeting, Nebraska Governor Frank Morrison officiated at a ribbon-cutting ceremony for the new Mitchell to Harrison highway followed by a steak dinner on the lawn of the ranch.<sup>42</sup>

Frank Frailey's final day at Agate Fossil Beds was September 6, Labor Day. With the end of the first visitor season, the rented trailer residence was taken away. Richard Holder looked forward to the establishment of a permanent Agate Fossil Beds employee to take charge of more mundane affairs which would then allow Holder to concentrate two- to three-days a week at Agate on development, master planning, land acquisition, and visitor contact concerns.

In this context, Regional Chief of National Park System Studies Harry Robinson and Dinosaur National Monument Paleontologist Dr. Theodore White came to the new park on September 28. On a preconstruction survey, their purpose was to appraise paleontological values and formulate opinions on development.<sup>43</sup> On October 14, William Pulford, Recreation Specialist from the Bureau of Outdoor Recreation, came to conduct a physical review of all lands included in the 1967 fiscal year acquisition program.

October brought the welcome news that the Regional Director approved a new position at Scotts Bluff, Management Assistant GS-09. Holder decided to

locate the employee at Agate by the time the 1966 visitor season began.<sup>44</sup>

The final field data were gathered November 15 and 16 by members of the Master Plan team: Park Planners Frank Hirst, Don Rickey, and Keith Miller of the Midwest Regional Office, and Landscape Architect John Adams and Engineer Jim Bainbridge of the Western Office of Design and Construction. By keeping local landowners informed of these planning efforts, Superintendent Holder cultivated trust and friendship. On the biggest obstacle, Holder noted:

Relations with the principal landowner, Mr. George Hoffman, are steadily improving. Mr. Hoffman is not in good health, and the uncertainty of the situation has aggravated his ulcers to the point that an operation is needed. I feel relatively certain that it will be possible to deal with the Hoffmans when the time comes.<sup>45</sup>

From a Service viewpoint, a court ruling in early November was a positive development in the internal squabbling of the Cook family. The Nebraska Supreme Court affirmed the Sioux County District Court ruling which favored Mrs. Margaret C. Cook in a dispute with three stepdaughters over the Harold J. Cook will.<sup>46</sup> The status quo--Mrs. Cook's promise to donate the Cook Collection as well as land for administrative purposes--remained unchanged.

#### A Management Assistant Arrives

Management Assistant Albert E. Werking, the first permanent employee of Agate Fossil Beds National Monument, entered on duty at Scotts Bluff on

December 5, 1965. During his orientation meeting at Agate on December 16, both Holder and Werking were startled when Mrs. Cook commented that her four stepdaughters, as heirs to the estate, would sell some of their land to pay the inheritance taxes.\* A subsequent meeting on December 23 with the Hoffmans revealed that the supposition was "completely unfounded."<sup>47</sup>

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\*Dorothy Cook Meade later commented that she and her sisters agreed to sell the tract where the group of trailers were placed, across the road to the hilltops, to the National Park Service. They settled the Federal estate taxes with this money, but "there was [n]ever any discussion of selling anything else." See Mrs. Grayson E. (Dorothy Cook) Meade, interview with author, Agate Springs Ranch, 22 May 1986, transcript, p. 14.

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2. Background Book: Proposed Agate Fossil Beds National Monument, D18.
3. Ibid.
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5. Superintendent Keith E. Miller to Regional Director Garrison, 3 February 1965, A2615; and "Expect Early Action on Measure to Create Agate Fossil Beds Monument," Mitchell Index (14 January 1965), K3415.
6. "Martin Pushes for Early Hearings on Monument Project," Scottsbluff Daily Star-Herald (2 February 1965), K3415.
7. "Fossil Beds Monument Hearings Scheduled to Start March 2nd," Mitchell Index (25 February 1965), K3415.
8. Superintendent Miller to Regional Director Garrison, 3 March 1965, A2615.
9. Assistant Secretary of the Interior John M. Kelly to Rep. Wayne N. Aspinall, letter, 1 March 1965, D18.
10. "Hearings Held Before Committee on Interior and Insular Affairs, Subcommittee on National Parks and Recreation; H.R. 500, To Provide For The Establishment of the Agate Fossil Beds National Monument In The State of Nebraska, 2 March 1965," Report of Proceedings (Washington, D.C.: Ward and Paul Official Reporters, 1965), D18.
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14. Ibid.
15. Ibid.
16. Ibid., and "NPS Chief Urges Authorization for Agate Monument," Scottsbluff Daily Star-Herald (17 March 1965), K3415.
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18. Honorable Roman L. Hruska (former U.S. Senator from Nebraska), interview with author, Omaha, Nebraska, 26 June 1986, transcript, p. 6.

19. Acting Secretary of the Interior John A. Carver, Jr., to Senator Henry M. Jackson, letter, 8 March 1965, D18.

20. "Statement of Howard W. Baker, Assistant Director, National Park Service, Department of the Interior," Hearings Held Before the Subcommittee on Parks and Recreation, Senate Committee on Interior and Insular Affairs, In Support of S. 339, To Provide For The Establishment of the Agate Fossil Beds National Monument In The State of Nebraska, and For Other Purposes, 6 April 1965, "Background Book: Proposed Agate Fossil Beds National Monument," D18.

21. "Stenographic Transcript of Hearings Before the Subcommittee on Parks and Recreation, Committee on Interior and Insular Affairs, United States Senate, 6 April 1965 (Washington, D.C.: Anderson Reporting Company, 1965), W3823.

22. "House Panel Okays Agate Monument Bill," Scottsbluff Daily Star-Herald (6 April 1965), K3415.

23. "Senate Unit Okays Agate Bill Tuesday," Scottsbluff Daily Star-Herald (7 April 1965), K3415.

24. "Interior Committee Approves Agate Bill," Scottsbluff Daily Star-Herald (9 April 1965), K3415.

25. "Agate Bill to House," Scottsbluff Daily Star-Herald (10 April 1965), K3415.

26. "Agate Fossil Beds National Monument, Nebraska," H.R. 500, 3 May 1965 Congressional Record--House (Washington, D.C.: United States Government Printing Office, 1965), pp. 9126-7, W3823.

27. "Legislative History," Public Law 89-33, 89th Congress, W3823.

28. "Agate Fossil Beds National Park Now Fact," Gering Courier (28 May 1965), K3415.

29. Superintendent Miller to Regional Director Garrison, 1 April 1965, A2615.

30. Superintendent Miller to Regional Director Garrison, 3 June 1965, A2615.

31. Mrs. Margaret C. Cook to Superintendent Miller, letter, 2 June 1965, H14 Agate Daily Log.

32. "Public Law 89-33; 79 Stat. 123," 89th Congress, 5 June 1965, W3823; and Honorable Roman L. Hruska (former U.S. Senator from Nebraska), interview with author, Omaha, Nebraska, 26 June 1986, transcript, p. 5.
33. Margaret Cook to Roman Hruska, letter, 23 June 1965, box 33; and Margaret Cook to Carl T. Curtis, letter, 23 June 1965, box 25, Cook Papers.
34. Regional Director Lemuel A. Garrison to Margaret Cook, telegram, 9 June 1965, box 29, Cook Papers.
35. Senator Roman Hruska to Mrs. Harold J. Cook, letter, 2 June 1965, Box 22 Correspondence Alphabetical, 88-89th Congress, folder 53, Hruska papers, Nebraska State Historical Society.
36. Roman Hruska to Carl Hayden, letter, 22 April 1965, Box 130 Appropriations Committee Correspondence--Legislation 1965-1966, folder 1965--Appropriations, Interior and Related Agencies, Hruska papers, Nebraska State Historical Society.
37. Superintendent Miller to Regional Director Garrison, 2 July 1965, A2615.
38. Ibid.
39. Acting Superintendent Earl R. Harris to Regional Director Garrison, 4 August 1965, A2615.
40. Ibid., Superintendent Richard Holder to Regional Director, 3 September 1965.
41. Ibid.
42. Ibid.
43. Ibid., 5 October 1965.
44. Ibid., 5 November 1965.
45. Ibid., 1 December 1965.
46. "Notice," Scottsbluff Daily Star-Herald (6 November 1965), K3415.
47. Superintendent Holder to Regional Director Garrison, 4 January 1966, A2615.

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## CHAPTER FOUR

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### YEARS OF EXPECTATIONS, 1966-1970

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#### The First Calendar Year of Operation, 1966

Positive developments characterized the first month of 1966 as Agate Fossil Beds National Monument officially became an operating unit of the National Park System's Midwest Region.<sup>1</sup> President Johnson's fiscal 1967 budget to Congress recommended \$137,200 for an access road, parking, office trailers, and picnic area developments as well as \$231,200 to acquire 2,679 acres. The administration's budget projection for Agate Fossil Beds totaled \$411,700.<sup>2</sup>

Another change in leadership occurred when Lon Garrison transferred to the directorship of the Northeast Region in Philadelphia, and Fred Fagergren, former Superintendent of Grand Teton National Park, came to Omaha to head the Midwest Regional Office. Acting Regional Director Harry Robinson assured Margaret Cook that the Region was awaiting approval from Washington on the

Master Plan, but was proceeding with appraisals "so we will be ready to move on land acquisition when funds become available. We are still working for an early start at Agate, and hope to get moving soon."<sup>3</sup>

Following a February 18 review, Acting Director Howard Baker approved the Master Plan, but some reservations were noted. One concern involved staffing levels which appeared excessive, but with other built-in controls and limitations, the plan was not altered. Criticism of the headquarters development layout (that it be closer to the fossil beds, not near the ranch) was also voiced, but a consensus opinion held that the final evolution of the design would come only through the San Francisco Planning and Service Center planning process.<sup>4</sup> The approved Master Plan established the following visitor use objectives:

To encourage maximum appropriate visitor use of all Area resources, through development of the outstanding paleontological features; interpretation of the several resources, personal services and optimum provision of facilities for the safe use of the Area.

To encourage and facilitate research use of Monument resources by qualified individuals and agencies.

To make maximum appropriate use of facilities.

To focus primary patterns of use, in priority order, on: the major paleontological resources, with emphasis on the story of paleontological research and excavation and the related geologic context. Secondary emphasis will be focused on the Indian ethno-history derived from Captain James Cook's association with the Oglala Sioux and their chief, Red Cloud.

To coordinate visitor uses and facilities with those for the western Nebraska-eastern Wyoming region, including both local and state, and federally administered Parks, Monuments, Recreation Areas, and Historic Sites.<sup>5</sup>



Resources Management objectives follow:

To base conservation of Monument resources on the best possible plans and programs for their utilization and management, on sound research-based knowledge of all resources.

To maintain all resources and physical facilities in a fashion to insure their longest useful life.

To complete adequate identification and evaluation of Monument paleontological resources.

To identify and evaluate the historic ranch and Indian ethnohistory resources for their selective preservation and use.

To limit the scope of Monument museum collections to appropriate paleontological, geological, biological, archeological and historical objects and materials directly related to Monument resources.

To define limits of development commensurate with optimum preservation of Monument resources.

The present ranching scene may be retained within the Monument boundaries where it does not detract from preservation and visitor enjoyment of the Monument's primary resources.<sup>6</sup>

Finally, principal management considerations focused on two points:

To establish an operational administrative unit, to include lands containing the paleontological resources and sites necessary for development of facilities, as soon as possible.

To accomplish all research and development required for optimum visitor use and conservation of the Monument's resources; with special attention to the interpretive challenge involved in the on-site presentations of the Miocene fossil quarries and their contents.<sup>7</sup>

With park objectives firmly established, the Master Plan delineated

policy into specific cases. Lands known to contain primary paleontological resources were targeted as priority-one for acquisition for both monument establishment and resources protection via boundary fencing. A complete paleontological-geological survey was necessary to identify primary deposits and record them on a base map. Excavation at the "Devil's Corkscrew" (daemonelix) burrows would determine their extent and uncover fossilized evidence of their theorized beaver occupants. Relieved fossils, sheltered as soon as exposed, should be thoroughly researched, catalogued, and adequately housed. Quarry permits would not be issued until research indicated the location, nature, extent, and optimum visitor use potential of the area.<sup>8</sup>

Identification and evaluation of historical and archeological resources was essential. Historical investigation of early trails through Agate, the establishment and development of the ranch (with historic structure reports prepared for selected buildings), paleontological activities, and the ethno-history of the Oglala Sioux and Chief Red Cloud relating to Captain Cook was required. Additionally, the Cook Collection should be researched and catalogued. An archeological survey would locate and evaluate sites,<sup>9</sup> most of which had already been identified by the local landowners.

In the area of natural resources, the Park Service would have to consult with Nebraska officials to ascertain the State's long-range goals for cyclic poisoning of the upper Niobrara to remove rough fish in favor of trout. Grazing by permit in areas not affecting visitor use or resource development would also be beneficial in fire prevention as well as facilitate equitable land acquisition. Hunting was of course prohibited by the Code of Federal Regulations. Intrusive structures on acquired lands, including roads and

other developments, should be removed and the natural landscape restored.<sup>10</sup>

Master Plan provisions for visitor use and enjoyment required adequate entrance signs at the north and south boundary crossings on Nebraska 29 and a directional sign to the visitor center-headquarters area at the county road junction. The place for fee collection, if approved, would be at an entrance station or visitor center. Monument orientation would come in the form of a free folder, an exhibit, and personal attention by a uniformed employee at an information desk.<sup>11</sup>

Probably because of the uncertainty over Margaret Cook's right to donate land from her life estate, the Master Plan negated all previous discussions for a facility at the Agate Springs Ranch. The plan called for a multi-purpose structure to house a visitor center, headquarters, and the Center for Continuing Paleontological Research as provided in the authorizing act. Including all exhibits and collections, the facility would be constructed in the "Headquarters Developed Area"--the Niobrara valley north of Carnegie and University Hills. A minimum of five permanent residential units and eight seasonal apartment units obscured by landscaping was proposed adjacent to this facility. A road would connect this complex to a parking lot at the base of the quarry hills from where foot trails led to the relieved fossil shelters. Another road to the *Stenomylus* quarry would be built when relieved fossils could be seen there, while a spur off the county road could take visitors to the "Devil's Corkscrew" area.<sup>12</sup>

Development plans for the Agate Springs Ranch depended on historical and archeological research. In the interim, no development was planned, but interpretive signs describing area significance could be placed at the ranch.

Because the average visitor stay did not surpass two-hours, no overnight accommodations or other services were required, although those wishing to eat prepared lunches could use the picnic grounds at the Agate Springs Ranch.<sup>13</sup>

As for administrative concerns, the Master Plan called for Agate Fossil Beds to function as a Group A Management unit. Principal authority was vested in the Coordinating Superintendent of Scotts Bluff National Monument with the Midwest Regional Office providing facilitating and technical services. Daily operation of the monument was the responsibility of the resident Management Assistant with authority for management and administration, resource management and visitor protection, and interpretation and visitor services. Specialized site-specific duties relating to research, preparation, display and care of paleontological resources would come under the purview of the Museum Geologist (Vertebrate Paleontologist). Personnel and fiscal affairs, procurement, and property management would be handled by Scotts Bluff. It suggested the coordinating concept\* be expanded to include Fort Laramie National Historic Site to form a regional complex under the Superintendent of Scotts Bluff National Monument.<sup>14</sup>

A final provision of the 1966 Master Plan established park priorities for action:

Priority I:      Acquire lands necessary for an administrable unit.  
                     Recruit initial staff.  
                     Complete required paleontological, historical and  
                                         archeological research.  
                     Find and develop adequate water supply.

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\*The coordinating concept was not seriously contemplated by Midwest Region officials. The idea became impossible in the early 1970s when the State of Wyoming fell under the guidance of the newly-created Rocky Mountain Region with the Regional Office in Denver.

Prepare interpretive prospectus.  
Establish and mark boundaries.  
Proceed with interim programs, Headquarters Developed Area  
(temporary trailers and utilities, etc.)  
Prepare Headquarters Developed Area Plan.

Priority II: Roads, trails and parking.  
Provide permanent physical improvements (Visitor,  
Resources and Staff).  
Provide visitor interpretive programs.  
Utilities (completion of systems).  
Boundary fencing.

Priority III: Complete staff programs.  
Provide protection programs.  
Provide publications.  
Train employees.  
Complete land acquisitions.  
Provide on-site interpretation of Oglala Sioux  
ethno-history at Agate Springs Ranch.<sup>15</sup>

Superintendent Richard Holder and Management Assistant Albert Werking attended an April session of the Sioux County Commissioners to lay the groundwork for a cooperative effort for reconstruction and relocation of the county road within the park boundaries.<sup>16</sup> After a meeting in early May, Assistant Regional Director for Operations Harvey B. Reynolds recommended the county relinquish its ownership rights to the government in exchange for an adequate road in the approximate location.<sup>17</sup>

Upon the recommendation of Richard Holder that the Park Service not share space with the Agate Springs Post Office for another season, an office trailer--the interim visitor contact station--was delivered to the ranch on June 2. Seasonal Park Ranger William W. Taylor was onsite June 6 to assist Albert Werking during the 1966 visitor season. Other seasonal workers included Laborers Carl O. Nelson and Charles S. Upp who helped Ray Wyrick of

the San Francisco Service and Planning Center conduct a topographical survey. Exhibits for the trailer, prepared by the Region's Interpretation and Visitor Services Division, arrived June 16 and were installed by the laborers.<sup>18</sup>

The same men, assisted by student aids, helped Archeologist Jackson W. Moore with preliminary excavations at the quarries. On temporary assignment from Bent's Old Fort National Historic Site, Moore arrived on June 13. His mission was to determine the extent and position of the remaining fossil deposits in order for planning and site location of interpretive facilities to proceed. Moore was joined on June 19 by Dr. Ted White, Paleontologist from Dinosaur National Monument, along with Regional Archeologist Dr. Wilfred Logan and Acting Regional Maintenance Chief Charles Novak. At Mrs. Cook's request, two men intimately familiar with past Agate excavations also came: Dr. Ray Lemley, paleontologist, rancher, and retired surgeon from Rapid City, and Morris Skinner, geologist and head preparator for the Frick Laboratories of the American Museum of Natural History. Both promised to supply all records of their Agate findings to the Park Service. Others involved in the work were Dr. Craig Black, Carnegie Institute; Dr. Haus de Brunze, the Netherlands; and Jean Allen, University of Nebraska.<sup>19</sup>

More than 3,000 visitors came during the season. Those who expressed an interest were shown an audio/slide presentation. Some came in search of fossils and/or agates, others to hunt and fish. Many were misled by the AAA Motor Club and National Geographic Society which listed the newly authorized monument on 1966 maps. A recording in the handwritten daily log explained:

Still have visitors who are disgruntled by the premature placing of Agate Fossil Beds National Monument on the maps. Many are obviously reading into news releases--news that

isn't there. Most are immediately cooled off when they find that there are no fossils. Sure are pacified when directed to the Corkscrews. Unquestionably to see and touch the fossils at the beds is it and until we have that--we have disappointed the visitors.<sup>20</sup>

At season's end, a weekends-only policy began at the visitor contact trailer, but visitation dropped so low that a Sunday-only schedule was adopted.<sup>21</sup>

Approval of construction drawings of the headquarters developed area was delayed when Holder asked that a drive-up fee collecting station be attached to the principal facility.<sup>22</sup> The drawings were then approved by Regional Director Fred Fagergren on August 31, subject to further study on the location of an exhibit-in-place structure.<sup>23</sup>

The Assistant Regional Director for Development\* declared in mid-October that a structure in the immediate fossil quarry was not feasible because of the steep terrain and the extensive construction-related damage to the site. The in situ display could either be at the quarry parking area or at the headquarters site in the Niobrara valley. With slight visitation and a small work force, one facility would be more efficient.<sup>24</sup> The opinion represented one of many in the on-going planning process.

#### Land Acquisition Program Begins, 1966

Joseph T. Shubert of the San Francisco Planning and Service Center completed staff appraisals of all authorized Agate Fossil Beds National Monument

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\*An effort to match a name with this title proved unsuccessful.

lands on June 8, 1966, and an appropriation from the Land and Water Conservation Fund covering \$231,200 for land acquisition came the same month.<sup>25</sup> Unfortunately, little progress in acquisition negotiations transpired during the remainder of the year.

Senator Roman Hruska's behind-the-scene efforts secured the land acquisition appropriation. At the same time, the Senate Appropriations Committee also authorized \$137,200 to begin construction at Agate. In a letter to Mrs. Cook, Hruska states, "It is a real pleasure to be able to give you this news, which means the first long step towards making the Monument a physical reality."<sup>26</sup>

During the annual meeting of the Agate Fossil Beds National Monument Association on October 3, the group discussed the formal dedication ceremony in the context of the Nebraska centennial celebration. As Richard Holder stressed, however, the dedication of the national monument depended on a successful land acquisition program.<sup>27</sup>

Realty Specialist Gene Lyttle arrived on October 31 for a week of negotiations with landowners, all except three of the heirs of the Cook estate who lived outside the area. Official letters followed Lyttle's visit. The letters restated the government's offer and requested the landowners to take prompt action.<sup>28</sup> In early fall of 1966, George Hoffman, "our landowner of chief concern," underwent extensive surgery for the removal of stomach ulcers. Although personally unfortunate, Holder believed the long convalescence would convince Hoffman that his "active days of ranching are over."<sup>29</sup> None of the ranchers, including George and Margaret Hoffman\*, were going to be pushed into a speedy settlement. By the end of the year, not a



single landowner had responded to the Federal acquisition offer, and the only tangible result of the construction and development programmed for fiscal 1967 was the purchase of the temporary visitor center.<sup>30</sup>

By February 1967, no settlements had been made. Gene Lyttle revisited the area in early March to conduct a number of "final" face-to-face negotiations.<sup>31</sup> On March 6 and 7, Lyttle met with the Hoffmans and Mrs. Cook. While the Hoffmans made no commitment, Margaret Cook signed over all rights and interests to the quarries.<sup>32</sup> When Lyttle returned on April 11 and 12 to conduct additional conferences, he met with success. Both the Hoffmans and Mrs. Cook signed options which were then forwarded to Washington for review. Other ranchers linked their intention to sign upon the success of the Hoffman deal,<sup>32</sup> which came after a fourth Lyttle visit on May 9, 1967. The land acquisition success chart looked like this:

Tract No. 1	Hoffman	(fee)
4	Harris	(fee)
8	Buckley	(fee)
9	Skavdahl	(scenic easement)
5 & 6	Morgan	(road easement/fee)
2	Margaret Cook	(life estate)

Still under negotiation were various remaindermen interests in Tract Nos. 1, 2, 3, and 7. The only immediate obstacle was the Cook parcel (Tract No. 2)

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\*While Margaret Hoffman favored selling, accepting a life tenancy, and traveling, her husband did not want to quit working and become inactive. Margaret C. Cook's opinion was that George Hoffman merely was holding out for a better price, an attitude later characterized as "ungenerous" and "unkind." See Mrs. Grayson E. (Dorothy Cook) Meade, interview with author, Agate Springs Ranch, 22 May 1986, transcript, pp. 10-11.

as the construction program hinged on its settlement. While Tract No. 2 was soon settled, Tract Nos. 3 and 7, representing the ranch headquarters of the Cook estate, remained outstanding throughout 1967.

#### Interim Headquarters Development, 1967-1968

The 1967 visitor season began in earnest when Seasonal Ranger William W. Taylor returned for a second year on May 30. Superintendent Richard Holder hoped 1967 would be the last year of operating a temporary visitor center at the Agate Springs Ranch headquarters adjacent to Highway 29. With settlement of the Hoffman tract, bids for construction of a test well were opened on May 24 in San Francisco and Meder-Smith, Inc., of Alliance, Nebraska, was low-bidder.<sup>34</sup> Work began on July 5, and on July 27, Richard Holder staged an onsite press conference to publicize the monument's first construction project.<sup>35</sup> A pumping test of the 200-foot well on August 8 revealed an excellent supply of water, producing 165 gallons per minute at maximum pump speed.<sup>36</sup> This was confirmed on August 11 after a final inspection by representatives of the State of Nebraska and the United States Geological Survey.<sup>37</sup>

With the first project finished, an informal August 20 ground breaking ceremony was held "chiefly to reassure the public that the monument is actually going ahead."<sup>38</sup> Symbolic spadefuls of earth were overturned by Margaret Cook and Earl Cherry, President of the Agate Fossil Beds National Monument Association. Participants expressed the hope that a more elaborate formal

dedication could be held the following summer after the interim visitor facilities were in place.<sup>39</sup>

Communications between Scotts Bluff and the remote headquarters site at the base of the quarries beyond the Niobrara was a problem. Holder ruled against the installation of intrusive and expensive radio towers at both sites. He preferred to wait until December when Northwestern Bell Telephone Company crews could install underground cables and thereby provide normal telephone service to the area.<sup>40</sup>

At the end of October, the temporary visitor center trailer closed for the season having served 3,744 visitors. This represented a more than twenty-four percent increase in visitation over 1966 (3,013). Boundary line survey work concluded on October 12.<sup>41</sup>

Included in President Johnson's January 1968 budget to Congress was \$60,200 for Agate Fossil Beds: \$45,100 for management and \$15,100 for maintenance.<sup>42</sup> A freeze on new Federal construction activity imposed in early February, however, caused much local alarm that the interim headquarters complex at Agate would be affected. Holder issued assurances that the Agate project would proceed as an authorized project because only \$51,000 of the allocated \$137,200 construction funds had been spent.<sup>43</sup> Nevertheless, Holder fielded constant media inquiries for exact dates on the beginning and completion of the spring construction program.<sup>44</sup>

Holder's assurances proved correct. During the third week of March, bid invitations for trailers were issued marking the "real beginning of construction-related activity." The contract to furnish three of the five trailers at the interim headquarters went to the A. C. Nelsen Company of Omaha. The

positive news was tempered at the same time by an ominous disappointment in the land acquisition effort. With only Tract Nos. 3 and 7 (Cook estate) outstanding, the Service rejected a compromise offer submitted by the four co-owners and emphasized again the Service's commitment to acquire the land. Following an appeal by the Cook daughters to the Nebraska Congressional Delegation, Holder warned Fred Fagergren, "The owners are apparently preparing to resist in every possible way."<sup>45</sup>

#### Margaret C. Cook Donates the Collection, April 1968

On April 2, 1968, Mrs. Margaret C. Cook signed a bill of sale giving the priceless Cook Collection--Indian artifacts, wearing apparel, works of art, Western gun collection, and the paleontological library--to the National Park Service. The same terms listed in the March 4, 1963, agreement transferring the collection to the vault at Scotts Bluff were still binding.<sup>46</sup>

The abrupt move was surprising, but intentional, coming on the heels of the unsuccessful acquisition negotiations with the heirs of her life estate. The Park Service welcomed the donation of the collection which was still in storage at Scotts Bluff, but dreaded its potential volume. The scope of the Cook materials far surpassed that which was locked in the vault at Scotts Bluff. Along with the paleontological library and Cook Papers Collection, Margaret C. Cook let it be known that the National Park Service would eventually own every item inside the Agate Springs Ranch House. A May 3 memorandum to Fred Fagergren captures Richard Holder's dilemma:

Mrs. Cook, when approached today, about donating the items without stipulations made it very clear that she expects all of the items of the original agreement to be binding upon us. She does not want any items of the Cook Collection to be transferred anywhere, anytime. She admits that certain items may well be surplus to our needs, but she leaves no doubt in our minds that she intends to be in on any decision, as it relates to a specific item.

Mrs. Cook has the mistaken idea (going back to her relationship with Superintendent Bob Jones) that there is: (1) a firm decision to preserve the house as a museum and (2) firm plans to exhibit in the house, each and every item the Cook family ever owned.

We attempt to dissuade her from this notion at every opportunity, but we are only partially successful. When I drink a cup of coffee at her house, I am often reminded that I'm using a National Park Service cup, because "everything I have is yours."

In retrospect, we believe it is unfortunate that certain verbal and written statements were made during the period of March 1962 to May 1963. This, however, is water under the bridge. We must now either:

- (1) live with the situation, and store forever many, many items that do not relate to the story being told, or
- (2) determine what we really want, and return the balance to the donor. I do not seriously suggest this course of action (as much as I'd like to). Mrs. Cook could probably react very negatively, and might even involve the Congressional Delegation.<sup>47</sup>

Mrs. Cook was so alarmed by the suggestion (from non-NPS sources) that the Cook Collection might be dispersed throughout the Park System that she made a deeply emotional appeal to Associate Director Howard Baker. Mrs. Cook received immediate assurances that the collection would be preserved under the terms of the 1963 agreement and the April 1968 bill of sale.<sup>48</sup>

Management Assistant Albert E. Werking took up residence at Agate on

May 27, 1968, occupying one trailer while Seasonal Ranger William Taylor occupied the other. Werking's move from Scotts Bluff represented the first permanent onsite employee for management, protection, and interpretation of the area. Three days later, the temporary visitor information trailer opened on a year-round basis. The trailer complex was adjacent to the Agate Springs Ranch headquarters area (in front of ranch manager Bud Forsling's house) only until the utilities, access roads, and parking area were constructed at the interim headquarters site. Al Werking's tenure at Agate Fossil Beds was short-lived, however. On July 3, he was notified of his acceptance to a one-year administrative training course with the Canadian Service Commission's National and Historic Parks Branch in Ottawa. Werking left for Canada on July 17, and his position became vacant. With only seasonal assistance present at Agate, Holder contemplated closing the monument to visitors after Labor Day.<sup>49</sup>

#### Frustration Over Cook Remaindermen Interests

The National Park Service's San Francisco Planning and Service Center's Office of Land and Water Rights handled the principal mechanics of land acquisition. From San Francisco, Land and Water Rights Chief Thomas Kornelis supervised negotiations with Robert Simmons, the Cook sister's Scottsbluff, Nebraska, attorney. These discussions began in earnest in 1966 and redoubled following Margaret C. Cook's March 1967 relinquishment of quarrying rights (under Harold J. Cook's will) to the government in exchange for informal

agreement to retain her life tenancy from the National Park Service. At the onset, Midwest Regional Director Fred Fagergren authorized Kornelis to acquire Tracts 3 and 7 from the Agate Springs Ranch. With Mrs. Cook's life tenancy estimated at fifteen years, Kornelis focused on acquiring the remainderman interests of Harold J. Cook's four daughters. Without title vested clearly in the United States it would be impossible to accomplish any planning for permanent development there. Determined to achieve outright, unencumbered ownership as soon as possible, Kornelis soon discovered the Cook heir's stubborn determination to oppose this goal.

Leaders of the "Cook remaindermen" were Grayson and Dorothy Cook Meade. From their home in Calgary, Alberta, Canada (where they moved from Houston, Texas), the Meades were formidable opponents. Both were geologists by training, and Grayson Meade (Ph.D., University of Chicago), taught at the university level before becoming a geologist for Union Oil in Canada for twenty years. Dorothy and Grayson Meade shared a deep love for the Agate Springs Ranch and the rich family legacy spawned there. In concert with the other three heirs (Margaret Hoffman, Winifred McGrew, and Eleanor Naffziger), the Meades vowed to resist acquisition of any more lands outside the immediate principal quarry areas in an effort to retain the ranch and pass it on to their heirs. Without the ranch headquarters--ranch and foreman's houses, barns and corrals, windmill, irrigation system, bridges, and mature windbreak--they argued that the remainder of Agate Springs Ranch would be economically unviable.

By November 1967, the Cook sisters were willing to negotiate concerning land east of Highway 29 and only devil's corkscrews west of the road. Ranch

headquarters was non-negotiable. Late the same month, Fagergren agreed to proceed with condemnation on both tracts. Stating the land was necessary and the Service encouraged negotiation, Kornelis informed Robert Simmons on December 15 that failure of the talks would result in invocation of eminent domain. He offered \$36,800 for Tracts 3 and 7; if no response came in forty-five days, condemnation would result. While discussions centered on access rights and fencing, Fagergren recommended a settlement via fee acquisition. In mid-February 1968, Simmons offered a scenic easement on the contested lands. Kornelis rejected this on March 4.<sup>50</sup>

Grayson Meade appealed by letter directly to Thomas Kornelis--and the Nebraska Congressional Delegation.\* Citing his family's pleasure at the presence of the monument at the fossil quarries, Meade questioned the need for acquisition of Tracts 3 and 7, particularly ranch headquarters in Tract 3 "as needlessly disruptive to an operating ranch, and a pointless waste of the taxpayers' money." The loss of the 849.22 acres--one-fifth of the ranch--would be devastating. Meade continued:

We have offered to donate to the Park Service those features on tracts 3 and 7 in which your office is

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\*Grayson Meade's letter piqued the interest--and sympathy--of a member of Senator Hruska's staff who decided to involve himself in the controversy. Kirk Coulter wrote: "I don't really like to stir up hornet's nests, but [I] can't help feeling that the Cook children by the first marriage deserve a review of the situation before the die is finally cast. I thought I might at least talk to the Park Service people about the matter before they start condemnation." See Kirk Coulter to Senator Roman Hruska, U.S. Senate memorandum, undated (circa March 1968), Box 196 Departmental Correspondence 90th Congress, 2nd session, folder--Department of the Interior, National Park Service 1968, Hruska papers, Nebraska State Historical Society. See also the results of this compromise initiative in the next section (September 1968 in the chronological narrative).



interested. We have offered scenic easements and use guarantees, to accommodate your needs. We have asked for a clear statement from you as to the use intended for this land, in order that we may make our offer of donation more precisely tailored to your requirements. In return, we have asked only that the Park Service not attempt to force sale of the bulk of the land in tracts 3 and 7, particularly of the headquarters area.

This offer you have turned down with no explanation other than generalizing about orderly development of the Monument.

As owners, we are acutely interested in specifics. If your plans include valid, concrete use for this land, or any of its features, that would not be covered by our offer of donation, we need to know what it is. We will attempt to adjust our offer and guarantees accordingly.

