



## **Green Coalition Brief**

**Re: A Draft Policy for the Protection and Enhancement of Natural Spaces, presented to the Office de Consultation publique de Montréal, in April 2004**

**This brief is to be considered as**

### **Addendum 1.**

**to the brief presented in June 2003 entitled:**

**CITY OF MONTREAL - URBAN PLANNING – JUNE 2003  
GREEN COALITION RECOMMENDATIONS**

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## **INTRODUCTION**

### **The Green Space crisis**

*(Excerpt: Green Coalition News Release November 24, 2003)*

#### ***ONE-HALF OF MONTREAL'S NATURAL SPACES IS IN DANGER OF BEING LOST IN THE NEAR FUTURE***

*The scope of Montreal's green space crisis cannot be overstated. More than 85% of Montreal has been developed. Just 3.3% of the city's territory is protected natural green space compared to the International and Quebec norm of 8%. Recent Quebec government studies show that approximately one-half of Montreal's remaining natural green spaces (1600 hectares) is in peril - forests, old farmlands 'en friche', marshlands, creeks and shorelines. These natural sites are owned by developers and are zoned for development. Development pressures are so severe that these unprotected green spaces are at risk of disappearing completely in the near future.*

#### ***EVEN THE NATURE-PARKS ARE ENDANGERED - THE OTHER HALF!***

*The other half of the city's natural spaces (1614 hectares) is "protected" within the limits of the Nature-Parks. Unbelievably, current Nature-Park statutes are so weak that portions of nature-parks (if not whole parks) can be leased, sold or rezoned! Such amputations of the parks have already happened or have been fought off by citizen action. And now a 'spaghetti network' of new roads threatens established Nature-Parks and other green spaces in the West Island.*

### **Citizens act**

The Green Coalition traces its roots back to early conservation efforts in the 1970s. The green space issue, like no other issue, has stirred the passions of Montrealers and spurred the greatest long-term community participation in the city's history. November 24, 2003 was a highpoint in these extraordinary grass-roots efforts. On that date, the Green Coalition mobilized ordinary citizens, men and women and children too, to the Montreal City Council meeting. They called for dedicated funds for the protection of our natural spaces to be included in the new budget. Above all, they demanded action now to save Montreal's last natural green spaces.

### **The City of Montreal responds:**

On November 27, 2003, when the City of Montreal tabled its budget, \$36 million was set aside over the next 3 years for green space acquisition. Almost two years ago, on May 27, 2002, facing similar appeals from the public at city council, Mayor Gérald Tremblay announced that he was lifting the Moratorium that had halted all green space purchases in 1992. He also promised to create a new framework for the protection of Montreal's natural spaces and shorelines. The launch of the new "Policy for the Protection and Enhancement of Natural Spaces", signals that City Hall has heard the citizens and is ready now with its action plan to protect the natural heritage of all Montrealers.

Grass-roots activists are adamant that Montreal's last remaining green spaces must be saved; nature-parks must be protected with stronger statutes; and new road development cannot be allowed to destroy established nature-parks. The new policy is our city's last opportunity to achieve these objectives. The Green Coalition volunteers, groups and individuals, look forward in great anticipation to its full implementation.

## **COMMENTS, OBSERVATIONS, QUESTIONS and RECOMMENDATIONS**

### **Policy objectives: excellent**

The new policy embodies the long-standing promise of the city administration to boost protected natural areas from 3.3% to 8% of Montreal's territory. Achieving the 8% target would satisfy both Quebec and International norms and also serve to validate the City of Montreal's sustainable development aspirations. To attain international recognition as a bone fide "Sustainable Development City", Montreal must first conserve its natural spaces and ensure the indigenous biodiversity of its territory.

To sustain viable ecosystems or "écoterritoires", the policy will protect sensitive core zones; provide adequate buffer zones for them; and create linear links from one core zone to another, while designing compatible and sensitive peripheral urban development to preserve the integrity of the natural environment. In many cases, green-belts can be created or augmented by the strategic protection of linking lands between large green spaces that are already protected. These admirable objectives have long been promoted by the Green Coalition.

### **Timetable, Progress Report, Priority List, Guarantees and Guarantors needed**

It is twelve long years since Montreal has had a functioning green space program; many natural sites have been lost to urban development; time is running out for the last green spaces. Time must not be wasted in implementing this new Policy.

To provide coherence, to focus energies and stimulate participation in the process, this policy must have a Timetable, a schedule designed to achieve specific goals by specific dates. For the same reasons, a Progress Report is needed to publicly monitor specific gains in hectareage of natural lands protected. And, a Progress Report can measure Montreal's progress towards achieving the international green space quotas needed to achieve sustainable development status.

Many citizens, keenly interested in the fate of their cherished green spaces, are asking which sites will be conserved first. Will scientific attributes of sites determine priority action? Will proximity of a natural area and the size of population it serves for recreational, social and educational needs be factored in? Will sites serving the most people win out? Or, will choices be simply market-driven, with priorities determined in reaction to pressures being exerted by urban developers?

