



A WILD LANDS ADVOCATE

THE ALBERTA WILDERNESS ASSOCIATION JOURNAL



Bighorn sheep at Ram River Falls (K. Knopff)

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THE SHAKY ROLE OF PUBLIC INVOLVEMENT IN ALBERTA / 8

RUMSEY TOUR WITH EUB REVEALS RESTORATION WOES / 12

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Editorial Board:
Shirley Bray, Ph.D.
Andy Marshall
Joyce Hildebrand

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Please direct questions and comments to:
Shirley Bray
Phone: (403) 270-2736
Fax: (403) 270-2743
awa.wrc@shaw.ca



ALBERTA WILDERNESS ASSOCIATION

Box 6398, Station D,
Calgary, Alberta T2P 2E1
Ph: (403) 283-2025
Toll-free 1-866-313-0713
www.albertawilderness.ca
e-mail: awa@shaw.ca

EXPLORING WILD ALBERTA 2006

T. Maccagno



This pair of American avocets are in perfect step in the waters of Missawawi Lake in northeastern Alberta.

N. Douglas



D. McIntyre



The mountain lady's slipper (Cypripedium montanum), pictured here at Tecumseh Mountain, ranges from Alaska south (along the east side of the Cascades) to California, and east to southwestern Alberta, Montana and Wyoming. It grows in dry to fairly moist ground both in the open and in shrub or forest-covered slopes.

A whitebark pine stump (Pinus albicaulis) at Jutland Mountain. This species, also known as scrub pine, is known for its gnarled branches and roots, which provide shelter for animals, including hikers.



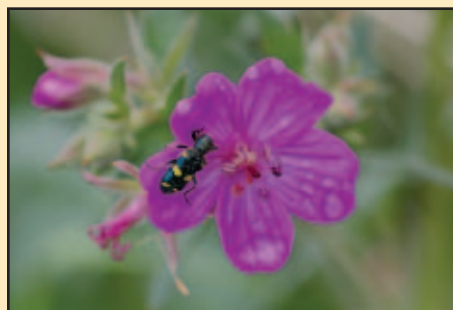
N. Douglas

N. Douglas



Great grey owl near Millarville.

C. Olson



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DISCOVERING NEW DIRECTIONS AND COMMON GROUND IN THE CASTLE: PART 2

By Nigel Douglas, AWA Conservation Specialist

This is the second in a two-part series looking at the Castle Wildland, its past history and future possibilities.

Jutland Mountain stands at just over 8,000 feet at the southern end of the Castle region of southern Alberta, a stone's throw from the northern border of Waterton National Park. Standing at the top of the mountain, a huge panoramic vista opens out, offering views south to the coloured peaks of Waterton and on into Montana, west into British Columbia, and north to the ubiquitous Castle Mountain. Here it is easy to appreciate just what it is that makes the Castle special, what it is that has driven so many people to give so much of themselves for so many years to see the area protected.

There is no shortage of information on what makes this region so special: the collision of diverse ecological zones, which give it such a broad range of plant and animal species; the spectacular mountain and forest scenery and the ample recreational opportunities that these

provide; the creeks and rivers, which supply drinking water to communities across southern Alberta and beyond.

But there is no substitute for being there. Whether it is the immense satisfaction of standing seemingly on top of the world after a two-hour grunt up the huckleberry-clad slopes of Jutland Mountain, or the instant heart-stopping awakening as a moose crashes through camp in the middle of the night, there is no substitute for experiencing wilderness first hand.

This wilderness means different things to different people. A hiker seeking the solitude and quiet of a trip into the backcountry; a quad rider in an alpine meadow with a case of beer; an oil patch worker buying a retirement property in a ski resort. They all have their own appreciation of the value of wilderness, but there is always going to be a clash of values: one person's enjoyment is another person's nightmare.

"Multiple use" has been the mantra of the Alberta government for many years, but there is a growing realization that its manifestation as "all

things to all people at all times" is no longer appropriate in a province with a bulging population and a booming economy: people with time to spend and money to burn. Any landscape has a carrying capacity beyond which it will begin to suffer unsustainable damage. Many think that the Castle reached that point many years ago.

Planning Progress and Procrastination

So what exactly is the framework used by the province to manage the Castle region? The governing document for the Castle area is over twenty years old: the 1984 Castle River Subregional Integrated Resource Management Plan (IRP). As the hopes raised by the Alberta government's Special Places program waned in the 1990s, the local Special Places committee made several recommendations in 1997 for management changes. Some of these were accepted, including the designation of a small protected area: the West Castle Wetlands Ecological Reserve. Other recommendations, including the strengthening of Prime Protection and Critical Wildlife zones to include the goal of "preservation," were not.

The committee also noted that "it is imperative that the Castle River Subregional Integrated Resource Management Plan be updated." Although a revised version of the 1984 IRP was released in 1999 for public review, and a draft "revised-revised" version produced in 2001, nine years after the Special Places team called for an update, it has still never seen the light of day.

One likely reason for the apparent lack of enthusiasm to adopt the revised 2001 IRP is that this draft made it clear that current levels of protection in the Castle were inadequate: "The Castle Special Management Area and/or Zone 1 and 2 lands ... should be legislated to provide the Castle ecosystem with a



C. Olson

Nigel Douglas sits at the base of Butcher Falls.



N. Douglas

A lone hiker ascends Jutland Mountain for a view south of the rest of the Castle Wildland.

higher level of protection than currently exists.” The draft plan also noted a need for a “change in emphasis in resource management in the Castle River area,” stating, “A greater emphasis will now be placed on retaining biodiversity, maintaining ecological integrity, and preserving critical wildlife habitat.”

Five years later, we are still waiting and AWA is looking forward to the day when these recommendations will be adopted. Revisions are “in the final stages of review,” according to Rick Blackwood, area manager with Alberta Sustainable Resource Development. “I would imagine that it will come in the not-too-distant future. Right now the previous version is still the guiding document.”

In the absence of an up-to-date broad plan for the Castle region, forestry is managed under a (draft) forestry plan, access is managed under a (soon-to-be-revised) Access

Management Plan, grizzly bears will be managed under a Grizzly Bear Management Plan. But the lack of coordination is plain and will likely be to the detriment of all. Nobody knows which plan takes priority because there is no over-riding plan to make this clear.

“There is a need to update the landscape decision-making tools,” agrees Kevin May, Shell Canada manager for the Waterton Region. “The IRP was developed in the 1970s and nothing but tweaked since. Pressure on the landscape and recreational use have evolved significantly.” May agrees that there is a lot to do. “On the broader scale, the whole land use framework needs to be revisited. Lots of views need to be brought to bear.”

The importance of the Castle as a water catchment area – intercepting, storing, and filtering water – will only become more crucial as the climate in

southern Alberta becomes drier in the future. Any future management plans for the area will need to recognize this. Alberta Community Development, in its 2006 draft management plan for the Sheep Valley Protected Areas emphasizes that “protection of foothill and mountain watersheds has long been recognized as critical for maintaining water for the prairies as well as plants, animals and people that lived or worked in or near the Forest Reserve.”

Blackwood concedes, “I think [emphasis on water in the Castle] could be strengthened. It’s one thing that we will be looking at in the future.”

Access Management Lacks Enforcement

Access in the Castle is managed by the Castle Access Management Plan (AMP). In fact, this is not quite true: there is a Castle River Access Management Plan for Motorized Recreational Access, approved in 1996, and in the pipeline for revision. But there is no access management plan for non-motorized users. Of the 26 major drainages in the Castle region, just two are closed to motorized vehicles.

The AMP was developed over several years in a long and acrimonious process that saw AWA, CPAWS, and Speak Up for Wildlife withdraw from the steering team over a fundamentally

The Castle is part of the traditional lands of the Piikani First Nation, known as I’tai sah kop or “the place where we get the paint.”

“We go to the Castle River to get ceremonial paint. We do a lot of ceremonies in the Castle River. We know where to get paint, roots for medicine, pick Saskatoon berries. Some of the roots don’t grow on the reserve; we have to go to the mountains to get them. Before going we always have a little ceremony; we sit and say a prayer. When we go up we don’t make any noise. We smoke a pipe and say a ceremony. We ask the Creator for help. Everything that comes from the ground was given for us to use.”

— Margaret Plaineagle, Piikani Elder.

flawed process and a failure to use credible science in access decisions. Public “hearings” held in Crowsnest Pass, Pincher Creek, and Lethbridge were described at the time as “densely packed with off-highway vehicle users, most of them male and most of them angry” (WLA, Summer 1990).

One thing that motorized and non-motorized advocates often agree on is that motorized access should not be allowed everywhere. There are places that should be off-limits to motorized access, whether this is to protect water catchment areas, rare wildlife, or sensitive landscapes. Obviously there is considerably less agreement on where the lines on the map should be drawn.

“The Castle is a beautiful, pristine area,” says Andrew Rusnyk of the Crowsnest Forest Stewardship Society (CFSS), a not-for-profit group with the mandate of promoting “the continuation and sustainability of multiple use opportunities while maintaining environmental protection objectives within the Crowsnest Forest.” Rusnyk stresses that “no one actively involved in stakeholder groups wants to see the area abused or deteriorate from where it is now.”

Rusnyk supports the current AMP, with one condition. “It is a very good plan,” he says, “but one area where it is falling short is enforcement.” This point of view is echoed by many people across the spectrum of stakeholders in the

N. Douglas



The distinctive Castle Mountain from Jutland Mountain.

region. “[The AMP] is not policed or supervised properly,” says Brian Cusack, of Castle Mountain Resorts. “There are two conservation officers, as I understand, south of Highway 3.”

May concurs with this opinion: “The Access Management Plan has no enforcement mechanism, so it’s not as effective as I’d like it to be.”

Blackwood, who has talked to a number of groups recently about the AMP, stresses, “What we heard back very, very strongly from almost every group was that they felt that the plan in and of itself was working, but they didn’t think that from an education and enforcement perspective enough work

had been done to make that plan as effective as it should be.”

Blackwood sees education and enforcement as the two keys: the carrot and the stick. “There seems to be an educational or awareness void which still needs to be filled,” he points out. “We need people to begin to recognize that everybody’s actions have some sort of interaction with something else. It may have more far-reaching impact than you are aware of.” But this education can only go so far: “There are those who choose not to be educated. If education doesn’t work then there obviously needs to be some sort of ramification.”

New Directions for Protection

So what does the future hold for the Castle? Will it ever achieve the level of protection that its natural values seem to warrant? Traditional opposition to protection has softened in recent years. Although Shell Canada development plans continue unabated in the Carbondale area of the northern Castle, operations in the western Front Range canyons appear to be scaling back, and decommissioning is being discussed. The draft C5 Forest Management Plan, though it has considerable flaws, leaves room for some cautious optimism by leaving out parts of the Castle from its 20-year cutting plans.

Even Castle Mountain Resort, which has battled conservationists many times during its development,



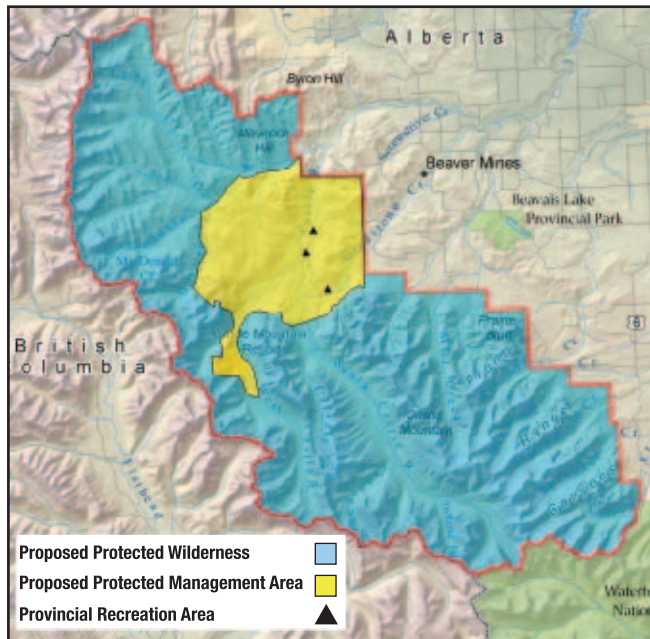
K. Pharis

A portion of the 94-ha West Castle River Wetlands Ecological Reserve, established in 1998.

does not oppose protection per se. “When CMR bought the area in 1996, we didn’t want to rock the boat, not align with user groups, not support a park or support motorized vehicle access,” says CMR’s Brian Cusack. “Over time we realized that individuals will take you to task if you can’t come online with their point of view.”

At the same time, there is appreciation that a well-managed protected area would have a lot of positive benefits for the resort. “There is a trend in our shareholders and lot-owner groups to recognize the abundance of random camping and quad users that are abusing the natural beauty of where we live,” says Cusack. “There is a reflection period happening right now, where they’re saying ‘maybe a park isn’t a bad idea.’ Let’s investigate what the parameters surrounding a park are.”

At the same time, “protection” to many is still a dirty word. Brian Dingreville with the Lethbridge Fish and Game Association is certainly opposed to anybody wanting to “shut down” the Castle area. “There has to be guidelines set up where it can’t be ripped apart, but it’s not right to shut it



The blue area of this map represents the proposed Andy Russell Wildland.

down.” Dingreville has hunted in the area for 35 years and still hunts there for two to three weeks a year. “I can go in for a week and I’ll be lucky if I see a person.” While he accesses the area strictly by horse, he still sees the need for access, particularly fire access.

