

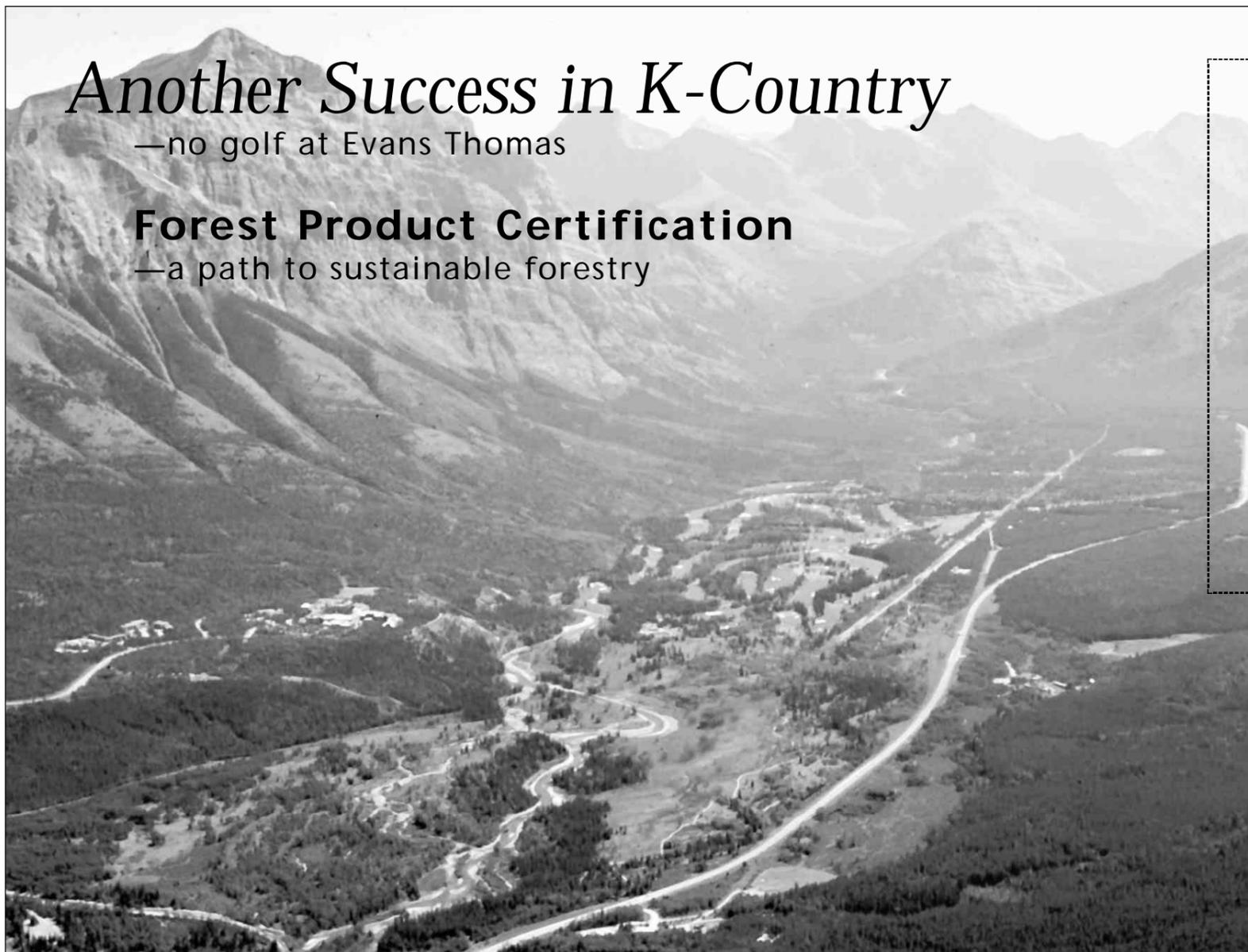
WILD LANDS ADVOCATE

Another Success in K-Country

—no golf at Evans Thomas

Forest Product Certification

—a path to sustainable forestry



Evans Thomas Creek where it joins the Kananaskis River at Kananaskis Village by Peter Sharrington

Great News for Kananaskis Country Kan-Alta Golf Course Proposal Scrapped

AWA Press Release

Conservationists are hailing a decision by Kan-Alta Golf Management Ltd. to scrap plans for an 18-hole golf course near the environmentally sensitive Evans Thomas Creek a major step towards protecting Kananaskis Country.

"This is great news," says Stephen Legault, first vice-president of the Alberta Wilderness Association. "Kan-Alta Golf Management has recognized the overwhelming public opposition to further development in Kananaskis Country and made a good business decision based on sound economic and environmental policy. They deserve a lot of credit for making this decision." Government polls show that over 95 per cent of Albertans want no further commercial development in K-Country.

Kan-Alta currently manages the 36-hole golf course in Kananaskis Country that is situated about a kilometer from the proposed Evan Thomas course. In their February 18 news release, Kan-Alta cites "economic, environmental, and public concerns" as grounds for withdrawing its application to build the 18-hole golf course. They state that "the no new development position" of

the Alberta government in its 1999 Recreation Development Policy, announced last May by Premier Klein, has "made it difficult to justify a stand-alone golf course in Kananaskis Country."

The Evans Thomas alluvial fan is among the best wildlife habitat in Kananaskis Country and in southern Alberta, says Legault. This area is one of two areas identified as the best grizzly bear habitat in K-Country by a 1998 study by the Eastern Slopes Grizzly Bear Project. The other is the south end of the Spray Lake, where Genesis Land Development Corporation plans to build a four-season resort.

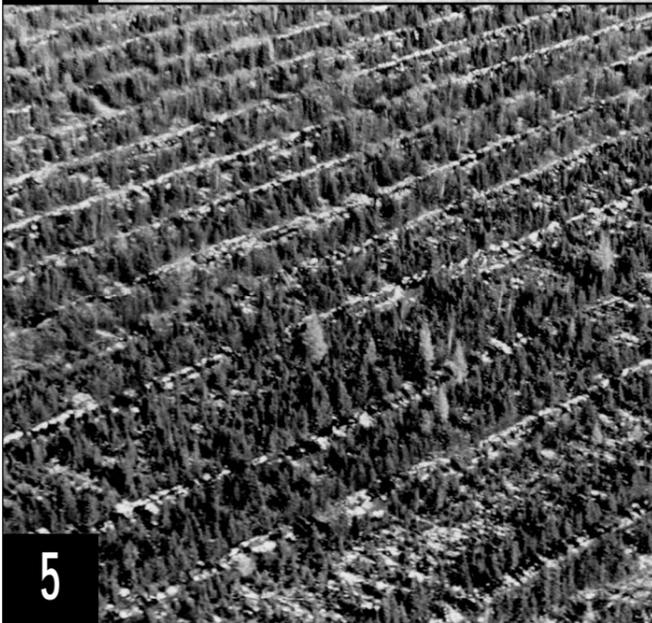
"Albertans should be quick to congratulate Kan-Alta for this bold move," says Dieter Gade, chair of the 15-group Kananaskis Coalition. Gade says that this move will add fuel to the fire of Albertans seeking protection for the Kananaskis and Spray Valleys. In particular, he says, this will strengthen the voices of those calling on Genesis Land Development Corp.—a Calgary-based development company—to abandon their plans to build a 6,000 person ski resort, 400 room hotel, conference centre, heli-ski operation, and golf course at the south end of Spray Lake.