We asked you to reconsider your decision; to give yourself and us the opportunity to find an agreeable solution that will satisfy the needs of the Park Service, and at the same time leave us a reasonable basis for an operating ranch.<sup>51</sup>

Park Service Deputy Director Harthorn L. Bill provided a response to the Meade letter on May 27, 1968. Ranch headquarters was unaffected, but the Service agreed to amend the monument boundary by deleting twenty acres in the northwest section to permit cattle access to other ranch lands. In addition, the entire appraisal would be reviewed.<sup>52</sup>

On May 29, a meeting with Simmons, Margaret Hoffman, Richard Holder, and George Sandberg (field representative of the Office of Land and Water Rights) brought forth a new offer: \$40,000 for the two tracts including all ranch improvements and severance damages. Mrs. Hoffman requested a mid-June meeting in Spokane, Washington, the site of a family reunion, where the Cook sisters would be present to discuss the new offer with George Sandberg. Kornelis agreed to the arrangement provided all four sisters attended. He advised Robert Simmons:

In the event your clients do not wish to discuss the acquisition further this offer represents the United States' final offer. As you are aware negotiations for this land were commenced over a year ago and cannot be allowed to drag on indefinitely. Therefore, unless we receive a responsive reply to our offer or arrangements are made to meet with the remaindermen we will proceed accordingly.<sup>53</sup>

The proposed Spokane meeting was aborted because the Meades were unable to attend. Nevertheless, Dorothy Meade\* put forth a new proposal on June 4: the Service should restore the Bone Cabin and other early ranch structures to reveal the high point of the fossil excavations. She argued this structure was the most significant in telling the story of the area. Parties led by America's noted paleontologists used the Harold Cook's homestead claim cabin as a base of operations throughout the excavations. Many tools and furnishings once associated with the Bone Cabin could be provided by Margaret C. Cook, Mrs. Meade reasoned.

Further, Dorothy Meade stated, the north end of the bunk house, which was the original O 4 Ranch house, could be moved and restored to represent early ranching conditions. Moved outside the grove of trees east of the

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\*Mrs. Meade also appealed to Senator Hruska explaining that Mrs. Cook had "pushed her views on Congress" while the heirs were "never asked to express an opinion." She decried the Park Service's treatment of Mrs. Cook as the representative of the Cook family stating, "Unfortunately, since Mrs. Cook, by her own choice, has been out of touch with the rest of the family since March 1964, she could not possibly represent us." Finally, she questioned why Service planners were willing to respect Harold J. Cook's wishes that the ranch headquarters not be included (via the 1961 Preliminary Study), but upon his death, it was opposed to respecting his heirs' needs. See Mrs. Grayson Meade to Senator Roman Hruska, letter, 28 May 1968, Box 196 Departmental Correspondence, 90th Congress, 2nd session, folder-Department of the Interior, National Park Service, 1968, Hruska papers, Nebraska State Historical Society.

highway, the contrast of the barren terrain with the comfortable, modern--and privately-owned and operating--ranch across the road would be striking. Mrs. Meade also suggested the addition of the old post office to the group of moved and donated structures. To restore the main ranch house to an earlier period would create havoc for the much-altered interior and pose exhibit problems for many of the furnishings acquired in later years. Finally, Mrs. Meade concluded the Service's decision to display the Cook collections in a visitor center and not on the walls of three rooms where they had been for sixty-four years made the whole concept of restoring the ranch house "absurd."<sup>54</sup>

Almost as if in answer to Mrs. Meade, Assistant Director C. P. Montgomery revealed a policy shift in a June 14, 1968, letter to Senator Roman Hruska. Negating a provision in the Master Plan to interpret the historical theme in the visitor center, Montgomery stated "we now plan to tell the story of the Cook ranch, including early Indian contact with the Cooks, and the archeological story in the Cook ranch headquarters building"<sup>55</sup> [emphasis added]. Further, the Park Service rejected as inadequate Dorothy Meade's offer to donate small portions of land and the relocation of certain buildings for restoration.<sup>56</sup>

None of the Cook heirs appreciated the manner in which the San Francisco Office handled the acquisition process, i.e., the standard procedure of threatening condemnation proceedings if no settlement could be reached. One particularly abhorrent tactic was "divide and conquer" by choosing the "weakest link." According to Dorothy Cook Meade, Winifred Cook McGrew was the only sister without a husband and because of this preceived "vulnerabili-

ty," Mrs. McGrew was singled out and received a number of unpleasant telephone calls at her place of employment threatening immediate condemnation unless a favorable settlement was soon reached. Mrs. Meade later commented: "He... was just threatening her in a very unpleasant way with condemnation and deadlines and it was so obvious that he was trying to stampede her into stampeding the rest of us. I just think that's atrocious. You can't treat people that way, but they did."<sup>57</sup>

Holder, determined to press forward, offered one last compromise to settle acquisition of Tract Nos. 3 and 7 (hereafter designated jointly as Tract No. 3). "If it is rejected either by us or by the four daughters of Harold Cook," Holder wrote, "there will be no alternative short of condemnation." One way or the other, the authorized national monument would soon be established:

With an administrable unit in Federal ownership, the time for establishment seems to be near. I have recommended that the area be formally established at an early date. A ceremony to mark the event might be held this fall, if construction progress is such that it could be combined with formal opening of the interim headquarters complex.<sup>58</sup>

#### Another Death and A Harsh Reality, August 1968

On August 9, 1968, Mrs. Margaret C. Cook died unexpectedly of a blood clot following routine surgery.<sup>59</sup> The death of the woman who almost single-handedly led the fight for the 1965 authorization act left the National Park Service to deal with her four stepdaughters: Margaret Hoffman, Dorothy

Meade, Winifred McGrew Howard, and Eleanor Naffziger. With Margaret C. Cook's life tenancy thus terminated, her stepdaughters asserted their full ownership rights to the Agate Springs Ranch. At the request of Grayson Meade, negotiations were immediately opened. Superintendent Richard Holder lamented, "The daughters oppose our plans, and will resist our efforts to obtain the land in fee."<sup>60</sup>

The renewal of negotiations saw an August 28 meeting in Robert Simmons' Scottsbluff office between Simmons, Fred Fagergren, William Gray of the San Francisco Land Office, the Meades, and the Hoffmans. Objectives were discussed and Fagergren, before the meeting ended, indicated he had not been aware of all the factors involved. The strongest Park Service argument for acquisition of disputed Agate Springs Ranch land centered around daimonelices. Grayson Meade, however, had previously identified 137 daimonelices on land which was cut off from the main ranch. He argued these were better for display purposes and more conveniently located than the three principal formations on the disputed tract. The Meades and Hoffmans offered to donate the headquarters ranch buildings if the Service would remove them from their grove.<sup>61</sup>

The Scottsbluff meeting resulted in a land acquisition program review by Midwest Regional Director Fred Fagergren on September 5, 1968. The following day Fagergren issued five possible alternatives. His recommendations were notable for the omission of immediate condemnation of the two tracts and the acceptance of the concept of scenic easements.<sup>62</sup>

Three days following Mrs. Cook's death, the Western Plains Construction Company of Lincoln, Nebraska, began construction of roads, parking areas, and

utilities in the Niobrara Valley opposite the Fossil Hills.<sup>63</sup> With the receipt of the final two trailers, Richard Holder set a target date of November 1 for an unofficial opening before winter halted construction. A formal opening in conjunction with an establishment ceremony (which depended upon the success of land acquisition) was forecast for late spring or early summer of 1969.<sup>64</sup>

On September 9, Margaret C. Cook's will was filed in probate court without challenge. Attorney Lester A. Danielson and the First State Bank of Scottsbluff were appointed executors. The April 2, 1968, document bequeathed to the National Park Service items in the ranch house and post office\* "with the hope that they will be kept at Agate Fossil Beds National Monument." Mrs. Cook gave the government a blank check for almost everything inside the ranch house, but those articles not desired by the Service were to go to three relatives: nephews Stephen A. Chase and Rupert W. Crozier, and sister Laura C. Chase.<sup>65</sup>

As the will underwent probate, staff members of both Senator Roman Hruska and Carl Curtis devised a "change in position" which urged Director George Hartzog to halt the effort to acquire the core of the Agate Springs Ranch.<sup>66</sup> Senator Hruska himself, upon learning about it, vetoed the initiative<sup>67</sup> and the two proposed compromise letters to Hartzog and Simmons were redrafted.<sup>68</sup> The letter, dated September 30, 1968, and signed by

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\*U.S. Postal officials closed the Agate Post Office on November 30, 1968, with no objection from the National Park Service. Antique furnishings, also park property under Margaret C. Cook's will, were removed for storage by Roy Weaver. Some area residents expressed dismay that the Park Service did not act to keep the facility open. See Holder to Regional Director, 2 December 1968, H14.

Hruska, Curtis, and Congressman Dave Martin, informed Simmons:

It should be noted that the ranch headquarters area has been included within the Monument boundaries since before enactment of the legislation, and all the land to the east of the Cook Ranch has already been acquired by the Park Service on that assumption. For that reason, it has seemed doubtful that the Service will give up its plan to acquire the ranch headquarters area. The Service has now advised us that the Cook Collection of Indian artifacts is to be displayed in the ranch home, not in the Visitor Center yet to be built.<sup>69</sup>

The vacancy created by Management Assistant Al Werking's departure in July was finally filled on September 22, when Park Ranger Roy W. Weaver entered on duty. Weaver, a ranger trainee, had served three months at Albright Training Center and nine months at Yellowstone National Park. Ranger-in-Charge Roy Weaver re-established a permanent Park Service presence at Agate Fossil Beds, relieving some of the heavy burden from Richard Holder. A week-ends-only policy was reinstituted at the visitor contact trailer.<sup>70</sup>

Among Weaver's duties was oversight of the security and maintenance of the Cook ranch house in coordination with the Hoffmans and ranch foreman Bud Forsling. Weaver readied the home for winter by draining the pipes and adding anti-freeze, and shutting off the gas and electricity. He installed a lock on the "Bone Room" and securely stored the valuable silver and cut-glass items in an upstairs room. In cooperation with Margaret Hoffman, Weaver collected the late Mrs. Cook's files for both the Service and attorney Lester Danielson. In early November, Weaver patrolled the grounds during the auction of the Fosling and Cook machinery. He arranged with Mrs. Hoffman to keep the visitor contact trailer at the Agate Springs Ranch for the winter at a rental fee of five dollars per month for a seven-month period. Meanwhile

the office and residence trailers were relocated to the interim headquarters site.<sup>71</sup>

In late September, Lester Danielson pressed for a speedy disposition of the Cook estate. Complicating the situation was the development that not all of the items were at the Agate Springs Ranch. In 1966, Mrs. Cook had transferred a large number of antiques to Fort Robinson State Park for storage. Eighty-five separate items ranging from vintage automobiles to buggies to furniture were at Fort Robinson under the care of the Nebraska Games and Park Commission. A new superintendent was in charge of Fort Robinson and it was feared the items might be dispersed if the Service did not act quickly. Holder asked Fagergren for a museum curator and/or historian to conduct an inventory and determine what items could be used at Agate Fossil Beds, other parks, or offered to the heirs.<sup>72</sup> That the Park Service sought to establish priorities for the objects reveals an early management interest in setting limits on the Cook Collection, if not preliminary preparation for an eventual divestiture of unwanted objects.

A comprehensive inventory came on October 9, 10, and 11. Mrs. Nan Rickey, a curator from the Washington Office; the Regional Solicitor; two daughters of Harold Cook; Roy Weaver; and Richard Holder participated. Curator Rickey went room-by-room and building-by-building compiling a list of historical items desired by the National Park Service.<sup>73</sup> Holder noted that it represented "a vital step in determining our entire future course of action, with regard to both land acquisition and development." Referring to a simultaneous land acquisition compromise submitted to Fagergren, Holder mused it "could solve many of the problems which have plagued us for over



three years, [but] without prompt action on this proposal, we will be forced to enter into arrangements for hasty (and expensive) storage of a vast quantity of material, at some location off the immediate premises."<sup>74</sup>

The compromise, rejected by the Cook sisters, prompted Richard Holder to recommend condemnation action. On a more positive note, interim headquarters construction concluded on November 20. The complex lacked only directional signs and exhibits for full operation. The Service withheld final payment pending adjustments on the water chlorination system by the Western Plains Construction Company.<sup>75</sup>

#### Evacuating the Ranch House, 1969

Roy Weaver, wife Carol, and son Jeff were the first National Park Service family to experience an Agate winter in late 1968 to early 1969. Their experience was hard, but valuable lessons were learned. The National Weather Service had installed a weather-monitoring station at the monument six weeks before the first major snowstorm struck the area in mid-December. The storm was typical for the region. Thirty-mile-per-hour winds and wind chills averaging forty degrees below zero halted the already sparse visitation. The county road to the interim headquarters area drifted closed in several places prompting Weaver to request the future use of snow fences. Vehicles failed to start. Telephone and electrical lines went down. Water lines froze. The harshness of the elements nevertheless brought area residents closer together. George Hoffman and his ranch hands helped clear

the roads and start frozen vehicles.\* The Weavers spent Christmas Day in the Hoffman's home.<sup>76</sup>

Roy Weaver spent January 18, 1969, clearing pathways through the cluttered attic of the Agate Springs Ranch House. He did not reorganize any of the items, fearing that any over-concentration of weighty objects might cause the attic floor to collapse. Five days later, Weaver went to historic Fort Robinson to empty the fort's stable, hotel attic, and dining hall of Cook Collection items in storage there. The material filled two pickup trucks. On January 31, another load was transported to Agate for storage. The items half-filled "Uncle Jack's House" (the former residence of John Cook, Captain Cook's brother), a small house among the cluster of buildings at the Agate Springs Ranch headquarters. Larger items such as horse-drawn carriages and other vehicles remained at Fort Robinson.<sup>77</sup>

With the coming of spring, Weaver found himself spending his lieu days branding cattle and fighting small fires on neighboring ranches. With the seasonal assistance of laborer Terry Osborne, he also installed directional signs, set a flagpole in a concrete base, and planted trees, shrubs, and grass in the interim development area.<sup>78</sup>

About 250 cottonwoods and Russian olive trees were planted and had to be watered by hand two times a week during the hot summer and once a week during

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\*In a related vein, winter was not the only hazardous season. Summertime brought with it the proliferation of wildlife, particularly rattlesnakes. In one summer, a total of twenty-two rattlesnakes were removed from around the Park Service trailers. One of Carol Weaver's unpleasant tasks before allowing her son to play in the yard was to patrol with a shovel in all the areas the snakes were likely to hide. Such were some of the not-so-unusual happenings of life at Agate, Nebraska.

the remainder of the growing season. The task required all morning to complete. Because there was no maintenance work space, craft activity took place outdoors on sawhorses. The comfort station trailer, divided into male and female sections, possessed a center section used for storage of tools. Whenever the seasonal ranger vacated his trailer, Weaver converted it into a temporary maintenance shop. Weaver later recalled: "We operated under the I & RM concept. Traditionally that is known as Interpretation and Resource Management but the AFGO modification was Interpretation, Rangerin' (resource management/protection), and Maintenance."<sup>79</sup>

Richard L. Holder transferred to the position of Programs Specialist in the Southeast Regional Office in Atlanta on March 23, 1969. Scotts Bluff's Chief of Interpretation and Resources Management Benjamin Ladd served as Acting Superintendent of the two monuments in the interim administrative period.

On May 16, Robert G. Simmons, Jr., legal representative of the four Cook daughters, notified the Park Service that family members intended to occupy the ranch house for the summer on June 1. He wrote that while his clients respected the government's rights and property interests, they would not be responsible for the care or maintenance of the historical items.<sup>80</sup>

In mid-June, Dinosaur's Geologist/Paleontologist Ted White arrived to sort geological and paleontological material of the Cook estate for exhibit and storage. White gave the Diceratherium slab (placed next to the ranch house in 1934) a new plaster jacket and readied it for removal to the interim visitor center. White found the slab, a right-angle triangle, incompatible with the concrete exhibit base and cover, equilateral triangles. White had

to cut the slab in half so that the facilities for exhibiting it could be utilized. The half containing a skull would be exhibited while the other half was jacketed for storage.

White expressed dismay at Margaret C. Cook's donation of the Cook fossil mammal collection\* to the American Museum of Natural History: "In as much as it is impossible to establish a paleontological research center without fossils, that activity must be postponed indefinitely."<sup>81</sup> He also assessed the precarious political situation and telephoned Omaha with an urgent plea for a twelve- by sixty-foot storage trailer to contain the most precious items. Acting Superintendent Benjamin Ladd concurred, stating the collections at the ranch were there "at the sufferance of the daughters, and it is possible that we might be told to remove the material within 24 hours. We would have no choice but to comply." He added that some fossils and furniture were already ruined by the weather. At the family's request, a small outbuilding was vacated for their use as sleeping quarters and the structure's contents were crowded into other buildings.<sup>82</sup>

New Superintendent Homer L. Rouse, formerly of Joshua Tree National Monument, California, who entered on duty in late June 1969, arrived just in time to participate in the first evacuation phase of the Agate Springs Ranch House. Dr. and Mrs. Grayson E. Meade, the family residents who had asked that ranch buildings be cleaned out, were pleased that the Cook Collection materials were being moved into outbuildings which the Meades did not plan to use immediately. The Meades indicated they considered the arrangement

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\*This was the collection Harold J. Cook amassed throughout his life from fossil areas other than Agate.

temporary, only until the Service could remove all the objects in a couple of weeks.

Interpretive Specialist Charles H. McCurdy from the Midwest Regional Office was present on July 31, 1969,\* for the removal of the Diceratherium slab to headquarters. Benjamin Ladd operated a lowboy and forklift. Everything went well until the slab was being lowered into position at the visitor center trailer when it began to break up. The plaster jacket held it together, but a week of intricate stabilization work was required before it could be put into final position. White instructed Weaver on the techniques of fossil relieving on the unbandaged portion of the slab. McCurdy was struck by Weaver's dedication:

One might well wonder what there is for a ranger to do at AGFO. Well, Roy Weaver has been putting in a lot of extra time, much of it dealing with the Cook collection. He has good relations with the Meades. He used most of his lieu days to work with Dr. White. His knowledge of the Cook collection is amazing, almost photographic. I got the feeling that he knows every item even though the collection was inventoried on a very general basis. Under his watchfulness, the collection is in good hands until it can be packed up.<sup>83</sup>

On July 7, Regional officials decided the Cook Collection material at the Agate Springs Ranch would be transported to Fort Larned National Historic Site, Kansas, for storage.<sup>84</sup> In Homer Rouse's first meeting with the Meades, Dorothy Meade asked to keep some of the furniture, but remained adamant on

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\*At 7:45 p.m. on this same day, Weaver responded to a lightning-ignited fire at the Agate Springs Ranch. The only pumper at the scene of the range fire belonged to the Park Service. The fire was under control in ninety minutes. See Agate Daily Log No. 1, entry 31 July 1969.

fighting the Service's land acquisition effort:

Mrs. Meade brought up the subject of National Park Service acquisition of the ranch, and she informed me that the Park Service would have to condemn the land to ever get it as they plan to retain ownership indefinitely. I advised her that there was no immediate plans concerning the ranch. This exchange was all very cordial, she just wanted to let me know where we stand.<sup>85</sup>

Rouse recommended that, as a goodwill gesture to maintain amicable relations with the family, a special loan agreement be issued to permit the Meades to retain some furniture. Allied Van Lines workmen arrived on July 31, to begin a four-day packing effort, phase two of the ranch house evacuation. Photographs and family records were separated to be stored at Scotts Bluff along with the remainder of the collection already there under the 1963 agreement. The workmen also moved the items from Fort Robinson.<sup>86\*</sup> Dr. Ted White and Historian Nan Rickey arrived on July 29 to lend their expertise on sorting and evaluating historical and paleontological items. Cook family members assisted, as did Homer Rouse and Roy Weaver. Manila tags were placed on all items desired by the Park Service. Historian Rickey, overwhelmed that a three-generation family had kept every scrap of written correspondence, asked the heirs to help her sort through what was known as the "Cook Papers

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\*The objects stored at Fort Robinson originally came from a large barn at the Agate Springs Ranch. Mrs. Cook had terminated all insurance coverage on the ranch buildings--including the house--and did not want to spend any money to repair the dilapidated barn which then had to be torn down. Keeping buildings in repair and fully insured was a stipulation of Harold Cook's will, a provision his second wife chose to ignore. See Mrs. Grayson E. (Dorothy Cook) Meade, interview with author, Agate Springs Ranch, 22 May 1986, transcript, p. 14.

Collection." Things of historical significance were separated from the mundane (bank stubs, canceled checks, etc.). Private material, that which the Cook daughters did not want to become public property, were also placed in a separate pile and later examined by Rickey.<sup>87</sup>

The movers started in the attic and removed an estimated three tons of material through an opening twenty-three inches in diameter. After sorting, only half of the items were packed. On the third day, two small moving vans arrived and all but eight items were loaded. Mrs. Margaret Hoffman signed a museum loan form for two beds and six pieces of bedroom furniture with the understanding that when the house closed in September, Roy Weaver could then load them in a pickup and take them to Larned, Kansas.

The evacuation effort ended at 6:30 p.m., August 4. A total of 18,070 pounds were shipped at a cost of \$1,777.91. Rouse reported that without Rickey and White "to weed out junk," the weight and volume of the shipment would have doubled. He concluded:

Seeing their family treasures packed and moved out was somewhat of a traumatic experience for all three of the sisters who were present throughout the entire operation. They remained amiable even at times of stress, which are inevitable under such conditions. I wish to commend the outstanding efforts of Ranger Weaver, Doctor White, and Mrs. Rickey in accomplishing this project with such consideration for the family. I believe that their efforts have greatly improved our public relations standing with the three sisters.<sup>88</sup>

The Diceratherium slab was jockeyed into final position on July 19. Eugene Kingman of the Joslyn Art Museum in Omaha, contractor for four interpretive exhibits, arrived for an inspection tour on September 11 to review

plans and measurements. An entrance sign, constructed by Lindell Signs and Display, Ralston, Nebraska, was placed on Highway 29, as were other boundary markers. The same month, a portable compressor for the chlorination system went on-line, but caused a malfunction of the hypochlorinator. Rouse notified Western Plains Construction Company, the original contractor, to repair the system. Rouse recommended delaying any progress in land acquisition until spring when he hoped the Cook sisters would be more receptive. Rouse called for postponing establishment ceremonies further, also until the following year when exhibits could be in place.<sup>89</sup>

On September 3, 1969, three Midwest Regional Office personnel conducted a management appraisal report for Agate Fossil Beds National Monument. J. L. Dunning, Fred Dickison, and LeRoy Brown called the Agate Fossil Beds interpretive program "especially well done" in light of limited staff and temporary facilities. The appraisers noted the principal resource, the fossil beds, "are ignored at the present time because of budgetary and personnel ceilings. This area could become a real attraction if on the site (in situ) exhibits are uncovered and displayed in a manner appropriate for this important paleontological story."<sup>90</sup> The report called for an interpretive prospectus to be prepared. As for planning and development:

As long as the visitor has to wade the river to view the fossil beds, there does not appear to be any need for further expansion of existing facilities. Construction of an access road in 1975 will require an expanded interpretive program. Additional seasonal housing as well as visitor contact facilities will be required.<sup>91</sup>

The study also recommended the addition of a utility building to serve as a



fire cache, vehicle storage, paleontological storage and maintenance shop.<sup>92</sup>

In October 1969, Weaver devoted considerable attention to exploring monument lands in search of fossils for exhibit purposes. With a rented horse from the Hoffman Ranch, Weaver found an excellent devil's corkscrew specimen which he relieved off a cliff face and transported to the visitor center for display. In the course of exploring the Stenomylus Quarry, the ranger unwittingly stumbled upon a rattlesnake den near the top of the quarry hill. Noting his narrow escape from snakebites, Weaver recorded in the Agate Daily Log, "I was more careful from then on."<sup>93</sup>

Among tasks in December 1969 was gathering data for the park's resource management plan. Over the next several years, Roy Weaver compiled checklists of all flowering plants and grasses as well as the mammals, birds, and reptiles which he had personally viewed and identified. A second checklist contained those species of flora and fauna which visitors reported seeing on the monument or in the area.<sup>94</sup> Weaver also arranged the negatives in the park's photographic archives and began organizing a print segment of the same photography file.<sup>95</sup>

#### Land Woes and Organizing the Exhibits, 1970

The new year 1970 began with Homer Rouse and personnel from the Office of Land Acquisition and Water Resources, Western Service Center,\* compiling

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\*Following a reorganization, these were the new appellations for the Office of Land and Water Rights and the San Francisco Planning and Service Center. John E. Ritchie replaced Thomas Kornelis as chief of the WSC division.

yet another compromise to present to the Cook heirs while at the same time preparing a condemnation complaint. Submitted by Fagergren on March 27, the compromise called for a scenic easement on all ranchlands inside the legislative boundaries as well as a right-of-way along the county road with the future goal of an improved roadway to the quarries. Also included was the "right of first refusal" giving the government the first opportunity to buy the ranch in the event the heirs decided to sell it. Part of the proposal not written in the easement was a request for a letter signed by all the heirs granting the Service permission to enter the grounds to study the area and structures. Confident of a settlement, Homer Rouse declared: "It is our belief that this will meet with their whole hearted approval."<sup>96</sup>

Gloom descended when Robert Simmons, on behalf of the Cook heirs, rejected the March 23 compromise out of hand. Disagreeing with the standard terms of a scenic easement agreement, the family planned to submit its own terms which did not promise to bring a settlement any closer. In a May 8 telephone conversation with Simmons, Fagergren again failed to reach an agreement. The National Park Service promptly filed a complaint action with the Department of Justice to acquire the scenic easement and access road easement on the disputed 850.39 acres. Superintendent Homer Rouse preferred to wait for site establishment, already long delayed, after a court settlement.<sup>97</sup>

Despite the initiation of legal proceedings, the National Park Service continued to negotiate for a settlement. The heirs, led by Dorothy and Grayson Meade, wanted to retain gas and oil exploration rights or be compensated for the loss of their present lease while retaining the right to lease

for future directional drilling. They also wished to secure area concession rights to open a gift shop or other commercial establishment. Another scenic easement proposal was rejected in July as too restrictive.

A setback in the negotiations came in the early morning of November 6, 1970, when Midwest Regional Director Fred Fagergren died in his sleep. The loss of this key player contributed to complications which delayed a final settlement for several years. The Midwest Regional Office pressed ahead by injecting a monetary incentive for a settlement. Previously, the Cook heirs had always expressed a willingness to donate scenic easements. The Park Service added \$10,000, which Simmons rejected while countering with an asking price of \$50,000 with other amendments. By the end of the year, the Justice Department called for continued negotiations by the Park Service with the Cook heirs for an out-of-court settlement. On November 27, Service attorneys submitted another revision. It cited a more attractive purchase price, the hope being that five years of continuous negotiations might finally come to an end.<sup>98</sup>

While land acquisition remained a perpetual thorn in the side of park development, other programs showed real progress. Installation of visitor center exhibits, delayed nearly a year, were finally approaching completion. By March, the Miocene Age wall mural was painted and exhibit bases were under construction. The Midwest Regional Office assured the park of a May 1 completion date, and sent two other professionals to conduct preliminary studies on a trail bridge to cross the Niobrara as well as a self-guiding nature trail to the quarries.<sup>99</sup>

On schedule, contract supervisors Eugene Kingman of Omaha and Charles

McLaughlin of Lubbock, Texas, arrived on May 1 and installed the visitor center exhibits. They were aided by monument staff, augmented by a seasonal historian and a seasonal laborer.<sup>100</sup> The trail, footbridge, and a fossil exhibit were all completed in the spring of 1970. Bridge abutments were poured in mid-May with great difficulty because bags of cement had to be floated across the Niobrara on logs. The focal attraction on the one-mile trail was the twelve-foot relieved remains of a two-horned rhinoceros at Carnegie Hill. Project relieving work was directed by Ted White with the assistance of Tobe Wilkens of Dinosaur National Monument, Roy Weaver, and seasonal laborer Terry Osborne. The tractor front end loader from Scotts Bluff, operated by Homer Rouse, widened the initial trench. On May 20, the relieving crew began cutting into the cliff to uncover virgin deposits. Work continued up to the July 13 opening date of the "Fossil Hills Trail."

Additional relieving came in the fall. On September 15, a team from Dinosaur National Monument arrived and worked with Weaver on Carnegie Hill. They relieved a four- by fifteen- by twenty-foot area, reaching a rich bone layer on September 17. During the work, visitors were constantly warned not to disturb the exposed fossil specimens. In the ensuing weeks, Roy Weaver and Terry Osborne finished the relief work. In order to ensure protection until permanent plexiglass exhibit cases could be installed the following year, they back-filled the bone layer.<sup>101</sup>

Relations with the Cook heirs remained correct and cordial. Homer Rouse's request for permission to measure and photograph the ranch buildings was granted. Mrs. Dorothy Meade responded that she had no objection to the Park Service having accurate recordings in case some or all of the structures

were destroyed by fire or other disaster.<sup>102</sup> Because the family rented the ranch house during the winter, the Service's Historic American Buildings Survey (HABS) dispatched Charles Lessig to the area. Lessig, accompanied by Tom Weeks from Omaha, arrived October 13 to accomplish the task before the new tenants moved in.<sup>103</sup>

## ENDNOTES

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5. Master Plan For Agate Fossil Beds National Monument (Omaha: Midwest Regional Office, 1966), p. 2, D18; and Howard W. Baker, interview with author, Omaha, Nebraska, 13 May 1986, transcript, p. 8.
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9. Ibid., p. 17.
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11. Ibid., p. 19.
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18. Superintendent Holder to Regional Director Fagergren, 13 June 1966, A2615.
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30. Ibid., 12 December 1966.

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36. Superintendent Holder to Regional Director Fagergren, 8 August 1967, A2623, SCBL.

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38. Margaret Cook to Roman Hruska, letter, 29 July 1967, box 33, Cook

Papers.

39. Superintendent Holder to Regional Director Fagergren, 23 August 1967, A2623, SCBL.
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44. Superintendent Holder to Regional Director Fagergren, 12 February 1968, A2615.
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46. Bill of Sale [Donation], Mrs. Margaret C. Cook to the National Park Service, 2 April 1968, L58.
47. Superintendent Holder to Regional Director Fagergren, 3 May 1968, L58.
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51. Grayson E. Meade to Thomas Kornelis, letter, 26 March 1968, L1425.
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98. Superintendent Rouse to Regional Director Leonard J. Volz, 12 January 1970, A2617; and Summary of Land Negotiations, Agate Fossil Beds National Monument, Tract 01-103, typewritten list ca-1973, L1425.
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## CHAPTER FIVE

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### A DECADE OF CHALLENGES AND REASSESSMENTS, 1971-1980

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#### Challenging the Cook Estate, 1971

Superintendent Homer L. Rouse began the new year 1971 with a status of operations report to Regional Director Leonard J. Volz who filled that position following the November 1970 death of Fred Fagergren. Land acquisition was ranked as the number-one concern. Pessimistic on the forthcoming response from the Cook heirs to the compromise for scenic and access road easements, Rouse wanted to proceed with the condemnation action:

You will no doubt become involved in this final action as will the local congressmen. It has been their practice to solicit congressional help each time final action appears imminent. The case history is quite lengthy and has had a great bearing on the development of the area. This change to scenic easement with no other rights to the Agate Springs Ranch makes it imperative that a Master Plan be developed with a strong statement on history.<sup>1</sup>

In the curatorial area, Harpers Ferry Center authorized \$3,000 for cura-

ting and cataloging the Cook Collection. Rouse expressed dismay at having responsibility for the care and protection of irreplaceable materials stored at far-away Fort Larned.<sup>2</sup>

The answer from Margaret Cooks' stepdaughters on the question of scenic easements came in a letter from their attorney, Robert G. Simmons, Jr., on February 8, 1971. While the letter never mentioned the easement question, it threw National Park Service plans at Agate Fossil Beds National Monument into confusion. Enclosed in the letter were photocopies of two legal documents recently discovered by two of the daughters, Eleanor Naffziger and Dorothy Meade.\* The documents revealed that in 1916, the Cook Collection transferred ownership from Captain Cook to his mother-in-law, Mary E. Graham, in exchange for land. In 1931, Mrs. Graham donated the Cook Collection to the Cook Museum of Natural History at the Agate Springs Ranch. Lawyer Robert Simmons concluded, therefore, that Mrs. Margaret C. Cook's donation of the Cook Collection in 1968 was unlawful:

Under Nebraska law, these instruments create James H. Cook and his son, Harold J. Cook, as trustees. Anyone receiving under them would likewise continue as trustees. It follows that the collections were not, since 1916, the personal property of James H. Cook or Harold J. Cook, and could not become the personal property of Margaret C. Cook by inheritance. Margaret C. Cook was aware of this fact, as demonstrated by her signature on the conveyance dated 1931.

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\*The documents were discovered when the Cook heirs culled through the considerable stack of papers left behind following the summer 1969 evacuation of the Agate Springs Ranch buildings. Mrs. Meade believed her father intended to form a corporation of the Cook Museum of Natural History with his daughters as trustees. Because no official incorporation had ever been undertaken, no serious claim for ownership on behalf of Harold Cook's daughters could be made. See Mrs. Grayson E. (Dorothy Cook) Meade, interview with author, Agate Springs Ranch, 22 May 1986, transcript, p. 16.

The law of Nebraska states that a trust never terminates for lack of a trustee. Therefore, the trust still continues and these collections are the property of the Cook Museum of Natural History as a trust.

The ladies recall Harold Cook's statement that they were to be joint trustees of the Cook Museum of Natural History. They did not see how Mrs. Cook could donate the collections personally, since she was only one of several trustees. These papers underline that fact. Additional papers list as trustees Margaret Cook, Dorothy Cook, Winifred Cook and Eleanor Cook, as well as James H. Cook and Harold J. Cook and Margaret C. Cook.

The sisters are aware that this creates an awkward situation for you. They regret this, and fully understand that the National Park Service, in assuming ownership of the collections, did so in good faith.

Nevertheless, they request that ownership of these collections be honored, and the National Park Service account for them and arrange to return them to the Cook Museum of Natural History, at Agate, Nebraska.<sup>3</sup>

The Park Service girded itself for a court fight. Rouse transmitted the potentially explosive documents to the Washington Office on February 12, 1971, adding he was abandoning curatorial plans for the collection until the status of ownership was determined. The Service appealed to the field solicitor of the Department of the Interior.<sup>4</sup> Homer Rouse's February 23 reply to Robert Simmons' letter was short and terse: "The subject concerning the Cook Family Collection has been turned over to our Field Solicitor for study. I will keep you advised of further action on this subject."<sup>5</sup>

#### The Solicitor Opines for the Park Service, 1971

Actually, the official request for a Solicitor's opinion did not leave

the Midwest Regional Office until March 12,<sup>6</sup> but a speedy, unofficial opinion by Regional Solicitor Palmer King on March 17 favored the National Park Service.<sup>7</sup> On April 2, the Service conveyed the Solicitor's opinion to Robert Simmons. Solicitor King noted that settlement of the Cook Estate which conveyed title of the Cook Collection to the Service was done without "any contest of the will or any opposition on the part of the daughters to the distribution of the items of personal property":

The "Receipt and Record" signed by Mary E. Graham on June 16, 1916, and witnessed by Harold J. Cook in my opinion is without legal significance. The recitations in the document are simply a self-serving statement by Mrs. Graham, the purported recipient of the property, that she had conveyed certain land to James H. Cook (Captain Cook) and in return he had sold and transferred his collections to her. To have any significance, the document should have been signed by Captain Cook as the seller of the property rather than by the purported buyer.