This opposition to “shutting down” the area suggests that conservation groups have been less than successful in getting the message across about exactly what it is that they are aiming for in the Castle.

AWA has traditionally focused on legislated protection not as an end in itself but as the tool most likely to achieve permanent wilderness preservation. AWA defines protected areas as “wildlands legally set aside from industrial development, cultivation and off-road motorized use,” adding that “protection by policy is no protection at all.” This certainly does not mean closing an area for people, but rather reducing or phasing out industrial and motorized access.

Of course, the Castle was protected in the past (between 1914 and 1921 it was part of Waterton National Park), but that didn’t stop it being unprotected and suffering degradation over the past four decades. As May points out, “The Castle used to be protected, but that protection was removed... Legislation is not forever.”

May recognizes the “tremendous diversity” of the Castle region but notes

that “legislated protection is one tool, but there are a variety of tools which can be used to look after the attributes of an area.”

Alberta’s network of legislated protected areas is certainly complex. With eight different levels of protection, from the relatively well protected Ecological Reserves to Provincial Recreation Areas, which allow numerous industrial and mechanized activities, the word “protection” covers a multitude of different scenarios. AWA believes strongly that protected areas should be protected in more than just name. If protected areas allow oil and gas and forestry activity, mining, and motorized access, then it begs the question what exactly they are supposed to be protected from!

AWA and other environmental groups – including the Castle Crown Wilderness Coalition, CPAWS, Y2Y, Sierra Club, and Natural Resource Defense Council – have been arguing for the designation of the Andy Russell Wildland for the Castle. Wildland designation would allow for a range of activities, including hunting, fishing, and non-motorized recreation.

It would seem that the Castle does indeed warrant a more sophisticated vision for the future. Albert Einstein was famously quoted as saying, “Problems cannot be solved by the same level of thinking that created them.” Even the long-awaited 2001 revision of the Castle Integrated Management Plan recognized that current thinking was inadequate to address the needs of the Castle. “New designation alternatives, to be identified in new protected areas legislation, could be applied to the [Castle Special Management Area] in the future.”

It is time for this new creative level of thinking. The Castle Wildland deserves no less.

AWA’s work in the Castle area is supported by the Wilburforce Foundation and the La Salle Adams Fund.



L. Brodersen

ATVs, such as these in Lynx Creek, can damage streams through increased erosion and siltation, damage to vegetation, breakdown of streambanks, and water pollution. As in many areas of the province, access management is an important issue in the Castle.

THE SHAKY ROLE OF PUBLIC INVOLVEMENT IN ALBERTA: REFLECTIONS ON INDUSTRIAL DEVELOPMENT

By Dr. Naomi T. Krogman

Nearly ten years ago I moved from an area heavily developed by oil and gas, agricultural production, and urban development in southern Louisiana to Edmonton, Alberta. My PhD research in Louisiana was on

a sociologist hired to investigate and teach about rural and environmental issues, my research has addressed the ways in which local residents are involved in land use and resource management decision-making.

Research and Studies Centre at the University of Alberta entitled, “The Shaky Role of Public Involvement in Alberta: Reflections on Industrial Development.” Shirley Bray, the editor of *Wild Lands Advocate*, asked me to share a summary of my presentation.

Public involvement can be understood as forms of engagement where people can exchange ideas, information, and opinions and express their interests to influence the decision-making outcome of a social decision. There are many forms of public involvement. At one end of the continuum there are various forms of activism, through protests, boycotts, road blockades, etc. and at the other end of the continuum members of the public may voice their concerns through highly conventional, controlled, non-threatening ways, such as through letters to the editor or phoned-in complaints to the Energy Utilities Board.

In-between these forms of public engagement are planned, two-way flows of communication among key stakeholders (and I include the government as a stakeholder given its pro-development tendencies). Some of these types of public involvement mechanisms are open houses, public meetings, public hearings, stakeholder workshops, public advisory groups, citizen task forces, and co-management boards. These “in-between” forms of public involvement generally



D. Horton

McClelland Lake and the southwest patterned fen. The Alberta government will soon be asking Albertans to comment on a draft wetland policy. However, policies did not stop the government from allowing surface mining in the McClelland Lake Fen. In the Integrated Resource Plan (IRP) for the area, developed after considerable public input, the entire wetland complex was off-limits to such activity. The government changed the IRP through an improper process that took merely a few weeks to allow surface mining in this fen.

how wetlands development continued despite a “no net loss of wetlands” policy. I found the federal and state government’s emphasis on industrial production, in particular oil and gas development in Louisiana, outweighed their commitment to implement a rigorous wetlands permitting system. Opportunities for public involvement in wetlands development mainly comprised of public hearings in which concerned citizens and environmental group representatives appeared to have little influence, nor find satisfactory as a way to convey their concerns.

When my dream job appeared in Alberta in rural and environmental sociology, I hoped to find a better system in Canada to protect land values and incorporate public concerns. As

A basic premise of democracy is that citizens should have full information, an opportunity to exchange their ideas and concerns, and clear ways to convey their desires to decision-makers. This is particularly important for decision-making for public lands or for publicly held goods such as water, air, or oil (most of which, like our forests, is provincially, i.e., publicly owned). Public involvement can prevent one set of values (e.g. pro-economic development) from dominating the policy process where it would be all too easy to overlook the provincial or national value of critical habitat for certain wildlife or ecosystem functions.

My research to date prompted me to give a seminar for the Environmental



AWA Files

Protestors with the Rainforest Action Network oppose the government’s forestry record during a speech by Premier Klein in New York in July 1995.

assume a two-way flow of information between the key decision-makers of a development and those who have something at stake by its presence.

A key distinction important across these groups is their decision-making authority (like that held with legislative or parliamentary institutions); without any formal authority, groups of people who participate in these public involvement mechanisms must trust that they have the power to influence decision-makers through their involvement. In general, an open society would welcome various forms of public involvement, from the active engagement of various kinds of environmental groups (e.g. those that might carry out civil disobedience to make a point to those who buy up land to protect it), to a citizenry that pays attention to what is happening around them (who actively write letters to government officials and other decision-makers to seek further information or share their concerns).

address these issues respectfully and learn from each other in the process.

In my observations, the government of Alberta, in its efforts to avoid conflict, also avoids addressing the core issues of environmental debates by reframing the issues into safe issues for the government. For example, instead of examining what for many is a core issue of too much development, too fast, the emphasis is placed on integrated resource management, where the notion of “everybody working together to reduce the ecological footprint” replaces debates around slowing or stopping certain development activities.

Sadly, the trust among organized groups of concerned citizens in the efficacy of public involvement, particularly among environmental groups, appears quite low in Alberta. Numerous accounts of this lack of trust show up in the documentation of the Alberta-Pacific Pulp Mill Hearings, the Alberta Forest Conservation Strategy extensive public process, in the Special Places 2000 public advisory committee process, and more recently from the North-East Slopes integrated resource management strategy.

Disappointed parties to these processes have reported that the scope of the process was too narrow, that is, members’ priorities for protected areas without any industrial development, and the observance of thresholds (warning signals and stop signs as certain desirable features fall below a particular level) were treated as untenable, or ignored, by the groups’ leaders or more commonly by the agencies to which the public groups’ final recommendations were given. Consequently, some environmental groups in Alberta have shifted their efforts to a national or international focus, believing they are more likely to have an impact on land, wildlife or water management externally than from within these processes.



Ram Ridge in the Bighorn area in west-central Alberta. The Alberta government is planning a land use forum in the next year and plans on having extensive public consultations similar to those for the Water for Life Strategy.

There are many ways in which public involvement can be limited, a few of which I’ll illustrate from my research. The 2002 Natural Resource Conservation Board regulatory changes designed to reduce the conflict around the siting and expansion of hog facilities thwarts public involvement by narrowing the definition of those “directly affected” and by only initiating public involvement activities if there are complaints. Those “directly affected” are defined as neighbours who are within a 4 mile radius of the proposed development.

If an operation is considered small or medium, only the applicant and municipal government are considered directly affected parties. The core issues for many of the participants in the previous conflicts over large-scale hog barns are quality of life, increasing industrialization of agriculture, water quality, and odour. While those with these concerns may be silenced by the 2002 rules, the legitimate concerns of the citizens remain.

In a 2001 case study of the North-East Slopes strategy (NES) in the foothills of western Alberta, members of the public were invited to be interviewed for a regional steering group that would try “to identify the visions, values and goals of the region considering the economic, community and Aboriginal interests.” Five out of the seven citizens-at-large selected by the government were directly employed by the oil and gas, forestry or mining industries, and there was no recognized



Citizens who wished to make comments at this hearing in Maycroft for a well in the Whaleback area in 2003 had to join with someone who was allowed intervenor status.

Public involvement should not be to quell all conflict. Conflict can be a negative force if groups become polarized or the conflict ends up in violence, oppression, or fear. Conflict is of enormous value though to expose where the disagreements are. The dispute may be over what is considered “fact,” values (what people care about), interests (who gets what in the distribution of resources), jurisdiction (who has the authority over problems and issues), persons (disagreement over personalities, interaction styles), history (what has happened so far?), or culture (world views). If the core matters of disagreement can be identified in the public involvement process, this opens up opportunity for people to

member of an environmental group on the steering committee (those invited could not agree to the stipulation, at the outset, that by participating they would agree to support the final recommendations of the steering group and not lobby outside the steering group) and Aboriginal involvement was scant and not done culturally appropriately. If representation appears stacked toward pro-development oriented members, and the selection process for public representatives appears biased, the legitimacy of the process is weakened.

Like the others mentioned above, the 2002 NES steering committee recommendations put forth after this extended public involvement process have not been implemented, thereby reinforcing environmental groups' notion that any good faith efforts expended have been taken for granted

because of a lack of political will. There are many other ways that the content of public involvement gets lost as it is interpreted across layers of decision-makers, many of whom do not feel they have jurisdiction to address the issues raised (e.g. for quality of life concerns).

Ultimately, citizens need a public land law that holds within it land use planning priorities, and supersedes other provincial tenure systems (e.g. oil and gas, forestry) that tend to march along in step with the demand for more leases rather than a planning framework for individual regions. While I applaud every effort citizens make to inform and influence individual developments, I believe this is ultimately unsustainable for even an active citizenry. It would make more sense to proactively generate public involvement around desirable

futures, and agreed-upon thresholds, so as to have some clear criteria for development decisions.

Finally, at the very least, citizens should be vigilant about how public involvement mechanisms honour and are accountable to their concerns – in terms of the procedures used to solicit involvement, the substance open for discussion in the process, and the relationship among parties that confer unfair advantage to particular groups. Too often, silence and acquiescence are taken by the government or industry to mean satisfaction with the status quo, and so any effort to stimulate public dialogue and debate around the health of the environment is a step in the right direction.

Dr. Naomi Krogman is an associate professor in the Department of Rural Economy at the University of Alberta.

HERB KARIEL: LIVING AS THOUGH ALL LIFE MATTERS

By Joyce Hildebrand

Herb Kariel has more than enough time to reflect on his jam-packed life as a professor, mountain climber, and world traveller. "I've had a good life," he muses from his two-room unit in a Calgary retirement residence. Our conversation meanders widely, but it always returns to his core passion: living responsibly on the earth as one species among many.

The seeds for Herb's love of wilderness were sown during childhood along the banks of the Elbe River in his native Germany. "Our schoolteacher took us on hikes and told us about some of the history and land use," he says, recalling how his early schooling linked the natural and human environments. On weekends, this formal education was complemented with *Spaziergänge* ("nature walks") led by his father, who owned a small chain of department stores.

In the mid-1930s, with the family living in Dresden, friends in the Nazi party warned Herb's father of imminent increasing anti-Semitism. They urged him to leave. In 1938, when Herb was

11, the family – minus Herb's brother, who had preceded them – boarded a ship to the U.S. They heard about the



L. Gonselvis

Herb Kariel, posing here on the summit of Mount Hungabee, has tackled environmental issues and mountain peaks throughout his life.

nation-wide assault against Jews, later called Kristallnacht, while crossing the Atlantic.

The family settled in Portland, Oregon, where Herb's deep connection with the Pacific Northwest took root. After graduating from the University of Oregon with a degree in economics, he moved to San Francisco, where he worked as a grocery clerk. A common love of the outdoors brought Herb and his wife, Pat, together: they met on Sierra Club outings, and their attraction to wilderness grew into a desire to protect it. But Herb's love for the Cascadian landscape soon led them back to Oregon, where he obtained a teacher's certificate.

Several years of elementary school teaching, including a year in New Zealand with Pat and their two children, and Herb was ready for new challenges. After two more degrees – a Master of Education and a PhD in geography – he began his career as a geography professor at Western Washington State University in Bellingham.

A few years later, while teaching at California State University in Hayward, a coincidence brought Herb to Canada. As was his custom, he took a group of students to the geography department tea at Berkeley, where he met a visitor to the university: the man whose house he and his family had stayed in during a summer teaching stint in Calgary more than a decade earlier. The meeting led to an offer of a teaching position at the University of Calgary. In 1967 Herb accepted on a trial basis, immersed himself with vigour into the life of the city and its surroundings, and never left.

