



## CAW RIDGE: TWO CHEERS FOR ALBERTA'S FISH AND WILDLIFE DIVISION

By Ian Urquhart

In the 1993 comedy *Groundhog Day* Bill Murray plays a weatherman assigned to travel to Punxsutawney Pennsylvania to report when Punxsutawney Phil, the world's most famous weather-forecasting groundhog, predicts winter will end. Murray hates his assignment; he cannot wait to escape rural Pennsylvania. He is trapped, however, in a time loop that sentences him to live his same hellish day over and over again. But over time he learns that, like Scrooge in *A Christmas Carol*, he has the opportunity to change his life for the better. Change his behaviour and new, admirable possibilities will emerge.

What, you might ask, does this plot line have to do with Caw Ridge, that Grande Cache area home to "one of the most diverse assemblies of large mammals in Alberta." What does it have to do with Alberta's Fish and Wildlife Division?

The answer emerges from poring over hundreds of pages of documents AWA received through an August 2008 freedom of information request to the provincial government. The documents tell a story where year after year, decade after decade, public servants in Alberta's Fish and Wildlife Division defended the present and future health of the woodland caribou, mountain goat, and other large mammal populations who depend on the ecological integrity of Caw Ridge. At every turn, their efforts have been blunted and frustrated by the "development imperative" – expressed by the proposals, plans and policies that spring from the coal lease rights now held by Grande Cache Coal. Fish and Wildlife's convictions that the region's mountain goats and threatened caribou would suffer if coal exploration and development proceed in the vicinity of the ridge's alpine environment have taken a back seat to the company's rights time after time.

With respect to Caw Ridge, Fish and Wildlife personnel seem to me to be much like Bill Murray's character



Mountain goats have been studied officially on Caw Ridge since 1989. PHOTO: S. COTE

– sentenced to relive the same hellish experience over and over. Sadly though, there is nothing funny about their circumstances or that of the wildlife populations they try to steward. And, unlike Murray's character, the capacity to change their circumstances is not within their own power. Positive change depends on changing the perspectives, behaviour and/or power of other branches of the provincial government.

What follows is a chronicle of what the records received by AWA tell us about the struggle within the provincial government between the development imperative and a wildlife protection imperative. Unfortunately, the records are incomplete in important respects. The government used several categories of exemptions under the *Freedom of Information and Protection of Privacy Act* to justify excluding portions of the record from AWA.

Two themes are highlighted below. The first is the longstanding concern of the Fish and Wildlife Division over what resource exploitation in the vicinity of Caw Ridge means for a truly special

place's wildlife populations. The second is the controversy within the provincial government over Grande Cache Coal's plans to conduct exploration drilling to delimit the coal reserves associated with a potential mine expansion (the so-called No. 16 mine).

### A Decade Ago

AWA has called Caw Ridge Alberta's "Serengeti" due to the plentiful and diverse wildlife populations the ridge supports and nurtures. Coal, a fossil fuel we once praised for its contribution to our economic progress but now condemn for its contribution to climate change, rests abundantly underground beneath the trails that wildlife have carved on the ridge over the last millennium. The Caw Ridge story is modern-day Alberta; it presents a clash between the immediate imperative of resource exploitation and the longer-term desire to insure that wildlife and the intact landscapes they depend on are preserved for generations to come.

Our interpretation of the Caw Ridge story here begins in 1999. Then Smoky

River Coal Limited, a miner with mortal financial troubles, applied to the Energy and Utilities Board (EUB) to extend its open-pit coal mining operation – the No. 12 South Mine B2 Pit. Alberta Environment received an unspecified number of letters expressing concerns about what the mine extension would mean for the sustainability of the area’s wildlife populations. This application, when combined with other approved and proposed petroleum and forestry activities, posed a risk to the region’s caribou population. That risk, according to Alberta Environment, was “approaching a significant threshold.”

Such concerns did not impress the EUB. The Board refused three requests to hold a hearing on the application; it approved the application since it thought the extension “was logical from a coal resource conservation perspective.” The EUB did not believe any significant additional environmental effects would be generated by the proposal.