Are there any guarantees that the Natural Spaces Policy would survive a municipal administration change? Could superior levels of government stand as guarantors so that the program would continue? The Green Coalition recommends that such measures be sought and secured for the policy.

## **Ways and Means to achieve objectives: not so simple**

Mayor Gérald Tremblay has publicly stated on many occasions that to achieve his administration's objective – to boost the protected natural areas in Montreal to the 8% benchmark – will require investments of between \$100 and \$200 million. Funds now promised are \$36 million – a beginning....

It is imperative that the \$12 million, identified in the 2004 Budget for green space acquisition, be invested during the current fiscal year, 2004. Otherwise the \$12 million could be lost.

It must be noted that the \$12 million for 2005 and the \$12 million for 2006, promised so many times for green space acquisition, are not **earmarked in the Budget. This omission must be rectified.**

There are also concerns about the \$12 million promised for 2006. That year is beyond the end of the current mandate. Are there guarantees, in the event a different city administration is elected, that these funds would be secure?

The Green Coalition is lobbying the superior levels of government for funds to augment the city's contribution; municipal politicians are invited and encouraged to redouble their efforts to do likewise and also to bolster the other initiatives mentioned below.

The Coalition is also actively promoting the creation of a land-bank of surplus Federal and Provincial properties to be exchanged for the irreplaceable natural spaces owned by developers. Some of the surplus properties are contaminated lands, or brownfields that, once rehabilitated, offer exceptional opportunities for redevelopment or re-greening to boost the city's depleted biomass. Montreal has no lack of such land – namely 4,800 hectares, threefold the amount of land currently protected.

Further, the Green Coalition is seeking that provision be made for servitudes, once set aside for road building and no longer needed, to be turned into green servitudes in perpetuity as natural corridors for flora and fauna and to augment Nature-Parks.

Citizens are participating. APAW, the Association for the Protection of Angell Woods, a Green Coalition member-group and the Nature Conservancy of Canada have teamed up to create a fund to purchase Angell Woods. Matching funds will come from the city. This is an excellent initiative, but it is a model that may be difficult to replicate on a broad scale across Montreal with little time left before the natural sites are lost to development.

The draft policy states that “the city foresees the creation of a Natural Environment Protection and Enhancement Fund” and that existing leverage mechanisms should be exploited to the maximum. Excellent! Provision is to be made for programs for support, cooperation, and promoting public awareness, as well as the involvement of private and public sectors. Where does the onus lie to provide leadership, recruit participants, animate and manage this substantial body of work? With the city? With the private sector? The time left to achieve these noble goals is extremely short!

## **Securing the land: securing public access: citizens expectations**

If all 1600 of Montreal's last undeveloped green space hectares are protected, 6% of the territory can be conserved. Adding in and protecting strips of shorelines and borders of inland watercourses can boost Montreal to the 8% target. Note, however, that the quoted base figure of 3.3% for protected lands is misleading because it includes, for example, the privately owned Morgan Arboretum. The Arboretum is not in the public domain – nor is it freely accessible to the public.

Laudably, the policy delineates “Ten Écoterritoires” across the city for protection. Ecological profiles describe the rich biodiversity of flora and fauna, and the varied attributes distinct to each écoterritoire. These zones, shown on planning maps by dotted lines, encompass lands that the Green Coalition has long sought to protect.

However, no specific sites are identified for conservation within the écoterritoires, in these general target zones. Urban development projects will be permitted within these eco-zones. The policy fails to state how much or how little of the natural spaces in each écoterritoire will be saved.

Ordinary citizens expect that their natural green spaces will be protected and secure in perpetuity. Average citizens are shocked to learn that only one of the nine large Nature-Parks is protected as an “arrondissement naturel” where no trees may be cut – and that all the rest are at risk of encroachment by development or road building. It is unclear if the policy will bolster the statutes of established Nature-Parks that are in the public domain to grant them protection in perpetuity. Nor is it clear just which legal and binding mechanisms will protect the lands within the new écoterritoire limits and for how long.

Will easements, servitudes, bylaws and zoning to protect the eco-territoires be entrenched in the new Urban Development Plan? Will Quebec and Federal Environmental policies for the protection of shorelines and wetlands be enforced? Will land owners not regard any legal conservation mechanisms as liens on their lands or disguised expropriations?

Acquisition through outright purchase is to be used to secure desirable parklands only as a last resort, according to the policy. Rather, negotiation and dialogue with land owners - in most cases real estate developers - is to determine which lands will be saved and which will not. Let's note that developers are in business, are profit-oriented, answering to shareholders: they are not philanthropists. What manner of fair compensation is to be offered to owners of properties in which they have invested and paid taxes in reasonable expectation of profit?