Thus, there is no evidence that Captain Cook was ever a party to any such agreement, and there is no evidence that the collections were ever delivered into the possession of Mrs. Graham by Captain Cook, or that Captain Cook ever regarded his collections as belonging to anyone other than himself. The collections remained in Captain Cook's home, in his possession, and in his apparent ownership until his death in 1942.

As for the "Donation" to the

Cook Museum of Natural History dated September 24, 1931, signed by Mary E. Graham and witnessed by Harold J. Cook, John F. Cook, and Margaret C. Cook, it is my opinion it is likewise of no legal consequence. In light of the lack of legal significance of the 1916 instrument, I find no evidence that Mrs. Graham had legal ownership of the collections and thereby authority to make a donation of the collections. Here again, Captain James Cook did not witness or sign the instrument nor is there any evidence showing that he even had knowledge of its existence. In any event, it is questionable in several respects whether this instrument meets the legal requirements for the establishment of a



valid trust, or whether, if a trust did result, it survived after the death of Captain and Harold Cook. As for the daughters' recent recollection of Harold Cook's statement that they were to be trustees, there is no such provision in the 1931 document for appointment of successor trustees in any such manner, and thus no basis that would give them standing to demand that the property be returned to Agate Ranch and placed in their custody.

I can readily understand the interest of the daughters in the collections, but I am sure that you also understand that Government employees have no authority to surrender property in their possession where title has been decreed to be in the Government except upon the clearest evidence showing that the decree of the Court conferring title was void. As stated above, it is my opinion that no persuasive facts, documents or other evidence have been presented that would cast any substantial doubt on the Government's rightful ownership of the property.<sup>8</sup>

With the firm Solicitor's opinion, Rouse reactivated curatorial plans for the Cook Collection. From April 20 to 23, Vera Craig, Harpers Ferry Center Curator; Paul Magyar, seasonal curator; and Roy Weaver were at Fort Larned to inspect storage facilities and assess needs. They found the collection scattered in four separate buildings: North Officers' Quarters (HS-09), Quartermaster Storehouse (HS-06), New Commissary Storehouse (HS-04), and South Officers' Quarters (HS-07).<sup>9</sup>

While the dispersal of the collection at Fort Larned caused Rouse much concern, he postponed any immediate action. The 1971 visitor season began for both park areas under his care. Two clean-up programs were undertaken at Agate Fossil Beds. The first was accomplished on April 3, when a local Boy Scouts of America troop cleaned out two garbage dumps along the banks of the Niobrara. The effort came about as part of a nationwide cooperative agreement between the Park Service's Save Our American Resources (SOAR) and the Boy Scouts' Conservation Good Turn programs.<sup>10</sup> The second project in mid-

July involved hazardous rock removal from Carnegie Hill. Jack Gartner, an explosives expert from Rocky Mountain National Park, successfully applied his talent to a dangerous rock overhang on Carnegie Hill to prevent potential visitor injuries and large tort claims.<sup>11</sup> The work resulted from a major June 9 rockslide which missed the glass exhibit cases, but smashed the seating bench for visitors.<sup>12</sup>

#### Rescuing the Collection from Fort Larned, December 1971

The summer 1971 season (and for the next several years) brought persistent problems with strong skunk odors emanating from beneath the visitor center trailer. Tear gas, used in sufficient quantity, proved an effective deterrent.<sup>13</sup>

Roy Weaver's position, which had been down-graded for an undertermined length of time to Ranger-in-Charge (GS-07), returned to its original authorization of Management Assistant (GS-09) on March 7, 1971. The change reflected legitimate position responsibilities. Weaver's duties further increased in mid-1971 when he began the two-year in-park Mid-level Manager Development Program.<sup>14</sup>

Homer Rouse's doubts about the safety of the Cook Collection intensified after the curatorial team returned from Fort Larned. In June, he visited Fort Larned to inspect the facilities first-hand. What he saw shocked him. In one of his last actions as superintendent before transferring to the Washington Office in late August, Rouse sent a memorandum on August 6 to

Regional Director Leonard J. Volz pleading his case. Recalling August 1969, when "on short notice we were forced to move all 18,070 pounds of material out of the ranch house and seek temporary storage," Rouse argued that Fort Larned was chosen on the sole criteria that it was the closest area in the Midwest Region with space to accommodate the collection. The choice, Rouse asserted, was a bad one:

It is my opinion that the storage of the inherited memorabilia from the Cook estate in the old buildings at Fort Larned, Kansas, is a mistake. In a [sic] effort to save money on storage we are contributing to the rapid deterioration of this material at the inconvenience of the staff at both Fort Larned and Agate Fossil Beds.<sup>15</sup>

Rouse related the egregious conditions at Fort Larned. The fort's old, deteriorated buildings had taken a severe toll on the collection. Moisture and dust had damaged materials not stored in boxes. Rodents had gnawed their way into some boxes with resulting fabric damage. The massive Cook Papers Collection competed with the maintenance shop for space. Fire protection was almost nil and security poor; access to some buildings could be gained simply by pulling boards off windows. Restoration activities on fort buildings necessitated constant moving of boxes. Rouse also feared that the Fort Larned Historical Society, a group actively promoting their area, might be tempted to mix Cook materials in with their own. In conclusion, Superintendent Rouse called for the return of the materials to Agate Fossil Beds for safekeeping and cataloging. He recommended that a prefabricated metal building measuring forty by seventy-two feet (\$5,000) be erected to store the collection.<sup>16</sup>

On September 1, approval of funds for a storage facility at Agate came from Omaha. Unfortunately, it was impossible to have the structure in place

for the transfer of the collection by early winter.<sup>17</sup> Refusing to allow the Cook Collection to suffer a third winter at Fort Larned, Harpers Ferry Center recommended the Cook Papers Collection be transferred to a 600-cubic-foot storage space in the basement of the Midwest Regional Office.<sup>18</sup> This was accomplished on December 1, while it took a full three days to load and transport the remainder to Lincoln, Nebraska, where the Midwest Archeological Center had arranged for storage space in the basement of the old Post Office. A few of the larger pieces remained behind, on loan to Fort Larned.<sup>19</sup>

The next step for park management was to return the entire Cook Collection to Agate Fossil Beds National Monument where it belonged.

#### Stalemate, 1972

Donald R. Harper, former District Ranger (South District) at Bighorn Canyon National Recreation Area, Montana, became Superintendent of Scotts Bluff and Agate Fossil Beds in October 1971.\* Other administrative changes followed. Management Assistant Roy W. Weaver transferred in 1972 to Glen Canyon National Recreation Area, Arizona, and was replaced by Dennis J. Turay on November 11, 1972. Alice I. Swigert, part-time clerk-stenographer, resigned and was replaced by Linda D. Hahn on July 10, 1972.<sup>20</sup>

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\*Don Harper's National Park Service career began in 1960 when he entered a student ranger trainee program at Yellowstone. His first assignment was at Glacier National Park, followed by Rocky Mountain, Shadow Mountain, and Bighorn Canyon. See Donald R. Harper, interview with author, Fort Collins, Colorado, 29 October 1985, transcript.

Progress on the scenic and road easements had stalemated. The Cook sisters refused to budge. Neither did they recognize the validity of the Solicitor's opinion on the ownership of the collection. Superintendent Harper noted on February 29, 1972:

I propose to continue work on the collection, sorting and cataloguing as funds and manpower allow. However, the situation should be settled. I recommend that the sisters be informed that we are proceeding on the basis of the solicitor's opinion, and that if they feel the necessity of litigation, they can proceed.<sup>21</sup>

The Cook heirs filed a lawsuit for possession of the Cook Collection against the National Park Service in mid-1972. Don Harper compiled a list of men who knew Harold Cook and were connected with his work and the "Cook Museum of Natural History" to assist the Service in the pending litigation. Four names were on Harper's list: Dr. James Reed Macdonald, Professor of Paleontology at Foothills College, California; Dr. Malcolm C. McKenna and Morris F. Skinner, curators at the American Museum of Natural History; and Dr. Ray Lemley, Rapid City, South Dakota.<sup>22</sup>

Curatorial care of the disputed collection did indeed continue. A staff archeologist from the Midwest Archeological Center inspected the stored Cook materials at both Fort Larned and Scotts Bluff on May 4 and 5. He recommended it was in the Service's best interest to bring all the artifacts, except those on loan to Fort Larned and in storage at Scotts Bluff, together in Lincoln for cataloguing and preservation treatment. In addition, the entire collection should be fumigated.<sup>23</sup> The park and Regional Office adopted the recommendation and relocated the Cook Papers Collection from

Omaha to Lincoln.

Two days of excavations by a team from Foothills College, California, took place in August 1972. Led by Dr. James R. Macdonald, the student paleontologists arrived on August 6 and spent the following day organizing for the dig with Roy Weaver. On August 8 and 9, excavations (via permit) at several sites were heavily visited by the curious public. Following Macdonald's visit, Weaver devoted time to preparing a contract for the paleontologist to author a section of the park's forthcoming handbook.<sup>24</sup>

In September 1972, the Nebraska Department of Roads relocated the "Agate unincorporated" signs and placed "No services next 60 miles" signs south of Harrison and north of Mitchell on Highway 29.<sup>25</sup> On September 6, Roy Weaver accepted a transfer to the position of Wawep District Ranger at Glen Canyon; October 8 marked Weaver's final day at Agate Fossil Beds. In the interim before Dennis J. Turay entered on duty on December 1, Don Harper and rangers from Scotts Bluff alternated in supervising the area. Seasonal Ranger Bill Taylor worked his regular work week during this period.<sup>26</sup>

Roy Weaver's four years at Agate Fossil Beds is a significant administrative tenure. Weaver--and by extension those superintendents under whom he served--established positive relations with the local community and was held in high esteem. He participated in calf-brandings on area ranches with eagerness and passed the "test" for acceptance. He recalled, "I was paid the ultimate compliment when Ralph Moravia, a neighboring rancher of conservative views, exclaimed, 'Roy, you're OK, for a Government man.' When I was transferred one of my neighbors quite seriously suggested that I quit the Park Service, stay in the area and work for them."<sup>27</sup> Weaver enjoyed playing poker

with his neighbors and hosted several "poker evenings" in his own home amidst the trailer complex referred to by one local man as "the sheep camp" (anathema to cattlemen). Weaver served as an officer in the Harrison's Mens Club and a volunteer in the Sioux County Volunteer Fire Department. Carol Weaver, Roy's wife, immersed herself in the local women's group, the Log Cabin Club. Through these intimate social contacts, Roy Weaver successfully presented the National Park Service mission at Agate. Although most understood Service policies, Weaver admitted, "It was difficult for them to accept the exclusion of 'all that good grass' from grazing."<sup>28</sup>

Four years after the death of Margaret C. Cook, the Agate Springs Ranch again became the year-round permanent home for Cook family members. In November 1972, Dorothy and Grayson Meade relocated from Calgary, Alberta and became full-time residents, in part to prove the family's determination to keep the ranch and stave-off condemnation by their physical, daily presence. The ranch, fully restocked and regaining economic vigor, became a registered, family-operated corporation.<sup>29</sup>

#### The Threat of Condemnation, 1973-1974

Condemnation proceedings overshadowed nearly all other activities in 1973. An interpretation of past negotiations by Robert Simmons and his clients, however, added further controversy to the already complex situation. In a June 1973 letter, Simmons stated that the late Fred Fagergren promised that "I could assure these ladies that at no time during their lifetime would

the Park Service ever attempt to take their land or any part of it to prevent them from using the land for ranching purposes." When Homer Rouse became superintendent, he wanted the verbal agreement formalized, warning that if a new proposal was not accepted before July 1, 1970, condemnation proceedings would be initiated for a scenic easement. When this happened, Simmons claimed he telephoned Fagergren who said he had no intention of pursuing condemnation, but that the action was done in order to obligate funding while negotiations continued. Fagergren assured there would be no litigation. Simmons said Fagergren's good faith in the matter was evidenced by the lack of any established trial date. Upon Fagergren's death, however, new leadership both in Omaha and Scotts Bluff saw scenic easement requirements become more demanding and some parts of the proposed scenic easement east of Highway 29 became fee acquisition. Because the Service wished to restrict modification of ranch buildings, the Cook heirs asked for substantial damages if they could not use their property like other area ranchers. Simmons believed the demand for fee acquisition evolved because the Service thought "if they were going to have to pay substantial damages, they might as well own the land." Simmons concluded:

Not only because of Mr. Fagergren's assurances but because they need the land in their operations of the ranch, my clients have directed me to resist in every possible way the taking of the fee but to cooperate in every possible way for the acquisition of the scenic easement that would protect the land and keep it in the same general condition for such future time as the Park Service may need it in some future generation [sic].<sup>30</sup>

A careful review of Park Service records failed to reveal evidence



corroborating Simmons' contentions. Apparently, these verbal agreements were just that, and not committed to paper. Upon receipt of Simmons' letter, however, the Park Service investigated the history of land negotiations, but the files do not indicate that any specific new information was uncovered.<sup>31</sup>

As far back as January 30, 1973, the Meades informed Superintendent Harper and Management Assistant Turay that they would oppose any "National Park Service actions to obtain interest in Agate Springs Ranch land and that condemnation would be the only way the Government could proceed if it wished to obtain ownership of their lands."<sup>32\*</sup>

As court dates were set, more conferences were held. In a June 9 meeting at Scotts Bluff with Superintendent Don Harper, the Meades requested that the Park Service dismiss its condemnation suit in exchange for scenic easements. Harper refused.<sup>33\*\*</sup> In a June 15 meeting at the ranch, the Meades and Margaret Hoffman again tried to persuade Harper to change his recommendation and not proceed with condemnation. Harper presented reasons why the land should be within the National Monument: "1) Red Cloud's

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\*Dennis Turay later recalled of that meeting: "I had the impression the Meades were trying to convince Mr. Harper and myself to take up their point of view and do what we could to help dismiss any action being taken by the National Park Service to obtain interest in their lands. I felt they had intellectually and emotionally taken the cause of battling "Big Government" and preserving the "Historic Cook Ranch" for the Cooks and they were convinced their point of view was good and just and, if anyone viewed the matter in any manner contrary to their conviction, they would fight them to the finish." See Management Assistant to Superintendent, 7 August 1973, L1425.

\*\*Don Harper confessed to Regional Director Leonard Volz: "I do not understand why the Meades approached me since their lawyer has written a letter requesting dismissal of the suit, unless this is an attempt to delay proceedings or cloud the situation. At this time I cannot recommend any change in our acquisition program." See Harper to Volz, June 14, 1973, L1425.

campsite, 2) Devil's corkscrew area, 3) Right-of-way for access road, 4) Historic trails, 5) River fishing (stated as a very minor point), [and] 6) A good managerial unit."<sup>34</sup> Civility broke down when the superintendent stated he would not change his recommendation for fee simple title even if permitted to do so: "[They] immediately requested the Regional Director's name and address and stated that they would contact him, since the local people would not cooperate. Statements of letters to Congressmen and their ensuing investigations were also made."<sup>35</sup>

The Service did agree to renew negotiations, but not renounce condemnation unless an agreement was reached.<sup>36</sup> Letters appealing to legislators followed<sup>37</sup>, and were answered by Leonard Volz on July 10, 1973. Volz admitted that administrative reorganizations and the absence of key individuals had indeed hampered the Service's effectiveness, but it continued to make every effort to accommodate the Cook heirs while complying with the Congressional mandate. Because the heirs had declared the Service "would never get any interest in their land except by condemnation," Volz stated, "It was at this point that we proceeded with Eminent Domain action in fee." He continued:

The tract in question contains formations known as "Devils corkscrews" which are an integral part of the unit. Chief Red Cloud's camp-site is also located thereon and the access road to the Visitor Center traverses the parcel. To acquire anything less than fee would make an unmanageable situation and possibly costs of nearly fee value, leaving the visiting citizens very little if anything useable for the funds expended.<sup>38</sup>

Volz, Assistant Regional Director for Operations Ken Ashley, Regional Lands Chief John Wright, Legal Assistant Alfred Suarez, and Superintendent

Harper met with the Cook sisters and Robert Simmons at Agate on July 13, 1973. Grayson Meade led the group to various devil's corkscrew's on Service lands, stating that the quantity was more than sufficient for park purposes. The negotiations reached an impasse after the heirs insisted it was not Congress's intent to include the ranch headquarters and that their stepmother had misrepresented the property which she had the authority to donate or sell to the government. Following a lunch break, Volz presented five alternatives:

- 1) Complete acquisition in fee simple
- 2) Fee acquisition with possible adjustments in the taking
- 3) The Park Service would do nothing
- 4) A scenic easement
- 5) Taking all the ranch property including that west of the highway.

Volz stressed the need for a manageable unit. Simmons countered with a proposal for a scenic easement for the entire area with cattle grazing and irrigation continuing as before, Service maintenance of the road and fencing, and a damages fee of \$15,000. The meeting adjourned with Volz asking for Simmons' offer in writing at which time Volz would consider it in the interest of favorable park operations.<sup>39</sup>

On July 15, while both sides considered their respective positions, Dennis Turay inspected daemonelix specimens on the former Buckley tract and then crossed over onto the Agate Springs Ranch land on the pretext of fire protection patrol and to check on boundary monuments. He did not receive permission from the Meades prior to the inspection. Turay operated under a suspicion that the Meades, two days previously, had not shown Park Service personnel all the daemonelix existing on the tract. Turay researched file

information and found the bulk of these fossils could be found on disputed Tract 01-103. Crossing the boundary monuments, Turay searched for daemonelix:

Just by walking a short distance south and west, a tremendous quantity of outstanding Daemonelix were visble. I was very elated, and felt that these spacimens [sic] were the best to be found within our proposed boundary (I had been looking all over our lands for the previous 3 months and could find nothing to compare with what I saw in a short 20 or 30 minute look on Tract 01-103). I had a feeling Grayson Meade was trying to keep the facts about the Daemonelix on Tract 01-103 [a] well-guarded secret and had tried to steer our attention to the few Daemonelix on Highway 29 and the few poorly exposed specimens on our own lands. I did not feel I was trespassing or going beyond my duties during the process of discovering what earlier N.P.S. studies had said was there all along.<sup>40</sup>

Without acknowledging that a previous inspection had occurred, Paleontologists J. Reid and Laurie Macdonald; Midwest Region Interpretive Specialist Jim Schaack; and Don Harper and Dennis Turay inspected the Cook tract on July 26 with Grayson Meade. Schaack determined the daemonilx deposits merited Park Service control and only fee acquisition could provide adequate preservation of all the historic and geologic sites.<sup>41</sup>

When Grayson Meade discovered it was Turay's clandestine investigation which prompted the Macdonald and Schaack visit, he became enraged and confronted Turay for his "low and despicable act."<sup>42</sup> Such was the volitale state of area public relations.

Hopes raised by the July 13 Volz-Simmons meeting were dashed in early September when the National Park Service rejected the Cook heirs' terms. On September 10, Superintendent Harper refused an interview with a local television news reporter who had been contacted by Dorothy Meade. Harper, on the

advice of the Midwest Region and Washington Office's, declined to comment because to do so might prejudice the outcome of the trial set for October 1 in North Platte.<sup>43</sup> Two days later, Dorothy Cook Meade issued an open "Situation Statement" to friends and neighbors. It accompanied a petition directed at Senator Roman Hruska to intercede and stop condemnation of fee title to the disputed 565 acres. The five-page letter outlined the history of "our struggle with the National Park Service," and the last four paragraphs succinctly summarize its tone and objective:

For some years the NPS has been getting a reputation in many states for its ruthless land grabs and dicatorial approach to the taxpayers. In Nebraska, up to now, the image of the benevolent Service and its friendly rangers has remained unscarred, largely because almost no one in Nebraska has had direct experience with NPS power plays. If this case gets into court, it will be the first condemnation of land by the the NPS in the state of Nebraska.

The Act does not mention specific land to be acquired; only township and range. If it is legal to condemn our 565 acres, as distant and irrelevant to the Monument as they are, the NPS could equally well under the Act condemn any land within the township, on any equally capricious excuse. If they force sale of our 565 acres, they may well decide to acquire another 585 acres, to complete their permissible 3,150 acres.

My father, Harold Cook, originally interested the NPS in making a Monument of the fossil quarries, and building a museum to house the donated collections of fossils and Indian artifacts, shortly before his death. He has placed us in the position of the Bedouin who let the camel put its head into the tent: we have been trying ever since to heave the rest of the camel out.

There is no question that the Monument, as it exists today, would not have been possible without the care and forethought of my father and grandfather in preserving the collections and developing and protecting the fossil quarries. It would be a poor return, indeed, for their public spirit if the National Park Service were allowed to dismember the ranch that they built.<sup>44</sup>

The Meade letter and petition enjoyed wide publicity throughout the region.<sup>45</sup>

The land acquisition litigation, "a situation requiring careful treatment," took precedence over all other administrative concerns. Don Harper remarked that the four sisters and their lawyer were masters at using "all forms of news and communications media in their effort to cancel, avoid, or delay the proceedings."<sup>46</sup> While the condemnation controversy continued to swirl, local park highlights were the beginning of construction of the storage and maintenance building on October 23, and submission of Dr. James Reed Macdonald's manuscript to Harpers Ferry Center for a park handbook.

Several trial dates had been set only to be canceled by a request for a delay. The persistence of the Department of Justice prosecutors, however, convinced the defendants to seek a negotiated settlement. A critical element was introduced on November 20, when Deputy Assistant Secretary of the Interior Douglas P. Wheeler wrote to the Cook heirs. Wheeler designed the letter to reach an agreement. Rationalizing the area was not vital to the purpose of the national monument, Wheeler admitted there was no condemnation action being pursued against the ranch headquarters area or any land west of Nebraska 29. Wheeler added a qualifier to his remarks:

Although we would be reluctant to make a formal, written commitment that this portion of the Ranch would never be acquired for the Federal project, we can definitely say that there are no present intentions of acquiring this land west of the highway.<sup>47</sup>

Deputy Assistant Secretary Wheeler's letter was the capstone of the eight-year struggle. Accomplished in December 1973, the official settlement was filed the following month in U.S. District Court in Omaha. The govern-

ment agreed to pay \$40,000 for title to 300 acres and scenic easement on 264 acres. Fee title land lay north of the county road at the park entrance off Nebraska 29 and included approaches to the Devil's Corkscrew area. The scenic easement encompassed land directly south of the county road and east of the Agate Springs Ranch headquarters. The decision left all land west of Highway 29 in the hands of the Agate Springs Ranch.<sup>48</sup>

Both sides compromised on their previous positions. The Cook sisters gave up more land than they wanted, and were bound under the scenic easement not to sell, build, or make any other changes without Park Service approval. Lawyer Robert Simmons told reporters, "The National Park Service wanted 500-plus acres of clear-title land when they started out, but we contended that would hurt the ranching operation." He added that while his clients were not pleased with the settlement, they felt it was more equitable than the original offer.<sup>49</sup> Another positive development from the settlement was the withdrawal of the lawsuit to regain possession of the Cook Collection.

In the aftermath of the court's decision, the Cook heirs asked that all boundary markers on land not owned in fee by the government be removed. This included all land west of Highway 29 as well as land east of the highway which marked the scenic easement.<sup>50</sup> In referring the request to the Midwest Regional Office, Don Harper recommended the markers be retained in the scenic easement area to delineate the boundary.<sup>51</sup> The response from Omaha dictated that scenic easement markers be retained, but those west of the highway could be removed at the owner's expense.<sup>52</sup>

Other 1974 developments included the completion of the storage and maintenance building on April 25. The eighty- by thirty-foot prefabricated

steel structure cost \$28,620, and included a maintenance shop (twenty by thirty feet), a storage room (twenty by thirty feet) and a garage (forty by thirty feet). Adjacent to the interim headquarters development area, the new facility also featured a fenced-in propane supply tank.<sup>53</sup> A weekly evening interpretive program began for the first time during the summer months, and the end of the year saw yet another change in permanent onsite managers when Dennis J. Turay transferred to Lake Mead National Recreation Area.<sup>54</sup> The park and Regional Office rejected the request from Fort Laramie that several items donated to them by Harold J. Cook, now surplus to their needs, be reunited with the Cook Collection. No one wished to add to the unwieldy size of the collection.<sup>55</sup>

Harrison, Nebraska, lawyer John H. Skavdahl, a relative of one of the area ranchers, appealed to the Nebraska Congressional Delegation on August 2, 1974, for the harvesting of hay on monument lands. He cited the serious drought, depressed livestock prices, and potential economic impact should ranchers be forced to liquidate segments of their herds because of insufficient winter feed. He contended that within the Agate monument were 250 acres of subirrigated hay meadow, a potential yield of 200 tons. He asked that the Park Service allow the hay to be cut by Sioux County ranchers to curb the critical hay shortage, asserting that ranchers would follow Service regulations and pay a fair price. Skavdahl cited a refusal of his initial appeal by the Midwest Regional Office on the grounds that the park was a natural area. Skavdahl countered that the area had been harvested by the prior owner as recently as 1973, and the environmental impact on wildlife would be minimal.<sup>56</sup>



Senator Carl Curtis\* forwarded the Skavdahl complaint to Ira Whitlock, Chief of Legislative Services, in the Washington Office.<sup>57</sup> The response came from Director Ronald H. Walker, who concurred with the park and Region:

The monument has initiated management programs to restore this area to a natural condition in order to perpetuate the stands of native prairie. This process of restoring a natural condition will be quite long, and the native vegetation is sensitive to activity which may disrupt this revegetation process. In order to achieve this restoration, we consulted with the Soil Conservation Service recently. That Agency indicated that the process of restoration will require that no haying or grazing be carried out for a period of another 5 to 10 years, dependent upon weather conditions.

The various forms of wildlife have been gradually returning to the former ranch area as the native species return. The action of cutting hay on this land at this time would also set this wildlife trend back considerably. Apparently, there was some misunderstanding in reference to the implication that the entire 250 acres has been cut for hay as recently as 1973. Actually, the only area which has been harvested since 1969 is the 33.9 acres located in what is referred to as the "horse pasture." The majority of the area has been in the process of revegetation since 1969.<sup>58</sup>

Fortified by a strong record of resisting similar requests elsewhere, the National Park Service stood firm and upheld its prohibition of hay harvesting at Agate Fossil Beds.

Superintendent Don Harper reported in mid-January 1975 that Mrs. Dorothy Meade was using the Bicentennial commemoration in an effort to pressure the Service to return the Cook Indian artifacts for display either at the Agate

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\*Senator Hruska, and likely others in the Nebraska Delegation, rejected the "parochial request." See Honorable Roman L. Hruska (former U.S. Senator from Nebraska), interview with author, Omaha, Nebraska, 26 June 1986, transcript, p. 9.

Springs Ranch or the Harrison Museum. Harper noted no official request had been received from Mrs. Meade and that, ironically, most of the Indian artifacts stored at Scotts Bluff were not even in Nebraska, but were at Harpers Ferry Center for preservation treatment.<sup>59</sup>

Harper found himself in a difficult, but not unfamiliar, position. Having grown up on a ranch in South Dakota, he was aware of the problems and aspirations of area ranchers. Harper's Park Service training and experience prepared him to administer Agate Fossil Beds, a new area undergoing all the growing pains associated with authorization and development. He made a point of acquainting himself with the monument's neighbors,\* playing poker with some, dropping by to visit others, and participating in seasonal cattle roundups. Although cognizant of the ranchers fervent desire to keep grazing lands which had been passed from one generation to the next, Harper embodied the Service's mission at Agate Fossil Beds as interpreted to him by the Regional Director and the Director. He did not consider administering the monument from Scotts Bluff, forty miles to the south, a detriment. Communication between Harper and the onsite Ranger-in-Charge (who, according to Harper, is free to be "somewhat neutral" and not the traditional Park Service "bad guy") was constant. Long-standing Service administrative policy is for the Ranger-in-Charge to keep the Superintendent informed on all matters either by telephone or by frequent mutual visits. While the Ranger-in-Charge exercises great flexibility as onsite manager, ultimate policy implementing

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\*For a candid discussion of the relationship of the management team of Don Harper and Dennis Turay with the principal landowners, see Mrs. Grayson E. (Dorothy Cook) Meade, interview with author, Agate Springs Ranch, 22 May 1986, transcript, pp. 22-24.

decisions, however, rests with the Superintendent.<sup>60</sup>

Dennis Turay's successor, John B. Rapier III, arrived on January 19, 1975, with the title Ranger-in-Charge. A new park ranger position remained vacant. A temporary clerk-stenographer position also remained vacant until May when Jeanne E. Weber entered on duty.<sup>61</sup> (Jeanne Weber's temporary position became permanent a year later).

A request to resume excavations at the monument went to Midwest Regional Chief Scientist Jim Larson on March 28. The request was from Dr. Robert Hunt, Coordinator of the Division of Vertebrate Paleontology, University of Nebraska State Museum. Hunt was initially approached by Richard Strand, Visual Information Specialist, Harpers Ferry Center, to assist in making reconstructions of fossil animals for exhibition at Agate Fossil Beds. Robert Hunt used the opportunity to present a sales pitch of his own to Larson. Since 1972, Hunt and several graduate students were compiling a detailed geological map of northern Sioux County by examining all known fossil mammal materials. The study area encompassed 720 square miles with Agate and the Niobrara River the southern terminus. Hunt predicted the project would continue for five more years and believed a key element rested in uncovering the mysteries beneath the Agate hills. He argued, "Because two of the North American Land Mammal Ages are based on rocks and faunas from the map area, we believe that our work in the redefinition of these units is of fundamental importance to North American paleontology."<sup>62</sup> Although it did not bring results for several years, Hunt's petition set the process for approval in motion.

The 1975 visitor season saw a few maintenance improvements. The monu-

ment's power supply was improved and the roads were regraded through a cooperative effort with Sioux County.<sup>63</sup> The season also saw its first and only rattlesnake bite in monument history, and the victim was not a visitor, but a park employee. On August 21, Seasonal Park Ranger William W. Taylor caught a sixteen-inch rattlesnake on the Fossil Hills Trail. Taylor took the reptile back to the maintenance shop to place it in a paper sack whereupon he planned to exhibit the creature to his Gering High School science students. When he released the snake into the sack, the creature had enough leverage to strike instantly, embedding its fangs into Taylor's right index finger. After Taylor received medical attention, John Rapier, filing a case incident record, reassessed monument policy on snakes. Long-standing monument procedure was to move snakes away from the trail and headquarters area for the safety of visitors. Snakes in other areas were left alone. Rangers regularly patrolled trails and warnings appeared on trail guides, the park brochure, as well as a sign at the beginning of the Fossil Hills Trail. The system was effective, Rapier noted, because in the monument's ten years, no visitor was bitten by a rattlesnake.<sup>64</sup>

An Operations Evaluation Team visited the park and issued their report in July 1975. The team, made up of Hugh Beattie, Tom Weeks, and T. B. Taylor of the Midwest Regional Office, noted the Agate Fossil Beds interpretive program was "surprising for a relatively new area. The visitor center trailer is quite well conceived and the exhibits and onsite personnel provide a well rounded and professional orientation to the area."<sup>65</sup> As for administration, the team reported:

Agate Fossil Beds is clustered with Scotts Bluff and is

operated more or less like an isolated or detached district operation. This type of arrangement appears to be effective for the present despite some slight indications that Agate might suffer from the effects of the "step-child complex" which is many times common in such groups. We foresee a time in the future when developments at Agate will require additional staffing, funding, and a dissolution of the cluster.<sup>66</sup>

The principal objection, however, was in the area of planning. The team stated Agate Fossil Beds lacked "any really definitive planning to provide guidance for the many developmental activities which have been going on." Further, all development at the monument should halt until a new master plan was in effect. The nearly \$80,000 interim headquarters development itself-- five trailers; water, sewer, and power distribution facilities; and the large storage and maintenance building--"tend[s] to preempt any future honest planning activity." The operations evaluators declared that "the cart is before the horse and the tail does wag the dog! Consequently, we feel that it is absolutely imperative that a reasonably comprehensive planning effort be achieved in the near future."<sup>67</sup>

Direct fallout from this scathing report came in an August 20 meeting in Omaha between Superintendent Harper and Regional officials reviewing the exhibit plan developed by Harpers Ferry Center. Regional Director Merrill D. Beal shelved the exhibit plan, nearly a year in the making, until a master plan and interpretive prospectus were approved.<sup>68</sup>

In addition, Beal dispatched an interdisciplinary team to Agate Fossil Beds September 30 to October 3, as a result of the Operations Evaluation Report. The goal of the "Special Study Team" was to ascertain the viability of the 1966 Master Plan. Members included Team Captain Fred Kaas, Landscape

Architect Dan Wilson, Engineer Ralph Dierks, and Interpretive Specialist T. Hewitt, all from Midwest Regional Office; Superintendent Dave Lane, Pipestone National Monument; and Superintendent Don Harper and Ranger-in-Charge John Rapier III, Agate Fossil Beds. The Special Study Report noted three major problems in the Master Plan: interpretation, access, and location of developed areas.

Of the three problems, location of developed areas received intensive attention. Complicating the issue were archeological investigations conducted in the summer of 1975. Archeologists uncovered a large site beneath the interim developed area which, under the 1966 Master Plan, was the same as the permanent development area. Additionally, the team found it to be "in one of the most visually intrusive locations in the valley." Unlike the Operations Evaluation Team, the Special Study Team did not consider the existing facilities of "such value that they will influence future planning." Rather, the trailers and maintenance building could be relocated with only the loss of concrete slabs and utilities. The team identified and evaluated five alternative sites for the permanent development area: (1) Existing Headquarters Site; (2) Cirque Site (30 to 50 feet on the north side of the county road below the water storage tank); (3) Hoffman Ranch Headquarters Site; (4) Quarry Site and Paleontological Area (University and Carnegie Hills, and Amherst Point); and (5) Nebraska Highway 29 and County Road Intersection (northeast corner).

