

Parker Peltzer
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Influences on Middlebury's Management of the Joseph Battell Gift

At the time of his death in 1915, Joseph Battell was the largest landowner in Vermont, counting whole mountains from Brandon Gap up to Camel's Hump among his collection. His will gave almost all of that land to Middlebury College, yet the College took a full decade to decide whether to accept the immense bequest as its trustees wrestled with questions of what they must do to respect the conditions of the gift that Battell had laid out in his will.¹ Though the college did eventually accept the Battell Lands, the length of the conversation before foreshadowed how the Colleges' changing relationship to the lands would create controversy through the next century.

While the text of the Battell will has long been fixed, ideas of land use and stewardship have not been. Regional and national shifts in understanding affect the ideas of the administrators, alumni, faculty, staff, students and trustees of Middlebury College and of the community members, journalists, politicians and government agencies of the town, state, and nation. The environmental history of Middlebury did not unfold in isolation, but through interaction with wide-ranging ideas. The history of the Battell Lands show this interaction.

Human ideas of land use affected the lands that would eventually be Battell's even before he bought them, before the start of recorded history. The College did not need to regard these though in deciding how to handle the bequest; what it needed to understand was Battell's own intentions and uses. Often, Battell is portrayed as a preservationist. A December 9, 1998 Letter to the Editor in the *Middlebury Campus* highlighted text from the will which stated "it shall be the duty of said trustees to preserve as far as reasonably may be the forest of said park, and neither to cut nor permit to be cut

¹ Eric Goldwarg '00, "Man Who Buys Mountains: An Environmental History of Bread Loaf and the Joseph Battell Lands" (HIST 453 paper, Middlebury College, Fall 1999), 15.

thereon any trees whatsoever.”² This was the same assertion made by activist Jim Northup, while teaching a class at Middlebury, in the environmentalist publication *Wild Earth*, and in the *Burlington Free Press*.³

If Battell was a preservationist, he fits chronologically into the early tradition of preservationism. In tracing the development of the human veneration of wildernesses in his essay “The Trouble with Wilderness,” William Cronon outlines this history, arguing that the impulse to preserve wildernesses appeared in the late 19th century. As Americans recognized the closing of the frontier and as Frederick Jackson Turner wrote on the national consequence of that truth, the nation began to set aside the first national parks to ensure that future citizens too could be transformed by the experience of wilderness that made their predecessors who they were. Over the course of several decades, this motive for preservationism transformed into one more like a religious appreciation for the sublime-- John Muir's sort of preservationism, which saw the Hetch Hetchy dam in Yellowstone as a profane affront to nature.⁴ Cronon also records that the wealthy sought to personally preserve the wilderness experience, notably in the form of Adirondack camps and plains ranches, so that they might tap into the boost to health, masculinity, and civic-mindedness that it offered.⁵ It was in the summer of 1865 when Joseph Battell entered into a similar endeavor. He went up to a homestead in Ripton, seeking relief for his weak lungs in the mountain air. Soon, he bought the farm and 300 acres. Soon after that, he began buying every piece of land visible from his new home. By owning this land, and never logging it, he ensured that his view remained one of unspoiled wilderness.⁶ Battell then, in both some of the text of his will and his unwillingness to log around the Bread Loaf Inn, fit into the parts of the tradition of preservationism that his life spanned, recognizing both the benefits of wilderness to human beings and

² “College Legally Bound to Battell’s Will,” *The Middlebury Campus*, December 9, 1998.

³ Goldwarg, p. 2; Nancy Bazilchuk, “Forest Chief Plays Tree Referee,” *Burlington Free Press*, December 8, 1999.

⁴ William Cronon, “The Trouble with Wilderness: Or, Getting Back to the Wrong Nature,” *Environmental History* 1, no. 1 (January 1, 1996): 7–28, p. 9.

⁵ *Ibid.* pp. 13-14

⁶ Goldwarg, p. 3-4; Stephen Weber, “Middlebury Forester Responds to Article,” *The Middlebury Campus*, December 3, 1998.

a certain sublime experience that the wilderness could provide.

