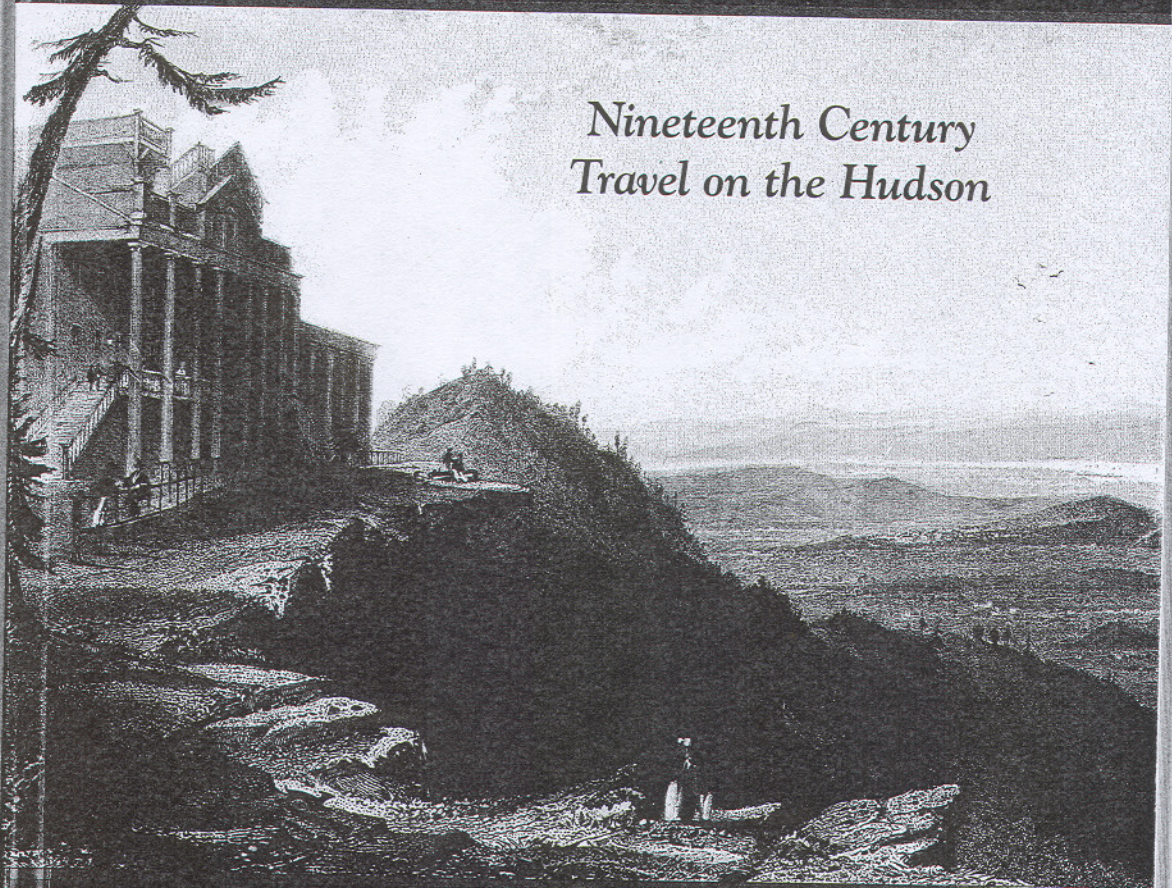


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# The Story of Black Rock

How An Early Sustainable Forest Spawned  
The American Environmental Movement and  
Gave Birth To a Unique Consortium That Links  
Science, Conservation, and Education

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Black Rock Forest is a 3,785-acre wilderness area located in New York's Hudson River Valley. The modern environmental movement in America began in 1962, when residents of the area banded together after Black Rock was threatened with development by the utility company Consolidated Edison. The outcome of this seventeen-year crusade to stop the degradation of this forest was a landmark win for environmentalists that left an illustrious and inveterate legacy for future generations. The campaign set legal precedent but also resulted in watershed legislation in the form of the National Environmental Policy Act, the formation of several environmental advocacy groups, and the creation of the Council on Environmental Quality. Today, the forest is permanently protected and stewarded by the Black Rock Forest Consortium, a unique amalgamation of primary and secondary schools, colleges and universities, and science and cultural centers that collaborate to enhance scientific research, environmental conservation, and education. This paper examines the history of Black Rock Forest with particular emphasis on its role in ecosystems preservation, examination, and edification.