The Special Study Report itemized the following recommendations:

The present master plan... be retained with updating as necessary reflecting 1975 conditions and findings of this report and the following major items to be added to or

substituted for those of the 1966 plan.

1. The main developed area to be situated at the intersection of State Highway 29 and the County Road.
2. An interpretive facility at the quarry site. This structure to receive no lighting or other utilities, to be strictly interpretive in nature, and to be so sited as to be invisible from the immediate valley as well as the approach to the quarry and the Bone Cabin.
3. No split development facility. With the exceptions of the Bone Cabin and the quarry interpretive facility all development to be in the developed area as stated above.
4. The primary visitor parking area to be at the main developed area with an off-season parking area within 1/2 mile of the quarry site.
5. Transportation system. Except during the off-season there will be no visitor vehicular traffic in the valley.
6. The Cook Ranch to be restored to a yet to be determined period and retained as a form of a living history interpretive facility. No visitor entry of the house except by special arrangement.
7. The Bone Cabin to be retained, restored to the period of its historic significance, and interpreted accordingly. All other structures at the Hoffman Ranch to be obliterated and the site restored. None of the Red Cloud Collection to be housed at the Ranch, but rather in the visitor facility.
8. Relocation of the present County Road outside the monument boundary. This road connects State Highways 29 and 2 and is used quite frequently by area ranchers.
9. The Stenomylus Quarry development to be of last priority and utilized by special interest persons by permit only. No general public use.
10. The use of solar and wind energy will be considered for use in the visitor and residential facilities.<sup>69</sup>

The team also recommended the interim facilities be retained as is until construction of permanent development ten years in the future--but with three

stipulations. First, a permanent maintenance foreman position should be established. If increasing visitation merited, enlarged visitor facilities should be considered in consultation with Harpers Ferry Center. All Service structures in the headquarters area should be repainted in buff or earthtone colors to mitigate the harsh aluminum glare. Also, the Hoffman Ranch House, empty since spring 1975, should be occupied by John Rapier and family until its demolition and the vacated trailer utilized as seasonal quarters. Finally, the quarry in situ exhibits should be upgraded with new protective covers and interpretive signs.<sup>70</sup>

#### Senator Hruska's Diligent Offensive 1975-1976

The opening salvo in a battle of words fought in Agate, Omaha, and Washington, D.C., and studiously covered in the press, was lobbed by the lawyer of the Cook sisters. In a July 9, 1975, letter to Senator Roman Hruska, Robert G. Simmons, Jr., related a conversation he had had with a retired Interior Department official who thought that the State of Nebraska should be managing the fossil beds. The unidentified retired employee said the National Park Service never wanted Agate Fossil Beds, but that "it was pushed on them by an act of Congress." [Of course the public record does not substantiate this viewpoint.] Further, the Service did not have the funds to operate the remote area and "it is really a research facility and they are not in the research business." The man also confided to Simmons that he thought it shameful the Park Service had the Cook Collection with no plans to



display it. Simmons asked Senator Hruska if he would investigate. Simmons pointed out that as a member of the Board of Regents of the University of Nebraska, he intended to find out if the University would want to administer the fossil beds should the Park Service abandon the area.<sup>71</sup>

Hruska, who prided himself as a champion in the establishment of Agate Fossil Beds National Monument ten years before, forwarded Simmons' inquiry to Director Gary Everhardt. Hruska himself was not in sympathy with this view point nor did he believe it represented the views of the National Park Service.<sup>72</sup> His was a significant congressional inquiry; Hruska was the ranking Republican on the Senate Appropriations Committee. In the meantime, Hruska's staff did some homework of its own; one of the Senator's aides called Midwest Region Programs Coordinator R. Neil Thorne inquiring how much money had been spent and the development schedule for Agate Fossil Beds.<sup>73</sup>

The response to the congressional inquiry came on August 7, from Midwest Regional Director Merrill D. Beal:

Let me assure you first that we in the National Park Service who have direct responsibilities for Agate Fossil Beds are in no way disenchanted with the area. There has been no thought of transferring management to the State of Nebraska. We regard it as a worthy National Park Service area. Visitation to Agate Fossil Beds is increasing steadily, up 19 per cent through June of this year as compared with last year.

It is true that development of the area has not proceeded as rapidly as we would have preferred. Problems with acquisition of land within the Monument have delayed the planning and development of facilities. However, recent negotiations and land acquisition make it possible now to proceed with planning, including development of the Master Plan and Interpretive Prospectus. That done, we will be able to program for proper development.

Regarding the Harold Cook collection to which Mr.

Simmons' letter made reference, the collection is in storage at the Scotts Bluff National Monument. Before display efforts can be planned, there needs to be a cataloguing of the collection. We are hoping to accomplish cataloguing in the reasonably near future.<sup>74</sup>

Rather than placate the Senator, Beal's letter merely added fuel to the fire. On September 24, Senator Hruska wrote to Director Gary Everhardt that "plans for improving visitor facilities at the Agate Fossil Beds National Monument in Nebraska are not progressing at a satisfactory pace." He advised Everhardt that in 1965, he was told permanent facilities would be completed in two to three years. While conceding that past land acquisition problems had held up development, Hruska declared, "I see no reason why more progress has not been made in upgrading this important national historic site." The Senator was alarmed by information received from Omaha which forecast construction into the 1980s:

My office was informed that residences for Park Service personnel would not be started until at least 1979, that a permanent building to study and interpret the fossils and artifacts and exhibit them could not be built until 1980, and that administrative offices and a visitors' center are not planned for construction until at least 1983.

I strongly urge that Park Service priorities be changed to move up this proposed construction timetable for the Agate site.

It seems very strange to me that the Agate Fossil Beds National Monument, which the Park Service has described as "world renowned for its rich concentrations of the fossil remains of mammals that lived fifteen million years ago," should be given such low priority. It will be almost 20 years after the bill was signed creating the Agate Fossil Beds National Monument that visitor facilities will be constructed if current Park Service plans remain in effect. That is much too long.

According to the Omaha regional office of the Park

Service, the proposed budget for the Agate site for FY 1976 is \$42,900--an increase of only \$200 over the FY 1975 figure of \$42,700.

I ask that you seriously consider recommending more funds for Agate for the upcoming FY 1977 budget so that work can begin as soon as possible to replace the temporary structures there with permanent facilities.

Your cooperation in this matter would be greatly appreciated. My office stands ready to assist you in any way possible.<sup>75</sup>

A week later, Hruska's letter was released to the media.<sup>76</sup>

The Midwest Regional Office provided assistance in answering Senator Hruska's letter, but a communications breakdown in the Washington Office almost caused embarrassment for the Service. Distress was averted when the response was literally snatched from the Director's desk for correction. The error was discovered in Omaha on October 15 when a memorandum, signed by Deputy Director Russell Dickenson, stated that the \$38,000 project for visitor center exhibits at Agate Fossil Beds had been diverted to cover cost overruns at Independence Hall. The \$38,000 project had been included in the response to Hruska as one of the Fiscal Year 1976 projects. A series of telephone calls to the Washington Office revealed that few had been told about the reprogramming. Officials corrected the communications breakdown and revised the response before the Director signed and mailed it.<sup>77</sup> Dated October 24, Director Gary Everhardt's letter stated:

We share your concern in the delayed construction of permanent structures for this site which was authorized some 10 years ago. During this decade, approximately 90 new areas have been added to the National Park System that will cost approximately a billion dollars to develop in accordance with the authorizations and intent of Congress. In addition there are older areas of the Service that have a

large backlog of construction work to rehabilitate and restore existing facilities to meet current demands of high visitation and services consistent with national policies.

The short-term and long-range developments at the Agate site will be dependent upon funds made available to the Service to meet the most essential projects and national thrusts. Beginning in fiscal year 1972 and through fiscal year 1975, major emphasis was placed on developing and rehabilitating facilities in park areas directly associated with the events of the American Revolution which has to be completed for the Bicentennial Celebration in 1976. Consequently, the major portion of budget allowances for development during this period was allotted to these areas.<sup>78</sup>

Everhardt explained that in addition to the Bicentennial, environmental requirements of the Federal Water Pollution Control Act of 1972 (P. L. 92-500), and Executive Order 11752\* dominated the Service's budget. He continued:

A planning team recently visited the Agate site to review the current use of existing facilities and determine future developments for the park. The team's recommendations are now under review. A decision will soon be reached to determine whether or not the existing master plan that was prepared in 1966 is adequate or if the document should be revised to meet current conditions and policies.

The fiscal year 1977 budget is in the formulation stage. However, the inclusion of funds for permanent structures at Agate will be very difficult due to the lack of prerequisite advance planning and the President's desire to limit Federal spending.<sup>79</sup>

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\*Signed by President Richard Nixon on December 17, 1973, E. O. 11752 required the Federal Government to design, build, and maintain facilities compatible with the environment in cooperation with State and local governments. With both of the above-cited antipollution measures, the National Park Service had to rehabilitate all inadequate sewage treatment facilities or build new ones by July 1, 1977. To meet the impending deadline, the Service dedicated the bulk of its budget to the environmental initiative.

At this point, the war of words was in full swing. On November 7, Senator Hruska wrote, "I am most disappointed in the tone and substance of your most recent letter.... I believe that Agate is one of those 'most essential projects' and more funds should be made available for it--as soon as possible." Hruska added a suggestion, backed by legislative pressure:

You mention that the recommendations of a planning team which recently visited Agate are being reviewed. It is hoped that a reevaluation of Agate's priorities within the Park Service will be considered and the schedule for the construction of permanent facilities there will be moved up.

It is strongly urged that as you formulate the Park Service budget for 1975, consideration be given to the allocation of more funds for Agate. As a member of the Interior Appropriations Subcommittee--which has jurisdiction over the Park Service budget--be assured of my continuing interest in this matter.<sup>80</sup>

The Senator then released the Everhardt letter to the media.<sup>81</sup>

On December 1, growing weary of the controversy, Gary Everhardt apologized to Roman Hruska that his previous letter was unsatisfactory. In his letter, Director Everhardt stated:

We do consider Agate Fossil Beds a high priority. However, planning and construction funds made available to the National Park Service for the last several years have not been adequate to keep up with the need, considering the number of new areas added to the National Park System. Consequently, most of the newer areas have not been developed in accordance with original intents and plans at the time of authorization.

The findings and recommendations of the planning team that recently visited Agate have been reviewed by the Midwest Regional Office. During the inspection of the area, it was found that the proposed construction site for the Headquarters-Visitor Center facilities would be located on an extensive archeological site that must be considered for preservation and protection, in accordance with the National

Historic Preservation Act of 1966. Additionally, if built at the proposed location, these facilities would be a visual intrusion on the valley floor within less than a mile of the fossil-bearing buttes which are the primary resource of the monument. In view of these findings, it now appears that the existing master plan prepared in 1965, along with an environmental impact statement, will have to be completely revised and presented to the public for review, comment and recommendations.

Since no new construction can be accomplished until those requirements have been met, we will begin work on the master plan and environmental statement as soon as possible. Upon completion, we will request funds for planning and development in accordance with guidelines formulated in the revised master plan.<sup>82</sup>

Roman Hruska's impatience was understandable. He was in his final Senate term, having decided not to seek reelection in 1976. Examining his Senate career, Agate Fossil Beds National Monument was an outstanding accomplishment for his home state. In terms of permanent visitor facilities, Agate Fossil Beds had progressed very little in the ten years since President Johnson signed the authorization act. Hruska had to act swiftly to get the National Park Service moving again at Agate Fossil Beds before his term expired. He was unprepared, however, for Everhardt's unyielding response. The war of words had come to confrontation. On December 5, 1975, Senator Hruska lashed out:

Your most recent letter concerning the status of the Agate Fossil Beds National Monument was read with astonishment. It is inconceivable to me that after ten years it now has been determined that proposed facilities for the monument are too near the fossil beds. Surely, the fossils have not moved during that period of time.

This apparent mismanagement and neglect of the Agate site is very disturbing. It is my request that you and your appropriate staff meet with me and members of my staff as soon as possible to discuss this situation. Each time I

write to you it seems I get a different story about the reasons for delay in the development of Agate.

You can be sure that when you and other representatives of the Department of the Interior appear before the Senate Interior Appropriations Subcommittee to testify on your proposed budget for FY 1977, questions about the Agate situation will be forthcoming. As a member of that subcommittee I will want to be assured that other Park Service projects are not being managed in the same manner as Agate.<sup>83</sup>

A week later, Senator Hruska again released the exchange of correspondence to reporters who pounced on the story.<sup>84</sup> One syndicated columnist commented:\*

As Everhardt will soon find out, it is not good to fool Grandfather Hruska.

Agate had better receive funding and permanent construction had better go ahead or quite a few other NPS projects including NPS's budget will be sand-bagged in the Subcommittee, and as the ranking Republican on the full Appropriations Committee, Hruska has enough clout to make good on his veiled threat. The betting is Everhardt will back down.<sup>85</sup>

The basis of Hruska's fundamental difference of opinion with Everhardt involved Hruska's view of Agate Fossil Beds within the National Park System. While he conceded that Agate was not a spectacular unit--unlike Yellowstone, Grand Teton, or Glacier National Parks--he believed Agate represented a vital component "to complete the picture." Hruska did not believe Agate Fossil Beds was receiving its fair share of funding and attention, but had lost out to the "star performers" in the System. When Everhardt argued that the

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\*The column, "Washington Grabbag" by A. J. Montgomery of the Rand News Service (serving Nebraska, Iowa, Minnesota, and South Dakota), appeared in the December 17, 1975, Scottsbluff Star-Herald.

Bicentennial celebration required a monopoly of attention and funding, that is where Hruska drew the line. As the principal author of the bill (serving as Chairman of the Subcommittee for Celebrations and Holidays), Hruska painstakingly ensured that the Bicentennial celebration would be of a local nature and not a single national event. For example, a \$100 million exposition in Philadelphia was rejected as inappropriate. Likewise, slighting Agate Fossil Beds, a Federal unit significant to the nation's prehistory, could not be justified. Nor could the monopolization of funding for correcting environmental problems be forwarded as a justification to deny funding to local projects like Agate.<sup>86</sup>

In a briefing statement prepared for the Everhardt-Hruska meeting, Midwest Regional Director Merrill D. Beal rehashed all the old arguments and stated the bottom line: "While the Service has not been able to develop Agate Fossil Beds in the way which we would have liked, nonetheless (1) we have acquired the essential lands, (2) the resource is being protected and (3) the visitor is being served."<sup>87</sup>

The December 17 meeting did see Director Gary Everhardt change his position. Roman Hruska announced that the Park Service was beginning work immediately on a new master plan and public hearings would commence in the spring. Everhardt agreed to present the Senator with a construction timetable for a visitor center, headquarters and residences "as soon as possible." Hruska declared to reporters, "I think this is a sign that the 10 years of neglect of this area by the Park Service has ended."<sup>88</sup>

In essence, Hruska had indeed won a major battle, but the war of attrition would ultimately outlast his waning Senate term.



In January 1976, Service officials announced the first step was to initiate an environmental assessment to be completed by March. If any significant impacts were discovered which necessitated a full environmental impact statement, a full year would then be required to complete the master plan and development proposals.<sup>89</sup>

In March, the Midwest Regional Office submitted a briefing statement answering questions raised by Senator Hruska. The budget for Agate Fossil Beds in Fiscal Year 1977 allocated \$48,200 for operations and maintenance, an increase of \$1,700 over Fiscal Year 1976, plus \$30,000 in advance planning funds for development concept plans and comprehensive design for a visitor center, and \$20,000 for an interpretive prospectus. If the environmental assessment identified no adverse effects, funds for construction drawings and specifications would follow in Fiscal Year 1978, and construction in Fiscal Year 1979.<sup>90</sup>

While the environmental assessment required additional time, Harpers Ferry Center made progress in comprehensive design. By mid-May, review of plans and drawings began, followed by a meeting in Omaha on May 27. The comprehensive design plan included new plexiglass fossil protection cases and interpretive graphics, wayside exhibit for the Red Cloud Campsite, rehabilitation of the visitor center trailer, and area for full-scale fiberglass depictions of Moropus, Diceratherium, Dinohyus, and Stenomylus.<sup>91</sup>

Ominously, funding for the Development Concept Plan/Comprehensive Design did not make the Fiscal Year 1977 program. In light of this, on August 20, the Midwest Regional Office provided the Director with an update on development plans for Senator Hruska. Each alternate location for permanent

facilities presented environmental problems requiring additional definition and resolution. Foremost was the need to determine the extent and significance of the archeological site at the existing interim development, which was believed to be associated with the Dismal River Apache culture. The Midwest Archeological Center would determine the extent and importance of the cultural site. The timetable submitted in January was already askew. Instead of March, the environmental assessment did not undergo public review until the end of September.<sup>92</sup>

Midwest Regional Office personnel attempted to have Agate Fossil Beds historic resources listed on the National Register of Historic Places during the year. As early as 1972, the nomination process began for the Harold J. Cook Homestead Cabin ("Bone Cabin"), and 1976 revisions to the nomination were accomplished by Architectural Historian (Engineer) Richard I. Ortega. National Register recognition for the Bone Cabin finally came on August 24, 1977.<sup>93</sup> A National Register inventory/nomination for the Agate Springs Ranch, originally prepared by Roy W. Weaver, languished for over a decade in draft form because the property was not under the jurisdiction of the National Park Service and could not, therefore, be nominated by the Service. With ranch headquarters ownership unlikely in the near future, Regional Historian David A. Clary recommended the form be sent to the Nebraska State Historical Society in order for that agency to nominate the historic Agate Springs Ranch to the National Register of Historic Places.<sup>94</sup>

October 1976 marked the first anniversary of Senator Hruska's public offensive to speed National Park Service development at Agate Fossil Beds National Monument. The Lincoln Sunday Journal and Star commemorated the

occasion in a critical investigative report. The October 10 article noted the Service spent an estimated \$872,000 since 1962, with only \$219,000 allocated for interim facilities, roads, and trails. The report highlighted the disparity in visitation figures: predicted in 1965 to reach 120,000 to 200,000 in ten years, the monument experienced a peak of slightly more than 11,000 in 1975. The "Catch 22 of Agate" was also defined: "The National Park Service won't give more money to Agate because visitor turnout has been small. And more people won't visit Agate until the Park Service allocates more money to provide adequate facilities." Most importantly, the article cited the outcome of the November general election as the principal determinant of Agate's future. Not only was Senator Hruska retiring, but President Gerald R. Ford's proposed ten-year Bicentennial Land Heritage program, which included \$637,000 for planning and construction of the Agate Fossil Beds visitor center, was in jeopardy if the incumbent lost to Jimmy Carter.<sup>95</sup>

### The Great Agate Fence Fight

Another controversy with the Cook heirs came to a head in mid-1976. Roots of the dispute dated back to 1967 when the park monumented the boundary between it and the Agate Springs Ranch. Employing his cartographic skills, Grayson Meade charged that the Service was denying the Cook heirs substantial acreage of grazing land owned by Agate Springs Ranch. In January 1973, following two field investigations with Grayson Meade and George Hoffman,

Management Assistant Dennis Turay discovered the old boundary fence deviated to the southwest of the monument on the west property line. While Turay offered the possibility of moving the fence in spring, he took the opportunity to inform Meade that the special use permit which allowed the ranch to continue getting its water from monument land would expire April 1. Angered, Meade stated he might remove the boundary markers which were on his property. Turay reported to Harper, "I told him it would be in the best interest of all concerned to leave them until the land situation is cleared up. He was not impressed."<sup>96</sup>

On May 1, 1973, Turay hammered out an agreement with Grayson Meade in which each would fence one-half of the common boundary south of the county road. Surveying and fence installation commenced immediately.<sup>97</sup> On June 9, in the aftermath of an unfruitful meeting with Don Harper over the impending condemnation litigation, the Meades demanded that fencing activity cease because copies of surveyor's notes had not been delivered sixty days in advance of construction as required by law. The same evening, Harper ordered Turay to terminate all fencing activity and then delivered survey papers (a certificate) on June 15.<sup>98</sup> Two months later, Grayson Meade demanded that fence building be halted because he still did not have the surveyor's notes, only a certificate. Turay refused, and three days later, on August 23, Harper concurred with continuation of the project. The same day, laborers began removing the fence along the county road and another surveyor arrived to ensure the location of the south boundary.<sup>99</sup>

The acquisition settlement in January 1974 created a new fence fight. Prior to this time, verbal agreements among neighboring property owners in

which both sides agreed to share expenses for erecting common boundary fences were standard. Superintendent Harper's interpretation of the settlement agreement differed from that of Robert Simmons and his clients. Harper contended that grazing would cease in the areas purchased by the Park Service by May 1, 1975; also, damages awarded to Agate Springs Ranch included damages "that took into account the landowners responsibility to fence the common boundary if they elected to continue animal grazing on their property." Harper, backed by the Omaha office, stated that continued grazing would damage fragile daemoneles and natural vegetation. He warned, "All grazing on Government land must, therefore, cease immediately."<sup>100</sup> Pursuit of the matter was prompted by a desire to end grazing and initial planning for an interpretive roadside pullout at the Red Cloud Campsite.

Simmons responded in July 1975 that the settlement only stated there would be no damage from grazing prior to May 1, 1975, not that grazing would terminate. He contended his clients were willing to construct and maintain "a just proportion of the division fence,"<sup>101</sup> but the 1974 agreement did not specify that the damages awarded included the responsibility to fence the boundary if grazing on adjacent ranchland continued.<sup>102</sup>

On August 12, 1975, Regional Director Merrill D. Beal ruled that the Service should seek the typical fifty-fifty effort in the fence controversy,<sup>103</sup> and, if unsuccessful, consider funding the entire northern common boundary on land acquired from the Cook estate. Harper recommended against the later provision arguing the potential alienation of all area owners who contributed an equal share of funds for common boundary fencing. Harper appealed to Beal:

Construction of 100 percent of the fence at Agate Fossil Beds National Monument at this time without consideration will influence future fencing projects at Scotts Bluff National Monument. These fence projects at Scotts Bluff... begin this fall and extend for five years with "Use and occupancy" provisions. Consistency is probably quite important.

Since the Cook Estate will probably never be "friendly neighbors," and the other ranchers are not yet enemies, I recommend that we fence the north boundary at Agate, but only if the Cook Estate pays for half or if they build an equal amount of fence on the south and/or west portion of the land. The time for construction of this southern section could be extended since the area is not as critical, but it would have to be fully documented to ensure compliance. This recommendation will, I believe, avoid the problems of building the fence in total.<sup>104</sup>

With grazing continuing unabated, Harper recommended on October 15, 1975, that the Park Service proceed with fifty percent of fence construction and resort to litigation to ensure the Cook Estate paid the remainder, plus terminated its trespass grazing.<sup>105</sup>

By mid-1976, the Park Service's half of the fence was up, but the Agate Springs Ranch had done nothing and trespass grazing continued. On June 22, Regional Director Merrill D. Beal asked for an opinion from the Field Solicitor, Department of Interior, Minneapolis-St. Paul.<sup>106</sup> On July 29, Beal told Harper that the Meades must begin constructing their share of the remaining fence within four weeks upon receipt of an official notification. Failure to do so would result in the Service contracting the fence construction and submitting a bill of collection to them. Should it go unpaid, the Service would file a civil action suit in a State of Nebraska court.<sup>107</sup>

The incident was an important milestone in the monument's history. The "fence fight" episode was a classic example of clashing positions, i.e. the

institution of National Park Service regulations in a new park area. It was this difficult situation in which Ranger-in-Charge John Rapier found himself in the fence fight, acting as intermediary between Superintendent Don Harper and the Meades. Regional Director Beal and Superintendent Harper wanted the matter settled permanently and expeditiously. The Park Service would use any means available under the law to resolve the fence fight. The "worst-case" scenario involved the Park Service hiring men to roundup the trespass cattle and transporting them via truck to a feedlot. For the Agate Springs Ranch to reclaim its cattle, it would have to reimburse the Service for the roundup, transportation, and feedlot expenses. Meanwhile, the Federal Government would vigorously pursue its complaint action over the fence through the Nebraska court system.<sup>108</sup>

The Meades decried the fact that they were forced to sell the land and then fence half of it. Mrs. Meade later commented, "We thought it was rather like the people who have to dig their grave and then stand there and be shot!"<sup>109</sup> With local public relations already abominable, Rapier spoke out vehemently against appropriating Agate Springs Ranch cattle:

I talked long enough and hard enough against that kind of an operation as a very last resort. I didn't want to do something like that. You would wreck your relationship, not that they were great, but anything you had or any chance of improving them.... If you don't get along with the local community and local people, you can't expect any support for things you do in the future; you're not a separate entity unto yourself. If you can't deal with the ranchers you have really isolated yourself and created a lot of problems for the area.<sup>110</sup>

On July 31, John Rapier and Seasonal Ranger Bill Taylor personally delivered the official letter indicating the Park Service's intention to

settle the matter in court.<sup>111</sup> Threat of appropriating cattle and legal recourse was successful. Rapier received an assurance that the fence would be built. The property fence to the west and northwest was completed by year's end.<sup>112</sup>

On October 19, 1976, Merrill D. Beal approved an updated version of the Statement For Management,<sup>113</sup> but not before Dorothy C. Meade had her chance to comment during public review. In an August 28 letter to Don Harper, she protested "several inaccuracies and misstatements contained therein,... distortions... both expressed and implied." Mrs. Meade objected to the map which encompassed the Agate Springs Ranch west of Highway 29, reference to the ranch as a cultural resource of the monument, use of "authorized boundary," and three trails she believed did not exist: Fort Laramie-Fort Robinson Trail, the Lieutenant Warren Trail, and the Indian Trail.<sup>114</sup> In a patient October 1 reply, Harper explained the Service's position, agreeing only to change the terminology on "authorized boundary."<sup>115</sup>

The interpretive pamphlets showing the ranch headquarters area within the authorized boundary were particularly irksome for the Meades. For many years they enclosed map did not specify that the area was privately owned and operated; the visiting public naturally assumed the picturesque setting was a part of the park. According to Dorothy Cook Meade, park visitors proved to be a constant problem:

We were [bothered] at first. Very much. It was because they had those pamphlets in which the green area or whatever the color was indicated that this was part of the Monument. So people drove right in, started driving their tent stakes in, and we had to go out and dislodge them. I always felt strange about it in a way because Grandfather [Cook] had



always been so wonderfully welcoming, but of course those were different days, too.

It lasted probably a couple of years until my niece's husband at our request painted a sign for the gate saying private property--"Agate Springs Ranch Private Property"--which has kind of an ugly look to it. We hated that, but we thought perhaps a few people would get the message and it did seem to taper it off.<sup>116</sup>

In mid-November, Superintendent Harper released to the media results of an archeological survey by the Midwest Archeological Center. The survey indicated that the site in the interim developed area lacked significance, and was therefore ineligible for nomination to the National Register. Harper also announced permanent facilities could and would be placed in this area,<sup>117</sup> north of the Niobrara River and within sight of the Fossil Hills.

#### Permanent Visitor Facilities? 1977-1980

The year 1977 began with the administration of Gerald R. Ford giving way to the Jimmy Carter team. Democrats J. J. Exon and Edward Zorinsky represented Nebraska in the Senate. A new voice in the House was Nebraska 3rd District Congresswoman Virginia Smith, a member of the Committee on Appropriations. The Meades lost no time in enlisting Congresswoman Smith's assistance following a promise during the 1976 campaign in which Smith stated she would permit no further land acquisition at Agate Fossil Beds as long as she was in Congress. Mrs. Meade wrote to Congresswoman Smith on February 3, 1977, asking Smith to intervene with the Secretary of the Interior to ensure

that the Agate Springs Ranch was excluded when he designated the boundaries of the national monument. Dorothy Meade extended an invitation to Smith to visit the ranch:

To be able to speak from first-hand observation on the spot would strengthen your position in opposing further land acquisition for this Monument in the Appropriations sub-committee.... Admittedly, with a change in Administration, such designation may be years in the future. Yet we are concerned that Harper, and possibly his Regional Director, Merrill D. Beal, will push the matter, and it might be expedited.<sup>118</sup>

Planning for the permanent visitor center began in 1977. The Denver Service Center awarded a contract for architectural design to the firm of Rogers-Nagle-Langhart.<sup>119</sup> In the maintenance area, the park initiated bi-weekly monitoring of the monument's water system for bacteria levels,<sup>120</sup> and completed the fence removal program. Agate Fossil Beds' full-time maintenance worker, James Hanson, entered on duty August 14. In interpretation, poor attendance during the weekly summer evening interpretive events resulted in cancellation of the program.<sup>121</sup>

Significant personnel changes occurred in 1978. Don Harper transferred to the position of Superintendent, White Sands National Monument, New Mexico, on August 13. Harper was succeeded by Robert L. Burns, former Superintendent of Pictured Rocks National Lakeshore, Michigan. Rapier and Hanson remained the two onsite permanent employees. Visitation during the 1978 visitor season found them overburdened even with the assistance of five seasonals and 15 Volunteers In Parks (VIPs). Progress was made on the park's first Resources Management Plan which was submitted for Regional review at year's end. Opal Bradford, from the Rocky Mountain Region's Mining Office,

conducted a search of Sioux County records for potential mineral rights inholdings. Concentrating on land inside and adjacent to the monument, "Nothing threatening was found." In maintenance, a new sunscreen for the visitor center trailer's porch began and a new 1,000-gallon fiberglass septic tank and leach field was installed at the permanent Ranger's residence.<sup>122</sup>

His 1975 petition finally bearing fruit, Robert Hunt of the University of Nebraska-Lincoln won a contract to provide a geological/paleontological survey at Agate Fossil Beds. Hunt began work on a geological map indicating fossil-producing sites and a report on the fossil potential of the various geological formations and quarries. Small pit tests were authorized, not large-scale excavation.

Preliminary drawings for the visitor center and administrative complex were also underway in 1978. Richard Strand and Judith Johnson of Harpers Ferry Center visited the Meades at the Agate Springs Ranch to photograph and measure Captain Cook's den for the replica in the proposed visitor center museum. Strand and Johnson discussed the \$1,000,000 development project with the Meades who were "appalled" and inspired to initiate another letter-writing campaign to the Nebraska Congressional Delegation. Dr. Grayson Meade objected to the display of life-size models of animals to be found at the fossil beds instead of emphasizing actual specimens. He objected to termination of plans to build an interpretive center into Carnegie Hill. "To exhibit fossils in a visitor center a mile away from the quarries," Meade stated, "would essentially be duplicating what can already be seen in museums across the country." He also questioned whether the bone bed had not already been worked out and if there were sufficient extant deposits to merit an expensive

facility.<sup>123</sup>

On February 23, 1978, Midwest Regional Director Merrill Beal responded to Grayson Meade's charges in a letter to Congresswoman Virginia Smith. Beal began with an update on the status of the visitor center:

Development of the visitor center has been slower than earlier projections had indicated. However, planning of the building is now under way in correlation with the developing Interpretive Prospectus. We anticipate that planning will extend through the remainder of Fiscal Year 1978, with construction beginning sometime the following year.

The preliminary cost figure for actual building construction is approximately \$600,000. This amount also covers supporting facilities, including administrative office space, first aid room, restrooms and a storage area for the Cook Collection materials....

The interpretive portion of the building will include approximately 600 square feet of floor space for the exhibition of the remarkable Indian artifacts collected by Captain Cook. The paleontology room is planned to be only slightly larger to provide space for utilization of models of prehistoric animals until adequate articulated specimens may be obtained at the fossil quarries.

The small library will contain the Harold J. Cook paleontological library and will remain small enough to eliminate the need for a librarian. A preparation lab will be contained in the building as required by the enabling legislation.<sup>124</sup>

Beal assured Smith the project was cost and space efficient, and questioned Meade's conclusion that the beds were depleted:

The National Park Service [Robert Hunt] has made test excavations in three different locations around the fossil hills for in-situ exhibit purposes and each time have found the fossil bone layer. This indicates that the layers extend throughout the hills.

If Mr. Meade's schedule does not permit his personal

involvement, perhaps he would provide the identities of the other geologists who share his theory. The National Park Service certainly wants to ensure that all aspects have been investigated prior to any commitments.

