

# A WILDLANDS ADVOCATE



THE ALBERTA WILDERNESS ASSOCIATION JOURNAL

APRIL 2012



## EXAMINING AWA'S 2012 CONSERVATION PRIORITIES

- WOODLAND CARIBOU
- GREATER SAGE-GROUSE
- + MANAGING ATVs AND STANDING UP FOR THE CASTLE

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## COVER PHOTO

Alberta is blessed with many exceptional photographers and artists who draw their inspiration from nature. John E. Marriott, the wildlife photography columnist for *Outdoor Photography Canada*, is one of them. This issue's cover photo comes courtesy of John. More of John's photographs may be seen at [wildernessprints.com](http://wildernessprints.com)

## FEATURED ARTIST

This issue we are featuring some of the marvellous murals that fans of wilderness have painted on the stairwell of the Calgary Tower. Thank you so very much for the time and effort you have dedicated to nature's treasures.

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# POLITICAL ICE AGES: AVOIDED ONE, IN THE GRIP OF ANOTHER

Well my fellow conservationists, the political deck chairs on the good ship Alberta have been re-arranged slightly for the next four years or so. In re-electing Premier Redford's Progressive Conservatives Albertans rejected what I regard as a set of policies that promised to plunge this place into a political Ice Age. It's generous, an understatement, to say there was very little in the Wildrose Party's 2012 environment platform that valued the importance of wild spaces to who we are as a people in the 21st Century.

I look at Premier Redford's party with my fingers crossed. I hope she appreciates two points. First, many progressive, environmentally-concerned Albertans strategically supported her party's candidates in this election. Second, many outside our borders are keenly interested in seeing stronger environmental protection in Alberta.

That realization should encourage the Premier to be more ambitious when it comes to environmental protection than was indicated in her party's election platform. We welcome the commitment to "full and inclusive consultations" with respect to the Water for Life Strategy; we expect this will lead to a much-needed prioritization of ecological needs in a water allocation review and to a strong provincial wetland policy that Albertans resoundingly supported in past public consultations. We hope that environmental values will be upheld in regional land-use planning and in her party's proposed changes to the regulatory process.

If we may have avoided a provincial Ice Age on April 23rd I'm afraid we are firmly in the grip of a federal one. The proposed muzzling of critics in the federal environmental assessment process, sparked by opposition to the Northern Gateway pipeline proposal, illustrates this well. In January Natural Resources Minister Joe Oliver portrayed, in his words, "environmental and other radical groups" (he didn't have the courage to say First Nations) as the enemies of Canadian families who want jobs and economic growth.

Rubbish. Since when do radicals dress up in business suits and legitimize our system of government by wanting to participate in public environmental assessment hearings? The simple, honest, answer is never - they don't.

This momentum to return to more neanderthal times also may be seen in Senator Nicole Eaton's inquiry into the money Canadian environmental charitable groups receive from foreign foundations. The vitriol found in the attacks Conservative Senators Eaton and Finley launched on Canadian environmental groups in the Senate - that chamber of "sober second thought" - probably warrant attaching "parental advisory" labels to their remarks (see the Senate debates of February 28th and March 6th by following the "Previous Sittings - Debates" link at [www.parl.gc.ca/ParlBusiness.aspx?Language=E](http://www.parl.gc.ca/ParlBusiness.aspx?Language=E)).

Thankfully, some reason was shown by the Honourable Nancy Ruth, another Conservative Senator, when she spoke to Senator Eaton's agenda on March 29th: "What is really being advocated is that some groups should have influence and others should not. What is really being advocated is that some points of view cannot be questioned, while others are a waste of time and cause delay." Senator Ruth, by the way, supports Enbridge's pipeline project. But, unlike some of her Conservative colleagues in the Senate and House of Commons, Senator Ruth's support for pipelines hasn't led her to turn her back on fundamental democratic principles.

To say we will live in interesting and challenging times under these two Conservative administrations is likely another understatement. Suffice it to say that in the pages of *Wild Lands Advocate* and through Alberta Wilderness Association's other educational and outreach activities we will continue our efforts to inform our audience about the importance of nature to Alberta's identity.

- Ian Urquhart, Editor

# THE BROADER VIEW: AWA'S 2012 PRIORITIES

BY SEAN NICHOLS,  
AWA OUTREACH SPECIALIST



At the many outreach and education events AWA hosts, we are often asked what campaigns and efforts we are working on. As important as they all surely are, it is easy to become so intent on one or two trees that we could lose focus on the entire forest. We want to take this opportunity to step back and give you an idea of the issues that, taken as a whole, encompass the breadth of AWA's work. Throughout the rest of this year *Wild Lands Advocate* will highlight the ten priorities we have identified to guide our conservation efforts in 2012. These priorities represent issues we know are of vital importance to the ecological health and natural well-being of Alberta.

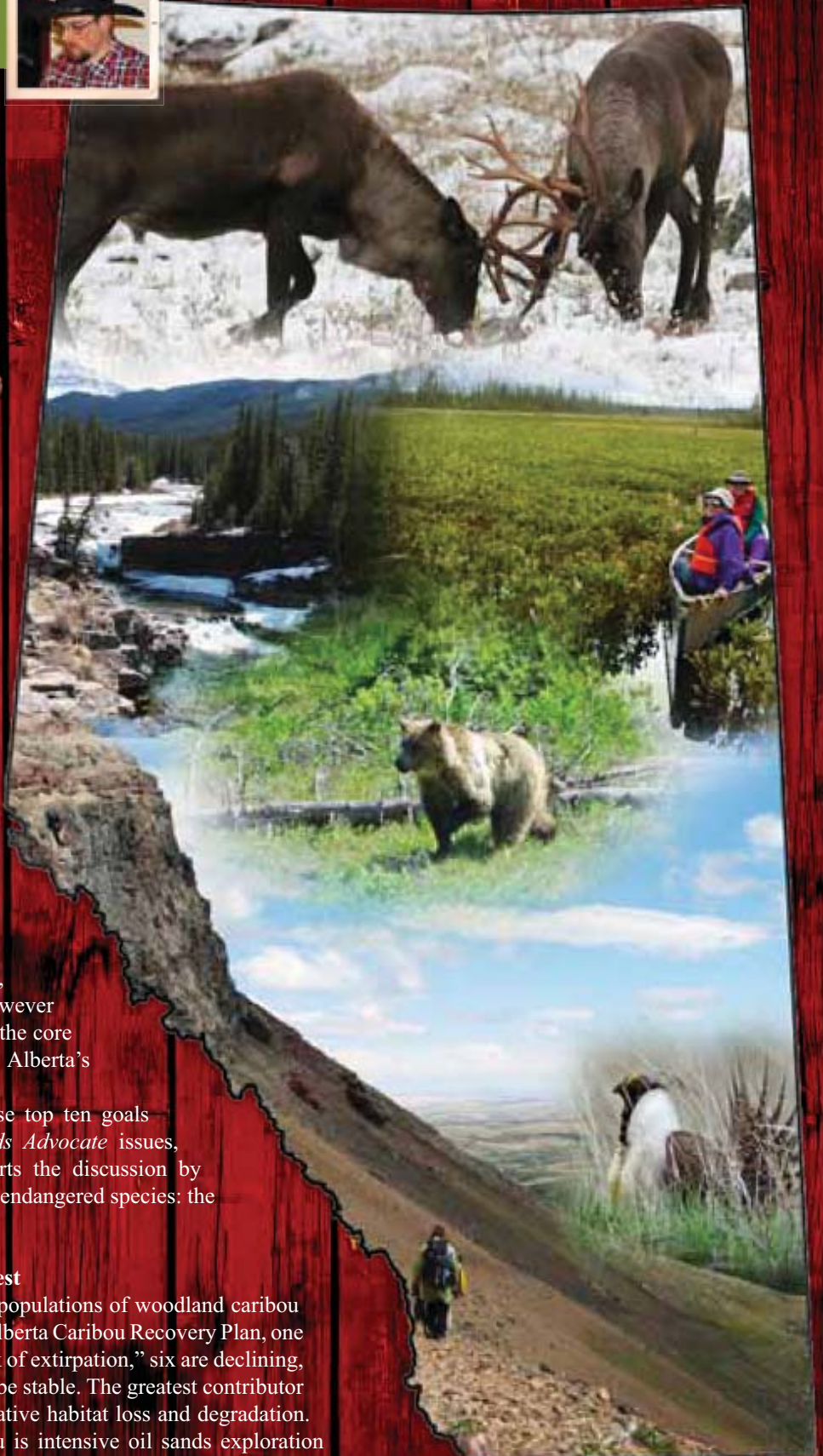
It is no easy task to narrow down all the work AWA is doing to just ten headlines. However this is part of the long-term planning we do at the beginning of every year, following the Annual General Meeting in November. After much discussion we select priorities based in part on their intrinsic importance to maintaining Alberta's biodiversity, their achievability, the current momentum behind efforts to realize the goal, the familiarity of the broader Alberta public with the issue, and AWA's historical interest.

There clearly remain many other species, areas of concern and threats to Wild Alberta, and by no means will AWA ignore these. However the goals identified this year as priorities form the core of the association's 2012 efforts to conserve Alberta's wildlife, wild waters, and wild lands.

We will be dividing our discussion of these top ten goals between the five remaining 2012 *Wild Lands Advocate* issues, tackling two goals per issue. This issue starts the discussion by focusing on the plight of two of Alberta's most endangered species: the woodland caribou and the greater sage-grouse.

## Woodland Caribou: Grey Ghosts of the Forest

Across Canada, and particularly in Alberta, populations of woodland caribou are declining. Of the 18 herds identified in the Alberta Caribou Recovery Plan, one has died out, another two are at "immediate risk of extirpation," six are declining, six are unknown, and just three are reported to be stable. The greatest contributor to the decline of Alberta populations is cumulative habitat loss and degradation. The largest current threat to Alberta's caribou is intensive oil sands exploration



and extraction; studies show herds in the oil sands region have suffered five times the amount of industrial disturbances as the average in all woodland caribou herds across Canada. Wolf culling is an inappropriate and ecologically ineffective management strategy in the absence of meaningful habitat protection and restoration. AWA believes that sales of energy leases in caribou ranges must stop, and exploration and development of new industrial operations must be deferred in woodland caribou ranges until sufficient disturbed habitat is recovered to support population recovery.

In this issue of the *WLA*, Carolyn Campbell writes in-depth about the federal proposed woodland caribou recovery strategy, and questions government reliance on the wolf cull as the sole means of “protecting” this threatened species. I follow this with a companion piece that explores an intriguing option proposed by a team of researchers at the University of Alberta that may see a way to protect caribou habitat without significant cost to resource development. Finally, Adam Driedzic from the Environmental Law Centre contributes another piece to the woodland caribou jigsaw puzzle. Writing about OHV use and regulation, Adam touches on many themes related to land use planning in Alberta that also impact caribou herds.

### Greater Sage-grouse: At Imminent Risk of Extirpation

The highly endangered greater sage-grouse is an upland game bird iconic to Alberta’s dwindling native grasslands. In Alberta only 13 male sage-grouse were recorded on leks (mating grounds) in 2011, a 90 percent population decline since 1968. Based on the current trajectory of decline, experts have estimated that without immediate and drastic government action, the sage-grouse will be extirpated from Alberta within two years. Sagegrouse require large blocks of un-fragmented sagebrush grassland habitat to survive. Rapid population declines have occurred in response to habitat fragmentation primarily due to industrial and agricultural development in southern Alberta. According to sage-grouse scientist Dr. Mark Boyce, if sage-grouse disappear from the landscape it would be “the first case where the oil and

gas industry has caused the extirpation of a species in Canada.” It is crucial that the provincial and federal governments take the steps necessary to prevent the imminent extirpation of the sage-grouse in Alberta and Saskatchewan. Most importantly, no new development should be allowed within critical sage-grouse habitat and all existing industrial infrastructure in that habitat must be removed.

In November 2011, AWA petitioned Federal Environment Minister Peter Kent to recommend immediate action to protect Alberta’s most endangered species, as he was required to do under the federal *Species at Risk Act*. Despite being given months to respond, AWA has yet to receive a response. Faced with this lack of response, AWA along with Ecojustice and three other ENGOs initiated a

lawsuit against the Minister in February. Madeline Wilson writes about the ethical, organizational, and policy forces and factors that affect and constrain sage-grouse conservation in her article.