Legault adds that the Alberta Wilderness Association will now call on Environment Minister Gary Mar to protect the Evan Thomas alluvial fan as part of the Elbow-Sheep Wildland Park. Established in 1996, and first proposed by the AWA in 1967, the Elbow-Sheep Wildland Park excluded the Evan Thomas Creek region because of the golf course proposal. "There is no reason now for Gary Mar to avoid protecting this valuable part of Kananaskis Country," says Legault.

The AWA encourages members to write to Kan-Alta Golf Management and thank them for recognizing the need to protect the Evans Thomas Creek region. Then write to Genesis Land Development and urge them to follow the lead of Kan-Alta and scrap their plans for the Spray Valley.

Kan-Alta Golf Management Ltd.
Box 1710
Kananaskis, AB T0L 2H0

Genesis Land Development Corp.
Second Floor, 2882-11th Street N.E.
Calgary, AB T2E 7S7



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To provide readers with accurate, current and insightful coverage of wilderness and conservation issues related to Alberta's wild places and public lands, which will stimulate personal action on behalf of Alberta's wildlands, wild rivers and wildlife.

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Although most of our articles are assigned, unsolicited contributions (manuscripts, photos, artwork) are welcomed, with the understanding that the AWA cannot be held responsible for loss or damage. Enclose a self-addressed stamped envelope to ensure the return of unsolicited material. Guidelines for contributors available upon request.

DEADLINE May 9, 2000

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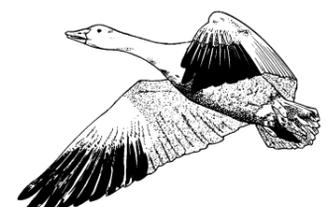
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The Alberta Wilderness Association has five scheduled meetings of its provincial Executive and Board of Directors per year. Policies, issues, concerns, programs and strategies are discussed and decided at these meetings. Any interested AWA members are welcome to attend as guests. Please contact the provincial office, at 283-2025, to get confirmation of the date and location of the meetings, as well as to carpool.





PARADISE BESIEGED



ALVA File Photo

Jasper Environmental Association
An organization calling itself the Association for Mountain Parks Protection and Enjoyment (AMPPE) is linked to a malicious campaign to discredit the Minister of Canadian Heritage, Sheila Copps, for her stand against overdevelopment in the Banff, Kootenay, Jasper and Yoho National Parks. This attack is being organized by Crosbie Cotton, former senior editor of the Herald and now media advisor to the national park ski hill barons.

The Minister is implementing changes recommended by an independent task force following the 1996 Banff Bow Valley Study (BBVS); a study necessitated by excessive tourism. She is righting some of the wrongs caused by past bad-management decisions, many resulting from strong lobbying by developers to senior government ministers. AMPPE was

part of the BBVS public process but did not get what it wanted.

The recent Ecological Integrity Panel, comprising leading national academics and consultants, was commissioned by the Minister to examine the future of the parks and how well they are conserving nature. The Panel's report, due in March, is already being attacked by the business community.

AMPPE falsely accuses Parks of "well over 100 closures or restrictions placed on human use in the four mountain parks" (a mysterious list unavailable to the public). Political scientist Barry Cooper, at a recent AMPPE meeting, recommended exaggerating trail closures and banning of outdoor activities to alarm Canadians. He also wrote in the Calgary Herald "the only way to save the parks... will be to turn them over to the

provincial governments."

In a recently leaked draft "Five Point Strategic Plan to Regain the Middle Ground" Cotton recommends: organizing an "aggressive media campaign to reposition AMPPE" and "expose the unreasonable hardline positions of the environmental groups"; intensively lobbying all levels of government including the Alberta premier and Alberta Economic Development; and strengthening ties with "other affinity groups" such as the right-wing Fraser Institute and the US "Endangered Species Coalition."

The Board of Directors of this "not-for-profit" organization will include CP Hotels, Brewster Transportation, the national park ski hills, hotel associations, and other businesses.

Parks Canada is desperately underfunded (since 1994 Jasper National Park alone has had its budget cut from \$4.6 million to \$1.3 million). The result is reduced enforcement of regulations, lack of essential research, shattered morale, and the need to enter into unholy "partnerships" with businesses uncommitted to Parks' mandate.

The 1993 Angus Reid Poll showed only four per cent of Canadians (described by the poll as "recreation boosters") were in favour of expanded development in the national parks. This four per cent came almost entirely from Alberta and B.C., the voice of customers, rather than the Canadian people.

The four mountain National Parks need your help now. Those who care about them must speak out loud and clear against their exploitation by *big tourism* with its army of lobbyists, financial backers and spindoctors.

Please write to the Prime Minister and the Minister of Canadian Heritage (addresses on pg. 7).

- Support the government's stated commitment to protect the national parks and urge them not to back down in the face of fabricated scare tactics.
- Urge curtailment of further growth in the four mountain National Parks.
- Call for funding that will protect parks' wilderness and wildlife.
- Send a copy to your newspaper. ☺

Oil Sands Projects Need a Closer Look

By Martijn van Galen

Last fall I worked with the Alberta Wilderness Association. There I was, a jazz musician come student-teacher from the University of Calgary, learning about endangered species and habitats when I hadn't even taken Biology in high school. Not only that, but I had to then teach students about them. Needless to say, I learned a lot and with it came a new appreciation for the environment we live in.

One area of Alberta's environment that has always concerned me deals with the oil sands projects that I think we hear too little about. I remember in high school social studies a teacher saying that there was more oil in the oil sands than in the Middle East. Remember the pictures of Kuwait burning and you may understand that the environmental impact of trying to harvest so much oil in one area can be devastating. Not to say that we would just burn it off, but there are other impacts besides deliberate disasters to consider.

Located in Alberta's boreal forest and Canadian Shield bioregions, the actual oil sand reserves are estimated (in 1996) at 1.7 trillion barrels, while 300 billion barrels are considered recoverable. In research I discovered that this may well be a very important environmental issue for Alberta in the new millennium considering that a number of the big oil sands developers are getting mines and extraction plants into full production in the next five years. Suncor Energy's "Project Millennium" at Steepbank is slated to be ready in the spring of 2001, increasing oil sand production to 220,000 barrels of oil a day (BOD). Mobil Oil Canada is building a facility ready in 2003 at Kearn Lake to pump 100,000 BOD, Syncrude Canada is building the Aurora oil sands mine project to produce 257,000 BOD in 2005 and finally Shell Canada with a new project due to start production in 2002 at 120,000 BOD.