Paradoxically, however, the Board acknowledged concerns about mining Caw Ridge and decided it would be wise to hold a public inquiry into those concerns. Alberta Environment was duly invited to discuss its possible role in the inquiry with EUB staff and attend a meeting in January 2000. In a briefing note prepared on the eve of that meeting Alberta Environment was a voice for wildlife. The department stated that “its current position is that mining on Caw Ridge poses significant environmental concerns and these concerns relate to impacts on woodland caribou (an endangered species under the *Wildlife Act*), mountain goats, carnivores, bull trout, water quality and alpine reclamation.” The department’s analysis, recommendations, and key messages are censored from AWA and public view. The inquiry never saw the light of day.

### **Grande Cache Coal’s Mine Exploration Program: 2007**

But neither did Smoky River Coal. The company never emerged from creditor protection. By the end of July 2000 PricewaterhouseCoopers had sold most of the miner’s assets; this year saw the birth of Grande Cache Coal Corporation (GCC). The newborn company purchased the bankrupt company’s coal leases. The Grande Cache mine started the new millennium by closing only to be

resurrected by Grande Cache Coal in 2004. GCC generated its first annual profit in the 2009 fiscal year (of \$106.2 million) on the strength of record high coal prices after racking up losses of nearly \$75 million over its first five years.

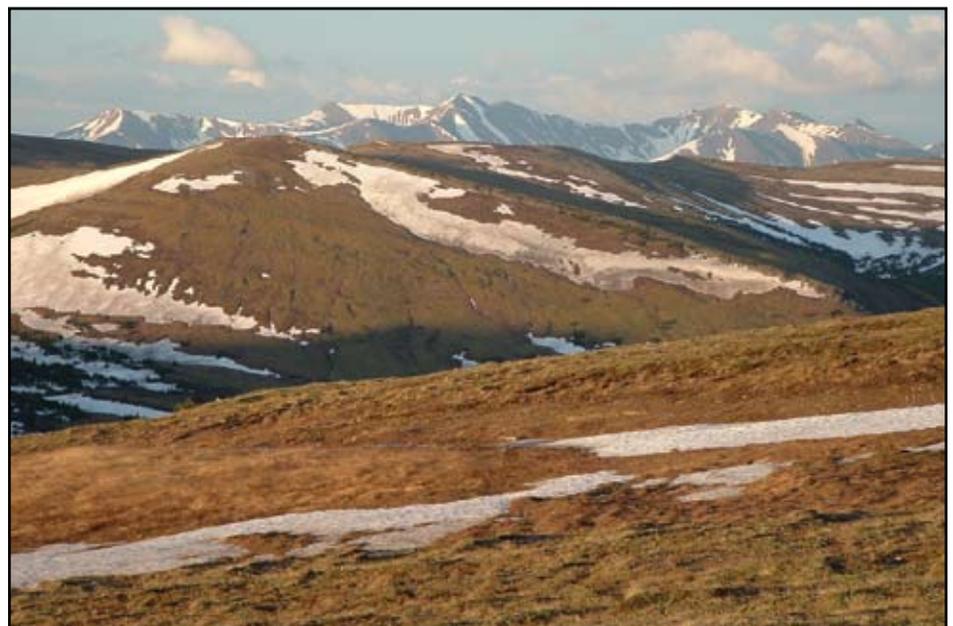
At the very end of May 2007 Grande Cache Coal gave notice; it wanted to drill a series of exploration holes immediately to the north of Caw Ridge between June and December. In September the Fish and Wildlife officials in Edson’s office of Sustainable Resource Development’s (SRD) told their colleagues in the Land Management Branch in Edmonton that they had to reject the company’s proposal. The exploration area was directly in the path of the Red Rock-Prairie Creek mountain woodland caribou herd – a herd variously described as “in decline” or “threatened.” According to Fish and Wildlife the exploration program should not proceed according to the company’s timetable. Its application would join others in being reviewed by the West Central Caribou Landscape Planning team “within the next couple of months.” A 2007 exploration program was out of the question.