To make the changes suggested by Mr. Meade would involve several more years of delay in the construction of the visitor facilities. While we appreciate Mr. Meade's concern, we feel that the planning done to date is based upon accurate information as to the content of the fossil hills and careful consideration of the most effective way to present the Cook artifact collection to the visiting public.<sup>125</sup>

Acting Regional Director Randall R. Pope sent a similar letter to Grayson Meade on April 14.<sup>126</sup>

A May 1978 Operations Evaluation Report declared the startling news that site planning for the proposed visitor center was in limbo. Team members Hugh Beattie and Tom Weeks of the Midwest Regional Office stated, "It appears that the A&E may have gone to a lot of effort without the necessary direction from the NPS." The firm was asked to return to the drawing board and submit plans on the following problem areas: potential floods of the Niobrara, snow and sanitary waste removal, and the possibility of visitors climbing onto the roof of the building. As for the Cook Collection, it was still stored in three separate areas, the maintenance building at Agate and the Quonset hut and vault at Scotts Bluff. Beattie and Weeks were concerned for the general care and preservation of the collection, specifically the lack of climate, insect, and rodent controls. The operations evaluators recommended Regional Curator John Hunter review the situation.<sup>127</sup>

During 1978 the Midwest Regional Office directorate frequently discussed the question of formal establishment of Agate Fossil Beds National Monument. Bill Dean, Executive Assistant to the Regional Director, noted:

The possibility of establishing the main portion of the monument now and adding another section later was discussed. It was decided that the piecemeal approach might be undesirable and that there was no really compelling reason to take any action now since nothing would be gained. It was, therefore, decided on July 10, 1978 to give the matter no further consideration for the present.<sup>128</sup>

President Jimmy Carter signed P. L. 95-625, the National Parks and Recreation Act of 1978, on November 10. Section 101 of Title I provided for increases in development ceilings. Agate Fossil Beds was one of twenty-nine units included. Recognizing the toll of inflation, Section 4 of the Agate Fossil Beds National Monument Act of June 5, 1965, was amended by changing the development ceiling at Agate from \$1,842,000 to \$2,012,000.<sup>129</sup> The \$170,000 increase resulted in a tentative Fiscal Year 1981 construction date.<sup>130</sup>

Preliminary drawings for the visitor center/administrative facility were completed in 1979, and construction drawings commenced. Harpers Ferry Center printed the park's handbook. Dr. Robert Hunt completed his study, Report on the Geology and Paleontology of the Agate Fossil Beds National Monument, Sioux County, Nebraska. The park accomplished several energy conservation projects. Employees planted fifty-one trees, cottonwood, ponderosa pine, and Rocky Mountain juniper, around the headquarters area and the ranger residence to provide a windbreak, shade, and view screen. They replaced the rotted visitor center trailer porch and built a sun shield. Workers placed insulation in the ranger residence's attic and installed a woodburning stove both there and in the maintenance building. Other projects included elevating the ranger residence's access bridge on the Niobrara to mitigate

winter ice jams and flooding problems, installing a wheelchair ramp to ensure handicapped access at the visitor center, and initiating a herbarium guide to help visitors identify monument wildflowers.<sup>131</sup>

Regional Curator and Physical Security Coordinator John Hunter inspected the physical plant on April 17. He subsequently developed a Crime Prevention --Physical Security Plan. An immediate result was the installation of heavy-duty padlocks and cylinder deadlocks for the visitor center, maintenance building, and Cook storage room.<sup>132</sup>

Hunter's curatorial findings on the condition of the Cook Collection were particularly ominous. Since the 1960s, only 200 items had received adequate preservation treatment; the remainder of the collection continued to deteriorate, particularly the Cook Papers Collection. He recommended major conservation work on 10,000 items, minor preservation treatment for 30,000 items, and the entire collection be placed in adequate storage conditions. (Subsequently, the park moved the majority of the Cook material, save that in the Scotts Bluff vault or small storage room at Agate, to the Quonset building at Scotts Bluff). Hunter also recommended an inventory of the Cook papers and recataloging according to acceptable standards. The estimated cost was \$125,000 over a five-year period.<sup>133</sup>

By far the most negative media coverage in 1979 came from the Lincoln Journal. A June 25 article titled "Agate Fossil Beds Monumental Flop," raked the Park Service over the coals using new Midwest Regional Director Jimmie L. Dunning's own words against him. Statements from the interview with Dunning such as "it is pretty far off the beaten path," "boring," and "don't expect any construction in the foreseeable future" were used to weave a dismal

report. The inflated pre-authorization visitation figures compared to the current low figures, the newspaper asserted, proved the fossil beds "have been a monumental flop as a tourist attraction."<sup>134</sup>

The low point of Bob Burns' rather uneventful superintendency was the January 1980 Regional Office announcement that the programmed construction date for the visitor center had been pushed back from Fiscal Year 1981 to 1985.<sup>135</sup> Service promises and assurances offered during Roman Hruska's mid-1970s initiative went by the wayside. With the country in recession and the Federal budget deficit growing, no permanent visitor facilities for Agate Fossil Beds National Monument were in sight.

Failure to achieve progress in development at Agate Fossil Beds was particularly bitter for Roman L. Hruska. "Retired" in Omaha and serving as a consultant to a prominent law firm, Hruska watched the high priority fall back to the bottom of the Park Service list. It was a "great disappointment" for the park's legislative mentor to witness. When asked later if the assurances of 1975-76 were designed to placate him until leaving office, Hruska replied: "I'll have to leave that for your own interpretation. The succeeding events did not comply nor were they in harmony with the representations that were made at the time. The events speak for themselves."<sup>136</sup>

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37. Mrs. Grayson E. Meade to Congressman Dave Martin, letter, 21 June 1973; and Winifred C. McGrew to Senator Warren G. Magnuson, letter, 26 June 1973, L1425. Both letters were carbon copied to pertinent members of Congress.
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## CHAPTER SIX

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### ONE STEP AT A TIME, 1981-1985

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#### Ronald Reagan's Mandate and Core Mission, 1981

With the election of former California Governor Ronald Reagan to the Presidency, the nation began a new era in January 1981. For the National Park Service, an uncertain future loomed. The change in political party in the Executive Branch ushered in a new conservative Republican philosophy that was anti-spending as well as anti-Big Government. The austerity measures of the Reagan platform were seen as a mandate in the wake of the political repudiation of Jimmy Carter. This was certainly true in the case of Agate Fossil Beds National Monument. Hopes for funding the long-awaited permanent visitor facilities, already delayed by the Carter Administration until Fiscal Year 1985, were even dimmer under Ronald Reagan's mandate.

James Gaius Watt's appointment as Secretary of the Interior inspired the Cook heirs to re-ignite their adversarial position. On February 15, 1981, Mrs. Grayson (Dorothy Cook) Meade, wrote to President Reagan:

You are right! Federal agencies have been greedy in seizing property beyond reasonable need; they have built their own little empires, they have disregarded the public good, and they have been bad neighbors, as James Watt recently stated.

Thank you both for that understanding! It is like a fresh breeze to the public. Your suggestion that federal agencies should sell excess property makes complete sense. Such sales, besides producing income, would reduce the resentment with which agencies are viewed, by returning land to productivity and to tax rolls.

The agencies can be expected to defend every scrap of property, and declare that nothing is excess. Perhaps local observers should be asked to suggest specific excess-property situations which the government could then investigate.<sup>1</sup>

Mrs. Meade cited the case of Agate Fossil Beds National Monument where the National Park Service had acquired "by threat of condemnation" 3,000 acres to encompass the five-acre quarry. Stating a generous 320 acres were sufficient, she contended that the remainder was excess and did not merit two full-time or four seasonal personnel. Mrs. Meade asked that former owners be given first option to repurchase the land. Copies of the letter were sent to Secretary Watt, Senators J. J. Exon and Edward Zorinsky, and Congresswoman Virginia Smith.<sup>2</sup>

Senator Zorinsky forwarded his copy of the letter to the Department,<sup>3</sup> whereupon it was channeled to the Midwest Regional Office for reply. The National Park Service spelled out its case in a letter signed by Assistant Secretary Stanley W. Hulett on April 17, 1981. The last paragraph indicated a new Department directive to the Service: "...the Secretary has asked the National Park Service to carefully review their holdings at Agate to determine whether there may be lands in excess of their needs."<sup>4</sup> Backed by a

decade of careful planning for land acquisition, however, any review board could cite the historical record to justify the Service's position.

The Reagan philosophy soon translated itself into Executive policy by the Office of Management and Budget which called on all agencies to formulate budgets designed to operate each unit at a "minimum acceptable level" of performance. Secretary James Watt and Director Russell Dickenson concurred with the back to basics approach and encouraged fiscal restraint. By December 1981, a Core Mission Declaration was composed for Agate Fossil Beds with the following objectives:

To preserve and protect the flora, fauna, geological and paleontological resources and scenic values of the Monument and thus allow nature to take its course.

To preserve and protect the Bone Cabin, archeological sites and the Cook Collection from deterioration, destruction or theft.

To maintain the Monument's facilities in good working order.

To provide for display, research, study and interpretation of the natural and cultural resources of the Monument through appropriate facilities and services.

To provide for visitor use of the Monument and for the protection and safety of park visitors, residents and employees.<sup>5</sup>

At Agate Fossil Beds, the call for fiscal restraint was nothing new. Budgets had always been frugal and Core Mission (also called Basic Operations) did not halt National Park Service progress in western Nebraska. In fact, the future brightened with a change in superintendents. After more than thirty-six years in Federal service, Robert L. Burns retired on March 31. Alford J. ("Jerry") Banta, former Superintendent of Perry's Victory and

International Peace Memorial, Ohio, entered on duty June 14, 1981, determined to set goals and strive for real progress in both parks under his charge.

In the remainder of 1981, stabilization of the historic Harold J. Cook Homestead Cabin (Bone Cabin) was performed. Dr. Robert Hunt's excavations at "Bear Dog" hill, adjacent to the principal quarries, uncovered the skull and other fossil bones of a *Temnocyon*, or prehistoric dog. It was only the second such specimen of the same genus to be found in the world. (Excavations in 1905 by Carnegie Museum Paleontologist A. O. Peterson in the same area revealed the complete remains of a female adult and a male juvenile *Dapheonodon* [bear-dog] in one den system). Planning of wayside exhibits in coordination with Harpers Ferry Center began in October by updating the existing plan.<sup>6</sup> Proposed exhibits included three near Highway 29 and five along the Fossil Hills Trail:

<u>Exhibit</u>	<u>Subject</u>	<u>Location</u>
1	Agate Springs Ranch	Park Road near Hwy 29
2	Chief Red Cloud Campsite	Park Road near Hwy 29
3	Daemonelix Sites	Park Road near Hwy 29
4	Fossil Hills Trail	Trailhead; Visitor Center
5	River and Grassland	Fossil Hills Trail Viewpoint
6	University Hill Fossil Display	University Hill
7	Historic Excavations	Carnegie Hill
8	Carnegie Hill Fossil Display	Carnegie Hill <sup>7</sup>

Nearly ten years in the making, the U.S. Government Printing Office published the Agate Fossil Beds handbook, a 97-page document which elaborates the history and significance of the monument, in May 1981. The principal component is written by paleontologists James and Laurie Macdonald and is well-illustrated. Because of the lack of permanent visitor facilities, the handbook represents a substantial contribution to the park's interpretation.<sup>8</sup>

Since 1965, the Oregon Trail Museum Association (OTMA), the cooperative association at Scotts Bluff, has served Agate Fossil Beds. Two similar organizations founded by Mrs. Margaret C. Cook became dormant after her death in 1968. The OTMA formulated its most substantial assistance during the annual board of director's meeting on December 3, 1981. In light of the exciting discoveries by Dr. Hunt, Superintendent Jerry Banta proposed that one long-term OTMA objective should be to fund research into the history of paleontological excavations at Agate to determine the extent, findings, and locations of previous scientific discoveries. The OTMA concurred, establishing an account with a goal of \$5,000 to add to any Service funds.<sup>9\*</sup>

#### Divestiture of the Cook II Collection, 1981-1984

With the eager assistance of John Rapier, one of Jerry Banta's principal goals was to divest the park of curatorial items not related to mandated themes. The groundwork for this began during Bob Burns' tenure. In its entirety, the Cook Collection was an unwieldy 40,000 objects. The first accession of Sioux artifacts, loaned by cooperative agreement and later acquired by bill of sale in April 1968, had become labeled "Cook I." The second accession, bequeathed to the Service by Margaret C. Cook, was called "Cook II." Cook I included around 500 priceless items and was not a problem. Cook II, about 39,500 items, comprised the contents of Agate Springs Ranch

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\*The National Park Service subsequently funded the entire project. OTMA funds went to other resource needs.

buildings, included paleontological artifacts, books, furniture, and even boxes of rags. The combined collection, stored in two places at Scotts Bluff and one at Agate Fossil Beds, represented a monumental management headache. To dispose of nonessential items would substantially reduce the size of the collection and bring it under more realistic control.

Jerry Banta took the first step on August 19, 1981. In a memorandum to Midwest Regional Director J. L. Dunning, Banta requested an opinion from the Solicitor on three points: could the Service 1) lend or transfer parts of the Cook Collection to other agencies or institutions outside the Federal Government; 2) return Cook I or Cook II items to the Cook heirs; and 3) declare items excess property?<sup>10</sup> Regional Director Dunning's subsequent request for an opinion included additional questions from Regional Curator John Hunter.<sup>11</sup>

In a September 30, 1981 reply, Solicitor Albert V. Witham determined Cook I was inviolate, "to be used for exhibition and reference purposes at Agate Fossil Beds National Monument with temporary removal for repair or preservation permitted." Cook II assets could be disposed of under authority of the Museum Services Act of July 1, 1955 (69 Stat. 242) giving the Secretary authority to expend, exchange, or loan property no longer needed "to increase the public benefits" or "interest."<sup>12</sup>

The Solicitor's liberal definition of "expend," however, evoked terror throughout the Service's curatorial community. Arthur C. Allen, Chief of the Division of Museum Services, Harpers Ferry Center, was particularly alarmed. In an appeal to Chief Curator Ann Hitchcock, Allen wrote:

In my opinion this is a potentially destructive interpretation of the Museum Services Act and is not consistent with the intent of the legislation. The Act was promulgated to allow the NPS to exercise policies similar to those used by private sector museums. The law was not enacted to make it easy to dispose of museum resources entrusted to the care of the National Park Service. Under Mr. Witham's interpretation the National Park Service could give away museum objects to anyone or any institution, just as long as the action "increases the benefits derived from National Park Museums." To indicate how loosely "benefits" can be interpreted the memo goes on to suggest that the making of additional space is good enough reason to dispose of federally owned museum objects.

No matter the merits of the case in point, the solicitor's opinion may have a far-reaching deleterious effect on a Servicewide basis. Can you imagine the possibility of park collections being given away on the basis that the public benefits from the additional space gained by the collection's disposal? As proposed earlier, we do need the ability, under certain circumstances, to donate unneeded museum objects to bona fide public museums, but we certainly do not need to open this particular Pandora's Box.<sup>13</sup>

Ann Hitchcock immediately appealed Witham's opinion to Barbara Levin in the Assistant Solicitor's Office, inquiring if it conflicted with previous opinions. Hitchcock believed that the intent of "expend" referred to monetary gifts and gifts of property other than museum objects.<sup>14</sup> Hitchcock's assessment was correct as viewed by an April 5, 1982, Assistant Solicitor's opinion. Regional Solicitor Albert Witham responded the following day:

The April 5, 1982, opinion agrees that personal property donated by Mrs. Cook after July 1, 1955, [sic/1965?] may be disposed of to increase the public benefits or to loan them in accordance with the limitations of our September 30, 1981, opinion. Please note that with respect to returning donated personal property to the Cook heirs, while the Assistant Solicitor agrees that this may be done if it advances the public interest, caution should be exercised to make sure that the public interest is advanced. Hence, you should assure yourself that any objects in Cook

II which are returned to the Cooks are not of museum quality and, if returned, will enhance the display and provide room for the quality objects.<sup>15</sup>

Thus, the potential threat to the integrity of Service museum collections dissipated with the distinction made between museum quality objects and mundane personal property.

The next step was to draft a Scope of Collection Statement clearly defining the mission of Agate Fossil Beds and how the collections told the monument's story. The Statement, approved by Acting Regional Director Randall Pope on July 2, 1982, outlined the scope of the three collections: museum, library, and archives. It was against these precise definitions that Cook II could be evaluated and deaccessioning decisions justified. Guidelines for additional collecting and criteria for acceptance or rejection of donated objects were also adopted.<sup>16</sup>

The Scope of Collection Statement represented a fundamental milestone in the park's quest to divest itself of superfluous Cook II material. Its adoption cleared the path for Jerry Banta to contact the Cook heirs, principally the Meades at the Agate Springs Ranch. The move genuinely impressed the Meades who were surprised the Service would perform such a good-neighborly deed. Cook family relations with the National Park Service, icy since the land acquisition and fencing battles of the 1970s, thawed with the prospect of regaining some of the cherished heirlooms taken from them under the terms of Margaret C. Cook's will.

Under the Solicitor's opinion, Cook II divestiture back to the Cook family could not take place without proof of demonstrated public benefit. Jerry Banta and John Rapier devised a "Draft Barter Agreement" between the



Service and Mrs. Dorothy Meade. Under the agreement, the Park Service could relinquish items from Cook II which were deemed unnecessary and not of museum quality in exchange for oral history interviews with Mrs. Meade on the 500 Sioux Indian items in Cook I.<sup>17</sup> Jerry Banta reasoned:

Ms. Dorothy Meade is a daughter of Harold Cook. At one time, she gave guided tours through the family museum which primarily displayed the collection of 500+ American Indian artifacts we now refer to as the Cook I Collection. The display and interpretation of these objects is a primary legislated mission of Agate Fossil Beds National Monument. Many of the objects were given to James Cook by Red Cloud and other notable Native American leaders. Each has a special story surrounding its history or transfer. This information is essential to the mission of the Park. There is not now, nor will there ever be, a source for the information other than Ms. Meade. The assistance of Ms. Meade will also be required in the identification of hundreds of photographs in the Agate Collection.<sup>18</sup>

Using the Scope of Collection Statement, John Rapier thoroughly inventoried Cook II. On December 30, 1982, a park review board approved Rapier's eighty-three page inventory of 4,425 separate groupings and submitted it to Regional Director Jimmie L. Dunning along with an updated Draft Barter Agreement. While representing only a small portion of Cook II, divestiture of all items on the list would reduce storage space by an amazing sixty percent.<sup>19</sup>

A lengthy in-Service review process resulted in an eighteen-month delay before the Draft Barter Agreement went to the Solicitor for comment. On August 3, 1984, Regional Solicitor Albert V. Witham suggested two clauses: that Mrs. Meade accept the materials in their present condition without warranties and the Government be free from liability for damage or injury

during moving the goods. Witham also requested that a moving date be established in the agreement, and added, "We do not think it would be legally proper to deliver all or part of the goods to her until she has performed all or part, respectively, of her side of the bargain."<sup>20</sup>

Mrs. Dorothy Meade did not wait to sign the Barter Agreement before she began fulfilling "her side of the bargain." Beginning in 1983, Mrs. Meade traveled to Scotts Bluff National Monument to identify artifacts in Cook I and to relate personal knowledge in recorded oral history interviews.<sup>21</sup> In 1984, Mrs. Meade completed the oral history sessions<sup>22</sup> and began work on identifying photographs.

Midwest Regional Director Charles H. Odegaard approved the Barter Agreement and signed it on behalf of the Park Service on December 21, 1984. Mrs. Meade signed the document in early 1985. Final completion of the terms of the agreement came on September 30, 1985.<sup>23</sup>

While steady progress was being made on the divestiture of Cook II, other important achievements were made at Agate Fossil Beds from 1982 to 1985.

In 1982, under provisions of the Scope of Collection Statement, the University of South Dakota-Vermillion won a contract bid for \$26,000 for archival organization and inventory of the Cook Papers Collection. After fourteen years of Park Service ownership, developing an index for the massive Cook Papers would make this rich historical manuscript collection available to researchers.

Dr. Robert Hunt returned to Agate Fossil Beds in 1982 to continue excavating the Bear Dog Hill site where he uncovered other den systems.

Hunt and three assistants from the University of Nebraska Museum (under a grant from the National Science Foundation and National Geographic Society) excavated one of the oldest large carnivore dens known to man, dating to the Miocene Epoch of 20 million years ago. Terms of the excavation permit for the five-year project provided for interpretation to visitors throughout the period of the excavations.<sup>24</sup>

Professionals from the Midwest Region and Washington Offices also arrived to identify prairie restoration and fossil hills needs. The park installed a fire weather station near the Maintenance Building and John Rapier received training on how to compute and transmit data from the station.

Maintenance activities in 1982 included the installation of new signs conforming with the National Park Sign System and the Park Sign Plan. The construction of a permanent, three-unit unisex restroom facility prompted Superintendent Jerry Banta to lament, "The facility... exceeds all other headquarters buildings in appearance."<sup>25</sup> Workers added a concrete wheelchair ramp to the visitor center parking lot. The ramp and the new comfort station made all visitor services facilities accessible to the handicapped. Installation of a fire and intrusion alarm system, designed by Regional Curator John Hunter, began during 1982, and alarm indicators put in Ranger-in-Charge Rapier's and Maintenance Foreman Hanson's residences. Finally the park replaced the bridge over the Niobrara leading to the Rapier residence.<sup>26</sup>

Status of the development ceiling for Agate Fossil Beds was \$552,700 appropriated through Fiscal Year 1982. Out of the authorized \$2,012,000, the unappropriated remaining funds totalled \$1,459,300.<sup>27</sup> For the fiscal budget,

the results of a Basic Operations Programs Evaluation early in the year showed a minimum of \$7,500 needed for Core Mission. Superintendent Banta disagreed with the projection stating that the park:

is not currently funded to meet its mandated mission.... The survey indicated projected requirements of 7.5 thousand dollars in visitor services to meet the basic mission. Since that submission an accumulation of salary increase absorption, administrative reduction, and personnel ceiling imposition have further reduced the park's capabilities. It is now anticipated that approximately 12 thousand dollars and .3 additional work year would be required for the basic operation.<sup>28</sup>

Nineteen eighty-three was the first year of a two-year grasslands study. The park purchased a slip-on fire-fighting pumper for range fires on monument lands, and replaced plexiglass covers on the fossil display cases at the visitor center and along the Fossil Hills Trail. Boundary fencing in 1983 completely enclosed the principal perimeter of the monument to prevent livestock damage to paleontological and prairie resources. Workers installed a hypochlorinator at headquarters; at the ranger residence, they drilled a new well and installed a new pressure tank and hypochlorinator.<sup>29</sup> An additional \$26,000 contract went to Archivist Karen Zimmerman of the University of South Dakota to accomplish the second phase of the Cook Papers Collection inventory by July 1, 1984.<sup>30</sup> (An extension resulted in project completion in December 1984.)

The most significant public relations development in 1983 involved the July 15 publication of an article by Dr. Robert Hunt in Science magazine. The article revealed results of Hunt's Agate excavations to the scientific community that denning behavior by large carnivores dated 20,000,000 years

ago, 18,000,000 years more than previously believed.<sup>31</sup> Hunt's work at Agate continued in 1984. Under a National Park Service contract, the Nebraska paleontologist completed a report, The Agate Hills: History of Paleontological Excavations, 1904-1925. First called for by Jerry Banta and the Oregon Trail Museum Association in 1981, Hunt's book traces the excavating history of the area utilizing the archives of participating institutions, but not the Cook Papers Collection which were unavailable to researchers.

In 1984, the Midwest Regional Office approved a single "Resource Management Specialist" position to serve both Scotts Bluff and Agate Fossil Beds National Monuments. Resource Management Specialist George Oviatt immediately began a two-year training program at Indiana Dunes National Lakeshore, Indiana.

A visitor was fined \$250 for shooting a deer on Federal land in 1984, the first serious law enforcement infraction in the monument's history. Facilities for the handicapped were improved with the addition of a wheelchair accessible drinking fountain and picnic tables. New routed plastic signs identifying wildflowers were constructed for the Fossil Hills Trail. Boundary fencing at the remote Stenonylus site, designed to prevent livestock damage to paleontological and prairie resources, also began.

The park installed a new propane furnace/air conditioner at the temporary visitor center along with a 1,000-gallon propane tank. A modern house trailer replaced the aging ranger residence house trailer. Maintenance Foreman James Hanson enhanced the Maintenance Shop by constructing cabinets, benches, and tables to accommodate a new radial saw and electric welder. The park also purchased a replacement pickup truck and a new garden tractor for

mowing and snowblowing, and arranged for the grading and graveling of the road to the ranger residence. The ranger residence received wood siding and a generator for emergency power outages.<sup>32</sup>

Midwest Regional Director Charles H. Odegaard approved a revised Statement for Management on September 24, 1984. Primary management concerns of "such magnitude or immediacy so as to require special attention in park planning and operational actions" are as follows:

The lack of adequate and appropriate visitor access and interpretive facilities severely hinders the ability of park management to carry out the basic mission of the park.

An extensive ongoing program of curatorial care must be developed to preserve and maintain the Monument's large collection of priceless museum objects.

A management plan for the fossil quarries is necessary to properly evaluate continuing requests for scientific use of the resources.

Insufficient scientific and data base information exists to allow sound management of aquatic and prairie resources.<sup>33</sup>

Updated management objectives of the 1984 Statement for Management follow:

To identify, inventory, and monitor the condition of natural, cultural and scenic values of the Monument, and to provide appropriately for their preservation, protection and use.

To manage the unique paleontological resources of the area so as to provide for their scientific and educational use in a manner consistent with the purposes of the Monument.

To provide appropriately for the protection, preservation, and display of artifacts and relics of the Cook Collection and the archeological sites of the Monument; and to interpret the unique relationship of the Indians and early settlers of the area.

To identify, provide for, and regulate appropriate uses of the Monument in a manner consistent with the protection of its resources and existing private rights, and to provide access and facilities to permit and manage such uses.

To provide means for the safety and protection of the visitors, residents, and employees of the Monument.

To maintain the physical facilities within the park in a cost efficient manner.

To provide for the proper preservation, protection and interpretation of the Harold Cook Homestead.<sup>34</sup>

The revised Statement for Management and establishment of the resource management specialist position highlight the Banta/Rapier initiative to identify and mitigate natural and cultural resources concerns.

#### Cooperative Agreement with Sioux County, 1984

With visitation gradually increasing, one of the most irksome management problems in the 1970s and early 1980s is the egregious condition of the Sioux County Road through the monument. Beginning in 1977, Sioux County's traditionally sporadic maintenance of the three-mile gravel access road increased to meet the upswing in visitation to Agate Fossil Beds. The expense to maintain this roadway segment and time it takes away from other projects in the huge northwest Nebraska county is a drain on the road department's budget. From the county's perspective, the National Park Service should help fund road maintenance. At the very least, the Service should provide the gravel every five to eight years for the county to regrade the road free-of-charge. The county wanted to use the gravel pit inside the monument which

historically was used for this purpose. When the gravel pit became Service property, however, the park denied this gravel source to the county.

Compounding the problem further was Grayson Meade's refusal to sell Sioux County any gravel from the Agate Springs Ranch's rock quarry for use on roads inside the national monument. County government expressed its concern about the escalating cost of hauling gravel from distant sources to Agate Fossil Beds.

Complaints from park visitors rise proportionally as the road deteriorates following adverse weather or heavy summertime usage. Although to the layman using an onsite gravel source seems ideal, the Service's resource protection policies prohibit further exploitation of the old gravel pit. Neither can funding be used to improve non-Federal property, i.e. the Sioux County Road right-of-way. Even if it were sanctioned, the fiscal restraint environment made such an expenditure dubious.

Undaunted, Superintendent Jerry Banta and Management Assistant John Rapier met with the Sioux County Board of Commissioners in Harrison on November 1, 1982. Both sides aired their positions on the problem. Also present was County Attorney John Skavdahl who stated the county would continue to maintain the road, but could not afford to make any major improvements. Banta restated the Service's long-standing offer to enter into a cooperative agreement with Sioux County to provide minor maintenance on the three-mile segment of road.

The two sides discussed possible steps leading to an agreement and the necessity of concurrent jurisdiction permitting the Federal Government to improve the road. After much discussion, it was agreed to meet again to



discuss the issue further. Banta noted, "The meeting was cordial at all times and generally directed toward problem solving. However, it appears we are some distance yet from reaching a satisfactory agreement for the Park."<sup>35</sup>

Subsequent meetings were held to resolve the problem. A June 9, 1982, Solicitor's opinion held that no more than \$1,000 each year should be expended to assist in minor road maintenance. In a bewildering twist, Sioux County Commissioners did an about-face and dropped their request for funding and pushed for a gravel source within the monument.<sup>36</sup>

In 1983, the two sides finally negotiated a tentative agreement. The Service followed the Solicitor's opinion and agreed to allocate funds up to \$1,000 to Sioux County each year to assist with minor road maintenance to mitigate the impact of park visitor usage. Sioux County officials pledged to seek legislation in Lincoln to secure concurrent jurisdiction for the National Park Service.<sup>37</sup> The official agreement was signed September 4, 1984. The cooperative agreement (CA-6710-4-8014) includes a five-year renewal clause.<sup>38</sup>

A bill, drafted and introduced in the Nebraska Legislature in 1984,<sup>39</sup> passed in early 1985, extending concurrent jurisdiction to all National Park Service units in the State: Agate Fossil Beds and Scotts Bluff National Monuments, and Homestead National Monument of America. A Solicitor's opinion subsequently declared the measure flawed, and until amended by the unicameral, the National Park Service will not accept concurrent jurisdiction from the State.<sup>40</sup>

### A Look to the Past and to the Future, 1985

A review of events in the two decades since President Lyndon B. Johnson signed P. L. 89-33 reveals moderate progress has been achieved at Agate Fossil Beds National Monument. Changes have taken place because of the dogged persistence of dedicated Park Service personnel who believe in the significance and importance of the fossil beds and its related resources to the heritage of the United States and the world. While Agate Fossil Beds National Monument may have enjoyed number-one priority in 1965, with the escalation of the Vietnam conflict and subsequent events, this distinction was quickly lost and has never been regained. It has caused disappointment for Service personnel as well as communities in northwest Nebraska who remember the plans and promises of the 1960s. Few have given up. Admittedly, progress at Agate Fossil Beds has been painfully slow, but it moves relentlessly forward "one step at a time." The park remains in its infancy, being nurtured by talented men and women with vision who recognize the site's significance.

Lack of permanent visitor services facilities is the biggest stumbling block. Projections in 1980 wistfully called for construction to begin in 1985. That did not happen nor, according to all National Park Service personnel consulted, is it likely within the next several years. Construction of an interpretive center and administration building continues to be a number-one park priority. Presently, there are no powerful Nebraska politicians in the United States Congress like Roman Hruska who will force the issue. Agate Fossil Bed's "Catch 22" remains in effect, according to

John Rapier:

With limited funds, we are always low on the totem pole. It's like the egg and the chicken. Which comes first? They would say your visitation doesn't justify a visitor center; but without the visitor center, you don't get the potential you would probably get if it became well-known that you had a visitor center.... People who would come here and come out of their way... don't because the area isn't developed that much so it doesn't attract the number of visitors that it potentially would with more developed facilities.<sup>41</sup>

On the same topic, Howard W. Baker later recalled:

I think it's a shame that we have not been able to do anything, but when you have a situation where most of the values are covered up, you don't feel an urgency of getting in there and doing something. I know how people think when they have pressures to put the dollar here or put the dollar there. The dollar's going to go where it will make the best showing and to put Agate Fossil Beds high on that list is something most people wouldn't do. I think we have it preserved, that's the main thing. Some day when we... can spend that kind of money and do the job of interpreting the area and displaying the area, then I think we have what we need. It's a matter of showing it. I can't fault the Park Service for not moving ahead.<sup>42</sup>

In late 1984, a Development/Study Package Proposal (Form 10-238) was approved to make additional minor changes to preliminary designs, and to prepare construction documents for an "initial visitor use building to include exhibit areas, restroom facilities, multipurpose (AV) room, curatorial storage, library, museum lab, and office space for park staff; construct associated sidewalks and parking areas."<sup>43</sup> Justification for the move follows:

Agate Fossil Beds was established [sic] in 1965 and initial visitor use facilities have not yet been provided.

Legislation establishing [sic] the Monument specifically provided for the exhibition of one of the Nation's major Sioux Indian collections. For lack of exhibit area, that collection remains in storage and the Park is unable to fulfill its primary mission.... If the facilities are not provided, interest groups will continue to publically question Federal acquisition of the area for which initial facilities have not been provided in 20 years.

There is renewed public interest in the project. The Western United Chambers of Commerce have recently identified the completion of development as a major goal and has enlisted the aid of most members of the Nebraska Congressional Delegation and other public officials. The National Park Service has been the subject of severe local criticism for the 20-year delay in providing initial development in the Park.<sup>44</sup>

Park personnel are evaluating what the next generation of temporary facilities should be. The office and visitor center trailers both are beyond their life expectancy and should be replaced. One option is simply to replace them in kind. A more attractive proposal is to acquire a modular home unit thereby combining administration, exhibits, A/V, and storage rooms in one structure. The more modern facility would not only be pleasing to the eye, but more spacious as well, thereby better serving the visitor.<sup>45</sup>

While permanent visitor center construction did not begin in 1985 as forecast, improvement of other visitor services areas did. For example, the park hard-surfaced the Fossil Hills Trail and awaited delivery of new wayside exhibits. A mowed one-mile strip connecting the headquarters area with the fossil beds, the Fossil Hills Trail was uneven and unsafe. In the mid-1970s, park personnel relocated the footpath several yards away as the result of overuse, causing a double visual blight on the Niobrara valley floor. Blacktopping the trail corrected a troublesome human erosion and maintenance problem as well as eliminated the threat of rattlesnakes concealed in the

prairie vegetation harming visitors. The newly paved Fossil Hills Trail is three-and-a-half feet wide, and a 460-foot boardwalk spans the marshy area near the Niobrara.<sup>46</sup>

Another summer 1985 improvement came in the museum storage area of the Maintenance Building. At a cost of \$2,500 for materials, park employees insulated the curatorial room under the direction of James Hanson. The area is now secure against rodent entry. It is further augmented by the installation of heating and humidification equipment from Scotts Bluff.<sup>47</sup> The environmental controls now permits most of the Cook II Collection--after divestiture of the non-museum quality objects under the Barter Agreement with Mrs. Dorothy Meade--to be stored at Agate Fossil Beds National Monument. This in itself is a historic event for the National Monument.

Part of Cook II which will not be stored at Agate Fossil Beds is the Cook Papers Collection. In late 1984, Karen Zimmerman of the University of South Dakota completed the computerized inventory/index of the collection. The papers collection contains correspondence from 3,805 individuals, among whom are "Buffalo Bill" Cody, Helen Keller, William Howard Taft, Thomas Dewey, Herbert Hoover, and Chief Red Cloud. Alongside the letters are financial records, legal documents, notebooks, manuscripts, photographs, and scientific publications, all contained within 100 archival boxes.<sup>48</sup> The Cook Papers have already proven to be a valuable historical resource. The author was the first historian to use the manuscript collection in April 1985, followed by Midwest Region Seasonal Historian Charles Trupia, researching the History and Significance section of the Harold J. Cook Homestead Historic Structures Report (and potential National Historic Landmark nomination). The

permanent loan archival depository will be determined after the transfer of the collection from Vermillion to Scotts Bluff National Monument in the fall of 1985. Park and Regional officials will determine the best candidate. Potential repositories include the University of Nebraska, University of Wyoming-Laramie, and Nebraska State Historical Society.

A June 1985 operations evaluation report pinpointed no principal administrative deficiencies, but suggested ways to boost visitation.

One serious regional problem in 1985 involved grasshopper infestation and damage to range and cropland. Damage to vegetation within the monument also occurred and neighbors voiced concern the Park Service did not take part in the area spraying programs.