What does this mean for Alberta's environment? Think of all the roads, the trees, the superheated water needed to get the oil out of the sand, the high amounts of traffic in construction and the other waste that humans create when they settle in an area. Consider the number of employees needed to work these mines, approximately 6,700, and construction crews currently employing nearly 8,400. That's a lot of vehicles and noise pollution as well. Consider also that astronauts can now see the open pit oil sand projects from space. If this hasn't adversely affected the habitats of Alberta's species I don't know what will.

So what can we do? Perhaps at this stage we need to make the companies already there more accountable for the damage done and also research and keep an accurate on-going assessment of the environmental impact to the habitats and species living there. Then, when the time comes when we do get an Endangered Species Act, we can start to enforce it and maybe make a difference in the long run. ☺

Bighorn Wildland Recreation Area Open for Logging

By Martha Kostuch

At the Weyerhaeuser open house/public meeting held in Rocky Mountain House on February 22, 2000, it became clear that Weyerhaeuser's Forest Management Agreement (FMA) includes a significant portion of the Bighorn Wildland Recreation Area (BWRA) which goes right up to Jasper National Park. Two other forest companies, Sunpine and Sundance, may also have FMAs which include parts of the Bighorn.

The Department of Forestry's explanation for the inclusion of the Bighorn Wildland Recreation Area in Weyerhaeuser's FMA is that the BWRA included quotas when the area was announced in 1986 and that they had made a commitment to honour existing dispositions. So even though the quotas were only for 20 years (and had been issued in the early 70s), the government decided to roll them into expanded FMAs.

At the Rocky public meeting there was strong opposition to any logging

west of the Forestry Trunk Road but particularly within the Bighorn Wildland Recreation Area. Weyerhaeuser was asked to relinquish its portions of the FMA within the BWRA and to conduct a cumulative environmental assessment of logging (together with other activities) west of the Forestry Trunk Road.

Since it doesn't appear as if we can count on the Alberta government to take any leadership in protecting this area, we will have to hope that Weyerhaeuser acts responsibly. I urge you to contact Weyerhaeuser and Environment Minister Gary Mar.

In addition to the logging being proposed west of the Forestry Trunk Road within the 3 FMAs, the Alberta government is currently seeking input into designing a process to consult the public about logging west of the Forestry Trunk Road outside of the FMAs.

If you are interested in having input, contact Butch Shenfeldt at the Rocky Forestry Office, (403) 845-8250. ☺



By Henry Adams

Montana Sets Standards in Forest Protection

By Alan Tong

The Alberta government could stand to learn a few lessons concerning protection of the environment from our neighbours to the south. Last year, President Clinton announced a plan to permanently protect six million acres of Forest Service roadless lands in Montana as part of his effort to protect all national forest roadless lands from environmentally destructive activities. This plan was praised by the AWA's American sister organizations.

Bob Ekey of the Montana Wilderness Society, said of the announcement, "This is truly an historic moment for the conservation of Montana's—and the nation's—wild places." Bethanie Walder of the Wildlands Center for Prevention of Roads adds, "Protecting roadless areas goes far beyond recreation. Roadless areas provide critical wildlife and aquatic habitat in addition to providing clean air and water for people. This will give our roadless wild lands a chance to stand the test of time."

Currently Alberta has no plans to protect its candidate-protected areas in a manner similar to the American program. During the 1970s, Alberta did have plans to establish moratoriums, or a halt to development, to protect its wild areas. An almost completely effective one was placed on the whole of the Eastern Slopes of the Rocky Mountains in the early 1970s while there was a major public

consultation on future land-use in the Eastern Slopes.

In the present however, wilderness preservation options for wild areas in Alberta are being closed for good as more and more wilderness is being logged and developed by a government that seems to be eager to liquidate its wild land resources. Some of the areas most in danger of being "liquidated" are the de facto wilderness. These areas exist in a wild state in the present but do not have the benefit of legislative protection. As Dick Pharis used to say, "These areas are recognized by God but not by the Alberta government." Roadless areas in Alberta are often referred to as being part of this de facto wilderness land and are in danger of being developed despite its value to wildlife and human beings alike when left in its natural state.

Protection of roadless areas in Alberta is unlikely to negatively affect the economy of the province. The Alberta government's lack of initiative in terms of establishing plans to protect wilderness areas and roadless areas in the province's forests may be disastrous for its forestry industry if current trends in the forest product markets and forestry certification continue. Due to the legislation enacted by the American government, firms logging in U.S. National Forests can maintain that ecologically significant landscapes have been identified and protected. Logging firms operating in

Alberta will not be able to make the same claim and may lose some of their market share to rival American firms in the future.

National parks and protected wilderness areas also contribute to the economy in ways besides providing timber. In Montana, an American state similar to the province of Alberta in many ways, wildlife-related industry supplies the state with \$1.7 billion in revenue annually. "By protecting these wild places, we are protecting some of the most productive big game habitat in Montana," said Glenn Hockett, president of the Gallatin Wildlife Association.

Phil Knight of the Native Forest Network's Yellowstone office expounded on the value of Montana's roadless wildlands. "The Forest Service itself estimates that National Forest recreation, including birdwatching, mountain biking, camping, hiking, hunting, and fishing, generates over one hundred billion dollars annually. These activities often take place within roadless areas," said Knight. "Building roads and logging these pristine roadless areas negatively impacts many kinds of recreation, generating a net economic loss to Montana."

In Alberta, parks and wild areas that are currently protected account for approximately 1.5 per cent of Alberta's GDP and about 2 per cent of employment according to a study based on information collected during 1993-94.

Selecting the Right Forest Product Certification Program

By Helene Walsh

The certification of forest products is an important issue because consumers, particularly in Europe and North America, are concerned about the sustainability of the world's forests and want to support the efforts of responsible companies. If a certification scheme is to be successful it must have performance-based standards that incorporate all forest values including economic, societal, ecological; it must have independent third party evaluation and product labelling that establishes a chain of custody for identifying that the product originates from a forest where logging is managed according to internationally agreed social and environmental principles and criteria.

There have been many efforts to establish certification schemes at regional, national, and international levels. While all these schemes have merit, conservation groups concerned about ecological management of our forests support the Forest Stewardship Council (FSC) program. This program has established internationally applicable, independently verifiable standards with the intent of achieving ecological forestry practices throughout the world. There are 10 principles and criteria of forest management that must be used by regional working groups developing standards appropriate to different types of forest. Regional standards must be approved by the international body.

