

Ombudsman of Montréal

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August 1, 2006

Re: Montréal City Council vote on May 23, 2006 to approve a Land Exchange at Rapides du Cheval Blanc - dossier no. 1032863003

Madame Ombudsman:

The Green Coalition respectfully requests the Ombudsman to examine the evidence that citizens' rights have been violated by the Montreal City Council vote (*Agenda item 20.16*) to approve a land exchange permitting the realization of a large-scale residential development project at Rapides du Cheval Blanc West.

It is our strong belief that the vote at Montreal City Council on May 23, 2006 contradicts many of the policy directions adopted by this City; namely, Politique de consultation et de participation publique, Plan stratégique de développement durable, Politique de protection et mise en valeur des milieux naturels, Plan de Transport, Politique de l'arbre, and Charte Montréalaise des droits et responsabilités.

It is our strong belief that the vote on May 23 has set in motion a large-scale development project at Rapides du Cheval Blanc Ecoterritory without any prior public consultation whatsoever. Our only recourse is this appeal to the Ombudsman.

The Green Coalition formally requests the Ombudsman to overturn the May 23 vote or to facilitate an inquiry into events leading up to that vote so that the history of public clamour to have the Rapides du Cheval Blanc waterfront land preserved, going back to the 1960s, will not have been denied. The Green Coalition also requests the Ombudsman to investigate irregularities in the procedures of the vote itself at Montreal City Council on May 23, 2006.

On behalf of the Green Coalition, an association of many groups and individual citizens of Greater Montreal, dedicated to the conservation, protection and restoration of the environment and to the wise use of green and blue spaces, we express our appreciation for your attention. Please do not hesitate to contact me for any further information related to this submission.

Al Hayek, President
4545 Trenholme Ave,
Montreal, Qc
H4B 1X8
Tel: (514) 487-7685; (514)-683-7864

On behalf of:
Green Coalition – Coalition Verte Inc.
18 Alliance Ave.,
Montreal, Qc,
H4K 2C6

cc: Premier of Quebec
cc: Claude Béchar, MDDEP
cc: Municipal affairs, Quebec
cc: Mayor of Montreal and Executive Committee Members
cc: Mayoress-Pierrefonds-Roxboro
cc: Vision Montréal
cc: Projet Montréal
cc: Canadian Environmental Law Association
cc: Wildlands League
cc: Nature Conservancy of Canada
cc: Sierra Club
cc: Nature Québec/UQCN
cc : Greenpeace
cc : Cre-Montréal
cc : ZipVilleMarie
cc : ZipJacquesCartier

Montreal Media

National Media

cc: Fifth Estate CBC
cc: Marketplace – Underdogs CBC
cc: The Globe and Mail
cc: The National Post

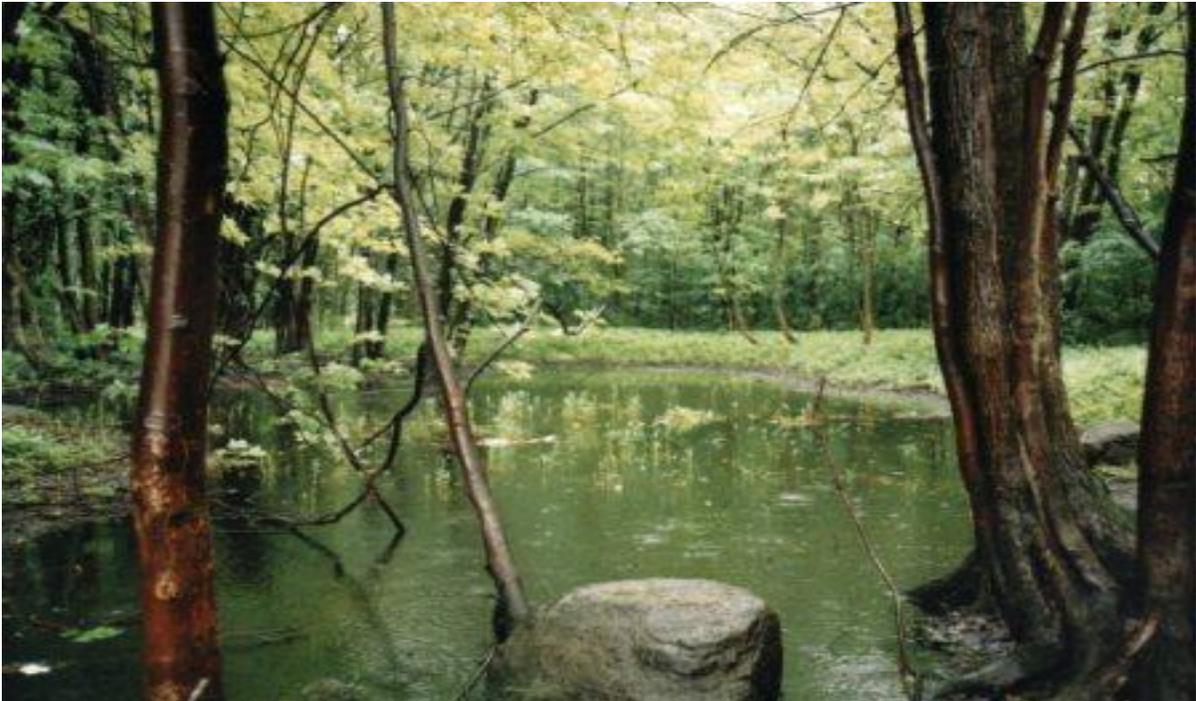


Photo courtesy of A. Shtern

1. Coordonnées du demandeur

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On behalf of :
Green Coalition-Coalition Verte Inc.
18 Alliance Ave.
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2. Nature du problème pour lequel vous demandez de l'aide de l'ombudsman

We request that the Ombudsman of Montreal investigate the events leading up to, and irregularities in the procedures of an important vote at Montreal City Council on May 23, 2006. The vote resulted in Montreal City Council giving the approval to exchange its publicly owned greenspaces to Les Développements des Rapides du Cheval Blanc Inc. Citizens have called for the preservation of these spaces for forty years. The rights of citizens to be consulted prior to setting this project in motion have been violated.

