



Grizzly foraging in the Eastern Slopes Photo: © GRRR! Photography

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Darryl and Frances Saindon photographed this magnificent grizzly as it foraged for Hedysarum roots east of Saskatchewan River Crossing. AWA is very grateful that Grrrr! Photography donates the profits from sales of photos from its Alberta grizzly bear gallery to assist our grizzly campaign. The Saindons have established their own Alberta grizzly bear conservation site "The Guarding Grizzlies Foundation." See www.freewebs.com/grrrrphotography/

FEATURED ARTIST ————

This month we feature several satirical posters from the latest chapter in AWA's "Save the Grizzly Campaign" as well as several examples of Colleen Campbell's art. Colleen was born in Victoria and has lived in Canmore since 1982. In 1991 she expanded her enjoyment of the Rockies from climbing and skiing to include work as a wildlife researcher. She focused exclusively on grizzly bears from 1993 until 2006. Colleen always has a camera in her pack, to record a colour or other information for later reference in her studio, or just to take a picture for the sake of memory. What she learns in her wildlife research becomes content in her visual work and writing.

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Alberta Wilderness Association is a charitable non-government organization dedicated to the completion of a protected areas network and the conservation of wilderness throughout the province. To support our work with a tax-deductible donation, call (403) 283-2025 or contribute online at Alberta Wilderness.ca.

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PHOTO: S. JENSEN

REQUIEM OR RECOVERY FOR THE REAL BEAR?

Our attachment to wildlife and wilderness is reputed to be integral to the Canadian identity. "This is most evident," says Hinterland Who's Who, "in the iconic role that wildlife plays in Canadian currency..." Government may have given wildlife that iconic role in the past such as when the 1986 Birds of Canada bank note series was issued. But, as the most recent bank note series symbolizes, and the general tenor of federal and provincial policies confirms, wildlife has fallen from grace. We have turned the clock back to the themes of the 1937 bank note series where allegories about our dominion over nature and beasts figured prominently.

This is certainly the case when it comes to the status and treatment of the grizzly bear or, as Phil Burpee points out later, the bruin the Blackfoot called Nitakyaio – "the real bear." Grizzly numbers have plummeted over the course of many lifetimes as we have civilized one landscape after another. Today, the mere hundreds of grizzlies remaining in Alberta are confined to just a sliver of the range they occupied before Red River carts and the railway, pushed westward. This month we devote the features section of the *Wild Lands Advocate* to this wildlife and wilderness icon.

Christyann Olson opens the section with a call to renew the legislative foundations of wildlife policy in Alberta. Government has neglected its duty to steward wildlife wisely and it is high time that our provincial politicians penned an amended, stronger Wildlife Act. Nigel Douglas then looks at the Grizzly Recovery Plan Alberta published nearly two years ago through the eyes of some of the "stakeholders" who were members of the recovery team. It offers an important perspective on the dynamics of the recovery plan process, the points of agreement and difference among the represented interests, and the nature of the challenges that remain if Alberta is serious about increasing our grizzly population.

Some city-folk may regard those who work on the land, particularly those who raise livestock, always to be fierce opponents to policies promoting the recovery of the numbers of any predator. Why let loose on the land more grizzlies or wolves, animals that may fancy the occasional meal of beef or mutton? Phil Burpee's article emphasizes what a caricature that opinion really is. He speaks for many of his colleagues in the ranching community when he writes that more wilderness is needed to insure that healthy predator/prey populations are found in the backcountry. Healthy populations there will reduce the likelihood that large predators will turn to cows and sheep as prey.

Brian Horejsi delivers a sharply-worded critique of Alberta's record up to now. The comparative perspective he incorporates there makes his argument particularly compelling and an important complement to Christyann's call for legislative changes. He urges our governments to look favourably to what their counterparts in the United States have done. The important lessons found in the American legislative experience appear to offer American grizzlies a brighter future than what we are promising their northern cousins. The section concludes with Colleen Campbell's story about Skoki, one of two grizzlies currently in captivity at the Calgary zoo. Skoki's story offers us an important lesson - only time will tell if we have the public and political will to take that lesson to heart.

In the Association News section we invite you to look back and ahead. We are pleased to offer those of you who could not attend Richard Secord's Martha Kostuch Lecture in November a summary of his lecture "Green Law: Legal Precedents for Environmental Protection." We also are delighted there to present the views of an exceptional talent about the exciting and provocative twist AWA's "Save the Grizzly" campaign is about to take.

- Ian Urguhart, Editor



An Eloquent Challenge

By Christyann Olson, AWA Executive Director

"In January of 1995 I helped carry the first grey wolf into Yellowstone, where they had been eradicated by federal predator control policy only six decades earlier. Looking through the crates into her eyes, I reflected on how Aldo Leopold once took part in that policy, then eloquently challenged it. By illuminating for us how wolves play a critical role in the whole of creation, he expressed the ethic and the laws which would reintroduce them nearly a half-century after his death."

- Bruce Babbitt, U.S. Secretary of the Interior, 1993-2001

changing attitudes to predators and to wildlife in general. AWA has sought, since its inception, better policy and legislation for wildlife. We realized by the 1960s that habitat destruction leads wildlife to suffer. This realization is even stronger today as we grapple with the undeniable truth that habitat destruction not only makes wildlife suffer, but it also reduces our ability to satisfy some basic human needs.

AWA vice president Cliff Wallis, on a mild January evening several weeks ago, described a communitybased biodiversity workshop in Inner Mongolia during an AWA presentation in Lethbridge. The workshop delegates were asked to identify the elements of nature that were important to them and their way of life. Of all the groups represented, including those who work for the Dalai Lake National Nature Reserve where the workshop was held, the herders were the only ones who included wolves in their list. While wolves could be seen as putting their lifestyle at risk, the herders fully understood the importance of having wolves in the ecosystem. AWA believes, and several polls confirm, that most Albertans understand the importance of having the full complement of native species in our ecosystem.

As we begin the year 2010, AWA is energized to bring the truth about the status of Alberta's wildlife populations to the forefront and to help, as Aldo Leopold once did, illuminate the critical role wildlife plays in our lives. Alberta's last wildlife policy was written in 1980 – more than a generation ago. Albertans' desire to protect wildlife is stronger than it has ever been. It is time government delivered a new policy to satisfy that desire.



This nanny and kid displayed amazing agility as they climbed this vertical slope with ease, the doe ever watchful and her kid always on her heels. PHOTO: C. OLSON

AWA believes that the Alberta government, hampered by outdated policy and legislation, has neglected its duty to protect wildlife. The development imperative has trumped the wildlife protection imperative. Consequently, we have witnessed more and more habitat destruction, a decline of some species and a death spiral for others. AWA wants this "War on Wildlife "stopped.

Conklin Bears

AWA was distressed, devastated and disappointed with the dreadful scenario that led to the slaughter of black bears at Conklin (see WLA, October 2009). While we are concerned that Conklin may not be the only place where the garbage storage situation has been allowed to deteriorate, we truly appreciated a

candid and considered response to our August 14, 2009 letter to Sustainable Resource Development (SRD) minister Ted Morton regarding the killing of these bears. Knowing the thoroughness of his assessment of the situation and the breadth of measures taken to deal with the issue helps us to understand the perspective and concern he has for this very serious incident. Through a new decisionmaking protocol the Minister intended to strengthen lines of accountability and insure greater oversight to avoid future episodes such as the one at Conklin. (Whether this survives the recent cabinet shuffle remains to be seen).

Caw Ridge

The Minister's response to our concerns about the Conklin massacre contrasts



While some black bears are curious enough to hang around this bruin was not interested in posing for the camera. PHOTO: C. OLSON

sharply, however, with the refusal to act on another wildlife management issue – one that is much closer to the heart of the development imperative than Conklin. That issue is the threat coal mining poses to the ecological integrity of Caw Ridge. AWA wrote Minister Morton and Premier Stelmach about Caw Ridge on August 17, 2009. Caw Ridge is considered by many wildlife biologists to be one of the single most critical habitats in all of Alberta; some know it as Alberta's Serengeti because of its importance to large mammals such as mountain goats and woodland caribou. AWA considers Caw Ridge and its wildlife to be exceptional. It deserves exceptional management attention.

The package of information we received on Caw Ridge through the FOIP process (see WLA, December 2009) demonstrated, in no uncertain terms, that SRD biologists and wildlife managers share AWA's level of concern for this area. We were therefore disappointed with Minister Morton's refusal to entertain our request that Alberta convene a public inquiry into the future of coal mining

in the immediate vicinity of the ridge. Furthermore, a comprehensive cumulative effects assessment should be done before any future exploration or development activity is allowed in that area.

While the Minister's letter explained that our laws and their administration allow SRD to manage and "mitigate" the impacts of any development on wildlife habitat, Caw Ridge could be the poster child for SRD's failure to manage and mitigate meaningfully. Reading the FOIP documents left us sharing the sense of helplessness one Fish and Wildlife official expressed in the following words.

"Fish and Wildlife Division has since the 1990's repeatedly recommended that no coal exploration or development be approved for Caw Ridge. For this latest exploration application we recommended that it not be approved. We were overruled. We recommended that the ridge top access option proposed by GCC not be approved because the disturbance of goats and caribou and their habitat was too high. We were overruled."

Wildlife Policy and Legislation

One consistent thread running through both the Caw Ridge and Conklin bear issues is the lack of strong legislative tools to allow the province to privilege wildlife concerns. AWA believes such strong protective measures must become part of our legislative toolbox.

Alberta's Wildlife Policy is 30 years old and is not informed by today's science or the public's regard for wildlife. The 1980 policy was written at a time when there was far less regard for the intrinsic value of wildlife, when certain populations were seen as inexhaustible and when the primary consideration was for "wildlife to pay its way." This sort of thinking is seriously outdated and inadequate. Sound legislation complemented by sound regulations could improve wildlife management tremendously. Sound policy could have guided decisions on Caw Ridge that Fish and Wildlife staff agonized over during the last round of coal exploration and could have prevented the Conklin debacle. We need an up-to-date Wildlife Policy and an amended, stronger Wildlife Act.



This Rocky Mountain bighorn ram was "shot" near the hamlet of Cadomin. The magnificence of the rams' full-curl horns may be one reason they have been recognized officially as Alberta's provincial mammal. PHOTO: C. OLSON

What follows are some principles related to wildlife that our association has valued and promoted throughout its past 45 years. In fact, some of these principles animated AWA's birth in the mid-1960s. Some of these principles are also part of Environment Canada's *Wildlife Policy for Canada*. Those values and principles are:

- **1.** Wildlife has intrinsic value in and of itself.
- 2. Healthy natural populations of wildlife depend entirely on the health and abundance of their habitat. Wildlife is an integral part of the environment in which we live and as such is a key indicator of the health of that environment.
- 3. We all share in the responsibility to ensure the retention of the full complement of all living things within healthy, natural ecosystems. Alberta's species at risk are not adequately covered under current policy and legislative documents, and must be.
- 4. Effective conservation of wildlife

- relies upon a well-informed and involved public. Alberta wildlife is a public resource and the Alberta public has a responsibility to be involved and to ensure wildlife decisions protect that resource. Basic and applied scientific research is essential to our understanding of ecosystems and their wildlife components and this must be supported within government, and the costs borne by taxpayers.
- **5.** Wildlife is a source of food and a vital part of the culture and economies of some aboriginal peoples.
- 6. We all have responsibility for the stewardship of wildlife and we all share in the costs of conserving and managing wildlife. Our elected governments are accountable for its management. Those whose actions result in costs to wildlife must bear them.
- 7. Taking care of habitat and the wildlife that depends on it must be our primary goal, rather than belated investment in restoration and recovery.

AWA knows and is extremely concerned that Alberta's Wildlife Policy and Wildlife Act do not protect adequately the province's wildlife. There is an urgent need to have sound and powerful policy and legislation that will protect our wildlife. AWA challenges our policy makers to recognize the error here and correct the mistake. I am extending this challenge to you, the reader, in hopes that each one of you who reads this article will give serious consideration to the need for updated policy and legislation and that you will help us by phoning and writing to help the government hear its constituents. It is time to stop the "war on wildlife" and make things right.



Alberta's Grizzlies: On the Road to Recovery or just on the Road?

By Nigel Douglas, AWA Conservation Specialist

lberta's Grizzly Bear Recovery
Team was established in 2002
following a recommendation by
the Alberta government's Endangered
Species Conservation Committee
that the grizzly bear should be
designated a threatened species. The
multi-stakeholder team - consisting
of government staff, scientists and
industry, hunting and environmental
representatives - was given two years
to draft a provincial Grizzly Bear
Recovery Plan.

The first draft of the Recovery Plan was submitted in December 2004. It then underwent a prolonged period of internal and external review before it was finally published in March 2008. Two months later, the recovery team was dismissed.

Now, nearly two years after the plan was finally revealed, we ask some of the members of the original Recovery Team to look back and give their impressions of the recovery process. Representatives from the Canadian Association of Petroleum Producers. Alberta Fish and Game Association, the Universities of Alberta and Calgary and the environmental community comment on how the team worked together, how well their discussions were reflected in the final recovery plan, and how far implementation of the plan has gone since then. The representative for the Alberta Forest Products Association declined to be interviewed. Ron Bjorge. Alberta Government Director of Wildlife. also gives his impressions on recovery actions for grizzlies.