Black Rock is a densely forested landscape that reflects the ecological splendor of New York State. Located fifty miles north of New York City on the western side of the Hudson Highlands, it is sandwiched between the West Point Military Reservation—a 15,000-acre property that is home to the United States Military Academy—and Storm King Mountain—a 1,900-acre park managed by the Palisades Interstate Park Commission.

Rich in geological history, Black Rock is one of the finest examples of the Hudson Valley's eastern hardwood forests. Its landscape contains over 1,000 feet of varied elevation that includes lakes, streams, ponds, wetlands, and mountains. Because of the relief, varied landscape, and inconsistent soil quality, Black Rock

is a relatively unspoiled territory. The forest contains red and white oak, eastern hemlock, maple, birch, pine, beech, and chestnut oak, some of which are over 300 years of age.<sup>1</sup> Botanically, the forest contains over 700 taxa of plant life identified with more than twenty plant species categorized as rare.<sup>2</sup>

Anyone walking through this bucolic landscape and its miles of trails cannot help but hear the whirs and whispers of wildlife. Black Rock is home to species that are found only in diminished numbers in the surrounding region. Within the forest live eastern coyote; red and grey foxes; black bear; weasel; bobcat; river otter; several squirrel species (including the flying squirrel); beaver; muskrat; porcupine; opossum; numerous fish, frogs, and turtles; white tail deer; and various species of bat.<sup>3</sup>

The first permanent settlers arrived near Black Rock in 1684. In 1788, the Town of Cornwall (which surrounds the forest) was incorporated. Throughout the centuries, Black Rock has been witness to the growth of the Hudson River Valley and the unfolding of our national history. Over time, areas of the forest have been used for farming (prior to 1830); timber harvesting (1830-1850); converting wood to charcoal (1850-1880); tourism driven by the land's mineral springs (1850-1910); and homesteading.<sup>4</sup>

The banks of the Hudson River have yielded fertile farmlands. However, Black Rock's poor soil quality made it difficult to farm; as a result, throughout its history only 7.5 percent (270 acres) was ever cultivated. However, there is ample evidence of agriculture. According to Neil Maher, author of *Black Rock's Hidden Past: A History of Land Use Prior to the Creation of Black Rock Forest*:

Today much of Black Rock Forest's past remains hidden from view, its history covered by re-growth. Contemporary visitors must look carefully for the crumbling stone walls bordering former grain fields, the un-pruned apple, pear, and cherry trees standing conspicuously in a grove of oaks, or the sudden depression in the landscape that served as charcoal pits.<sup>5</sup>

The Hudson Valley has long been home to many of this country's financial elite—names such as Vanderbilt, Livingston, Rockefeller, Harriman, and Morgan—so it seems only reasonable that James Stillman, the successful financier and president of the National City Bank, would seek to build his estate along the river's banks. In 1885, Stillman began purchasing the land now known as Black Rock Forest. He started with a single tract, adding to his initial purchase over the next three decades. Throughout his ownership, Stillman allowed a portion of the land to be logged. His dream was to create a retreat for his family; however, his wishes never came to fruition.