### Other Priorities

AWAs eight remaining priorities for 2012 remain to have their stories told. Some of them, such as obtaining protection for grizzlies, are touched on in this issue of the *WLA*; others, such as the issues surrounding the sale of Alberta’s public lands, have been discussed in prior issues. Others, for example the development of a provincial biodiversity strategy, have yet to be showcased. Stay tuned for articles featuring all these priorities throughout the year’s remaining issues! ♡



**Winner: Family Category “Desulfovibrio desulfuricans” by Susann and Michael Lagore**  
 PHOTO: © J. QUIROZ

# CARIBOU HABITAT PROTECTION: IT'S URGENT TO REDUCE INDUSTRY'S BOOTPRINT

BY CAROLYN CAMPBELL, AWA CONSERVATION SPECIALIST



Essentially zero – AWA has learned this has been the calf survival rate in Alberta's Cold Lake woodland caribou herd for the last four years. This is a shocking statistic. But it's hardly surprising given the intensive *in situ* tar sands industry activity promoted in this caribou population's range. In 2010, the Alberta government's caribou status update report showed the Alberta side of the Cold Lake herd's population was merely 20 percent of what it had been in the mid-1990s; across the border in the comparatively less developed Saskatchewan side of the herd's range the population was at 65 percent of its mid-1990s level (energy industry activity has greatly increased on the Saskatchewan side since 2007, with corresponding declines in caribou populations there).

What future is possible for this and other Alberta herds? Here we examine the current state of provincial and federal measures, including Alberta's current wolf kill program in west central Alberta. Meaningful habitat protection and restoration are notably absent from those measures. It is urgent that they be added.

Woodland caribou eat lichen and favour large peat wetland areas and lichen-rich old forests; these wet or snowy areas in the intact boreal forest are inhospitable to other prey species such as deer and moose. Such an intact, unfragmented landscape helps to separate the caribou from wolves and bears. Today, seismic lines, well sites, camps, forestry cutblocks and busy roads fragment huge, growing swaths of Alberta's boreal forest. With this industrial "disturbance," deer and moose are drawn into previously inaccessible forest in unprecedented numbers and wolf populations grow accordingly. In addition, cutlines and roads give wolves and bears easy access, easy pathways, to caribou. Sadly, predation on adult and young caribou is unsustainably high. Caribou

population trends are a barometer of boreal forest intactness that affects many other species. The barometer doesn't suggest a sunny tomorrow.

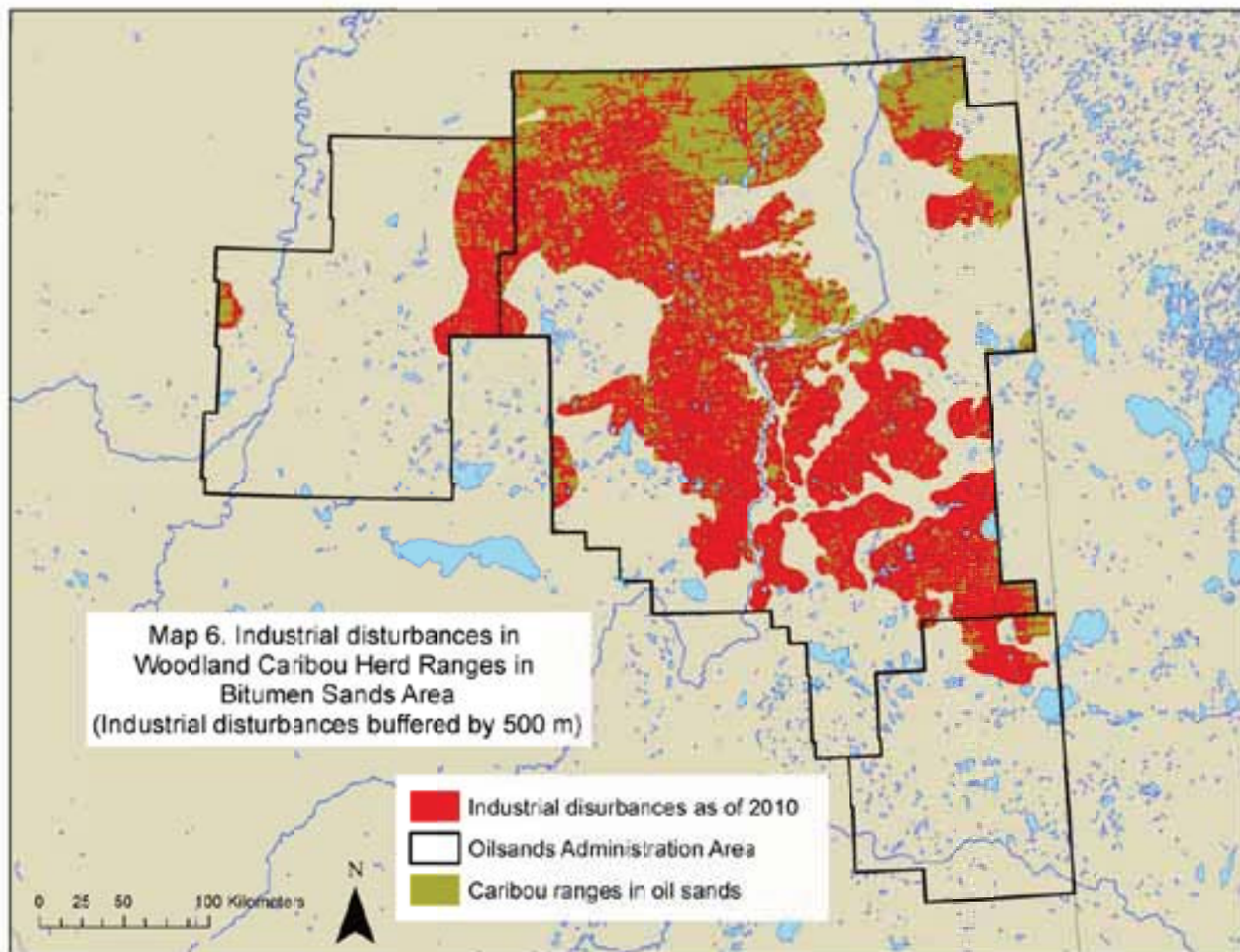
The Alberta government's woodland caribou Status Report (2010) showed population declines for almost all adult boreal woodland caribou populations. The Athabasca Landscape Team of scientists reported to the Alberta Caribou Committee in 2009 that there was an urgent need for both caribou habitat restoration and mortality management measures to be applied **together**, or caribou would not persist for more than several decades in Alberta. They made specific habitat recommendations: establish large industry-free caribou recovery areas, coordinate large scale habitat restoration programs, and reduce the new industrial footprint in active lease areas. Their mortality management recommendations were to kill at least two-thirds of wolves in an area annually (stated as the most effective mortality management strategy). The possibility was raised of penning cows and calves although there were concerns about the value, feasibility and cumulative stress on the caribou of this latter approach.

The years pass and there still has been no significant habitat protection and restoration – none, zero. The provincial government's Lower Athabasca regional land-use plan in northeastern Alberta remains a proposal only. It timidly proposes that caribou range protected from industry rise from the current seven percent to about 17 percent of caribou range in that region. But this expansion only may be allowed at the fringes of bitumen deposits. According to Environment Canada, woodland caribou require 65 percent intact habitat to have a 60 percent chance of survival. The Lower Athabasca plan would be a very modest improvement over the status quo but will likely not significantly increase caribou survival prospects.

The plan also falls far short of promised responsible cumulative effect management: it has neither land disturbance limits nor a biodiversity strategy; it protects bitumen rather than caribou. Meanwhile, both federal and provincial governments facilitate, if not promote, as much new gas, oil, heavy oil and bitumen exploration and development as the market will bear. As of January 2012, 65 percent or 91,000 km<sup>2</sup> of Alberta's entire oil sands area was under bitumen lease. Global Forest Watch Canada reported then that half of Alberta's bitumen leases, as of July 2011, were within caribou ranges. Industrial disturbances (buffered by 500 meters) cover an average 64 percent of the ranges of the eight Alberta caribou populations in the bitumen sands region.

## Crying Wolf?

A wolf control program aimed at trying to protect the Little Smoky caribou herd has been applied for six seasons now in the west central Alberta foothills. Predator management with strong caveats was part of a provincial caribou recovery plan developed by a team of government, industry and environmental representatives. The Alberta Government adopted most of this plan in 2005 as Alberta's Woodland Caribou Recovery Plan; the one recommendation it did not adopt, unfortunately, was a temporary moratorium on new mineral and forestry leases in the lands used by the Little Smoky and two other Alberta caribou herds then at immediate risk of local extinction. The 2005 Plan stated bluntly that "habitat conservation and management is the fundamental tool to reduce undue predation on caribou." It added that predator control "must be predicated on land management and habitat restoration procedures (appropriate for caribou recovery) being in place, or



*The current extent of industrial disturbance in caribou ranges in Alberta’s oil sands region makes it urgent to establish land disturbance limits and strong habitat protection and restoration measures.  
Map: Global Forest Watch Canada, 2012.*

under development,” that “there is strong social reluctance to rely on this tool,” and that “predator control will not succeed as a sole, or predominant, tool for caribou recovery.”

I spoke to Dave Hervieux, the Provincial Caribou Management Coordinator in Alberta Sustainable Resource Development, for information on the Little Smoky caribou recovery program. He stated categorically that “without wolf control, the Little Smoky caribou herd would have been completely lost by now.” Due to forestry and energy industry disturbances attracting deer, moose and wolves, the Little Smoky population had declined by between 10 and 20 percent every year from the late 1990s to the mid 2000s. Wolf control for Little Smoky began in the winter of 2005/06. From

the first season of the wolf program, the annual survival of caribou calves and adults improved greatly. The caribou population stabilized and began to grow; it is now believed to be about 80 animals. “That is a success”, Hervieux states. “It is best to retain caribou within their range, as population re-establishment after local extinction is unproven and would be extremely difficult or impossible.”

Hervieux strongly defends the elements of the Little Smoky predator management program; from 2005 to 2012 this program has killed about 650 wolves. First, he notes that the only responsible way to manage predators is comprehensively, so it will actually stabilize caribou populations. He states that “there is no point to control wolves if it is done in a manner that will not achieve the desired

result of avoiding the complete loss of a caribou population by allowing the population to be stable or to grow; predator management should be effective or not done at all.” The government’s approach targets whole packs rather than disrupting pack structure and thereby stimulating wolf reproduction. Simply trapping would play this stimulating role. The government relies on helicopters to shoot wolves from the air for most of the kills. But this method requires optimal snow and visibility conditions to spot and follow tracks.

So for some of the kills, Hervieux states that they rely on trained professional staff for a tightly regulated poison (strychnine) bait program—about 100 wolves have been killed this way since 2005. To minimize collateral damage and accidentally killing

other species, the only poisoned baits are small bait pieces buried in the snow that only canine species could be expected to find. The bait sites are identified with public warning signs. “The only way for someone’s dog to be affected is for the owner to allow them to run loose in caribou range, which definitely should not be happening,” states Hervieux. The larger bait that draws ravens and in turn attracts wolves and other species to the site is not poisoned. Accidental mortality of other species is carefully tracked and thankfully so far has been very low. For example, for 1,041 bait-site-days in the 2011-2012 winter season, there were 23 accidental raven mortalities, five accidental coyote poisonings, and one red fox mortality. Hervieux says this data is very comparable to previous years’ figures.

In defending the Little Smoky wolf control program, Hervieux underlines that the wolf kill is not intended to be the sole caribou management tool. He notes that the recent caribou policy adopted by the provincial government in June 2011 lists an immediate priority to maintain caribou habitat. But Hervieux is adamant that some wolf control work is necessary along with habitat protection and restoration. “Without the ability to use focused, careful and effective predator management as one of the caribou management tools, many woodland caribou populations in Alberta will not survive much longer. We would consciously be choosing for extirpation of caribou populations if we choose not to employ careful predator management. The problem is that without a relief from excessive mortality levels, most caribou populations will not persist until habitat is adequately restored.” Hervieux states that since the Little Smoky wolf control program began there has been very little new forestry industry footprint in the more intact parts of the Little Smoky caribou range, which is a significant change from what company cutting plans might otherwise have been.

AWA decided it could not support the wolf kill in the Little Smoky range since insignificant habitat protection and restoration accompanied it. Specifically, oil and gas leasing, exploration and development have continued unabated. While some forestry cuts have been deferred, no new protected areas have been created to ensure long-term caribou habitat recovery. Our perspective is that

*While Dave Hervieux is scientifically correct to observe that the wolf kills have temporarily kept caribou on the Little Smoky landscape, he knows that it has also allowed Alberta to continue to develop new all-season roads, grant new subsurface leases and generally do nothing to protect caribou habitat.*

*Despite some deferrals, logging proceeded in the name of mountain pine beetle control and against the original advice of the landscape planning team. AWA will not collaborate in such a charade. Caribou habitat is being lost at an alarmingly fast rate and the short-term success from shooting wolves reinforces government complacency about actually protecting caribou habitat from further industrial incursion. This is a recipe for failure of epic proportions.*

*Killing wolves takes everyone’s eye off the real problem.*

- Cliff Wallis, 2nd Vice President, Alberta Wilderness Association

wolves have been scapegoated while industrial expansion, the root cause of caribou decline, is let off the hook.