3. Arrondissement visé

- 1) The City of Montreal
- 2) Pierrefonds-Roxboro

4. Service visé par votre demande

Affaires corporatives, Direction du contentieux
Développement culturel / de la qualité du milieu de vie et de la diversité ethnoculturelle,
Direction des sports / des parcs et des espaces verts
Infrastructures / transport et environnement, Direction de l'administration et du soutien technique
Pierrefonds-Roxboro, Bureau du directeur d'arrondissement

5. Numéro de votre dossier dans cet arrondissement ou ce service

Ville de Montréal - dossier no. 1032863003
Pierrefonds-Roxboro - dossier no. 1032863003

6. Pour quelle raison croyez-vous que vous n'avez pas été traité correctement ou que vos droits n'ont pas été respectés?

I) We strongly believe that the vote on May 23, 2006 at the City of Montreal Council (*Agenda item 20.16*) to approve the land exchange at Rapides du Cheval Blanc has grievously violated the rights of citizens. Citizens have called for the conservation of the natural spaces at Rapides du Cheval Blanc for 40 years. The land exchange trades away publicly-owned land for private profit – natural land that was already owned by the City, land that citizens want conserved. Citizens' rights to be consulted prior to setting the large-scale residential project in motion at the Rapides du Cheval Blanc Ecoterritory (West) have been violated. Our only and final recourse is this appeal to the Ombudsman to overturn the vote or to facilitate an inquiry into events leading to that vote.

1) The vote (*Agenda item 20.16*) on the land exchange to permit the realization of a major residential development project in **the Rapides du Cheval Blanc Ecoterritory** prior to public consultation is clearly in violation of the City of Montreal's Policies on public participation as prescribed in the Montréal Charter of Rights and Responsibilities, the Politique de consultation et de participation publique and the Politique de protection et de mise en valeur des milieux naturels (Natural Spaces Policy). Other instances of violations of the rights of citizens to be heard are also noted.

- The description of the Montréal Charter of Rights and Responsibilities as contained on the City of Montréal web site reads: "With this charter, the city has adopted an essential tool for building a future rooted in the qualities we value: openness, respect, solidarity, transparency and democracy."
- The Préambule of the Politique de consultation et de participation publiques states that « *Montréal reconnaît par le fait même que toutes et tous doivent pouvoir influencer les décisions qui les touchent et participer au développement collectif.* »
- The second paragraph of the sixth "axes d'intervention" of the Politique de protection et de mise en valeur des milieux naturels (p. 16) states that « *...dans chacun des écoterritoires, au fur et à mesure des opportunités, la Ville entend favoriser les discussions entre citoyens, représentants d'organismes environnementaux et promoteurs afin d'élaborer des projets de développement ...* »
- Development plans for Rapides du Cheval Blanc West were not included in any of the discussions or consultations on the urban plan (secteur Pierrefonds) adopted in June 2005 and no development project for Rapides du Cheval Blanc is included in the urban plan itself. The legitimacy of any project for Rapides du Cheval Blanc West is questionable in these circumstances.
- In public forums and in the media, Mayor Monique Worth has stated that there would be ample opportunities at public consultations for citizens to express their concerns about the proposed Rapides du Cheval Blanc West project. With the City Council vote May 23, the city has taken an almost irrevocable step towards the realization of the large-scale project without the promised public consultations ever having taken place. Now consultations are promised for a later date. But citizens fear their input will be futile with the machinery already in motion to realize the project.

- Registered letters (Appendix 1 2004-11-29) were sent on November 29, 2004 from the Green Coalition to Mayor Gérald Tremblay and to Mayor Monique Worth requesting the date of any public hearings on the Plan d' aménagement d'ensemble (P.A.E.) for the Cheval Blanc West project and requesting adequate notice to allow citizens time to prepare briefs. The written reply received stated that there was currently no project, but notices would be published in local journals as required by law. No notices were published nor were public hearings held prior to the Montreal City Council vote on May 23 that set the major development plan in motion at Cheval Blanc West.
 - There has been no public discussion of the proposed development project at Rapides du Cheval Blanc West, as provided for in the Natural Spaces Policy prior to any development in an ecoterritory. In the report on the Natural Spaces Policy, May 2006 (Natural Habitats – Results to Date and Current Priorities: Milieux Naturels – Bilan et Orientations), it states that a concept development plan would be drawn up in open public consultation sessions for each ecoterritory (p.23): (*“We intend to pursue dialogue with environmental organizations and citizen groups interested in the future of our natural habitats. To date broad public consultation has been the method favoured for publicizing conservation projects. These meetings, organized together with the boroughs, spur citizen involvement in formulating a vision of the future of each ecoterritory, a vision which in each instance takes the form of a concept development plan.”*)
The “broad public consultation” needed to take place first, before the vote on the land exchange. Thus the vote of Montreal City Council on May 23, 2006 needs to be reversed.
 - The public consultation on the Bilan et Orientations 2006 on the Natural Spaces Policy carried out on June 12 was perfunctory. Citizens were given only a few minutes to state their case, and many people left without the opportunity to ask all of their questions. This public consultation was not adequate.
- 2) Citizens have called for the conservation of the natural spaces at Rapides du Cheval Blanc for 40 years. Grassroots efforts to save ecologically valuable spaces across the Island of Montreal, including Cheval Blanc, have involved thousands of citizens through the years. The will of these citizens has been violated by the vote on May 23, 2006 at the City of Montreal Council (*Agenda item 20.16*) for a land exchange permitting the realization of a major construction project at Rapides du Cheval Blanc West without any public input whatsoever.