The FSC 10 principles and criteria of forest management include:

1. Compliance with laws (of the

- country) and FSC principles
2. Tenure and use rights and responsibilities
3. Indigenous people's rights
4. Community relations and worker's rights
5. Benefits from the forest
6. Environmental impact
7. Management plan
8. Monitoring and assessment
9. Maintenance of high conservation value forests
10. Plantations

Alberta Forest Product Companies are presently considering several certification programs. These also include FORESTCARE and programs developed by the Canadian Standards Association and the International Organization for Standards. FORESTCARE is an industry certification program used by the Alberta Forest Products Association. This program exceeds government standards in many aspects and many Alberta forest industries are certified by it. The Canadian Standards Association (CSA) has developed a set of Sustainable Forest Management System Standards which assess a company's management of forest against a wide range of environmental criteria. Under this program, each company sets its own standards with respect to the criteria. The International Organization for Standards (ISO) developed voluntary standards that enable international trade. To be certified, a company registers its management plan and the company is audited to ensure this plan is followed.

The Forest Stewardship Council certification specifically requires the best

practices likely to achieve sustainable forestry. FSC is the only program that ensures the establishment of protected areas as ecological benchmarks of the natural forest where this is still possible, and attempts its restoration where it is not.

One of the critical requirements of ecological forestry is the establishment of ecological benchmarks of natural forest against which the new forestry practices can be measured as to their success in maintaining ecosystems and biodiversity. To be successful these protected areas must be free of industrial use, large enough to maintain natural processes, representative of the region's ecosystems, and accommodate the needs of wide-ranging species.

Some of the specific FSC principles and criteria that apply to protected areas are the following:

Principle 6

Environmental Impact. Forest management shall conserve biological diversity...and maintain the ecological functions and the integrity of the forest.

Principle 6.2

Safeguards shall exist which protect rare, threatened and endangered species and their habitats (e.g., nesting and feeding areas). Conservation zones and protection areas shall be established, appropriate to the scale and intensity of forest management and the uniqueness of the affected resources.

Principle 6.3

Ecological functions and values shall be maintained intact, enhanced or restored, including:

- a) forest regeneration and succession
- b) genetic, species, and ecosystem diversity
- c) natural cycles that affect the productivity of the forest ecosystem.

Principle 6.4

Representative samples of existing ecosystems within the landscape shall be protected in their natural state and recorded on maps, appropriate to the scale and intensity of operations and the uniqueness of the affected resources.

Principle 9

Maintenance of high conservation value forests. These are defined in part as

- a) forest areas containing regionally significant concentrations of bio-diversity where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance; and
- b) forest areas that are in or contain rare, threatened, or endangered ecosystems.

Benefits to Industry of FSC Certification

To achieve FSC certification forests must be managed to ensure long-term supply and high quality of timber. This is good for long-term interest of companies and forest-dependent communities. The planning involved to ensure this can result in increased forest productivity, efficiency, and sometimes savings in operating costs. High standards of forestry such as those required by FSC can improve a company's image and increase their likelihood of maintaining or increasing market share, avoiding consumer action, and gaining a price premium for their products. Benefits can also result from increased employee morale and community support.

Although a relatively new program, a forest area half the size of the United Kingdom and involving 25 countries has already been certified to FSC standards. In Europe and the U.S., Buyers' Groups

Continued on page 7

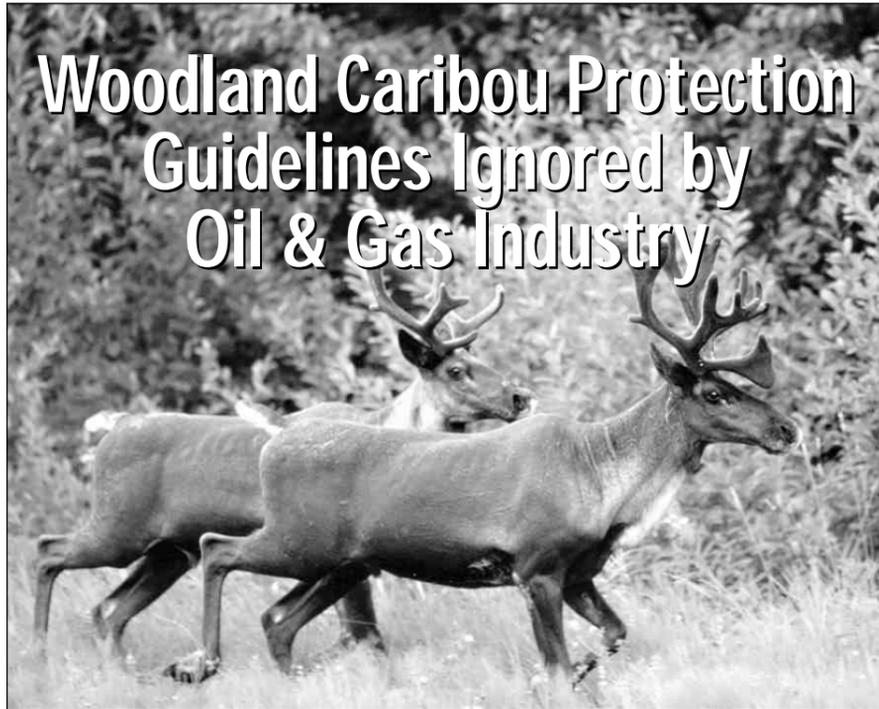


AWA and CPAWS Press Release

New government and industry sponsored research shows Alberta's oil and gas industry has contravened government guidelines for protecting Alberta's endangered woodland caribou. Three conservation groups are now asking the provincial government to curtail the industry in core home ranges of old-growth forests and treed peatlands essential to caribou survival. The Alberta Wilderness Association (AWA), the Edmonton Chapter of Canadian Parks And Wilderness Society (CPAWS), and the Alberta office of World Wildlife Fund Canada (WWF) today submitted their assessment and proposed caribou conservation policy regarding industrial developments to Environment Minister Gary Mar.

At a January pre-inquiry meeting in Edmonton, CPAWS and AWA asked Alberta's energy industry regulator, the Energy Utilities Board (EUB), to review the oil and gas industry's contraventions of government guidelines. As part of an EUB inquiry into coal mining impacts on wildlife at Caw Ridge north of Grande Cache, Sam Gunsch with CPAWS recommended the EUB assess the cumulative effects on caribou survival from oil and gas field development that overlaps with logging and coal mining on old growth forests and migration corridors of the area's 300 caribou.

Petroleum development in caribou habitat in northern Alberta is governed by Information Letter (IL) 91-17, a Procedural Guide for Oil and Gas Activity on Caribou Range, released by the Department of Energy in 1991. It states that "petroleum and natural gas exploration and development activities can occur on caribou range provided



Woodland Caribou Protection Guidelines Ignored by Oil & Gas Industry

By Karl Berglin

that the integrity of the habitat is maintained to support its use by caribou."