#### **Can Ottawa and Edmonton Learn from B.C.?**

Some elements of British Columbia’s 2011 caribou plan show more promise than the current ambiguities of Alberta’s caribou policy. In 2010, B.C. deferred for at least five years new oil and gas tenures in 5,500 km<sup>2</sup> of three caribou population ranges. There are also constraints on forestry and gravel/sand mining leases in these same areas. The Ministry of Forests, Lands and Natural Resources will set performance measures to track the impacts of lease deferral. The B.C. plan is far from perfect overall, as it facilitates energy development in most caribou range areas by over-emphasizing industrial best practices already demonstrated to be ineffective as sole management tools. However, the lease deferral element shows foresight and should also be applied in Alberta.

Strong leadership on caribou protection should come from Ottawa. The federal government should uphold Canada’s *Species at Risk Act* provisions, but this has not happened to date. Public comments closed on the proposed federal caribou recovery strategy on February 22, 2012.

This proposal was four years overdue – imagine how much Alberta’s caribou herds shrank while Ottawa sat on its hands. Environment Canada received 14,000 submissions and the latest indications are that the final recovery strategy will be released in June 2012. The proposed strategy (covered in more depth in the October 2011 issue of *WLA*) categorized the seven Alberta herds most affected by habitat destruction to date as “non-essential” to the task of maintaining overall population connectivity. Continued destruction of up to 95 percent of their habitat would be allowed if provinces “provide a plan that will support stabilised local populations through the use of mortality and habitat management tools.” This means killing wolves at an unprecedented scale, as Environment Minister Peter Kent acknowledged in early September 2011 after the proposed strategy’s release. This is deeply unethical in the absence of any attempt to halt new habitat destruction or restore degraded habitat.

The draft strategy’s weakness is detailed in an important submission to Environment Canada authored by 11 scientists (Schmiegelow, Crichton, Hebblewhite et al.). Notably the authors are advisors to Environment Canada’s own Boreal Caribou Science Management





*Caribou may be gone from Alberta's boreal forest in several decades if governments do not act soon to fulfill their legal responsibilities. Scientists emphasize that there is no evidence that the recovery of Alberta caribou populations is not biologically and technically feasible.*

PHOTO: © P. SUTHERLAND

Committee. They state there is no scientific basis to support the “non-essential” categorization. To the contrary, they note that so-called “non-essential” West Side of Athabasca River, East Side of Athabasca River, and Cold Lake Alberta populations are actually connected to the “essential” Red Earth population. They add that the expected contraction in “non-essential” caribou habitat range due to weak recovery requirements means the strategy would likely not meet its stated objective to maintain caribou across the range of ecological conditions within their distribution in Canada. They firmly state “there is no evidence that recovery of local populations is not biologically and technically feasible.” After noting that a recovery strategy is to be based on scientifically-grounded assessments, separate from socio-economic considerations that occur later with the action plans, they point out that overlap of the “non-essential” population ranges with areas of high economic value suggests that socio-economic factors wrongly entered into this recovery strategy.

AWA’s own submission to Environment Canada on the strategy was skillfully prepared by EcoJustice, and included legal and ecological reasons why the strategy did not fulfill *Species at Risk Act* requirements. It was legal action by AWA, EcoJustice, the Pembina Institute and several Alberta First Nations that forced Environment Canada to release its long-overdue draft recovery strategy; AWA will continue to examine legal options for improved caribou management.

#### **How Many Tomorrows Remain for Alberta’s Woodland Caribou?**

Significant caribou habitat protection and restoration remains urgent. There are still important opportunities to achieve this. Sensible land disturbance limits have been twice proposed by multi-stakeholder groups with ample forestry and energy industry representation. In 2008, the Cumulative Environmental Management Association’s terrestrial ecosystem working group proposed that active oil sands leases be limited to less than 15 percent of the Regional Municipality of Wood Buffalo (which covers most of

northeastern Alberta). In 2011, the Lower Athabasca Regional Advisory Council recommended that less than 15 percent of a multi-use industry zone be disturbed at any one time by active bitumen leases. In each case, lobbying by a few companies seemed to veto these broadly-supported proposals. That this should be unacceptable is obvious to AWA given the overwhelming evidence of industrial responsibility for caribou population declines and the urgency to act.

There are still important opportunities to protect habitat by halting new leasing in caribou ranges. There are also still prime protection opportunities, for example in the non-bitumen areas of Cold Lake Air Weapons Range (and see Sean Nichols’ article describing an important study of how much Alberta caribou range can still be protected at very low natural resource value opportunity cost). If these opportunities are not taken very soon, nearly all of Alberta’s caribou will die out in our lifetime, an entirely predictable and preventable result of irresponsibly managed resource industry development. Surely this species deserves better. ▲

# A GLASS HALF-FULL: AVOIDING PROTECTION PARALYSIS



BY SEAN NICHOLS,  
AWA OUTREACH SPECIALIST

It is easy to give in to despair when considering the circumstances of Alberta's woodland caribou and the response from government, both provincial and federal. Reading articles such as Carolyn's piece above, one begins to wonder if there is any political will to address the root causes of population decline or if we will instead remain locked in a paralyzing spiral of studying, denying and sidestepping until there are simply no more caribou left and the problem "goes away" on its own.

This is, to be sure, a glass-half-empty way of looking at the situation. However as the appeal to such an analogy implies, it is not the only available lens. Organizations such as Global Forest Watch Canada and the Environmental Law Centre react to the situation by reaching different, more optimistic conclusions.

One such conclusion is neatly encapsulated by a pair of reports published by scientists affiliated with the University of Alberta. Richard Schneider, Grant Hauer, Stan Boutin et. al. propose a method for selecting woodland caribou reserves that optimizes based on the impact that the establishment of these reserves would have on Alberta's resource development opportunities. From their research, they reach an astonishing conclusion:

Up to half of Alberta's woodland caribou range can be protected with a merely one percent cost to resource development opportunities.

Furthermore, this includes protecting 50 percent of grizzly habitat lying within Alberta's public lands, 50 percent of the Environmentally Significant Areas (ESAs) in same, and 50 percent of Alberta's headwaters. The latter three targets can be increased to 80 percent, though admittedly keeping the woodland caribou range protection target at 50 percent, and

still allow no more than a two percent cost to resource development opportunities.

Considered in the context of the prevailing thinking about caribou habitat conservation in Alberta—that any progress toward that goal must necessarily go hand-in-hand with a substantial restriction on industrial development—this must be seen as an optimistic viewpoint.

Alberta's introduction in 2008 of the Land-use Framework (LUF), and the planning process behind its implementation. As part of that process the authors met with the LUF planning team, and specifically the Boreal Caribou Committee (now the Alberta Caribou Committee). They prepared the 2010 report, *Identifying Conservation Area Options in Alberta Using an Optimization Approach*, with the aim of proposing a new strategy for identifying conservation areas to be included in the LUF.

Previous methods for selecting woodland caribou conservation targets and priorities had focused on those herds most vulnerable to extirpation, such as the Little Smoky herd in west central Alberta. Today, those highly vulnerable herds are found in regions where caribou are most greatly threatened by industrially-related habitat disturbances and where consequently the cost associated with protecting caribou range rises sharply with the amount (in area) of the range to be protected. This has led to the current paralyzing situation where there is an apparent political reluctance to take steps toward meaningful caribou conservation through critical habitat protection, as opposed to band-aid approaches, like wolf culls, that at best make overtures toward addressing secondary or tertiary threats.

The report in question instead uses a strategy that optimizes for cost, as measured by the "proportion of net present value (NPV) of petroleum and forestry resources within the conservation area system as a proportion of the total NPV of the study area," with the total study area being all public lands in the forested region of Alberta.

It should be noted here that the NPV (in both this paper, and the one discussed



Winner: Winner: Adult Category "Our Precious" by The Dunford Clan Scramblers (Heather Hadden, Sarah Woolgar, Mary-Jo Woolgar)

PHOTO: © J. QUIROZ

This is especially true when keeping in mind the allowances made by the 2011 *Proposed Federal Woodland Caribou Recovery Strategy*. That strategy states that for caribou herds at the greatest risk of extinction (which include seven of Alberta's 12 remaining herds) critical habitat could be allowed to dwindle to as little as five percent of the herd's range.

The impetus behind the papers that claim these conclusions was the government of

below) includes the projected value of expected resource flows and not merely that economic value currently being exploited. When a figure such as “one percent of total NPV” is expressed below, it is understood as referring to one percent of all value that could be expected to be derived from known resource deposits.

More finely-tuned restrictions were added to this base optimization target. These include requirements for representation of all natural subregions; for minimization of linear feature density (referring to roads, pipelines, etc.); for inclusion of caribou and grizzly range; for inclusion of ESAs; for inclusion of foothills headwaters; and for promotion of conservation area “clumping,” an attribute that in turn encourages large, cohesive and well-connected conservation areas. By adding or removing these restrictions in various combinations, the authors were able to select a set of conservation areas that maximize caribou habitat representation while minimizing NPV cost and the impact on potential economic activity.

It was found that a well-connected system of conservation areas that includes a 50 percent coverage of each of woodland caribou range, grizzly range, ESAs and foothills headwaters within the study area resulted in a net impact on one percent of total NPV. Increasing all area coverage restrictions, except for caribou range, to 80 percent resulted in a net impact on two percent of total NPV.

The encouraging results of this report led to a second paper, this one more tightly focused on the issue of caribou habitat protection as opposed to the selection of more broad-based conservation areas. *Selection of Reserves for Woodland Caribou Using an Optimization Approach* was published in PLoS ONE, an open access scientific journal, in January 2012.

This latter research used a similar modelling and optimization approach to that in the first report. It also included parameters to maximize representation of all natural subregions in Alberta and to minimize habitat reserve overlap with areas exhibiting high incidence of additional risk factors affecting caribou viability. Such risk factors include projected effects of climate change and high densities of white-tailed deer. White-tails were chosen for indicating anthropogenic alterations in forest structure. Such alterations in structure may also lead to an increased

risk to caribou from predator species like wolves.

The results of the paper paint much the same picture as that in the former report: 50 percent of Alberta’s caribou range, by area, can be protected with only a one percent cost to total NPV. If the requirement to include all natural subregions is dropped and the requirement to minimize risk factors is slightly relaxed, relative to minimizing cost, then this protection target can be increased to 60 percent of caribou ranges, by area, while keeping costs to roughly one percent of total NPV.

It should be noted that these protection targets, of 50 percent and 60 percent of caribou range, are not equal across the province and across all herds. Some herds such as the Yates and Caribou Mountain herds in the far north of the province would see 100 percent of their habitat protected by this approach, while others such as the already highly-threatened Little Smoky herd would fare significantly worse, and not see much of their range protected at all.

However to conclude from this that such a strategy is not worth considering is to miss the point.

That point, put bluntly, is that in the current climate of inaction, no further caribou habitat in Alberta is being protected anywhere, at all.

Every single one of Alberta’s 12 remaining herds has been identified as *Non-Self-Sustaining* in the federal proposed recovery strategy. In the name of industrial development every single one is likely to suffer the same fate recently met by the Banff herd: extirpation.

What research like these two papers shows is that there are clear starting points for pulling ourselves out of this morass. Rather than the status quo, which sees us shrugging our collective shoulders, declaring that woodland caribou cannot be protected without invoking “unacceptable” impacts on economic activity, and using this declaration as an excuse to ignore the most significant threat to caribou, we can change our strategies and protect significant expanses of caribou range.

To do so would not necessarily, as Schneider et. al. demonstrate, incur significant costs to resource development opportunities at all. In essence, to mangle a metaphor, we would get to have our land and eat it too.

After having taken such a first step,

caribou range protection would be significantly further ahead than the status quo, resource development opportunities not significantly adversely affected and we as a province would then be able to consider what the next steps should be. It would be an altogether better position than that in which we currently find ourselves.

However the opportunity to take that first step is slipping away fast. Only one of Alberta’s remaining herds has a population reported to be stable; all others are in decline, some quite rapidly so. If we do not take action soon, the pessimistic view of the half-empty glass will become a self-fulfilling prophecy as woodland caribou populations drop past the point where any level of habitat protection will be sufficient to prevent the slide to extirpation.

This raises the question of what the government response to research of this nature has been. Unfortunately it is hard to tell. The multi-stakeholder Boreal Caribou Committee, which includes representatives from Alberta Energy and Alberta Sustainable Resource Development, received a presentation on the initial report. Six months later the Alberta government distilled this, along with however many other inputs, into “A Woodland Caribou Policy for Alberta”, a two-page glossy brochure in which it is hard to find much trace of the report’s research.

There is little question that there are some in the Alberta government who truly have the best of intentions regarding the province’s threatened species, including the woodland caribou. However it seems difficult to convince anyone in Edmonton that, for the time being, at least, the glass really is half full. ▲

#### Sources:

The *Proposed Federal Woodland Caribou Recovery Strategy* can be found at [http://www.sararegistry.gc.ca/document/dspDocument\\_e.cfm?documentID=2253](http://www.sararegistry.gc.ca/document/dspDocument_e.cfm?documentID=2253)

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# ATV ROUNDUP: MANAGING MOTORIZED RECREATION IN ALBERTA

BY ADAM DRIEDZIC,  
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*Powder paradise? Look twice. This cutline in the Ghost PLUZ goes straight through the water and the sign designates an official trail.*

PHOTO: © A. DRIEDZIC

The first time I went into the Ghost watershed there were 15 centimetres of fresh snow on the ground and it was still falling. The only other vehicle going my way was hauling a “quad” (All-Terrain Vehicle, or ATV), which reminded me why this was my first trip to one of the most popular areas on the Eastern Slopes. The law states that we are all welcome on public land, but assumptions persist that some users are more welcome than others.