If Battell was fully a preservationist, then the College has not respected his will in many ways. Most notably, it sold most of the lands to the federal government without restrictions, in effect giving permission for them to be logged. On the lands it kept, it itself logged on some and cut ski trails on others. However, it is likely that he was not, as indicated by the logging he himself allowed in his lifetime on the extensive lands he owned that were not visible from his Inn or the nearby Silent Cliff overlook. Thomas Boyce, who worked for Battell and oversaw his land, recalled that “Ten or more mills were stocked with logs from [Battell's] land.”⁷ This would make Battell a conservationist, protecting the land for the future, but using it too. A Battell biographer, George Mead, adds to this, describing Boyce's actions as “establishing for Battell a forest conservation system of lumbering, patterned after the plan followed by the national government in its control of the national forests, whereby year after year a crop of timber may be removed, and the forest constantly renewed.”⁸ Battell's forest management then fit with some of the ideals of the Forest Service under Gifford Pinchot in the early 1900s. Though Battell did not adopt clearcutting and the encouragement of even-aged stands of trees that the Forest Service embraced, he did try to derive benefit from his land, and manage the cutting that that involved, so the land would increase in usefulness in the future. Instead of seeking maximum productivity in the style of progressive conservation, though, he chose to balance some productivity with making sure his logging was of low visual impact and did not harm old growth trees.⁹

In his life, Battell clearly acted according to both preservationist and conservationist ideas, and was likely affected by the parts of both movements that overlapped the years of his life. Upon his death, the trustees of the college had to reconcile his largely preservationist will with both a few non-preservationist parts, and the record of how Battell actually lived. Some parts of this were not controversial. 22,000 acres were given to the college without restriction, and known as the Battell

⁷ Ibid.

⁸ Ibid.

⁹ Goldwarg, p.10.

Forest. The strict cutting restrictions applied only to 9,000 acres, which were known as the Battell Park.¹⁰

The Park was clearly going to be a financial burden for the college, as it would have upkeep costs and little revenue potential, yet Battell had written that it would be a benefit to the College. This left the trustees trying to figure out how Battell envisioned the arrangement working. Some thought it could not, and argued the College should not accept the gift. Others wanted to take the gift, and log it in spite of Battell's instructions. The trustees eventually recognized this as a legally and morally unacceptable course. Eventually, a group calling for the college to accept the gift and try to manage it in accordance with Battell's intent if not actually the specific strict wording of his will, prevailed, and the college took possession of the Battell Park.¹¹

As it did so, the Trustees released a document laying out their decisions related to the land. The document drew heavily on conservationist thinking, suggesting that cutting could improve the forest and in fact make it more like what Battell had in mind, and that not cutting had the potential to harm the forest especially through disease or fire, and consequently interfere with Battell's intended plan for the land. Rather than preserve the forest, the Trustees intended to manage it to make it useful, which they equated with Battell's desire that it be beautiful. Specific evidence of the influence of progressive conservation forestry on the Trustees is one section of the document which allows for the future cutting of old growth trees, which Battell wanted to protect, but which Gifford Pinchot's brand of forestry regarded as troublingly inefficient. In practice, only second growth trees were cut in the Park, and only rarely, but in 1925 the Trustees did not want to limit their future options. Joseph Battell presented himself as a preservationist, but often acted in a conservationist way. The Trustees accepted the park under a conservationist plan for it, but then acted mostly in a preservationist way, at least for the few years they kept the lands.

¹⁰ Ibid., p. 7.

¹¹ Ibid., p. 15.

In these few years, there was one major exception, and it was linked to another national shift in attitudes about land use. President Franklin D. Roosevelt's New Deal programs often emphasized recreation, both reflecting and encouraging new pastimes. Trails and structures went up across the country and across Vermont. The spreading passion for outdoor recreation came to the Battell Park when the town ski club asked to cut trails on Worth Mountain. The college approved, but knowing that trees inside of the park would need to be felled for purposes of skiing--which the will had not considered--sought court approval. The ski trails were allowed, on the grounds that the old growth parts of the park would not be affected, and because the ski trails would benefit the people of Middlebury and the college, which Battell wanted his lands to do.¹²

The Middlebury College Snow Bowl, which eventually sprang from these trails, now makes up the largest part of the college's current holdings of original Battell land. Between 1936 and 1953, the college sold all but 2,000 acres to the federal government for the purpose of creating national forests, in order to support its own growth, especially by creating facilities for women. The land was sold without restriction, meaning that it could be logged, and this was justified by Battell's own logging, and by his enthusiastic support of women's education.¹³ Though this sale was a strong statement of conservationist over preservationist control of college lands, the fate of much of the land itself is that it ended up being preserved. The Breadloaf Wilderness includes Battell Forest and Battell Park land, and is maintained as a wilderness, with limits on the roads, trails and structures that can be inside of it. As the lands passed from College control, many issues surrounding them faded from the consciousness of members of its community, at least temporarily.