Brief Chronology: The Green Coalition traces its roots back to early conservation efforts. In the late 1960s citizens began to appeal for the preservation of the natural green spaces along the shores of Rivière des prairies at the Rapides du Cheval Blanc. By 1972, 400 residents demonstrated to oppose the construction of apartment blocks in the waterfront green space. The first incursion into Cheval Blanc proceeded with the construction of the Riviera apartments, but the Rapides du Cheval Blanc issue has resonated through the decades to the present day.

Other efforts were ongoing to protect areas like Cap-Saint-Jacques and Bois-de-Liesse, but it was the furor over plans to raze the Bois-de-Saraguay for high-rise development that was the trigger or “déclencheur” that made conservation possible on Montreal Island. Residents’ protests halted the massive project in Saraguay Forest. Significantly, the case had piqued the interest of Quebec and the Montreal Urban Community was granted the legal powers to acquire and manage regional parks. Between 1979 and 1982, Pointe-aux-Prairies, L’Île-de-la-Visitation, Bois-de-Saraguay, Cap-Saint-Jacques, and parts of Bois-de-Liesse and L’Anse-à-l’Orme were acquired as nature parks.

In the 80’s, disparate groups working to protect their local natural spaces formed an alliance called Green Environment West Island. Ski trips, nature walks, a Green Day appeal to the MUC for a Green Space Program that brought out 3,000 supporters were undertaken to spur public and political awareness. By 1989 the clamour to save the natural heritage of the metropolis escalated as development pressures increased. So many groups and individuals from east to west across the Island of Montreal joined the struggle that a new name was needed. In September 1989, the Green Coalition - Coalition Verte was born. By the end of the year, the Green Coalition finally persuaded the MUC to adopt its \$200 million Green Space Acquisition program.

In April of 1990, Bois-Franc was added to Bois-de-Liesse Nature-Park; a new Nature-Park was created at Bois-de-l’Île-Bizard. In 1992, Bois-d’Anjou and Bois-de-Roche Nature-Parks were established; part of Ste-Anne’s forest was added to L’Anse-à-l’Orme Nature-Park; Hawthorndale linear park and a few islands were acquired. Then, the MUC declared a moratorium on all green space purchases. One-half the budget, \$100 million, was left unspent and many natural areas left unprotected. The moratorium lasted for 10 long years.

It was ironic and unjust that the Rapides du Cheval Blanc waterfront was the next on the list of natural spaces to be protected by the MUC’s Acquisition Program just as the spending moratorium was imposed in 1992!



Photo courtesy of A. Shtern

In January 2002, Montreal became a merged city and the hopes of green space defenders were raised that Mayor Gérald Tremblay would kick start real conservation action. On May 27, 2002, the Green Coalition mobilized ordinary citizens, men and women and children too, to the Montreal City Council meeting to push for lifting the Moratorium. More than 1,000 hectares of forests had been scoured from the urban landscape during the spending freeze. Mayor Tremblay announced that he was lifting the Moratorium and promised to create a new framework for the protection of Montreal's last natural spaces and shorelines.

In June 2002, the Green Coalition was an active participant at the Montreal Summit pushing for the preservation of Montreal's natural heritage as an essential component of a "sustainable development" city. At the same time, a proposal for a controversial residential development on the **East side of Rapides du Cheval Blanc** was heating up, focusing attention on green space issues.

On August 19, 2002 some **one hundred citizens with placards, banners and buttons were at Montreal City Hall to plead for Montreal's largest remaining undeveloped shoreline, Rapides du Cheval Blanc**, to be protected in its entirety by the new Natural Spaces Policy. Sadly, Cheval Blanc defenders were to claim a very qualified victory. A land swap eliminated the two ten-storey towers planned for the riverbank, but most of Cheval Blanc East was developed. This was the second major incursion – the Riviera development was the first - into Cheval Blanc.



Photo courtesy of A. Shtern

On October 26, 2002, despite drenching rain, over 300 Green Coalition supporters greeted Mayor Tremblay and invited dignitaries for the symbolic Bois-Franc Forest Visit to promote saving Montreal's last green spaces. Together, citizens and officials walked the forest path where six-lane de Salaberry Boulevard could be built. Executive Committee members, Claude Dauphin and Cosmo Maciocia were guests of Green Coalition for a second Bois Franc visit on May 16, 2003.

On November 13, 2003 Frank Zampino, executive committee member and Mayor Tremblay's right-hand finance man, along with Sammy Forcillo, visited Cheval Blanc West at the invitation of the Committee for the protection of Rapides du Cheval Blanc, a Green Coalition member group. **New plans for development at Cheval Blanc West were already being touted!**

November 24, 2003 was a highpoint in the grass-roots efforts. On that date, the Green Coalition again mobilized citizens to fill Montreal City Hall calling for dedicated funds for natural spaces to be included in the new budget. 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. It was to be another full year before the Natural Spaces Policy, the "*Politique de protection et de mise en valeur des milieux naturels*", was adopted – a full year without any green spaces being protected despite funds being in place.

A reprieve for **Cheval Blanc West** was at hand. Following Green Coalition appeals to Environment Minister Thomas J. Mulcair in September 2004, the Minister imposed an edict at Rapides du Cheval Blanc West 'freezing' all construction. The 'Freeze' was repealed in April 2006. However, Quebec initiatives could still save **Cheval Blanc**. Minister Mulcair was about to launch his plan for a National Park to protect the natural spaces of Lake of Two Mountains and Montreal Archipelago when he was ousted from

cabinet in March 2006. The new minister, Claude Béchar, has shown some inclination to bring the plan to fruition.



Photo courtesy of A. Shtern

Now, as in 1972, citizens are rallying at the shore of Rivière des Prairies to protest a large-scale residential project proposed for **Rapides du Cheval Blanc**. Citizen volunteers are mounting nature-tours every Saturday through the summer of 2006 to protest the third major incursion into the waterfront green space! And they protest that their rights to be heard prior to setting the project in motion have been grievously violated!

