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The Quiet Urbanization of the Backcountry: Part 2

By Shirley Bray and Vivian Pharis

The Panther to most people is sacred; it's kind of the last frontier before the Ya Ha Tinda wildlands.

– Ross Legge, Mountain Aire Lodge

Long-time users of the backcountry of the west-central Alberta Bighorn Wildland are undeniably protective of its wild character. Alan Brown has fond memories of the many years he outfitted in the Panther River area from the late 1950s to 1995. He remembers the abundant elk that roamed this montane region of rough fescue meadows, open aspen and conifer forests, and craggy foothills.

Warm chinook winds push through the broad mountain passes from Banff National Park and clear snow from lower slopes and valley floors, making this critical habitat for overwintering wildlife. Panther Corners, as it is known, is bounded by the Panther River on the south, the Red Deer on the north, and Banff Park on the west, and is nicknamed “the diamond.”

Brown hosted hunters from around the world, and often family members who accompanied them. Camps consisted of large canvas tents with carpeted or plywood floors. A well-run camp was rustic but comfortable. In the 1980s to 1990s there were at least 15 to 20 hunting camps. There was a different class of people up there at that time, he recalls. “They were more sociable. The ones now are more or less on their own. They work a business of their own and they don't give a damn if they see anybody else around there.”

Other things have changed, too. Elk numbers have dropped and the government has drastically cut back elk-hunting permits. Currently there are only 17 resident and two non-resident permits. The number of hunting camps has diminished to three or four.

Brown used pack horses when they first started outfitting. When seismic roads were opened up in the 1950s and 1960s, he and others used vehicles to travel part way into the area. When Kananaskis Country was established and largely closed to motorized vehicles in 1979, many people migrated north to the Ghost-Waiparous and Bighorn areas. The resulting surge of vehicle use in the central foothills backcountry created conflicts with outfitters and non-motorized users and put pressure on wildlife.

“Not only was it wrecking the country, it was hard on the wildlife,” recalls Gary Bracken, a Sundre resident who has spent many years in the West Country, including 28 years outfitting in the Upper Clearwater area. “These guys would get in there in a truck, they were ripping and snorting up and down the river valley, and shooting pretty well whatever moved. We found six ewes and lambs one time after one weekend in the Clearwater, all shot and left. I can tell you stories all day.”

At the time, outfitters told AWA Board of Directors member Vivian Pharis that their longstanding and stable tourism business was being ruined by OHVs. As well, Panther Corners is part of the Prime Protection Zone (PPZ), the zone with the highest level of protection as designated in the Eastern Slopes Policy, and is supposed to be non-motorized. Long-time users wanted to have the country closed to OHVs before it was destroyed.

In 1985 the Panther Corners Forest Land Use Zone (FLUZ) was one of four FLUZes created in the Bighorn Wildland to protect sensitive and scenic areas and wildlife. Except for one trail in the Upper Clearwater, they were all off-limits to motorized activity. The creation of the FLUZes was recommended by local residents, AWA, Forestry, and Fish and Wildlife officials during the preparation of the Nordegg-





Red Deer River integrated resource plan (IRP) in the early 1980s. They were put in place on a trial basis for one year, and it was only persistent public support that made them a permanent reality. Not only have OHVs been kept out of the Panther since, but the public has helped keep out oil and gas and forestry activities as well.

The outfitters went back to exclusive use of pack horses and wagons. But other changes were in the offing. When Mansell Davis ran the Sundre forestry office in the mid-1980s, he demanded that outfitters no longer leave any equipment in the backcountry year-round. They were required to pack their equipment in and out for the May to September season. The forestry officers promoted backcountry cleanups, two of which were arranged by Pharis in 1983 and 1984.

Large piles of garbage were removed. Forestry officers also burned anything left by outfitters, including floorboards, tables, cupboards, and tent poles. They prepared a backcountry camping standard to prevent camps from becoming "fixed" facilities.

But government management changes and long-time users are now seeing disturbing changes that are opening up this backcountry to the influences of urbanization. Now part of Sustainable Resource Development (SRD), the Public Lands and Forests Division, and its Forest Operations Branch (Forestry), are responsible for land and forest issues in the area.

AWA noted in 1985 that with the FLUZ in place restricting motorized use, the area had a major influx of equestrian use, both private and commercial operators. Two outfitters got long-term leases to build lodges to head their operations on the eastern boundary of the FLUZ, which we discussed in Part 1. In 1989 AWA reported problems in the FLUZ, including horse-drawn wagons that did not allow old exploration roads to regenerate and resulted in erosion problems, semi-permanent outfitter camps, and horse and outfitter overuse.