The greatest resurgence of interest in the preservation of the Battell Lands came out of the national debate over wilderness in the 1990s. The Clinton administration announced a plan to protect

¹² Ibid., p. 24-25.

¹³ Ibid., p. 27.

an additional 40 million acres of national forest as wilderness areas.¹⁴ Though popular in Vermont where a *Burlington Free Press* editorial backing it noted that 94 percent of Vermonters supported preserving roadless areas, this move met opposition nationally.¹⁵ One source was actually from a small subset of environmentalists whose concerns were given voice by William Cronon in his 1995 essay “The Trouble with Wilderness,” saying that overemphasizing the creation of wildernesses leads to people thinking of wildernesses as the only part of the environment worth respecting, depriving them of both appreciation and concern for their homes.¹⁶ A much larger source was from what called itself the Wise Use Movement, a unification of business interests and public concern about access to natural resources being over-regulated.¹⁷

Jim Northup and his 1998 ES 401 class stepped into this conversation, examining how the college had failed to preserve the Battell Lands as required by the will, and calling for the creation of a new national forest wilderness area on the former Battell Park land surrounding Romance Mountain south of Middlebury Gap.¹⁸ Though it took almost a decade, that land eventually became the Joseph Battell Wilderness.¹⁹

Another preservation effort that included some of the Battell Lands still owned by the college concluded in 2014. Trustee Louis Bacon '79 funded a conservation easement held by the Vermont Land Trust, to ensure that 2,100 acres of the lands around Breadloaf remain protected and college-owned forever, a goal similar to that of the Battell will, but more likely to be respected both due to the changed priorities of the college and developments in conservation law since the early 1900s.²⁰ This

¹⁴ Nancy Bazilchuk, “Forest Chief Plays Tree Referee.” *Burlington Free Press*. December 8, 1993.

¹⁵ “The Forests' Future,” *Burlington Free Press*, December 9, 1999.

¹⁶ William Cronon, “The Trouble with Wilderness,” in William Cronon ed., *Uncommon Ground* (New York: W.W. Norton, 1995), and at: http://www.williamcronon.net/writing/Trouble_with_Wilderness_Main.html

¹⁷ William Cronon, “The Trouble with Wilderness: A Response,” *Environmental History* 1, no. 1 (January 1, 1996): 47–55, p 53.

¹⁸ Goldwarg, p. 2; and Susanne Pariser, “Balancing Development and Nature.” *The Middlebury Campus*, November 5, 1998.

¹⁹ “Wilderness.net - Joseph Battell Wilderness - General Information.” *Wilderness.net*. Accessed May 14, 2015. <http://www.wilderness.net/NWPS/wildView?WID=689>.

²⁰ “Middlebury College’s Historic Bread Loaf Campus to Be Conserved in Perpetuity,” 12 November 2014, *Middlebury*

preservation project nearly prevented the construction of the new Ian Burgin Lodge, however. The Burgin Lodge is a shelter being built near Breadloaf to support outdoor recreation by Middlebury community members. As its planning was already in progress, an exception for the Lodge was written into the conservation easement, allowing it to be built. Had the easement been done a year earlier or the lodge started a year later, there would not have been the flexibility to move forward with construction.²¹ This serves as a modern reminder that setting aside land for preservation can prevent it being used in ways beneficial to the college, even when that usage is non-destructive or minimally destructive.

The fates of Joseph Battell's lands illuminate attitudes about conservation and preservation at Middlebury College and make plain that the two ideals both coexist in the minds of the community and each cyclically rise to prominence over the other. These ideals did not develop at Middlebury, so their occurrence shows the influence of national movements and patterns in thinking about the environment on the college. The continual changing of which has the position of prominence also shows the influence of the national on the college. Environmental policy making, even on the small scale of the college did not and does not happen in isolation from outside influence.

News Room, accessed May 15, 2015, <http://www.middlebury.edu/newsroom/node/488112>.

²¹ Larson Lovdal and Phoebe Howe, Interview with author on the Burgin Lodge, May 14, 2015.

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