My companion stood inside a track that looked like a tunnel and pondered, “How deep is this rut? Where did all the dirt go?” The answer is to follow the trail downhill into the water. ATV management is a true sustainability issue. It requires understanding social, economic, and environmental factors as much as it requires law and policy. Fortunately, recreation is something that Albertans understand. As for law and policy, this article provides a roundup of hot topics from Environmental Law Centre interviews and presentations leading into the 2012 ATV season. The comments and questions are real, but more importantly, so are the ideas and solutions.

### Address Culture

ATVs are not indigenous to Alberta but many of the issues are homegrown. Trail sports follow in the footprint of natural resource extraction. Linear disturbances like pipelines, logging roads, and cut lines provide physical access to the landscape. In Alberta, new linear disturbances are being created at a faster rate than old ones are being reclaimed. Motorized recreation is also expensive and affluence is a reason why it is more popular in Alberta than other provinces and countries. The dollars spent are largely retained. Albertans make most of their leisure trips in-province and trips for ATV use are made relatively closer to home (Travel Activities and Motivation Survey; Alberta Leisure Travel Intentions Study). Today’s ATV craze might best be understood as an echo boom industry.

Now consider social change. Access to public land is the historic norm, supports rural living, and is considered part of our heritage by many. For recreationalists, this heritage involves free, random use. But as Alberta booms, many of the newest generation of outdoor lovers haven’t seen the changes that have been occurring on the landscape. The worst-case scenario involves affluent users with

low knowledge who take the historic frontier as a contemporary entitlement. This is often how ATVs are marketed: go anywhere, blast a creek, blaze a trail. If this is the new Wild West, it is due for a real cost accounting.

### ATV Users who Destroy the Environment Should Pay the Price

One perceptive official advised me not to confuse user conflicts with environmental impacts. ATV management concerns both. Non-motorized recreationalists are displaced by noise, air emissions, and crowds. Ranchers face damage to fencing and from wildlife driven onto private land. The resource industries face damage to facilities and potential liability for hazards. Ironically, efforts to reclaim industrial roads can make them impassable to anyone without an ATV.

Environmental impacts are felt on land, water, and wildlife. Soil gets compacted or eroded, causing loss of native plants and room for weeds. Natural water storage and filtration systems are compromised and silt from trail runoff damages fish habitat. Terrestrial species experience habitat fragmentation and disrupted life cycles. I’ve been told that everyone blames quadders for something.

### Everybody’s Got a Footprint

The human element of ATV issues makes collaborative solutions difficult. Recreationalists are an exceptionally diverse and decentralized sector. Strategic alliances are uncommon, even where the appetite for new solutions is high. Motorized and non-motorized users may agree about respecting the land but disagree on access privileges. This is not simply a case of “tree huggers” versus “trail shredders.” Motorized users can have divergent interests as well. Snowmobilers and quadders have been known to go to court over seasonal access (*New Brunswick Federation of Snowmobile Clubs et al. v. New Brunswick All-Terrain Vehicle Federation*). ATV users are often more willing to share the land but more likely to impact other users and the environment. Furthermore, the most troublesome individuals might be unaffiliated with any organization. Add moral judgments on all sides and the result is polarized positions.

What all stakeholders do share are the benefits of reducing total landscape disturbances. One finding from the Ghost

### Where is the ATV industry?

- Commercial guides and outfitters are regulated
- Hunting and fishing require licenses.
- Bicycle races use waivers and insurance.
- Park campgrounds are run by private contractors.
- Public ski areas charge fees for trail maintenance.

Watershed Cumulative Effects Study is that recreationalists of all types prefer mature forests and aesthetic landscapes (ALCES Group, 2011). When an area gets degraded the recreationalists move on, no matter who caused the damage. A second fact is that most recreationalists prefer a good trail to any old track. ATVs do not need to be everywhere so much as they need somewhere to go. It might be possible to reduce the environmental impacts of ATV use and improve the experience for all users at the same time. If so, recreation is the dark horse of land use planning in Alberta. Most of the attention goes to extractive industries, but they all run out. Recreation runs indefinitely with the health of the land.

### Are Quads Allowed to Tear Up Public Land?

Physical access and legal access are different. It is simply hard to see under the current system. Infrequent enforcement and small fines mean that the courts rarely lay down the law of public land use. In Atlantic Canada, where cultural use of public land is much older, the courts have been clear that there is no common law right to quad (*R v. Tucker; R. v. Lambe*). Recreational access is a privilege under government policies and legislation.

The main access policies in Alberta are Access Management Plans (AMPs). AMPs are not enforceable. This is not necessarily bad because AMPs are not planned trail systems. Most AMPs were created following Integrated Resource Management Plans. They basically allow for ATV use on existing linear disturbances. This method of coordinating multiple land uses to avoid new disturbances is “Integrated Land Management” (ILM).



***Black Creek Heritage Rangeland: multiple-use, shared management, and a model for the future?***

PHOTO: © A. DRIEDZIC

Traditional ILM works much better with the resource industries than recreation. Industrial disturbances were simply not made for sustained or enjoyable use. As a result, recreationalists destroy or abandon existing disturbances and make new tracks. Tracks inside the AMP area proliferate to the point where users who want to be responsible don't know where to ride. Newer AMPs in the Ghost and Bighorn Backcountry designate specific disturbances as trails. However, new AMPs can still enable an expansion of the OHV footprint. If AMPs provide that closures be compensated by new trails and that good behavior can lead to new trails then there is no incentive for trails to be reduced.

AMPs are supported by enforceable zoning legislation. The legislation varies with the type of land. Agricultural public lands require that users seek the consent of agricultural lease holders under the Recreational Access Regulation. For forested land, the approach as of September 2011 is Public Land Use Zones (PLUZs). PLUZs include existing Forest Land Use Zones and are now part of the Public Lands Administration Regulation under the Public Lands Act. The level of ATV use in existing zones varies immensely, from none to seasonal to being the purpose of the zone. The new regulation clarifies some basic rules, including:

- No motorized use unless authorized,
- Motorized use on designated trails and areas only, and
- No motorized use within 100m of lakeshores.

The new regulation will also allow for new recreational designations including areas and trails for non-motorized use.

The *Public Lands Act* is not the only option for ATV zoning. Wildland Parks can create ATV trails on historic routes while prohibiting new access roads. Heritage Rangelands can create ATV trails that do not undermine grassland ecology and grazing operations. ATV zoning can also be steered by regional plans under the Land-use Framework. The two regional plans in progress to date are providing recognition for the value of the recreation industry and the landscape upon which it depends. The draft Lower Athabasca Regional Plan (LARP) provides for new motorized recreation areas and asserts that motorized recreation is compatible with all proposed PLUZs and Wildland Parks. Contentiously, the motor-accessible PLUZs and Wildland Parks are designated conservation areas. An alternative that has been allowed for, but which has yet to be seen in regional planning is a "conservation directive" to protect "environmental, natural scenic, esthetic, and agricultural values" (*Alberta Land Stewardship Act*, section 37). This new designation could potentially regulate

the environmental impacts of one land use while allowing others to continue.

Every one of the above zoning options could permit or prohibit ATVs. In short, form is not substance. Protective designations do not necessarily prohibit ATV use any more than their absence guarantees ATV use. What might matter more is who is in charge.

**What Can Officers Do?**

Imagine that someone asked you to control quadding. What would you need to do your job?

First you need a mandate: it actually has to be your job. Government departmental silos are an issue. The ATV debate concerns the environmental impacts of recreation but the lead government department is neither Environment nor Recreation. Access to most public lands is managed by Sustainable Resource Development (SRD). SRD recognizes that resource development and recreational use pose different challenges. SRD's mandate comes from the *Public Lands Act*, which lacks clear provisions for environmental protection or recreational service delivery. The department of Tourism, Parks and Recreation (TPR) has the opposite issue. The *Provincial Parks Act* provides a clear mandate to preserve ecologically important landscapes and facilitate their use for recreation, but TPR does not manage access to lands where most ATV

use occurs. PLUZs are managed by SRD, Wildland Parks are managed by TPR, and Heritage Rangelands are managed by a combination of the two.

You also need tools: ways to regulate user behavior and change cultural values. The current issue is not lack of tools as much as lack of directions on their use. The *Public Lands Administration Regulation* creates one stop shopping for rules and powers. Officers can close areas, designate open trails, and issue orders, especially in PLUZs. ATV tour companies and rally organizers should note that the new regulation opens the door to permit requirements for commercial and recreational users.

The hottest provision might be section 43, which prohibits motorized vehicles in permanent, natural water bodies unless you have a “lawful right” to be there. The problem is that some designated PLUZ trails go through water bodies. There is also mud bogging in wetlands that may not be “permanent.” Allowing PLUZs to trump the water prohibition could undermine the regulation and reduce the value of PLUZs for conservation areas. Poorly planned PLUZ trails could enable greater ATV impacts than with no zoning at all. It would help to bring AMPs and PLUZs in line with the intention of the regulation and to provide direction on that intention to officers.

Finally, you need capacity. Enforcement is a massive challenge with very few officers, large areas, and users on machines. Reductions in front line staffing over the past 20 years have been significant and it is time to revitalize enforcement. This could involve a collaboration of conservation officers and police. The *Public Lands Act* and *Forests Act* enable police officers to enforce the legislation. In 2012, officers from SRD, TPR, and the RCMP were placed under the Solicitor General – the department responsible for law enforcement. Whether more enforcement will follow is unknown.

Limited capacity can be addressed in ways that haven’t been attempted. Mandatory operator licenses or access checkpoints could let one officer screen countless users before they hit the trails. Capacity could be boosted by rolling fines back into management programs or by letting concerned citizens conduct private prosecutions. In any event, government will need outside help.

### **Can You Give the Whole Place Over to Somebody?**

Recreational management provides countless opportunities for non-government involvement. The lack of a government department with a sufficient mandate could warrant delegating the authority to manage trails to an independent agency. The draft LARP contemplates this arrangement. User groups can greatly assist with trail planning, construction, maintenance, and decommissioning. Perhaps the peer influence role of ATV organizations could be made official through “mind it or lose it” user agreements. Watershed stewardship groups could use official support to pursue citizen policing and education programs. The local nature of motorized recreation suggests a role for municipal service providers. Any form of user-pay experience could create opportunities for the private sector.

### **Can ATVs Be Restricted to Playground Areas?**

Once you have the management pieces, the question becomes what to manage? This brings us back to access plans and zoning. The conventional debate is between “extensive” and “intensive” recreation. Extensive recreation involves long trips in the backcountry. Dispersing the users disperses their impacts and helps avoid conflicts, but trouble could be anywhere and enforcement is impossible. Extensive recreation requires a low number of users with high knowledge and compliant behavior. Intensive recreation restricts users to dedicated facilities with clear boundaries. The area in bounds is impacted but protecting the remainder is easier. This is the root of proposals like turning reclaimed oil sand mines into ATV parks. Intensive recreation helps control the masses but many users will not appreciate confinement.

AMPs and PLUZs are a compromise of sorts. At best they allow extensive use within an intensive area. At worst they allow intensive use of an extensive area. The next step is to replace compromise with win-win. Consider the Canmore Nordic Centre: a world class user-pay trail facility and a Provincial Park. Who can tell that it was a coal mine? Resort towns got lucky because historic disturbances were apt to snake through the hills rather than tear them down. But why not plan

### **ATV management outside the government box:**

- The Eagle Point - Blue Rapids Parks Council is a multi-stakeholder partnership.
- The Bighorn Backcountry Monitoring Group was a 2011 Emerald Award Recipient.
- The Ironhorse Trail uses municipal land administered by a joint company.
- Reclaimed gravel pits and landfills are leased for motorsport tracks.

like that? Design industrial disturbances for environmentally sustainable trails and close the bad tracks. Don’t use recreation as an excuse to avoid reclamation, but begin with the end in mind.

### **It Will Have to Be a Homegrown Solution**

Addressing ATV issues takes a lot of pieces: sound policies and clear legislation, empowered management, some willing hands and a better disturbance model. It might help to look at practices elsewhere. The right practices will be those that shift human values and recognize the diversity of Alberta’s public land culture.