Herb's environmental awareness took a leap forward with a grade eight project on Columbia River dams. He realized that the army engineers behind these projects didn't tell the whole story, leaving out certain impacts on the natural environment. "I became more and more interested in environmental matters," he says, remembering the years in California immediately after high school. After returning to Oregon, he and Pat joined the North Cascades Conservation Council and the Olympic Parks Association. They also helped found the Pacific Northwest Chapter of the Sierra Club, and after moving to Canada, the Prairie Chapter. Now divorced, they remain friends, aware that many of their accomplishments were achieved together.

Keen to deflect the spotlight, Herb credits his family, friends, and colleagues for much of what he has done. His activism and lifestyle grew from his community and his experience of nature. A lifetime member of the Alpine Club of Canada, where he has advocated for greater environmental concern rather than simply access to wild places, he was recognized by the Club with the Silver Rope for mountaineering leadership (1980) and the Distinguished Service Award (1988).

Although Herb's research has taken him far afield, his environmentalism has focussed on the places where he has lived and worked. In Calgary, he participated in the Urban Parks Master Plan and was the University's representative on the River Valleys Committee. He also contributed to the Energy and Utility Board's noise emission guidelines for oil and gas

facilities. In his university teaching, he incorporated environmental ethics whenever he could. "I don't think nature is here only to use," he says. "We are part of nature, not apart from it. We have to make sure we use it wisely." Many of his students went on to apply what they had learned in land-use planning in national and provincial parks.



Herb Kariel enjoying a sunny rest break in the Whaleback.

Herb's long participation with the Alberta Wilderness Association began on AWA hikes. Despite thinking the group was "too tame," his involvement gradually increased. A valued Director on the AWA Board for many years, he proposed Board retreats that included brainstorming sessions, now a regular occurrence. He has been instrumental in increasing the journalistic professionalism of the *Wild Lands Advocate*, and he continues to push the organization toward greater vision and efficacy. "I think AWA has evolved," he says, "but we could take a stronger stand on issues."

Never afraid to speak his mind, Herb has lectured widely and appeared at numerous hearings. "I often said, now this has gone too far," he recalls. "People have to speak out. The government is for the people, we're not here for the government, which is what they often think." Mark Lowey, managing editor and publisher of

EnviroLine, attended some of Herb's classes and confirms his outspokenness: "He's never shy of voicing his opinion. As an academic, he took flak for his public positions."

Herb's interests have been as panoramic as the mountaintop views he pursued with such diligence, going far beyond his academic specialization in the impact of noise in recreational environments. Other research topics included social and economic impacts of tourism, the media, mountain huts, and protected areas. Since retiring, his characteristic curiosity has led him to take courses in music appreciation, art history, and plant taxonomy.

Although his energy is not what it once was, it takes no more than a breeze to fan the flames: "We have to change our whole attitude about the environment. People have to speak out." He worries about no longer being able to do that. "My father taught me to try to make a contribution, and I can't do that anymore." When reminded of the many positive changes he has effected, he murmurs with customary self-effacement, "In my little way, I suppose."

Herb's unfinished memoirs, *Travels with Herbie*, may forever remain unpublished, but in his "little way," he has probably far exceeded his father's expectations. He stresses that his contributions, for which he will receive an AWA Alberta Wilderness Defenders Award in the fall, have been a natural outcome of living an environmental ethic. "That's what permeates everything," he says. "It's about living as though we are part of the environment, not separate from it."

With contributions by Andy Marshall.



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RUMSEY TOUR WITH EUB REVEALS RESTORATION WOES

By Dr. Shirley Bray

The reek of herbicide drifts on the air and wilted weeds nod along a pipeline route that veers away from a well site Canetic is developing in the Rumsey Natural Area (NA). The company placed a good-sized compressor at the site and trenched in a long stretch of pipeline – all without the knowledge, or at least understanding, of Public Lands, who oversees such developments.

Gordon Miller sniffs the air and declares that the herbicide is not glyphosate, but some kind of 2,4-D that will kill broadleaf species. Miller is a farmer and a Board member of the Alberta Energy and Utilities Board (EUB). He has joined three other Board members and two other EUB staff for a tour of Rumsey hosted by AWA and led by Cheryl Bradley from the Alberta Native Plant Council (ANPC).



Canetic's well site in the Rumsey Natural Area showing a compressor and trenched in pipeline

because the chemical will significantly reduce germination rates. Nearby is an old corral surrounded by weeds, which doesn't bode well for weed management on the pipeline route.

This is not the first time Bradley has toured Rumsey with the EUB; she led an AWA tour years ago with members of the EUB's forerunner, the Energy Resources Conservation Board (ERCB), and worked with them on establishing guidelines for oil and gas in the early 1980s. AWA and the ERCB also consulted on the Regionally Integrated Decision (RID), a management plan, in the early 1990s. That committee, which included the ERCB, agreed that oil and gas development should be phased out. Alberta Energy was the only one that disagreed with that decision and overrode the entire committee to insist on oil and gas development in perpetuity.

The Rumsey Block, including the Ecological Reserve and Natural Area, southeast of Red Deer, has been recognized internationally as the largest remaining representative example of Aspen Parkland left in the world. When Board member Tom McGee brings up the issue of balance, I maintain that Rumsey is not a place to talk about balancing development and protection; it is an island in a sea of development, with the point of balance long since past.

Our goal is to introduce EUB members to the area and discuss the history and issues of industrial development and restoration. Bradley is a member of the newly created Technical Advisory Committee (TAC),



From left to right: Tom McGee (EUB Board Member), Gordon Miller (EUB Board Member), Martin Vandembeld (EUB Applications Branch), John Nichol (EUB Board Member), Leo Touchette (Team Leader, Red Deer Field Office), Arden Berg (EUB Board Member) and Cheryl Bradley (Alberta Native Plant Council)

which is studying the effects of past activities on native vegetation and restoration efforts in the NA. She has provided the EUB members with notes about the sites TAC visited a month ago. She assures them that she is not going to pick only bad sites to show them, but a representative sample. However, most sites and access routes have serious problems with invasive species.

The impetus for the EUB tour near the end of July came after a talk I gave at the annual meeting of environmental groups and the EUB in April. McGee was interested in a field tour after hearing about the plight of this globally important aspen parkland and northern rough fescue grassland that is now facing large-scale coalbed methane (CBM) development.

CBM development will result in new well pads in many sections, likely more than one well per section, which is contrary to the current management guidelines, and additional pipelines and access roads. This kind of fragmentation has already proven to be detrimental to Rumsey in terms of the penetration of invasives. Brad Stelfox of Forem Technologies has used his cumulative effects model, ALCES, to



S. Bray

that Rumsey NA was designated in 1996. This raises the important issue of what the EUB staff really know about Alberta's landscape when they make their decisions.

Restoration Woes

TAC's field tour uncovered a number of disturbing realities in Rumsey. Representatives from government, industry, and the conservation community visited 15 sites that were a representative sample of industry activity in the area.

Many of the well sites were dominated by non-native species, even one site that had been seeded with a specially prescribed native seed mix for Rumsey. A drier site fared somewhat better for native species but showed a much different and less diverse vegetation composition than the adjacent native plains rough fescue grassland. In some places native vegetation accompanied non-native species in recolonizing the area. One 1999 pipeline, which was ploughed in by Earthworks, has revegetated naturally and is now barely visible.

The results of TAC's study are expected to be used to make future management decisions. Two students of University of Alberta's Dr. Anne Naeth will be conducting field studies this year and next, evaluating reclamation/restoration efforts and conducting a review of the cumulative effects of the existing oil and gas development as it relates to the ecological integrity of the NA. Yet, if CBM development is allowed to go ahead prior to the completion of this study, we will once again be trying to close the barn

show how quickly and easily invasive species can take over native prairie.

In May, Bradley received a response to ANPC's December objection to Trident Exploration Corporation's application for commingling in Rumsey. AWA also filed a letter of objection but has not received a response. Our concern is that approving the commingling application, which has to do with subsurface issues, would lead to virtually automatic approval of a drilling application, which would impact the surface. We hoped that our letters would at least alert the EUB that there are concerns in this area.

We also pointed out that Rumsey was included in Alberta Energy's Information Letter 2003-25, which addresses mineral commitments in legislated protected areas and which does not allow surface access for commitments sold after an area is designated. The Rumsey NA was designated in 1996, and many leases were subsequently sold.

Alberta Energy has bullied Community Development into allowing surface access for all leases sold to date and says it will continue to sell rights with the expectation that access will be provided. Alberta Energy now considers an "existing commitment" to be any right that has been sold in Rumsey, whether before or after protected area designation, and remains undeveloped even if many years have passed and the right has been resold. AWA considers this to be an abuse of intent.

As we expected, the EUB dismissed our first concern. However,

they wrote that "the lands applied for ... are not in a protected area and therefore are not subject to the provisions of IL 2003-25." Needless to say this caused some consternation. Bradley and Community Development are trying to get clarification of this statement. We did hear that the EUB's lawyers were not happy with the wording. However, there are people in all sectors who are unhappy with the current threat to Rumsey. At the ENGO-EUB meeting I heard of one ex-EUB employee who, after an unrelated conversation with a colleague, said, "You need to save Rumsey."

During TAC's field tour in June, someone from the EUB phoned SRD land manager Barry Cole while he was driving with Bradley and a representative from Community Development in Rumsey and asked him if Rumsey was a protected area. A simple web search would have shown that it was. Furthermore, if they had read AWA's letter, it stated quite clearly

S. Bray



Trident Exploration Corp.'s proposed truck wash on the Poco Road adjacent to the west entrance of the Rumsey Natural Area.

door after the horse has left. Trident is expected to apply to drill 28 CBM wells this winter.

Cole believes that minimum disturbance techniques that allow timely natural revegetation to occur is ideal. However, a number of factors can sink these plans. A major one is a lack of communication within and between companies, especially when companies are sold, and between companies and contractors. At one well site drilled in 1999, which Public Lands hoped would revegetate naturally, the unauthorized removal of a fence allowed cattle to linger on the site and weedy species to invade, including the noxious non-native creeping thistle.

It is likely that inappropriate seeding with a non-native mix by a contractor led to one pipeline being dominated by crested wheatgrass; once prized for reclamation, this species is now recognized as a persistent and invasive non-native and the bane of native prairie existence.

Out of 15 sites, TAC found seven examples of corporations failing to meet Public Land's reclamation and revegetation expectations. Three corporations failed to honour revegetation agreements, and one failed to report a diesel spill that left a large swath of dead vegetation near Trident's CBM well. Miller spoke from personal experience when he noted that diesel fuel can penetrate deep into the soil and eventually reach the aquifer.

Both Canetic and Trident trenched in pipelines, which results in greater disturbance than the preferred method of ploughing in. In Canetic's case, there was a lack of understanding between the company and Public Lands about what was proposed, resulting in a 270 m by 3 m pipeline right-of-way devoid of vegetation except weeds. However, one of the EUB members informed us that Canetic's pipeline was not plastic, but a four-inch steel pipe, and that was likely why it was trenched in. A barbed wire fence surrounds the disturbance to keep cattle off.

In Trident's case, there was a lack of communication between the company and the contractor. Invasive species like smooth brome have taken over and much more work now has to be done to repair the damage. Trident has also cleared and leveled a large

site just outside the western boundary of the NA for a proposed truck wash to remove seeds. However, the site provides a cleared area that will attract weeds.

CNRL said they have not done any reclamation at suspended well sites because they are "waiting for technology" to allow them to suck out the last drops of oil and gas, which they suggested are at too low pressure to access profitably with existing technology.



S. Brown

A strong smell of diesel permeated the air at this unreported spill near Trident's CBM well and one of CNRL's suspended wells.

Even if disturbance is minimized, a producing well could operate for several decades before reclamation occurs. Fragmentation of the Rumsey block with roads, especially the Poco Road, built in the mid-1980s, which traverses the middle of the Natural Area, has allowed invasive species to penetrate far into the block. Any new and used access routes are more susceptible to invasion with this fragmentation.

The EUB members note that a high pressure ethane gas pipeline well within the block, identified by a small sign on the side of the road, left no trace of its pathway under the surface. Bradley suggests that since the pipeline was built in the 1970s, prior to major roads in the area, it was easier for native vegetation to reclaim the area naturally because aggressive weedy species were not nearby at that time.

The Poco Road and access roads to wells have masses of foxtail grass, a very invasive species, along them. It is almost impossible to stop the hooked seeds from attaching to clothing and tires, and spreading far and wide.

Bradley shows us two abandoned well sites that have overgrown with native and non-native species. She says SRD tried to get Trident to re-use these sites, but they claimed that, according to EUB rules, they had to be 200 metres away from existing or abandoned wells, because fracturing of the CBM well could disturb the casing of the old well. However, EUB Directive 27 does not disallow fracturing of wells closer than 200 metres, but does require proving the integrity of the casing of existing wells if fracturing is shallower than 200 metres in depth, all of which would add to cost, inconvenience and create further difficulties for a company wishing to drill for CBM.