In 1918, James Stillman died, leaving the undeveloped land to his son Ernest, a local medical doctor who shared his father's love of the Hudson Valley. Ernest Stillman was concerned with healing the forest and protecting it from future development. Although he did not discontinue the practice of woodcutting, his concerns for the environment made him adopt the young practice of sustainable forestry and forest science that had been growing in popularity within the scientific community.<sup>6</sup> Sustainable forestry is attributed to President Theodore Roosevelt, who was influenced by the ideas of such men as Gifford Pinchot, first chief of the United States Forest Service.<sup>7</sup>

While visiting the Stillman property in 1926, Richard Thorton Fisher, a former student of Pinchot's and director of the Harvard Forest in Petersham, Massachusetts, recommended that Ernest establish a sustainable experimental forest. With this in mind, Stillman expanded the acreage and started actively funding forestry research and scientific experiments, founding Black Rock in 1928. (He named it after one of the mountains located within the forest's boundary.)

Activities during the early years of Black Rock focused on ecological protection and restoration. Experiments and investigations in forestry, botany, geology, and soil science resulted in the publication of the first series of Black Rock Forest papers and bulletins. Richard Fisher remained interested in Black Rock, overseeing research and activities there. He noted in the first bulletin, published in 1930, that the forest would serve as an exemplar for effective forestry management in a geographic area where land use was becoming more important both socially and economically.<sup>8</sup> Concurrently, a series of plots were established for long-term investigations; these have been monitored for more than seventy years.

Having become an avid conservationist and a proponent of forestry studies, Ernest Stillman sent a letter to Dr. James B. Conant, then president of Harvard University, in 1940. In it, he outlined his desire to have Harvard, his alma mater, take over Black Rock upon his death. Also outlined was his intention to form an endowment to fund research in forestry studies:

The Black Rock Forest in its 12 years of life has already produced so much valuable scientific knowledge that it seemed a shame to have these experiments terminate at my death. Three alternatives presented themselves: (1) establish an individual foundation; (2) deed the property to the Bronx Botanical Park, Syracuse, or Cornell Universities; or (3) deed the property to Harvard University....

I naturally favored the last, as I believe the Black Rock Forest would be complementary to the Harvard Forest.<sup>9</sup>

Upon Stillman's death in 1949, he bequeathed the forest, along with \$1,154,861.57, to Harvard. The university accepted the bequest and agreed to maintain it.

I give and devise to the President and fellows of Harvard College, Cambridge Massachusetts, all of that tract or parcel of land situated in the Townships of Cornwall and Highland Falls, New York, known as the Black Rock Forest, which for many years has been operated by me as an experimental forest, together with all of the buildings situated on said tract and the contents of such buildings.<sup>10</sup>

That same year, Calvin Stillman, Ernest's son, suggested that Harvard focus less on issues of forestry and more on scientific study and experimentation, writing that "the forest should...devote its energies to the one factor most surely fixed—pure science."<sup>11</sup>

During Harvard's ownership, modest research studies were conducted at Black Rock that resulted in the publication of several bulletins; however, in the view of former forest manager Jack Karnig (who was employed both by Harvard and the Black Rock Forest Consortium, the subsequent owner), the university neglected Black Rock in favor of its Petersham forest, located closer to Cambridge.<sup>12</sup> Daniel Steiner, the university's former chief council, revealed, "[F]rom the point of view of our scientific community in biology, it does not offer anything unique in comparison to a forest much closer and where we have a large facility."<sup>13</sup> According to William Golden, founder of the Black Rock Forest Consortium, Harvard viewed Black Rock as an underutilized financial burden that cost them \$32,000 annually; however, he notes that at no time had the costs of maintaining the forest exceeded the income generated by the Stillman endowment.<sup>14</sup>

In 1962, things began to change. Black Rock became immersed in a bitter struggle that marks the forest's most important legacy to date—setting national precedent and sparking what experts from such groups as the Environmental Protection Agency, Scenic Hudson, and the National Resources Defense Council agree was the dawn of America's modern environmental movement.

