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SYMPOSIUM

HYDROELECTRIC POWER IN NEW ENGLAND*

INTRODUCTION

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As supplies of fossil fuels dwindle and prices necessarily rise, some traditional "Yankee" fuels—water, wind, and wood—are making a comeback. In particular, hydropower, so important in the industrial development of New England during the 19th century, is enjoying a renaissance. Its greatest importance is in the generation of electricity.

This nation is in the process of formulating a strategy to reduce our reliance on imported energy supplies. As part of that strategy several new federal programs are designed to encourage the development or rehabilitation of local hydro sites. For example, portions of the Public Utility Regulatory Policies Act of 1978 are supposed to remove barriers to the licensing of small hydro projects. It is hoped that such facilities will once again furnish a significant portion of New England's power needs.

A number of difficult legal, social, and administrative problems are raised by the reintroduction of this technology, how-

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ever. Although there are hundreds of potential small hydro sites, only a few seem to make economic sense at this time. Furthermore, hydro projects may raise serious environmental and land use concerns.

In an effort to articulate these problems and to promote thinking about solutions, the Environmental Law Center at Vermont Law School and the Vermont Water Resources Research Center at the University of Vermont sponsored a program on May 23, 1980, entitled Small Hydro Projects and the Law: A New England Conference. The Environmental Program at the University of Vermont and the Energy Law Institute at Franklin Pierce Law Center cooperated in the presentation. The conference was attended by about one hundred persons from all over the Northeast, representing a great variety of academic and professional disciplines. This symposium issue of Vermont Law Review contains a series of articles which grew out of presentations made at the conference.

It will be helpful to recall several organizational objectives for the conference. First, speakers were recruited and topics selected with the understanding that their work should be published. The physical limitations of the conference format made it important to share this work with a wider audience. Second, considering limitations on time and space, it was clear that the subject of small hydro projects could not be treated comprehensively. Moreover, no single topic could be discussed in very great depth. Rather a concious decision was made to present a useful and reasonably thorough introduction to some of the most important current issues in this field. Third, in selecting topics and speakers an effort was made to appeal to an audience with a wide range of interests and experiences. Indeed, the audience included attorneys, government officials, planners, teachers, utilities executives, and entrepreneurs. Fourth, the presentations had to be authoritative, so a number of very distinguished speakers/writers were selected to cover the various topics. Finally, although the conference had a distinct New England regional focus, it was anticipated that the presentations would be valuable to workers in all parts of the country.

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