An Expert from the Biological Sciences Professor Mark Boyce represented the University of Alberta's Department of

University of Alberta's Department of Biological Sciences on the Recovery Team.

Boyce remembers the Recovery Team meetings as a "painful but ultimately fruitful process." In the beginning, things were difficult: "There was an initial period of knock-down-drag-out," he recalls.



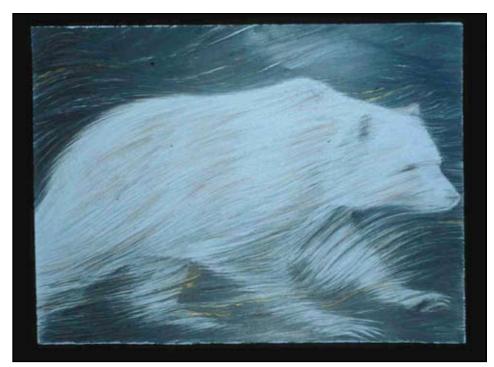
The wilder areas of Kananaskis Country, such as the Highwood region, still support grizzly populations. Densities are the lowest in North America, however, and recruitment is low, so they are extremely vulnerable to human disturbance. Photo: N. Douglas

"The industry people were difficult to work with and it took hours of meetings." But in spite of this initial friction, or maybe because of it, the Team eventually came together to work in a constructive fashion. "At the end of the day, I was awfully pleased: everyone agreed with the main points. Everyone agreed with the Recovery Plan as it was completed."

One of the most sobering observations from Boyce's perspective was that the main stumbling blocks to progress on grizzly recovery were raised not so much by the industry representatives as by government staff. "The government

representatives were as difficult as the industry people," he remembers. "Even the government people were representatives from Energy, Public Lands and Forestry. They were not biologists with a conservation agenda: they were there to try to protect the paradigm that Alberta is open to business."

Despite all of this, Boyce describes the final Recovery Plan as a "good document" which has the potential to be a successful blueprint for grizzly recovery. "I believe it is a good plan. If we implement it as it is spelled out, we will have grizzly bears for the foreseeable



Mangi (bear spirit), drawing, 22" x 30" © COLLEEN CAMPBELL

future," he says. Grizzlies themselves are quite adaptable, Boyce points out, but management has to focus on reducing mortality. "Minimizing conflicts with humans is the bottom line," he says. "If you can keep people from killing them, they'll do well."

Like other Recovery Team members Boyce was taken by surprise when, following the publication of the final Recovery Plan in March 2008, the Recovery Team was disbanded. "The plan was finally accepted, and then a short time after, the Minister disbanded the team," he recalls. "I don't know why he did that. I thought we were in it for the long term." Boyce had fully expected the Team to be involved in the future implementation of the Plan; indeed the Plan specified that the Team "assists the Minister and the Alberta Fish and Wildlife Division (FWD) with Plan implementation." That made sense to Boyce: "The group had done all the homework, read the literature. It would have been sensible to keep it going," he says.

Ultimately, a plan is just a plan: by itself it is not going to recover grizzlies. "It's disappointing that it's taken so long for anything to happen," he says. Boyce believes that the secret to grizzly recovery is access management. "I'm not worried about grizzly bears going extinct in Alberta; I'm worried about the degradation of habitat due to roads and industrial development. Roads and bears don't mix."

Boyce believes the 2009 Alberta Land Stewardship Act gives the government everything it needs to recover grizzlies. "But we can't wait for the Land-Use Framework to roll out before anything is done to manage access; there is no reason we can't just do it." There is an erroneous perception that "they can't begin to manage access until they have all of their ducks lined in a row to give them the authority to do so." For example it would be relatively simple for the government to "make it a stipulation of a lease that it has to manage access: access has to be gated."

Boyce remains optimistic that Alberta's grizzlies can be recovered, but is frustrated by the continuing delays. "I think there is no reason why we can't have bears for the long term," he says. "But I'm concerned that it's taking them so long to get regulations in place to actually do the access management." Despite the politics involved, the government's Fish and Wildlife Division has some excellent, well-motivated staff: "A lot of people working for government don't have the Alberta Advantage as their operating plan. There are biologists in the regions who are good people trying to work within political constraints."

But, if the grizzly Recovery Plan is ever to be implemented, it is important to "keep the government's feet to the fire." This needs to come from all of us everyday Albertans: "The public needs to be educated that this needs to happen," he concludes.

The Energy Industry Perspective

Rob Staniland represented the Canadian Association of Petroleum Producers (CAPP) on the Recovery Team. At the time he was working with Talisman Energy. He describes himself as "semiretired" though he still represents CAPP on endangered species processes, including the federal caribou recovery and joint federal/provincial west slope cutthroat trout recovery.

"I liked the recovery process," says Staniland. "There was a lot of agreement at the end of the recovery process. We walked away feeling it was a productivefeeling exercise." The Recovery Plan that came out "accurately reflects where we ended up," he believes. "It included all the relevant things that needed to be done."

When the Recovery Team was disbanded, Staniland appeared less concerned than other members of the Team. "I'm not offended the Team didn't have any role any more," he says. "I took that from the caribou recovery plan: I didn't expect to be intimately involved with the implementation. Alberta doesn't have concrete direction with planning; each process seems to take its own direction." That doesn't mean that he won't be following the implementation of the Plan: "You would like to be able to watch (implementation) to see if they are staying true to the concepts," he says.

Some of the toughest conversations at the Recovery Team table concerned issues of access. "We eventually settled on the fact that the real risk wasn't access but was open access," he emphasizes. If industrial access roads are used only by industrial operators and not for recreation then the problems for grizzlies are considerably less. "From an industry standpoint, grizzlies are manageable with access control." He notes that "there was agreement about density in the context of road density and grizzly mortality: road density is a surrogate for mortality risk but nothing more."

Staniland's biggest concern is that "the intricacies that went into the production of the plan will be lost in a literal interpretation of the words, without consideration of the subtleties." For example, the Recovery Plan talked about managing grizzly Priority Areas with maximum densities for open routes (within this context, an "open route" is defined simply as "A route without restrictions on motorized vehicle use").

But, when the Alberta government held stakeholder meetings to discuss access management for grizzlies, they were only willing to talk about managing access for *trucks* which Staniland believes "is not consistent to how access affects mortality. The Recovery Plan doesn't distinguish a quad trail from a highway."

Although the Recovery Plan pointed the finger at human use of access as the primary cause of Alberta's grizzly troubles how the subsequent recovery process will deal with this problem is another matter. Staniland points to "potential seasonal constraints or maximum traffic restraints," as examples of tools to begin reducing the impacts of human access. Industry does not see gating of new access as the solution: "Gates are easily compromised, and put the costs up," points out Staniland. "Closure by regulation" is preferable in his view: "You need to build a situation that's easy to enforce, and make sure everyone knows the rules. Industry wouldn't want to enforce (regulations) but could provide support." Looking south of the border he points out that compliance is good in Utah and Nevada: "In Montana, it took years of targeted enforcement to work."

Industry is not opposed to any reduction in existing roads networks. "Decommissioning roads is fine if we are permitted to," says Staniland, pointing out that it is often Alberta Sustainable Resource Development staff who wants to keep them open. But again, he cautions against a "primitive application" of the Recovery Plan. "We imagined in the Conservation Areas, which were chosen because of their lack of roads to start with, they would look at specific roads that were specific hazards, then look at how to abandon just those particular roads." Bearing in mind future changes within the sector, he also cautions against hasty closure of industrial access roads, giving the example of old oil roads which are now "becoming new gas roads."

The oil and gas industry's primary mandate is to develop the sub-surface resources which the Alberta government has sold them. But how the resource is accessed is crucial. Staniland points to "coordinating development" as an important step. This entails coordination between different oil and gas companies as well as between the energy and forestry sectors. More than anything it

is important to be clear exactly what we want to achieve in managing grizzly habitat; we should "plan ahead to know what measures to use, and what you want to control." As Staniland points out, "you don't want the economy hurt for no biological value."

Recovery Team Spokesperson and Expert from the Biological Sciences

Professor Robert Barclay from the University of Calgary's Biological Sciences Department was the second representative from the academic community on the Recovery Team. Dr. Barclay assumed the role of spokesman for the Recovery Team in February 2006. He assumed this duty after government grizzly biologist Gord Stenhouse was removed as Chair of the team for expressing his frustration about the lack of progress in grizzly recovery.

Barclay agrees that involvement in the Recovery Team was very positive: "It was a group with different perspectives and backgrounds but, despite those perspectives and constituencies, the team worked very well together. There were many debates and arguments but in the end we came to consensus. We were unanimous in many recommendations, and when we were not, we understood the consensus."

Barclay believes the plan itself "accurately reflected the discussions of the recovery team...If the recommendations were adopted," he says, "I'd be reasonably optimistic about the recovery of grizzly bears in the province." He is happy to point out that "industry weren't the roadblock during the production of the plan. The industry reps on the team just wanted to know what the game is; if they know what the limitations are then they'll work within them." But there were still certainly obstacles to progress: "Things don't happen as fast as you would like especially when politics comes into play. It's at the political and government administrative levels that the pace is set."

"The most important recommendation (of the Recovery Plan) was to establish core grizzly bear areas and manage access," says Barclay. "We need areas of high quality habitat where grizzly bears have the ability to maintain themselves and even populate surrounding areas." Road networks were the key issue. "The need is to reduce human-caused

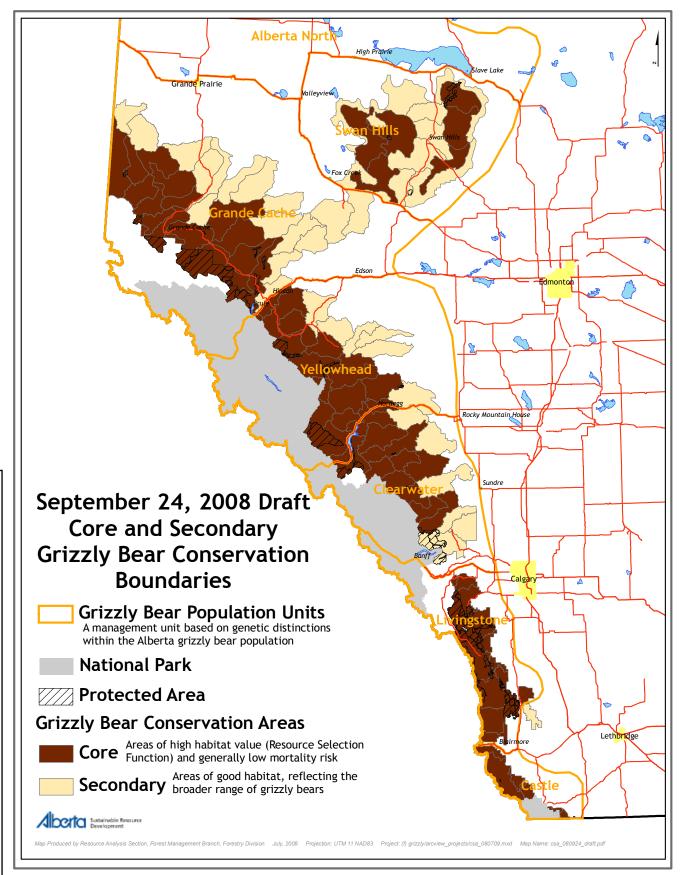
mortality, and one way is to maintain high quality grizzly bear habitat."

While what needs to be done is clear, whether the will exists to do it is another matter. "I'm less optimistic on the public and political will," says Barclay. "If there were the public and political will to implement the plan in a timely manner, then we'd have a chance." Barclay won't just blame the lack of action on the politicians: "Politicians do what they think public sentiment requires them to do," he stresses. "The majority of public aren't committed."

Although the Recovery Plan did not specifically comment on whether the grizzly should be designated a threatened species in Alberta, Barclay believes that the "threatened designation is significant." A new status report is currently being written for Alberta's grizzlies by an external scientist. When complete it will go to the province's **Endangered Species Conservation** Committee (ESCC) which will make its listing recommendation (the ESCC recommended in 2002 that the grizzly should be listed as threatened but this was never acted upon). "The recommendation going to the minister will have a bearing on the hunt decision," points out Barclay. "If threatened status is recommended then it will be difficult to argue there should be a hunt. It may mean there are more resources put towards conservation management. A lot of the recovery plan recommendations need personnel and resources and this will be easier to argue if ESCC recommends a change in status and if it is acted on."

Barclay was also taken aback by the summary dismissal of the Recovery Team: "Most people on the Team were surprised. Certainly I was. We expected the Recovery Team would be involved and consulted on the implementation of the plan. We were a good group with a long history."

