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Halifax Regional Council
August 31, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in black ink, appearing to read "Mike Labrecque", written over a horizontal line.

SUBMITTED BY: Mike Labrecque, Director, Real Property & Asset Management

DATE: August 26, 2004

SUBJECT: Urban Forest Management and Tree Cutting on Private Property

INFORMATION REPORT

ORIGIN

This report addresses requests for reports made on three separate occasions: December 4, 2001 item 13.2), September 17, 2002 (Item 10.3.1 (ii)), and April 8, 2003 (item 11.1). The requests were for reports regarding maintaining and planting street trees, urban forest management, and how the city should address trees on private property.

BACKGROUND

The citizens of the Halifax Regional Municipality have demonstrated that the urban forest is valuable and worth maintaining. To this extent, urban forest management is a recurring topic at council, especially in the wake of Hurricane Juan, and circumstances such as the clear cutting of trees on private land adjacent to Hemlock Ravine Park in 2001.

The urban forest constitutes all trees in city limits, including trees on both public and private lands. In HRM, the urban forest constitutes such diverse areas as 7,000 treed acres of the Western Common, trees in planters in Downtown Halifax, and the trees in the back yards of homes.

Trees provide many benefits to HRM citizens. They not only help filter the air and absorb some

greenhouse gases, but they can also reduce traffic noise, beautify the urban landscape, provide shade and privacy, help protect watersheds, hold soil in place, and accomplish a multitude of other roles which can improve HRM's quality of life. Because trees are so beneficial, HRM's citizens and council members have decided the urban forest canopy must be maintained. In support of this, Regional Council has provided \$150,000 to develop the Urban Forest Master Plan.

DISCUSSION

Regional Council has requested information on many different aspects of urban forest management. They have asked about:

- What trees HRM maintains
- Maintenance and planting costs
- How to regulate new developments to ensure there is adequate tree preservation and/or tree replacement (i.e. manage clear cutting in new subdivisions)
- The need for new trees in areas other than new developments (i.e. downtown area)
- Infectious diseases and pests that affect trees
- The number of requests received, approved, and completed for tree planting each year
- Who assumes responsibility to water trees after they have been planted

The two most prominent issues are managing vegetation on 'as of right' developments, and coming to an agreement with utility companies (specifically Nova Scotia Power) about tree management and utility easements.

In past years Regional Council and city staff considered amending the Municipal Government Act (MGA) to allow HRM to regulate and manage vegetation on private property, whether in connection with developments or otherwise. The Province was initially supportive of this direction, but did have a few concerns. There were worries that HRM might want to become involved in regulating the forestry industry, personal wood lots, etc. However, the province has since been made to understand that HRM proposed changes to the Municipal Governments Act to allow managing vegetation in urban areas only.

There have also been negotiations with Nova Scotia Power to amend their NS Power Tree Easement Policy, which the city feels is unnecessarily restrictive to both the city, existing landowners, and even potential developers. While HRM and NSP were able to reach an agreement on most issues, there are still outstanding issues on which NSP is intractable. HRM has applied to the Utilities Review Board to help resolve these issues. Legal Services is responsible for the URB application.

Concurrently, there have been requests for an Urban Forest Master Plan (UFMP) since soon after amalgamation. The Urban Forest Master Plan is an expansive policy and planning initiative that will address the issues raised by council on the three aforementioned occasions, as well as many others. The proposed UFMP will provide HRM with a long-term strategy to ensure the urban forest canopy is sustained and enhanced. It will also provide solutions and methods to address the immediate health and population of urban trees in HRM.

The plan will address four main urban forest areas:

1. The state of urban forests in HRM
2. Management of trees on HRM-owned property
3. Trees on private lands, including jurisdictional and regulatory controls for the protection of trees on private property, especially regarding:
 - subdivision development;
 - cutting on private lands (not including rural wood lands);
 - the protection of heritage trees; and,
 - the disposal of unhealthy or diseased trees
4. Right of Way trees and utility conflicts

The plan will identify common urban forest conflicts, such as utility company policies towards urban trees. It will also outline a long-range plan for sustainability, which will determine the best methods to maintain and replace trees. A large role of the UFMP process will also be to complete an HRM-wide tree inventory. This inventory is a necessary first step towards being able to identify HRM's existing and future urban forest needs. The impact of Hurricane Juan will also be addressed.

The Urban Forest Master Plan will *not*, however, look at forestry, because the province has made it clear that is a provincial jurisdiction.

The sweeping scope of the UFMP will address the questions raised by council about tree maintenance and planting, trees on private property, and how to deal with potential future utility conflicts. Because of this wide scope, the UFMP will help identify the future legislative policies and changes that may be necessary to help preserve HRM's urban forest, such as a private property tree by-law.

Regional Council is funding the UFMP with approximately \$150,000. Real Property Asset Management (Real Property Planning division) will work with Planning and Development and other concerned business units collectively. It is projected that Council will be able to review and adopt the plan sometime in the Spring of 2005.

Council will have the opportunity to approve the scope of the project prior to the request for proposals to conduct the tree inventory.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

N/A

ATTACHMENTS

N/A

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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