Fish and Wildlife’s position, at the very least, frustrated officials in the Land Management Branch. I believe an objective reading of the record released to AWA must conclude that Land Management officials were far less

questioning of GCC’s plans than were their colleagues in Fish and Wildlife. A senior official in Land Management, for example, argued when the application to explore was before government in 2007: “I do not believe we can stop all exploration just because of the caribou migration route. There must be a caribou protection plan required and there should be some type of window of opportunity. If there is definitely a no go zone then F & W had better flag it. . . .”

For Fish and Wildlife the issue may have been less a concern to “stop all exploration” than it was to prevent all exploration that the company’s own research (mandated by its government approvals) suggested would put wildlife at unacceptable risk. Here, commenting about the proposed exploration program, a Fish and Wildlife official noted how radio-collared caribou had used Caw Ridge when mining operations had shut down. He went on to say about the company’s proposed 2007 plan: “this proposal runs right across the eastern face of the ridge and is proposed during the historical migration period of October to December. An obvious conflict that should be avoided and I’m surprised that CGCC included nothing in their application to address this.” (sic)

In 2007, the objections of Fish and Wildlife triumphed. The proposed exploration program did not proceed.



*Caw Ridge, one of three ungulate areas being studied by a multi-institutional team of researchers, is home to an impressive mountain goat population and is crucial to woodland caribou migrations. PHOTO: S. COTE*

### **GCC's Exploration Program: 2008**

This victory was just a reprieve; the next year's developments treated the region's wildlife populations very poorly. In mid-January SRD's Land Management Branch approved Grande Cache's exploration plans.

This approval was a slap in the face to Fish and Wildlife's concerns and recommendations. Three months earlier the Edson office offered a pointed critique of GCC's ambitions. "We are extremely concerned with the proposal," Fish and Wildlife said, "particularly regarding the potential for mining activity to follow the exploration program. GCCL's protection plan aptly outlines the reasons for our concerns..." The exploration program was "directly perpendicular to the migration routes" well-known to the company; these migration routes had been used by up to 70 percent of the Red Rock-Prairie Creek herd in its spring and fall migrations; caribou "all but abandoned these routes" when mining moved closer to Caw Pass; abandoning these migratory routes has coincided with the numerical decline of the herd; and, caribou used Caw Ridge extensively when miners were not blasting away in the B2 pit.

Mining, according to the data, obviously threatened caribou that were so bold, or just accustomed, to tread in areas where coal could be mined. Fish and Wildlife believed, based on the evidence they had, "that mining can have a dramatic effect on migration and, in combination with other industrial activities; it corresponds to the decline in woodland caribou (sic)." Pending recommendations from the West Central Alberta Caribou Landscape Planning Team (WCCLPT) Fish and Wildlife felt it was "premature to approve of an exploration program of this magnitude and significance prior to the review of the WCCLPT's report which will deal with future needs for woodland caribou in this part of the province."

This view grated on Land Management Branch officials. Most viscerally perhaps it appears when one official noted in an email sent mainly to Fish and Wildlife officials that, when challenging the F&W view noted above, the GCC program was for "EXPLORATION AND NOT DEVELOPMENT (emphasis in original)."

In the spring and summer of 2008 the wildlife protection imperative assumed its customary position – defensive first, defeated second. Fish and Wildlife had the nerve to wonder in a July 17th email, in the absence of any previous correspondence they could identify, what impact their October 2007 caribou concerns had on the January SRD approval.

The short answer was "nothing." In the early afternoon of July 18th a Fish and Wildlife official wrote to his colleagues: "I have grave concerns if we are still encouraging exploration and developments of major mines in light of the RedRock/Prairie Creek declines, but accept that this may be a decision beyond me."

This was an immediate response and call for advice, within an hour, to a fundamental critique of the Fish and Wildlife division. The original critique came from the most senior official in the Land Management Branch. Responding to the Fish and Wildlife question regarding what impact their concerns about caribou had on the January approval of the exploration program the Branch's Executive Director wrote: "Decisions on applications are made based in existing policies (sic) and guidelines. Current policy does allow for energy exploration and development in caribou range. The input that the program not be approved pending submission and eventual implementation of the WCCLPT recommendations in essence places a moratorium on activity. (Text omitted according to FOIPP exemptions). We need to render decisions on applications within scope of current policy and guidelines, not what might be the policy or guidelines in the future."