New studies released in 1999, conducted through the University of Alberta, demonstrate that the integrity of woodland caribou habitat has been significantly impacted because the animals avoid roads, wells and seismic lines throughout their ranges—all disturbances caused by the petroleum industry. Research also indicates caribou near seismic lines and roads were at higher risk of being killed by wolves, due to the easier travel and access to caribou for wolves. The oil and gas industry has bulldozed more than a million kilometres of seismic lines in Alberta.

"In 1973, provincial biologists spoke out and warned the caribou were in

serious trouble. Yet, today, 27 years later, there has not been one single additional area of core caribou habitat set aside from resource development and protected for the recovery of the caribou since this alarm was sounded," said Cliff Wallis, president of the Alberta Wilderness Association.

Although woodland caribou (including mountain caribou) are an endangered species in Alberta, intensive industrial development is allowed in their core habitat because Alberta does not have endangered species legislation. The conservation groups say very high levels of industrial activity throughout the province's forests are causing unprecedented levels of habitat loss to caribou. One caribou home range in the northeast has over 1,600 oil wellsites.

According to Peter Lee, regional

director of World Wildlife Fund Canada, "The fact is, the best way to save most species is to protect habitat and let the species save themselves. Preservation of core habitat for at least a couple viable populations, along with habitat linkages between, is a keystone to recovery of a threatened or endangered species, particularly sensitive, specialized species like woodland caribou. This species needs our help!"

Alberta conservation groups led by Alberta Wilderness Association have used government studies to identify three candidate wilderness areas that would protect key caribou ranges in Alberta's foothills forest: the Chinchaga, the Little Smoky, and Kakwa. The recent caribou research into industrial impacts on caribou ranges in treed peatlands focussed on additional sites needed in the northern boreal forest. The groups point out that the province's protected areas program, Special Places, has not protected the critical caribou habitat within these sites.

"So far, the Alberta government's Special Places program's failure to protect sites such as the Chinchaga has been a special failure for woodland caribou. Not only are old-growth forests being liquidated in Alberta, industry is intensively fragmenting the remaining sites of treed peatlands critical to caribou populations," said Sam Gunsch, executive director of Canadian Parks and Wilderness Society, Edmonton Chapter. "The province has experimented with trying to integrate industrial activity into caribou habitat, without setting aside large habitat areas for at least a couple viable populations, for insurance in case these experiments fail.

"The new studies show these experiments have failed for woodland caribou. It will take more than a century for the altered habitat to recover, if at all."

Conservation Groups Launch FSC Forest Certification Process

By Sam Gunsch

Alberta conservation groups issued an invitation to forest companies and other stakeholders in the management of forestry practices to discuss the Forest Stewardship Council (FSC) and possibilities for an FSC initiative in Alberta.

Albertans for Wild Chinchaga, Canadian Parks and Wilderness Society (Edmonton Chapter) and World Wildlife Fund Canada invited the Alberta Forest Products Association, forest companies, First Nations groups, labour and church groups, and scientists to an FSC Forest Certification information meeting on January 31, 2000 in Edmonton. The meeting was well attended by both the major Alberta forest industries and the major Alberta conservation groups. Marcello Levy from FSC Canada provided information on the FSC process and the groups agreed to meet again in a couple of months to discuss the development of regional standards for FSC certification for Alberta if both industry and conservationists are willing to engage in the process.



Fort McMuray wetland drainage to 'enhance' forestry by L. Allan

FSC certification of forest products is an international program that is gaining support throughout the world. Launched in 1993, FSC certification programs are in place or underway in Canada, United States, United Kingdom, Sweden, Denmark, Belgium, and Bolivia, with another ten countries establishing FSC contacts. In Canada regional FSC certification processes are active in Ontario, British Columbia, and the Maritimes. While not without controversy, the FSC certification initiative is considered to require the highest standards of forest management with the goal of achieving sustainable forestry.

"Sustainable forestry is achieved when the forest resource and all its values—timber supply for industry, habitat for all wildlife, areas for recreation, securement of wilderness areas—are not only available today, but also long into the future. FSC forest certification provides incentive for good forest practices necessary for sustaina-

bility," says Helene Walsh, president of Albertans for Wild Chinchaga.

Since forests across the world and across large nations such as Canada are quite different, the FSC provides an internationally recognized framework of 10 Principles & Criteria for developing regional standards. FSC requires a transparent consultative process to develop regional standards that includes industry, aboriginal, conservation and social organizations.

"We're initiating FSC forest certification because in addition to economic values, it requires that all societal, cultural, spiritual, and ecological values of forests be sustained," said Sam Gunsch, executive director of the Edmonton Chapter, Canadian Parks and Wilderness Society. "This includes protecting some representative forests large enough to be ecological benchmarks for the forestry industry, which is something Albertans are not getting with the provincial government's Special Places 2000

program. Timber companies should be rewarded for improving their logging practices, but FSC certification is also going to require much larger parks in the forest."

Some customers of Canadian forest products such as Home Depot and Ikea are requiring an increasing percentage of their products come from FSC certified forests. The products are tracked under the FSC system from the forest to the store, and a label is applied for easy consumer recognition.

"If Alberta's forest industry wants to remain competitive and continue to sell its products to high quality markets internationally, forest certification is what they will need," says Peter Lee, regional director of Alberta, World Wildlife Fund Canada. "We do not want the Alberta environment to suffer because our province's forest industry falls behind in meeting high environmental standards. Forest certification will become an increasingly important issue for the future."



Cheviot Mine Public Hearings Re-open

Federal Court Dismisses Company's Appeal of Cheviot Ruling

Alberta Wilderness Association,
Canadian Parks and Wilderness Society,
Sierra Legal Defence Fund

The Federal Court of Appeal has dismissed Cardinal River Coals Ltd.'s (CRC) appeal of a 1999 Federal Court ruling which struck down the federal authorization for its proposed Cheviot mine in Alberta, adjacent to Jasper National Park. The appeal was dismissed because CRC did not submit its arguments or evidence within the time periods set by the Court. A new public hearing on the mine began on March 1. CRC is the joint-venture company of Consolidated Coal, the largest coal company in the U.S., and Alberta-based Luscar Ltd., chaired by former Alberta premier Peter Lougheed.

Conservation organizations say the dismissal of the appeal means the national precedents set by the 1999 ruling now stand. The initial lawsuit was launched in October 1997 by local, provincial, and national conservation organizations. It challenged the first Canadian development application to go through a joint federal-provincial hearing process. The hearing process was a requirement under the federal government's new "harmonization" program of downloading responsibilities to the provinces.

The 1999 ruling of Justice Douglas R. Campbell is of national significance from three different perspectives. The Court found that adherence to all of Alberta's regulatory steps was not enough, and that following the more stringent requirements of the 1995 Canadian Environmental Assessment Act (CEAA) was essential. It found that the federal government failed to comply with two key environmental assessment requirements of CEAA: assessment of

alternatives and of the cumulative effects of the development.