Time for New Management

In the government's groundwater and CBM presentations across the province, the EUB representative said, "If we don't understand something completely, we want to proceed with caution." We need to "wait for ecological understanding" before we meddle further with our rare ecosystems. When it comes to our protected areas, these small islands reluctantly created by our government, we need to keep industrial activity out of them completely. Using the latest reserve estimates for Rumsey by the EUB, we have calculated that the amount of CBM available in Rumsey would provide less than one hour of Canada's daily requirement for gas. Such a pittance is not worth decades of disturbance in this fragile ecosystem.

The Central Regional Resource Management Committee (RPMC) charged with ensuring that the RID is carried out has failed to properly evaluate "the effectiveness and relevance of the provisions of the RID." They failed to conduct annual assessments, public consultation, and ecological and cumulative effects studies. Their 2001 assessment blithely claims, "The RID itself continues to be an effective mechanism of management support ensuring this unique area is not compromised."

Yet without baseline studies, no one can prove this, and field tours are not reassuring. The RRMC assumed oil and gas development was being phased out and made no mention of CBM, even though the Horseshoe Canyon formation was well established as a hot CBM zone by that time. They decided not to bother with any of the reporting required in the RID.

The RID says that it “will be implemented within an existing framework of relevant legislation, agency responsibilities, policies and administrative mechanisms” and that “adjustments can be made to any provision to ensure compliance with a new regulation, act or cabinet-approved policy.” Surely this should include IL 2003-25.

Furthermore, although the government has pushed the idea that

CBM and conventional gas are the same, there are obvious differences in their development and footprint. The above example of fracturing is one that is significant for native prairie surface disturbance. Clearly it is time for a new management plan for Rumsey.

Demanding Public Engagement

The EUB members assured us that they left Rumsey with a greater appreciation of the beauty and fragility of this precious grassland and our concerns with industrial activity. But they say they will need a persuasive argument for keeping oil and gas out of the area. Our provincial and national responsibilities for biodiversity conservation in accordance with international agreements constitutes one such argument. We agreed that more research is necessary. But Bradley

argues that a precautionary approach would be to research techniques for no-impact oil and gas development outside of the NA prior to any further activity occurring within it.

At the provincial groundwater/CBM meetings, the EUB said they want an “engaged and informed public with opportunity for input into decisions.” I hope the EUB remembers that and their tour to Rumsey when they receive our objection to any drilling applications in Rumsey because we want a full public hearing and an open door for any citizen to have his or her say. That may go against current rules, but it’s time those rules change and the public be allowed to speak out for our public lands. We are prepared to fight for our last remaining native grasslands and our protected areas.



NATURE’S POWER TRUMPS WILLMORE FIRE PLAN STRATEGY

By David Samson, AWA Conservation Specialist

This summer, forest fires in Willmore Wilderness Park (WWP) got off to a raging start with fire suppression apparently preempting the approval and implementation of the draft WWP Fire Management Plan drawn up in January 2006. A key component of the proposed plan – and a significant shift in government policy – is to “allow natural fire processes to occur to provide the benefits of wildfire when extreme negative impacts are not expected” in an area defined within Willmore as an Extensive Zone. But Alberta Sustainable Resource Development (SRD) fell back on “old school” firefighting policy when confronted by a fire in the proposed Extensive Zone by taking at least six bulldozers approximately 35 to 40 km into Willmore.

The main fire was at Sheep Creek, well inside the Front Ranges in Willmore and the proposed Extensive Zone. The heavy equipment was taken in on an old road bed up the Smoky

River valley, then up the Muddywater River valley through Dry Canyon to the main fire. Under the proposed fire plan, fire suppression, which was only to be done when necessary, was not to involve the use of heavy ground equipment but instead would involve targeted airlifting of men and equipment.

Alberta Wilderness Association (AWA) is supportive of the draft fire plan, particularly with respect to the concept of letting natural burns take place in Willmore within these Extensive Zones, which, as proposed, would encompass about two-thirds of Willmore’s area with eventual expansion to all of Willmore. This strategy could be instrumental in restoring forest health by creating a more varied tree age class, vegetation structure, and plant composition.

This natural reconfiguring of the forest structure could provide the wilderness with improved long-term defenses against mountain pine beetle (MPB). As stated in a Forest Health/MPB Control section of the Draft

Plan, “Indirect control is provided by creating an extensive zone where natural fires may be allowed to burn including MPB infected areas of the pine forest that provide beetle habitat.”

So AWA was immediately apprehensive when it learned that the government decided to suppress the fire, with bulldozers, when one of the first opportunities to apply the principles of the proposed plan presented itself. AWA was concerned that the use of heavy equipment on an old road would result in environmental damage and potentially create openings that could facilitate illegal OHV access.

Will fire suppression in the Extensive Zone continue to be the quick fall-back option selected by SRD, largely ignoring the proposed plan? If so, what method of fire-fighting will be used in these cases?

Officials with Community Development assured AWA that there was minimal environmental damage from the bulldozers and that the decision to suppress the fire using the heavy equipment was warranted



R.P. Pharris

An ill-conceived mountain pine beetle fight in Willmore Wilderness Park may contradict the Park's science-based fire management strategy and put the Park's ecological integrity at risk.

in this case. Laura Graham and John Kristensen, Assistant Deputy Minister of Community Development, Parks and Protected Areas, were confident that the decision was appropriate because of the extreme hazards assessed with this fire; they said it was not taken lightly or rashly. They felt there was a sense that the parties involved are already operating under the principles of the plan, which has yet to be formally approved and implemented. The question remains, then, why the spirit of the plan was shelved so quickly in this particular instance.

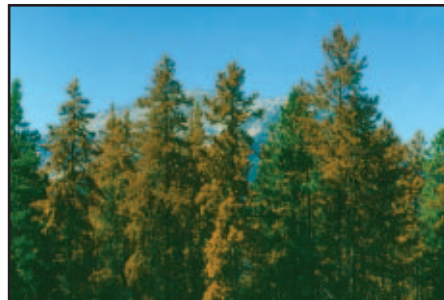
Given that the strategy of letting fires burn in part of WWP is a significant leap of faith for departments involved in decisions on fire suppression, we wonder if there is a certain lack of comfort, or resistance, by SRD to make that jump. Another question is the level of influence of the Grande Cache Community Protection Plan, which is barely mentioned in WWP's fire plan, in the latest decisions on the Sheep Creek fire.

Although officials from Community Development have stated they are comfortable that the decisions were warranted, it is not enough to ask the public simply to trust these decisions made in protected areas. An effective communication strategy would go a long way toward answering questions the public may have as to why exceptions to the fire plan are made in fighting specific fires in WWP. News releases, emails to stakeholders, and an active website to obtain details of and reasons for fire suppression in Willmore's Extensive Zone could

be some of the methods government departments could use to inform the public of their activities and decisions in WWP.

AWA has asked the ministers of SRD and Community Development to provide assurances that Willmore's proposed fire management plan will be approved and adhered to, and that heavy ground equipment will not be brought into Willmore in the future. We also requested that they hasten the approval of the draft plan and make completion of an overall management plan for Willmore a priority.

On a positive note, a spur of the fire at Sheep Creek burned in the Famm Creek valley, but apparently



AWA Files

Trees killed by mountain pine beetle.

topography and exposed rock played a key role in the decision to let this section of the fire burn itself out without having to bring people and equipment in to suppress the fire. This real-time informal application of the new fire plan should allow those involved to observe in WWP the progression of natural fire processes and patterns as per the plan's intent.

Additionally, as there was a prescribed burn scheduled for this

area, this natural fire may suffice, according to Graham, a co-author of the proposed fire plan. Nature may have restructured, on its own, this particular natural firebreak, which was one of the objectives of the fire management plan.

Deeper concerns are present with respect to SRD's possible approach toward management of WWP. At the recent MPB Summit 2006, it became clear that WWP is SRD's ground-zero for attacking MPB, with SRD Minister David Coumts essentially declaring war on the much maligned insect. We hope that WWP does not become a casualty in this war.

Being bold and sticking to a rational, measured, and science-based fire management plan, with ecological integrity a top goal, may ultimately be the best way to combat the serious MPB problem. At minimum, restoring natural processes of fire, forest structure, and MPB in WWP may be its best defense, rather than an expensive, drawn-out battle that has already been lost in British Columbia.

At the recent MPB Summit, B.C.'s Minister of Forest and Range Rich Coleman said that in the war on MPB, the fact that pine is in a park should not be a barrier to action. He commented that Alberta is fortunate that we do not have the problem of public resistance to doing things in parks, which may imply that he has been told that there is an effective *carte blanche* in Alberta for fighting MPB. Mr. Coleman emphasized that Alberta would be right to protect the overall asset, including stopping beetle attacks in the parks. This sounds more like the strategy of a forestry company than someone interested in conservation of our wilderness parks and wilderness processes.

We hope that fire suppression in WWP is not used as an excuse to validate a widespread and destructive MPB fight in the Park, which may be contrary to Willmore's ecological and science-based fire management strategy as outlined in the draft plan. If we continue to try to micro-manage landscapes like Willmore, we may lose invaluable ecological and economic knowledge about one of our most valuable assets: the secret of how nature manages itself.



KILLING THE CREDIBILITY OF ENVIRONMENTAL ASSESSMENT: ANOTHER BLOW FOR McCLELLAND LAKE WETLANDS

By Dr. Ian Urquhart

Thanks to the Supreme Court of Canada, the McClelland Lake Wetland Complex (MLWC), a boreal treasure and potential candidate for World Heritage Site status, is one step closer to destruction. On July 20 the Supreme Court of Canada refused to hear an appeal of the Federal Court of Appeal's ruling in *Prairie Acid Rain Coalition et al. v. Canada (Minister of Fisheries and Oceans)*.

At issue in the case was the federal environmental assessment (EA) of the Fort Hills Oil Sands Project. Fort Hills is a sprawling, open pit mining venture owned and operated by Petro-Canada (55%), UTS Energy (30%), and Teck-Cominco (15%). It is located approximately 90 km north of Fort McMurray and is projected to start mining and processing bitumen in 2011. The MLWC sits squarely in the crosshairs of this project. Forty-nine percent of the wetland complex and forty-five percent of the remarkable patterned fen will be put under the miner's shovel and destroyed.

The fish-bearing habitat of Fort Creek is among the ecological features of the approximately 180 km² territory slated for destruction by Fort Hills. The destruction of fish habitat is a jurisdictional trigger necessitating a federal EA under the terms of the *Canadian Environmental Assessment Act (CEAA)*. Although other federal constitutional responsibilities are also touched by this project – such as First Nations and migratory birds – the federal Department of Fisheries and Oceans (DFO) was placed in charge of determining how comprehensive the federal environmental assessment needed to be. DFO then considered “the scope of the project” for the purposes of a federal EA.

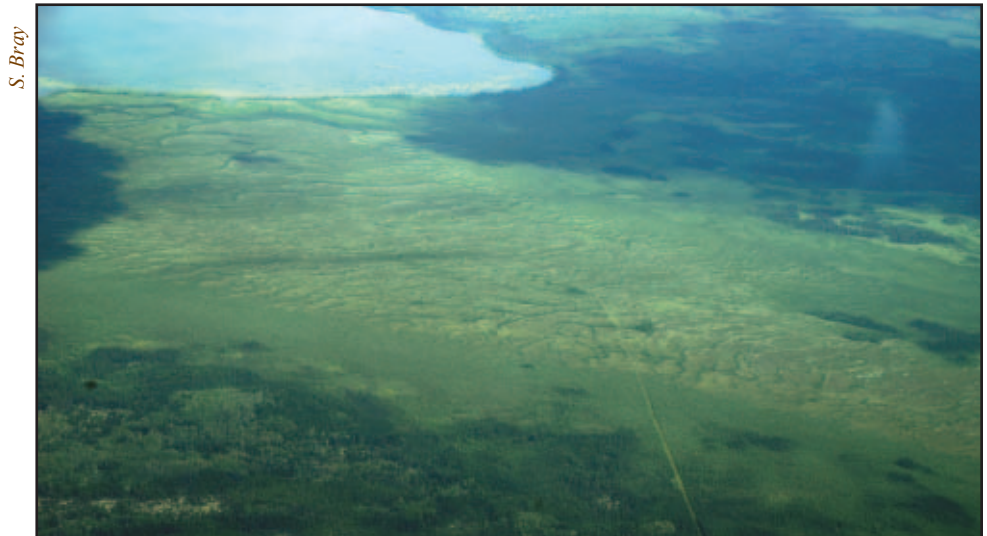
That's the point – in the scoping of the project – where the problem arose. Since various federal responsibilities are affected by Fort Hills and since the

mining complex covers a very wide swath of the boreal forest, I would have thought a comprehensive EA was the logical assessment option. So too apparently did Environment Canada.

This, however, was not how DFO saw the situation. DFO – ironically, the “responsible” authority – defined the scope of the project and the need for a federal assessment very narrowly. The blinkered vision of DFO focused exclusively on matters pertaining to the destruction of Fort Creek. The broader range of issues Environment

of federal assessment responsibilities violated the *CEAA*. In effect, as Martha Kostuch of the Prairie Acid Rain Coalition argued, DFO “must stop trying to evade its environmental assessment responsibilities.”