The Black Rock Forest-Con Ed Controversy—also known as the Storm King Mountain Lawsuit—lasted from 1962 to 1980. The battle began when Consolidated Edison submitted plans to build a hydroelectric pumped-storage and electricity-generating station in the forest. The facility would pump water from the Hudson River to a reservoir holding station atop the Highlands; the water would remain there until its release through turbines located at the base of the mountain. The project entailed the expansion of the upper reservoir, the cutting of 240 acres



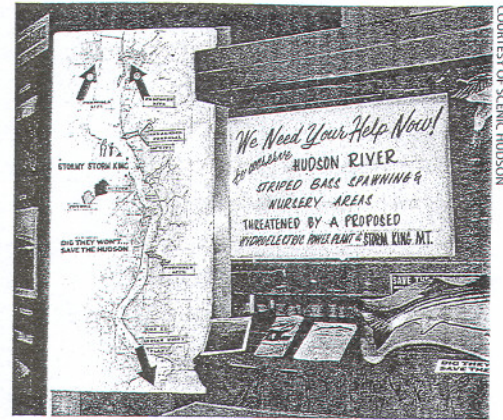
of the forest for flooding, and the addition of numerous roads. As a result of these permanent changes to the landscape, a vocal group of community members became deeply concerned.

Opponents charged Harvard with attempting to sell Black Rock and keeping the Stillman endowment. (University officials did toy with the idea of selling all or a portion of the property to the utility, but this would have meant condemning a section of it.) Issues of pollution, seepage, water quality, and the project's impact on indigenous species fueled much debate. As one opponent claimed, "This instability of the ground was not recognized. Neither was the fact that the Hudson River is an estuary and not a one way stream."<sup>15</sup>

What began as a small intervention from within the local community quickly became a statewide campaign and sparked the formation of several environmental groups. Eventually, the conflict became a national concern. This battle became part of a legal action that yielded a transcript of 18,000 pages. The case was brought by Scenic Hudson and the Natural Resources Defense Council (NRDC), both of which were formed by area residents in response to the controversy and remain active today. Also involved in the Black Rock Forest struggle were pre-existing groups such as the Palisades Interstate Park Commission; the City of New York; the Sierra Club and its Atlantic Chapter; the Wilderness Society; the Izaak Walton League of America; Clearwater; the National Audubon Society; and the National Parks and Conservation Association.

Despite mounting opposition, Con Ed was determined to proceed, applying to the Federal Power Commission (FPC) for a license to operate a hydroelectric facility. After the FPC initially granted approval for the project, three years of hearings and appeals followed, resulting in the United States Court of Appeals' decision to order the FPC to rehear the case, this time allowing environmental-impact testimony. Although a battle such as this was inevitable, it was a precedent-setting decision. It marked the first time that the U.S. government acknowledged the importance of environmental-impact studies.

In 1966, a new round of FPC hearings began and went on for four years. Conservationists were not dissuaded after the FPC decided to grant a new license



Protest Sign used by Scenic Hudson

to Con Ed in 1970. They challenged the water-quality permits required for the project. Following a fishery study in 1974, the appeals court once again ordered more hearings, keeping the controversy alive for another six years.

This case helped to inspire the National Environmental Policy Act (NEPA). Signed into law by President Nixon on January 1, 1970, the act formally declares environmental policy and goals for the protection and maintenance of the nation's natural resources. It requires all federal agencies to prepare environmental-impact statements when proposing actions that may affect the environment. NEPA also established the Council on Environmental Quality (CEQ) in the Executive Office of the President.

When the battle was finally resolved through mediation in 1980, the outcome was a historic victory for environmental advocates. Con Ed agreed to halt construction of the plant and establish an endowment (along with the other utility companies in the region) to fund independent research on the impact of power plants on the area's aquatic life.