The Court also agreed with the conservation organizations' argument that issuing authorizations for the mine would be contrary to the Migratory Birds Convention Act. The open-pit mine would result in millions of tonnes of waste-rock being excavated and dumped into stream valleys at a rate of 30 million tonnes a year over 20 years. The valleys include habitat for harlequin ducks and thousands of migratory song birds. The colourful harlequin duck is listed by Alberta as a species potentially at risk of extirpation (extinct in a local area).

"The province and industry cannot block Albertans from access to the environmental protection provided by CEAA," said Dianne Pachal, AWA conservation manager. "CEAA does not duplicate provincial legislation; rather it covers the gaping holes with a check list of what constitutes a thorough and proper review."

Mining industry representatives are currently lobbying the federal government to significantly weaken CEAA. They want to use the federal-provincial harmonization agreement to require the federal government to defer to provincial environmental assessments without doing the more thorough federal review. They also want a "privative" clause to prevent citizens from challenging questionable reviews and potentially winning court decisions which require compliance with CEAA, as has happened with the successful Cheviot mine and Sunpine logging cases launched by Alberta organizations with representation from Sierra Legal Defence Fund lawyers.

"We are happy that this key precedent—upholding the legal require-

mine, increased risk of indirect mortality...facilitated by an extensive network of roads associated with expanded oil and gas, forestry, and disruption of bear movement patterns that may be vital to the ecosystem integrity of Jasper National Park."

"Parks Canada concludes the effects of the proposed Cheviot mine, coupled with ongoing mining, oil and gas activity, recreation, and forestry planned for the next 25 years are cumulatively significant. The risk to regional grizzly bear populations, including those frequenting Jasper National Park, are highly uncertain."

Parks Canada has focused on the grizzly because the animal's presence is a key indicator of the health of the environment.

Environment Canada also expresses concerns about Cardinal River's plans, noting that four of the bird species the company plans to monitor to measure the cumulative effects of the mine and other activities are not normally found in the study area. It challenges the company's contention that harlequin ducks will be only minimally affected by the mine.

Environment Canada notes that river and stream habitats like those found in the mine-site area constitute less than one per cent of western North American landscapes, yet harbour a disproportionately large number of wildlife species. Harlequin ducks are just one component of this rich ecosystem, and the panel should therefore give greater consideration to these habitats.

ments of the CEAA and the Migratory Birds Convention Act—remains intact. I hope the federal government sees it as a call to improve environmental decision-making, rather than as an excuse to change the law so as to insulate bad decisions from judicial scrutiny," said Sierra Legal Defence Fund staff lawyer Jerry DeMarco.

"When the industry finally sees it can't easily evade environmental laws, they start lobbying to downgrade them," said Sam Gunsch, Edmonton spokesperson for CPAWS. "Given industry's rhetoric about protecting the environment, it's appalling behaviour. The mining industry is attempting to use the mandatory five-year review of CEAA to 'harmonize' it down to the weaker provincial process and to exclude anyone from using legal means of ensuring that industry and review panels actually follow the law."

Last August, the same Review Panel for the first hearing began the process of a supplementary hearing to address the shortcomings the Court identified with the first hearing. A pre-hearing meeting was held at Hinton in September. The new public hearing will begin on March 1 in Hinton.

The organizations which launched the original legal action are the Alberta Wilderness Association, Canadian Parks and Wilderness Society, Canadian Nature Federation, Pembina Institute for Appropriate Development, and Jasper Environmental Association. They are represented by lawyers with the Sierra Legal Defence Fund, a Canadian non-profit law firm. With the exception of the Sierra Legal Defence Fund, all are participating in the March 2000 hearing and have provided the Panel with their written submissions.

The report was not all bad news for Cardinal River Coal. While Natural Resources Canada raises doubts about the company's proposal to transplant rare species that may be displaced by the mine, it agrees that an underground mine is not a viable alternative to the open-pit proposal. It also dismisses concerns that blasting at the mine will pollute local streams.

However, Natural Resources paints a grim future for the coal mining industry in Alberta and across Canada. It notes that coal prices are falling and that with the exception of the Cheviot project, new Canadian export mines won't be able to compete with low-cost suppliers such as Australia, Colombia, and Indonesia.

The situation does not look good on the domestic front either, the federal department states. "No new mines will be developed as the outlook for new Canadian supplies of both thermal and metallurgical coal is very poor," the department predicts.

Cheviot manager Bill Hume, more optimistic about the future of coal says "Consider the fact that we have here in Alberta just 10 years supply of natural gas and 900 years supply of coal. There's a tremendous long-term future in this province for this resource." Hume said Cardinal River will address the environmental concerns at the hearings.

Parks Canada also said it would not comment on the report until the hearings are reconvened.

This article first appeared in the *Edmonton Journal*.

EUB Asked to Conduct Cheviot-style Hearings on Caw Ridge Mine Expansion

AWA and CPAWS Press Release

At the start of a new coal mining inquiry held in Edmonton January 21, conservation groups told the Energy Utilities Board it must conduct extensive environmental assessments of additional mining planned for a rich wildlife area near Grande Cache. They say that before any more mining is permitted on Caw Ridge, it first must be assessed for cumulative effects with logging, oil and gas development, and recreational use in this wildlife rich area, as is being done for the Cheviot mine proposal.

The conservation groups argue the EUB has let the mining company evade proper assessments in the past three years by permitting expansions of open pit mining onto the alpine ridge by Smoky River Coal Ltd. without comprehensive assessments and public hearings. The EUB has turned down the groups' formal appeals for hearings last fall, as well as a local trapper's. SCRL is a major employer in Grande Cache and it has been in severe financial difficulties for several years.

The Alberta Wilderness Association and the Edmonton Chapter of Canadian Parks and Wilderness Society say Caw Ridge should be preserved because it is a "Serengeti" of Alberta's Rocky Mountains with diverse and large wildlife populations. The ridge is home to the province's largest herd of mountain goats, contains key migration corridors for a herd of 300 endangered caribou, and has grizzly bear, wolverines, and a host of other wildlife. One preliminary assessment reports that a total of 250 bird, 59 mammal, and 10 herptile species likely inhabit Caw Ridge and surrounding area. It is a provincial Watchable Wildlife area.

"SCRL's mine expansions should not have been allowed with any less study than [the Cheviot proposal at Cardinal Divide]," said Sam Gunsch, spokesperson for CPAWS. "Unfortunately, the EUB has looked the other way when we've pointed out what's at stake. More mining on Caw Ridge could be a catastrophe for the caribou, combined with gas well exploration and logging that's hitting their winter range. And like Cheviot there are alternative coal supplies."

While the groups are calling for Cheviot-style assessment and hearings, the EUB set up the January meeting as the first step in a public inquiry. No information was released on how rigorous a public inquiry would be compared to assessments like the Cheviot review. CPAWS and AWA stress that oil and gas developments in the area must also be evaluated for contraventions of provincial guidelines intended to protect caribou habitat.