First the Federal Court and then the Federal Court of Appeal refused to accept this logic as it was laid out by the Sierra Legal Defence Fund. In effect, the courts ruled that under the terms of the *CEAA*, DFO or any other federal agency possesses very wide discretion when it comes to defining



S. Bray

McClelland Lake Fen stretches southwest from McClelland Lake. Petro-Canada's Fort Hills oil sands project will destroy at least half of this spectacular patterned fen and other parts of the McClelland Lake Wetland Complex.

Canada would have included in a more comprehensive environmental assessment – such as cumulative effects, air quality, and migratory birds – were excluded from DFO's scoping decision. If these other issues were to be considered, they would have to be raised during the provincial environmental assessment process conducted by the Energy and Utilities Board.

Three environmental groups – the Prairie Acid Rain Coalition, the Pembina Institute, and the Toxics Watch Society – went to court to argue that such a blinkered interpretation

of the breadth of an EA. Is the good assessment narrow or broad – the choice is left to the judgment of the federal agency responsible for the EA.

The very narrow scoping decision made by DFO did not trouble the Federal Court of Appeal since “[n]othing in the *CEAA* supports the view that project scoping under subsection 15(1) must always include the entire proposed physical work.” By refusing to hear an appeal of this decision, the Supreme Court has placed its stamp of approval on this reasoning. If federal authorities want to turn a blind eye to some of their responsibilities with respect to

environmental assessment, they can now do so with the Courts' blessing.

What does the refusal to reconsider the Fort Hills EA mean? Its most immediate and tragic consequences are for the MLWC. First, it legitimizes the decision to mine literally half of the wetland complex. Second, it legitimizes what I regard as an equally absurd notion – namely, that Petro-Canada and its partners can rip up half of the wetland and then wave some technological wand that will protect the ecological integrity of what remains. This seems rather like telling a world-class sprinter that her athletic integrity will be protected after her legs have been amputated and she has been fitted with prosthetic limbs.

This string of rulings also raises alarm bells about the credibility of Canada's EA legislation. Anyone who believes that the federal government has a duty to perform rigorous, comprehensive EAs of major industrial activities should be very concerned about what the courts have said in this case. The Federal Court of Appeal rightly notes that the "environment" is not an area of exclusive federal constitutional authority and that the *CEAA* states that the federal government "may cooperate" with a provincial EA. But what does cooperation demand?

J. Hildebrand



Suncor's oil sand operation gives an idea of the fate awaiting the McClelland Lake Wetland Complex. On the upper right is part of one of the large tailings ponds.

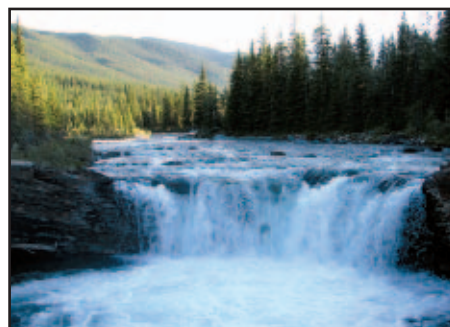
To the Federal Court of Appeal, it may mean much, much less than holding joint federal-provincial EA hearings. Cooperation is achieved if federal authorities do nothing more than appear – as you or I might – as interveners before a provincial tribunal. The idea that what is, in effect, no more than lobbying fulfills a legislative responsibility to conduct EAs sounds more like abdication than cooperation. It cuts the heart – decision-making – out of the *CEAA's* EA regime.

The *CEAA* begins by declaring that environmental assessment is a useful means to promote sustainable development. In light of the July 20 Supreme Court ruling, sustainable development in Canada looks more and more like a street urchin – bruised, battered, and clothed in tatters. If it is the Courts' judgment that the *CEAA* gives federal authorities the discretion to ignore or avoid their environmental assessment duties and decision-making responsibilities, then it's high time we changed the law.

SHEEP VALLEY PROTECTED AREAS MANAGEMENT PLAN

A Draft Management Plan for the Sheep Valley protected areas – Sheep River Provincial Park and Bluerock Wildland Park – provides a good framework for future management of these wilderness areas. The two protected areas are in eastern Kananaskis Country, immediately west of Turner Valley, and include important habitat for bighorn sheep and other ungulates as well as bears, wolves, and the densest cougar populations in North America.

The landscape is valued for its spectacular scenery and ample recreational opportunities, including backcountry camping and cross-country skiing. The draft plan was produced by Alberta Community Development in



Sheep River Falls

June 2006 and is available for public comment until September 30, 2006.

AWA is broadly satisfied that the draft plan should do a good job of preserving the wilderness values that make these parks so special. Non-motorized access will continue to be banned (indeed, the speed limit

N. Douglas

on Highway 546 will be reduced), and activities such as recreation, fishing, and grazing will continue to be allowed within the limits of what the landscape can sustain. Declining maintenance budgets are reflected in the "de-designation" of a small number of trails: the trails will not be removed but will "remain in place but not have signage or receive maintenance." The gravel Gorge Creek Trail road, which was washed out in the 2005 spring floods, will not be replaced.

The Draft Management Plan can be viewed on line at

http://www.cd.gov.ab.ca/enjoying_alberta/parks/featured/kananaskis/management.asp.



EUB OUT OF SYNC WITH PUBLIC DEMANDS TO PROTECT NATURAL ENVIRONMENT

By Barbara Janusz

Reminiscent of Marie Antoinette’s famous words – “Let them eat cake,” the Alberta Energy and Utilities Board (EUB) has turned a blind eye to Albertans’ demands to protect the environmentally fragile ecosystem of the Porcupine Hills. On June 8, 2006, the Board delivered Decision 2006-052, denying standing to intervenors opposing an application by Compton Petroleum Inc. to drill a sweet gas well in the southern portion of the eastern slopes.

convened a hearing on April 11, 2006 to determine whether these intervenors were potentially directly or adversely affected by Compton Petroleum’s project. Decision 2006-052 denied standing to all intervenors and, in approving Compton’s application, essentially deemed unnecessary the holding of a hearing to consider the merits of Compton’s application.

The most alarming aspect of this decision is that the EUB has, with impunity, ignored its own mandate under section 3 of the *ERCA* to protect the public interest. Section 3 is entitled

energy resource development in the southern portion of the eastern slopes. In formulating IL 93-9, the EUB acknowledges that the region’s natural resources (water, fescue prairie grasses, wildlife) warrant protection by exercising a broader regulatory review of industry’s proposed projects.

To foster decision-making that is in the public interest, IL 93-9 recommends that industry undertake four initiatives:

- broad public consultation, including documenting identified issues and conflicts;
- formulating development plans that disclose initial and subsequent oil and gas pool delineation and pool-development plans, to discourage a piecemeal or single-well approach;
- conducting environmental assessments as development proceeds; and
- consolidating plans among developers to minimize environmental impacts.

Rather than addressing these concerns, however, the Board, in its decision, pays only lip service to the consultative initiative of IL 93-9 by recommending to the EUB’s full Board that it “consider clarifying certain aspects of IL 93-9” (p. 9). The decision fails to address in a meaningful way any of the public interest issues that such consultation is intended to reveal and, hopefully, resolve.

By ruling that the drilling of a small number of wells “would benefit Compton’s area development plans by more accurately identifying the breadth and scope of the overall development” (p. 7) and that the subject exploratory well does not necessitate the conducting of environmental assessments, the Board is reinforcing its policy of furthering the economic interests of industry at the expense of environmental protection.



Francis Gardner’s ranch near the Porcupine Hills.

The EUB is the provincial legislative body that has the exclusive authority or jurisdiction to administer all matters under the *Energy Resources Conservation Act (ERCA)*. Accordingly, it has the authority to determine, under section 26(2) of the Act, whether Compton Petroleum’s application “may directly and adversely affect the rights of a person.” Section 26(2) is the test for *locus standi*, Latin for “standing,” which is defined in *Black’s Law Dictionary* as “[a] right of appearance in a court of justice or before a legislative body, on a given question.”

Further to interventions filed by adjoining landowners, coalitions of landowners, AWA, and the Municipal District of Pincher Creek, the Board

“Consideration of Public Interest” and provides that the Board *shall* (my emphasis) have regard to “the social and economic effects of the project and the effects of the project on the environment.” The word “shall” in Section 3 (as opposed to “may”) obliges the Board to consider the public interest – not just when presiding over a hearing, but also in considering the issue of standing.

Decision 2006-052 acknowledges that “all of the participants expressed concerns about the implementation and application of IL 93-9” (p. 9). Informational Letter 93-9, *Oil and Gas Development, Eastern Slopes (Southern Portion)*, is a guideline issued by the EUB to industry for sustainable

C. Olson

Precaution and the Public Interest

Increasingly, around the globe, particularly on the local level, governments are adopting the precautionary principle to address public interest issues when they collide with the profit-maximizing objectives of industry. A doctrine that shifts the onus of proof or duty of care from those who oppose change to those who advocate change, the precautionary principle is epitomized by the adage “better safe than sorry.”

We all owe a duty of care to those who we can reasonably foresee might be harmed by our conduct. Duty of care is the basis of the law of negligence, which can be defined as conduct falling below a standard of care. At common law (the statutory and case law derived from Britain), the onus or burden of proof in a civil trial to prove that the defendant acted negligently or breached his or her duty of care is on the plaintiff or injured party.

This legal principle has become so ingrained in Western society’s psyche that few of us question the logic or wisdom of not challenging an activity or initiative until harm or injury ensues. Widespread degradation of the environment and the stark realization that our unbridled greed and consumption is no longer sustainable has precipitated a growing shift in attitude away from risk-taking to precautionary decision-making with the objective of protecting the public interest.

Unfortunately, the EUB is resisting the trend to embrace public interest considerations in fulfilling its mandate to regulate the oil and gas industry. While IL 93-9 is a positive step toward adoption of a precautionary principled approach in balancing oil and gas development on the southeastern slopes against competing land interests, this balancing act falls short in meeting the mandated objective of section 3 of the Act to protect the public interest and the environment.

Closely aligned with the precautionary principle is another theory, known as the public lands doctrine, which is rooted in the concept of the commons. The commons has a dual meaning. It refers to “[t]he class of subjects in Great Britain exclusive of the royal family and the nobility” and

A. Gardner



In June, AWA joined with representatives from the Pekisko Group, the Livingstone Landowners’ Group, and the South Porcupine Hills Steward Association to deliver a protest letter to the EUB. The EUB recently refused to allow any of these groups standing in gas well applications by Compton Petroleum, which could lead to up to 880 wells being drilled across 110 sections of fragile fescue grasslands south of Calgary.

is synonymous with “Squares; pleasure grounds and spaces or open places for public use or public recreation owned by towns or cities – in modern usage usually called parks” (*Black’s Law Dictionary*).

In American law, Carolyn Raffensperger, executive director of the Science & Environmental Health Network in Ames, Iowa writes in *Ten Tenets: The Law of the Commons of the Natural World*, “[T]he public trust doctrine stands for the principle that a government body holds some resource like tidal waters or shores in trust for the people.”

Raffensperger and Peter Montague in “Land Use and Precaution” (*Rachel’s Democracy and Health News*, March 2004, #787) caution that the precautionary principle may not go far enough to protect the commons on behalf of the commons. The balancing act that some governments and their administrative bodies engage in to protect the public interest is too often an exercise in risk assessment, not unlike that engaged in by insurance companies. “[R]isk assessments are easily manipulated to get almost any desired answer.”

As trustee for the commons and of the commons, government owes a duty to its citizenry to ensure that the public interest is safeguarded by anticipating or foreseeing harm and

making decisions that will avoid unnecessary risks. The public lands doctrine and precautionary principle are about ethics and are analogous to the management concept of social corporate responsibility.

In contrast, most corporations today embrace corporate social obligation, or the shareholder concept, by complying with laws and focusing on maximizing profits for their shareholders. Due to public pressure, however, there is a growing trend toward corporations embracing a stakeholder concept or exercising corporate social responsibility, wherein the interests of all stakeholders, including shareholders, competitors, employees, suppliers, and the community at large, are taken into consideration in conducting business.

Government and public institutions were never mandated to exercise a shareholder concept of governing. Government for and by the people is inimical to engaging in risk assessment. By pandering to corporate interests and failing to protect the public interest, government and its agencies, like the EUB, are breaching their duty of care to the public.

Government is made up of three branches – legislative, executive, and judicial. Parliament and provincial legislatures constitute the legislative branch of government, while the EUB

exercises an executive governmental function. As already mentioned, the EUB's jurisdiction is derived from statute law, and it is bound to exercise its authority within the mandated parameters of the *ERCA*, including public interest considerations.

When a regulatory board such as the EUB fails to act within its jurisdiction or authority, the third branch of government, the judiciary, is empowered by our constitution to overrule its decisions and to order the administrative body to reconsider the matter according to its mandate. This process, known as judicial review, applies not only to administrative boards but to all government bodies, including municipal councils, the legislature, and Parliament.

In the Supreme Court of Canada decision of *Spraytech v. Town of the Hudson* [2001] 2 SCR 241, our highest court has ruled that governments have the right and, indeed, owe a duty to its citizenry to adopt the precautionary



N. Douglas

principle – to exercise a stakeholder concept of governing. In the *Spraytech* case, the landscaping and lawn care company challenged the authority of the Town of Hudson to pass a bylaw prohibiting the use of a particular pesticide that had not been banned for use by federal and provincial laws. In upholding the municipal bylaw, the Supreme Court of Canada held that municipalities are empowered under provincial legislation (*Cities and Towns Act*, the equivalent of our *Municipal Government Act*) to enact bylaws for the genuine purpose of furthering goals such as health and public welfare.