Career Seasonal Ranger William W. Taylor, employed at Agate Fossil Beds since 1966, retired in November 1985. Taylor's twenty-year tenure marked the longest in the monument's history.<sup>49</sup>

Under review in 1985, the park's Land Protection Plan recommends a cooperative agreement be made between the Park Service and owners of the Agate Springs Ranch. The agreement would ensure the continued management of the ranch headquarters which falls within the recognized boundary. The Cook heirs would be required to maintain the historic scene (in accordance with the Secretary of the Interior's Standards for Historic Preservation) until a change in ownership, whereby the Service would possess a right of first refusal upon sale of the property. If current use changes or a cooperative agreement is not obtainable, the plan recommends a scenic easement to insure preservation of the historic scene. Additionally, two outstanding mineral rights (the service owns a half-interest) on the former Hoffman property

(Tract 01-118 and 01-119) should be acquired in fee to protect the monument from mineral development. Finally, a no action alternative on the county road right-of-way will maintain the current cooperative agreement. Construction of permanent visitor facilities and/or increased visitation may require acquisition of the right-of-way to permit significant Federal improvements on the road.<sup>50</sup> [NOTE: The plan was approved in May 1986.]

Superintendent Jerry Banta's motive in preparing the Land Protection Plan is to halt the twenty-year controversy over the Agate Springs Ranch headquarters' status, and perhaps soon the Agate Fossil Beds National Monument can officially be established. Jerry Banta commented:

I think that the boundaries that we have now are perfectly satisfactory for managing and protecting the resource. I think that the private property that is still within the boundaries that we haven't acquired could very well be handled on less-than-fee operation, but I think it's necessary to keep it in the boundary so that we can protect it.

I don't think it [Agate Springs Ranch headquarters] will ever be acquired as long as it's under its present ownership. There isn't any need to. What we're looking at now, the land acquisition plan calls for cooperative agreement. Then that would be backed up if that wasn't negotiable by a possibility of acquiring it. But if you look at the Agate Springs Ranch, our needs in terms of that ranch are interpretive. It is a historic site within the park boundaries. The best thing that can happen to that ranch would be for it to continue to be a working ranch headquarters--even better--in the Cook family which is exactly what it is, and exactly what the present owners would like to see it continue as. So I don't see us acquiring it in the near future. Probably not at all unless the ownership or use changes.<sup>51</sup>

This attitude is characteristic of the Banta/Rapier management team, and yet another goal in their step-by-step, progressive approach. Relations with neighboring ranchers are good. A key component is integrating with the

community, becoming a member and asset to it. This has never been a job requirement, but is something that Park Service employees have willingly done. In the heart-felt words of former management Assistant Roy Weaver:

We loved Sioux County and especially the upper Niobrara. Agate Fossil Beds was not a job but a wonderful experience. Hanging above the fireplace we have an original oil painting we commissioned of the Fossil Hills as seen from our old trailer house. It's a winter scene. The snow-clad fossil hills appear beyond the flooded frozen snow-covered Niobrara. A ghost of last year's cattails adds emphasis while an ancient remnant of George Hoffman's old fence line completes the scene.

That country and its people have a way of becoming part of you. And, if you're lucky, you become part of it. My wife and I developed a special partnership, at home on that grassy terrace above the Niobrara River. Our life was one of rich solitude interspersed with excitement and wonderful activities with our neighbors; activities made special by the solitude that draws neighbors together. As one drives east, after dark, along the Niobrara River or cuts south from the Pink School house up Whistle Creek one gets a special feeling of warmth seeing the ranch yard lights piercing the darkness at intervals and knowing that at each yard light is a family of special people who can be counted upon when needed.<sup>52</sup>

In late 1985 and early 1986, another ray of hope for permanent visitor facilities shines for Agate Fossil Beds National Monument. Midwest Regional Director Charles H. Odegaard, stating "Agate Fossil Beds is an unusual attraction, and we should be doing a better job of telling its story,"<sup>53</sup> placed the construction of a visitor center and museum complex high on his priority action list. The permanent development, estimated at \$2.2 million, will become a reality by 1990 if \$1 million in private funds can be raised. Under Odegaard's direction, a fund-raising drive is being organized. The old "Catch 22" will yet be defeated.



And the history of the National Park Service's administration of Agate Fossil Beds National Monument, Nebraska, continues.

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4. Assistant to the Secretary and Director of Congressional and Legislative Affairs Stanley W. Hulett to Senator Edward Zorinsky, 17 April 1981, A3615.
5. Superintendent Alford J. Banta to Regional Director J. L. Dunning, 2 December 1981, and "Draft Core Mission Declaration, Agate Fossil Beds National Monument," review comments incorporated, A5639.
6. Superintendent Banta to Regional Director Dunning, 11 March 1982, A2621.
7. Wayside Exhibits Proposals, Agate Fossil Beds National Monument, submitted to Harpers Ferry Center October 1981, D6215.
8. Press Release, "New Park Handbook Explores Discoveries at Agate Fossil Beds National Monument," 7 May 1981, K3415.
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13. Arthur C. Allen, Chief, Division of Museum Services, Harpers Ferry Center, to Ann Hitchcock, Chief Curator, Washington Office, 16 November 1981, D6215.

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15. Regional Solicitor, Rocky Mountain Region, Office of the Solicitor, to Regional Director Dunning, Midwest Region, 6 April 1982, D6215.
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21. Superintendent Banta to Regional Director Dunning, Annual Report 1983 [undated], A2621.
22. Superintendent Banta to Regional Director Charles H. Odegaard, Annual Report 1984 [undated], A2621.
23. Regional Director Odegaard to Superintendent Banta, 2 January 1985, and "An Agreement For The Exchange of Items Between The National Park Service and Ms. Dorothy Meade, Agate, Nebraska," A2621.
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27. Acting Regional Director Randall R. Pope to Superintendent Banta, 9 February 1982, D22.
28. Superintendent Banta to Regional Director Dunning, 5 March 1982, A5639.
29. Superintendent Banta to Regional Director Dunning, Annual Report 1983 [undated], A2621.
30. Contracting Office, Midwest Regional Office, to Ms. Karen Zimmerman,

American Indian Research Project and Archeology Laboratory, Department of Social Behavior, University of South Dakota-Vermillion, letter, 14 September 1983, D6215.

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APPENDIX A

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HISTORIC AND CONTEMPORARY SITE PHOTOGRAPHS

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Figure No. 1

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Agate Springs Ranch Headquarters

Gathering of Sioux Indians at Agate. Captain James H. Cook is in deerskin hunting dress and Jack Red Cloud is seated in foreground talking to Cook in sign language.

Photographer: Unknown  
Donated by Mrs. Margaret C. Cook  
Circa 1897-98

Negative: AG-75  
Photo File, Agate Fossil Beds National Monument

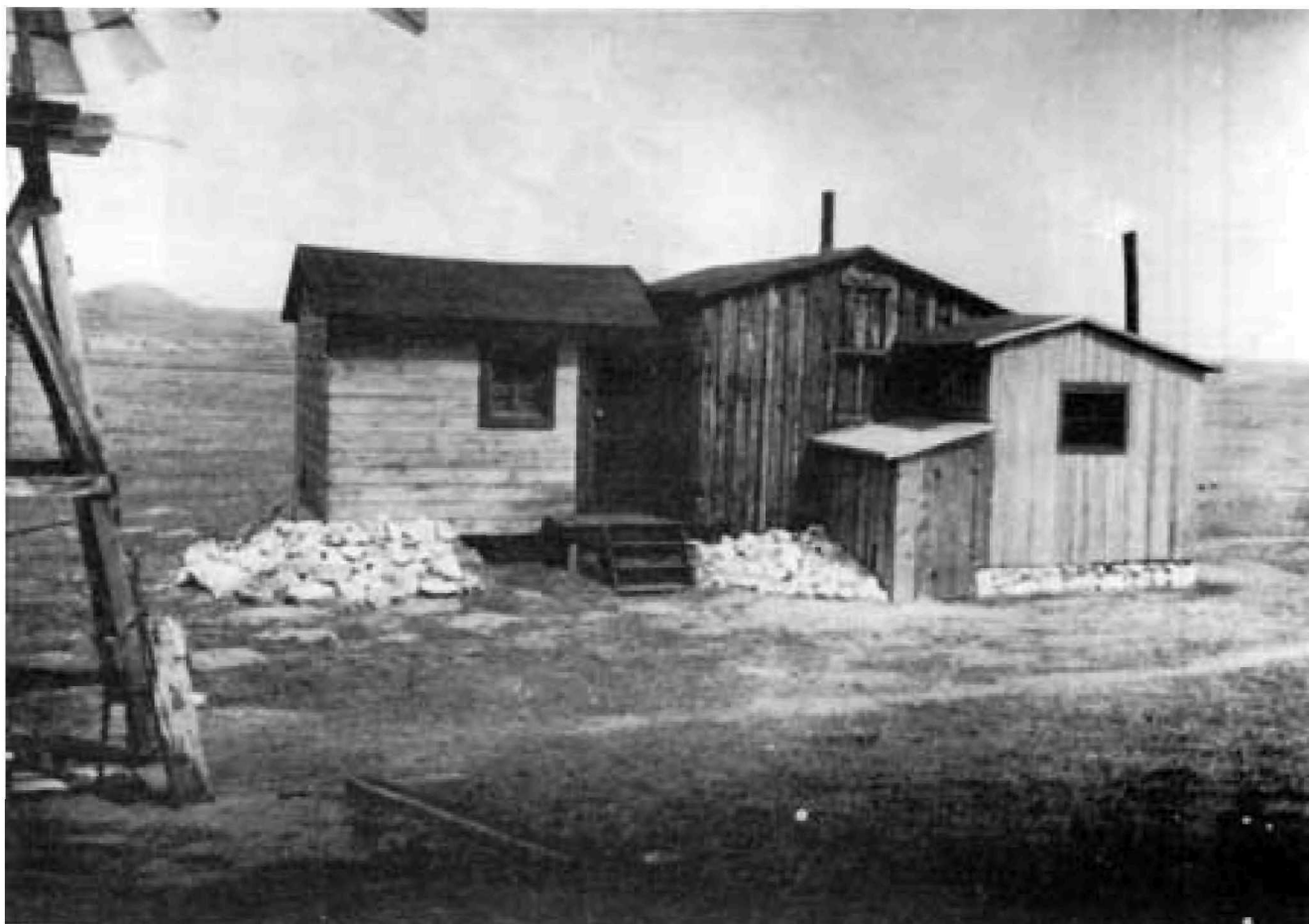


Figure No. 2

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Harold J. Cook Homestead Cabin or "Bone Cabin"

View of the south side of the cabin with the windmill at the left of the photograph. This is the only historic residence owned by the National Park Service at Agate Fossil Beds which is listed on the National Register of Historic Places.

Photographer: Unknown  
Donated by Mrs. Margaret C. Cook  
Circa 1914

Negative: A-241  
Photo File, Agate Fossil Beds National Monument



Figure No. 3

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Agate Springs Fossil Quarries

Captain James H. Cook looks for fossils in the quarries on his ranch.

Photographer:

Unknown

Donated by Mrs. Margaret C. Cook

Circa 1918

Negative:

AG-94

Photo File, Agate Fossil Beds National Monument

also, 105823, American Museum of Natural History





Figure No. 4

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Agate Springs Fossil Quarries

Harold J. Cook examines fossil remains excavated during the 1950 survey work conducted by the South Dakota School of Mines and Technology.

Photographer: Dr. R. E. Lemley  
South Dakota School of Mines and Technology  
Summer 1950

Negative: AG-93  
Photo File, Agate Fossil Beds National Monument



Figure No. 5

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Agate Springs Fossil Quarries

After U.S. Senator Roman L. Hruska of Nebraska (left) announced the introduction of legislation to establish a national monument, Mrs. Margaret C. Cook (center) conducted a tour accompanied by Scotts Bluff National Monument Superintendent Harold R. Jones (right).

Photographer: Omaha World-Herald  
April 17, 1963

Negative: No number  
Photo File, Agate Fossil Beds National Monument

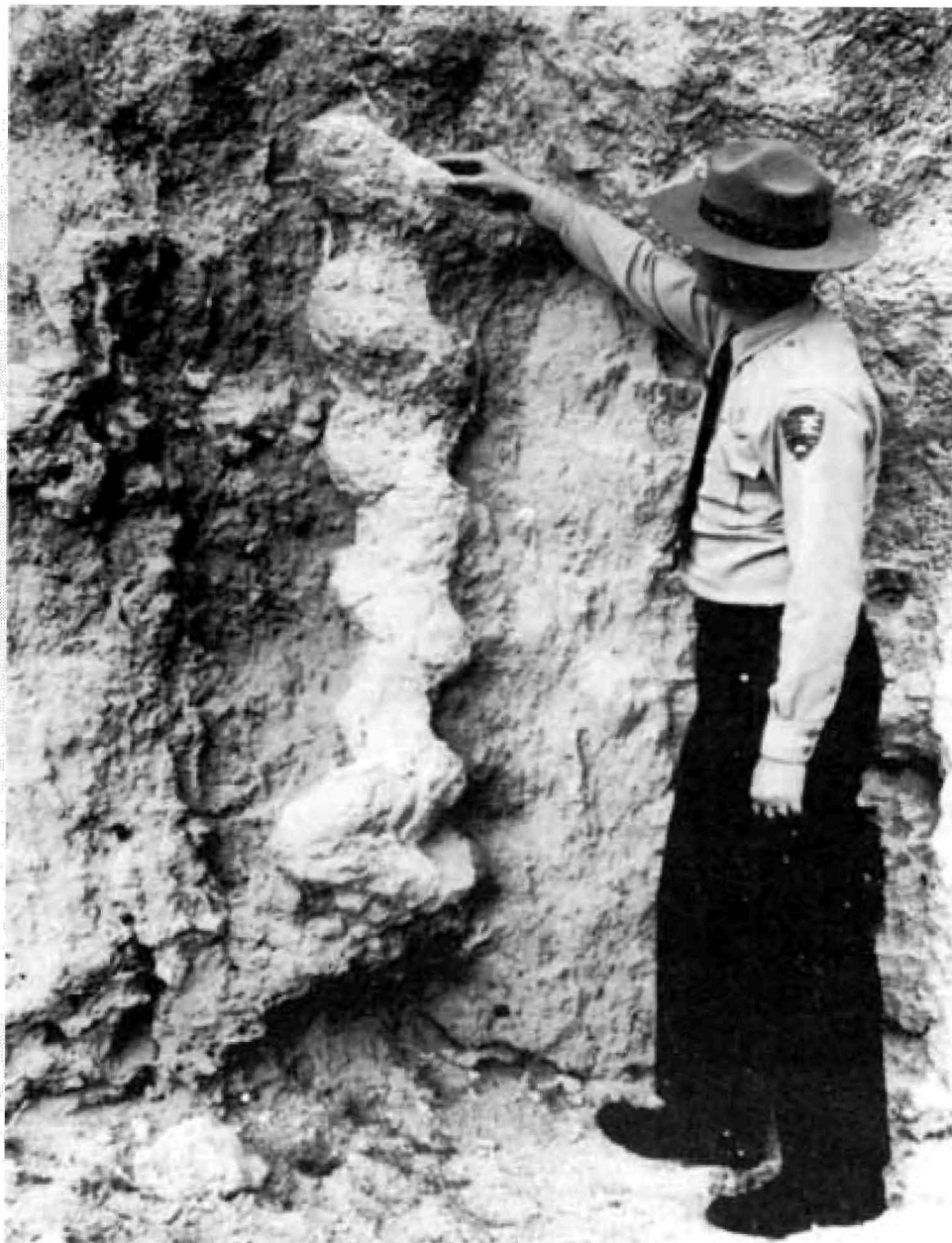


Figure No. 6

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Daemonelix/Devil's Corkscrew Area

Superintendent Richard L. Holder examines a daemonelix which has weathered out of a cliff. The area is in the northwest section of the monument.

Photographer: William S. ("Bill") Keller  
Photographer, Yellowstone National Park  
Summer 1966

Negative: KAGFO66-23, No. 6  
Office of Graphics Research, Harpers Ferry Center  
National Park Service, Springfield, Virginia  
(Note: This photograph is identified as AG-197  
in Photo File, Agate Fossil Beds National  
Monument, but there is no negative).



Figure No. 7

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Headquarters Area, Visitor Center Porch

Lowering the Diceratherium slab from the Agate Springs Ranch onto the display case base on the visitor center porch. Left to Right: John Bays, Scotts Bluff Seasonal; Superintendent Homer L. Rouse; and Scotts Bluff Chief of Interpretation and Resource Management Benjamin F. Ladd.

Photographer: Roy Weaver  
July 3, 1969

Negative: A-17  
Photo File, Agate Fossil Beds National Monument



Figure No. 8

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

The Agate Fossil Beds

Aerial view of Carnegie Hill (foreground) and University Hill (background).

Photographer: William S. ("Bill") Keller  
Photographer, Yellowstone National Park  
June 1970

Negative: KSCBL70-4, No. 14  
Office of Graphics Research, Harpers Ferry Center  
National Park Service, Springfield, Virginia  
(Note: This photograph is identified as AG-183  
in Photo File, Agate Fossil Beds National  
Monument, but there is no negative).

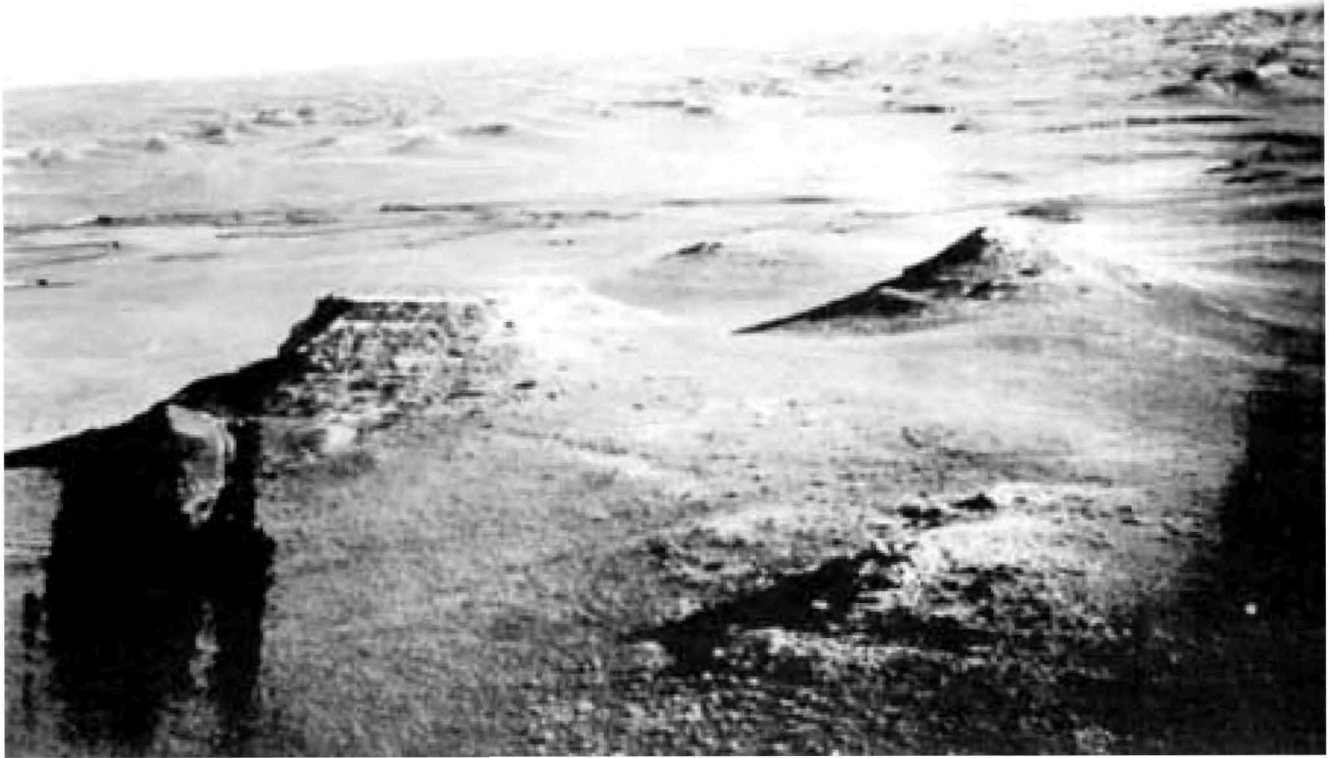


Figure No. 9

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

The Agate Fossil Beds

Aerial view of Bear Dog Hill (foreground), Carnegie Hill (left), and University Hill (background, right). On the Niobrara River Valley floor (background, center) is the headquarters development area.

Photographer: William S. ("Bill") Keller  
Photographer, Yellowstone National Park  
June 1970

Negative: KSCBL70-4, No. 16  
Office of Graphics Research, Harpers Ferry Center  
National Park Service, Springfield, Virginia.





Figure No. 10

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Temporary Visitor Center Trailer

Interpretive panel depicting the history of the Agate Springs Fossil Quarries. Through the windows can be seen one of the temporary ranger residence trailers.

Photographer: William S. ("Bill") Keller  
 Photographer, Yellowstone National Park  
 Summer 1970

Negative: KAGFO70-1, No. 9  
 Office of Graphics Research, Harpers Ferry Center  
 National Park Service, Springfield, Virginia



Figure No. 11

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Diceratherium Slab on Visitor Center Porch

This slab containing the fossilized remains of an ancient rhinoceros was excavated from the Agate Springs Fossil Quarries and was moved to its present location from the Agate Springs Ranch in 1969.

Photographer: William S. ("Bill") Keller  
Photographer, Yellowstone National Park  
Summer 1970

Negative: KAGF070-1, No. 2  
Office of Graphics Research, Harpers Ferry Center  
National Park Service, Springfield, Virginia





Figure No. 12

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Trailhead to Agate Fossil Beds

A sign at the visitor center/headquarters area marks the beginning of the 2-mile path called the "Fossil Hills Trail."

Photographer: John B. Rapier, III  
Circa 1978

Negative: AG-78-461, No. 20A  
Photo File, Agate Fossil Beds National Monument

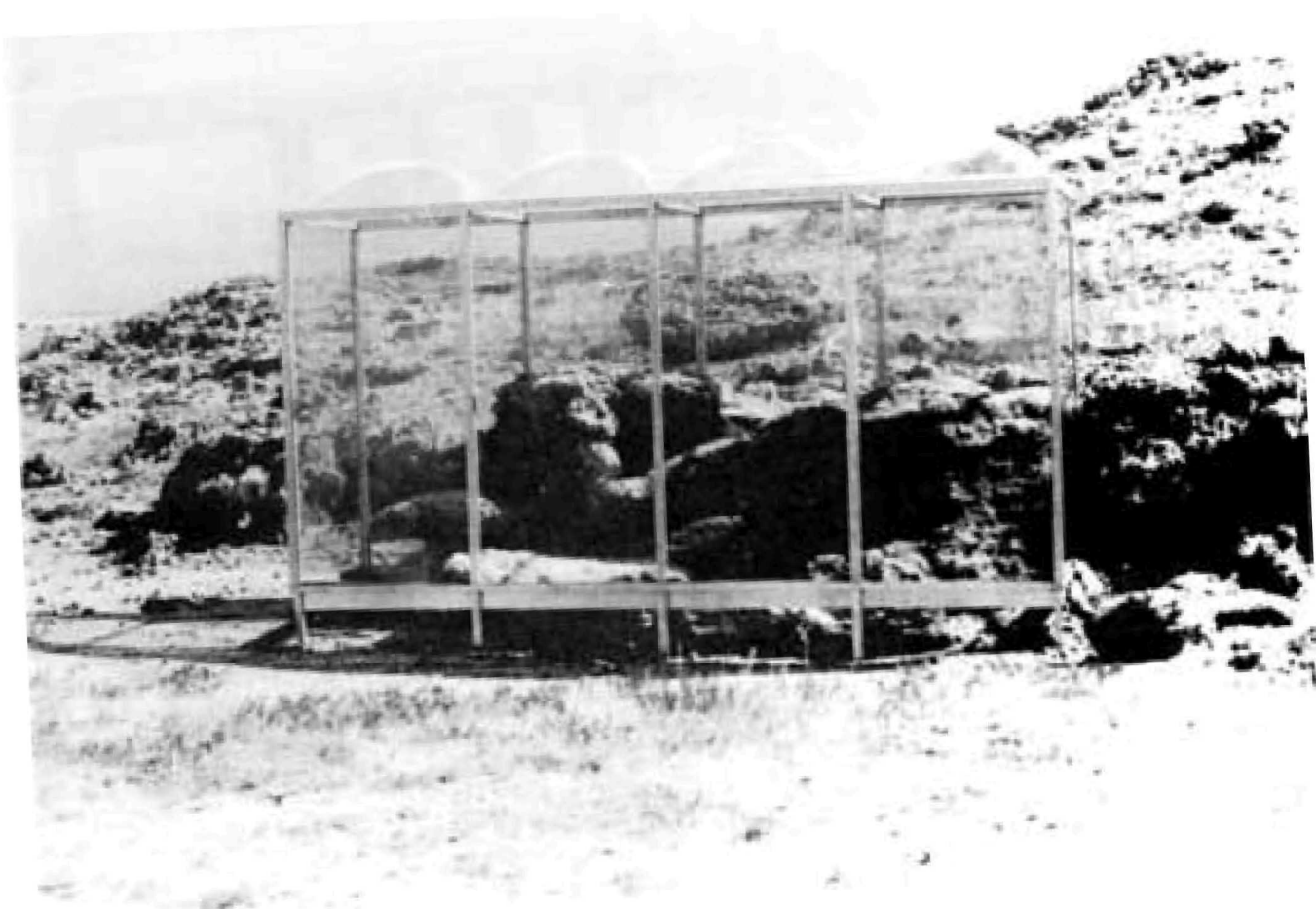


Figure No. 13

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Daemonelix/Devil's Corkscrew Area

A horizontal plexiglass display case surrounds a grouping of daemonelixes.

Photographer: John B. Rapier, III  
Circa 1978

Negative: AG-78-461, No. 13  
Photo File, Agate Fossil Beds National Monument

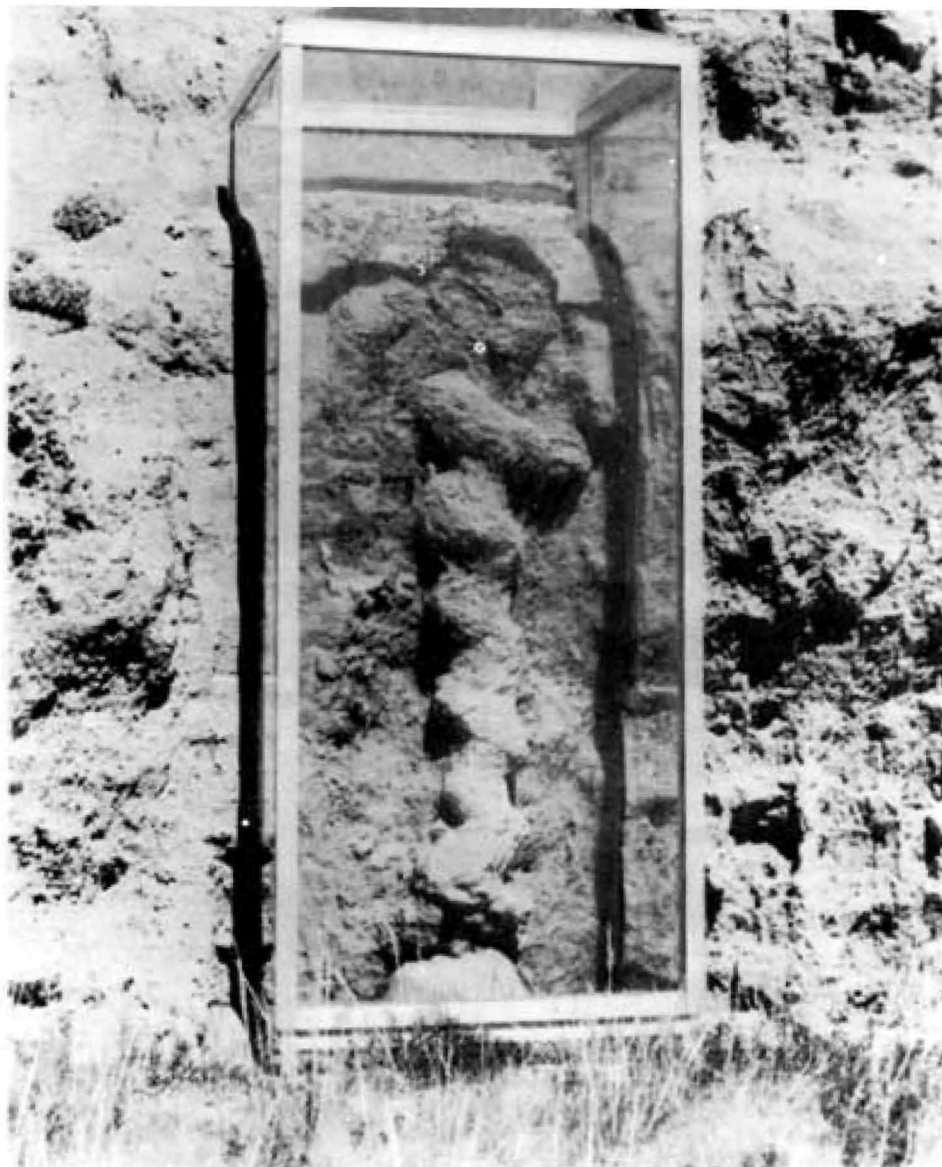


Figure No. 14

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Daemonelix/Devil's Corkscrew

A vertical plexiglass display case encompasses a daemonelix.

Photographer: John B. Rapier, III  
Circa 1978

Negative: AG-78-461, No. 12  
Photo File, Agate Fossil Beds National Monument



Figure No. 15

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Carnegie Hill

National Park Service signs and wooden steps mark the visitor's path along the Fossil Hills Trail at Carnegie Hill.

Photographer: John B. Rapier, III  
Circa 1978

Negative: AG-78-461, No. 5  
Photo File, Agate Fossil Beds National Monument



Figure No. 16

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Principal Interpretive Display, Carnegie Hill

Plexiglass encompasses the primary exposed fossil display on Carnegie Hill.

Photographer: John B. Rapier, III  
Circa 1978

Negative: AG-78-461, No. 8  
Photo File, Agate Fossil Beds National Monument



Figure No. 17

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Fossils of Agate Fossil Beds

Jumbled remains of fossilized animals can be seen by the visitor through the primary display case on Carnegie Hill.

Photographer: John B. Rapier, III  
Circa 1978

Negative: AG-78-461, No. 7  
Photo File, Agate Fossil Beds National Monument



Figure No. 18

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

National Park Service Entrance Sign

This is the park entrance sign on the southeast corner of the intersection of Nebraska Highway 29 and the Sioux County Road at Agate, Nebraska.

Photographer: Ron Cockrell, Historian, Midwest Regional Office  
January 10, 1983

Negative: National Park Service, Midwest Regional Office  
Division of Cultural Resources Management





Figure No. 19

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

National Park Service Headquarters Development Area

As seen from the Sioux County Road, the headquarters complex of trailers and two permanent buildings (maintenance building and comfort station) rest on the Niobrara River Valley floor. University and Carnegie Hills are on the horizon.

Photographer: Ron Cockrell, Historian, Midwest Regional Office  
January 10, 1983

Negative: National Park Service, Midwest Regional Office  
Division of Cultural Resources Management





Figure No. 20

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

**Administrative Office Trailer**

From the visitor parking lot, this small office trailer sits in the center of the temporary complex with the comfort station to the left and the visitor center to the right. A flagpole and a handicapped parking sign can be seen.

Photographer: Ron Cockrell, Historian, Midwest Regional Office  
January 10, 1983

Negative: National Park Service, Midwest Regional Office  
Division of Cultural Resources Management



Figure No. 21

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Visitor Center Trailer

A sidewalk leads from the visitor parking lot to the temporary visitor center.

Photographer: Ron Cockrell, Historian, Midwest Regional Office  
January 10, 1983

Negative: National Park Service, Midwest Regional Office  
Division of Cultural Resources Management



Figure No. 22

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Visitor Center Sales Display

This sales display is adjacent to the visitor information desk at one end of the trailer.

Photographer: Ron Cockrell, Historian, Midwest Regional Office  
January 10, 1983

Negative: National Park Service, Midwest Regional Office  
Division of Cultural Resources Management



Figure No. 23

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Visitor Center Exhibit

Telling the story of what life at Agate Fossil Beds must have been like 20,000,000 years ago, this wall mural is an excellent example of interpretive exhibits developed by Harpers Ferry Center.

Photographer: Ron Cockrell, Historian, Midwest Regional Office  
January 10, 1983

Negative: National Park Service, Midwest Regional Office  
Division of Cultural Resources Management



Figure No. 24

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Fossil Hills Trail to Agate Fossil Beds

Beyond a pile of snow in the visitor parking lot is one of the new park signs pointing the way to the fossil beds.