Implementation of the plan has been frustratingly slow at times and Barclay acknowledges that there has been a shift in language from government staff from recovering grizzlies to maintaining them. "We thought there was a recognition that the population was too low, so we needed to recover it to a sustainable level," he points out. He states unequivocally that: "The population is too small for long-term sustainability. The southern subpopulations are particularly small. The



This draft Alberta Government map was released in 2008, six months after the Recovery Plan was released, and still exists only as a draft. Although the Core Grizzly Bear Conservation Areas were larger than the minimum size recommended in the Recovery Plan, the map also included large areas of grizzly range in the east that were neither Core nor Secondary Areas. At a stroke, a third of grizzly range was removed from the recovery zone.

development of human access and the small area south of Highway 1 means that we need to do something fairly quickly."

For Barclay habitat is key to grizzly recovery; we must "set aside big enough areas to maintain or recover grizzly populations at a sustainable level." But, he reaffirms he is not convinced that there is the public or political will to do what is necessary to recover the province's grizzlies. "I'm more pessimistic than optimistic," he says. "I don't think we are moving quickly enough to maintain the habitat necessary for a sustainable population; there is continued industrial and recreational pressure in the mountains where grizzly habitat is. I'm not optimistic that we can change public attitudes enough."

The Representative of Hunting/Fishing Interests

Andy Boyd was the Alberta Fish and Game Association representative on the Recovery Team.

Like Mark Boyce, Andy Boyd points to the early difficulties on the Recovery Team but is impressed by how the Team worked through its initial differences. "Various members of the committee had their own agendas, and of course you have to expect that in the beginning," he says. "But in the end we hashed things through. A couple of issues we didn't have full agreement on, but it was impressive to come up with such a strong recovery plan."

Boyd was also surprised with the disbanding of the Recovery Team once the Recovery Plan was released. Though writing the plan was the primary reason for the Team's existence the Plan refers to ongoing monitoring throughout. "We'd expected," he says, "to be actively involved in the implementation of the plan and recovery efforts. That was a bit of a surprise. The consolation prize was supposed to be annual updates but that never seemed to happen."

Implementation of the Plan has "played out like I would have expected, given the political realities in Alberta," says Boyd. "The hunt has been suspended; Bear Smart programs are there, though not as comprehensive as some would like. There has been some effort to come up with access management recommendations. But it needs a commitment to ongoing monitoring of population levels and

Government of Alberta

As Dr. Mark Boyce recognizes, the government's Fish and Wildlife Division has some excellent, well-motivated staff. Ron Bjorge, Director of Wildlife for Alberta Sustainable Resource Development, recognizes that "people always want things to happen quicker," but is keen to point out the progress that has already been made on grizzly recovery. "We've made good progress on estimating populations," he says "and that's fed into the process to reassess status, which is moving along well." (A status review by an independent scientist will go to the province's Endangered Species Conservation Committee, which will then make a status recommendation – endangered, threatened or stable for example – to the Minister). "We don't have trend data on bears but we do have a baseline."

Other government actions include making significant strides in data management, reviewing compensation programs for livestock loss, and establishing core and secondary grizzly areas. In those areas, "we are wrestling with how to manage activities there." A multi-stakeholder team met in October 2008 to discuss access management and a government response to that process should be released relatively soon.

Bjorge also points to the Bear Smart program: "a proactive program to keep bears alive on the landscape." The province now has a provincial carnivore specialist whose duties include running the Bear Smart program.

Bjorge believes that "there's a lot of things on the go" and emphasizes "bears are a big priority for us. In the long run I'm optimistic. I believe we can do what's required for bears in Alberta."

trends." Boyd believes the five years of DNA population studies which ended in 2009 were desperately needed: "they were a big step forward." But, he goes on to say that the work is not finished: "It needs follow up to identify the trends. It needs ongoing monitoring – not necessarily the same effort as the last five years – but we need reliable scientific data." Boyd was not surprised that grizzly numbers in the Grande Cache area were found to be higher than had been predicted - "I thought the previous estimates were low." But he also expresses considerable concern at some of the population findings further south: "Some of the numbers from the middle foothills were dismally low: hundreds of square kilometres of good habitat with few bears in."

Boyd is also concerned about changes to the plan since it was publicly released: "I was shocked at the changes that were made to the plan after it had been passed, particularly the changes to core and secondary areas. It wasn't my perception of what had been said." The map (see above) that came out later showed core areas as a continual strip running up Alberta's foothills; these areas would have maximum road density targets. "To restrict motorized access within these areas was impractical, a step backwards," Boyd believes. "You wouldn't get

compliance from industry and there would be kickback from motorized interests."

Some of the most heated discussions within the Recovery Team concerned access management. While some were adamant that roads and access routes were the critical issue, others (principally the industrial and government representatives) argued that the roads themselves were not the problem: it was how the roads were used (see Rob Staniland). The compromise in the final Recovery Plan eventually became "human use of access (specifically, motorized vehicle routes) is one of the primary threats to grizzly bear persistence." Boyd believes the basic argument (that roads aren't the problem: it's access on the roads that is the problem). But he goes on to say that "industrial access still degrades the quality of the habitat though there may be some improvement for grizzlies. It still impacts the wilderness character of the area. Gating roads and having no public access is a viable argument if that's your only concern." He gives the example of the Cold Lake area, which has lots of industrial activity but no public access.

Like Boyce, Boyd agrees that the Land-Use Framework "could be a very powerful planning process if ALSA (the Alberta Land Stewardship Act) is used to its full extent." That is obviously quite a big "if".

An Environmentalist Perspective

Peter Zimmerman's tenure on the Recovery Team was an unusual one. As a BP Canada employee, he initially sat on the Team as a representative of the Canadian Association for Petroleum Producers. When he left his position with BP, he was allowed to remain on the team as a non-voting member, representing four environmental organizations: AWA, Canadian Parks and Wilderness Society, Yellowstone to Yukon and the Grizzly Bear Alliance. (The Federation of Alberta Naturalists had its own representative on the team).

"The entire process was painfully slow and frustrating," remembers
Zimmerman, "especially near the close when our draft report sat for months without any action." He questions how committed the government really was (and still is) to the process: "My sense was that the politicians, and to some degree even the Wildlife Director steering the effort, by and large either did not think this was a very important issue, simply did not believe their own researchers' science, or did not have the courage to go against the hunting lobby," he says.

He feels the final plan was "probably as good as we might expect given the different perspectives and interests. I think by and large it was a true reflection of the input given." Zimmerman describes the dismissal of the Team as "a big let down. It was, both in spirit and in fact,

very much at odds with both the report itself and the intent of the legislation."

Zimmerman does see some progress since the plan was completed. "One very positive outcome was some excellent models and mapping products have been developed which should be a great help in setting management strategies," he says. "We also finally arrived at some solid census numbers that are pretty much indisputable." But none of these outcomes actually benefit grizzlies themselves, and he remains strongly critical of the lack of any concrete recovery actions. "I was ultimately very disappointed with how the plan has been implemented," he laments. "The central issue of access control has never been satisfactorily addressed, although some of the more minor recommendations have been acted on."

Where Do We Go From Here?

Although the Recovery Team was made up of a diverse group of individuals with a wide range of interests, it is notable how consistent the members I interviewed are in their memories of the Recovery Plan process. They all recognize how well the Team worked together and are proud of the final Recovery Plan they produced. All of the members interviewed maintain a keen interest in how their plan will be implemented and seem determined to ensure that future grizzly management stays true to the intent of the plan.

Opinion seems almost unanimous that motorized access in grizzly habitat is the main concern and that, if grizzlies are ever to be "recovered," this is the issue that will have to be dealt with on a practical landscape level. There is certainly frustration that action has been slow since the plan was passed in 2008. But they are mostly confident that, if the language and principles of the Recovery Plan are respected, grizzlies will persist on the landscape into the future. At the same time, there is a distinct nervousness and an uncertainty about whether the political and public will truly exists to ensure that the plan is actually implemented. Without the will to implement it, after all, the plan is just so much paper.

AWA agrees that, to a large degree, the story told from this point forward is up to us, the Alberta public. AWA is concerned that messaging from the Alberta government has showed a distinct shift away from "recovering" grizzlies to "maintaining" them. But as Robert Barclay says: "Politicians do what they think public sentiment requires them to do." Too few politicians have ever had a constituent knock on their door because they want to talk about their concerns about grizzlies. Too few MLAs have ever received a phone call from a voter asking that they do more to help protect grizzly habitat. But these actions are exactly what is needed. It would be a tragedy if we allowed grizzlies to disappear from Alberta – and this remains a distinct possibility, particularly in the south of the province – because we cared for them a bit, but not enough to do anything about it. Now it really is up to us.

Excerpt from Alberta's Grizzly Bear Recovery Plan

The Alberta Grizzly Bear Recovery Plan 2008-2013 was finally published in March 2008. The plan notes that: "In 2002, the Endangered Species Conservation Committee recommended that the Alberta grizzly bear population be designated as *Threatened*. This recommendation was based on the grizzly bear's small population size, slow reproductive rate, limited immigration from populations outside Alberta, and increasing human activity on the landscape."

The plan is clear that "human use of access (specifically, motorized vehicle routes) is one of the primary threats to grizzly bear persistence." (emphasis in original)

Key recommendations of the recovery plan include:

- "Reduce human-caused grizzly bear mortality by changing human-use of the landscape, including:
 - o Controlling access development and use, and other human activities in grizzly bear habitat
 - o Temporary suspension of hunting as an immediate measure while other recovery actions are implemented

- Determine grizzly bear population size and continue ongoing collection and monitoring of key data
- Create Grizzly Bear Priority Areas in each population unit to protect high quality habitat and reduce risk from humans
- Reduce human/bear conflicts by working with people and managing attractants to minimize adverse bear behaviour
- Acquire new funding to support additional government staff (create a grizzly bear recovery coordinator position, enforce regulations regarding attractant storage and access use, support conflict management and education, support ongoing inventory and habitat mapping, and assist with integration of grizzly bear conservation needs into land use planning and land use decisions)
- Involve land users and stakeholders in implementation of the recovery plan, including improved communication with, and compensation for, ranchers."

The full Recovery Plan may be seen on AWA's website at www. albertawilderness.ca/issues/wildlife/grizzly-bears/archive



THE REAL BEAR By Phil Burpee

hat are we to make of the plight of the grizzly bear? How can we fully comprehend the ecological and spiritual importance of this mighty animal amidst all the clutter of our frantic and disproportionately peoplecentred civilization? Who is this creature who we lump together with the shark, the wolf and the rattlesnake deep inside the dark cavern of our primordial fears – the slashing, snarling, brutish bogey-man of our imagination? Where might this sublime and peaceable beast find space to pursue the simple imperatives of life when all around there is the buzz and hum of humanity at work and play? Why must we now grapple with the shocking prospect of the impending extirpation of this ancient bruin from the shrinking wild lands of Alberta?

Our sisters and brothers of the venerable Blackfoot Nation have known the bear for many centuries. Both black and grizzly bears figure prominently in the physical and mythological lives of the Blackfoot. In all circumstances these bears have been afforded the greatest respect and consideration. They are considered to be our relatives. But, whereas the Blackfoot would from time to time hunt and kill the black bear for food, they tended to give the grizzly a wide, respectful berth. This was not only because of her ferocity when molested, but also because of the deeply humanlike character of this shambling giant. And so, although the black bear was called simply Kyaio, 'the bear', the grizzly was reverentially referred to as Nitakyaio, 'the Real Bear'.

The late and fondly remembered Andy Russell, who made his home for many decades at the Hawk's Nest south of Twin Butte, also came to understand Nitakyaio very well. Andy was an outfitter, wrangler and guide who took paying customers by horseback deep into the Flathead country long before the arrival of roads, seismic lines and quads. Eventually he wearied of hiring out to



Grizzly in the Highwood. PHOTO: D. OLSON

kill these bears for trophies and adventure and began to go, first alone and then with his sons, into their country instead with a camera. The Russells came to gain such respect and admiration for the grizzly bear that they stopped taking rifles with them altogether, choosing instead to learn the language and customs of Nitakyaio by way of protection. In these years their knowledge of the 'Way of the Grizzly' became legendary and they spoke out more and more passionately for the protection of the grizzly. Just two years ago Andy's son Charlie premiered a film called 'Living with the Grizzlies of Kamchatka' in which he portrayed his decade-long experiences of raising orphaned grizzly cubs in the wilds of the Kamchatka Peninsula in Russia's Far East. Charlie was finally chased out of the country by a poaching lobby backed by corrupt government and military officials. But he demonstrated through this body of work, as Andy had before him, that the grizzly bear was a creature of great complexity and warmth, far from the blood-thirsty marauder painted by popular culture.

Today in B.C. the provincial government still allows a grizzly hunt. Apparently the plummeting sperm count recently documented in men is being

offset by testosterone-addled males who equate the slaying of a magnificent, intelligent and noble animal with being a 'real man'. Here in Alberta the fouryear moratorium on grizzly hunting is due to expire next year, and a vigorous lobby is seeking to reinstate it, at least in the Grande Cache area. What makes this not only deplorable but also astonishing is the fact that a recent governmentcommissioned study has found that there are currently less than 600 grizzlies remaining in the wilds of Alberta. This is a perilously small gene pool. And yet hunting, important threat as it is, is perhaps one of the lesser threats faced by this bear. The far greater overall threat is the ever-expanding human interference with and occupation of the grizzly's habitat. Foremost here must be the burgeoning web of access routes, otherwise known as 'linear features', reaching ever deeper into the grizzly's domain. These routes are typically propagated by activities such as logging, oil and gas exploration and recreational development.

