

106 SUCCESS STORY

Key Battlefield of the American Revolution Saved from Nuclear Threat Stillwater, New York



“The Saratoga case was significant not just for protecting the park but because it set a precedent—that ‘effect’ in Section 106 did not have to be direct and physical, but also included indirect, visual, audible, and atmospheric impacts. Some argued that since the proposed power plant was across the river outside the park it was not subject to 106. This may seem a ‘no-brainer’ today, but in the beginning, when there were no definitions, no precedents, no procedures, and no criteria (not to mention no SHPO network or ACHP staff), it was all subject to discussion and challenge. Dealing with such things took thought and courage.”

— JERRY ROGERS
Former Keeper of the National Register



THE STORY

In the late summer of 1777, the American army was falling back in the face of superior British forces moving down the upper Hudson Valley. The oncoming British had pushed the rebels back and taken Fort Ticonderoga on their march to capture Albany. Digging in at a natural bottleneck near Saratoga, a reinforced American army confronted the British and, in a series of battles, defeated them, forcing the surrender of the British army. The American victory thwarted the British advance and demonstrated the ability of the revolutionary army to fight regular British troops. It led France to recognize the independence of the United States and enter the war as a decisive military ally. The Saratoga battles came to be known as the “Turning Point of the American Revolution” and are considered by many historians to be among the 15 most important battles in world history.

Located along the west bank of the Hudson River, key elements of the battlefield and American positions face the river and overlook the eastern shore. The agrarian environment of open fields and rolling hills remained largely unchanged from the Revolutionary War period. In 1927, the battlefield was made a New York state historic preserve, and in 1938, Congress created the 3000-acre Saratoga National Historical Park. The park was included as one of the initial listings in the National Register in 1966.

THE PROJECT

In 1968, Niagara Mohawk Power Corporation proposed to build and operate a 750,000 kilowatt nuclear power plant directly across the Hudson River from the park at Easton. To do this required three stages of permission—site investigation, facility construction, and operation—from the Atomic Energy Commission (AEC, now the Nuclear Regulatory Commission). The proposed \$125 million plant would have four major elements presenting a combined façade about 520 feet long, much of which would vary from 120 to 150 feet in height. Construction of the plant would introduce a major visual intrusion in the park’s historic viewshed, seriously alter the rural setting, and adversely affect the visitor experience of the battlefield.

Photos: Above, Saratoga monument (photo by Basvb/Wikimedia Commons); Right, battlefield viewshed (photo courtesy National Park Service)

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Photo: Battlefield of the Battle of Saratoga, now part of Saratoga National Historical Park (photo by Matt H. Wade Photography (c) CC-BY-SA-3.0/ Matt H. Wade at Wikipedia [http://en.wikipedia.org/wiki/User:UpstateNYer] and "CC-BY-SA-3.0" Creative Commons [http://creativecommons.org/licenses/by-sa/3.0/])

THE 106 PROCESS

AEC, the federal agency permitting the project, was responsible for conducting the Section 106 review process under the National Historic Preservation Act, which requires agencies to identify historic properties and assess the effects of the projects they carry out, fund, or permit on those properties. Having previously approved site investigation, the AEC undertook review of the permit application for construction of the facility. This early case arose prior to the development of the consultation process that is now the heart of Section 106 reviews, so there were no consulting parties. Following the informal system of the time, the AEC sought comments from the Advisory Council on Historic Preservation (ACHP) membership in March 1968. The full ACHP membership considered the case at its regular business meeting and issued formal comments to the AEC in May 1968.

The ACHP found that the mass and scale of development would have a significant visual impact on the site and scene of the park, a "site of the first order of significance to the nation." It further found that the structures would impair the interpretation, understanding, and appreciation of the events and venue of the battles. As a result, the ACHP concluded that the AEC should not issue the construction permit unless there was no feasible and prudent alternative to using the site. If so, the ACHP recommended that the AEC require Niagara Mohawk to include all possible planning to minimize the adverse effects.

THE SUCCESS

Upon learning of the ACHP's comments and before the AEC formally reached a decision on the construction permit, Niagara Mohawk withdrew its application. The company pursued an alternative coal-fired plant on the lower Hudson River. The Easton site remained undeveloped and is now under agricultural easements, preserving the park's viewshed and surroundings. The enduring cultural landscape continues to convey the rural nature of the battlefield and its environs as they existed during that fateful period in 1777.

This early case was also a milestone in the development of the current Section 106 process. The ACHP moved beyond simply considering direct physical impacts on historic properties and recognized that indirect effects, such as the visual impact of the nuclear plant, could be just as harmful to the integrity and significance of a historic site. The position espoused by the ACHP in the Saratoga case established this principle and broadened the scope of Section 106 to take a more holistic and environmental view of project impacts, a critical dimension of today's preservation review process.

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