The first time I went to Black Creek Heritage Rangeland I saw what I was looking for - one designated ATV trail, up on a dry, scenic ridge, avoiding the working ranches and wet valleys below. Clear signage directed motorized users past several healing scars and into Bob Creek Wildland Park. The sign I read said that ATV management in Alberta is legally possible. 🍷

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# CONSTRAINED CONSERVATION: EXAMINING LEGAL, POLICY, AND ORGANIZATIONAL OBSTACLES TO SAGE-GROUSE CONSERVATION AND RECOVERY IN ALBERTA



BY MADELINE WILSON,  
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We all wonder why government officials don't follow the recommendations scientific experts provide them with. Is misunderstanding the root cause? Undoubtedly, even if all involved parties are presented with the same information different conclusions may be reached and contrary decisions may be made. In her paper *Constrained Conservation: Examining Legal, Policy, and Organizational Obstacles to Sage-grouse Conservation and Recovery in Alberta*, Candice Cook set out to closely examine the factors that influence species recovery. She examined the space where information is filtered, decisions are made, and where, more often than not, the health of wildlife and ecosystems is sacrificed to serve some other good; this is what I refer to as the "space in-between."

Past experience repeatedly reveals that identifying the ecological factors contributing to species decline and developing the necessary management regime is only one step towards species conservation and recovery. Cook's work emphasizes that conservation and recovery strategies must be supported by the institutional and land management context in which they are implemented; effective solutions depend on much more than good science (all subsequent quotations are taken from Cook's thesis): "Although biologists and species experts are often tasked with prescribing solutions and strategies for conservation and recovery, it is bureaucrats and politicians who make the ultimate management decisions." (p.3).

This broader context, referred to by some scholars as the "task environment," includes the ethical, organizational and policy forces and factors that affect the work of endangered species. Cook explores this "task environment" in the context of greater sage-grouse (*Centrocercus urophasianus*) and helps us understand why we have not seen any

meaningful action to protect and recover this endangered prairie icon. More specifically, she reviews and analyzes public documents such as legislation, government policy, business plans, and existing research; she describes the regulatory and management context of Alberta's land and resource system; and she interviews members of the government ministries directly responsible for land and resource management decisions affecting greater sage-grouse protection and recovery.

## Sage-grouse on the Brink

The current state of the greater sage-grouse in Alberta presents an exemplary case study to examine this "task environment." Over the last two decades, the sage-grouse population has been decimated. Last spring, only 13 male sage-grouse were recorded on leks in Alberta. In neighbouring Saskatchewan, the only other Canadian province in which sage-grouse can still be found, populations were only slightly higher. These dismal counts represent an almost 90 percent population collapse in Canada between 1988 and 2006. In Canada, populations persist only in the extreme southeastern corner of Alberta and southwestern corner of Saskatchewan.

The survival of the sage-grouse is intimately connected to the health and presence of silver sagebrush (*Artemisia cana*) flats, found in the Grasslands Natural Region. Sage-grouse is a species that, due to a strong reliance on a diminishing and degraded habitat type, a high fidelity to existing habitat, and a small population on the brink of disappearance, desperately needs human intervention to prevent its extinction from Canada (extirpation). Alberta designated the sage-grouse to be *At Risk* in 1996 and downgraded its status to *Endangered* in 2000. This followed the lead of the federal Committee on the Status of Endangered Wildlife in Canada

(COSEWIC) that had identified the greater sage-grouse as an *Endangered* species in 1998.

Yet it is now 2012 and neither provincial nor federal governments have taken any meaningful steps to protect sage-grouse or the habitat upon which its survival depends. For those unfamiliar with this saga, it is one that continues to have all those involved scratching (or banging) their heads, wondering what angle, tactic or combination of words will finally prompt the necessary actions. The environmental law group Ecojustice is currently representing AWA and several other conservation groups as we pursue legal action against federal Environment Minister Peter Kent over his continued failure to protect Canada's endangered greater sage-grouse. This current legal battle marks the species' second Federal Court appearance in the last three years.

## Interview Results

In order to explore fully the regulatory environment in which decisions regarding sage-grouse conservation are made, Cook interviewed representatives from relevant government ministries, departments, and departmental divisions. The apparent themes and direct excerpts from these interviews provide seldom-heard insights into the organizational structure, culture and politics of species conservation. They offer a rare glimpse into the obstacles faced by those working on-the-ground. In total 26 key informants were interviewed, including representatives from Parks Canada, Agriculture and Agri-Food Canada, Environment Canada, Alberta Sustainable Resource Development, Alberta Environment, the Energy Resources Conservation Board and the Department of Energy. Two interviews with members of Saskatchewan Environment were also conducted.

Overall, 25 out of 26 key informants agreed that existing legal and policy



tools required improvement to enable mandate fulfillment and conservation support. Twenty-one out of 26 key informants stated they believed there were major barriers to achieving sage-grouse conservation and recovery goals. Some of the constraints identified included legal deficiencies, management ambiguity and conflicting objectives, organizational departmentalization and fractured jurisdiction. In addition, deficiencies in laws and policies have led to uncertainty in prioritizing conservation, overarching emphasis upon economic agendas, and constrained application of the limited tools that do exist (Cook, 2010).

### Provincial and Federal Legislation

these laws should be applied. According to Cook, “federal interview subjects reflected a strong desire to avoid using these provisions stating that ‘safety net’ provisions were never intended to be implemented and were instead put in place to encourage complimentary provincial legislation” (sic) (p. 95).

Alberta is one of five remaining provinces that have failed to produce provincial endangered species legislation. Currently provincial species at risk are sloppily dealt with under the Alberta *Wildlife Act*. Originally developed in 1984 to govern consumptive wildlife activities, the *Wildlife Act* has been amended to include minimal provisions that give

thought to be the main causes of species decline in Canada (2010). In light of weak provincial legislation, conservation groups are relying upon SARA and those never-intended-to-be-implemented safety-net provisions to prevent the disappearance of sage-grouse from Alberta’s grasslands.

### Prioritization of Provincial Economic Agenda

Within provincial government ministries there was found to be an overarching emphasis given to ensuring land and resources are managed to provide economic benefits. Although within the provincial business plan there are specific goals that deal directly with Alberta’s fish



Lorne Fitch discussing the habitat needs of species such as the greater sage-grouse during AWA’s 2010 guided hike into southeastern Alberta’s Sage Creek area.

PHOTO: © J. BARGMAN

Since its inception in 2002, the main piece of legislation that is supposed to protect species at risk in Canada is the *Species at Risk Act* (SARA). However under SARA direct federal protection is only provided to species that occur on federal lands. Although provisions exist that require federal action on provincial lands if a province is failing to protect species at risk, these “safety-net” provisions have never been implemented. Based on statements made by federal government representatives throughout the interview process, there is a great deal of uncertainty surrounding if and when

some protection to endangered species. However, besides producing a species recovery plan, the act requires no legal protection for species or their habitat. All other management and recovery actions occur at the discretion of the Minister of Sustainable Resource Development. Since the Alberta *Greater Sage-Grouse Recovery Plan* was produced in 2005, populations have only continued to plummet. As Cook emphasizes, Alberta wildlife legislation divides species and habitat protection, despite the fact that habitat loss and fragmentation due to human activity and development are

and wildlife resources, overall there is a clear primacy given to the use of Alberta’s natural resources where economic “needs” are valued above those of conservation. Throughout the interview process many informants mentioned the high priority attached to facilitating economic development within the province and that, in some cases, this served as a barrier to conservation. Certain interview subjects also indicated a “client” focus where part of their responsibility was to facilitate industrial activities, as well as an overall culture of accommodation to the oil and gas industry. As a result, land management

recommendations for species protection were often viewed as limiting industrial development. This outlook is reflected in the following quotations:

*“Currently appears that the economy takes precedence over conservation; development trumps recovery...Cattle, oil and water all seem to have a higher value than species at risk.”* **ASRD - Fish and Wildlife Representative** (p. 77)

*“Alberta is open for business and that statement, which is commonly made and commonly made at the highest political level implies that you will be able to do anything anywhere and you might have certain conditions on that but you will be able to do it. And that basic understanding has sometimes severe implications for species at risk that may be heavily dependent upon the continued existence of an undisturbed landscape.”* **ASRD - Fish and Wildlife Representative** (p. 77)

*“We definitely push for science based decision and one of the main reasons for that is to provide industry, our clients, with a high level of certainty as to allow them to do the best forecasting and future planning that they can do.”* **Department of Energy Representative** (p. 78)

*“There tends to be a bit of a culture of accommodation to the oil and gas industry. So depending on which sectors we are dealing with, the agrologists side of things downstairs, their top priority is to grazing lease holders and grazing and their close second is the oil and gas industry. The fact that the oil and gas industry on public lands actually pays money to the lease holders, they take it upon themselves sometimes to be advocates for the development because of that.”* **ASRD - Fish and Wildlife Representative** (p. 78)

### **Mandate Conflicts and Fractured Jurisdiction**

Within Alberta’s existing land-use management framework, land and resource authority are divided between several departments and agencies, each holding various amounts of power and authority. “Each government entity operates under varying legislation and policy delegating authority over specific environmental components (e.g. water, air, wildlife), land use activities (e.g. industrial development, wildlife management, recreation) and

jurisdictional divisions (e.g. parks and protected areas)” (p.27). It was concluded that substantive mandate conflicts existed within provincial government departments and that these conflicts had a negative effect on land-use planning and sage-grouse conservation. The most consistent mandate conflict that emerged was related to development versus conservation, especially within the ministry of Sustainable Resource Development (ASRD) where informants identified more strongly with their divisional mandate responsibilities than with the departmental mandate.

At the time Cook’s study took place, ASRD had four main departmental divisions: Forestry, Fish and Wildlife, Public Lands and Corporate Services (it should be noted that some of the departmental divisions and responsibilities within ASRD have changed since the time of this study). Both ASRD-Fish and Wildlife and ASRD-Public Lands hold responsibilities that affect sage-grouse conservation and recovery. The Fish and Wildlife division is responsible for the management of Alberta’s wildlife resources but acts as an advisor to the land managers under ASRD-Public Lands, which has the most overarching authority over the public lands in the southeastern portion of the province. The responsibilities of the land managers are further divided into those responsible for industrial activities and those responsible for the management of grazing activities. Approval, renewal and management of grazing dispositions is the responsibility of the rangeland management division, while the lands disposition division is in charge of the approval and provision of industrial dispositions. ASRD-Fish and Wildlife informants referred to the fact that the divisional segregation within ASRD placed them in an oppositional role to others in the department as they were often viewed as hindering development.

*“You are almost perceived as an enemy of the people if you advocate that an area should not be able to have development on it. So that is the culture. That is the cultural reality.”* **ASRD - Fish and Wildlife Representative** (p.83)

*“Their [Fish and Wildlife’s] mandate is to protect that species, my mandate is to protect that species, but also to facilitate industrial development, which is to some*

*degree contradictory. That is why it is such a tough job to do because you are walking such a fine line between making these guys happy [industry] but also protecting the environment. So yeah, entrenched in public lands itself, we have policy directions that are not necessarily parallel.”* **ASRD - Public Lands Representative** (p.84)

*“The biggest one is do we have a mandate to conserve and protect or do we have a mandate to develop and give access. Are we open for business or do we want to protect and to what extent can we allow protection before we impact the other or development before we impact protection. This is what I live with everyday, my staff and the Fish and Wildlife staff and the business plan is in conflict, direct conflict, with that. That is the SRD business plan.”* **ASRD - Rangeland Representative** (p.84)

### **Concluding Comments**

Upon first reading this paper, I was immediately struck by the importance of the insights gained by Cook into the institutional constraints through which seemingly simple management tasks are filtered to the point where legal action, surely a last-ditch effort, is required to draw attention to the plight of one of Canada’s most endangered species. As we move forward in our campaigns to defend the wildlife, wild lands and wild waters across Alberta, we will continue to confront this “task environment,” the ethical, organizational and policy forces and factors that affect our work on behalf of endangered species.

We have known for over a decade that greater sage-grouse populations are plummeting. There exists a wealth of information regarding their biological requirements and maps delineating the habitat critical to sage-grouse survival and recovery. We even know the threats these magnificent birds face on the landscape. Yet this multitude of information is clearly not enough. As a result, sage-grouse will now get their second day in court. I leave you with the words of Candice Cook: “In finishing, it is my hope that mine and some of my colleague’s research will be successful in finding ways for human beings to exist alongside these fantastical creatures or at least *bring attention to the issue so that if in the end we fail, we recognize our loss.*”[emphasis added]▲



# STANDING UP FOR THE CASTLE

BY NIGEL DOUGLAS,  
AWA CONSERVATION SPECIALIST



*Rick Collier is arrested by RCMP officers near Beaver Mines.*

PHOTO: © D. THOMAS

*“They put you in a box so you can’t get heard  
Let your spirit stay unbroken, may you not  
be deterred”*

- Peter Gabriel, Wallflower

Rick Collier doesn’t look like a criminal. He’s a respectable-looking sort; early seventies, grey hair and glasses and a neatly trimmed moustache. But Rick and three other Albertans—Mike Judd, Reynold Reimer and Jim Palmer—recently spent four hours in a Pincher Creek jail cell. They were arrested February 1 for standing up for their passionately-held belief that the forests of southwest Alberta’s Castle region are worth more in their natural state than they are if they are felled and turned into so much garden mulch.