What is consistently missed in the rush for more backcountry access is that the mere exposure of the grizzly to humans harms the bear's well being. Any interruption that puts a grazing

or browsing wild animal off its food, especially in the winter months or in the fattening time leading up to them, tends to degrade the health and vigour of that animal and likely will cause it to fail eventually. Perhaps a surprising element of this finding, demonstrated by the failing health of the woodland caribou found in the Selkirk Range in southeastern B.C., is that it is not just the notorious infestation of quads and snow machines in the backcountry that threatens wildlife; non-motorized recreational activities, such as crosscountry skiing, invade the caribou's habitat at a time when every morsel of calorie intake is vital. Without the security of genuinely wild spaces, many animals cannot sustain their population numbers. This is especially true for the grizzly bear who finds humans at best annoying but mostly just flat out loathsome.

In a recent letter to the Pincher Creek Echo, a reader wrote to complain loudly about proposed efforts to provide the Castle Special Places area with legislative protection against further pressures on the fragile wild lands in this part of the southern Rockies. She targeted, many times, so-called 'extreme environmentalists' who would take away the freedoms of the good folk of the region who had enjoyed unrestricted access to those lands for the past hundred years or so. She further claimed that no better stewards could be found than the ranchers and recreational-users, such as hunters, quadders, and snowmobilers, who had protected this landscape so assiduously for so long.

This is a very peculiar reading of stewardship history. It has not been just one hundred years - it has been more like one hundred and fifty odd years since our invading ancestors, and now ourselves, have overseen, in a decidedly perverse form of stewardship, the extirpation of the buffalo, the plains grizzly and the prairie wolf. We have brought to the brink of extirpation a long list of creatures such as the swift fox, the peregrine falcon, the burrowing owl, the greater sage-grouse, the northern leopard frog, the yucca moth and many more (See the April 2009 issue of the Wild Lands Advocate, p. 11, for a complete list). This is not to mention the plant life that also is in dire peril, especially in our dry and brittle grassland ecosystems.

My community, the ranching community, faces particular challenges in grappling with large predator issues. Historically cats, bears, wolves and coyotes were shot on sight. They were considered varmints and an ongoing threat to cattle husbandry. Little thought was given to larger ecological issues and the value of an intact food chain on the landscape. In the sheep country of Wyoming and Colorado every possible predator was exterminated – all members of the weasel family, all foxes, coyotes, wolves, bears, eagles, hawks, ravens anything that might even faintly consider dining on lamb or mutton. The result was a vast, antiseptic, lifeless baize of green, rolling prairie with nothing moving on it but brainless sheep.

In Alberta today, however, the consciousness of the ranching community has evolved considerably. Although it has been many years since the grizzly has been seen in my increasingly populous neighbourhood in the South Porcupine, encounters still occur in the foothills. But much progress has been made in managing not only grizzly problems but wolf predation as well. Many of my colleagues here now recognize that a good balance of predator/prey populations enhances the overall health of the natural systems on which their operations ultimately depend. We are called upon as a society to see to it that ranchers are compensated for stock lost to predation and that resources are in place to remove, or possibly kill, individual problem animals. But we must also see to it that such refuges as now exist are maintained and enhanced.

A recent example of how this can be thrown into turmoil is the proposed gas pipeline slated to run down through the Sullivan Creek area to Highway 22 south of Chain Lakes. The proposed route would run through undisturbed mountain and foothill regions where wolves and grizzlies are known to be reasonably well balanced with their ungulate prey. Ranchers in the area say they have achieved a relatively stable situation with stock depredation, primarily because the large predators are well provided for in the backcountry and therefore are less inclined to bother stock. They claim the upset and turmoil caused by this pipeline disturbance would send predators down once again to seek domestic stock as prey. This would pit the livelihood of

these ranchers against the lives of these animals. In short, if we will continue to accept societal responsibility for producing beef on the landscape then we must see to it that predator control is delivered by habitat protection and not just out of the muzzle of a rifle. Safe refuges are vital.

In the Book of Genesis mankind is given dominion over Nature – over everything that walks, crawls or swims. We are let loose on the land to do with it as we see fit. What we have seen fit to do is to despoil and sublimate Nature to our needs. I once listened to a biologist speaking on the radio about his perception of the need to establish biological island refuges which would need to function for several hundred to a thousand years, until some hoped-for future date when humankind would have learned that we cannot occupy and exploit the entire planet to the exclusion of all other creatures. At this distant date, as we recreate spaces for our fellow creatures, the surviving representatives of those species will move down out of the hills to once again roam their ancestral homes. This would be the true Ark, spilling its passengers back out onto the reclaimed shores of Creation.

The grizzly bear, like us a top predator and the ruler of her world, is a powerful symbol of how we are being called to act. This is serious business. We may think we have a divine right to perch our ample buttocks on quads and snow machines and bomb up into the back yard of the grizzly bear. But we do not. We do not belong there. Our voyeuristic culture tells us that everything is out there to further our amusement. It is not. Out there in the backcountry the Real Bear walks the high trails and sleeps within the winter fastness. If we cannot learn to leave her in peace then we will not learn the lessons of our own limitations and. therefore, of our own survival. Such gifts as we squander now will not be offered again. For such as goes the Monarch of the Mountains, so some day, with neither fanfare nor regret, will go we.

Phil Burpee, with his partner Esther, runs a small cow/calf operation at the south end of the Porcupine Hills. He is a past president of the South Porcupine Hills Stewardship Association – a ranchers' advocacy group.



GRIZZLY BEARS IN ALBERTA: A CRISIS OF COMMITMENT AND INACTION

By Dr. Brian L. Horejsi

and his crew forced their canoes up the North Saskatchewan River into what later became Alberta, grizzly bears ranged freely throughout every landscape. They occupied the prairies, foothills, parklands, mountains and boreal forests; Alberta presented 661,000 square kilometres of occupied grizzly bear habitat!

I produced a basic estimate of the size of the grizzly bear population at that time to provide a starting point from which Albertans could measure the impact on grizzly bear populations of the European settlers who chose Alberta. I simply extrapolated to a province-wide habitat scale the upper end of bear density estimates now reported for interior grizzly bear populations in North America. That would be 15 to 25 bears per 1,000 square kilometres. The resulting estimate is 9,920 to 16,525 grizzly bears. In the format of today's more detailed statistically-derived bear population estimates, my estimate translates to 13,222 grizzly bears plus or minus 25 percent. This calculation's accuracy is roughly equivalent to that reported by government departments even after considerable effort spent on statistical manipulation. Even the upper limit of my estimate is realistic since at least one million bison ranged across the central and southern biomes of the province offering tens of thousands of calves and carcasses to grizzlies annually.

Today various estimates suggest there are from 400 to 600 grizzly bears distributed over about 350,000 square kilometres of remaining available habitat; this translates to just over one bear per 1,000 square kilometres. To many Albertans these numbers may be incomprehensible, difficult to put in context. But think about it this way – Calgary is roughly 800 square kilometres in area. The city has over 20 high schools with as many or more students than Alberta has grizzly bears. For example,



When Wilderness Disappears So Will He. PHOTO: A. CAREY

Bowness High School in Calgary had 434 Grade 12 students in 2009. In Edmonton, Ross Sheppard high had 735 Grade 12 students. All of Alberta's grizzly bears could be packed into a gym that would hold just one grade from those high schools!

If we use the most favourable numbers, Alberta's grizzly bear population has declined by 94% (600 now, 9,920 then). It should be emphasized that this decline was not linear; by 1885 the bison had been slaughtered and by 1915 the natural landscapes of Alberta's prairies, foothills, and parklands had

succumbed to the ravages of farming, ranching and settlement.

When Alberta gained provincial status in 1905 there were about 300,000 people in the province. By the end of World War II Alberta's population had grown to 820,000. Today we number 3.7 million beings. We also rank amongst the world's most gluttonous consumers; Wilson and Anielski estimate the ecological footprint of the average Albertan to be 8.8 global hectares (gha) although Calgarians embarrass themselves with an average of 9.8 gha (Edmontonians average 8.5 gha). The Canadian average

is 7.3 and the world average is a mere 2.3 gha. While realtors and chambers of commerce may gloat about this largess it means that, for example, the metropolitan area of Calgary requires a land base 122 times as large as the city to support "its" people. And the worst is yet to come; between 2001 and 2009 Alberta suffered a population growth rate of 22 percent, much like some third world countries. Almost each one of these people feels entitled to, and has falsely been promised, "their" 8.8 ha of biocapacity. Whether they recognize it or not, each of these people has a very heavy footprint, one whose "reach" extends far into grizzly bear habitat!

A person would have to be foolish, or an ideological zealot of the worst sort, to claim that grizzly bears, albeit only one example of biological diversity, have gotten a fair shake during the course of Alberta's industrialization.

In the 125-year history of land use and exploitation in Alberta, never, and this requires emphasis, never, have regulators, officials, or politicians ever made a land-use decision that favoured grizzly bears. In this period tens of thousands of small and hundreds of major decisions have cumulatively degraded the integrity of grizzly bear habitat and the viability of grizzly populations.

If Alberta's Grizzlies Could Emigrate -They Should Move South!

Our neighbour to the south experienced much of the same kind of destructive growth in the early part of the 20th century. But beginning in the 1960s some American citizens and the U.S. federal government have instituted measures that have played out for grizzly bears markedly differently than events in Alberta and Canada keeping in mind that what appears on the surface to offer success has not survived the test of time. In 1973 the U.S. Endangered Species Act (ESA) was passed overwhelmingly in the U.S. Senate and House of Representatives 447 to 4; Schwartz recently labeled it the world's most powerful environmental legislation, although sound and comforting evidence supporting this favourable view remains forthcoming. Complementing this legislation – I would even say it superceded ESA in significance and certainly set the stage for the ESA and its embrace by progressive American citizens and organizations

– was the ground-breaking National Environmental Policy Act (NEPA) of 1970. This act was a masterful expression of the democratic process, of freedom of the people; it mandated Environmental Impact Statements and defined procedures for their execution; it directed "systematic use of science;" it exposed government agencies to public and scientific scrutiny and questioning and it opened the door to participation by all Americans. This latter aspect made NEPA a truly beautiful measure. It neutralized many of the sociopsychological traits that divide Americans and it eliminated the "hand picking" of "public" participants. It exposed and reined in (at least partially) the disproportionate influence of special interest groups, including some environmental organizations, who have managed to curry favour with agencies and politicians and thus move themselves onto the "insiders" list.

There have been other legislative advances that have proven to be hugely important to the effort of citizens to restore viable grizzly bear populations in the U.S. The most significant of these is the Wilderness Act of 1963. In the absence of this Act and the lands it has protected, grizzly bear populations, as tenuous as their status still is, would not be present in two of the five ecosystems occupied by bears in the U.S. The largest grizzly population, the Northern Continental Divide population that borders on the far southwest corner of Alberta (and southeastern British Columbia), would have essentially been exterminated were it not for the presence of three grand wilderness areas established between 1964 and 1978. They constitute the famous Bob Marshall, Great Bear, and Scapegoat complex that prohibits industrialization, motorized and mechanized access, and grazing in 6,214 square kilometres of the Rocky Mountains. Bordering this remarkable area is Glacier National Park that adds another 4,103 square kilometers of protection; by 1978 Americans had protected significantly a block of land 34 times as large as Waterton Lakes National Park.

Then the situation took a turn for the better! In 1997 a 10 year oil and gas-leasing moratorium was placed on over 141,000 square kilometers. The moratorium covered all federal lands outside designated wilderness. It was enabled almost entirely by the existence of NEPA, which the public and the local Forest Supervisor took to heart. In January 2007 federal legislation made permanent the moratorium that prohibits any new leasing on all the acreage and in a nearly 10-kilometre buffer onto private land. That law also placed a permanent moratorium on hard rock mining. This rather amazing initiative grew out of extensive public comment and support and gained significant strength from the full environmental impact statement required by NEPA. It stands out as an exceptional ecological, social and cultural achievement that protects an area 80 times larger than all public green zone (locally known as "forest reserve") land in southwest Alberta.

The Alberta and federal governments have, on the other hand, wilfully chosen to ignore these progressive initiatives and actions.

One of the early measures that flowed from the Endangered Species Act in the U.S. was the formation in 1983 of the Interagency Grizzly Bear Committee (IGBC), a combination of state and federal agencies responsible for land and wildlife management in and around grizzly bear ecosystems. Almost three decades later, Alberta has no such internal committee, does not have representation on any active interprovincial committee, and rarely has sent an observer, let alone a committed participant, to IGBC meetings (Even B.C. has done so!).