The end of the controversy received a lot of notoriety in the popular press. The *New York Times* predicted that the agreement would serve as a model for future settlements around the country.<sup>16</sup> This prediction proved true: The outcome in the Storm King Mountain Lawsuit set a precedent for environmental activism, empowering and encouraging communities and environmental groups to battle and win cases against major corporations in order to protect their natural resources. According to the Environmental Protection Agency:

The modern environmental movement was born in the Hudson Valley, which established the precedent for the National Environmental Policy Act. It was on the Hudson that the idea of having a watchdog for environmental disturbance developed.<sup>17</sup>

As a result of the Con Ed struggle, Harvard reevaluated its role as owner of Black Rock Forest. While still engrossed in the controversy, Harvard administrators established a committee to study the proposed project and to make recommendations as to the future of the land. The committee was comprised of Alfred W. Crompton, professor of biology and director of Harvard's Museum of Comparative Zoology; William E. Reifsnyder, professor of forest meteorology and public health at Yale; and Richard Wilson, a professor of physics at Yale. Individuals who contributed to the committee's work included former New York City Mayor John Lindsay; Dr. Calvin Stillman, son of donor Ernest Stillman; and Chauncey Stillman, Ernest Stillman's nephew.

The committee released its report in January 1973, making in three recom-



mendations for the future of Black Rock Forest. The first suggestion was that Harvard sell the forest to a private buyer. The second was for Harvard to sell the land to Con Ed and ask them to donate much of it to the Palisades Interstate Park Commission. The third and most noteworthy suggestion—and the one that would decide the future of Black Rock—was that Harvard sell or lease the forest to a group of New York universities for the establishment of a biological field station.<sup>18</sup>

Following the release of the committee's report, Daniel Steiner contacted William Golden, his friend and neighbor, seeking suggestions for the future of the forest. After reviewing the Harvard committee report, Golden—who at the time was chairman of the board of the American Museum of Natural History (AMNH) as well as corporate director and trustee of the American Association for the Advancement of Science—made a trip to Black Rock Forest and held meetings with several key community figures. Following his exploration, Golden made his suggestions in a letter to Steiner in 1973:

Conceivably the Forest could be operated by the American Museum of Natural History as a field station or by a consortium of local institutions including the AMNH, the New York Botanical Garden, the Brooklyn Botanic Garden, and the New York Zoological Society. Such a consortium, under the leadership of one manager, should be able to use the Forest relatively intensively for scientific and ecological purposes while preserving and improving its character and maintaining it as an enclave of nature in the growing community by which it is surrounded.<sup>19</sup>

Steiner took Golden's advice into account; however, Harvard made no moves toward such a sale. The future of Black Rock remained uncertain for several years as the Storm King controversy raged on. Discussions regarding a possible sale of Black Rock to a private party picked up again in the summer of 1981, following the resolution of the Con Ed dispute.

In the summer of 1981, William Golden dictated a memo in which he noted that the American Museum of Natural History could still purchase the land. However, he was concerned about the future operating costs, which he estimated would soon exceed the \$32,000 spent annually by Harvard. He concluded that it would be economically prudent for the forest to become part of a larger consortium of organizations.<sup>20</sup>

Aided by legal council Helene Kaplan, Golden developed a preliminary list of scientific and educational institutions that they thought would be interested in becoming part of the proposed consortium, acknowledging that it would be



difficult to get these institutions to commit financially. (At this point, Golden has admitted, he was already seeing himself as the future purchaser and benefactor of Black Rock.) To all of these potential members Golden sent out a letter of inquiry:

At the invitation of the Harvard administration, I have discussed with them the possible purchase of the Harvard Black Rock Forest at Cornwall, near West Point, New York, by a not-for-profit corporation to be established....

The basic question is whether, with the growing interest in forestry, ecology, animal behavior, orgasmic biology, and nature studies broadly defined, a consortium of universities, colleges, secondary schools, and other institutions, such as the American Museum of Natural History, would like to have the right to use this property from time to time. No one of them is likely to have enough need for it to justify the full operating expense or to undertake the responsibility for management; but it might be utilized effectively at all seasons by a consortium of associates. Management would be provided by the not-for-profit corporation, which could schedule the use by Associates in a manner comparable to the allocation of telescope time at major observatories.