According to Gunsch, "The EUB should put a moratorium on SCRL's plans for major expansions until the environmental impacts have had full review and hearings. Otherwise this inquiry is just a smokescreen. To begin with at least a year is necessary for wildlife assessments to get a baseline through all seasons. As of 1997 there weren't even any published bear studies for the area."

Parks Canada Wary of Cheviot Mine Jasper's ecosystem at risk if Cheviot project proceeds

By Ed Struzik

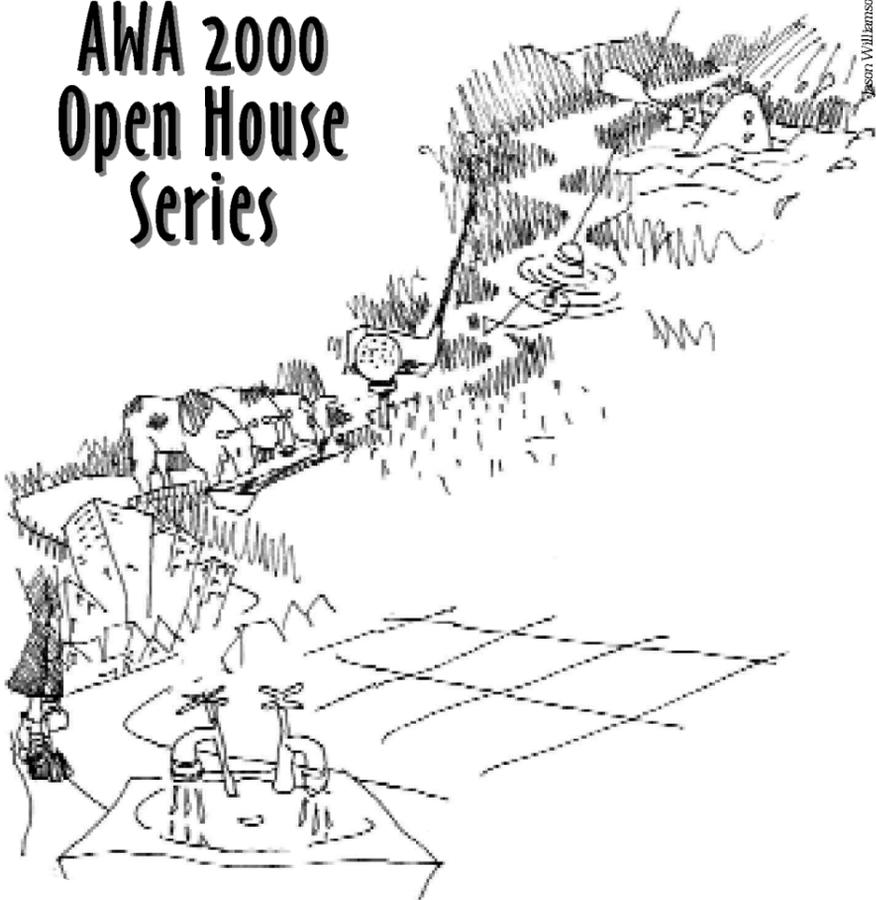
Parks Canada believes the future of grizzly bears and the integrity of Jasper National Park's eastern ecosystem is highly uncertain if the \$250 million Cheviot coal mine gets the green light. The federal agency's concerns about the Cardinal River Coal project are contained in Ottawa's submission to an environmental review panel which reconvened public hearings on the mine in Hinton last March.

The report also contains a grim assessment by Natural Resources Canada that falling coal prices and rising concern over the production of greenhouse gases will kill future selling opportunities in Alberta and possibly result in some mine closures.

Parks Canada says Cardinal River Coals has "underused available data" and failed to produce the necessary information required to assess the proposed mine's impact on grizzlies. "The key concerns are long-term habitat alterations from the proposed Cheviot



AWA 2000 Open House Series



A River Runs Through Us

An illustrated talk

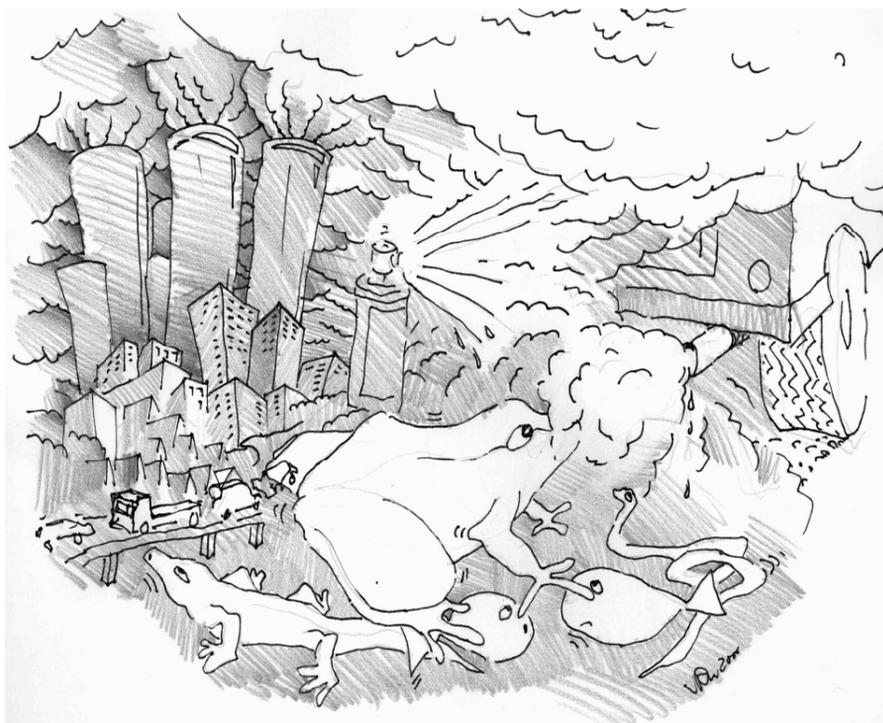
Whether you use them for canoeing, irrigation, fishing, livestock watering, golfing beside them, walking or jogging along their banks, or just plain staring down at them from a downtown high-rise, rivers are an integral part of people's lives. They evoke awe, respect, and a sense of wonder. Some people fight for rivers when they are threatened; too many others take them for granted.

Bruce Masterman, an award-winning outdoor writer and author of *Heading Out: A Celebration of the Great Outdoors in Calgary and Southern Alberta*, will present a slide show and talk that

explores the magic of rivers and what they mean to him, and others.

Bruce believes rivers need strong and united champions to protect them from the many challenges they face from various uses. Along this line, environmental and conservation groups need to join forces in defence of rivers. While rivers divide regions geographically, they can be a unifying force for the various organizations fighting to protect them—if those groups are prepared to enter the relationship with an open mind.