As a brief aside, I recall attending an IGBC meeting many years ago, on a rare occasion when an observer from the Alberta government attended; I could not help but smile at the utter astonishment and disbelief on his face when the meeting was terminated because a lawyer for a public interest group demanded to see a copy of a document that was being circulated to the various government agents. When copies were not made available the meeting was cancelled; that was it – over!

The Interagency committee guidelines for grizzly bear recovery included designating habitat for various levels of management in order to provide grizzly bears with adequate security and habitat. These designations were then incorporated into each National Forest management plan. These habitat management areas – designated Management Situation (MS) 1, 2 and 3

apply to Federal public lands in the five ecosystems in the U.S. that still have at least a remnant grizzly bear population. These management designations, enforceable through administrative appeal and the courts, give to grizzly bears, in the case of MS1 and 2 areas, certain "rights", albeit rights that must be spoken for by citizens, activists, and lawyers. MS1 areas are those where land "management decisions will favour the needs of the grizzly bear when grizzly habitat and other land use values compete" and "land uses which can affect grizzlies and/or their habitat will be made compatible with grizzly needs or such uses will be disallowed or eliminated."

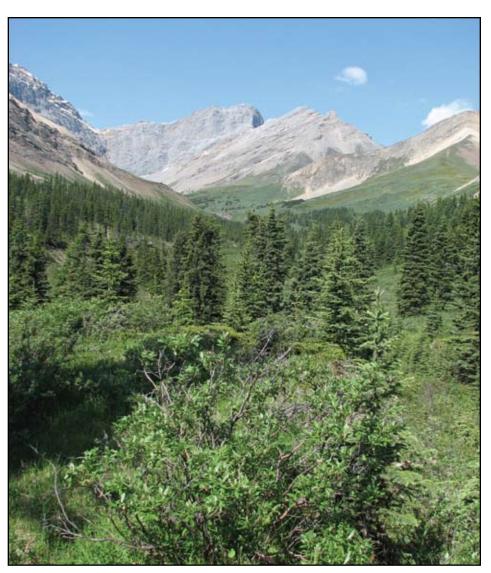
According to the 1985 Flathead National Forest Plan in Montana, part of a forest that supports an international bear population shared by Alberta, there are 7,783 square kilometres designated MS1, 451 square kilometres in MS2 and 86 square kilometres in MS3 for a total of 8,320 square kilometres of occupied grizzly bear habitat on the Flathead. There are apparently 23,000 square kilometres of occupied grizzly bear habitat in the entire Northern Continental Divide ecosystem that includes two other National Forests besides the Flathead. The latter forest alone provides a useful level of conservation management to over 33 percent of the National Forest land base and yet the viability and recovery of the grizzly bear population remains in doubt!

Now jump quickly from the frying pan to the fire, that is to Alberta's Forest "reserves," where there is no legally mandated habitat protection similar to Management Situations 1 or 2. In fact, Alberta has no designated recovery area and no habitat protection standards of any sort (legal or otherwise).

Either of these above two habitat measures (MS1 and 2) would be useful in Alberta and might begin to turn the runaway train of grizzly bear population and habitat destruction away from "Kamakaze downslope" toward a glimmer of optimism.

Grizzlies Need Roadless Habitat

Alberta has precious few roadless lands and even fewer designated wilderness areas yet it is these very kinds of land that protect and retain "ecological power," land status that is an essential foundation for grizzly bear conservation.



Though it remains unprotected, the 4,000 square kilometre Bighorn area still contains enough wild country to support grizzly bears. Relatively low grizzly densities may be a function of human activity in the area. AWA has been working for decades towards better protection in the Bighorn to allow wilderness denizens such as the grizzly to persist. PHOTO: N. DOUGLAS

In two U.S. ecosystems, where habitat is anchored by roadless lands, Yellowstone and the Northern Continental Divide, the latter shared with Alberta, there are even encouraging indications of recent but marginal recovery in grizzly bear numbers and distribution.

I don't mean to even imply that Americans and their governments have rescued grizzly bears, their habitat and the integrity and wholeness of public lands from the ecological and regulatory crises created by the great acceleration of collective consumption and corporate domination that has characterized the last third of the 20th century. But at least they have, so to speak, "put a horse in the starting gate," something that neither Alberta nor Canada has done. In my view, the race to prevent the extinction

of grizzly bears has only now taken on a potentially fatal "all or none" reality.

Barely ten years ago, Alberta Environment calculated that only approximately 400 square kilometres of the nearly 95,000 square kilometres covered by Alberta's foothills had been spared from logging, oil and gas exploitation, or linear disturbances.

Yet, there does not exist in Alberta a single initiative, outside of my proposal in a 2004 report to implement legal measures to protect roadless areas. I would like to suggest at this time that progressive Albertans who prefer to think for themselves, as opposed to being told by government what to think, take the time to review a copy.

My investigation revealed that, in southwest Alberta, from 43 to 78

percent of the south and north blocks, respectively, of habitat south of Highway 3 is within 500m of a road! I proposed that 950 square kilometres of roadless habitat, in not more than 10 blocks, would be necessary (as one measure only) to provide a reasonable expectation of grizzly bear population viability in southwest Alberta. To date there has been no formal or informal government or public initiative to protect roadless lands in any part of Alberta.

One proposal for "wildland status" for public land in the southwest corner of Alberta is circulating; it has troublesome aspects to it, including the prospects that extensive off-road vehicle use, continued grazing and defence of livestock, and various levels of industrial (oil and gas) intrusion would become entrenched in law! The capitulation to grazing private livestock on public lands is particularly counterproductive and ignores the proposal I outlined in my 2004 report to buy out the 33 leaseholders who have these privileges. The failure of this initiative to deal with grazing impacts, bear mortality and management costs is alarming and indicates that the participants are unaware of or are simply unprepared to deal with a history of regional environmental degradation, the tightening choke hold of a growing industrialized society, or the regulatory calamity that has engulfed Alberta. If grizzly bears (along with bighorn sheep, elk, wolves and wolverine) are to cling to the remnant public lands in southwest Alberta, the removal of all livestock is essential. Bob Marshall, one of North America's great wilderness activists, said it well in a speech at the founding of the Wilderness Society in 1936: "Let there be no straddlers in the defense of wilderness." Alberta activists had better reconsider and take these words to heart.

Contrary to the state of affairs in Alberta, in 2001 the Clinton administration, driven by public initiative and comment, introduced "the Roadless Rule" to protect about 60 million acres of America's public land from industrialization. The rule prohibited road building, road upgrading, and logging. The usual and expected assortment of interests fought this initiative to a draw until the federal courts came to the defence of the public and more or less cemented it in place in 2009.

A legally mandated public initiative/

comment process does not exist in Alberta; environmental rule making that legally establishes management direction does not exist in Alberta (or Canada); Albertans are also denied an appeal to the courts for failure by land and wildlife managers and agencies (the Forest Service and Fish and Wildlife Service) to thoroughly, publicly, and scientifically evaluate the consequences of commercial activities on the public interest, before they rubber stamp their approval.

U.S. courts have noted that "there can be no serious arguments that restrictions on human intervention in the wilderness areas will not result in immeasurable benefits from a conservationist standpoint" and they have supported a 2002 U.S. Forest Service determination that roadless areas act as "biological strongholds for populations of threatened and endangered species." A virtual mountain of scientific evidence from around the world supports these conclusions.

A further threat to the future of grizzly bears in Alberta is the noticeable absence of the federal government, which in the U.S. has been the driving force behind grizzly bear conservation efforts and successes, however limited they might be. This serves to highlight the gross inadequacy of the federal Species At Risk Act (SARA) and the total failure of the federal government to act to protect biological diversity, grizzly bears and their habitat included. One would expect federal involvement, particularly in the management and conservation of international populations such as the Northern Continental Divide ecosystem grizzly bear population that Alberta and B.C. share with Montana, or the Selkirk and North Cascades bear populations. All but the most obtuse of observers are inclined to expect that international issues and "problems" should automatically kick-in federal oversight and involvement. Once again the Canadian government has failed to step up on behalf of Canadians.

In 2003 David Boyd, university environmental lawyer, concluded in his book *Unnatural Law: Rethinking Canadian Environmental Law and Policy* that: "The Canadian system of environmental law is weak, inconsistent, narrow, unscientific, plagued by discretion, undermined by budget cuts, inadequate enforcement, and a lack

of effective checks and balances, and subject to manipulation by society's most powerful interests." This, of course, was not news to serious activists and independent scientists.

Alberta's Wildlife Act does have a minor section (a mere one page out of 41 pages) that references endangered species; the latter is buried within and overpowered by the Act's "kill and control" emphasis that reflects a long history of "occupy and mop up," a land pioneering mentality that still cripples the province's willingness to deal with advanced environmental problems. The Act lacks the essential tools for dealing with the contemporary world of threatened and endangered species and spaces; it fails to include measures like a legal process that empowers the public to petition for listing of threatened and/ or endangered species and populations. It has proven to be of virtually no positive value to grizzly bears.

As the gap widens between what Albertans need to defend themselves from the escalating exploitation of public resources, of which grizzly bear habitat and its ecological effectiveness are but one part, and those few measures they have, nothing short of regulatory, landuse, economic and political insurrection will prevent the functional extinction of grizzly bear populations before we close the doors on this century.

Given the historical and near complete breakdown between research results (evidence) and legal and regulatory action in Alberta it would have been vastly more effective to spend not a penny on the recent grizzly bear population DNA census (approximately \$2.5 million) and reallocate that money to habitat acquisition via some combination of easements on or outright purchase of private land and buyback of grazing privileges and land-use permits (drilling and logging permits and licences). While this would draw the wrath of the usual list of suspects (ranchers, private property fanatics, the oil and gas and timber industries), it would go down in the books as a benefit to the people of Alberta and, specifically, to the prospects that grizzly bear population viability might be possible in this province.

By way of contrast, and a stark one it is, the U.S. Fish and Wildlife Service is in the process of acquiring surface conservation easements, with a goal of



A subadult male tests the breeze for signals. PHOTO: B. HOREJSI

80,900 square kilometres under legal commitment, along Montana's East Front. This habitat is similar to the swath of land running from Bragg Creek (near Calgary) south to Waterton. The U.S. recently spent \$5 million dollars on DNA inventory of bears just south of Canada but they did so not in isolation from the relatively aggressive and significant habitat protection measures I have discussed above. That is the difference that makes Alberta's conduct so unpalatable.

Many Albertans and, to my continuing dismay even some environmental groups and activists, fail to link the dramatic social, industrial, economic and regulatory changes occurring in Alberta to the decline of the both their own and the natural environment, let alone grizzly bears specifically. Yet these are, in the words of Perrow, "unfolding trends that are catastrophic in their accumulative consequences."

The notion that environmental groups can bring about change (and I make here a highly questionable assumption, that being that they all do want real, material change) through collaboration, round tables, or nonsense like "innovation," places them in a very long line of failures standing quietly at the doors waiting to be let in to the real world. The vast majority of Albertan and Canadian environmental groups and activists have

been spatchcocked by a world dominated by conservatism, corporations and a fraudulently labeled "free" market system that responds only to resistance.

In far too many cases these sometimes well-intentioned individuals and organizations have failed to provide even a modicum of resistance to the behemoth of growth, consumption and extreme individualism that has smothered democratic processes along with scientific processes and evidence. Such resistance is essential if we are to slow the destruction of Alberta's public lands and offer a future for grizzly bears.

It is equally obvious that Albertans entered the conservation-awareness generation with the province in an ecologically, regulatory and democratically desperate state. It is also a certainty that the days of old are never to be recovered. But there exists still a foundation, as ragged as it is, on which Albertans could build a system of checks and balances that might prevent the loss of our remaining wild natural heritage.

This brief summary shines the light on the path, one that has existed for decades, to the recovery of grizzly bear population viability and habitat integrity. Albertans will not turn the tide of losses engulfing grizzly bears and their habitat today unless they succeed in achieving:

1. Stand alone Endangered Species legislation that;

- a) recognizes separately various bear populations when required, and
- b) contains citizen lawsuit provisions that allow citizens to sue corporations and governments,
- 2. Sunshine laws that expose the public service and corporate "environmental" consultants to public and legal accountability,
- 3. Firewall legislation that separates wildlife and land researchers and managers (in government and academia) from industry and corporate money spooled out by those who governments are expected to regulate,
- **4.** Legislated Environmental Impact Assessment processes that incorporate public hearings and mandate the use of the best available science.

There are many other failures of governance that demand attention in this province but recovery of grizzly bear populations and habitat viability will happen only if there are activists, citizens and groups who have a very clear view of the ecological value of wilderness and roadless areas. It will only happen if these people provide united, unequivocal resistance, and I repeat for emphasis, resistance, to the destructive present day agenda of growth, consumption and privatization.

There is little reason to believe, and virtually no evidence to indicate, that Albertans, environmental organizations included, are or will shoulder this task. Many Albertans, I suspect, are indifferent or intimidated and do not have the discipline and grit required. But we have always had the occasional rose rising – shining – above the muck and I expect there will be others. With the crises of man-made and living systems now descending upon us, opportunities will arise. Albertans had better be there and ready when they do.