One development in the front country has been viewed by some as the catalyst for permanent backcountry resorts in the area. In 1992 Leon Graham took over as chief forest ranger at the Sundre forestry office. Ed Walker of Alberta Frontier Guiding and Outfitting wanted to build a home with a permanent foundation at his base camp on the eastern edge of the Ya Ha Tinda. When Graham objected, Walker simply went to Edmonton and got approval from then Assistant Deputy Minister of Alberta Environment, Cliff Henderson. Walker later sold his 12-acre lease to the YWCA.

However, Walker did alert AWA to a backcountry development in the Upper Clearwater on the Red Deer River between the Ya Ha Tinda and Banff Park known as The Outpost at Warden's Rock, a summer resort with lodge, cabins, and hotel. Walker was also part of a committee of outfitters that developed standards for commercial backcountry use in 1990.

Now forestry officials are allowing current outfitters to keep items such as wooden floors for tents in the backcountry at preferred locations – whether by official or tacit approval is uncertain. Other users are worried that if such things are allowed to remain permanently, soft-walled tents will soon be replaced with hard walls, and full-scale cabins will be constructed.

Opponents to these changes don't understand what is motivating Forestry to approve them or commercial users to ask for or accept them. "You'd think an outfitter, of all people, would want to keep that stuff out of the backcountry," says Graham.

Older outfitters like Brown and Bracken, now both retired, don't see any need for more luxurious accommodations in such wild settings. Bracken says modestly that his clients told him that he ran one of the best and most comfortable hunting camps, even though he provided only canvas tents with stoves.





"If they want to stay in these hard-walled structures and they want all of these fancy things like flush toilets and the rest of it, well then I guess it's called Jasper or Banff," he says. "Let's not wreck the rest of the country."

Brown agrees – people who want urban amenities should stay in the city, he says. Since his retirement, Brown has visited the Panther with his family and grandchildren and stayed at a backcountry camp run by Sunset's owner, Duane Papke. "It meant the world to them to go up there for a weekend like that," he says. The camp had common tents and dirt floors. There's nothing wrong with that, he says. "It's more of a natural way to spend a weekend."

Panther River Adventures Ups the Ante

In part 1 of this series, we covered the trail maintenance exploits of PRA owner Terry Safron. Although given permission by SRD to do trail work in the Panther FLUZ, he also conducted some activities without permission, including blading up a meadow across the road from his lease. Norman Hawkes, a forestry officer in the Blairmore office, says Safron was sent a warning letter over that infraction, but no charges will be laid.

While Safron was phoning AWA to complain about our report of his activities, he was busy preparing an Alberta Tourism Recreational Lease (ATRL) application to expand his operation by about eight acres. In addition to the development he already has, which includes at least seven buildings, he wants to add 25 campsites, 12 self-contained cabins with lofts, a store, a shower house, another septic field, and permanent concrete foundations. He wants to sell liquor and fuel, and have a 25-year lease.

The Panther Road follows the south side of the Panther River from the forestry trunk road. PRA lies about eight km up the road in a narrow piece of land between the road and the river, on what is clearly the floodplain. The buffer from the river is a mere 20 meters. The proposed extension lies to the west of the current lease and is on an even narrower strip of land. Safron plans to rebuild a reclaimed road that runs through the middle of this area and put cabins and campsites between it and Panther Road.

In August 2005, Safron poured a large concrete pad, complete with plumbing, without a permit from Hawkes, who knew nothing about it until told by a local resident. Apparently all the new cabins have been pre-built in Eckville. Safron is running a trucking company that services oil companies up the rather busy Panther Road, and he expects his new operation to have up to 50 vehicles a day, yet he has complained about the volume and speed of traffic. Although he has only owned the lease since spring 2002, his application says they "have had managers live at this sight [*sic*] for 10 years." Apparently he doesn't know how that statement got in. Several times in his application, he actually says that the topography naturally slopes away from the river.

Ross Legge, owner of Mountain Aire Lodge, was surprised by the proposal, which will dwarf his operation, and he doesn't believe the market will support all these developments. His required setbacks from the Red Deer River are 60 m for the lodge and 200 m for the fuel tank. He already competes with Sunset, just east of PRA. Don Livingston, out of the Clearwater office, increased Sunset's lease to 20 acres and a 25-year term, the same as Legge's.