To promote the conservation of Montreal's last natural green spaces, including Rapides du Cheval Blanc, Green Coalition volunteer members have attended most of Montreal City Council question periods in the years 2002 to 2004; attended public consultations at boroughs and other public forums; arranged private meetings with many elected officials at city and boroughs as well as with MNAs and MPs. Green Coalition members have written letters, presented briefs and sent Communiqués and News Releases, hosted News Conferences and special events. In addition, Green Coalition members have been active participants at the Montreal Summit, at Public Consultations on the Natural Spaces Policy, on the Transport Plan, on the City of Montreal Urban Plan, at Forums to shape the Charter of Citizens Rights and Responsibilities, the City's Sustainable Development Policy and Transportation directions. Green Coalition also presented a brief at the hearings on Quebec's Sustainable Development Plan.

Appendix 1 contains over 100 documents which offers a chronology, in the form of newspaper articles, news releases and letters, of Green Coalition-Coalition Verte Inc. efforts to protect natural green spaces including Cheval Blanc.

- 3) Flaws in Montreal's Natural Spaces Policy: Citizen input has been consistently disregarded. As a result, more of Montreal's last natural spaces are to be sacrificed. Moreover, the vote on May 23, 2006 at the City of Montreal Council (*Agenda item 20.16*) for a land exchange permits the realization of a major construction project at Rapides du Cheval Blanc Ecoterritory West without any public input whatsoever.
- a) In formulating its Natural Spaces Policy the City rejected the major recommendations of the Office Consultation Publique de Montréal (OCPM) (*Avant-projet de Politique de protection et de mise en valeur des milieux naturels*, May 2004), in effect ignoring the opinions of more than 300 citizens and organizations who made submissions to the OCPM. Amongst the recommendations three are outstanding: (<http://www2.ville.montreal.qc.ca/ocpm/pdf/PD03/rapport.pdf>):
- That the Meadowbrook green space should be included as an ecoterritory.
« *La commission est d'avis que le golf Meadowbrook et le ruisseau Petit-Saint-Pierre qui serpente à travers ce dernier méritent une attention particulière. Elle recommande donc à la Ville d'en faire un écoterritoire.* » (p. 30)
 - **“Moreover, to reduce current pressures on certain areas targeted by the policy, the Commission recognizes the necessity of imposing a moratorium on all development projects in the ecoterritories natural spaces and buffer zones.”** (*communiqué OCPM*) (p. 3).
« *La commission reconnaît la nécessité d'imposer un moratoire sur tout projet de développement immobilier à tout le moins dans les milieux naturels des écoterritoires et dans les zones tampons.* » (p. 30)
 - That all of the islands surrounding Montreal be included as an ecoterritory.
« *La commission souhaite que toutes les îles entourant Montréal soient considérées comme partie d'un écoterritoire.* » (p. 30)
- b) The major development project proposed for Rapides du Cheval Blanc has not been reviewed by the Conseil du Patrimoine as required by the Natural Spaces Policy. (p.14)



Photo courtesy of A. Shtern

- c) The public consultation on the Bilan et Orientations 2006 on the Natural Spaces Policy carried out on June 12, 2006 was perfunctory. Citizens were given only a few minutes to state their case, and many people left without the opportunity to ask all of their questions. This public consultation was not adequate.

II) We strongly believe that irregularities in the vote on May 23, 2006 at Montreal City Council, (*Agenda item 20.16*) to approve a land exchange between Les Développements des Rapides du Cheval Blanc inc. and the City of Montreal permitting the realization of a large-scale residential development project as well as discrepancies in the process leading to that vote render it invalid. Our only and final recourse is this appeal to the Ombudsman to overturn this vote or to facilitate an inquiry into events leading to that vote.

- 1) Montreal City Council voted (*Agenda item 20.16*) to approve the land exchange for a major development project without examining a Plan d'aménagement d'ensemble (P.A.E.) for the project. No P.A.E. was presented to Council. Nor has any P.A.E. been presented for the project in any public forum.
- 2) The reference document (*Agenda item 20.16*) provided to councillors on May 23 at Montreal City Council clearly states that: « *Le projet prévoit la construction de 651 unités résidentielles en condominiums comportant 5 bâtiments de 10 étages et 15 bâtiments de 4 étages pour une valeur totale d'environ 130 millions de dollars.* » However, Mayoress Monique Worth (Borough of Pierrefonds) at the City of Montreal Council meeting on May 23 described the project as “scaled back” and containing only 300 units, clearly contradicting the terms set out in the written reference document.
- 3) The City of Montreal insists that they had no choice but to proceed with the vote (*Agenda item 20.16*) because they were bound by the original Entente signed in March 2001 by the then City of Pierrefonds. This is a misrepresentation. The March 2001

Entente was never ratified by the Transition Committee as required by law, thus rendering it null and void.

Therefore:

- City Council voted on a plan which does not yet exist. (No P.A.E. presented)
- Madame Worth's verbal presentation may have unduly influenced the vote.
- The vote was largely based on the terms of the 2001 Entente that was not ratified and therefore flawed.

III) Furthermore, we strongly believe that the large-scale residential project proposed for Rapides du Cheval Blanc Ecoterritory (West) being facilitated by the Montreal City Council vote on May 23 2006 (Agenda item 20.16) does not meet the criteria for sustainable development that the City of Montreal set out in its Plan stratégique de développement durable (Sustainable Development Policy).