Officials have cited delicacy in such negotiations as reason not to include citizens at the table as plans evolve. “Why not?” “It's our money!” called out participants at the public consultation. Many citizens have excellent negotiating skills!

In addition to their expectations that green spaces will be protected in perpetuity, citizens also expect to enjoy free public access to the natural spaces. Lands earmarked for protection in this policy will not necessarily become part of the public domain. With

lands in the écoterritoires (just how much is unknown) retained in private hands, will the public enjoy access to the green spaces or be guilty of trespass if they set foot on these properties?

Private ownership implies that owners have certain rights to alter the landscape as they see fit - perhaps destroying the intrinsic ecological value of the land. Measures should be included in this program to ensure this does not happen.

Acquisition before “aménagement” is a general principle that the Green Coalition advocates. With such limited financial resources, park amenities for park visitors must wait until parklands are first secured. Sadly, expenditures for re-greening (badly needed to replenish the city’s biomass) must also wait.

### **Écoterritoire #11: Meadowbrook, please**

With barely enough undeveloped green space left on Montreal’s territory to reach the 8% target of this program, and with such spaces being finite in number and disappearing fast, the Green Coalition urges that Meadowbrook be included as the eleventh écoterritoire. While not a natural green space in the purist definition, Meadowbrook is an invaluable urban green space in its own right, offering great potential in the context of this policy. Being the only sizable green space biomass between Mount Royal and the West Island, serving a large, diverse population, Meadowbrook must be included.

Note that the Green Coalition called for Meadowbrook to be included in the Montreal Urban Community's Green Space Acquisition Program in 1989. Its omission then must now be rectified.

### **Miami Beach style project to mar Cheval Blanc – a poor blueprint for other écoterritoires**

On the Cheval Blanc riverside - citizens have called for its conservation for 35 years and more – a massive high-rise, high-density development is planned that runs counter to objectives set out in this policy. There’s no buffer zone and the abrupt transition to the high-impact construction project with its Miami Beach profile would fail spectacularly to “ensure the enhanced integration of the natural and living environments” and “to preserve the integrity of the natural environment”. (quotes from the Draft Policy) (A road is proposed as a buffer zone. Roads are not buffers; they are invasive in natural areas.)

The project hinges on a complex land swap deal. The city owns a large part of the proposed construction site; this land would be exchanged for property the developer owns in the flood plain where he cannot build. A Nature-Park is proposed for the flood plain lands. The scheme should be abandoned in favour of the status quo – the flood plains are already protected. This rare shoreline ecosystem, currently subject to ongoing urban development, should be spared the impacts of the colossal new mega-project.

## CONCLUSION

The Green Coalition applauds this courageous step being taken by the City of Montreal towards protecting the natural heritage of all Montrealers, especially when fiscal constraints are severe. The broad vision, ambitious scope and sustainable development goals for our city embodied in the **Draft Policy for the Protection and Enhancement of Natural Spaces** merit hearty congratulations. These goals dovetail with principles long espoused by the Green Coalition. Laudably, our political leaders recognize not only the intrinsic value of the natural spaces, and their mitigating effects on the urban pollution of air, soil and water, but also that such spaces provide recreational potential for the physical and social well-being of citizens. And, for decision-makers, economic considerations are compelling – the natural attributes of our Island Metropolis enhance the city's quality of life that attracts people, economic investment and enterprise.

This brief is offered in a spirit of constructive collaboration. Any criticism, harsh in some cases as to how goals are to be attained, stems from the tight money situation. The limited funds for the purchase of Montreal's last green spaces has fueled fears that this new policy will be weighted in favour of the interests of real estate development and real estate developers – fears that encroachment through building will despoil much of the remaining natural sites. Commonly, municipal administrations regard "vacant" land as a resource to be exploited for urban development, for increased tax revenues. Expanded populations then require more services, more infrastructure, in turn engendering more development for revenue. If no action is taken, this inexorable development spiral will finally be halted at the "bande riveraine" of our Island with all the land built over. Before then, the Green Coalition urges that, for truly sustainable practice, this building spiral be stopped outside the last natural ecosystems and that these lands of rich irreplaceable biodiversity be spared any more incursions.

To that end, the Green Coalition appeals to the city to put its considerable machinery to work to nail down more funds from private, corporate and public sources - funds for green space acquisition. Further, every mechanism to leverage and double up funds must be exploited to the maximum.

The Green Coalition also urges that all possible manner of easements, servitudes, bylaws, etc. be rapidly set in place to hold in abeyance the development of Montreal's last green spaces until such time that funds are available for their outright purchase. Such investments in our City's future can ensure in perpetuity the protection of these lands of great ecological value and provide public access for the enjoyment of all Montrealers.

Green Coalition members are eagerly waiting for the **Policy for the Protection and Enhancement of Natural Spaces** to roll into action! This is the last call for the survival of Montreal's natural green spaces. Let's get it right!

April 27, 2004