Legge blames government incompetence: "The only reason I bought this place five years ago was I was reassured by [SRD] that this would be one of the only facilities ever granted a commercial lease." He thought Sunset and PRA would always be small trailriding outfits, as they were intended. Now he's worried about losing his substantial investment.

The IRP for the Panther area says accommodation will be limited to campground and base camp facilities, which does not include permanent structures with concrete foundations. AWA's view is that





developments like Safron's belong on private land or in nearby towns, and that long-term leases of public lands for tourism developments should be phased out.

"Not only do these developments diminish the wildland character of the landscape, privatization of these public lands removes them from free public access," says AWA's letter of objection. "Preventing such developments and limiting their expansion is especially important along the banks of rivers."

It is well-known, for example, that septic fields can leak into nearby rivers, and the soil at PRA is quite porous. The 1999 *Caring for Shoreline Properties* by the Alberta Conservation Association and the Alberta government recommends using pump-out holding tanks instead of septic fields. Graham, who does environmental inspections for Sunview Environmental Services, says if the necessary setbacks are put in, there's no room for any developments. Nothing, he says, should be built between Panther Road and the river: everything is at risk from flooding. Furthermore, buffers should be measured from the high water mark.

During Graham's tenure in the Sundre Forestry office, they built a basic campground, with help from concerned users, just down the road from PRA, to keep people from camping too close to the river. He says they spent time reclaiming the area west of Safron's lease to protect the bighorn sheep that frequent the cliffs across the river and are known to cross over through that area.

Of special concern is Safron's request to separate his Commercial Trail Riding (CTR) permit from his Miscellaneous Lease (MLL). This has never been done before. Many believe he will sell one or the other. If he keeps the CTR, he will still have a base camp in the FLUZ, also right on the river, and some wonder if the same proliferation of structures will happen there, given the *laissez-faire* attitude of Forestry.

Old Ways Clash with New Management

On January 24, Rick Blackwood, manager of the Calgary Forestry office, and Hawkes held an invited stakeholder meeting in Sundre, the second closed-door meeting about this area, to address possible future mechanized trail work in the Panther FLUZ. A large number of concerned users of the area who were not invited found out about the meeting and showed up only to be told by Blackwood that they were not allowed in, not even to listen. They were told they weren't stakeholders, even though many of them were long-time users of the area. The group offered to meet with Blackwood afterwards to discuss their concerns about trail maintenance and Safron's MLL, but Blackwood refused.

Later, under pressure from the disenfranchised group, Blackwood agreed to meet them on the condition that the meeting was limited to 12 people (later raised to 20) and that the agenda be solely about trails. If anyone brought up the MLL issue, he would walk out. That attitude of perceived cowardice and arrogance did not sit well with anyone. Some phoned MLA Ty Lund, who supported his constituents' concerns and agreed to look into the matter. What they want is a public meeting that addresses all the issues and all their concerns.

"In my opinion it should be a public meeting because that country belongs to all of us," says Bracken. "It's not just a chosen few." The meeting is scheduled for February 17. Under ATRL rules, the land manager can recommend further public involvement if there is a significant natural resource management issue at stake, such as the size or location of the project or water issues.

The recent approval for mechanized trail maintenance in the Panther FLUZ is seen by some as another urban assault on the backcountry. Some people who have used the newly bladed trails have found them to be easier to navigate with wagons and are now interested in "fixing" other parts of the trail system. The use of wagons seems to be a main driving force.





But opponents want the rules of the FLUZ enforced, and that means no motorized vehicles at all, except for emergency situations. Their criticism is not with the idea of maintaining trails, but with the method. Long-time users see nothing wrong with the old way – using picks and shovels to fill ruts, and axes and saws to cut through fallen trees. Otherwise they think nature should be left to take its course. They don't believe in bringing machinery into a non-motorized FLUZ just for a few outfitters. "If you can't get over it the way it is, then I guess you have to find an alternate route or an alternate method," says Bracken. "If you can't get your wagon in there, then you better know how to tie a diamond." And maybe that's the problem, he says – some of them don't.

Brown says he used wagons for years and never had a problem. But now more and more inexperienced people are buying a team of horses and a wagon and don't realize that being a teamster in the backcountry is an art that takes a lot of practice. They don't know the country well either. They tend to overload their wagons and use horses that are too small. Safron himself fell into this trap before he bought into his lease. He found his overloaded wagon overturned in a rapidly rising Panther River and the belongings of two families strewn down the river. Experienced outfitters in the area knew better than to put a team of horses into the water under those conditions.