Tuesday, April 18, 7:30 pm
AWA Provincial Office
455 - 12 Street N.W., Calgary



Declining Amphibians, Disappearing Reptiles

Local examples of global phenomena

Over the past thirty years global declines of amphibian species have become an indicator of potentially significant environmental changes. Data accumulated from individual studies have yielded information that points to a number of possible causes. Amphibians in Alberta are often

found at the northern limits of their species' ranges and thus may be particularly sensitive to disruption. Join professor Tony Russell as he discusses local case histories and places them in a global context.

Tuesday, May 16, 7:30 pm
AWA Provincial Office

Letters Letters Letters

Editor's Note: Last month we asked you if you thought the AWA is too radical. Chris Empson replies:

Dear Editor,

The Chinchaga is a very unique treasure that deserves our careful preservation to avoid the pitfalls of losing biodiversity. However, the government does not seem interested in making any consideration for this protection no matter how many scientists, ecologists say it is needed. Simple letter writing, meetings with the premier and scant newspaper articles at the back of the classifieds seem inadequate to convince this government of the importance of preserving large areas. Although I do not believe in violence, I think it is time to take more action in a physical sense. For example, maybe the AWA and the other conservation groups in Alberta (like the CPAWS, Federation of Alberta Naturalists, etc.) should unify into a single, powerful coalition which would consolidate the membership into a single group with a common goal plus pool resources together. After all a larger group is more potent than smaller groups. Emergency situations like the Spray Lakes development may warrant more on-site protests. It would at the very least make more people aware and bring the issue to the front lines.

Perhaps the conservation groups should purchase a full page of the newspaper and educate people on the importance of areas like the Chinchaga and the need for protection plus the dangers of over-allocating forests and the impacts of another pulp mill in Alberta.

Overall, yes I think the AWA should become more radical by staging more public rallies, protests, and greater exposure through the media. A vast majority of the people I know and talk to have never even heard of places like the Bighorn, the Castle, or the Chinchaga. We need to make our environmental crisis known to the people of Alberta and beyond.

Chris Empson, AWA member

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FOREST PRODUCT Continued from page 4

have been established by large industry players to show suppliers and consumers they are serious about using products certified under the FSC scheme. Major forest companies in Canada and the U.S. are currently seeking FSC certification including the former MacMillan Bloedel. When Home Depot talks about purchasing certified forest products it is talking about FSC certification. Very recently even the pro-industry Forest Alliance of B.C. has applied for membership in the FSC. The FSC is the certification body to be reckoned with today, and it is having a very positive result in raising forest industry awareness, public awareness, and changing forestry practices. ☸

Some of the information for this article was taken from *Investing in Tomorrow's Forests* by Crossly and Points, sections 4 and 5.
www.panda.org/forests4life/news/report.pdf

FAX OR WRITE THAT LETTER!

YOU CAN MAKE
A DIFFERENCE

Addresses are correct as of January, 2000

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... and remember to **put postage** on your mail to the Provincial Legislature. Only the Federal Government accepts postage-free mail! Send us copies of your correspondence and we may reproduce it in the *Advocate*. Thanks!





THE LANDSCAPES OF SOUTHERN ALBERTA

Alberta Author and Scholar will be Missed

Mr. Chester Broomell Beaty passed away on January 11, 2000. "Chip" was born in Chicago, Illinois on May 10, 1925. He grew up in Fairhope, Alabama and served as a naval officer in the South Pacific during World War II. He married Jeanne, his lifelong love, in New York City on December 28, 1947. Chip's career as a geographer took them many places: California, Idaho, Colorado, Montana, Canada, and memorably, the Atacama Desert in Chile. He received his B.A. in 1948 and his M.A. in 1950 from the Louisiana State University where he met Jeanne. In 1960, he received his Ph.D. from the University of California, Berkeley.

In 1969, his family moved to Alberta where Chip joined the fledgling University of Lethbridge as a faculty member in the Department of Geography. For twenty years the U of L was the headquarters for his productive scholarship, including many internationally recognized journal articles and his bestseller *Landscapes of Southern Alberta*. Chip retired as a Professor Emeritus and a Fellow of the Geological Society of America.

During those years, Lethbridge was the base from which Chip and Jeanne travelled throughout the world, "life on the road together" being their greatest happiness. Upon his retirement in 1990, Chip and Jeanne moved to the Crowsnest Pass (another much cherished base along with the cabin in Montana) from which they continued to travel and where visitors were always warmly welcomed.

In the Pass Chip's interest in geography and geology were expressed by his volunteer work at the Frank Slide Interpretive Centre. He was a featured and frequent speaker and a regular behind-the-scenes visitor, a man who made countless contributions of time, energy, and knowledge. To the Centre's staff he was a welcome friend and supporter who contributed to both professional and public understanding of the famous 1903 rockslide.

Chip's passing leaves an enormous void, but we, his family, are filled with love for him and are tremendously grateful for the 74 years he gave us. Chip's ashes will be scattered at the Little Big Horn National Battlefield in Montana.



Calgary Community Lottery Board Presentation

On February 24, Greg Matwichuk, representing the Calgary Community Lottery Board, presented Cliff Wallis, AWA president with a cheque for \$25,000. These funds will make a significant difference to our offices, providing enhanced technology and increased efficiency for our staff and volunteers. We would like to express our sincere appreciation to the Calgary Community Lottery Board for their support and recognition.

Canada Life Climb for Wilderness

GO WILD 2000!



Help AWA and CPAWS



CANADIAN PARKS AND WILDERNESS SOCIETY

Keep The Wild In Wilderness.

Collect pledge money, climb the 802 steps of the Calgary Tower, and be eligible to WIN GREAT PRIZES!

Saturday, April 29

9 am - 2 pm

Entry forms available at:

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- Mountain Equipment Co-op • Good Earth Cafes • Sunnyside Market
- Café Gourmet (Crowfoot Centre) • Bankers Hall Club • The Body Shop
- Westlands Bookstore (Cochrane) • Cinnamon Spoon (Bragg Creek)
- and off our website

Pre-register April 1- April 26 at:

CPAWS Office: 306, 319 - 10 Ave SW • 232-6686
AWA Office: 455 - 12 St NW • 283-2025

Check out our website
albertawilderness.ab.ca

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Rise to the Challenge

2000 in 2000

AWA Membership Campaign

We've set a goal of 2000 members in the year 2000. Our membership base gives us added clout for protecting Alberta's wilderness. Encourage your friends, neighbours, or co-workers to add their voice to the AWA. The AWA remains Alberta's frontline advocacy organization advancing the establishment of protected areas, all done through the coordination of grassroots work with that done at the provincial and national levels. It has tenaciously striven for better public policy for the conservation, management, and ecologically sustainable use of all public lands, waters, and wildlife in Alberta. Virtually all of Alberta's waters, all of its wildlife, and 73 per cent of the land are public. Join your voice to ours as we work toward legislated protection. Sign up today!

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