The province's land managers essentially viewed Fish and Wildlife as obstructionist. Wildlife officials were told to do more than present "just blatant No Go road blocks, to the Land Manager so a decision can be made on how exploration activities may go ahead in a fashion that would minimize the footprint and affect (sic) on wildlife resources." They should face up to the fact that Caw Ridge "is designated (sic) for coal exploration and development under the Coal Policy and the department has not put any restrictions...that would affect the issuance of coal rights, exploration and/or development activities."

On July 18, 2008 Fish and Wildlife officials dutifully recommended how GCC's exploration could go ahead in a way that would minimize the "affect (sic) on wildlife resources." Grande Cache had proposed three alternative exploration trails to use during their exploration program. The company preferred an 8.4 kilometre route that would take their trucks and equipment through their lease area and onto Caw Ridge itself and would go through and around the mountain goat research area. Caw Ridge has been the site of a long-term multi-university/ Alberta Fish and Wildlife research project currently led by Dr. Steeve Côté of the Université Laval (Kirby Smith of Alberta Fish and Wildlife, along with Dr. Marco Festa-Bianchet, should be credited with sowing the seed for this project in 1988). For GCC "the Caw Ridge access is clearly the best choice from the perspective of minimizing disturbance footprint."

From the Fish and Wildlife perspective, as outlined in the July 18th letter to the Land Management Branch, the Caw Ridge route was the least desirable one to follow. "Due to the sensitive ecology of high alpine areas associated with Caw Ridge," the letter read, "and the large number of Mountain Goats residing on the ridge, it is important to ensure that no highway vehicle access is supported on the ridge." Because of the effects noise would have on the goats it was "critical" to keep traffic off the ridge. The letter identified the "New Creek Crossing Option," a route Grande Cache Coal did not favour at all, as the one that would affect wildlife the least.

How was Fish and Wildlife's effort to identify recommendations that would minimize the affect on wildlife resources rewarded? The Land Management Branch approved the Caw Ridge route, the route that Fish and Wildlife unequivocally argued would have the most damaging consequences for the ridge's wildlife. Efforts from Fish and Wildlife to have this decision reconsidered went nowhere. Clearly, the Land Management Branch foretold, quite accurately, what a final decision would look like when an official earlier remarked: "A land use decision must then be made in light of all concerns not just those of F&W." In this case, however, it would have been more accurate to add that all concerns are not created equal when it comes to balancing

the development imperative with the wildlife protection imperative in Alberta. Concerns related to Grande Cache's exploration plans would trump and fail to accommodate meaningfully Fish and Wildlife's concerns.

### **Conclusion**

So Grande Cache Coal and the Land Management Branch got their way in the end. The company's exploration program went ahead in the summer of 2008. We also should note that it did so without having to respect the longstanding industrial activity deadline of August 22nd set by SRD for identified sheep and goat range areas. This deadline was "standard operating practice for industrial activity" designed to protect female goats and sheep. Perhaps the final indignity our voice for wildlife suffered occurred when yet another crucial Fish

and Wildlife recommendation designed to minimize the impact on wildlife was ignored. Access development needed to avoid disturbing the woodland caribou migration so "such activities must be completed prior to October 15th." Exploration activities took place well beyond that deadline.

And what about the goats? How did they react to the exploration program? Not well. The exploration program altered goat behaviour. In mid-August they had stopped foraging in areas adjacent to where there had been traffic. This additional stressor was especially concerning because the ridge's goat population already was stressed by extreme heat.

As we get ready to bid farewell to 2009 and welcome 2010 here's hoping Sustainable Resource Development Minister Morton will use the following

thoughts from a Fish and Wildlife official as the basis for a New Year's resolution he will follow:

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

"The whole development, not just the exploration phase, must be reassessed in light of the public's appreciation and concern for this unique part of Alberta's wildlife resource."

Amen to that. 🍷