Brian L. Horejsi earned a PhD in the behavioural ecology of large mammals from the University of Calgary. He has worked for governments, industry, and non-profit organizations since then. Particular interests include the maintenance of public ownership and control of public lands, wildlife and democratic processes. He lives in Springbank.

Grizzly Bear #16 a.k.a. Skoki

By Colleen Campbell

This is a biography of a bear born wild, collared and numbered by researchers, victimized by passers-by and, finally, named by a zookeeper

n late January 1988, Alberta's central Rockies had settled into a typical midwinter period of high pressure which brought crisp, clear, cold weather. The lengthening days were more obvious because of the incessant blue skies and, in the darkness of some of the carefully excavated dens high on the slopes, grizzly sows, only slightly awake, were bearing their tiny young. Like all newly born grizzly bear cubs, the cub to become GB #16 weighed about a pound and was nearly bald. Though his eyes were closed, though his hearing and sense of smell were still undeveloped and though his mouth had no teeth, this weak, demanding little creature was able to find his mother's nipples, to nurse and stay warm for the remainder of the seasonal hibernation.

For the next few years he lived exclusively with his mother and other surviving siblings, learning what he needed to survive in a hazardous world. From his parent he learned when and where to dig for *Hedysarum* (northern sweetvetch) roots, where the *Equisetum* (horsetail) could be found, how to locate carrion, where to ford rivers, roads and railways, and who and what to avoid in his environment. Sometime during his third or fourth summer his mother would have rejected him and his siblings. She was ready to breed again.

In adolescence – the two to four years between living in the company of the sow and reaching breeding status – a bear is vulnerable. An adolescent bear has no established status and all the learning it has accumulated is frequently tested.

During the summer of 1993, the adolescent bronze-coloured male was relegated by his immaturity, life experience and possibly by the difficult summer season to grazing in the lower



Title: Paháwitz-na'an, watercolour, 4" by 6" © COLLEEN CAMPBELL

Bow Valley. This valley is also the route of the Trans-Canada Highway, the Bow Valley Parkway and the Canadian Pacific Railway – all much-used transportation routes. The young bear, one of the small number of resident grizzlies in the lower Bow Valley, shared his 'place' with cars, tractor trailer trucks, trains and several million tourists. In the wet and cold summer of 1993 even the usually productive habitat of the lower Bow had a limited berry crop. The bear who would soon be labeled Grizzly Bear #16 foraged habitually between Banff and Castle Junction.

Like people, bears have a personal range of comfort when encountering others. Typically, bears will avoid humans or show indifference. Every bear, though, is unique and behaviours differ. This bear was dauntless, not fearful at all of people.

Initially, he was disinterested in food from 'unidentified human remains': picnic scraps, campground refuse, regular garbage and grain spills common along the railroad tracks. He ate berries from *Shepherdia canadensis* (Canadian buffaloberry) which lines the highway verges; his mere presence was enough to stop traffic.

Park wardens and researchers became aware of the young grizzly about halfway through that cold rainy summer when the grizzly was impassively causing traffic hazards on both highways in the lower Bow. Although this bear was occasionally visible to automobile passengers he was not a problem animal. It was during this summer that the young grizzly bear was trapped and radio-collared; he became known as GB #16.

Researchers, wardens and volunteers worked very hard during the summer and autumn of 1993, monitoring the bear and trying to aversively condition him to our presence. Aversive conditioning of Grizzly Bear #16 involved the use of deterrents – rubber bullets or cracker shells – to cause him to associate discomfort with human presence. In 1993 he was relatively indifferent to humans; when approached to within about

50 metres he tended to move slowly, imperatively away.

Grizzly Bear #16 survived his first summer of encounters with humans. The lower Bow Valley was a major part of his home range and over the next few summers he fed frequently along the verge of the Trans-Canada or the Bow Valley Parkway. Increasingly, people stopped their vehicles. Slowly, Grizzly Bear #16 learned that these creatures – humans – were apparently harmless.

At times, the bear's attempts to cross a road were impaired by excessive numbers of humans blocking his manoeuvres. In spite of efforts to protect Grizzly Bear #16, during the following summers he was exposed to thousands of people; many foolishly left their vehicles to approach him for a better look or to photograph him. GB #16 did not become overly defensive towards these invasions of his personal space until 1996.

A bear's focus during the summer season is to avoid bigger, possibly dangerous bears and to eat. Biological needs drive bears to consume food, gathering enough energy to sleep through the winter without waking, and to become large enough to eventually compete for a mate. The balance of energy gained to energy spent is seasonal. Gathering food is done, always, in the easiest, most energy-efficient way. Human food is 'easy gain' for a bear.

At some time during his summers in the Bow Valley, Grizzly Bear #16 was introduced to food from human sources. Wardens and researchers found remnants of sandwiches and other human food on the roadside after breaking up car jams. A researcher witnessed a camper throwing an apple to GB #16 in the campground at Lake Louise.

Bears are intelligent animals and they learn easily; Grizzly Bear #16 began to associate humans with food. With that association came behavioural changes. People were approaching him more closely; they were encroaching on and threatening his personal space. He became bolder around humas, perhaps intolerant. He was defending his personal space.

During the summer of 1996, Grizzly Bear #16 passed periodically through the campground at Lake Louise, one night tripping on and tearing a tent. He passed through the town of Field; some mornings he passed by the back door of Laggan's Mountain Bakery in Lake Louise, reportedly sticking his head in the door on one occasion. During the previous winter about 500 pounds of spilled grain were dumped in a pit in the home range of #16 and by summer the dump of nicely fermented grain was attracting him to feed.

Over the course of that same summer Grizzly Bear #16 became a 'victimized animal'. By 'victimized' I mean any wild animal that has succumbed to temptations offered or left unintentionally by people. Whether it is the dog food on the back porch or the garbage we leave poorly contained or the grease spilled on a picnic table that is not cleaned up – these temptations attract animals. Too often we call the victimized animal a 'problem animal.' This term should not be applied to these casualties. 'Problem animal' implies that the situation was initiated by the wild animal when it is human behaviour that is problematic. Associations of humans with food were firmly reinforced. Grizzly Bear #16 was reported to have approached, at least, people on the side of the road, likely in anticipation of being fed. Eventually, he bluff-charged two vehicles. This was interpreted as overtly aggressive behaviour but it also was possibly a defence of his space.

The potential hazard of an antagonistic reaction by #16 to a human on foot was compounded by his association of people with food. This conditioning, haphazardly orchestrated by every person who approached him over the years, may have led him to approach people. Parks managers were unprepared to risk such a probable encounter; Grizzly Bear #16 could not be trusted simply to abandon the area if someone approached him.

In July 1996, the bear was relocated from the Bow Valley north to a back-country area where researchers could track him from the air. Within a few days, though, he returned to the Bow Valley. For a short time he survived without interference, but his next 'infraction' led to being tranquilized and relocated again — this time to isolation at the Calgary Zoo.

The initial plan was to find a zoo home for #16 somewhere else in the

world. The decision to keep #16 at the Calgary Zoo depended on his ability to accommodate to and live peacefully with the zoo's two resident brown bears, Louise and Khutzeymateen. After his capture he was given an opportunity to calm down; he learned quickly to associate his 'keeper' with food and care. He then met the bears, who would be his life companions, through a barricade that discouraged direct and unpredictable encounters. True to the character he had displayed as a free and wild bear, he learned quickly to accept the new conditions of his life.

When he was captured, Grizzly Bear #16 was on the cusp of maturity, of becoming a breeding male. If he had survived in the wild, his genes would have been secure in the wild population and he would have yielded valuable information to the research of wild grizzly bears in the central Canadian Rockies.

Neutered and living in a zoo, Grizzly Bear #16 is dead to the wild population of bears from which he came. As a zoo animal, Grizzly Bear #16 is of value to the wild populations as an important example. His story impresses me with the importance of leaving wild animals to their wildness; it should teach us to avoid contributing to the habituation that leads to removing wild animals from their natural environment, natural behaviours and reproductive patterns.

Skoki still resides at the Calgary Zoo. He gets along well with and is particularly caring of Louise, the only other surviving grizzly bear. Skoki is now 22 years old and weighs about 840 pounds. In the wild, he would be past his prime; he would no longer be a dominant male. While he might possibly still be alive, the wounds he may have suffered through possible conflicts with younger, fitter, males would not guarantee that. In the zoo, he may live another 15 years in good health.

It is important to keep the story of how Skoki became a captive bear alive. We should continue to learn from his story. The best place for a healthy bear is in the wild.

THE 2009 MARTHA KOSTUCH LECTURE: SAGE-GROUSE, DACE, AND OTHER BENEFICIARIES OF A LIMITED TOOLBOX

By Ian Urquhart

A Lawyer on the Road to Damascus

I have only seen Richard Secord in the courtroom during one of the many trials he has been involved in during his legal career of more than 30 years. What impressed me then, and what infuriated lawyers who worked for the oil and gas industry, was his ability to ensure that those proceedings, focused though they were on criminal charges, recorded that the foundation for the allegations of criminal wrongdoing rested on the provincial government's failure to address serious environmental issues. I left that trial thinking that, regardless of whether or not his client was guilty and deserving of punishment, it was imperative the government address those environmental issues. Alberta needed to reform its regulation of the sour gas industry.

Impressed as I was with those environmental arguments, I applauded AWA's decision to bestow Richard with the honour of delivering the 2009 Martha Kostuch Wilderness and Wildlife Lecture. His November 20th talk, "Green Law: Legal Precedents for Environmental Protection," was an enlightening and encouraging discussion of the various legal options AWA and like-minded organizations might want to consider in order to advance the goal of wilderness protection.

Richard's receipt, with James
Tweedie and Judy Huntley, of an Alberta
Wilderness Defenders Award that evening
was anything but a given if you consider
only the first decade or so of his legal
career. In 1993, for example, he was
actually in Pincher Creek battling James
and Judy on behalf of developers. Even
more ironically, that year also saw him
battling against Martha Kostuch, the
indomitable champion of nature who we
remember and honour with our annual
lecture.

Soon after those experiences, perhaps even on the road back to Edmonton from Pincher Creek, Richard experienced the environmental equivalent of the conversion that Saint Paul (Saul of Tarsus) experienced on the road to Damascus in biblical times. Then Paul was sent to Syria to arrest followers of

Jesus; near Damascus Paul converted to the faith of those he was sent to arrest after he was blinded by a brilliant light. For Richard, his work with First Nations on pollution issues and the reaction of government and colleagues to that work was his brilliant light; those circumstances propelled him to devote his legal energies to environmental advocacy. He certainly does not regret the conversion; as he told a full house last November "it's a lot more fun being on this side."



Richard Secord delivering the 2009 Martha Kostuch Wilderness and Wildlife Lecture PHOTO: K. MIHALCHEON

The Limited Toolbox

The thread running through Richard's lecture might be seen as a question: "what is the benefit to us of the law when it comes to advancing improvements to the environment?" One might think that, in a democracy, political avenues would be likely to lead to those improvements. Sadly though, Alberta's political scene for virtually all of environmentalism's life has been toxic to that agenda. More than forty years into its environmental

protection campaign AWA perseveres politically but does so in the knowledge that we have not achieved nearly as much as we aspire to.

The gap between aspirations and accomplishments has encouraged AWA and its sister organizations to look at the legal avenue as a route to progress. Here there is, in Richard's words, a limited toolbox to draw from. Throughout his talk he elaborated on four of the most promising legal avenues available to contest or influence government: judicial review, prerogative writs, arguments before administrative boards/ tribunals, and private prosecutions. Judicial review essentially asks the courts to determine whether the actions of government officials conform to the law that ostensibly authorizes those actions. Prerogative writs do not focus on government actions; instead they ask the courts to compel government to take action. Actions before administrative boards or tribunals are substantively similar to the preceding avenues but the courts are relegated, generally, to the background. Private prosecutions represent, as the term implies, the efforts of individuals to supply information and evidence that leads governments to prosecute offenders for environmental infractions.

The Promise

As Richard emphasized at several points in his talk, AWA figures prominently when it comes to using these tools. More importantly, through cases such as those focused on the greater sagegrouse and the nooksack dace the courts may have delivered decisions that, if they stand, will benefit more than just these two endangered species. All such species will benefit from the decisions Justices Zinn and Campbell made with respect to sage-grouse and the nooksack dace. In these judicial review decisions both Justices concluded that the federal Minister of Environment was trying to dodge his statutory obligations under Canada's Species at Risk Act (SARA). With respect to sage-grouse the Minister tried to avoid the obligation under the



A standing room only crowd welcomed Richard Secord to deliver his lecture "Green Law: Legal Precedents for Environmental Protection." Photo: K. MIHALCHEON

Act to identify where the bird's critical habitat was to be found. In a related vein the Minister claimed he needed scientific certainty before he could take action to protect critical habitat; Justice Zinn, perhaps charitably, decided that this was an "unreasonable" claim since the location of breeding sites was "notorious."