1. The large-scale residential project proposed for Cheval Blanc West can no longer be considered to be a TOD (Transit Oriented Development) project as was originally conceived. The proposed train station has been eliminated from the plans. There is no credible public transportation to serve the new community of approximately 1750 persons (651 units times average occupancy of 2.7 persons per unit). The objective of the Sustainable Development Policy is clearly stated (http://ville.montreal.qc.ca/pls/portal/docs/page/dev_durable_fr/media/documents/plan.pdf): « Favoriser le développement de transports alternatifs à l'automobile. » (p. 16)
2. The proposed development for Cheval Blanc West is a car-oriented development which will double the number of cars in the area. Traffic congestion is already at the intolerable level with infrastructures stretched past capacity.
3. The building site for the proposed Cheval Blanc West project is a "ZONE ENCLAVÉ" between the CN commuter train track and Rivière des prairies in a sensitive flood-prone area. With the east-side development (158 units constructed since 2002), 540 units on Riviera, and now the 651 units proposed for the west-side, the scale of the incursions into the Ecoterritory are on the order of a small town being squeezed into the "ZONE ENCLAVÉ". The level crossing planned for the train station has been eliminated. The only remaining exit would be the existing street level crossing over the railway tracks at Sources Boulevard. This is a serious security risk.
4. There has been no public presentation of a traffic impact study for the proposed project at Cheval Blanc West as required and as promised.
5. Endangered and rare species have been observed on the building site of the proposed Cheval Blanc West project in recent years; namely, the northern brown snake (couleuvre brun) *Storeria dekayi dekayi*; the eastern milk snake (couleuvre tacheté) *Lampropeltis triangulum triangulum*; and the map turtle (tortue géographique), *Graptomys geographica*. Among plants that are rare or in danger in the province and present at this site are the downy agrimony (agrimoine pubescent), *Agrimonia pubescens*, only recently rediscovered in Rapide de Cheval Blanc West after not having been seen in Quebec in fifty years. Three tree species, namely cork elm (Orme à liège) *Ulmus thomasi*, hackberry (micocoulier) *Celtis occidentalis*, and butternut (noyer

cendrier) Juglans cinerea, all found in low concentrations and in decline, are present in the area in question.

The City's environmental assessment of the **Rapides du Cheval Blanc Ecoterritory** was allegedly done improperly. It was carried out in October and November when plant and animal species are dormant.

Appendix 1 (Item 2005-06) presents recent photos of a rare (endangered) species living in Rapides du Cheval Blanc West Ecoterritory and which was found living on or near the site slated for the proposed large-scale development.

6. The "Politique de protection et de mise en valeur des milieux naturels" describes Cheval Blanc ecoterritory as follows (<https://servicesenligne2.ville.montreal.qc.ca/sel/publications/PorteAccesTelechargement?lng=Fr&systemName=2219458&client=Ile>)

And includes the following information:

«...Ces milieux constituent des habitats de reproduction de grande valeur pour les poissons, l'herpétofaune et la sauvagine. Ils servent également d'aires d'alimentation pour le grand héron et d'autres oiseaux de rivage. Ces milieux riverains et humides ainsi que les espaces terrestres (friches et bois) abritent plusieurs espèces floristiques rares. L'une de ces espèces, l'aigremoine pubescente, n'avait pas été observée au Québec depuis 50 ans. Les érablières argentées de ce territoire sont les plus importantes de toutes celles situées en bordure de la rivière des Prairies... »

The document available at: <http://www2.ville.montreal.qc.ca/ocpm/pdf/PD03/15d.pdf> links to a presentation describing the Rapides du Cheval Blanc ecoterritory as part of the consultation on the Natural Spaces Policy. (Avant-projet de Politique de protection et de mise en valeur des milieux naturels, Office de consultation publique de Montréal (OCPM), May 2004).

One of the objectives of the Sustainable Development Policy under the orientation, « Améliorer la protection de la biodiversité, des milieux naturels et les espace verts » is « Protéger les milieux naturels existant ». (p. 22) Under « autres plans » the City vows « de maximiser la biodiversité et d'augmenter la superficie des milieux naturels protégés à Montréal. » (p. 23). We believe that the proposed project is in contradiction to these stated objectives. Following on the collapse of the Montreal Urban Community's \$200 million natural spaces acquisition program in 1992 and for twelve years after that (including three years under the present regime), there has been no preservation and acquisition of natural spaces. In that time period, over 1000 hectares of these lands were lost to development. All that is left of the unprotected natural spaces on the Island of Montreal is 1600 hectares. The City of Montreal is prepared to sacrifice approximately another 800 hectares of these last unprotected, irreplaceable, and most ecologically valuable spaces on the Island of Montreal to urban development starting with the major project at Cheval Blanc West. (Most of Cheval Blanc East has already been lost to development since 2002 during the Tremblay mandate.) The City of Montreal expects to protect only somewhat more than half the 1600 hectares set out in the policy. But the cooperation of the superior levels of

government will be required if even this limited target is to be achieved. We believe that this is neither protecting existing natural spaces nor maximizing the biodiversity.

7. The City of Montreal subscribes to the concept of the “les trois spheres du développement durable” (Plan stratégique de développement durable, p.8 http://ville.montreal.qc.ca/pls/portal/docs/page/dev_durable_fr/media/documents/plan.pdf) in which the three spheres of sustainable development: the economic, the social and the environmental are represented by three overlapping circles of **equal** size. Its practice is otherwise. The City of Montreal has devoted \$12 million to natural spaces preservation for each of the years (beginning in 2005) for a total of \$36 million. This represents a mere 0.3% of its total budget in these years. For the first three years of its mandate the Tremblay administration devoted \$0 to the preservation of natural green spaces. The City is not living up to the concepts of sustainable development which it professes. The environmental sphere has been consistently compromised. The sacrifices continue at Cheval Blanc. It is now “catch up” time; time to redress this imbalance with the spheres. Even if we now preserve **everything** (all 1600 hectares) left unprotected in the ecoterritories we could only arrive at 6% for the Island of Montreal. Quebec has adopted a standard of 8%. The international standard is a minimum of 12%.

While the City still subscribes to the 8% target (6% in land ecoterritories and 2% water ecoterritories), it proposes to meet its quotas by including lands in existing parks. Thus, natural spaces outside parks, spaces that are of great ecological value and under imminent threat of development will be sacrificed. Instead, to reach the 6% target, the city will include additional hectares in long-established parks that are already protected and face no risk of being lost to development! “...we are targeting several hundred additional hectares of land located within our parks, including smaller local parks.” (Policy on the Protection and Enhancement of Natural Habitats of Montréal Results to Date and Current Priorities p. 22). This cannot be considered to be maximizing the biodiversity as the City professes to do when it states “de maximiser la biodiversité et d’augmenter la superficie des milieux naturels protégés à Montréal”.