Thousands of people have written letters and made calls to the premier’s office to protest the Castle logging. Hundreds of people have attended rallies in Calgary, Edmonton and Beaver Mines. But how many of us would have had the strength or the courage of our convictions to face

arrest in defence of our principles?

“In jail, they take your belt, your wallet, your glasses, they put you in a solitary cell,” says Collier when we meet in AWA’s Calgary office to talk about the events of that day. “No looking out, nothing to read, nothing to do.” He looks around the office and points at the large, 9 foot by 3 ½ foot board table. “The cell was about twice the size of this table,” he says. “It was built to be hosed out, with a plastic mat to sleep on.” Collier reflects on how “you lose

*“What’s legal is not always what is just. And what’s illegal is not always what is unjust.”*

- Rick Collier

your humanity” when you are thrown in prison. “You are being video-taped the whole time,” he says. “I had taken off my wet jeans, so they took them away.”

In fact Collier, an American by birth, has been arrested twice before. “Once was in 1961 in the U.S. doing civil rights work. The other was in 1967 in an anti-war protest down in the States.” But that

was all more than fifty years ago: “I’m not a radical as a pastime,” he smiles.

Collier describes himself as a “climber, hiker, backpacker, runner, skier...” He has climbed all but one peak in the Castle. “I know all the valleys, most of the ridges,” he says. And over the years he has developed a profound respect for this spectacular landscape: “Some of the most regenerative times I’ve had have been in the Castle,” he says.

So when he heard about the plans for Spray Lake Sawmills to clearcut log in the forests he loves, it struck close to home. “They had all their quasi-legal ducks in a row,” he says. “This one seemed such a travesty and so illogical.

There are other places they can get toothpicks from.” Which is when he decided that is was time to get involved. “I said to myself: ‘This is one I’ve got to put it on the line for’.”

There is no doubt that the logging program in the Castle—120 hectares of clearcut logging in a critical water catchment area—is deeply unpopular amongst Albertans. Two opinion surveys



*The first Castle tree bites the dust, February 1 2012.*

PHOTO: © D. THOMAS

carried out in southern Alberta in 2011 found that 79.5 and 85 percent of respondents respectively were “strongly opposed” or “somewhat opposed” to commercial logging in the Castle. Around 150 people attended a rally in Beaver Mines on January 22 to protest the logging; another 170 attended rallies in Calgary and Edmonton on February 14.

On January 11, despite bitterly cold temperatures, local residents established a protest camp in the planned logging location near the hamlet of Beaver Mines (see timeline). Collier travelled down from Calgary a number of times to lend his support, including attending the January 22 rally. By the end of January, it became clear that things were coming to a head. Protesters had been issued trespassing notices and a draconian court order by the Alberta government to leave the site. In fact the court order banned named protesters from all public land in Alberta: nearly 400,000 km<sup>2</sup> of land, or around 60 percent of the whole province! The startling court order read: “The

parties shall not occupy or use any other public lands in the province of Alberta unless otherwise authorized to do so.” The RCMP made it clear that, if protesters were still at the site on February 1, arrests would be made.

But as Collier points out, “what’s legal is not always what is just. And what’s illegal is not always what is unjust.” When he talked to staff from Alberta’s Forestry division on site, he asked them: “Is there a split between the head and the heart here? Are you a bit sad to see the forest destroyed?” But apparently there was no internal debate going on there. “They had a self-satisfied look,” he recalls. “One said, ‘no I like seeing this’.” Collier pauses as he tries to remember the old Upton Sinclair quote - *It is difficult to get a man to understand something, when his salary depends upon his not understanding it!* His jaw then sets in a firm line as he says: “Maybe that’s where I decided (to get arrested). I knew the talk was going nowhere.”

February 1 witnessed a uniquely

Canadian protest. RCMP officers arrived with coffee and donuts for the protesters, complimented the protesters on their respectful behaviour, then informed them that anybody who remained after 8:00 a.m. would be arrested. “Those of us who would like to be arrested – where would you like us to stand?” asked one protester. (see the video at [www.pinchercreekvoice.com/2012/02/logging-protest-arrests.html#more](http://www.pinchercreekvoice.com/2012/02/logging-protest-arrests.html#more) ) Three protesters – Mike Judd, Reynold Reimer and Jim Palmer – remained on site and were duly arrested.

Collier took a different course. He left the site as requested, walked along the right of way until he could see the huge feller buncher machines ready to begin clearing trees, and then promptly went and sat down in front of one. “I sat right down next to it,” he says. “They are awful machines and it was terrifying with the noise.” The police moved in quickly to arrest him and drag him away. “I’m pushing 71,” he says, the emotion still raw. “I had tears streaming down my cheeks. It was a combination of the stress

of the whole morning and being all alone. Knowing this was the last stand, maybe for the whole area.”

The same day, Alberta government staff also issued the same shocking court order to five protesters to stay away from all public land in Alberta. Mike Judd, award-winning author Sid Marty, and three other local residents, Gordon Petersen, Tim Grier and Diana Calder, all became *persona non grata* in the province’s forests, mountains and public spaces.

Subsequently, the devastating court orders were removed and the charges against the arrested protesters were quietly dropped. This did not sit well with Collier. “I would rather have my afternoon in court and be able to say a few words if it would advance the cause,” he says ruefully.

So was it all worth it for Collier? “Personally it was worth it for me to have made a stand and done what I could,” he says. “Were there any alternatives? I don’t think so. We don’t have many options any more.” Collier has had plenty of time to reflect on his actions, and the situation in the Castle, and he sees it as part of a much bigger issue. “I’m beginning to see that all this stuff is interconnected,” he says. “It’s economics, it’s lifestyle, it’s consumerism. We deal with all the little leaks in the tent, but we don’t want to question all the values of our current lifestyle. You have to put the pieces together, do what you can locally, but not assume that’s enough.”

Ultimately, did all of the letters, the telephone calls, the protests and the arrests make any difference? Despite public opposition, Alberta Sustainable Resource Development continues to allow Spray Lake Sawmills to clearcut the trees. The battle was lost, but what about the war? Public opposition to clearcut logging continues to grow in the Castle and in many other communities that are fed up with this woefully outdated forest management technique. SRD’s justification of the need to save the world from the threat of rampaging wildfires or ravenous pine beetles looks increasingly shaky. Albertans clearly want a new paradigm for managing our forests and we want a role to play in how decisions are being made on our behalf. Hopefully you kept such thoughts about forest mismanagement at the front of your mind as you voted in the provincial election. 🍌

## Letter from Pincher Creek Jail

“So here we sit today, four old men who have joined the thousands of voices in Alberta and around the World, the voices for wilderness, wildlife, water conservation, forest integrity, sustainability, healthy recreation, and everything that is good and beautiful in the Southern Alberta Eastern Slopes.”

“Why don’t you make the real change you promised, and that you have the authority to make, and stop this betrayal of the public trust?”

*Letter to Premier Alison Redford from Pincher Creek Jail.* By Mike Judd, Rick Collier, Reynold Reimer and Jim Palmer

## Castle Protest. A Timeline

- **January 11:** despite the frigid temperatures, local residents set up a protest camp in the planned logging location.
- **January 19:** Alberta Sustainable Resource Development (SRD) serves the protesters a *Notice of Development* under the *Public Lands Act* to vacate their camp immediately.
- **January 22:** more than 150 people attend a rally near the proposed logging site to protest the logging.
- **January 23:** SRD issues trespassing notices to the protesters who remain at the site. The protesters file an appeal.
- **January 26:** RCMP and the SRD staff serve protesters with a Court Order to vacate the area and dismantle the camp. In fact, the order bans named protesters from all public land in Alberta, nearly 400,000 km<sup>2</sup> of land! The court order states: “The parties shall not occupy or use any other public lands in the province of Alberta unless otherwise authorized to do so.”
- **January 30:** a court order is served requiring the protesters to cease their “trespass” on public lands. Protesters are given until February 1, when the RCMP will begin making arrests.
- **February 1:** four protesters (Mike Judd, Rick Collier, Reynold Reimer and Jim Palmer) are arrested by RCMP for declining to leave the Castle logging protest camp, despite a court order to do so.
- SRD officers and RCMP also serve a Court Order against five more protesters. The Court Order was served against Mike Judd; award-winning author Sid Marty; and three other local residents, Gordon Petersen, Tim Grier and Diana Calder.
- Road clearing work at the site begins.
- **February 3:** the Court Order is appealed at the Alberta Court of Queens Bench in Calgary.
- **February 23:** in a negotiated agreement, provincial officials decide not to charge anti-logging protestors who were arrested on February 1. Protestors who were named in the related Court Order will not be appealing that Order in court. Lawyers for the protestors, and the Crown’s lawyer, reached an out-of-court understanding where no further action will be taken against those arrested, and where the Court Order will be allowed to expire.

# A VALENTINE'S DAY CALL FOR ACTION

BY SID MARTY

At a Valentine's Day rally against the clear-cut logging in the Castle Mountains of Alberta, I asked the crowd of 150, assembled at the premier's Calgary office, "Do you realize it's against the law for me to stand on this publicly owned land and speak to you today?" I explained how, as a reward for trying to stop the destruction of the Castle Special Place, an executive director with Alberta's oxymoronic Sustainable Resource Development (SRD) ministry had issued a bunch of us, mostly old-timers, with an order to stay off all public land in this province. In 1600 B.C., Emperor Wu of China said: "To protect your rivers, protect your mountains" but that maxim is too avant-garde for the government of Alberta. "If you try to protect Alberta's mountains," I continued, "they will arrest you and forbid you from setting foot upon them. Well, I'm standing on public land. So if you are a law-abiding citizen, do your duty. Call the cops and have me arrested."

Although three of Calgary's finest were standing near, they declined to take us up on the offer.

On January 24, four "obstructors" as SRD styles us—Tim Grier, Dianne Calder, Gordon Petersen and yours truly faced off with an idling bulldozer and feller buncher in the forest reserve near Beaver Mines, for a moment of protest Zen. We stared back at the operators, thinking about the events that had brought us to this point, after three weeks of picketing the site. The dude in the tracked fellerbuncher exercised the machine's giant metal jaws, clacking them open and shut with a noise like a sprung bear trap.

We knew the area had been identified as a special place by the Alberta Government in 1998 as part of a "network of protected areas" as "a major milestone in the preservation of Alberta's natural heritage for future generations." We knew the area is designated "critical wildlife" habitat, yet is part of a mortality sink for grizzly

bears traveling up from Montana, where they are classified as an endangered species. In Alberta, grizzlies are listed as "threatened" but Alberta is where Montana bears come to die. We knew there had been no survey to identify bear dens in the cut block, contrary to SRD's own mandate. We knew that 80 percent of the local population opposed the logging, and we knew that a group of citizens were talking to the Premier that very day in a last ditch effort to get a reprieve for the Castle headwaters. In fact, a group of local people, ourselves included, had been working for years to get the area protected as a wild land park. They had the blessing of a minister of tourism for the project. Eighty thousand people (and counting) had called the premier's office to try and stop the clear cut logging of the Castle, which provides a third of the water input to the Oldman River drainage and the cities of the plains. Surely the government would not allow SRD to clear



*"Radicals" disguise themselves as rather ordinary-looking, middle-aged citizens during this January protest rally in the Castle.*

PHOTO: © N. DOUGLAS



## ASSOCIATION NEWS

# PACKED CROWD ATTENDS ALBERTA'S FIRST ALL-PARTY CANDIDATES FORUM

BY NIGEL DOUGLAS,  
AWA CONSERVATION  
SPECIALIST



*Water Forum Candidates: from l-r, Larry Ashmore, Evan Berger, Richard Jones, Robyn Luff and David Swann.*

PHOTO: © S. NICHOLS

It was standing room only at the Hillhurst Cottage School on March 28 as AWA hosted an all-party candidates forum to discuss “Water for Tomorrow” in Alberta. More than 125 people crowded in to listen to five provincial election candidates outline and debate their perspectives on major water issues affecting all Albertans. The lively discussion was chaired by CBC Radio’s Donna McElligott.

“Our goal was to create more awareness about water-related issue in Alberta, so this was a very successful evening,” said Christyann Olson, AWA Executive Director. “It was very encouraging seeing so many people wanting to become engaged with their candidates in the upcoming election.” Summaries of the candidates’ positions are presented below.

### **Larry Ashmore (Candidate for Livingstone-Macleod) EverGreen Party**

Ashmore talked about Alberta’s need to transition away from the idea of cheap abundant water. He stressed the importance of using good science in water management, and the need for testing and monitoring. There was a need for more input from citizens, he pointed out: “people in the Castle were ignored.” People in

Bragg Creek and the Castle were deeply unsatisfied, and he argued that the logging should be halted until there is a process to allow people to be heard. When governments have been in place for too long, Ashmore concluded, they become complacent and slow: we need a paradigm shift.