Photographer: Ron Cockrell, Historian, Midwest Regional Office  
January 10, 1983

Negative: National Park Service, Midwest Regional Office  
Division of Cultural Resources Management

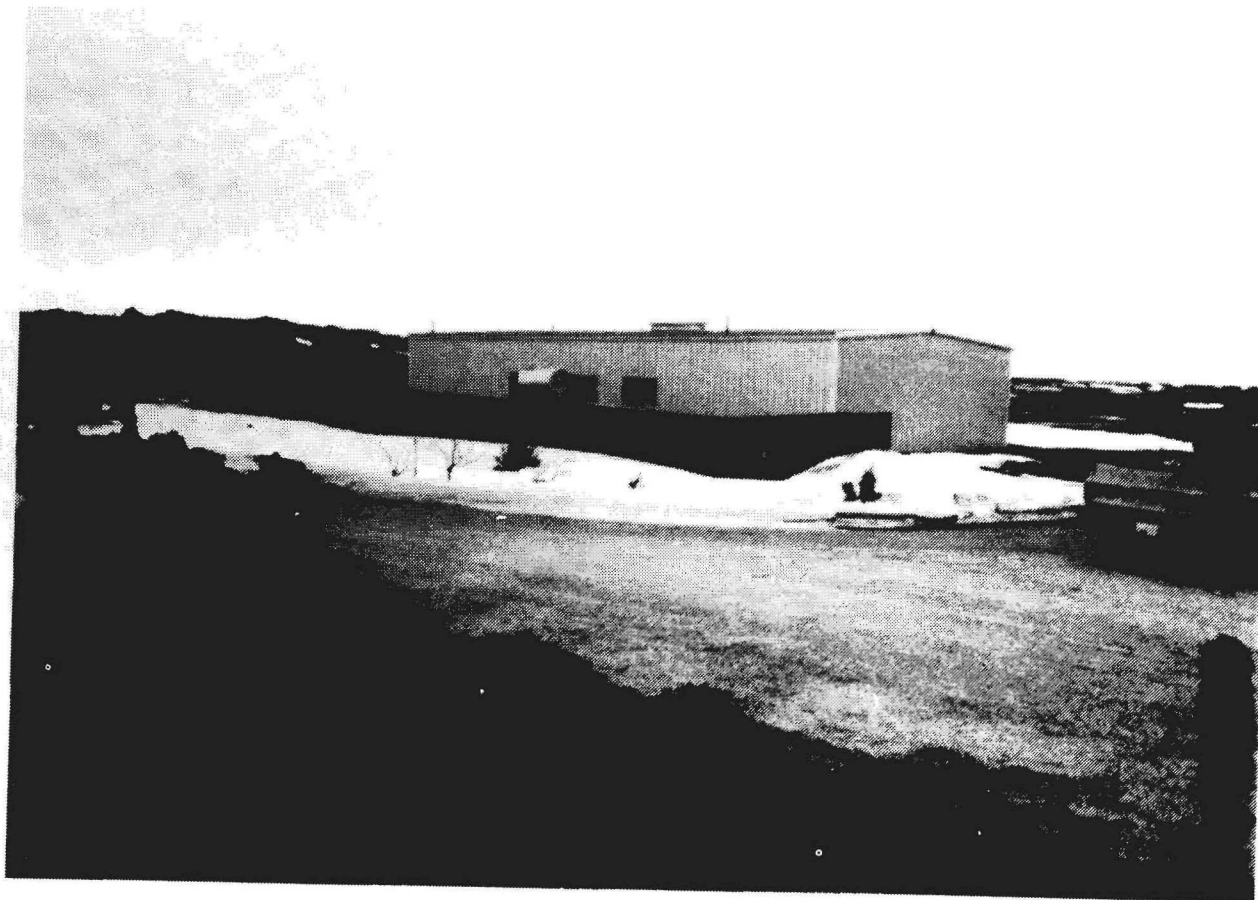


Figure No. 25

AGATE FOSSIL BEDS NATIONAL MONUMENT  
Agate, Nebraska

Maintenance Building

This permanent metal building, southeast of the visitor center trailer, contains the maintenance shop and garage, and a curatorial storage room.

Photographer: Ron Cockrell, Historian, Midwest Regional Office  
January 10, 1983

Negative: National Park Service, Midwest Regional Office  
Division of Cultural Resources Management

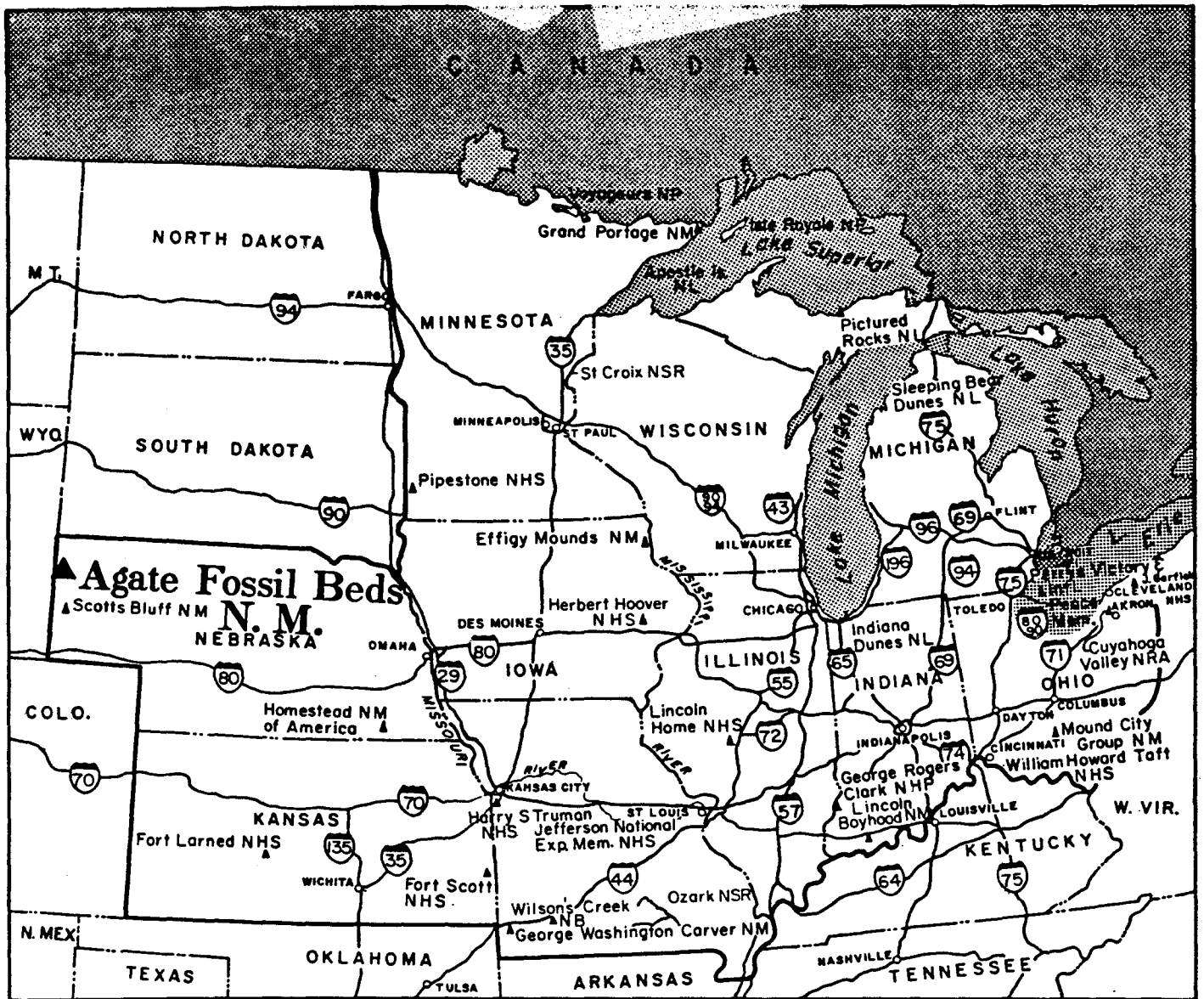
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APPENDIX B

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AREA AND BOUNDARY MAPS

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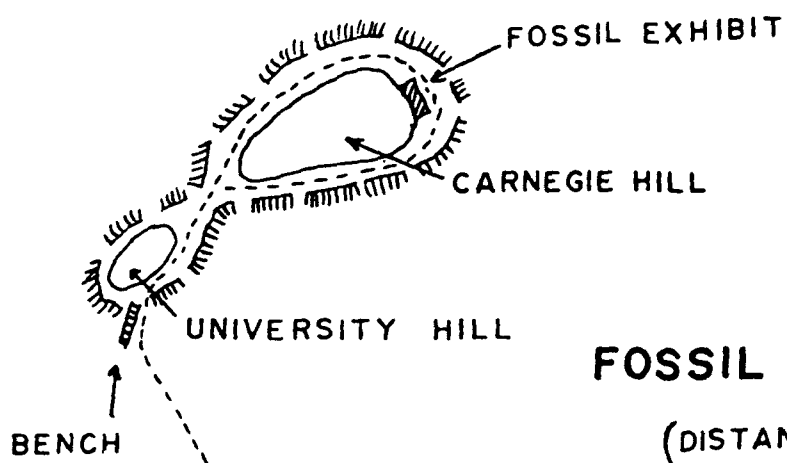


## Regional Map

- NPS MIDWEST REGIONAL BOUNDARY
- STATE BOUNDARIES
- ▲ NPS AREAS

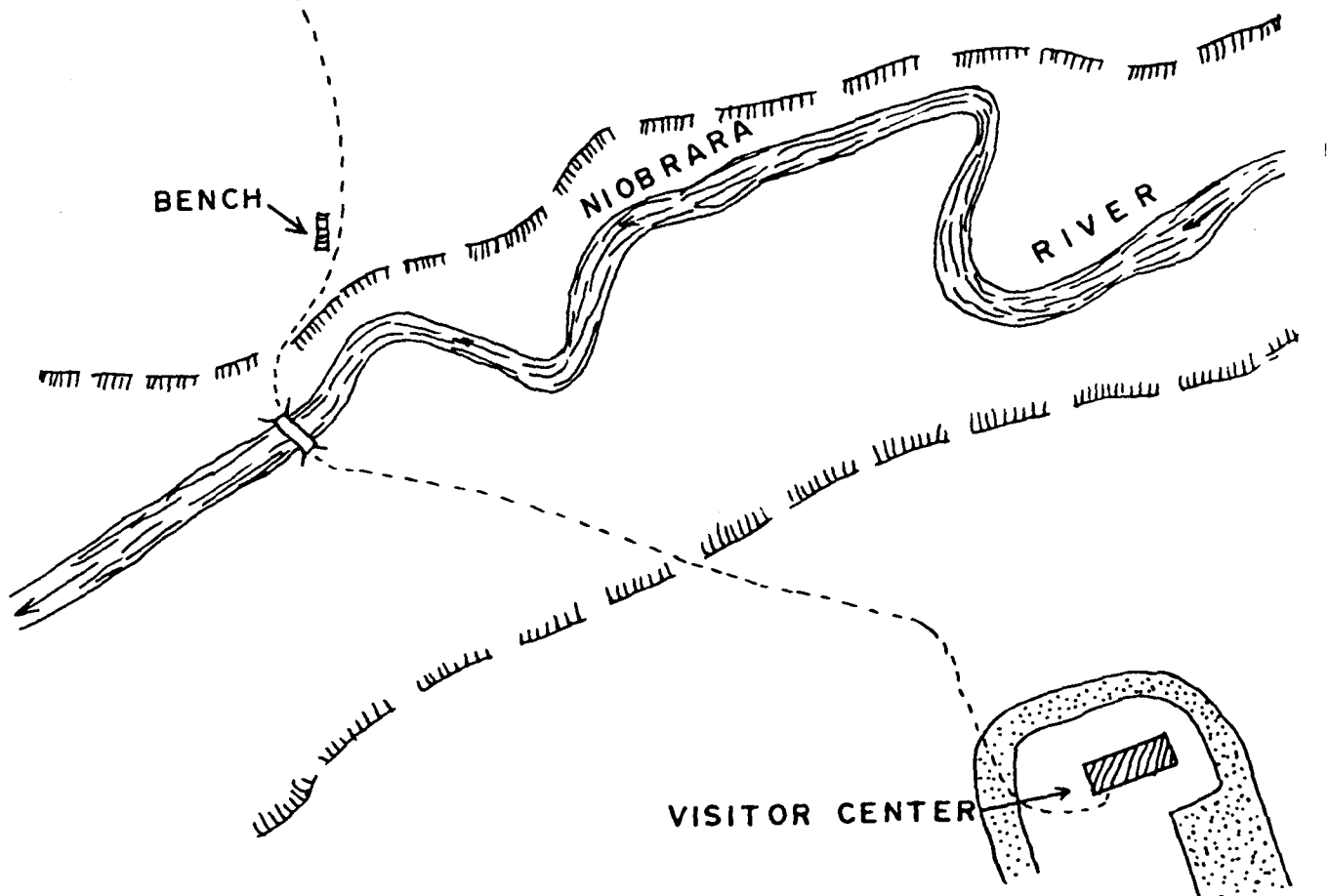
**AGATE FOSSIL BEDS NATIONAL MONUMENT**  
SIOUX COUNTY NEBRASKA





## FOSSIL BED NATURE TRAIL

(DISTANCE 1 MILE TO HILL)



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APPENDIX C

---

LEGISLATIVE ACTS

---

89TH CONGRESS  
1ST SESSION

# H. R. 500

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1965

Mr. MARTIN of Nebraska introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

---

## A BILL

To provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That in order to preserve for the benefit and enjoyment of  
4       present and future generations the outstanding paleontologi-  
5       cal sites known as the Agate Springs Fossil Quarries, and  
6       nearby related geological phenomena, to provide a center  
7       for continuing paleontological research and for the display and  
8       interpretation of the scientific specimens uncovered at such  
9       sites, and to facilitate the protection and exhibition of a  
10      valuable collection of Indian artifacts and relics that are

I—O

1 representative of an important phase of Indian history, the  
2 Secretary of the Interior is authorized to acquire by donation,  
3 or by purchase with donated or appropriated funds, not more  
4 than three thousand one hundred and fifty acres of land or  
5 interests in lands in township 28 north, range 55 west, Sioux  
6 County, Nebraska, for inclusion in the Agate Fossil Beds  
7 National Monument in accordance with the boundary desig-  
8 nation made pursuant to section 2 hereof, and any rights-of-  
9 way and easements needed for connecting roads.

10 SEC. 2. Within the acreage limitation of section 1, the  
11 Secretary may designate and adjust the boundaries of Agate  
12 Fossil Beds National Monument. Establishment of the  
13 national monument and any adjustment of its boundaries  
14 shall be effectuated by publication of notice thereof in the Fed-  
15 eral Register when the Secretary finds that lands constituting  
16 an initially administrable unit are in Federal ownership.

17 SEC. 3. The Agate Fossil Beds National Monument  
18 shall be administered by the Secretary of the Interior pur-  
19 suant to the Act entitled "An Act to establish a National  
20 Park Service, and for other purposes", approved August 25,  
21 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and  
22 supplemented.

23 SEC. 4. There are authorized to be appropriated such  
24 sums as may be necessary to carry out the purposes of this  
25 Act.

# S. 339

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 8 (legislative day, JANUARY 7), 1965

Mr. HRUSKA (for himself, Mr. CURTIS, Mr. SIMPSON, Mr. ALLOTT, Mr. DOMINICK, Mr. MCGEE, and Mr. MUNDT) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

---

## A BILL

To provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That in order to preserve for the benefit and enjoyment  
4       of present and future generations the outstanding paleonto-  
5       logical sites known as the Agate Springs Fossil Quarries, and  
6       nearby related geological phenomena, to provide a center  
7       for continuing paleontological research and for the display  
8       and interpretation of the scientific specimens uncovered at  
9       such sites, and to facilitate the protection and exhibition  
10      of a valuable collection of Indian artifacts and relics that

1 are representative of an important phase of Indian history,  
2 the Secretary of the Interior is authorized to acquire by  
3 donation, or by purchase with donated or appropriated  
4 funds, or otherwise, title or a lesser interest in not more than  
5 3,150 acres of land in township 28 north, range 55 west,  
6 6th principal meridian, Sioux County, Nebraska, for inclu-  
7 sion in the Agate Fossil Beds National Monument in accord-  
8 ance with the boundary designation made pursuant to section  
9 2 hereof, which boundary may include such right-of-way as  
10 is needed for a road between the Stenomylus Quarry site,  
11 and the monument lands lying in section 3 or 10 of said  
12 township and range.

13 SEC. 2. Within the acreage limitation of section 1, the  
14 Secretary may designate and adjust the boundaries of Agate  
15 Fossil Beds National Monument. Establishment of the na-  
16 tional monument and any adjustment of its boundaries shall  
17 be effectuated by publication of notice thereof in the Federal  
18 Register when the Secretary finds that lands constituting an  
19 initially administrable unit are in Federal ownership.

20 SEC. 3. The Agate Fossil Beds National Monument shall  
21 be administered by the Secretary of the Interior pursuant  
22 to the Act entitled "An Act to establish a National Park  
23 Service, and for other purposes", approved August 25, 1916  
24 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and sup-  
25 plemented.

1        SEC. 4. There is hereby authorized to be appropriated  
2 not more than \$275,000 for the acquisition of land and inter-  
3 ests in lands pursuant to this Act.



Public Law 89-33  
89th Congress, S. 339  
June 5, 1965

## An Act

79 STAT. 123.

To provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Agate Springs Fossil Quarries, and nearby related geological phenomena, to provide a center for continuing paleontological research and for the display and interpretation of the scientific specimens uncovered at such sites, and to facilitate the protection and exhibition of a valuable collection of Indian artifacts and relics that are representative of an important phase of Indian history, the Secretary of the Interior is authorized to acquire by donation, or by purchase with donated or appropriated funds, or otherwise, title or a lesser interest in not more than three thousand one hundred and fifty acres of land in township 28 north, range 55 west, sixth principal meridian, Sioux County, Nebraska, for inclusion in the Agate Fossil Beds National Monument in accordance with the boundary designation made pursuant to section 2 hereof, which boundary may include such right-of-way as is needed for a road between the Stenomylus Quarry site and the monument lands lying in section 3 or 10 of the said township and range.

Agate Fossil  
Beds National  
Monument, Nebr.  
Establishment.

SEC. 2. Within the acreage limitation of section 1, the Secretary may designate and adjust the boundaries of Agate Fossil Beds National Monument. When the Secretary finds that lands constituting an initially administrable unit are in Federal ownership, he shall establish such national monument by publication of notice thereof in the Federal Register, and any subsequent adjustment of its boundaries shall be effectuated in the same manner.

Acquisition of  
lands.  
Publication in  
Federal Register.

SEC. 3. The Agate Fossil Beds National Monument shall be administered by the Secretary of the Interior pursuant to the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

Administration.

SEC. 4. There are hereby authorized to be appropriated the sums of not more than \$301,150 for acquisition of lands and interests in land and not more than \$1,842,000 for development in connection with the Agate Fossil Beds National Monument under this Act.

Appropriation.

Approved June 5, 1965.

### LEGISLATIVE HISTORY:

HOUSE REPORT No. 232 accompanying H. R. 500 (Comm. on Interior & Insular Affairs).

SENATE REPORT No. 150 (Comm. on Interior & Insular Affairs).

CONGRESSIONAL RECORD, Vol. 111 (1965):

Apr. 9: Considered and passed Senate.

May 3: Considered and passed House, amended, in lieu of H. R. 500.

May 24: Senate concurred in House amendment.



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APPENDIX D

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CHRONOLOGICAL LIST OF NATIONAL PARK SERVICE EMPLOYEES

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SUPERINTENDENT KEITH E. MILLER (1963 to 1965)  
(Scotts Bluff National Monument)

Miller transferred from the position of Superintendent, Gran Quivira National Monument, New Mexico.

Entered On Duty: July 14, 1963

Agate Fossil Beds National Monument was authorized June 5, 1965. Miller was named National Park Service Representative at Agate Fossil Beds National Monument and did not enjoy the official status of Superintendent.

Miller transferred to the position of Park Planner in the Region II Office (Omaha) in September 1965.

OTHER PERSONNEL

Seasonal Park Ranger (General): Frank W. Frailey.

Seasonal Park Ranger/Historian: R. Jay Roberts (a Scotts Bluff employee assigned the task of writing a history of the Agate Springs Ranch in 1965).

SUPERINTENDENT RICHARD L. HOLDER (1965 to 1969)

Holder transferred from Yellowstone National Park, Wyoming.

Entered On Duty: August 1, 1965

With approval of the Master Plan on February 18, 1966, the Superintendent of Scotts Bluff National Monument became "Coordinating Superintendent" of Agate Fossil Beds National Monument, a Group A Management Unit.

Holder transferred to the position of Programs Specialist, Southeast Regional Office (Atlanta) on March 23, 1969.

OTHER PERSONNEL

Management Assistant/Ranger-in-Charge: Albert E. Werking, first permanent employee at Agate Fossil Beds National Monument, entered on duty at Scotts Bluff on December 5, 1965. Werking relocated to Agate, Nebraska, on May 27, 1966. Werking resigned July 17, 1967 to accept a training position with Canadian Service Commission's National and Historical Parks Branch, Ottawa, Ontario, Canada. Position became vacant for fourteen months.

Management Assistant/Ranger-in-Charge: Roy W. Weaver, entered on duty September 22, 1968.

Seasonal Park Ranger: William W. Taylor.

Seasonal Laborers: Carl O. Nelson, Charles S. Upp, and William Conner (1966); Terry Osborne (1968, 1969, 1970, 1971)

SUPERINTENDENT HOMER L. ROUSE (1969 to 1971)

Rouse transferred from Joshua Tree National Monument, California.

Entered On Duty: June 1969

Rouse transferred to the Washington Office as Project Keyman for the Southwest Region on August 20, 1971.

OTHER PERSONNEL

Management Assistant/Ranger-in-Charge: Roy W. Weaver.

Clerk-Typist: Alice Swigert, entered on duty April 1971, part-time, duty station at Scotts Bluff National Monument.

Seasonal Park Ranger: William W. Taylor; Gary W. Newton (1970); Ron Sanchez (1971)

Seasonal Historian (1970).

Seasonal Laborer Terry Osborne (1970-72).

Seasonal Curator: Paul Magyar (1971).

Seasonal Ranger Naturalist (1972).

SUPERINTENDENT DONALD R. HARPER (1971 to 1978)

Harper transferred from the position of District Ranger, Bighorn Canyon National Recreation Area, Montana/Wyoming.

Entered On Duty: October 1971.

Harper transferred to the position of Superintendent, White Sands National Monument, New Mexico, on August 13, 1978.

OTHER PERSONNEL

Management Assistant/Ranger-in-Charge: Roy W. Weaver; transferred to Glen Canyon National Recreation Area, Arizona, on October 8, 1972.

Management Assistant/Ranger-in-Charge: Dennis J. Turay, entered on duty December 1, 1972; transferred to Lake Mead National Recreation Area in December 1974.

Management Assistant/Ranger-in-Charge: John B. Rapier, III, entered on duty January 19, 1975.

Maintenance Worker: James Hanson, entered on duty August 14, 1977.

Clerk-Typist: Alice Swigert, duty station at Scotts Bluff; terminated in June 1972.

Clerk-Typist: Linda D. Hahn, entered on duty at Scotts Bluff July 1972; promoted out of position in June 1974.

Clerk-Stenographer: Sherryl A. Shelbourn, entered on duty at Scotts Bluff September 1974; transferred out of Service in May 1975.

Clerk-Stenographer: Jeanne E. Weber, entered on duty in May 1975; position made permanent in May 1976.

Senior Seasonal Park Ranger: William W. Taylor.

Seasonal Park Ranger: Carl R. Todd.

Seasonal Laborer: Frank Lobato (1972).

SUPERINTENDENT ROBERT L. BURNS (1978 to 1981)

Burns transferred from Superintendent, Pictured Rocks National Lakeshore, Michigan.

Entered On Duty: August 13, 1978

Retired: March 31, 1981

Burns retired from the National Park Service after more than thirty-five years of Federal service.

OTHER PERSONNEL

Management Assistant/Ranger-in-Charge: John B. Rapier III.

Maintenance Worker: James Hanson.

Clerk-Stenographer: Jeanne E. Weber, Agate Fossil Beds employee, duty station at Scotts Bluff.

Senior Seasonal Park Ranger: William W. Taylor.

Seasonal Park Rangers.

Seasonal Laborer.

SUPERINTENDENT ALFORD J. ("JERRY") BANTA (1981 to )

Banta transferred from Superintendent, Perry's Victory and International Peace Memorial, Ohio.

Entered On Duty: June 14, 1981.

OTHER PERSONNEL

Management Assistant/Ranger-in-Charge: John B. Rapier III.

Maintenance Worker: James Hanson.

Resource Management Specialist, Agate Fossil Beds/Scotts Bluff National Monuments, established in 1984; George Oviatt in training status at Indiana Dunes National Lakeshore, Indiana, until 1986.

Clerk-Stenographer: Jeanne E. Weber, change in duty station from Agate Fossil Beds to Scotts Bluff on May 1, 1983.

Senior Seasonal Park Ranger: William W. Taylor. [Retired November 1985].  
This position was filled by Thomas F. Coffield who entered on duty May 18, 1986.

Seasonal Park Ranger: Carl R. Todd.

Seasonal Laborer: Wayne C. Lewis; Criss F. Hamaker.

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APPENDIX E

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ANNUAL VISITATION FIGURES

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# ANNUAL VISITATION FIGURES

<u>YEAR</u>	<u>ATTENDANCE</u>	<u>YEAR</u>	<u>ATTENDANCE</u>
1965 *	910	1976	11,512
1966 **	3,013	1977	11,093
1967 ***	3,744	1978	10,754
1968	3,821	1979	8,146
1969	4,148	1980 ****	17,810
1970	6,910	1981	19,010
1971	9,004	1982	17,138
1972	10,878	1983	21,530
1973	8,233	1984	20,266
1974	10,061	1985	20,303
1975	11,020	1986	

- \* Attendance from July 1 to September 6.
- \*\* Attendance from June 5 to September 3.
- \*\*\* Attendance from May 30 to October 29.
- \*\*\*\* Prior to 1980, only recreation visits were counted.

Sources: A2615--Superintendent's Monthly Report/Public Use Reports.

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The 1984 Statement for Management reports the following statistics:

"Over 90% of the visitors view the exhibits in a contact trailer for approximately 1/2 hour and then 30% take the one hour, 2-mile, round-trip hike to the fossil areas which are open to the general public. Approximately 100 fishermen annually using access points along the Niobrara River also are included among recreational visitor counts.

"Although the Monument is not well signed from major highways, visitation is received from a wide area. In 1982 travelers representing all 50 states and 16 foreign countries used the Park. Origin of the visitors can be categorized as follows:

42% Nebraska	35% Other States
20% States Adjoining Nebraska	3% Foreign Countries

"Traffic is heavily concentrated in the summer months as is indicated in this seasonal breakdown: spring, 29%; summer, 65%; fall, 4%; and winter, 2%. The average daily visitation for the peak month of July is 82. Daily and weekly use patterns only vary when bus tours or school groups arrive at the area. No camping or lodging facilities are available."

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APPENDIX F

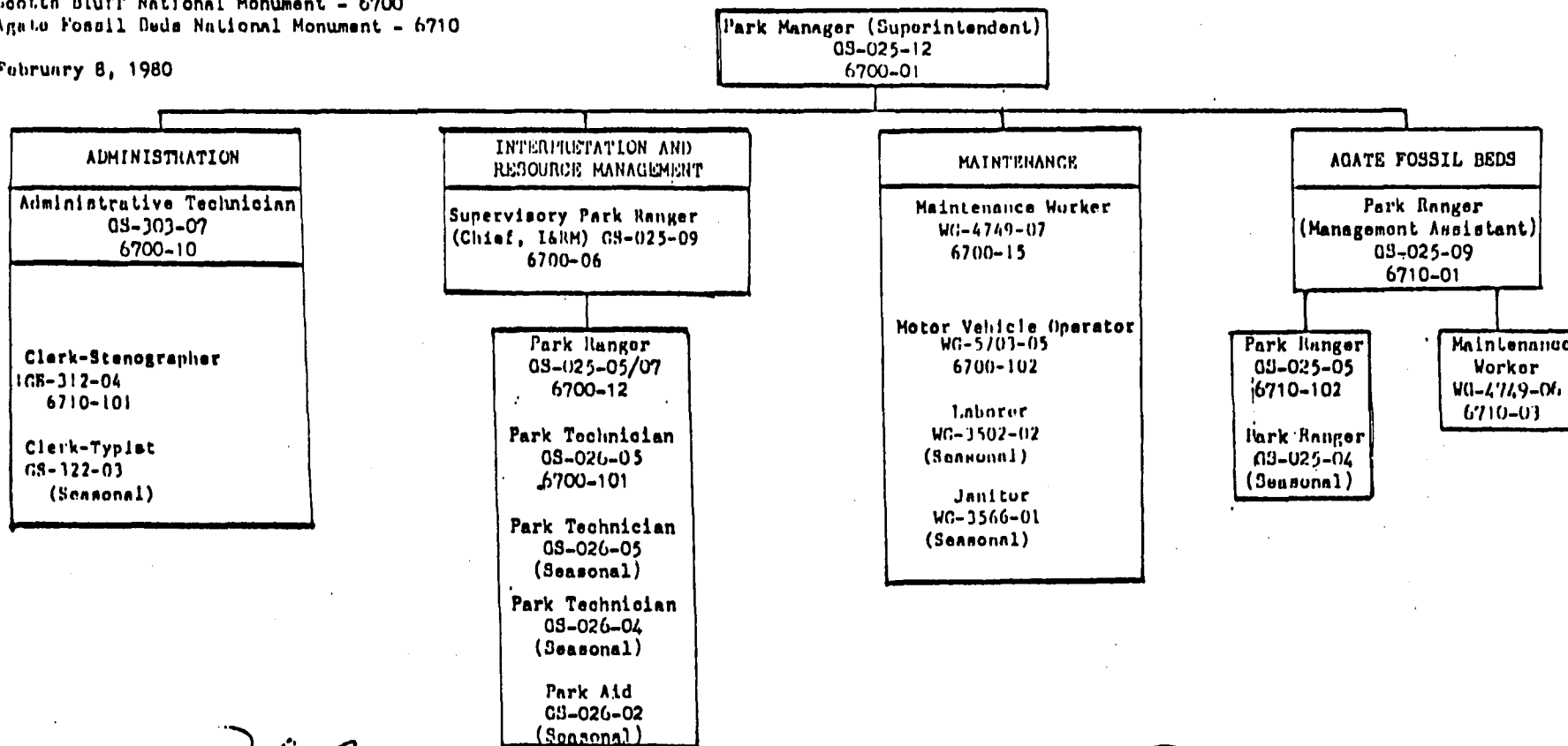
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ADMINISTRATIVE POSITIONS CHART

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National Park Service  
Midwest Region  
Scotts Bluff National Monument - 6700  
Agate Fossil Beds National Monument - 6710

February 8, 1980



Recommended

*[Signature]*

Date

2-5-80

Reviewed

*[Signature]*

Date

3-4-80

Approved

*[Signature]*

Date

March 3, 1980

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APPENDIX G

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HAROLD J. COOK 'S MARCH 5, 1962 LETTER TO HOWARD BAKER

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Note: This letter, obtained from the Cook Papers Collection, is included in the appendix because of its primary significance in presenting Harold Cook's view of the National Monument. Although many carbon copies of the letter exist, some of the pages are illegible. Fortunately, another typed carbon of the letter was found in the Papers of Governor Frank B. Morrison, State of Nebraska Archives, Nebraska State Historical Society. The entire letter is herein retyped in its entirety following the precise style of Harold Cook.

Agate, Nebraska  
March 5, 1962

Director Howard W. Baker  
Region Two Office  
National Park Service  
Federal Office Bldg.,  
Omaha, Nebraska

Dear Mr. Baker:

You have undoubtedly wondered why we have been so long in writing this letter to you, since receiving the fine letter from Lawrence F. Knowles last fall, together with the statement enclosed on "Land Acquisition Policies..." etc., following his visit here with Harry Robinson, when they both discussed some ideas with us. Actually, what originally seemed to us to be a relatively simple matter to solve, appeared to have developed troublesome complexities; and as we are certainly as deeply interested and concerned in the success of the proposed "Agate Springs Fossil Quarries National Monument" as you people are, we have taken this long time to try to think this through, and solve problems presented, to help make this a real success on a practical footing, as it should be, taking into account unusual and special factors involved here that affect us vitally.

Perhaps, for the sake of the record, I should here review a bit of the background, in various facets, involved here, which has important bearing on the problems and possibilities involved.

Before my father, "Capt." James H. Cook, began to establish and develop this Agate Springs Ranch here, in 1886, he had already made an outstanding record, much of which is recorded in his book, Fifty Years on the Old Frontier, as you know, and had made important contacts and friendships that enabled him to accomplish things beyond what most men of his background would have done. For instance, his early contacts with such famous scientists as Edward Drinker Cope, of the Philadelphia Academy of Sciences, who stayed with him for months on the WS ranch in New Mexico, and Dr. Othniel C. Marsh, of Yale University, with whom he had unusual contacts, plus his own deep interest and remarkably retentive memory, gave him perspectives and information on geology and prehistoric life which caused him to appreciate and take the greatest interest in fossils found on this ranch, here, beyond what any ordinary ranchman would have done. He greatly facilitated later research done here; he read technical reports and understood and remembered them, as few non-college trained men would have done.

This background in my early home, plus meeting famous scientists, and getting into the field with them in such work, certainly was largely responsible for my early deep interest in such studies, even as a small boy; and long before I had the fine university and professional training that I later had.

Comparably, from a practical viewpoint, my father at once appreciated the importance of dependable irrigation when he came here, and immediately undertook the construction of dams and ditches, which

he surveyed and designed himself; and acquired some of the oldest water rights on the Niobrara River, which runs through this ranch, and which greatly increase its value as a cattle ranch, also which have long produced feed for regional ranches as well as for our own livestock. Likewise, he at once, in the late 1880's, and early 1890's, planted and cared for thousands of trees, which he planted with long range forethought and care, to produce necessary wind-breaks and shelter, as well as fence posts and wood, producing a beautiful environment in which to have a home, lawns, and fine yards, for ourselves. But, beyond that, from a ranch viewpoint, this produced, downwind, a splendid and valuable winter shelter for corrals and feedlots, and sheds for cattle, now recognized as the best and most practical situation for ranch development in this region.

All winters here are not bad, but some are, with violent blizzards and vicious cold winds and drifting snows. These winters have long been recognized as the real bottlenecks to western ranching safety and dependability. The situation my father laid out here, and which we have further developed at Agate around our home, with its grove and other buildings, corrals, ditches, etc., is something that has required almost 75 years to grow, develop, and produce; and it could not be duplicated, since unalterable topographic and physical factors are involved, in ways vital to make this possible as it is today. It would take completely prohibitive expense and time to make even a workable inferior substitute.

Our whole ranch operations and economy are based on the irrigated valley sections of this ranch, with its hub and operational center at Agate; and in and around this area our main grove is situated. Consequently, the problems we face in your wanting to take over this grove area, go far beyond the old home in which we live, or any sort of life-tenancy arrangement for us to continue to occupy it, while we live. This actually strikes at the very foundation of our ranch operations here, from which we derive our principal income.

This is a vital, key area, necessary for the continuation of our ranch operations, as long as we operate this Agate Springs Ranch, in many ways, that I could show you in detail, or discuss in detail, if necessary, in writing; and which might not be seen or realized by people long distances away, who are not practical ranch operators.

The first collecting was done in the Agate Springs Fossil Quarries in 1904, when I took Mr. O.A. Peterson, of the Carnegie Museum of Pittsburgh, there, and showed him the fossil bones in place in the rock in those hills. In 1905, work started there in earnest, by two parties; one, under Peterson, in Carnegie Hill, and a second party under Prof. E.H. Barbour, of the University of Nebraska, which opened a second large quarry in University Hill nearby, both in parts of the same original bone deposit that are parts of these great quarries.