Madam Justice L'Heureux-Dube of the Supreme Court began her judgement in *Spraytech* as follows: "The context of this appeal includes the realization that our common future, that



A. Gardner

Ian Tyson joined the protest group.

of every Canadian community, depends on a healthy environment." She then quotes the Superior Court Judge who initially upheld the bylaw as valid.

"In the words of the Superior Court Judge: 'Twenty years ago, there was very little concern over the effect of chemicals such as pesticides on the population. Today, we are more conscious of what type of an environment we wish to expose our children [to]'.... This Court has recognized that '[e]veryone is aware that individually and collectively, we are responsible for preserving the natural environment.... [E]nvironmental protection has emerged as a fundamental value in Canadian society.'"

The law and a nation's constitution is often referred to as a living tree: it must be interpreted and re-interpreted according to the changing values and needs of society. Like a vehicle that has not been serviced for a long time and is in need of a tune-up, so too does Section 3 (the provision mandating public interest considerations) of the *ERCA* cry out for judicial review. The Supreme Court of Canada *Spraytech* decision is a precedent for the EUB applying the precautionary principle in its mandate to protect the public interest when regulating oil and gas development in this province.

Canada has a long tradition of honouring the principle of the Rule of Law. Sometimes called "the supremacy of law," the Rule of Law refers to the application of known principles

of law without the intervention of discretion in their application (*Black's Law Dictionary*). Government and its agencies are not at liberty to enact laws or to administer them beyond their mandated authority.

Simply put, no one is above the law, not even the EUB. Albertans have the right and, indeed, the duty on behalf of future generations to ensure that legislative bodies conduct themselves according to their mandated authority. The EUB's concept of the public interest is out of sync with Albertans' current belief that it is better to be safe than sorry. EUB Decision 2006-052 denying standing to the intervenors in Compton Petroleum's application to drill a sweet gas well in the pristine Porcupine Hills is a dangerous precedent that should not be left unchallenged.

Barbara Janusz is a lawyer and freelance writer who lives in the Crownsnest Pass.



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THERE'S A HOLE IN THE BUCKET

By Henry Binder

Wind power in Alberta has been promoted by the federal government, industry, and environmental groups as green energy on the basis that it helps reduce greenhouse gas (GHG) emissions. This view is largely fiction. The primary benefit of wind power is that it adds another source of power to the grid to facilitate energy consumption. However, as with other large-scale energy projects like power dams, wind power may come at a high cost to the environment and landscape. It is important that these costs not be ignored for the sake of illusory climate change benefits.

Displaced Gas Is Used Elsewhere

Wind power developers would have us believe that GHG emissions are reduced when their turbines are running and displacing use of a fossil fuel like natural gas. This is not true. The so-called displaced gas will be used elsewhere in the economy because producers, having incurred drilling costs, will sell all they can at almost any price. (In economics, the displacement is described as causing a fall in demand in a market characterized by highly inelastic supply.)

For those who don't like jargon, not only are the potential fuel savings from wind power just a few drops in the bucket, there's a hole in the bucket. So if the benefit of reduced GHG emissions derives from displaced fuel being left unused, wind energy may be of no help. Moreover, demand is growing, and in Alberta we plan to get the gas out as fast as possible and we won't stop until we take it "all."

An effective reduction in GHG emissions also requires leaving a substantial amount of oil unexploited. With demand for oil growing, the development of renewables, all of which are costly in energy, will not be much help.

Appearance or The Real Thing

So although renewables are

symbols of progress that give hope because they mimic some of what would happen in an efficiently functioning economy, most don't address global warming. What is needed are the appropriate taxes, and supportive regulations in some cases, to ensure both effective economy-wide substitution away from fossil fuels and disincentives to further exploitation.

Yes, I'm talking about some form of the dreaded carbon tax, to make the price of fossil fuels reflect (as economists tell us efficiency requires)



C. Olson

all their costs, including damage from climate change. Substitution will take various forms, including development of alternative fuels, switching to smaller and more energy efficient housing and cars, and improvements in community planning and public transportation.

Time spent by environmental groups supporting the cause of wind energy development is time wasted. This cause is more suited to the

numerous organizations promoting business and interested in lessening the plight of consumers at the expense of the environment. There is enough appearance of positive environmental action in renewable projects to ensure government incentive programs until such projects become competitive.

Moreover, the fossil fuel industry has learned to support such projects, since the appearance of progress reduces pressure to implement taxes, and industry members can benefit from investment in renewables by getting subsidies and looking like responsible corporate citizens.

Environmental groups who promote wind energy development should realize that their efforts are largely misguided and can be damaging. The real solution is implementation of the necessary taxes, in spite of the inertia of the powerful fossil fuel industry, perceived high energy prices and complete lack of political will.

It would be productive, in this challenging context, for environmental groups to focus on tackling this difficult issue, rather than taking up the easy task of joining developers and encouraging unnecessary damage to biodiversity by emphasizing the benefits of industrial development of natural landscapes. This suggested change in approach may sound like only nuance, but it is highly significant for public perceptions and to decisions about where wind developments are permitted.

Timely implementation of an appropriate tax structure will help reallocate resources in an orderly way. Far from being negative for the economy, the necessary reallocation will provide protection against the inevitable future supply and price shocks experienced by economies remaining more heavily dependent on fossil fuels. Canada will not be immune, as we have no national energy policy. Our low-cost fossil fuels are being exported as fast as we can deplete

them, without regard for security of future supply.

The impact of current incentive programs for wind installations is typically only a reduction in the intensity of emissions (tons of carbon per megawatt hour), not an absolute reduction. There are exceptions, such as where no other economic use is found for the displaced fuel.

More GHG Emissions

Wind energy in Alberta creates additional problems. Studies by the Alberta Electric System Operator (AESO) indicate that safe and reliable operation of its grid currently requires a 900-megawatt threshold for wind power. Other than curtailment of wind resources, the primary potential for mitigating the adverse effects of wind power's intermittency is increasing regulating reserves: that is, more off-line GHG emission producing generation. Such mitigation means that wind power requires emissions, making the Canadian government's plans to provide carbon credits to this industry more plainly ironic.

This direct problem may not arise to the same extent in other jurisdictions like Manitoba, where hydro power, provided it can be coupled with sufficient water storage, is displaced by wind energy. Natural Resources Canada (NRCAN) has not taken such efficiency considerations into account in its approval process for subsidies.

Protection Justified

The above observations suggest the importance of not being lulled into readily accepting sacrifices of wildlife, natural native areas, and/or valuable views for the presumed climate change benefits of wind installations. Moreover, even if all the benefits touted by developers were true, feasible locations on large tracts of cultivated lands or otherwise degraded lands should be exploited first. Even if it were raised in the future, AESO's wind power threshold lends support to this approach. So it clearly makes sense to vigorously oppose industry's proposed use of sites where external environmental and/or views costs are high. Determining the best locations requires taking all social costs into account.

Green Energy Myth

A wind energy installation is not properly referred to as a "farm" since it is a large-scale industrial power development and does not resemble a farm in any respect, other than being located in the country. Wind energy is not green in the

B. Taylor



More transmission lines across the prairies will be necessary to accommodate further wind energy projects.

true sense of being environmentally friendly. As we have seen, it doesn't necessarily achieve reductions in GHG emissions because displaced fuel and/or increasing regulating reserves produce GHG emissions. As well, where wind developments do damage to environmentally sensitive areas, they don't meet the test of being green. The Pembina Institute describes the latter circumstances as cases of environmental burden shifting.

Toward Solutions

The need to abandon fake solutions for climate change and get to

the heart of the matter is increasingly urgent. Since the world has perhaps only 10 to 20 years to act in order to avoid irreversible consequences, there is no more time for deception. Many European countries have recognized this and have taken the proper course of developing renewables and using taxes aggressively to encourage substitution away from fossil fuels.

Regrettably, the countries that do the least to solve the problem are able to benefit by consuming the fossil fuel supplies made available by more progressive countries and thwart their efforts as well. It pays, at least in the short run, to keep our heads in the sand and let others worry about the climate.

Alberta appears especially reluctant to take progressive action. Since we are not soon likely to discourage fossil fuel production, we could start doing our part by very aggressively pursuing carbon capture and sequestration, especially in thermal-based power generation, where it can most readily be done. Channeling resources here would put us on the map as a jurisdiction directly achieving more than just a phantom reduction in emissions. Not only that, but we'd get more oil out of it to boot.

Henry Binder is a retired lawyer and rancher who lives in Medicine Hat. He is a member of Grasslands Naturalists.



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COMPLICATIONS FOR THE CONSERVATION MANAGEMENT OF COUGARS IN ALBERTA

By Kyle Knopff and Aliah Adams Knopff

The conservation and management of large carnivores comprises a number of complex issues that can make effective decision-making and planning difficult. Nevertheless, effective planning is exactly what is needed if we are to maintain viable populations of these magnificent and ecologically important animals, and therefore, complexity must be addressed head on.

In December 2005, we began a study that intends to do just that for one of Alberta's most elusive and fascinating large carnivores: the cougar (*Puma concolor*). Based out of the Alberta Conservation Association research lab at the University of Alberta, the Central East Slopes Cougar Study (CESCS) is a comprehensive three-year project that intends to provide an improved scientific basis for effective decision-making and sound conservation planning for cougars.

late 1960s, bounty and predator-control hunts extirpated cougars from most of their historic range, which covered all of the United States and the southern portions of Canada.

By the early 1970s, when cougars began to be valued as a big-game species and the importance of their ecological role in the systems they inhabit was beginning to be recognized by scientists and conservationists, viable populations were primarily restricted to the mountainous regions on the western edge of the continent.

The recognition of the ecological, economic, and intrinsic wilderness value of these big cats, combined with a softening in the public's attitudes toward predators in general, resulted in a reversal of management policy. Cougars were afforded complete protection in California and carefully managed hunts were implemented in other states and provinces.

Probably as a direct result of the

of approximately 600 to 700 animals. A management plan for cougars was created based on the results obtained from Sheep River, and the allowable harvest of cougars (quota) was set at 10 percent of the population annually.

In 1991 the allowable harvest was 66 animals. Quotas have increased steadily since that time until reaching current levels of over 120 cougars per year. This reflects an approximate doubling of the estimated population size in the province over the past 15 years or so, with most of the perceived increase occurring north of the Bow River, where quotas have increased most dramatically.

Interestingly, healthier western cougar populations also appear to be providing a surplus of migrants that are colonizing portions of historic cougar range from which the big cats have been absent for decades. For instance, cougars once again stalk the river valleys in parts of Saskatchewan and can be found chasing white-tailed deer in the cornfields of Iowa. In Canada, recent information suggests they may have made it as far east as Manitoba, where one female cougar was shot and a male accidentally trapped near Riding Mountain National Park in 2004. In the same year in the United States, a dispersing radio-collared male from the Black Hills of South Dakota traveled over 1,067 straight-line kilometres until it was hit by a train in Oklahoma, highlighting the potential for long-range colonization.

At first glance, increasing and expanding cougar populations appear to represent a true large carnivore success story, the likes of which are rare in a world where many of our large predators are endangered or in decline, usually as a result of habitat loss or direct persecution by humans. As with most things to do with ecology and conservation, however, things are not as simple as they might first appear.

While increased harvest, sightings,



E. Heinz

A CESCS study subject is treed before being chemically immobilized and fit with a GPS radio-collar.

The first step toward effective conservation is to understand how past management actions have affected current population status. The priorities for the conservation and management of cougar populations in North America have changed dramatically over the past century. Seen as a pest until the

elimination of the bounty, the past 30 years have seen increases in cougar populations throughout western North America. In Alberta, for example, an intensive study conducted by Martin Jalkotzy and Ian Ross in the 1980s and into the early 1990s at Sheep River led to provincial population estimates



K. Knopf

serious conservation dilemma for this threatened species.

The Alberta government has responded with a wolf cull designed to protect and preserve the Little Smoky herd, and similar actions may be on the horizon for other caribou herds in the province. This is an example of a management action taken in isolation and without enough knowledge of the predator-prey system.

Killing wolves to protect caribou is not necessarily a bad idea. In fact, it is probably a pretty good one and will be necessary, at least to some extent. However, without considering other factors, such as what wolf culls will do to alternate prey, how other predators in the system will respond to wolf reductions, and how industrial activities are impacting caribou populations and predator-prey relations, the current strategy is unlikely to be successful in the long run.

While decreasing wolf numbers now may give the caribou some reprieve for a couple of years, it may also allow moose and deer populations to surge, potentially resulting in the re-establishment of a larger wolf population when the culling stops. This in turn may result in an increase in predatory pressure to levels above those seen before the cull, on what is likely going to be a slowly recovering caribou herd.

A more effective long-term solution might require culling deer, moose and wolves simultaneously and may also require changes in industrial practices in the region and paying attention to other predators like cougars and bears. However, the way in which each of these various components interact needs to be better understood if we want to increase the effectiveness of our management actions.