If sufficient interest is displayed, not only would funds be available for the purchase of the property but also in addition operating funds would be provided for a trial period during which it would be determined whether usage by the educational institutions is sufficient to justify the expense and managerial attention. Should the arrangement prove sufficiently popular, it is contemplated that use charges would be established in amounts sufficient to make the organization self-supporting... As indicated, the purchase cost and fund of working capital would be donated.

The purpose of this letter is to explore in a preliminary, but practical and timely, way whether there is sufficient interest by a number of appropriate and congenial institutions to warrant the expenditure of time and treasure by the potential donor...<sup>21</sup>

In retrospect, Golden attributes the idea to form a consortium to the University Corporation for Atmospheric Research (UCAR), which operates the National Center for Atmospheric Research in Boulder, Colorado. UCAR comprises a group of member universities that all have meteorology departments and have successfully agreed to share a valuable resource, in this instance a telescope. Golden recognized the advantage of a group of organizations with limited financial means cooperating to share a resource. "So these are groups of



educational institutions running laboratories or observatories, and I thought a comparable organization would be a good way to run the Black Rock Forest."<sup>22</sup>

Most of the institutions contacted expressed interest in membership, and Golden was eager to move forward with his plan. Negotiations continued between Harvard and Golden with several important developments. It was agreed that the property would be sold to the Golden Family Foundation; that it would be leased to a consortium of universities, K-12 schools, and scientific and cultural institutions; and that the Golden Family Foundation would not be able to sell the land. It was also agreed that if the consortium failed financially, the forest would pass into the hands of another conservation organization. A figure of \$400,000—considerably lower than Harvard's original asking price—was also agreed upon.<sup>23</sup>

In September 1983, Golden sent a letter to update all of the parties involved. He acknowledged the lethargy with which the negotiations with Harvard were progressing:

When I initiated this project, with the encouragement of Harvard University, neither I nor they had any idea how slowly it would progress. Factors beyond my control or influence have occasioned the delay... I believe that it would be beneficial educationally, scientifically, and ecologically. But I cannot be certain of the outcome, nor can I predict the timing.<sup>24</sup>

The factors that Golden referred to as beyond his control included approval from the Black Rock Forest Preservation Council—a group comprising state and local civic and business leaders.<sup>25</sup> "I thought it would be important that we be welcomed in the community, or at least not regarded with hostility as outsiders," Golden later recalled.<sup>26</sup> He attributed the subsequent favorable reception he received from the community largely to several key local residents who attested to his good intentions and concern for the future of Black Rock. Among these was Stephen Duggan, who had led the struggle against Con Ed, and Jack Karnig.

The issue of the endowment became a topic of much heated debate. The 1.5 million-dollar endowment that Ernest Stillman bequeathed to Harvard had grown to approximately 2.5 million dollars by 1985. The university had spent seventy percent of the trust's income on the Harvard Forest in Massachusetts, with 30 percent going to Black Rock.<sup>27</sup>

Harvard decided to keep the endowment after selling the property to the Golden Family Foundation. Harvard stated at the time—and still contends—that the endowment and the forest are separate, and that Ernest Stillman's will did not stipulate that the money remain with the forest. "There was no legal restriction placed on either the endowment or the forest. Dr. Stillman's trust was to benefit



both the Harvard Forest and the Black Rock Forest," noted Harvard attorney Nancy D. Israel.<sup>28</sup> Individuals from the university explained that the endowment was meant to aid Harvard's research in forestry, not to be used specifically for Black Rock.

On June 11, 1984, *The New Yorker* published a forty-page article titled "Annals of Discourse: The Harvard Black Rock Forest." It criticized Harvard for what the author considered to be a lack of dedication to the pioneers of environmental conservation, and for failing Ernest Stillman.<sup>29</sup> The article questioned Harvard's motives, intimating that its primary objective was to keep the Stillman endowment, relieve itself of the minor burden of maintaining Black Rock, and manage to make a profit off the forest's sale.