Richard told a similar tale about judicial review of the status of the nooksack dace, a tiny fish of no sporting or commercial value found in just four freshwater streams in British Columbia. This decision, building on what Justice Zinn argued in the sage-grouse judgment, was comprehensive and strict with respect to Ministerial expectations when it came to recovery plans. Justice Campbell essentially said that the Minister had no discretion when it came to identifying critical habitat for this (or any other) species. Justice Campbell rejected forcefully the government's argument that measures to protect this tiny fish might have to be diluted or tempered because of their negative socioeconomic impacts. Such impacts cannot

trump identifying and protecting critical habitat.

These two judicial review decisions helped to make 2009 a good year for environmental litigation. Those decisions built on an impressive set of prior decisions with regard to prerogative writs and appearances before administrative boards/tribunals. The most noteworthy decision based on prerogative writs, not just in Alberta but in Canada, arguably is the decision the Supreme Court of Canada reached in the Friends of the Oldman River case. There the Friends of the Oldman River succeeded in forcing the federal government to conduct an environmental assessment of the dam.

When it comes to appearances before administrative boards/tribunals we have to note the monumental success of James Tweedie, Judy Huntley, and others (including AWA) in opposing the sour gas drilling application of Polaris Energy. To this basket of tools to oppose the industrialization of Alberta we need to add private prosecutions. Here, where you see an action that offends provincial law, you may lay a private information, as Martha

Kostuch did against the Oldman Dam, and hope that the government proceeds with the prosecution. This tool is one Richard feels should be used more frequently. He also feels that individuals and/or non-governmental organizations should take advantage of Article 14 of the North American Agreement on Environmental Cooperation (this agreement is a supplement to the North American Free Trade Agreement). Under this article submissions that Canada is failing to enforce its environmental laws may be made to the Secretariat of the Commission for Environmental Cooperation.

It's About People Too

Richard's lecture was about much more than just the law. It also focused on the people, the Tweedies, Huntleys, and Kostuchs, who are the passionate defenders of Alberta's wild spaces. Their determination will lead them to search out and employ whatever avenue will further their agenda. May we find ourselves in their hands as the dawn breaks on this new decade.



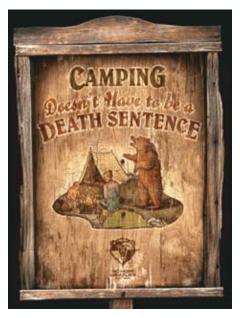
GRIZZLY CAMPAIGN TAKE TWO: WWW.NOMOREGRIZZLIES.COM By Meatball

ife invites us to make choices about the risks we face. Should we accept or avoid them? Will Rogers, one of America's most well-loved social commentators, linked progress to accepting risks when he wrote: "You've got to go out on a limb sometimes because that's where the fruit is."

Some of you may think AWA is going out on a limb when you see or hear about the creative, provocative and satirical media campaign the Association will launch this month. Visit the www. nomoregrizzlies.com website and read the mission statement of the organization No More Grizzlies. It is "dedicated to protection of the human species by eradicating grizzlies through non-violent methods." What?

Enter the site and choose your weapon – chainsaw, oil barrel, bulldozer, cement bag, or ATV – and kill a few bears in an arcade game to save mankind. Sadly, my arcade skills need more practice; I could only kill six bears in 30 seconds with a bulldozer. Six bears in 30 seconds – unless I improved my "bear kills to time on the range" ratio I was told "we'll never get our pic-a-nic baskets back." That motivated me. Switching to Alberta's ever-popular oil barrel I managed to whack 13 menacing bruins in my next 30 seconds. "Not bad," the virtual trainer told me, "for a hippie."

After I quenched my thirst for killing I was beginning to think that the 1976 movie "Grizzly: The Most Dangerous Jaws in the Land" was probably a documentary, not fiction. Then I clicked on "The Real Truth" link. An unpleasant shock came next. There I learned that *No More Grizzlies* is fictitious; the organization does not really exist (and I had my chequebook out ready to buck up to save humanity). There was some nonsense there about habitat destruction being the real threat and, not to mankind, but to grizzlies! And,



Will satire prompt the Alberta government to make a serious effort to help the province's grizzly bears?

then there was the dizzying suggestion that the inspirational idea behind *No More Grizzlies* was extremist and my head started to spin even faster when I read that this extremism was what our provincial government actually was doing through its land-use policies. It asked me instead to email the Premier, make a donation or visit some website created by a goofy organization called the Alberta Wilderness Association. Yeah, right...

The No More Grizzlies Campaign follows in the footsteps of many campaigns that employed satire – ridiculing prevailing vices or follies – in order to promote positive social change. The 1970s belonged to Archie Bunker, Norman Lear's white bigot, who was used to critique conservative extremists, (an oxymoron even to a bulldog). A century ago Bob Edwards published the Calgary Eye Opener, described as "a national newspaper of wit, satire, and political comment." Edwards mercilessly satirized powerful corporate and political interests

there. In South Africa, political satire in the guise of Pieter-Dirk Uys's character Evita Bezuidenhout ridiculed apartheid.

AWA is a serious, earnest organization so why resort to ridicule in our efforts to save viable grizzly populations? Why not oppose bad provincial policy with facts and figures? AWA is not abandoning the second path and will continue to build and push the rational case for the measures we have advocated for so long. But, those efforts aside, we have not accomplished as much as we need to. Satire offers us a complementary path towards that same goal. Hopefully a remnant of a "funny bone" still may be found among those politicians some may regard as lacking any bone at all in their backs. Hopefully satire will help them see the inevitable tragedy brewed by past decisions and realize just how unnecessary that outcome is if we want to live good lives here.

This satirical campaign also is aimed at our youth, Alberta's future. AWA wants more support from this demographic. The style and creativity of the campaign reminds me very much of what Ian and I see on Jon Stewart's late-night phenomenon *The Daily Show* or what I saw when *Saturday Night Live* devastated Sarah Palin in the 2008 U.S. Presidential election. Previews of our message at the University of Calgary struck a chord in this demographic; making the message easily incorporated into new social media such as Facebook and Twitter should help us to spread the word.

So, borrowing from Will Rogers, we are going out on the limb with this campaign. We hope that the fruit he talks about is there – both in terms of your support and in terms of reversing the destructive path our government has placed us on.

Meatball is the youngest member of the Urquhart clan. Her first book of feline satire, "Nine Lives: Who Needs 'Em?" is forthcoming this spring.



Safe for Whom You Ask? For Grizzlies Of Course.

National Park Management Changes
New draft Management Plans for
Canada's Mountain National Parks —
including Banff, Jasper and Waterton
— show a disturbing shift in emphasis for
future management of the parks. Whereas
the 2001 National Parks Act states that
"maintenance or restoration of ecological
integrity, through the protection of
natural resources and natural processes,
shall be the first priority of the Minister
when considering all aspects of the
management of parks," these draft plans
place a new and strong emphasis on
maximizing the "visitor experience."

Draft Management Plans for Banff, Jasper and Waterton were released in October and November 2009 and made available, unfortunately, for limited public comment. Surprisingly, the Banff and Waterton plans were never made easily available online and so opportunity to comment was very limited for anybody living outside the parks. AWA posted all three draft plans on its website and commented on each of the draft plans.

The Banff and Jasper draft plans both propose to increase visitor numbers by more than 20 percent over 10 years; the Waterton draft plan proposes to increase these numbers by five percent by 2012. None of the plans offers a rationale to explain why this is desirable or how these targets might be accommodated within the parks' ecological limits. While AWA appreciates that encouraging sustainable levels of visitation to the parks is, and should be, a major consideration of Parks Canada we have grave concerns at the failure to keep growth of visitor numbers in any sort of ecological perspective. In the light of recent decisions to allow golf tournaments and dragon-boat racing in Banff National Park there is considerable concern that the parks' natural environments and wildlife will take a back seat to increasing visitor numbers.

AWA strongly opposes the proposal in the draft Banff plan to undermine the designated Wilderness Areas within the Park: "An amendment to the Declared Wilderness boundary will be introduced to provide for... Future gravel extraction... Limited future development



Peyto Lake, one of Banff National Park's turquoise gems. Photo: N. Douglas

of new facilities, renewable energy and communications towers."

A little more positively the Banff plan proposes to reintroduce bison to the Park and suggests it is feasible to reintroduce woodland caribou (in spring 2009, when the last remaining members of Banff's caribou herd were killed by an avalanche, the Park suffered the ignominy of the first large mammal extirpation from a Canadian National Park in over a century). But even where the plans make firm, positive proposals such as "reducing the number of grizzly bears killed as a result of human activity," (Banff) or "addressing these threats to reverse the (long term declining trend in caribou populations)" (Jasper), they provide no indication of how these goals will be achieved.

Together these draft plans are a missed opportunity. Without extensive re-writes and a renewed emphasis on ecological integrity, these plans do not bode well for future management of our Mountain National Parks.

- Nigel Douglas

If you would like to receive updates when there are opportunities to comment on processes such as the draft National Park management plans, you can join AWA's Wilderness & Wildlife Defenders program. Either sign up online at www.AlbertaWilderness.ca/help-us or send us an email at awa@shaw.ca to sign up.

Water Allocation Review Advice
Alberta Environment Minister Rob
Renner announced in September 2008
that Alberta's existing water allocation
system needed a public review to
ensure it could meet Alberta's future
water needs. In late November 2009 the
Government of Alberta released reports
by an appointed Minister's Advisory
Group, the Alberta Water Council, and
the Alberta Water Research Institute, that
will be influential in shaping its review of
water allocations.

A common theme of all reports is that Alberta's "First in Time, First in Right" (FITFIR) seniority license system

can still meet Alberta's water needs provided more commitment is made to assuring enough water is reserved for the environment and for community drought preparation efforts. The affirmation of FITFIR is disappointing. It gives undue influence over our water future to those holding historic water diversion rights, rights assigned decades before water scarcity or environmental needs were recognized. AWA would have preferred that more innovative systems had been explored to re-direct water priority where it belongs – to basic human needs and to the environmental flows needed to sustain abundant clean surface water and groundwater.

A major recommendation of all three reports is that a level of "Protected Water" should be established as soon as possible in all of Alberta's major river basins. Protected Water is a proportion of natural stream flow needed to maintain a healthy aquatic environment that is not tradable in the water allocation transfer system; this proportion is determined by scientific information and socio-economic community values. This concept is good in theory and, if implemented, would improve the security of water needed for the aquatic environment. However, in practice our current law, affirmed or endorsed by all three reports, would assign Protected Water a junior priority license date of 2007 or later. Currently, only the South Saskatchewan River Basin has a defined level of Protected Water, but this is a target that cannot be achieved in drier years because of its junior status - senior water diversion license holders

have priority call on the water. Even in relatively unallocated basins such as the Peace and Athabasca the precedence of senior licenses is an obstacle to adequate environmental protection during very low flow winters that are likely to be more frequent due to climate change. AWA worked hard to ensure that the Water Council report, a report we contributed to, included at least a minority viewpoint recognizing this concern: meaningful protection for "protected water" within a FITFIR framework means that this allocation must take priority over all existing licenses.

The next step in the Government of Alberta's water allocation review calls for a draft policy to be developed for public consultation by summer 2010. AWA will work to encourage public involvement and raise awareness that our water security lies in ensuring that basic human needs and environmental needs are the top priorities when it comes to water use.

- Carolyn Campbell

Petro-Canada Sullivan Application Lumbers On and On and On...

When it comes to describing the Petro-Canada Sullivan application, well, you just could not make this sort of stuff up if you tried! Casting our minds back, in November 2008, the ill-fated Energy Resource Conservation Board (ERCB) hearing began into proposals by Petro-Canada to drill 11 new sour gas wells and construct a 37-kilometre pipeline, all within the borders of Kananaskis Country.

An awful lot of gas of a different sort has filled the Alberta air since that

long drawn-out hearing came to an end in January 2009. The hearing process was briefly suspended in February, following news that Petro Canada and ERCB staff members had entered into an inappropriate personal relationship during the hearing. Having ruled that the relationship did not compromise the credibility of the process, the ERCB recommenced the hearing, although opposing lawyers tried to have it suspended again while they appealed the ERCB's decision.

The hearing process was put on hold again in November 2009 when the ERCB announced that it was suspending any issuing of new sour gas well licences while it pondered the implications of a rap on its knuckles by the Alberta Court of Appeal. The Court found that the ERCB had incorrectly interpreted its own rules in January 2009 when it denied three residents of the Rocky Rapids area the right to oppose two proposed sour gas wells close to their properties. The ERCB promptly changed its rules (see WLA, December 2009).

Since the official hearing ended in January 2009 there has been a more-orless continual stream of correspondence between ERCB, Petro-Canada and lawyers for the numerous interveners in the case. This has concerned everything from constitutional questions concerning First Nations rights, to consideration of alternative pipeline routes, to motions to compel Fish and Wildlife staff to be made available for questioning.

If we throw into the brew the fact that Petro-Canada merged with Suncor in August 2009, and that natural gas prices have tanked since the golden days of Petro-Canada's original application, we may be left with a huge white elephant of an application that many parties dearly wish would just go away. Although final arguments were submitted to ERCB in June 2009 the hearing still shows no sign of coming to an end. In fact lawyers opposing the application have now officially applied to have the entire hearing reopened because current low gas prices have rendered the application uneconomic and therefore not in the "public interest." Who knows what further twists to this saga 2010 will bring!