8. Pierrefonds recently rezoned the flood plain map. And a good portion of the building site for the proposed Rapides du Cheval Blanc project had been in the 20 year flood zone prior to the rezoning. The buildings on Riviera street are subject to flooding. In February, 2004, the buildings farthest from the river and closest to the train track were hardest hit. The fire department spent three weeks pumping out water from the apartments, flood plain maps notwithstanding. With global warming and with expectations of more severe weather events, construction in flood-prone areas is short-sighted and costly and unsustainable.
9. The building site for the proposed residential development at Rapides du Cheval Blanc (as shown in reference document (*Agenda item 20.16*) provided at City Council May 23, 2006) lies hard against the line designating the 20 year flood zone with **no zone tampon provided as required between the roads and buildings and the flood zone.**

10. **Snow Dump:** A portion of the building site for the proposed Cheval Blanc West project was previously used by Pierrefonds as a snow dump and has since been decontaminated. This land is ideal to serve as an essential “zone tampon” for the pristine areas of the rest of the ecoterritory. It would also serve as the site for the “centre d’accueil” for ecoterritory visitors.
11. **Climate change and global warming:** In urban centres like Montreal, vital greenspace biomass mitigates the effects of pollution on air, soil and water; forests and wetlands moderate ambient temperatures and offset climate change, reduce smog; sweep particulate matter and greenhouse gases; and sequester carbon. In short, Montreal’s natural spaces are the lungs of the Metropolis. Proactive sustainable development standards and the protection of environmental integrity and biodiversity are central and intrinsic to meeting climate change challenges. It is unconscionable that our political leaders are failing to meet these critical challenges and that even more of the city’s natural spaces across the Island can soon be lost, including **Cheval Blanc West**. Our leaders have lacked the vision and will to protect Montreal’s natural heritage. In the 25 years since the Montreal Urban Community was granted powers to conserve natural areas, only a little more than 3% of the Island of Montreal has been protected.
12. **Politique de l’arbre de Montreal :** **The policy underlines the inestimable value of trees.** It is illogical then to sacrifice the trees and natural vegetation in Montreal’s ecoterritories to development.

IV) The proposed development at Rapides du Cheval Blanc does not conform to the City of Montreal’s Urban Plan which stipulates that water views are not to be obstructed. Montréal Master Plan, Draft Version, April 2004 Chapter 2, objective 11 – *enhance the island character of the City’s identity; action 11.2 – Control the site coverage and height of buildings along the waterside....Maintaining visual access to the water* Even if the 10-storey towers are eliminated from the plans, and the density is reduced, the ecological footprint of the project will be the same whatever style of building is chosen. Any more concrete and asphalt in the ecoterritory is unacceptable.

V) The City of Montreal states that they don’t have the money to save all of the natural spaces. But in the case of Cheval Blanc West, the City already owned the land. The City of Montreal has no reason not to preserve all of Cheval Blanc West.

VI) Other Irregularities - Cheval Blanc East Side:

1. Cheval Blanc East Side. A court case is currently underway concerning allegedly illegal landfill in the backyards of seven houses bordering the river.
2. Speculation on the land where the two towers were to have been built caused a wild inflation in price.
3. There is still a problem that there could be a tower of up to 16 storeys built on the far east side of Cheval Blanc Ecoterritory which is in the flood plain.

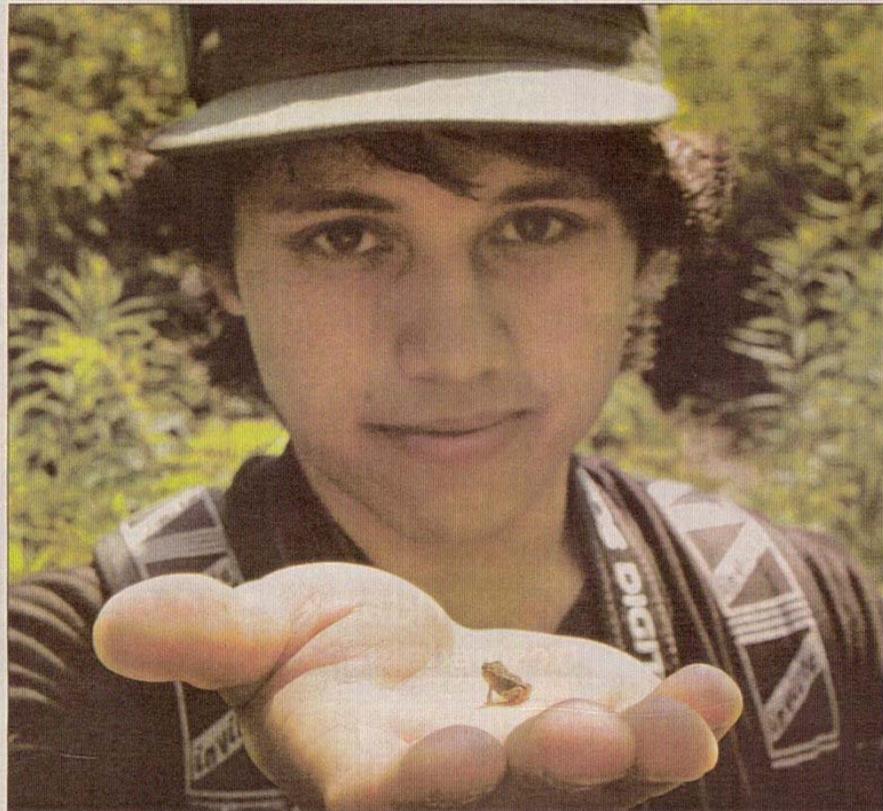


Photo Stéphane Brunet

Daniel Oyama, du Comité pour la protection des rapides du Cheval Blanc, qui organise des visites de l'écoterritoire tous les samedis.