### **Evan Berger (MLA for Livingstone-Macleod) Progressive Conservative Party**

Berger emphasized the need for good planning. He pointed to the province’s Land-use Framework

process as the basis for protecting water resources: “everything we do on the land has an effect on water.” Water is obviously important for agriculture, he said; the five percent of Alberta that is irrigated produces twenty percent of our food. Oil sands industries, he related, are also getting better at using less water. Referring to the Castle logging, he pointed out that logging in the area began in 1878, and that “nature deals with logging.”

### **Richard Jones (Candidate for Calgary-Acadia) Wildrose Party**

The Wildrose party is committed to repealing the Land Stewardship Act, said Jones, though he recognized the need for regional planning, which he believes should be restored to municipal governments. He emphasized the need to improve standards for storm water discharge, and the need to develop a better understanding of the relation between groundwater and surface water. Jones confirmed a commitment to the FITFIR (first in time, first in right) system of water allocation and the need for more on-stream and off-stream storage of water. He described images of dead ducks in oil sands tailings ponds as a “black eye for Alberta” and a “failure of leadership.”

### **Robyn Luff (Candidate for Calgary-East) New Democratic Party**

Luff, who described water as a “basic human right” talked about the importance of water to communities, particularly First Nations. She talked about the significance of climate change, though she was hopeful that the excellent scientists we have in the province, along with the on-the-ground knowledge of farmers and First Nations people, were a “fantastic resource” upon which to build. Dealing with water shortages by building more dams is “not the best way to go” she commented. Talking about the ongoing logging in the Castle, she pointed out that NDP candidates had attended rallies opposing the logging, and commented on the need to “ensure protected areas are actually protected.”

### **David Swann (MLA for Calgary-Mountain View) Alberta Liberal Party**

“Good water stewardship begins at the source,” emphasized Swann. “The Eastern Slopes are the water towers and we need to protect them.” Swann talked about the failure of the provincial government to act on behalf of Albertans to secure the long term water supply, both surface and groundwater. He stressed the need for good land-use planning and better independent science-based monitoring; without adequate monitoring, we risk losing control of our “most vital resource.” The current informal market for water transfers he described as “unacceptable.” He emphasized that we need more openness and transparency, and we need the owner (i.e.: Albertans) to know what is going on.

All in all, the Water for Tomorrow Forum was a highly successful evening. The level of political engagement in Alberta seems to have increased since a similar forum was held four years ago. Christyann Olson thanked all of the candidates for their hard work and willingness to stand up and to be our representatives.

David Swann was the only one of the five candidates to win a seat in the Legislature on April 23rd. This will be David’s third term as the MLA for Calgary-Mountain View. 🍀



## UPDATES

### Caribou, Wolves and Black Bears are all Victims of Alberta's "Dirty Oil"

Alberta's reputation as the producer of "dirty oil" is increasingly having international repercussions, from the on-again-off-again Keystone pipeline application to the Northern Gateway pipeline to the European Union's plans to have tar sands oil labelled as highly carbon-intensive. Not so long ago, saying "Alberta" to people around the world would have conjured up images of Banff National Park and pristine mountain scenery; now Alberta is more and more synonymous with decimated caribou populations and dead ducks on tailings ponds.

To that growing list of oil sands casualties we can now add a steadily increasing number of dead black bears and wolves.

In February 2012, the *Edmonton Journal's* Darcy Henton revealed that in the previous year, 145 black bears had been killed by Fish and Wildlife officers in the oil sands region after becoming conditioned to feeding on unsecured human garbage. Almost half of those bears – 68 in total – were shot in oil sands camps and facilities after being attracted to the camp by food, garbage and other attractants. Yet despite this systematic attraction of bears to their deaths, not a single company or individual was charged.

This is of course hardly groundbreaking territory for Alberta: in 2009, after 12 bears were killed at the poorly-managed Conklin garbage dump, there was a huge public outcry. Officials from Fish and Wildlife, Alberta Environment and the local municipality all wrung their hands in anguish, pointed the finger at each other and then promptly did nothing. And business as usual continued at the camps. Oil companies continued with reckless abandon to fail to manage garbage and attractants, governments continued to do nothing to stop them, and bears continued to be shot. Lots of bears.

Shooting is also the preferred method of removing wolves from Little Smoky caribou herd territory, mostly from helicopters, though strychnine poisoning is also commonplace, according to trappers interviewed by the *Edmonton Journal* (*Trappers, outfitters angered by*



**Winner: Junior High School Category "Beaver Weavers" by Lillian Whyburd and Gabriela Rodriguez.**  
PHOTO: © J. QUIROZ

*'senseless slaughter' of wolves*, February 23, 2012).

And now, with the publication of its long overdue Caribou Recovery Strategy (see Carolyn Campbell's earlier article ), the federal government looks set to extend the wolf-killing bonanza to many more of the most vulnerable herds which opens up

the grim prospect of wolves being shot for many years to come. Lots of wolves. Federal environment Minister Peter Kent commented that the proposed killing of hundreds of wolves "bothers me a great deal" (Canadian Press, August 26, 2011). Similarly, Frank Oberle, Alberta's Minister of Sustainable Resource Development



**Winner: Elementary School Category “Devastation” by Abby Kelly, Emily Dittner, and Sunny Li**

PHOTO: © J. QUIROZ

(ASRD) informed the Alberta legislature that he was “very disappointed” by the continuing black bear slaughter (his predecessor as ASRD Minister, Ted Morton was also “dismayed” to hear about the 2009 Conklin bear deaths). Though these prickling consciences are

commendable, it is presumably of little comfort to the wolves or bears involved.

The oil sands industry’s response to the “dirty oil” moniker has been the well-funded “ethical oil” campaign. But clearly there is nothing remotely ethical about the unnecessary killing of hundreds of

bears and wolves, nor the abandonment of woodland caribou to the rapacious oil sands machine. The ministers are not the only ones who are “bothered a great deal” or “deeply disappointed” or “dismayed.”

- Nigel Douglas

### Budget 2012 Makes No Cents

Within the 2012 federal budget, aptly coined the *Economic Action Plan 2012: Jobs, Growth and Prosperity*, Prime Minister Harper’s Conservatives strike again to reduce Canada’s already weak environmental legislation. The concrete changes contained within the Budget mainly affect the *Canadian Environmental Assessment Act* (CEAA), a tool designed to identify, evaluate and offer recommendations on the environmental impacts associated with any project in which the federal government plays a role or has jurisdiction (See Professor Arlene Kwasniak’s article in the October 2011 issue of *WLA* for her evaluation of what past federal changes meant for environmental assessment in Canada). Importantly, CEAA is a mechanism that allows federal laws relevant to project specific impacts to be invoked, such as legal requirements aimed at protecting fisheries, species at risk, migratory birds and national parks. Although this piece of legislation may already be considered too weak, CEAA is intended to consider the long term environmental consequences of development proposals and ensure that public participation is part of the environmental assessment process.

Proposed changes to CEAA will limit joint panel environmental reviews to 24 months, National Energy Board hearings (such as that for the Northern Gateway pipeline project) to 18 months, and standard environmental assessments to one year. These enforced limits could result in incomplete, inadequate, or hastily performed environmental reviews. They also will severely curtail the participation of Canadians in the environmental review process. Just as worrying, the federal government will recognize provincial environmental assessments as equivalent to federal assessments, despite the fact that Alberta provincial assessments

apply a “directly affected” standard that excludes public interest groups like AWA, and may be less rigorous. This “one project one review” commitment will drastically reduce the number of major projects subject to a federal environmental assessment. Not surprisingly, industry special interest groups have applauded the government’s intentions.

The worst fears of fisheries biologists may have materialized in amendments to the federal *Fisheries Act* that are part of the government’s 431 page omnibus budget bill. In the name of “everyday Canadians” who face “obtrusive interference” from the federal Department of Fisheries and Oceans the budget bill eviscerates the law’s habitat protection provisions. Section 35 (1) of the *Fisheries Act* currently reads: “No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.” The proposed change to this section reads: “No person shall carry on any work, undertaking or activity that results in **serious** harm to fish that are part of a commercial, recreational or Aboriginal **fishery**, or to fish that support such a fishery.” (emphasis added) The link between healthy fish and healthy fish habitats is smashed. Serious harm? In whose eyes and by what measures? And, if there ever was a time for fish to want to be caught and eaten it’s now. Pity the poor fish that aren’t the target of or connected to a fisher’s attention. They’re not worth our consideration.

The disavowal that healthy fish (not to mention non-finned aquatic beings) require healthy habitats would be laughable if it wasn’t so serious to the future of Canadian aquatic species. Fish, and other aquatic species, cannot survive if their habitat is not protected and, because the federal government has constitutional authority over inland and coastal fisheries, no other level of government can legally fulfill these duties. These sentiments were expressed in a letter to Prime Minister Stephen Harper signed by 625 prominent Canadian scientists, requesting him not to gut the *Fisheries Act*. According to federal Fisheries Minister Keith Ashfield, “federal fisheries policies designed to protect fish are outdated and unfocused in terms of

balancing environmental and economic realities.” Yes, you can say that again.

In a government news release Finance Minister Jim Flaherty stated: “In this budget, our Government is looking ahead not only over the next few years but also over the next generation.” Through these changes to the *Fisheries Act* and environmental assessment, shutting down the National Round Table on the Environment and the Economy, and heightened monitoring by the Canada Revenue Agency of what groups like AWA say, I think this government has made it very clear what kind of Canada they envision for future generations.

- Madeline Wilson

### One More Nail in the Coffin for Kananaskis Sour Gas Development

Construction of Suncor Energy’s ill-fated Sullivan sour gas development in Kananaskis Country seems unlikely to begin any time soon, even though it is nearly two years since the company’s predecessor Petro Canada received approval from the Energy Resource Conservation Board (ERCB). The latest setback to the development is a successful legal appeal by the Stoney Indian band.

Back in June 2010, despite widespread public opposition, ERCB granted Suncor permission to drill 11 sour gas wells and build 37 km of pipeline across a swathe of relatively pristine Kananaskis Country land. The pipeline would cross the Eden Valley Reserve, and the implications for reserve residents were startling. One of the fifteen “conditions” attached to the approval read “The Board requires Petro-Canada to assess each residence of the Eden Valley Reserve for its suitability for sheltering in place and to identify and upgrade at least one room in each residence to make it suitable for sheltering in place.” Imagine how you would feel if that condition were applied to your house and your neighbourhood!

In its original approval, ERCB decided not to classify the Eden Valley as an “urban centre.” Setback requirements for sour gas developments are considerably less stringent for communities not defined as urban centres, and this was the basis

for the Stoney Indian band’s appeal to the Alberta Court of Appeal. The Court seemed to agree wholeheartedly with the band. “In our view, the board did not exercise discretion in a justifiable, transparent or intelligible way,” the court found. “Its decision not to qualify the reserve as an urban centre falls outside of the range of acceptable and rational outcomes that are defensible in respect of the facts and law.”

The successful appeal is one more setback in a long list of glitches in the Sullivan application saga, including:

- The ERCB hearing into the application began November 12, 2008 and was expected to take two weeks. The hearing finally ended ten weeks later on January 30, 2009.

- February 2009, the entire hearing process was suspended by ERCB, due to a revealed budding personal relationship between an ERCB employee and a Petro Canada employee, both involved in the hearing. ERCB later ruled that the integrity of the hearing process had not been compromised.

- November 2009, the Sullivan application process was suspended again, along with all other sour gas applications in the province. This decision followed an unexpected Alberta Court of Appeal ruling which ruled that ERCB had erred in denying standing to three residents of the Rocky Rapids area 140 kilometres southwest of Edmonton when they tried to oppose two proposed sour gas wells close to their properties. This suspension was also later lifted.

So once again, given the current legal situation and low gas prices, it remains to be seen whether Suncor will have the appetite to proceed with the deeply unpopular Sullivan application. At the original 2008-09 ERCB hearings, AWA actively opposed the development on a number of grounds, including threats to grizzly bears and cutthroat trout. We would obviously not be sorry to see the whole inappropriate project withdrawn in its entirety.

- Nigel Douglas

## No Public Involvement in Forestry Deal; Health of North Saskatchewan and Red Deer River Headwaters at Stake

The Forest Management Agreement (FMA) held by West Fraser-owned Sundre Forest Products Inc. (SFP), comprising a large swathe of public land between Sundre and Nordegg, Alberta, east of Banff and Jasper National Parks will expire in August 2012. Although this is public land, meant to be managed by the provincial government in the best interest of all Albertans, a behind-closed-doors renewal process between Alberta Sustainable Resource Development (SRD) staff and the forestry corporation is well underway. Due to the lack of public consultation being conducted as part of this renewal, Albertans may miss this one-in-twenty-year opportunity to provide input into the management of valuable forests in the Eastern Slopes of the Rocky Mountains, within which lie the headwaters of both the North Saskatchewan and Red Deer Rivers.

The western edge of the SFP FMA falls within the Bighorn Wildland, and the rest of the FMA area occupies the strip of land

directly east of this important wilderness region. This area contains the headwaters of important rivers that supply fresh water to Alberta, Saskatchewan and Manitoba, irreplaceable habitat for threatened grizzly bear and bull trout populations along with many other wildlife and plant species, areas of cultural significance dating back 10,000 years, and an area with vast low-impact recreational opportunities.

