

Ted Clement's Presentation for
"Our Water Future – Rhode Island and Aquidneck Island"
CCRI Newport Campus Auditorium
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I. Introduction

- There was a time, a time of innocence, when we thought our public water reservoir areas, parks and other public conservation areas were out of harm's way and would always be there for us.
- The beginning of a new era could not have been more clearly heralded than when it was recently announced that Providence is considering selling its water system, which includes reservoirs and buffer lands covering thousands and thousands of acres that serve the water needs of about two-thirds of Rhode Island's residents, in order to pay down the debt in the City's pension system.
- In 2005, Rhode Island considered developing a portion of its Big River Water Resource Management Area into a State Police Headquarters.
- Unfortunately, there are many more Rhode Island examples of public conservation areas that were lost or almost lost to development. Just up the hill from here, a portion of Miantonomi Memorial Park, the City of Newport's largest municipal park, was paved and developed prior to 2005 when an enlightened City Council and the Aquidneck Land Trust put a perpetual Conservation Easement on the remaining green and open part of the park.
- This development threat to our public water reservoir areas and other public conservation areas should not be a surprise considering that Rhode Island is the second most densely populated State in our Nation and is a State with substantial economic woes.

II. ALT's Conservation Efforts on Public Conservation Areas

- In 2004, the Aquidneck Land Trust saw the writing on the wall and began to actively work to place perpetual Conservation Easements on public conservation areas that lacked adequate protections.
- It was understood that like good government good conservation also requires checks and balances.
- Conservation Easements and other strategies can provide checks and balances against the mounting development and financial pressures on our public water reservoir areas and other public conservation areas.
- You are probably starting to realize that not all conserved land is equal - that there are different levels of conserved land.
- We define the highest level of conserved land as that with a perpetual conservation restriction, i.e., a Conservation Easement. A Conservation Easement is a legal agreement whereby a landowner conveys a partial property interest to a conservation organization or governmental agency to permanently limit a property's uses in order to protect the property's conservation values. Conservation Easements are given special statutory force and effect in Rhode Island.

- The next level down is land conserved with a deed restriction. For example, in 1921 when Helen Stokes conveyed the land for Miantonomi Memorial Park to Newport she put a restriction in the deed of conveyance noting that the land was to be used as a public park. A number of years later, when Helen Stokes was long gone, that modest restriction was not enough to stop the City from allowing a portion of the park to be paved and developed for non-park uses. As mentioned, in 2005, with a terrific City Council, the Aquidneck Land Trust was able to acquire a perpetual Conservation Easement on the remaining open portion of Miantonomi Park and thus upgrade the area's conservation status.
- The lowest level of conserved land is that held with conservation intent alone. An example of that would be The Glen in Portsmouth. It is the current intent of the Portsmouth Town Council to keep that important public recreation area open and conserved but that intention could change quickly with a new Council, additional economic woes, etc.
- The Land Trust has now placed perpetual Conservation Easements on almost 20 previously threatened public conservation areas thanks largely to the current and visionary officials in Portsmouth, Middletown and Newport.
- The most significant of these was the Conservation Easement placed on an over 400-acre area that includes three of the seven public water reservoirs on Aquidneck Island. Clean water is basic to life itself, and the enlightened leadership in the City of Newport and Town of Portsmouth recognized this and demonstrated long-term vision by working with the Land Trust to complete this important conservation transaction.

III. Providence Water Supply System Issue/Conclusion

- Let me wrap up by returning to the recent announcement that Providence is considering selling its water system, which again supplies water to about two-thirds of the State's residents, in order to pay down the debt in the City's pension system.
- We need to be extremely cautious about privatizing water systems.
- In 1999, when Atlanta decided to privatize its water system, the world's private water management companies flocked to Georgia. This was the largest water privatization deal yet in the United States. Winning the contract was seen as a toehold into a huge untapped market. Competition was fierce and there was every incentive to make bids as attractive as possible to the City, and if selected to serve the City well. Atlanta signed with a multi-national corporation but then pulled out of the deal a mere 4 years later. They pulled out of the contract for various problems such as substantial declines in the quality of the water services, the City not realizing the revenue it had been promised by the private company, etc. There are many more examples of such problems across the world. See stories from Bolivia, Ghana and Uruguay.
- The Providence issue is of particular concern because it appears that at least some are actually considering conveying ownership of this incredible natural resource and its related infrastructure to a private party. This is known as the British Model, where you privatize both the assets and the operation of the assets, as opposed to the French Model, where the assets remain publicly owned. Putting such a critical natural resource into a few private hands that are not elected by the people and not directly accountable to the people is something we should be very concerned about. Can you imagine the power that would

accrue to a private company if it owned a water supply system that almost two-thirds of the State depended upon? We all know the old saying about absolute power.

- One thing is very clear, if water privatization is to work, there have to be significant checks and balances put in place at multiple levels. For example, at one level, start placing perpetual Conservation Easements on our critical water reservoir areas. That way if a private water company buys a water reservoir area, they buy it subject to a Conservation Easement. Then after the closing between the private water company and the municipality, we will never have to read in the local paper how the private water company is now offering for sale exclusive and private water front lots on the former buffer lands around our water reservoir.
- Some natural resources are so basic to life itself that they are deserving of permanent protections.