- Nigel Douglas



Title: Winter Bear, watercolour, 3 1/2" by 6 1/4" © COLLEEN CAMPBELL

RECALL OF THE WILD

Ron Lyle: Forest Rangers, Multitaskers

By Norma Ruecker

When it comes to the government's stewardship of the backcountry none of the former rangers we have interviewed in this series feel that we are doing a better job today than we were decades ago. When told that there are no longer patrolmen or guardians in the wilderness back country, retired forest ranger Ron Lyle responded with "that is no good, the public can do what they want, when they want." Ron believes that, by rights, the government has an important obligation to protect the wilderness but he does not hold out a lot of hope. It is obvious to him, and has been for years, that the wilderness is simply not important enough to government.

Today's management belies just what a very special place the wilderness is to an old ranger such as Ron. He told me, with a great deal of pride, about his lifestyle and adventures as a ranger. Born on a farm in the Alberta prairie, he attended school in Tilley. As a young man he was a private in the army and served in Italy and France during the Second World War. Soon after the war ended Ron joined the Forest Service and began a ranger's life in the Clearwater area. At that time all work was carried out on horseback so rangers were required to own at least two horses. He received his first horse from his father and purchased another. A ranger was always on the look out for a good horse and, to Ron, a good horse meant one that was "reliable with a bit of speed". When Ron joined the Forest Service it was thought that wild horses could be tamed and utilized by the rangers. The rugged pair of Ron and his horse, Tony, participated in what turned out to be the last big forestry horse roundup in the Clearwater Forest. In 1949, Harry Edgecombe (ranger at the Meadows) wrote a poem about the event: *The Forestry Round Up*. The poem recounts how rangers from the Red Deer to the Brazeau Rivers trailed wild horses through the mountains through the crusted snow of spring. After several



Ranger Ron Lyle on patrol with his horse Tony in 1966

weeks of hard riding the rangers did not have a great deal to show for their efforts. Only 35 head were corralled. When it came to the best way of finding a ranger a good horse, the wild horse round up was a disappointment.

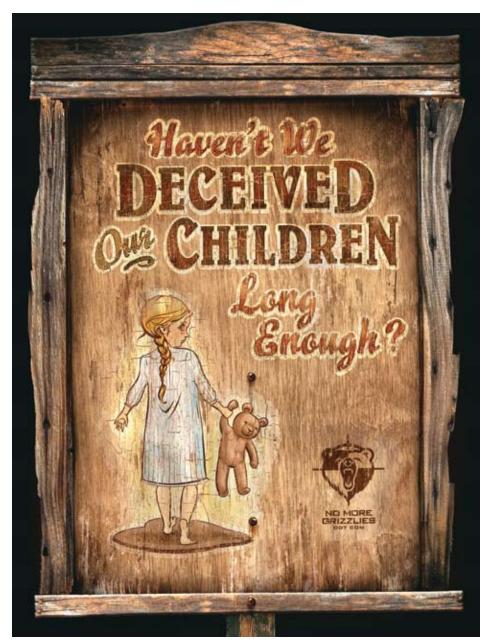
Ron still harbours a great love and respect for the wild horses of the wilderness. Often, while packing supplies up to the lookout towers, he would be challenged by a wild stallion aiming to take his pack string. Snapping his reins and the occasional yell were usually enough to keep the stallion at a distance and his pack string safe. While these experiences might have annoyed some they did not bother Ron at all. He felt the animals belonged there. Not surprisingly then, Ron took a stand against the public capture of wild horses. He wrote a report outlining his opposition and refused to issue permits for their capture. He sympathized with people who wanted to try to tame a horse for personal use, but thought many people took advantage of wild horses by rounding up large numbers for sale. He felt strongly

that these wild animals should not be exploited by the human greed for money.

The rangers of Ron's generation spent a great deal of solitary time in distant patrol cabins and often rode out alone. But, they were a close-knit bunch who often went to extraordinary measures to help out a friend. In 1952, while on foot out near the Meadows patrol cabin (30 miles due west of Rocky Mountain House), Ron accidentally roused a black bear out of her food cache. Ron was mauled by that bear and suffered severe injuries. In excruciating pain, Ron, through sheer determination, located one of his reliable horses grazing in the area and used it to help him stagger back to the patrol cabin. He might not have survived that attack without the heroics and help from fellow rangers, a local doctor, a brave bush pilot and the townspeople of Rocky Mountain House. Ron knows he was extremely lucky to survive his bear encounter; amazingly perhaps, he still has a love for bears.

As other former rangers have told us, Ron thought he had the best job in the world. He treasured the time spent on the trail and he enjoyed fishing and hunting in what he calls "a simple life." However, a ranger had many jobs that made it far from play. Poaching big game was a problem and Ron charged many hunters for not having hunting permits. Ron says he was strict with the hunters and the outfitters he dealt with and sent a good many back to clean up the mess left in their camps. He feels most behaved themselves because they wanted to maintain a good relationship with the Forest Service. Supplying the lookout towers, monitoring animal and fish populations and maintaining the telephone service were among the many jobs of a ranger. Telephone lines traveled from southern to northern Alberta through the forest country and it was a ranger's responsibility to keep them operational. Once a ranger knew the line was not working, he would head out into the backcountry with a string of packhorses, sometimes for many miles, to correct the problem. Often times, a fallen tree would be the cause and simply cutting it down could repair the problem. Telephone lines would also frequently need repair. Rangers were pretty skilled at climbing poles to repair the lines and Ron repaired some telephone lines while standing in the saddle atop his horse. Undoubtedly this will not be on a poster used today for demonstrating workplace safety.

Ron spent many years at ranger stations with one loyal companion - a Pomeranian named Tony. He chuckled as he told me how Tony used to protect him from the chipmunks. Ron married Francis, his wife of more than forty years, in 1967 and they resided at the Prairie Creek Ranger Station until Ron retired from the Alberta Forest Service in 1978. They moved to Creston, B.C. where Ron worked on a seasonal basis for the B.C Forest Service and then on to Invermere where Ron worked full time until 1988. He recalls doing a lot of forest fire fighting while in B.C. He thinks fighting fires was a job rangers never really got enough credit for especially since being on the lookout for forest fires was one of the major duties of the Forest Service.



Does this little girl know something our politicians don't know?

The Lyles finally settled in Calgary. In his retirement, Ron enjoyed playing cards and taking the odd pack horse trip with friends. As I visit with the 86 year old, he is amazed to know that in recent years, I have been to the Clearwater on horseback and have seen his precious herds of wild horses. He asks me if I know how to tie a diamond hitch, the knot that secures the packs to the pack saddle. I have to admit that I don't, but that I am often the third "man" at the back end of the horse pulling it tight. He acknowledges it is easier with two people but, with a

twinkle in his eye, he proudly tells me how he can tie the diamond hitch by himself. It pleases him to know that people still travel the wilderness in the old way; for Ron, it is the only way.

The tale of Ron's bear encounter has been described in Outdoor Junkie (Robin Huth) and The Alberta Forest Service: 1930-2005 (P.J Murphy et al). The poem, The Forestry Round Up, may also be found in The Alberta Forest Service: 1930-2005 (P.J Murphy et al).

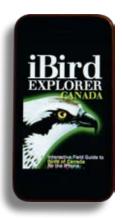
What's 'Appening? Introduce Your iPhone to Nature *iBird Explorer Canada*, Mitch Waite Group \$9.99

Reviewed by Ian Urquhart

Nightmare, dream or somewhere in between...there are a growing list of reasons why you just might want to toss an iPhone into your pack the next time you escape the city. The reasons are not about "staying connected" or taking that all-important call. Yuk! Instead they are "apps" – iPhone applications that actually may enrich our experiences in nature.

The app reviewed here, iBird Explorer Canada, is one of the nine members of the iBird explorer family of iPhone applications. This family of applications was selected by *Macworld* magazine as its best reference app in 2009. The current version of iBird Explorer Canada is a field guide containing information on 685 birds found in Canada's provinces and territories. As an ebook its developer boasts it "puts thousands of pages of expert birding information at your fingertips" and at a fraction of the weight of most traditional field guides.

For a neophyte such as myself I have found much to like about this electronic guide. The guide offers, for



each bird, a full colour drawing of the bird, a map of the bird's range during the different seasons, recordings of bird songs/calls and helpful identifying information about many aspects of the bird's physical and behavioural

characteristics. It also offers photos of the bird, interesting facts about the bird, a list of similar birds, as well as "Birdipedia." Birdipedia details the overall IUCN conservation status of listed birds (I also would have liked to be able to read information about their status in individual provinces), their scientific classification as well as references, external internet links and where else you can go if you would like to read further about any listed bird.

Since iBird Canada is a standalone app it does not require an internet connection. You can access its information anywhere. If you want to learn about Canada's birds and lighten your pack as you do so iBird Explorer Canada may be just the ticket you have been looking for.



TOAD MOUNTAIN GRANOLA

Ingredients

5 cups (1.25 kg) large flake oats

1 cup (250 ml) raw sunflower seeds

1 cup (250 ml) white sesame seeds

1 cup (250 ml) whole almonds or hazelnuts, roughly chopped

1 tbsp (15ml) cinnamon

1 tbsp (15 ml) ground ginger

1 cup (250 ml) applesauce

½ cup (125 ml) brown sugar

1/4 **cup** (60 ml) honey

¹/₄ **cup** (60 ml) maple syrup

¹/₄ cup (60 ml) vegetable oil

1 tsp (5 ml) salt

1 cup (250 ml) dried cranberries, blueberries of raisins

Method

Preheat the oven to 325°F (160°C). Put everything except the dried fruit in a large mixing bowl and combine everything very well. Spread the mixture out onto a large 12×18 inch (30×45 cm) baking pan. Do not line the pan with parchment paper. Bake for about an hour turning the mixture over a few times during baking. You want everything to get evenly golden brown. Cool completely before adding the dried fruit. Store in an airtight container.

Makes about 12 cups (3kg)

You can substitute any kind of nuts or dried fruit that you like, of course, and adjust the sweeteners to your taste. But don't leave out the applesauce. It's crucial for this granola's texture and taste.

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Grizzlies need large areas of well-protected wilderness. The 4,600 km2 Willmore Wilderness is one of the largest roadless areas in Alberta and supports the most robust grizzly population in the province. PHOTO: C. OLSON

TUESDAY TALKS

Pre-registration is advised for all talks.

Phone: (403) 283-2025 Toll-free: 1-866-313-0713

Online: www.AlbertaWilderness.ca

Tuesday March 9, 2010

DO YOU BRAKE FOR RATTLESNAKES?

With Adam Martinson

Why rattlesnakes behave the way they do and how this relates to their risk of being killed on a road.

AWA Office, 455 - 12 St. NW, Calgary

Tuesday, March 23, 2010

PUSSYWILLOWS AND FLASHES OF BLUE – SPRING HAS ARRIVED!

With Marijke Jalink-Wijbrans and Don Stiles

The joys, heartbreaks and science of bluebird conservation. AWA Office, 455 - 12 St. NW, Calgary Time: 7:00 pm

Tuesday, April 6, 2010

MOTHER NATURE'S CLEANUP CREW – HOW ARE THEY DOING IN ALBERTA?

With Wayne Nelson

Finding, monitoring and tagging turkey vultures. Strathcona Public Library, Edmonton, Alberta Time: 7:00 pm



Prairie rattlesnake. PHOTO: M. DEGNER.

Tuesday, May 4, 2010

JOURNEY TO LAKELAND - ALBERTA'S BOREAL BEAUTY

With Carolyn Campbell
A pictorial voyage to the lakes
and trails of Alberta's Lakeland.
Strathcona Public Library,
Edmonton, Alberta
Time: 7:00 pm

Saturday March 13, 2010

MUSIC FOR THE WILD

The first in our 2010 series of evenings by local performers in support of AWA and Alberta's Wild Spaces.

AWA is proud to present great bluegrass music by WILD ROSE EXPRESS. AWA Office, 455 - 12 St. NW, Calgary 7:30 – 10:30 p.m. (Doors open 7:00 p.m.)

Cost: \$15

Pre-registration is required. www.AlbertaWilderness.ca/events

Saturday March 20, 2010

AWA MURAL COMPETITION at the Calgary Tower

Every year, as a build-up to the Climb for Wilderness at the Calgary Tower (Saturday April 17), teams of intrepid artists ensconce themselves in the stairwell of the Tower to paint the stunning murals that so lighten the hearts of future stair-climbers.

The mural theme this year is Alberta native species in their habitat. If you would like to paint a mural this year, call us at (403) 283-2025 (Toll-free: 1-866-313-0713) or check out the Climb website at www.ClimbforWilderness.ca



Team Stupendous painting their mural in the Calgary Tower, March 2009. PHOTO: N. DOUGLAS



PHOTO: A. CAREY

Return Undeliverable Canadian Addresses to:



Alberta Wilderness Association Box 6398, Station D Calgary, Alberta T2P 2E1 awa@shaw.ca