The same management complications exist when dealing with the conservation of cougars and of populations of their prey. How, for instance, do populations of alternate prey affect cougar predation on a focal prey species? How, moreover, do industrial activities affect cougar populations and their interactions with prey? This second question is particularly pertinent.

We know, for instance, that industrial deforestation affects different

Cougars have the ability to adapt well to changing environments. This kitten and her brother were born under a bunched log pile in a clearcut. Will this adaptive nature allow cougar populations to continue to grow and expand in North America, and if so, what will that mean for their prey populations?

and accidental kills of cougars do imply that populations of the cats are increasing and expanding, we cannot be certain that cougar populations are as large as current estimates suggest (nor can we be certain that they are not larger). Estimating population numbers and density is difficult for any large carnivore, and for cougars, credible population estimates can only be attained through concentrated capture programs, which require large amounts of manpower, time, and funding. Such estimates have not been made since the perceived expansion, and a study capable of producing them has never been conducted north of the Bow River.

Moreover, people are increasingly accessing and living in areas inhabited by cougars, and a portion of the growing numbers of encounters, sightings, depredations, and vehicle strikes could be attributed to the expansion of humans into cougar country and does not necessarily translate directly into more cougars. Current population estimates therefore need to be treated with caution, and improved estimates are required.

If the increase in cougar numbers is as extensive as has been suggested, however, one important consequence (and a serious management and conservation complication) will be the impact of cougar predation on populations of natural prey. As with other predators, cougars have the

capacity to limit, depress and even cause the extinction of populations of their prey. This is an issue of special concern if the prey happens to be important for economic, recreational hunting, or conservation reasons (e.g., elk, bighorn sheep, caribou).

The negative impact of cougar predation on bighorn sheep, for example, has been documented by multiple studies, often resulting in drastic declines in sheep populations. In Alberta, Ross and Jalkotzy observed a lone female cougar kill 9 percent of a sheep population, including 26 percent of the lambs, over the course of just a few months in winter.

Reductions of small populations of prey may be especially prevalent in systems supporting multiple species of prey, such as those found along the eastern slopes of the Rocky Mountains. The dominant prey in the region may support high populations of predators, a fact which can have negative impacts on smaller populations of alternate prey.

A recent conservation example of this phenomenon in Alberta involves the Little Smoky caribou herd and the wolves that prey upon them. Most wolf populations in Alberta are doing very well and are supported by large moose and white-tailed deer populations. Where caribou are also present, incidental predation on their herds is a primary source of mortality, creating a

species in different ways. Caribou are thought to be particularly sensitive to forest removals while grizzly bears and elk can benefit from the increased food supply that clearcuts provide. It is not yet clearly understood how industrial deforestation impacts cougars, but two opposing hypotheses have been presented.

The first suggests that cougars actively avoid deforested landscapes (e.g., those created by industrial activities) and have poor hunting success in open habitats. The second proposes that because increased deforestation positively affects species such as elk and deer, cougar populations will benefit. In the first scenario, cougar populations are expected to decline, and under the second, to increase – and such an increase may result in the

combined with the eastward expansion of cougars into rural and agricultural landscapes, has resulted in escalating numbers of cougar-human interactions. While many of these interactions are positive – a fleeting sight of a cougar slinking off into the forest – others are negative.

Cougar depredation of livestock and pets is financially draining and can foster anger and animosity toward predators. Even more detrimental are cougar attacks on humans. Over the past decade, there has been an increase in the number of people attacked and even killed in Alberta. These predatory attacks are horrific for the families involved and create fear in local communities.

The threat that cougars pose to livestock and humans makes it imperative

continue to persist along the Eastern Slopes as more and more people take up residence.

Each of the issues discussed above – cougar population size, effect of predation in a multi-prey system, effects of industry on cougar populations and predation, and cougar interactions with people where extensive overlap occurs – are being addressed by CESC. The study is being conducted over an area of approximately 10,000 km², with the base of field operations in the old mining town of Nordegg. From the agricultural and rural land around Caroline and Rocky Mountain House to the remote hills of the Bighorn backcountry, the study area is highly variable in its level of human use and disturbance.

Over the course of the project, it is expected that approximately 45 individual cougars will be outfitted with GPS collars. Data from this advanced collar technology allows the CESC field crew to delineate the home ranges of individual animals, estimate population size, visit kill sites, and assess habitat selection and predation patterns relative to human habitation and industrial development.

When this data is combined with several hundred kilometres of tracking cougars through the snow to evaluate the finer details of movement patterns and with a survey of the attitudes of Albertans living in the study area toward cougars, we will be able to paint a clearer picture of cougar ecology along the east slopes and will be able to provide additional information that can be used to address some of the complexity surrounding the conservation and management of this species.

Cougars inhabit a complex niche in the ecosystems of Alberta and in the hearts of Albertans. Wonder and excitement for this wilderness icon are tempered by caution and fear. To ensure that the positive conservation benefits of the post-bounty era continue, it is important that we compile as much up-to-date information as possible on the ecology of cougars and that we make careful management decisions in the face of uncertainty.

A Science Grant from Y2Y in cooperation with AWA has provided support for this research.



R. Bateman

Cougar predation on wild prey, such as this moose, can sometimes be a cause for concern, especially if the prey species is of high economic or conservation value.

decline of certain prey (e.g., bighorn sheep and woodland caribou) that are not positively impacted by industrial deforestation. It is obvious that without a resolution between these two disparate ideas, effective conservation planning for this group of species will be seriously handicapped.

A final complication for the conservation and management of cougars is interactions with people. In Alberta, the constant westward expansion of acreages, recreational properties, campgrounds, and day-use sites,

that we expand our understanding of the ecology of cougars that live in “human-country.” What types of habitat do the cougars living in these areas prefer? How do predation patterns change as cougars move into agricultural/rural land? What makes a problem cat? Is it possible for humans and livestock to share space effectively with these large and dangerous predators? The answers to these questions will determine whether cougars will be permitted to continue to recolonize their historic range and if they will

CANMORE ARTIST CELEBRATES NATURE AND PEOPLE IN DIVERSE ART FORMS

By Joyce Hildebrand

At 91, Elsie Vickery – a long-time AWA supporter, artist, and nature lover – exudes a *joie de vivre* that shows no sign of abating. “I figure I must be living under a lucky star,” she says. Her self-effacing humility belies a robust strength of character that emerges during our hour together in her Canmore home.

Elsie’s one-storey house sits on a huge lot sandwiched between large modern split-levels. As we enter, we feel as though we have stepped into an underground set for *Watership Down*. We follow her through dark cozy rooms and along low-ceilinged hallways, the walls covered with oils, drawings, watercolours, and leather-tooled pictures.

“I won second prize for that one at the Hamilton Art Show,” she remembers, pointing to “In the Park,” a large, finely stitched piece of fabric art filled with animals and whimsy. Shelves and tables hold sculptures in various media – clay, bone, metal – many of them her creations. An early self-portrait shows a face filled with a self-assured independence.

The third of four girls, Elsie was born in 1914. Her grandfather, she tells us with pride, was a member of the first parliament of Canada. Before Elsie’s birth, her parents had travelled to Calgary, then just a town, from Nova Scotia by covered wagon.

Though she can’t remember exactly when she moved to Canmore (“I’ve been here quite a long time...”), she recites her childhood address in southwest Calgary with no hesitation and remembers clearly her regular trips across town, by foot or streetcar, to the Calgary Institute of Technology and Art in the north, where she earned a diploma in arts and crafts. “When I got to a certain age, I was very passionate about art, and I took all the courses I could get my hands on.”

As we enter her tiny studio, the only room awash in natural light, she points out an abstract oil of alpine scenery, another of her works: “I don’t like ‘pretty’ mountains,” she says



Elsie Vickery

matter-of-factly, going on to describe them as “awesome” and “strong.” Her appreciation of nature, so evident in her art, eventually led her to the AWA.

“I didn’t like some of the treatment the animals were getting,” she explains when asked about her decision to support the organization, and then she draws our attention to a long, calligraphed quotation of Henry David Thoreau: “In wildness is the salvation of the world...”

Elsie is quick to clarify, though, that her vision extends beyond environmental concerns: she supports at least ten different organizations. “This woman started her own business by sewing for people,” she explains, reaching for a postcard of a wheelchair-bound Sierra Leonean woman at a sewing machine, part of a CAUSE Canada project. On the shelf beside her is a pin sent to her by CARE, another international relief and development organization, for her ongoing contributions.

As a young adult, Elsie’s love for the mountains drew her to Canmore. The story of the move from Calgary begins with the 2x10 timber beams spanning the sitting room ceiling – this is the original ceiling of the one-room trailer that she had transported from the city to the small municipality. “The land around here was mostly under water because they didn’t have the dam then, you see,” she explains. “If you wanted to live here, you had to live in the middle of a pond of water. So that’s what I did.” She chuckles about the price tag of \$30 for her two large lots.

S. Bray

Once the trailer was in place, she began construction. On days off from her Red Cross job in Calgary, teaching arts and crafts to veterans at the Colonel Belcher, she bussed out to Canmore to add extensions: “There wasn’t anybody to hire to do the carpentry, so you had to get busy and do it yourself.”

Occasionally her sister and brother-in-law, who lived in Canmore at the time, helped out. Does she have any assistance maintaining her home now? “No, I look after it myself,” she responds. “After all, if you build it, you know how to fix it!”

While her sisters married and raised children, marriage never seems to have entered Elsie’s mind. “I didn’t have any desire to marry. I kept busy and happy, so I didn’t think of it.” She can no longer keep busy with her beloved arts and crafts, though, since her fingers are gnarled with arthritis. Instead, she reads – mostly about eating healthy (“That’s what I blame for living long!”) – and tends her large garden of trees, shrubs, and perennials. She tried growing vegetables but the carrots were irresistible to young thieves. She shrugs nonchalantly. “You don’t like to have them go to jail, so you stop growing vegetables.”

As Elsie shows us to the door, we pass a spinning wheel, built in 1890, tucked into a corner. “It wasn’t an antique when I bought it, but it is now!” she quips with a grin. A lucky star? Maybe, but her longevity and contentment may have as much to do with creativity, a connection with nature, a positive outlook, and an enduring sense of humour.



© Elsie Vickery



TRACKING STEWARDSHIP FROM THE FOREST TO THE PAGE: TOPLINE PRINTING LEADS THE WAY IN ALBERTA

By Joyce Hildebrand, AWA Conservation Specialist

It seems fitting that the *Wild Lands Advocate* is the very first FSC-certified product to roll off Topline Printing's press, marking a significant milestone for both the journal and the printer. In fact, Topline's Forest Stewardship Council certificate is so fresh that it is being framed as this issue goes to press.

The Forest Stewardship

far behind. At that time, Topline was landfilling its waste at a cost of \$1,100 per month. It made business sense to recycle, and Topline was one of the first printers in the city to start.

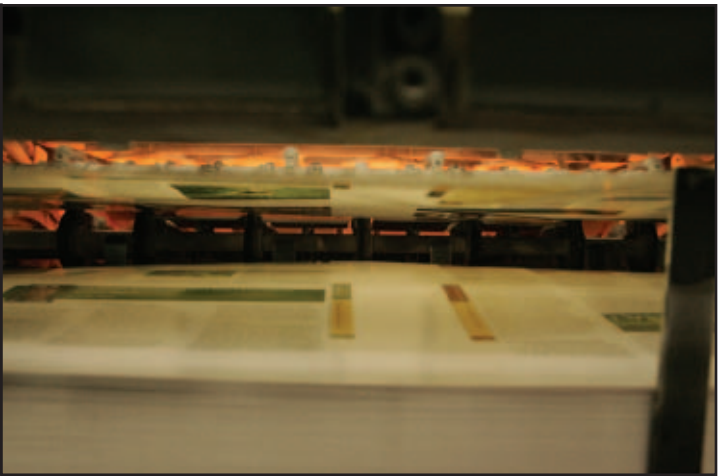
But if the Peris brothers' motives for running Topline in a way that minimizes ecological impact were economic, they would never have proceeded along this path. Getting FSC

be certified: the forest company, the mill, and the paper merchants. Topline's employees had to undergo special training to ensure that the third-party SmartWood audits would go smoothly. Not only does SmartWood conduct a compulsory annual audit, but according to the FSC agreement, they can audit Topline randomly at any time.

Although awareness of FSC-



Topline's Heidelberg Speedmaster printing press



The glowing ultraviolet bulb is drying the ink as the Advocate goes through the press.

Council (FSC) promotes responsible management of the world's forests and accredits independent third party organizations to certify companies like Topline to international standards. Topline's certifying company is SmartWood, accredited by the FSC through the Rainforest Alliance, a global nonprofit conservation organization. Established in 1989, SmartWood is now the world's leading nonprofit forestry certifier.