7. Préciser toutes les démarches que vous avez entreprises à ce jour pour tenter de résoudre ce problème

To promote the conservation of Montreal's last natural green spaces, including Rapides du Cheval Blanc, Green Coalition volunteer members have attended most of Montreal City Council question periods in the years 2002 to 2004; attended public consultations at boroughs and other public forums; arranged private meetings with many elected officials at city and boroughs as well as with MNAs and MPs. Green Coalition members have written letters, presented briefs and sent Communiqués and News Releases, hosted News Conferences and special events. In addition, Green Coalition members have been active participants at the Montreal Summit, at Public Consultations on the Natural Spaces Policy, on the Transport Plan, on the City of Montreal Urban Plan, at Forums to shape the Charter of Citizens Rights and Responsibilities, the City's Sustainable Development Policy and Transportation directions. Green Coalition also presented a brief at the hearings on Quebec's Sustainable Development Plan.

Appendix 1 contains a chronology, in the form of newspaper articles, news releases and letters, of Green Coalition-Coalition Verte Inc. efforts to protect natural green spaces including Cheval Blanc.

8. Nommez les représentants de la ville de Montréal avec lesquels vous avez traité de ce dossier à ce jour. (Préciser leur nom, leur fonction, leur numéro de téléphone, et leur adresse de travail (si vous le connaissez) : Veuillez confirmer toute démarche auprès du bureau du maire ou de votre conseiller municipal.

Green Coalition representatives arranged many meetings with City of Montreal politicians. Some examples are included below

Executive Committee Members:

2002

Gerald Tremblay, Mayor of Montreal Special guest to visit Bois Franc	Oct 26
Alan DeSousa, Economic and Sustainable Development Special guest to visit Bois Franc Forest	Oct 26

2003

André Lavalée, Directeur de cabinet André Boisclair-Environment minister Transport (2005)	Jan 23
Claude Dauphin, Transport Special guest Second Bois Franc Visit	May 16
Cosmo Maciocia, Habitation Visit to Bois Franc Forest	May 16
Frank Zampino, Finance Visit to Cheval Blanc East	

(News Release 2003-11-13) Nov 13
Sammy Forcillo, Infrastructures; Voirie
Visit to Cheval Blanc East with Frank Zampino Nov 13

2004
Peter Yeomans, Public Security, in his office Jan 7
Robert Libman, Urban Planning
In his office Mar 12
Claude Dauphin, Transport
In his office Apr 8
Gerald Tremblay, Mayor of Montreal; Alan DeSousa
In the Mayor's office Nov 4
Peter Yeomans, Public Security
In his office Nov 4

2005
Helen Fotopulos, Mont-Royal, Green and Blue Spaces
In her office Feb 15

Meetings were also arranged with:

2004
Monique Worth, Mayoress of Pierrefonds-Roxboro, Conseillère associée Mont-Royal,
Green and Blue Spaces
In her office Mar 30

2005
Monique Worth, Mayoress of Pierrefonds-Roxoboro, Conseillère associée Mont-Royal,
Green and Blue Spaces
Burt Ward, Councillor-Pierrefonds-Roxboro
René Leblanc, Councillor-Pierrefonds-Roxboro
Pierrefonds/Senneville CCU Mar 31

Dida Berku, Party Leader
Marvin Rotrand, Councillor
Pierre Bourque, Leader of the Opposition
Richard Bergeron, Leader, Projet Montréal

MNA's
Thomas J. Mulcair
Yolande James
Geoffrey Kelley
Pierre Marsan

MP's
Francis Scarpaleggia
Clifford Lincoln
Stéphane Dion
John Godfrey

Most of these meetings are documented in Appendix 1– thank you notes

9. Joindre une copie et dresser ci-dessous la liste de toute la correspondance et de tous les documents pertinents

Please see Appendix 1 containing over 100 correspondences and pertinent documents.

10. Que recherchez vous par votre présente demande d'intervention auprès de l'ombudsman?

Based on the information and evidence contained in this request, Green Coalition – Coalition Verte Inc. requests that the Ombudsman of Montreal overturn the Montreal City Council vote of May 23, 2006 (Agenda item 20.16) or facilitate an inquiry into events leading to that vote.



A picture of the map turtle (tortue géographique), *Graptomys geographica*, taken in Rapide de Cheval Blanc ecoterritory in the spring of 2005. Two other reptiles in decline have also been seen in the area West of Riviera road and on land projected to be developed.

List of Appendix 1 documents pertaining to Rapide du Cheval Blanc Ombudsman Submission

This and the following two pages offer a complete index of the documents contained in the full version of Appendix 1 to this document. The full content of Appendix 1 is considered part of the submission to the ombudsman of Montreal.

Index list #1 of full contents of Appendix 1

-  20060717_Quebec Liberals getting greener TheGazette
-  20060714 Entourloupette administrative CiteNouvelles
-  20060714 consultations a l'automne CiteNouvelles
-  20060710_Claude Béchard Environment Minister July 2006
-  20060707_Visites ecoterritoire RapideChevalBlanc CiteNouvelles
-  20060707_Un reglement a l'amiable CiteNouvelles
-  20060705_Condos a go_TheSuburban
-  20060628_Greens Blast Pierrefonds Land Swap TheSuburban
-  20060628_AlHayek_LetterEditor_Unacceptable_TheSuburban
-  20060603_FLYER FRENCH Urgent_Rallie_ChevalBlanc
-  20060603_ChevalBlanc_Rally_photos
-  20060417_DFletcher One Island One Park TheGazette
-  20060415_ThankYouNote_ThomasJMulcair_MinisterEnvironmentQuebec
-  20060324_Regard critique plan protection milieux naturels e_f Communiqué Presse
-  20060124_Quebecaimstosavelocalgreenspaces TheChronicle
-  20051221_Borough knew floodplain history says Labelle TheSuburban
-  20051214 Quebec Pierrefonds Clash over landfill TheSuburban
-  20051130 Pierrefonds floodplain TheSuburban
-  20051127_Ministere Environnement poursuit Pierrefonds CiteNouvelles
-  20051121_Barker-Greene_letter
-  20051026_MICUs Pierrefonds election promises theSuburban
-  20050918 Petite histoire d'un changement de zonage CiteNouvelles
-  20050918 Echanges acerbes entre Pierrefonds et les verts CiteNouvelles
-  20050619 Lettre GC-CV a Pierre Bourque Votez NON - Communiqué Presse
-  20050600_Turtle_geographica_smallone_RapideChevalBlanc
-  20050600_Turtle_geographica_RapideChevalBlanc
-  20050600_Turtle_geographica_largerone_RapideChevalBlanc
-  20050600_Turtle_geographica_face_RapideChevalBlanc
-  20050530_Document de presse-Lettre-maire Tremblay-Coalition Verte
-  20050511_Green Space Budget Flaws Part 2 TheSuburban
-  20050511_Green Space Budget Flaws Part 1 TheSuburban