One of the main issues is the steep hill that riders must negotiate just after they cross the Panther River into the FLUZ. There are two trails up the hill, and the steeper one is nicknamed Suicide Hill. Both this trail and the less steep Grocery Hill trail are eroding and becoming less negotiable for wagons. The only other trail follows the river and involves five crossings; a new trail to avoid this route is being considered. Bracken is concerned that if mechanized trail maintenance is allowed now, where will it end? After riders get to the top of the hill, he says, they encounter wet meadows. Will they now want to corduroy them?

Forestry officials are pushing the safety factor. Livingston is worried about liability – that people will sue if trails are not maintained. But opponents don't have any patience for that argument. "Anyone who signs up for extreme sports, and I think these things can be put in that category, should be made to understand, under your own risk," says Nancy Graham, who was allowed to attend the January meeting because she and her husband are now part owners of Barrier Mountain Outfitters, east of Sunset.

AWA thinks the FLUZ should be extended to include a ban on horse-drawn wagons, as they are almost as damaging as motorized vehicles. They are causing erosion and keeping trails from rehabilitating as well as contributing to backcountry urban development.

Now there is talk of putting a portable bridge over the Panther River where horses and wagons cross from Panther Road into the FLUZ. Besides safety, there was mention of not wanting horses to defecate in the river and pollute it. That reason just makes people shake their heads. What about wild ungulates crossing the river? What about the cows that graze just downstream along the unfenced banks? What about urban developments on the river banks?

Some say that a bridge and manicured trails will just turn the Panther into another park, like Kananaskis. It's an interesting comparison because it shows how much wilder they consider this area. Opponents say a bridge will open the area to OHV traffic, but the government thinks the current level of respect is adequate and they just need to make sure that doesn't change. Since they don't have the staff to do much enforcement of OHV rules in the rest of the Bighorn, it's unlikely they will do so here. One hunter has been known to drive into the FLUZ to set up his camp and then blatantly pay the fine to Forestry.

Any big changes will be referred to the Bighorn Backcountry Monitoring Group, a group AWA was not allowed to participate in because of our opposition to OHVs in the Prime Protection Zone of the Bighorn Wildland. It would be ironic for this group to make decisions about a non-motorized FLUZ. There is concern that if mechanized trail work is allowed, snowmobilers won't be far behind in demanding access





and arguing they have less impact. Considering how the Bighorn access management planning process was conducted, that fear is not unrealistic.

This time around, Forestry is determined to do things more formally than just sign a permit without knowing the details. Officials have agreed to do a site visit before committing to any further trail work, but Hawkes refuses to ride a horse into the FLUZ. Hawkes has admitted to everyone that he was in error approving the last permit, but also said he was “giving approval under the directive and policy that we have with SRD.” He refused to speak on behalf of SRD and said that permits issued would give an indication of SRD’s position on backcountry developments.

“I often wonder,” wrote a citizen in 1986 in support of keeping the FLUZ, “why those lobbies who are ready to abuse the natural environment for their personal gain always seem to have more influence on government policy than those who care about preserving some of it intact for [future] generations.”

SRD says they have the authority to do whatever they think necessary, but because of past actions, people don’t trust Forestry to do the right thing anymore. They don’t understand what is motivating Forestry to overturn the old ways, except for the influence of one inexperienced newcomer to the valley. They want the administration of the Panther moved back to the Clearwater office. The Forestry people there, they insist, would never allow these things. Incompetence and jurisdictional wrangling have created an opening, some believe, for people like Safron to take advantage of the confusion.

There’s people who have been in there for 40 years and more who feel it’s a violation of their sacred lands, and they fought hard to keep it non-motorized, says Legge. “And here SRD is just kind of snubbing the traditional way of working and going in there anyway and issuing permits for work to be done.” Hawkes and Blackwood are going to have to work hard to overcome this growing distrust.

“I don’t blame anybody for wanting to go back there,” says Bracken, “and I don’t begrudge anybody going back there, but let’s not abuse it. Because then you lose it, and there’s nothing for anybody.”

Those who want to see the Panther retain its wildness know they have to keep pressuring the government to be open and accountable for their decisions and to follow the rules of the FLUZ that they fought for years ago. “I think it’s all beautiful country,” says Bracken, “and some of us at least have to try to keep it that way.”

The story of backcountry urbanization in the Eastern Slopes has grown since we wrote part 1 in December 2005. Two ATRL applications have since been made, one of which is discussed in this issue. We will continue this series in our next issue with other developments and the history of urbanization in the Eastern Slopes and what it means for our wilderness.