For Topline, the foundations for certification were laid long ago. Bill Peris and his brother Fernando established the company in 1983 and have been leaders in environmentally responsible printing in Alberta since the early 1990s. When Bill returned to Calgary in 1992 after five years in Toronto, where waste paper recycling was well-established in the printing business, he found Calgary lagging

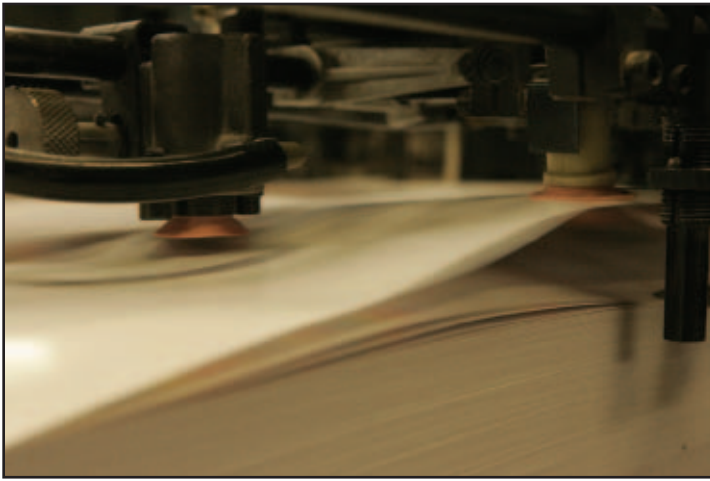
certification represents a significant cost with absolutely no revenue increase. Although certified paper is no more expensive than non-certified paper, there are extra administrative costs, including audits and staff training.

The paper in this issue of the *Advocate* can be tracked all the way back to forests that have been certified to FSC standards. This "chain of custody" – including all stages of processing, transformation, manufacturing, and distribution – requires meticulous invoicing, record-keeping, and storage. "If we were to send a product to another company for any part of the printing process," says Bill, "they would also have to be FSC-certified." In Topline's case, every step of the process is in-house, which simplifies tracking procedures.

Still, every company involved before the paper arrives at Topline must

certified wood has been growing for some time, consumers have been slow to make the connection between the forests they hike through and the paper that flows steadily from printer to desk to trashcan or recycling bin. Bill believes that the proliferation of computer printers and photocopiers has led to massive waste and overuse of paper.

From the consumer's perspective, products that come from commercial printers are even further removed from trees. "Printers consume a tremendous amount of pulp," says Bill, "but people sometimes don't recognize that paper is wood." Even if individuals make that connection, agencies who use printers are generally interested in one thing: price. Bill emphasizes that use of certified paper will increase only when agencies start to request it. "That's how the shift will happen. Then the printers



The paper being picked up just before it enters the press.



The Advocate on the stitching machine after being folded as a 16-page signature.

will have to start asking the paper merchants for FSC paper and it will be recognized as a cost of doing business.”

Meanwhile, there is absolutely no financial benefit to Topline for their environmental initiatives. “For us, it’s a hard expense,” Peris says. “At this point it’s so new in Calgary, it comes right off the bottom line. This choice has nothing to do with finances.” If Topline were primarily interested in increasing profit, they would purchase paper from developing countries. “It’s difficult to compete with companies in South America that are supplying paper brokers in the US and Canada. Regardless of whether forests were being clearcut or not, it’s just not the right thing to do. It’s also not good for Canadians: we should be supporting our own mills in Canada.”

So why do it? All of Topline’s environmental initiatives have come from a commitment to minimizing the business’s ecological footprint. “As a Scout leader,” Bill says, “I tell the boys to leave no trace, stay on the trail, etc. What I preach to our youth, I have to practise at work, regardless of the cost.” The Scout movement has been Bill’s strongest influence with respect to the environment. “That, and our involvement with the *Wild Lands Advocate*,” he adds.

As an AWA member, Bill used to squint at the black and white photos in the *Advocate*, trying to make out what they represented. He knew that as a non-profit organization, AWA simply didn’t have the funds to print in colour, but as a printer, he also knew that colour images would increase the



Registering (bringing together) the four primary colours on the press sheet of the Advocate.

impact of the journal tremendously. Although Topline’s already generous donations to the community had reached their limit, as an expression of his commitment to conservation, Bill decided to sponsor colour printing and process. The *Advocate* took a giant leap from grainy half-tones to professional full-colour photographs.

As you enjoy the colour on these pages, you may be wondering: “But what about the ink?” Topline was one of the first printers in Alberta to switch to vegetable-based ink, and in one corner of the plant is a small, fire-proof room containing a few large barrels. Peer into one of them and you will see a swirl of brilliant colours: unlike most small printers in Alberta, Topline has all its leftover waste ink picked up and recycled. Aluminum plates are neatly stacked in corners, also ready to be collected for recycling.

Another recent change at Topline involves the “direct-to-plate” system, the mechanism by which information is sent directly from the computer to

the device that fuses the image onto the plates. In November, Topline switched to a waterless system. Based on the last six months, calculations indicate that this system saves 480,000 m³ of water per year. Since water is (still) cheap, this represents minimal financial savings, but it is a significant reduction in water use.

Although Topline’s decisions regarding environmental and social responsibility don’t translate into increased profits, this doesn’t concern Peris. Because of the quality of their service, customers keep coming back and referring them to others. Staff turnover is minimal: most employees have been with the company for 5 to 15 years. And for Peris, decisions like FSC certification are bigger than the bottom line: “This is good for Canada. The wider the spread of FSC certification, the broader the market for Canadian pulp and paper manufacturers. It creates employment. It’s good for the economy as well as for forests, wildlife, and watersheds.” How refreshing in an increasingly globalized world where most things are viewed solely through an economic prism!

Bill Peris’s involvement with Scouts began at an early age, and his commitment continues through his role as a Scout leader.



BIRD BOOK AUTHOR TURNS HOBBY INTO PASSION, THEN INTO CAREER

By John Geary

Bruce Whittington was exposed to the joys of bird watching at a very young age, when his older brother took him out.

However, that first trip did not turn him instantly into an avid birder. That came later in life.

“It wasn’t until I became an adult that I started to really pursue it,” says Whittington. “The real turning point came when I joined the Victoria Natural History Society and went on a field trip.

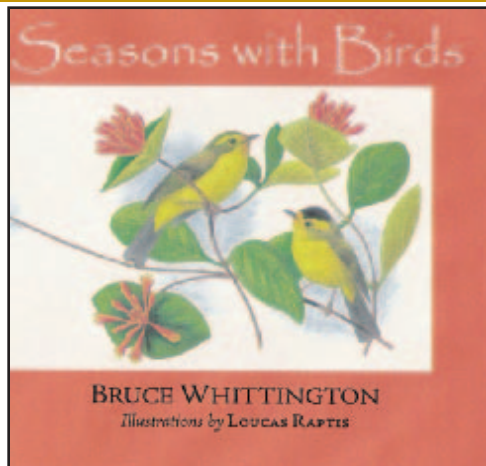
“I thought I’d died and gone to heaven, because here were all these people just going out and looking at birds – and that’s all they wanted to do.”

What started out as a hobby became a passion, and then before he knew it, his passion became a career, a career that culminated late last year in the publication of his first book, *Seasons with the Birds*.

The book is a collection of essays based on the author’s experiences with birds and bird watching. It is organized by season, starting first with Autumn, then continuing into Winter, then Spring, and finally, Summer. Each of the four sections contains its three months in three sub sections, and each month offers several different stories of events and occurrences experienced in that month.

Of course, Whittington did not just jump from joining the natural history society to writing a book. There were many steps in between. First he became a board member, then started leading society field trips, and even began to teach a bird watching course through the local recreation department. It was through the society he met artist Loucas Raptis, who eventually became the illustrator for his book.

When his wife attended the University of Victoria, he stayed home with the children and started up a home-based mail order business. While that thrived and grew, he also served stints as a park naturalist at a local park and worked at a nature sanctuary. Five years after starting his business, he moved it out of his home into an actual store building and went into the retail



business of selling books about natural history, binoculars, scopes and other naturalist merchandise.

While he was running the store, Harold Hosford, then the bird writer for the *Victoria Times Colonist*, asked Whittington if he would like to take over the column. He quickly accepted and began writing the column once a week, for the next 10 years.

“I turned out some columns, handed them into the editor, and it just clicked,” says Whittington. “I realized I really enjoyed writing, and I had always enjoyed writing when I was in university, but I never did much writing, other than letters to the editor, things like that.”

After a good run of 10 years, Whittington decided it was time for something new. He toyed with the idea of doing a book, and many of his naturalist colleagues asked him when he was going to write a book, but he never seemed to get around to it, at least not in terms of producing a finished product.

“I proposed it to six or eight publishers, using some of my columns as samples,” says Whittington. “I was selling natural history books at the time, so I knew all the publishers. Almost everyone I approached said a collection of columns wouldn’t work, although one or two of them said it might work, but only if I reworked the material and put it together better.”

At that time, he was far too busy with other projects, including conservation work with HAT (the

Habitat Acquisition Trust). HAT is a regional land trust that works to conserve natural environments on southern Vancouver Island and the southern Gulf Islands by acquiring land through purchase or donation, establishing conservation covenants and through education and stewardship. But eventually, he decided to go back to writing and found the time to finish the book.

Many of the essays in the book are based on some of his columns, but many are fresh pieces of work. Those that are based on previous writing have been revised, updated, revamped and otherwise reworked.

“I essentially re-wrote most of the material, often combining several columns into one,” he says. “I came up with the idea of doing it on the basis of a year, and ran that thread through it, filled in gaps and updated it.”

It took five months to complete the manuscript, which was eventually published by a company that initially turned him down.

“They’d actually rejected it first, but gave me one of the most supportive rejection letters I received. Marlyn Horsdal encouraged me to re-write it. In the end, that company (Touchwood Editions) agreed to do it, and she did the editing on the book.”

Whittington continues to lead birding tours. He leads some for free, to help raise funds for non-profit organizations. Last summer, he began leading tours for pay on Holland America cruise ships, in Alaska, and continued that this past summer.

“I wasn’t sure what the cruise ship experience would be like, but in fact, going to Alaska is so spectacular, I’ll continue to do that for a while.”

Whether he’s leading a bird watching tour, planning his next book (he has several ideas percolating on the back burner of his brain), or just out strolling through the woods and fields looking at birds by himself, birding itself is one thing Whittington will continue to do for much, much longer than a while.



**Staff Profile:
Joyce Hildebrand**

In early May, I transitioned from volunteer *Wild Lands Advocate* proofreader to conservation specialist, joining the skilled and dedicated team of AWA staff. It's a career change that I accept with an enormous sense of privilege and anticipation. The opportunity to combine one's passion with one's work is a rare gift.

During my southern Manitoba childhood, the prairies became my "native" landscape. A gradual migration west brought me to Calgary in 1979 – I could go no further without leaving the prairies behind. I attribute to long-time AWA member Cyndi Smith, with whom I canoed several of Alberta's prairie rivers, both my reconnection to wild places and my introduction to AWA in the mid-1980s. I have come to appreciate both the rich diversity of natural landscapes in this province and the urgent need to protect them.

My living has mainly derived from teaching linguistics in post-secondary institutions in Calgary and copyediting manuscripts for a variety of clients. I have written on environmental themes for several publications, including the *Wild Lands Advocate* and *Encompass* magazine.

I recognize my dependence on a huge network of people around the province in fulfilling my role within AWA. Thank you for your support, your passion, and your commitment to ensuring that Alberta wilderness and the life it supports will be here for many generations to come.



**Staff Profile:
Edith Weiss**

My first exposure to AWA was in the summer of 2003, when I found myself at the AWA booth at the Sunnyside Farmers' Market picking up their Wild Alberta brochure and signing up for the Wilderness Network (WiN). I had walked by their building in the heritage community school, only half a block from the market, a few times and made the connection. The motto of their owl completed the friendly impression.

When I was looking for a volunteer position the following December, it was easy to put AWA at the top of my list. I started to help in the office on a regular basis and immediately became involved in organizing the Climb for Wilderness fundraising event. It was very easy for me to enjoy being a volunteer working with the AWA team.

I was born and raised in Vienna, Austria and first came to Calgary on a one-year posting with an Austrian oil and gas company in 1989. When I moved to Calgary in 1993, I left behind my job, family, and friends, but nevertheless, I ventured for opportunities to learn something new. Juggling my young family, with two children, I decided to attend university courses and graduated with a general bachelor's degree and earth science minor.

My love for nature, wild things, and landscapes made it simple to say yes when Christyann asked me to "officially" join the team on a part-time basis in February 2006. I am proud to be part of a team and wonderful colleagues focusing on conservation of Alberta's natural beauty and wild lands.

Summer Hikes Program

Pre-registration is required for all of these hikes and will take place on a "first come, first served" basis. Contact AWA by phone (403) 283-2025 or email at awa@shaw.ca to book your space or for more details. You can also book online at <http://shop.albertawilderness.ca>.

Sunday, September 24, 2006

Chester Lakes

with Vivian Pharis
Mountains of Kananaskis Country

August 14-17, 2006

White Goat Wilderness

Traverse Nigel and Cataract Passes with Don Wales and explore the headwaters of Cataract Creek on the edge of the White Goat Wilderness area on this 4-day backpacking trip.

Trips are self-catered, but your leader will make sure you are prepared with the proper equipment, food, fitness level, and trip route, and will also be there for first aid and emergencies.

Cost: \$100 – AWA members
\$125 – Non-members

Pre-registration is required for all backpacking trips.

SPECIAL EVENTS

Friday, November 17, 2006

Alberta Wilderness and Wildlife Trust Annual Lecture and Awards

Landuse, Climate Change and Water Supply in Canada's Prairie Provinces
with Dr. William Donahue

See our website for more details.



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