Index list #2 of full contents of Appendix 1

-  20050408_Thomas J. Mulcair-Environment Minister-April 8 2005
-  20050408_GreenCoalition informs Mayor Worth of Mulcair letter
-  20050224_ThankYou_HelenFoutopoulos_ExecutiveCommittee
-  20050216_Green Coalition Brief-Quebec's Sustainable Development Plan
-  20041220_Environment Minister-Dion-December2004 (1)
-  20041202_Confirm Response Consultation publique R-de-Cheval Blanc Mme Worth
-  20041201 Mayor Worth defies Mulcair veto TheSuburban
-  20041130_Response Consultation publique R-de-Cheval Blanc Mme Worth
-  20041129_Demande Consultation publique R-de-Cheval Blanc Mme Worth
-  20041129_Demande Consultation publique R-de-Cheval Blanc Maire Tremblay
-  20041126_Mulcair_goodnews
-  20041124_Mulcair Vetos Whitehorse Part 2 TheSuburban
-  20041124_Mulcair Vetos Whitehorse Part 1 TheSuburban
-  20041124_Mulcair vetos Cheval Blanc Development TheSuburban
-  20041124_Mulcair veto boosts Green agenda TheSuburban
-  20041115_Thomas J Mulcair ThanksNov 15 2004Flood Plains
-  20041005_ThankyouMayorPeterYeomans re CLIFF LINCOLN
-  20040924_Cody Barker Greene Sept24 04
-  20040913_AGENDA - Saving Montreal's last Natural Spaces
-  20040908_News Statement Sept8, 04 Open Letter-Mayor Tremblay
-  20040901_Floodplain_concerns GreenCoalition
-  20040600_Green Coalition Brief re Montreal's Master Plan June 2004
-  20040430_Honourable John Godfrey-April 20 meeting-Green Coalition
-  20040427_Green Coalition Brief re Natural Spaces April 2004
-  20040224_GreenCoalition thanks H. Fotopoulos Executive Committee Member
-  20040215_Jettre_Tremblay
-  20040126_Jettre_Tremblay
-  20040125_les verts loins d'etre satisfait CiteNouvelles
-  20031200_ChevalBlanc West Dev Plan Pierrefonds
-  20031124_News Release-GREEN COALITION-Nov 24, 03
-  20031123_Zampino_Forcillo_Cheval_Blanc_East_CiteNouvelles
-  20031123_balade champetre pre-budgetaire CiteNouvelles
-  20031113_Zampino Visit RapideduChevalBlanc
-  20031113_News Release-Zampino Visit-Green Coalition E_F
-  20031106_Jettre_Tremblay

Index list #3 of full contents of Appendix 1

-  20030205_André Lavallée Directeur de Cabinet Metropole
-  20030202_Green Space Budget Part 2 CourrierBordeauxCartierville
-  20030202_Green Space Budget Part 1 CourrierBordeauxCartierville
-  20030202_Green Space Budget CourrierBordeauxCartierville
-  20021110_Thankyou_MayorTremblay_CouncillorDeSousa
-  20021030_Tremblay_visits_BoisFranc_TheSuburban
-  20021026_News Release Green Coalition October
-  20020925_whitehorse project partially frozen WestIslandSuburban
-  20020924_Wickhueller_ChevalBlanc_East_Part2 TheGazette
-  20020924_Wickhueller Cheval Blanc East Part 1 TheGazette
-  20020923_NEWS RELEASE Green Coalition September 02
-  20020827_André Boisclair re Cheval Blanc
-  20020623_GC seeks Quebec Financing CiteNouvelles
-  20020606_Summit of Montreal Part 3and4
-  20020606_Summit of Montreal Part 1and2
-  19900913_Preserving Cheval Blanc TheGazette
-  19900706_GC Letters Patent001
-  19900705_GC Letters Patent002
-  19900310_The_Gazette_Greens unite frontline
-  19891213_MUC to buy Bois Franc TheChronicle
-  19891010_Bois_Franc_DollardCityHall_TheGazette
-  19880626_BoisFranc_Cathedral_LaPresse
-  19880531_Green Day TheNews
-  19880519_Green Day TheGazette
-  19880519_Green Day Part 2 TheGazette
-  19880519_Green Day Part 1 TheGazette
-  19770804_Saving Saraguay MontrealMatin
-  19720928 Give me grass not cement The North Shore News

These documents, yet to be properly dated, are also considered part of Appendix 1

-  YYYYMMDD_les verts tentent de stopper le cheval blanc CiteNouvelles
-  YYYYMMDD_Le meilleur et le pire partie2 CiteNouvelles
-  YYYYMMDD_Le meilleur et le pire partie1 CiteNouvelles
-  YYYYMMDD_contravention pour promoteur rapides cheval blanc CiteNouvelles
-  YYYYMMDD_city environmentalist clash over redrawing flood risk map TheGazette