To represent Harvard's point of view, the author interviewed Daniel Steiner regarding his feelings toward the forest:

It is clear to us that Harvard is not a conservation organization. Dr. Stillman understood that. The bequest of the forest is absolute. To Harvard, without restriction. There is well known language to be used in wills if you want to restrict a bequest: alternative dispositions of property if the university does not carry out his wishes. He did not use any language of this kind... I think it would be wrong to make an assumption that Dr. Stillman had required, or even expected that Harvard hold on to it. If I were interested in preserving a forest, I wouldn't give it to a university. At the same time, we've looked at the land, looked at the area, and it seems inappropriate to sell it for development. Although under the terms of the will, flat out, we legally could... My conscience is clear.<sup>30</sup>

On May 23, 1985, a certificate of approval was signed by New York's Supreme Court and the office of the attorney general incorporating the Black Rock Forest Associates (otherwise to be known as the Black Rock Forest Consortium) under section 402 of the Not-for-Profit Corporation Law. Discussions continued over the next two years between Harvard officials and William Golden, and in the spring of 1987, he prepared to move forward with the new consortium. A meeting was held, and among the organizations represented was a notable number of K-12 schools. The results of the meeting were auspicious, and Golden soon received more letters of intent from institutions interested in membership.

On September 14, 1989, the purchase took place in the offices of Patterson, Berknap, Webb and Tyler in New York City. Immediately afterward, the Golden Family Foundation placed the property in the hands of the Black Rock Forest Preserve. A lease agreement was established between the preserve and the Black



Rock Forest Consortium, which had to pay one dollar annually for the use of the premises.

In conjunction with the purchase, an endowment and research fund were established with contributions made by Harvard and the Golden Family Foundation. John S. Stillman, son of Dr Ernest G. Stillman, argued that the original endowment should have been transferred with the property. "I'm saddened at the way I consider Harvard has breached faith with my father and ignored the trust they accepted 40 years ago." He added, "Black Rock has always been a stepchild to Petersham."<sup>31</sup>



William Golden at the ground-breaking for the new Forest Lodge

In response to John Stillman's complaints, Daniel Steiner, representing Harvard, told the *New York Times*, "We believe what we are doing is consistent with Dr. Stillman's gift."<sup>32</sup> Harvard also retorted that Dr. Stillman's will did not specify that the money remain with the forest, but that what was important was that the forest remain a wilderness area to be used for scientific research.

Sixteen years passed between William Golden's initial talks with Daniel Steiner and the takeover by the consortium. The process was certainly arduous, and had it not been for the persistence of Golden, the sale of Black Rock and creation of the consortium may not have occurred.

Since the consortium's takeover of the forest, Black Rock has maintained a healthy relationship with the surrounding community. The forest is open year-round to the general public during daylight hours, and visitors are welcome to take advantage of recreational activities such as hiking, sightseeing, and biking.

The current list of consortium members includes the American Museum of Natural History, Barnard College, the Brooklyn Botanic Garden, Browning School, Calhoun School, Columbia University, Cornwall Central School District, Dalton School, Friends Seminary, Marine Biological Laboratory at Woods Hole-Ecosystems Center, New York-New Jersey Trail Conference, New York University, Newburgh Enlarged City School District, New York Public School PS311, New York Public School PS220, the School at Columbia University, and the Storm King School. According to Sibyl Golden, a preserve board member and the



daughter of William Golden:

The greatest strength of the Consortium is that it makes it possible for institutions that would not use the Forest full time, or have the resources to do so, to run field-based educational and research programs... Without this opportunity for institutions to share the operation and use of the Forest, thousands of students and scientists would not have access to this wonderful resource. Further, the importance of collaboration between K-12 educators and scientific researchers is increasingly recognized by funding organizations.<sup>33</sup>

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21. William Golden, personal communications (November 6, 1981). Letter to potential Black Rock Forest Consortium members.
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The Black Rock Forest new Forest Lodge