AWA supports responsible ecosystem-based forest management practices that do not prioritize sustained timber yields at the expense of healthy watersheds, wildlife habitat or the immeasurable wilderness values of forest ecosystems. Although there is no requirement to conduct a formal public consultation process surrounding FMA renewals, AWA submitted a document in early March to SRD outlining our specific concerns, and the principles of ecosystem-based forest management we hope to see incorporated into all future forest management plans in the province, beginning with the renewed SFP FMA. In a recent response to our submission, SRD Minister Oberle reiterated that public consultation was not mandatory for FMA renewals, but that public consultation is required for Forest

Management Plans (10 year plans created under the longer term FMAs). AWA was assured that staff involved in the FMA renewal would review our submission. Whether or not this review results in any concrete changes, commitments or recognition will remain to be seen, although based on experience, we will not hold our breath.

On the heels of widespread public opposition to forest harvest plans in the Castle and in West Bragg Creek, AWA is calling for the development of a meaningful and transparent public consultation process to be incorporated into forest management frameworks province wide. It would seem that after broadly attended protests, public forums, and thousands of calls and letters to Premier Redford's office in response to planned logging in the southern Eastern Slopes, the public has made it clear there is a strong need to develop new and innovative policies and frameworks governing provincial land management that reflect the priorities of Albertans.

- Nigel Douglas



*Valentine's Day Save our Forests Rally in Calgary*  
PHOTO: © N. DOUGLAS

## Alberta's Forests Feel the Love on Valentine's Day!

This Valentine's Day, more than 170 Albertans braved chilly winter temperatures to attend *Save our Forests* rallies in Calgary and Edmonton. Participants wrote their own valentines to Premier Redford, letting her know how much they love their forests, and asking her to listen to Albertans. Our forests are worth so much more than vertical lumber, yet the government persists in managing them first and foremost to supply timber.

Supporters waved placards calling for protection of the Castle Wildland, while the Raging Grannies sang their own inimitable protest songs and author Sid Marty gave an impassioned talk about the draconian measures being used by the Alberta government to keep him and other Castle protesters quiet. Speakers from AWA and CPAWS joined representatives from Stop the Castle Logging, Wild Canada Conservation Alliance and the Bragg Creek Environmental Coalition to call for changes to the clearcut logging practices so prevalent in Alberta's forests. Nobody called for an end to logging, period. Instead they spoke about how our forests need management that respects all of their non-timber values, including production of clean water and wildlife habitat.

Does the Alberta government love our forests too? Only time will tell. But there is no better time than an election campaign to find out whether our politicians are open to change or to listening to what Albertans are trying to tell them.



## Discover Ottawa's Nature on Jasper's Glacier Walk

Icon or travesty - those labels describe well what we've heard about Brewster Travel Canada's Glacier Discovery Walk. Whatever side of this issue you are on I suggest we still need to be concerned about what the project says about Ottawa's environmental assessment philosophy.

When the Glacier Walk is completed paying customers are promised a stunning vista of the Sunwapta canyon. A careful look at the environmental assessment (EA) prepared by Brewster and accepted by Parks Canada offers a far less pleasant vista. It suggests public participation and good social science mattered little in assessing the project's merits.

It tells us much about how closed and blinkered federal environmental policy-making has become. When federal politicians rail against environmental groups who take their protests outside Canada government members would be well advised to consider this: the closed nature of federal decision-making encourages this flight abroad.

Did the Glacier Walk EA value public participation in national parks decision-making? Public participation, described by Jasper Park officials as "strengthening Canadians' involvement in key decisions concerning their park," is key to realizing the Parks Canada goal of "fostering open management and innovation." The federal government claimed the Brewster EA was true to this mandate. Environment Minister Peter Kent described the consultation process as "robust and inclusive" while Michael Hannan, Brewster's President, told the national press his company held "numerous open houses" about its dream.

Robust, inclusive, and numerous are odd words to use to describe this EA. Four open houses were held over four consecutive days in Jasper, Banff, Calgary, and Edmonton in early 2011. A fifth was held in Jasper on the eve of the deadline for commenting on the draft EA. That's it. Not even a token effort was made to let Canadians outside Alberta know about this potential development in "their park." This EA never valued strengthening Canadians' involvement in decision-making. If it had then perhaps the Glacier Walk controversy might not have gone viral and international on the internet. More than 182,000 people from around the world have signed a "Save Jasper National Park" online petition.

This failure to consult meaningfully doesn't mean Brewster's didn't feel it had

to show the government there was a need, a public demand, for its ambitions. Brewster's draft EA attempted just this.

Here's where the EA suggests that Parks Canada doesn't seem very concerned about the quality of the social scientific information it's asked to consider. Brewster used a marketing survey to demonstrate the project's future public popularity. The draft EA called this assessing "the strength of the GDW concept as an attraction."

The survey data seem impressive. A whopping 90 percent of respondents said they were likely to visit Brewster's attraction. Albertans appeared very enthusiastic. Eighty-eight percent of survey respondents from Alberta promised to visit the Discovery Walk. Seventy-five percent of those Albertans might go to the parks specifically to see it.

Wow. It's no wonder the EA positively glowed when it assessed just how strong the attraction of the Discovery Walk would be. Build it, the world will come.

This glowing conclusion was built on sand. A closer look at the data shows the sampling was very unrepresentative. Who did Brewster survey? Their marketing firm only contacted people who had at one time or another supplied their email addresses to Brewster.

The notion the public wants this "icon" built is devastated by the survey's single-digit response rate. It was a dismal six percent. Nearly 8,000 people on Brewster email lists were surveyed. Only 474 replied. So, 300 or so Albertans (using the 75 percent result above) constitutes "a very strong indicator of the attraction concept." I have never seen a political opinion poll that would make such a rash conclusion based on such a sample and such a response rate. Apparently, however, it was good enough to show Parks Canada there is a public need for this venture.

The Glacier Walk EA was mortally flawed if you value public participation and good social science. Let's hope the foundations for the actual walkway will be much stronger than the case made for the project's need in what Minister Kent called a "thorough and (...) very robust environmental assessment." Let's also hope future EAs will treat those values with the respect they deserve.

- Ian Urquhart

*This article first appeared in Jasper's independent newspaper the Fitzhugh on March 29, 2012.*

# LETTERS

Mr. Alan Latourelle  
CEO, Parks Canada Agency  
Mr. Greg Fenton  
Superintendent, Jasper National Park

February 15, 2012

Dear Mr. Latourelle and Mr. Fenton,

The Bow Valley Naturalists are writing to express our extreme disappointment in the terrible decision announced on February 9th by Minister Kent to approve the Brewster Travel/Viad Corp so-called Glacier Discovery Walk in Jasper National Park. A letter was sent by us to the Minister shortly after his announcement. We are an organization with approximately 140 members based in the upper Bow Valley of Alberta, primarily Banff and Canmore. We have been actively involved in national park issues since our formation in 1967.

Our members were appalled that this proposal ever was permitted to see the light of day; yet as time went on, things went from bad to worse. And the role of senior managers with Parks Canada in smoothing the way for Brewster/Viad was shameful.

Here is some of what we observed on the part of your Agency:

Throughout, there was little attempt to disguise the fact that the proposal had met with a favourable response from Parks Canada as it proceeds in its chosen direction. This was despite the fact you are well aware there is no public demand to have this type of gimmickry imposed on landscapes you have been given the privilege to manage free of impairment. Clearly, you grossly underestimated the scale of negative reaction from people who cherish their national parks. In the early stage of the public review this resulted in your attempts to marginalize

any opposition as emanating from a small group of local residents in Jasper. Yet in more than 4 decades we have been active, we rarely have witnessed such a widespread, even angry, reaction to a flawed proposal. And much of what we heard came from people who are not members of any conservation organization. They just care about national parks.

Then there was a very short-lived error – quickly corrected - in an online petition that prompted a hastily prepared, patronizing public relations campaign by Parks Canada that implied anyone objecting to the proposal was doing so based on misleading information. We asked for your acknowledgement of what you know to be true which is that the vast majority of responses you received from people who spent time and effort preparing and presenting their thoughts were not based on any misinformation whatsoever. Indeed, some of the responses you received were from people who are far more familiar with the site than are the hired-gun consultants who delivered for their clients an environmental assessment (EA) to help the project gain approval. But no such acknowledgement was forthcoming.

Parks Canada is very conscious of the value of long term ecological studies and the risks inherent in basing decisions on short term snapshots such as those taken last summer as part of the pretense of studying mountain goat populations in the area. Your positive determination of the

EA in full knowledge of this fundamental shortcoming inflicts a damaging blow, not only to the site itself but to whatever aspirations the agency may have – and at one time it did have such aspirations – to be a credible, science-based organization, committed to long term studies as a vital component in ongoing efforts to better understand the ecosystems in your care.

The Bow Valley Naturalists have no doubt how obvious it must be that to characterize our reaction to the decision as “extreme disappointment” is a huge understatement. We desperately wish it was possible also to express surprise but unfortunately, it seems all too consistent with current Agency priorities. We see no need to reiterate the concerns about the project we – and many others – brought to your attention earlier; clearly a corporate deafness prevails. What we find most difficult to grasp, and we suspect this was carefully calculated, is your willingness to deliberately alienate so many Canadians whose passion for enduring national park values could make them Parks Canada’s strongest allies.

This decision will result in impairment to Jasper National Park and, by extension, symbolically, the entire national system. And Parks Canada has allowed itself to be badly tainted in the process.

Yours in sadness,

Mike McIvor, President  
Bow Valley Naturalists

# EVENTS

## Music For the Wild

Saturday, May 12, 2012

### The Wardens

Three Parks Canada park wardens sharing their stories through song. Backcountry horse patrols, mountain rescues and wildlife conflict all provide inspiration for these singing wardens whose “tales of adventure and misadventure” in the rocky mountain national parks have been set to music and verse. The evening’s songs are accompanied by visuals and stories that give the audience an unforgettable way to experience what life is actually like for a park warden.

**Opening Act:** Prairie’s Edge

**Doors open at 7:00 p.m.**

**Music starts at 7:30 p.m.**

**Tickets:** \$15.00

**Pre-registration is required:**

(403) 283-2025

**Online:**

[www.AlbertaWilderness.ca/events](http://www.AlbertaWilderness.ca/events)

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## Edmonton Solstice Swing

Friday June 22, 2012

AWA invites all Edmonton members, prospective members, friends and supporters join us at the Muttart Conservatory to mark the summer solstice. There will be entertainment, education, good friends, great food and more!

**Location:**

Muttart Conservatory, Edmonton

**Time:** 6:00 p.m.

**Tickets:** \$80.00

**Pre-registration is required:**

1 (866) 313-0713

**Online:**

[www.AlbertaWilderness.ca/events](http://www.AlbertaWilderness.ca/events)

## Summer Hikes Programme

AWA is proud to announce our hikes programme for the Summer of 2012!

In addition to the below events we have a number of other great camping trips and outings that are still in the final planning stages – keep an eye on our webpage, where we always have the most complete and up-to-date list posted. Or you can subscribe to our email list serve where we post announcements for all hikes and other events.

Exact details regarding start times and locations are sent to registrants about a week before the event date.

**Pre-registration is required for all hikes:** 1 (866) 313-0713

**Online:** [www.AlbertaWilderness.ca/events](http://www.AlbertaWilderness.ca/events)

### June 1-3: Orchids in the Lakeland *with Aaron Davies*

2 day / 3 night easy-to-moderate camping trip (\$50 members / \$60 non-members)

### June 9: Spring in the Whaleback *with Bob Blaxley*

Moderate-to-difficult hike (\$20 members / \$25 non-members)

### June 14: Porcupine Hills *with Vivian Pharis*

Easy-to-moderate hike (\$20 members / \$25 non-members)

### July 6: Dry Island Bus Tour

Easy bus tour (\$55 members / \$65 non-members)

### August 20-22: Backpacking in the Castle *with Reg Ernst*

3 day / 2 night difficult backpack trip (\$120 members / \$125 non-members)

### September 22: Fall in the Whaleback *with Bob Blaxley*

Moderate-to-difficult hike (\$20 members / \$25 non-members)

### August 3: Sage Creek *with Lorne Fitch*

Easy-to-moderate hike (\$20 members / \$25 non-members)



*Crocus, Jasper National Park*  
PHOTO: © M. WILSON

**SAGE-GROUSE HAVE BEEN ENDANGERED FOR MANY YEARS  
BUT GOVERNMENTS HAVE DONE VERY LITTLE TO ELIMINATE  
HUMAN DISTURBANCES IN CRITICAL SAGE-GROUSE HABITAT.**

**STILL ONLY 13 MALES LEFT?**

**[WWW.ALBERTAWILDERNESS.CA](http://WWW.ALBERTAWILDERNESS.CA)**

Return Undeliverable Canadian Addresses to:



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