In the following years, more and more field parties came here to work, from these and numerous other scientific and educational institutions; and all were highly successful. Dr. Frederic B. Loomis, of Amherst College, found and did the first collecting in the remarkable Stenomylus quarry, nearby, of this same age.

The American Museum of Natural History of New York, did much the most extensive collecting in these deposits, though Yale, Harvard, the Smithsonian Institution, Chicago Nat. Hist. Museum, and many others, obtained highly valuable collections as well, through a long period of years.

Naturally, the wide publicity such collecting received, not only through technical publications, but through newspapers and magazines, resulted in increasing thousands of people coming here from everywhere; and those who came and saw were still greater advertisers, in spite of the bad roads and trails, and other primitive conditions. So, we had to do what we could, to stop and divert so many people from coming here, beyond what we could give time and attention to. Nevertheless, we have talked and lectured to a great many thousand visitors here, through the years; and many of those who came here as school children, or with their parents, are now bringing their children to see the collections and hear the lectures. Many of them tell us about the day they had spent here as children, and saying it had been the greatest experience of their lives, and asking us to please do this for their children! When people approach you this way, you just cannot turn them down, even when business or other professional matters are pressing you for time.

These long years of such contacts and experiences with the public, plus our technical training, have taught us to appreciate the high potential value of making the evidence found here in those deposits available to interested people, and to growing youngsters, in particular, not only for their primary interest-catching values, but even more for the soundness of the scientific and broad educational values involved, and what such evidence, properly explained in simple, understandable terms, can do for the perspectives and mental balance of those who know them. Thus, years ago, we all became strongly convinced of the high values present in the Agate Springs Fossil Quarries, not only for educational and scientific values, but for their immense tourist attraction values.

However, we have never wanted to commercialize these deposits; and, unless we did, we have never been financed in a manner to do this as a philanthropy, beyond what we have been doing. While we never permit "specimen collectins" here, by untrained people, we have never charged anyone a penny to collect, of the many trained people we have permitted to collect here. The recognized Cook Museum of Natural History, which we maintain here at our own expense, as a research museum, has been a free museum, with no admission charged, for all to see, when we can take time to show it to students, or others, who come to see it.

So, we were particularly delighted when the National Park Service approached us, proposing to develop these famous deposits properly, and make them available to the public in a safe and proper manner. It is exactly the sort of thing my father, my wife, and I, have all hoped to be able to do for many years in some practical manner. This suggestion which you people made would offer a most practical solution. Anticipating the possibility of some such development many years ago, when it became necessary for me to transfer surface title to the land on which the fossil quarries are situated to others, I inserted in the deed a clause by which I retained, in perpetuity, all rights for the exploration and development of these quarries for scientific and educational purposes, and together with rights of ingress and egress to and from the quarry areas, which means the right to build roads and a right-of-way across the adjoining lands later acquired by George H. Hoffman, as well.

Thus, regardless of any possible future changes in surface ownership of the 640 acres on which the quarry hills are located, this could never interfere with the proper scientific and educational development and exhibition of these quarries. Owing to the surrounding topography it is not possible for anyone to get to these quarries, or to establish any objectionable developments near them, with the control of this block of land assured, after proper development of the Agate Springs Fossil Quarries is under way.

Providing relating considerations that I will again outline herein are agreed to, I have, as you know, offered to give my rights in the Agate Springs Fossil Quarries area to the National Park Service, and do anything I may to help facilitate their proper development and use.

When I was told that you would be glad to develop a permanent museum here, to go along with the development and exhibits, in situ, in the Agate Springs Fossil Quarries themselves, I told you that I would be glad, in that event, to give you the fossil and geological research collection I have here now, plus the important Indian and Historical collections we have here, in a large part assembled by my famous father, providing these were safely and properly housed and exhibited here, and kept properly available to research scientists and properly accredited students for study here. These collections alone are worth a great many thousands of dollars; and, as they contain a great many type specimens, and many other completely irreplaceable scientific and historical objects, they cannot be duplicated or replaced, if lost or damaged. Consequently, it is vital that these collections be kept in properly constructed fire-proof quarters, for permanent safe keeping and reference.

Also, as you know, I told you people that, if you go ahead and build such a safe museum building and research center here, I would be willing to turn our research library, with thousands of titles, and a great many rare and valuable publications included, over to the Agate Springs Fossil Quarries Monument Research Museum, for permanent use and safe keeping, if it is kept here, catalogued, and available to properly accredited research people who may want to come here to study from other institutions or countries, and, of course, always available for us for continued study and use, as long as we may want them.

To house, in a fireproof building properly, and exhibit these collections that we now have, and keep them catalogued, and available to research scientists for study here, with adjoining quarters for this research library facility, will require quite an extensive building, aside from the actual Fossil Quarry developments and exhibitions. When we discussed these opportunities with you personally, when you were here, your thought then was that your operational headquarters should not be down at the quarries, but up here near Agate, and a suitable road connecting these units be established. This still appears to us to be a completely practical proposition, both from your standpoint, and from ours, providing it is so set up that it is not one-sided, and recognizes the fact that both the National Park Service and we are contributing to make this possible and practical, for the best public good, and in a manner that does not upset our business and life, in return for having developed this whole situation and made it possible.



I'm sure that no one in the Park Service had this idea in mind, in the last suggestions made here to us; but, rather, our situation in the matter, and what the suggestions outlined would do to us in a business way, was simply not understood, appreciated, or taken into account.

As I mentioned when you were here, it may be necessary to bend, or alter, to fit facts and conditions existing here, some of the usual rules and regulations of the N.P.S., in order to get the job done, on a practical basis, fair both to the N.P.S. and to us. Not being in the financial class of the Rockefellers, we cannot do things that people like that can do; and we believe that we are being more than generous, in relation to what we do have, in offering to do what we are.

I will outline our current thoughts and ideas on what is practical, and what is not, and why, supplementing this with plats I will make and send, herewith.

Various alternatives are possible, to put this on a practical basis. Your first map, in your "Preliminary Survey" of the Agate Springs Fossil Quarries area, June, 1961, is much more nearly practical than the revised and expanded prospectus discussed here last fall, but even the first study contained some basic difficulties that require a modification of proposed borders. If you will refer to your plat map of June, 1961, of lands in Sections 3 and 4, T.28, R. 55, north of the Niobrara River, and north of the public, but unfenced highway from Agate to Marsland, it was made without consideration of what this land is or who owns it. You will observe that the old Neece-Harris Irrigational Canal has its dam, storage reservoir, and headgates in the the NW 4 SE4, Sec. 3, which controls the operations of the present Harris and Scavdahl ranches, down the valley. While I have not mentioned your wanting it to them, I'm certain they would not agree to the ownership of this key area controlling their old water rights being turned over to anyone.

Just across the fence, west, from their headgate, the river bend cuts through the southeast corner of the SE 4 SW 4, Sec. 3, in a manner that makes this a natural, live water watergap for any cattle we run in the 640 acre pasture of which this is a part. The way you had that suggested north border line of the Monument area laid out, it would not only cut 240 acres out of this pasture, but would cut all the rest of it off from water, making it useless to us, and very little possible use to you, unless we went to the expense of not only drilling water wells, but constantly watching and maintaining these, which work and continuing expense is avoided by using a natural water gap. I suspect, too, that you would not find the Buckleys, who own the land in the N 2, Sec. 15, included in your map, cooperative, either, since that would make the rest of their land there virtually useless to them, though it is possible they might sell all of Section 15, providing they retain the oil rights on it. This land is on an anticline, the Agate Anticline, and they are convinced from tests drilled there that it will produce oil, when properly drilled. Thus, you might face some real problems to acquire that land. The NW 4, Sec. 16-28-55, that you included in that map, is part of a State School Section, on which George Hoffman holds the surface lease.

The balance of the land outlined in your plat map of last June, includes the river bottom hay land vital to his operations, as well

as the home and improvements of George H. Hoffman; and unless you purchased all of the land in this block that he owns, I can understand his being unwilling to deal with you, since he does not have the background, perspectives, or interest in scientific and educational matters that we have; and since he is completely dependent for his present and future income on this property. He neither could afford to, nor would, donate his land there to anyone for any purpose. While we own the full rights to the fossil quarries and space for any appropriate, related developments on the 640 acres around them, with access across his other lands, also, we do not own the grass or surface rights there. So, in any event, it would be necessary for you to buy these on whatever lands you decide to include and operate there.

The plat of T. 28, R. 55, which I will include herewith, shows in colors the outlines of land ownerships and holdings, in relation to the above matters and to your original plat of this area.

To put this on a simple, workable, practical basis, I would suggest that the easiest solution here, and one that would be completely practical, would be for the N.P.S. to purchase the surface rights from George Hoffman on the W 2 of the E 2, and E 2 of the W 2 of Section 10, T. 28, R. 55, with the Agate Springs Fossil Quarries situated almost in the center of this 320 acre tract; and then run a road across the river there to the present highway, about as you have indicated on your June, 1961 plat, on the most practical route your engineers may select. Then, have a practical underpass on this road, so that Hoffman can get at, and produce, the hay on his land there, east of his road. If you will arrange in advance to do that, it will have an important bearing, I feel sure, as to how he is willing to deal with you on other matters there.

Of course, if you do decide to buy out his whole ranch, this need not apply; but certainly it would, if you just take the above suggested 320 acres there. If you do buy this 320 acres that include Carnegie Hill and University Hill, as to surface rights, from him, preparatory to developing the Agate Springs Fossil Quarries in situ, as we have discussed, I will, as I told you, convey all my rights and title to the quarries to the N.P.S., as a donation, in appreciation of their being put to this splendid public use.

Further, instead of doing just what your people have previously suggested as to the proposed Headquarters Area at Agate, west of the Quarries, since the suggestions made to place this in our grove here are impractical from our ranch operations standpoint, as earlier stated in this letter, I am willing to give to this project enough land adjoining Highway 29, and just east of the oiled State road, on which to locate your headquarters facilities, such as you, personally, mentioned to me, and space for the proposed Museum and Research Center, to house the present collections of the Cook Museum of Natural History, appropriately and safely in fireproof quarters, properly exhibited, and, in the case of the library and research specimens, kept here permanently, catalogued, and with appropriate supervision and protection at all times. I must have positive, unalterable guarantees that these collections are to be kept in this area permanently, and not transferred for storage, or any other purposes, away from this area where they belong, and are of most effective use.

As to the area I suggest giving to you for this use, east of

the Agate Post Office and grove, this is largely under irrigation, with old, approved state water rights, and where it is not, is so shallow to large amounts of fine quality ground water that very shallow wells can easily produce all the water you have any possible use for here, inside or out, to grow trees, shrubs, or anything you want to grow, to make it more pleasant. Likewise, the R.E.A. power line runs along the highway, on this land, so all the electric power you have any possible use for is on this land, now.

Our large grove across the road will offer material protection and shade, until you can get trees well growing there, and we will be more than glad to cooperate with you in letting your people use the picnic grounds in our grove, and in other practical matters.

Of course, we realize that the Park Service wants, where possible to control all adjoining lands to avoid unfortunate or unwanted development nearby, to detract from the atmosphere and broad effects of any N.P.S. area.

However, as we own all the land on all sides, for a mile or more in all directions, and as we do not want off-color, or undesirable people or establishments of any kind anywhere near here, this status is maintained, both now, and in the future, by going into each matters intelligently, and cooperatively, with you, when you decide to come here.

Your people spoke of the splendid view to be had from here, of this valley with the Fossil Quarry hills in the background. This is true, but it will look just the same, whether we own it or you do, and we will cooperate in the possible development, some special and desirable drives in the region, off land you own, and on lands we own. There are some features on the ranch here that we have not discussed with you or your people, that are of great interest to many people, if they knew they are here. One of these is the Daemonilix area you have already considered, but there are others of as great interest, which can be worked into a practical development here, without our having to run our ranch under serious handicaps, or your buying the whole thing from us. We know that the N.P.S. has long been wanting a Grasslands National Park, and it is possible you might want to consider these two ranches as the nucleus of, or a type unit of, such an area. In that event, of course, the N.P.S. would have to pay the commercial price for these lands, some 5,000 acres, as we cannot afford to donate them.

Word has recently reached us that Governor Morrison of Nebraska has recommended that legislation be passed to turn all of the Fort Robinson area over to the N.P.S. as a National Park; and that a bill is being prepared, or may have been introduced by now in Congress, to implement this move.

If this should be done, what we have suggested here could be worked in to great advantage with some of the splendid, distinct, and unusual possibilities that exist in the Fort Robinson area, and with the Scotts Bluff and Fort Laramie regional projects, as you will realize.

With kindest personal regards, in which my wife joins,

Yours very sincerely,

HJC/mc

(Signed)

Harold J. Cook  
Agate, Nebraska

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INDEX

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BONES OF AGATE:  
AN ADMINISTRATIVE HISTORY OF  
AGATE FOSSIL BEDS NATIONAL MONUMENT, NEBRASKA

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## A-A-A

Adams, John 102  
Administrative staff 88, 89, 98,  
101, 144, 174, 198, 225, 288-93,  
298.  
Advisory Board on National Parks,  
Historic Sites, Buildings, and  
Monuments 50.  
Agate Fossil Beds National Monument  
(general mention) 44, 50-1, 56-7,  
60, 62, 68, 79, 88, 96-7, 102,  
107, 114, 130, 154, 181-2, 186,  
190, 201, 204, 213-4, 221, 225,  
230, 233, 235-7.  
Agate Springs Fossil Quarries 9,  
11-3, 16-7, 20, 24-5, 28-30, 33,  
35-6, 43-5, 49-51, 58-9, 61, 97,  
259, 301-3, 305.  
Agate Springs Foundation 73, 217.  
Agate Springs National Monument  
Association 55, 72-3, 89-90, 92,  
98, 101, 116, 118, 217.  
Agate Springs Ranch 8-10, 13-6, 18,  
22, 24, 26-7, 30, 32-3, 36, 47-8,  
51-7, 60, 64-75, 78, 89, 94, 98,  
101, 111-2, 118, 120, 122-3, 127,  
129-32, 134, 136, 153-4, 157, 163,  
165, 171, 179, 190-1, 193-5, 198,  
199, 216-7, 220, 228, 234-5, 250,  
260, 300-1, 305-6.  
Alberts, Ed 43.  
Albright, Horace M. 27.  
Allen, Arthur C. 218.  
Amherst College 11-2, 301.  
Amherst Point (See Bear Dog Hill).  
American Horse 6.  
American Museum of Natural History  
12-3, 19, 58, 91, 114, 136, 161,  
301.  
Ashley, Ken 166.  
Aspinall, Wayne N. 75, 90.

## B-B-B

Baker, Howard W. 30, 32, 44, 49-51,  
55, 58-60, 62-4, 68, 71-2, 77, 92,  
94-5, 108, 121, 231, 299-300.  
Banta, Alford J. 215, 217-8, 220-1,  
223-5, 228-9, 235, 293.

Barbour, Dr. E. H. 10-2, 301.  
Bardo, Gerald 73.  
Barnett, Richard W. 50.  
Beal, Merrill D. 177, 181, 188, 193,  
194-6, 198, 200.  
Bear Dog Hill 11, 45, 216, 222, 258.  
Beattie, Hugh 176, 201.  
Bent's Old Fort National Historic Site  
114.  
Bill, Harthorn L. 125.  
Black, Dr. C. C. 91-2, 114.  
Bone Cabin (Harold J. Cook Homestead)  
11, 13, 53, 126, 179, 190, 215-6,  
227, 233, 251.  
boundary 71, 90-1, 110, 113, 125,  
131, 142, 171, 191, 198, 224-5, 235,  
277 (map).  
Boy Scouts of America 157.  
Bradford, Opal 198.  
Bridgeport, Nebraska 29n.  
Brown, Chester C. 43, 50, 57.  
Brown, LeRoy 140.  
Buckley, William F. 86-7, 117, 167,  
304.  
Bureau of Outdoor Recreation 101.  
Burns, Robert L. 198, 204, 215, 217,  
292.

## C-C-C

camping 48, 56, 64, 112, 296.  
Carnegie Hill 11, 45-6, 65, 70, 74,  
89n, 93, 111, 144, 158, 199, 216,  
257-8, 264-6, 268, 301, 305.  
Carnegie Institute Museum 10-1, 19,  
91, 114, 216, 301.  
Carpenter, Congressman Terry 30-2.  
"Catch 22 of Agate" 191, 230, 236.  
Chadron, Nebraska 24, 72.  
Chadron State College 13.  
Cherry, Earl 72, 118.  
Chicago Museum of Natural History 12,  
301.  
Civilian Conservation Corps Camp 762  
30-1, 33-4.  
Civil Works Administration 28.  
Clary, David A. 190.  
Cochran, Governor Roy 29.  
Coffee, Congressman Harry 31-3.  
Coffield, Thomas 293.

Coleman, Ray W. 30.  
 Colorado Museum of Natural History 12-3, 22n.  
 Columbia University 13.  
 concurrent jurisdiction 228-9.  
 condemnation 1214, 128-9, 133, 138, 163-6, 169-70.  
 Cook, Captain James Henry 5-11, 13, 14, 16, 24-6, 29, 34-5, 56, 108, 154-7, 221, 250, 252, 300.  
 Cook, Captain James ("The Great Navigator") 5n.  
 Cook Collection 14, 22, 27, 37, 48, 56, 58-60, 63, 87, 93, 98, 102, 110, 120-1, 127, 132, 134, 136-7, 154-61, 171-2, 180, 200-1, 217-20, 226, 232-3, 303.  
 Cook, Dorothy [Meade] 13, 55-7, 76, 78, 103n, 123, 126-9, 136-8, 142, 144, 154-5, 163, 165, 168, 173-4, 195-6, 213-4, 221-2, 233.  
 Cook, Eleanor Barbour 13, 17, 24-5, 52, 68, 70.  
 Cook, Eleanor [Naffziger] 13, 55, 123, 129, 154-5.  
 Cook, Harold James 8, 10, 12-4, 16-25, 27-37, 43-6, 48-59, 63, 66-70, 77, 88, 94, 126, 136n, 154-7, 169, 172, 253, 299-306.  
 Cook, Kate Graham 7-9, 13-4.  
 Cook, Margaret Crozier 18n, 25, 33-34, 37, 43-4, 51, 55-63, 65-73, 76-9, 87, 90-2, 94, 97-100, 102-3, 107, 111, 114, 117-8, 120-2, 126, 128, 130-1, 136, 138n, 154-6, 219-220, 254.  
 Cook, Margaret [Hoffman] 13, 52, 55, 66-9, 73, 77-8, 100, 103, 116-117, 123, 125, 128, 131, 139, 155, 165, 169.  
 Cook, Morris 59.  
 Cook Museum of Natural History 26, 37, 44, 53, 154-6, 161, 302, 305.  
 Cook Papers Collection 56, 60, 120, 138-9, 159-61, 203, 222, 224-5, 233-4, 299.  
 Cook, Winifred [McGrew-Howard] 13, 35, 55, 73, 123, 127, 129, 155.  
 Coolidge, President Calvin 21-2.

Core Mission (Basic Operations) 215, 224.  
 Coulter, Kirk 94, 124n.  
 Craig, Vera 157.  
 Crawford, Nebraska 22.  
 Curtis, Senator Carl T. 61, 71, 91, 96, 130-1.

#### D-D-D

daemonilix 10-1, 47, 54, 110-1, 115, 123, 129, 141, 166-8, 171, 193, 216, 255, 262-3.  
 Danielson, Lester 55, 57-9, 63, 73, 90, 130-2.  
 Dean, Bill 201.  
 Demaray, A. E. 28, 30-2.  
 Denver Service Center 198.  
 Devil's Corkscrews (See daemonilix).  
 Diceratherium 11-2, 35, 135, 137, 139, 256, 260.  
 Dickenson, Russell 183, 215.  
 Dickison, Fred 140.  
 Dierks, Ralph 178.  
 Dinosaur National Monument 27, 45, 74, 101, 114, 135, 144.  
 Dunning, J. L. 140, 203, 218, 221.

#### E-E-E

Eichstedt, Jack 43.  
 Emergency Conservation Work (ECW) 30, 33.  
 environmental impact statement 186, 189.  
 establishment 90-1, 110, 128, 142, 201-2, 231-2, 235, 285.  
 Everhardt, Gary 181-8.  
 excavation permits 110, 175, 199, 223.  
 exhibits 139, 141, 143-4, 158, 176, 183, 189, 216, 232, 265-6, 272.  
 Exxon, Senator J. J. 197, 214.

#### F-F-F

Fagergren, Fred 107, 115, 120, 123-4, 129, 132, 142-3, 153, 163-4.  
 fencing 110, 124, 192-6, 198, 224-5.

Field Division of Education (NPS/  
Berkeley) 28-9.  
fire protection 137, 167, 223-4.  
fishing 166.  
Foothills College (California) 161-  
162.  
Forsling, Bud and/or Teresa 60, 122,  
131.  
Fort Laramie 6, 8, 15-6, 27, 29n,  
35, 46, 50, 60, 99, 112, 172, 306.  
Fort Larned National Historic Site  
95, 137, 139, 154, 157-61.  
Fort Robinson 6, 8, 78, 132, 134,  
138, 306.  
Frailey, Frank W. 99-101, 288.

#### G-G-G

Garrison, Lemuel A. (Lon) 72, 75,  
97-8, 107.  
Gartner, Jack 158.  
Gering, Nebraska 16, 32.  
Graham, Elisha Barker 8.  
Graham, Mary Eliza Hutchison 8, 154,  
156.  
Grasslands National Park (proposed)  
54, 306.  
grazing 86, 88, 110, 163, 167, 173,  
193-4.  
Gray, William 129.

#### H-H-H

Hahn, Linda D. 160, 291.  
handbook 162, 170, 202, 216.  
Hanson, James 198, 223, 225, 233,  
291-3.  
Harold J. Cook Homestead Cabin (See  
Bone Cabin).  
Harper, Donald R. 160-2, 165, 167-8,  
170, 173-4, 177-8, 192-8, 291.  
Harpers Ferry Center 153, 157, 160,  
170, 174-5, 177, 180, 189, 199,  
202, 216, 218, 272.  
Harvard University 12, 301.  
Harris, Earl R. 100.  
Harris, Hazel 86-7, 117, 304.  
Harrison, Nebraska 10, 16, 22, 72-3,  
90, 101, 162, 172, 228.

Hartzog, George B. Jr. 61, 72, 93,  
99, 130.  
Hatcher, J. B. 10.  
hay production 86, 172-3.  
headquarters (temporary) 119, 122,  
132-4, 172, 177, 185, 197, 232, 258,  
268.  
Hefti, Paul 72.  
Henneberger, John W. 50.  
Hirst, Frank 102.  
Historic American Buildings Survey  
145.  
Hitchcock, Ann 218-9.  
Hoffman, George H. 52-3, 65-70, 73,  
78-9, 86-8, 96, 99-100, 102-3, 116-  
117, 133, 191, 236, 302, 304-5.  
Hoffman, Margaret (See Cook, Margaret).  
Holder, Richard L. 100-3, 113, 115-6,  
118-20, 122, 129-33, 135, 255, 289.  
Homestead National Monument of America  
229.  
Howard, Winifred (See Cook, Winifred).  
H. R. 500 89-90, 95, 280-1.  
H. R. 6149 71.  
Hruska, Senator Roman L. 60-9, 71, 74,  
91, 94, 96, 97n, 98, 116, 124n, 126n,  
127, 130-1, 169, 173n, 180-3, 185-9,  
204, 230, 254, 282.  
Hulett, Stanley W. 214.  
Hunt, Dr. Robert M. 12n, 175, 199-200,  
202, 216-7, 222-4.  
Hunter, John 201, 203, 218, 223.  
hunting 110, 225.

#### I-I-I

Ickes, Harold 30-3.  
insects (spraying) 234.  
interpretive folder 100, 111, 196.  
interpretive program 140, 172, 176,  
198.  
Interpretive Prospectus 200.

#### J-J-J

Jackson, Senator Henry 75.  
Johnson, Judith 199.  
Johnson, President Lyndon Baines 97-8,  
107, 230.

Jones, Harold R. (Bob) 57-60, 63,  
65, 67-8, 72, 121, 254.  
Joyner, Newell F. 60.

#### K-K-K

Kaas, Fred 177.  
Kansas University 12.  
Kelly, John M. 90.  
Kemper, Gene 73.  
King, Palmer 156.  
Kingman, Eugene 139, 143.  
Knowles, Larry F. 43-4, 50, 57, 300.  
Kornelis, Thomas 122-5, 141n.

#### L-L-L

Ladd, Benjamin 135-7, 256.  
Land and Water Conservation Fund  
91, 116.  
Land Protection Plan 234-5.  
Larson, Jim 175.  
Lemley, Dr. Ray 114, 161.  
Lessig, Charles 145.  
Lincoln Journal 61, 63, 203.  
Little Wound 6.  
Logan, Dr. Wilfred 114.  
Lykes, Ira B. 76.  
Lyttle, Gene 116-7.

#### M-M-M

Macdonald, Dr. James Reed 161-2,  
168, 170, 216.  
Magdanz, Elmer 79, 85, 95.  
Magyar, Paul 157.  
maintenance 135, 141, 170-2, 176-  
178, 198, 202-3, 223, 225-6, 232-  
233, 274.  
Marsh, Dr. O. C. 6-7, 300.  
Martin, Congressman David 64, 74,  
77, 89-91, 131, 280.  
Master Plan 98, 102, 108-12, 127,  
153, 177-8, 181, 184, 186, 188.  
Mathers, Albert M. 28.  
Mattes, Merrill J. 34-5, 49.  
Meade, Dorothy (See Cook, Dorothy).  
Meade, Dr. Grayson 67, 123-4, 129,  
136, 142, 163, 165, 167-8, 191-2,  
199-201, 228.

McCurdy, Charles H. 137.  
McGrew, Paul C. 35.  
McGrew, Winifred (See Cook, Winifred).  
McKenna, Malcolm 58, 91-2, 161.  
McMullen, Governor Adam 17, 19-23,  
24n.  
Michigan University 12.  
Midwest Archeological Center 160-1,  
178, 190, 197.  
Midwest Regional Office 49, 55, 61,  
63-4, 69-70, 76, 79, 85, 100, 102,  
107, 112, 137, 140, 143, 156, 160,  
169, 171-2, 176, 178, 183, 185, 189,  
201, 214, 223, 225.  
Miller, Keith E. 69-70, 72, 74, 75,  
78-90, 96-100, 102, 288.  
MISSION 66 43.  
Mitchell, Nebraska 16, 72, 90, 101,  
162.  
Montgomery, C. P. 127.  
Moore, Jackson W. 114.  
Morgan, Mabel 86-7, 117.  
Morrison, Governor Frank B. 75, 101,  
299, 306.  
Mount Rushmore National Monument 29.  
Mumby, W. E. 73.  
Murray, Robert 60.  
Museum Services Act 218-9.

#### N-N-N

Naffziger, Eleanor (See Cook, Eleanor).  
National Park Sign System 223, 267.  
National Parks and Recreation Act of  
1978 202.  
National Register of Historic Places  
190, 197.  
Nebraska Congressional Delegation 56,  
71, 74, 120-1, 124, 172, 199, 232.  
Nebraska Federation of Women's Clubs  
16-8.  
Nebraska Highway 29 16, 29, 47, 53,  
62, 64, 77, 111, 118, 123, 140, 162,  
164, 168, 170-1, 267, 305.  
Nebraska State Historical Society 22,  
24n, 190, 234.  
Nebraska State Park Board 16, 20, 22.  
Niobrara River 8-9, 62, 71, 88, 93,  
100, 110-1, 115, 130, 143-4, 157,  
175, 197, 201, 223, 232-3, 236, 258,



Niobrara River (continued) 268, 301.  
North Platte, Nebraska 169.  
Novak, Charles 114.

#### O-O-O

Odegard, Charles H. 222, 226, 236.  
O-4 Ranch 8, 126.  
Old Oregon and Mormon Trails,  
National Parks Area Commission  
29n.  
Omaha, Nebraska 43, 49-50, 54, 59,  
61, 72, 77, 97-8, 107, 136, 139,  
143, 145, 159, 162, 164, 170-1,  
177, 189, 204.

Omaha World-Herald 63.

O'Neill, Father Robert L. 72, 75,  
78, 89-90, 97.

Operations Evaluation 176-8, 201,  
234.

Oregon Trail Museum Association 217,  
225, 271.

Oregon Trail National Park (proposed)  
29n.

Ortega, Richard I. 190.

Osborne, Terry 134, 144, 289-90.

Oviatt, George 225, 293.

#### P-P-P

paleontological research center 111,  
136, 200, 303, 305.

Peterson, O. A. 10-2, 216, 301.

physical security plan 203.

pit toilets 99.

Pope, Randall R. 201, 220.

Preliminary Study 44-50, 304.

Princeton University 10, 12.

#### R-R-R

Ramsey, Gene 72.

Randels, Charles 33-4.

Rapier, John B. III 175-6, 178,  
180, 195-6, 217, 220, 223, 228,  
231, 235, 291-3.

rattlesnakes 134, 141, 176, 232.

Red Cloud (and Campsite) 6-7, 13-4,  
27, 108, 110, 165-6, 189, 193,  
216, 221, 233.

resources management objectives 109,  
226-7.

resource management plan 141, 198.

Reynolds, Harvey B. 113.

Rickey, Don 102.

Rickey, Nan 132, 138-9.

Ritchie, John E. 141n.

Roberts, R. Jay 100, 288.

Robinson, Harry 50, 72, 101, 107,  
300.

Rocky Mountain National Park 32, 158.

Roosevelt, Eleanor 33-4.

Rouse, Homer L. 136-40, 142, 144,  
153-5, 157-9, 164, 256, 290.

#### S-S-S

S. 339 89, 94-5, 282-4.

S. 1481 71, 74.

San Francisco Planning and Service  
Center 108, 114-5, 122, 125, 127,  
141n.

Sandburg, George 125.

scenic easement 142-3, 161, 164-5,  
167, 171, 234.

Schaack, Jim 168.

School of American Research (Santa Fe)  
28.

Scope of Collection Statement 220-2.

Scotts Bluff National Monument 27-30,  
32-5, 49-50, 58-61, 65, 69, 90, 100,  
102, 112, 119-20, 122, 135, 138,  
144, 161-2, 164-5, 174, 176, 182,  
194, 201, 203, 218, 222, 225, 229,  
233-4, 289, 306.

Scottsbluff, Nebraska 29, 55, 58-9,  
68, 79, 93, 122, 129-30.

Seacrest, Joe 61.

Simmons, Robert Jr. 68, 122, 124-5,  
129-31, 135, 142-3, 154-6, 163-5,  
167-8, 171, 180-1, 193.

Sioux County Road 111, 113, 133, 142,  
171, 176, 179, 227-9, 235, 267.

Skavdahl, Harold 79, 86-8, 117, 304.

Skavdahl, John H. 172, 228.

Skinner, Morris 58, 14, 161.

skunks 158.

Smith, Congresswoman Virginia 197-8,  
200, 214.

Smithsonian Institution 12, 301.

Solicitor (Department of the Interior) 59, 132, 155-7, 161, 194, 218-21, 229.  
 Statement for Management 226, 296.  
 Stenomylus Quarry 12, 35, 47, 88, 90, 111, 141, 179, 225, 301.  
 Strand, Richard 175, 199.  
 Suarez, Alfred 166.  
 Swigert, Alice I. 160, 290-1.  
 Syndoceros cooki 11.

#### T-T-T

Taylor, T. B. 176.  
 Taylor, William W. (Bill) 113, 118, 122, 162, 176, 195, 234, 289, 290-293.  
 telephone service 119, 133.  
 Thorne, R. Neil 181.  
 Tolson, Hillory A. 32.  
 Trager, Earl A. 35.  
 trailers 107, 113, 115, 119, 122, 130-2, 135-6, 163, 176-8, 180, 189, 225, 232, 259, 268-71.  
 trails 143-4, 166, 176, 196, 216, 232-3, 261, 264, 273, 278.  
 Turay, Dennis J. 160, 162, 165, 167-8, 172, 192, 291.  
 Turner, C. B. 31-4.

#### U-U-U

Udall, Stewart L. 50, 75.  
 University Hill 11, 45, 70, 93, 111, 216, 257-8, 268, 301, 305.  
 University of Chicago 12, 123.  
 University of Nebraska 10-2, 50, 74, 114, 175, 181, 199, 223-4, 301.  
 U. S. Geological Survey 118.

#### V-V-V

visitation figures 296.  
 visitor center (temporary and permanent) 48, 62, 64-5, 76-7, 93, 111, 117, 119, 127, 131, 135, 137, 144, 176, 188-9, 198-202, 204, 225, 230-2, 235-6, 256, 259-60, 270, 272.

visitor use objectives 108.  
 Volz, Leonard J. 153, 159, 165n, 166-168.

#### W-W-W

Walker, Ronald H. 173.  
 Washington Office (NPS) 61, 68, 99, 132, 155, 158, 169, 173, 183, 223.  
 water well/system 118, 133, 140, 198, 224.  
 Watt, Secretary James G. 213-5.  
 weather station 133, 223.  
 Weaver, Carol 133, 134n, 163.  
 Weaver, Governor Arthur J. 24.  
 Weaver, Roy W. 130-5, 137-9, 141, 144, 157-8, 160, 162-3, 190, 236, 289-91.  
 Weber, Jeanne E. 175, 291-3.  
 Weeks, Tom 145, 176, 201.  
 Werking, Albert E. 102-3, 113, 122, 131, 289.  
 Western Nebraska United Chambers of Commerce 74-5, 91, 232.  
 Western Office, Design and Construction 50, 102.  
 Western Service Center 141.  
 Western State College (Colorado) 13.  
 Wheeler, Douglas P. 170.  
 White, Dr. Theodore 101, 114, 135-9, 144.  
 Witham, Albert L. 218-9, 221-2.  
 Whitlock, Ira 173.  
 Wilson, Dan 178.  
 Wirth, Conrad 44, 61, 68, 76.  
 Wright, John 166.  
 W-S Ranch 7-8, 300.

#### Y-Y-Y

Yale University 12, 301.  
 Young-Man-Afraid-of-His Horses 6.

#### Z-Z-Z

Zimmerman, Karen 224, 233.  
 Zorinsky, Senator Edward 197, 214.

