

A WILDLANDS ADVOCATE



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C O N T E N T S

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Lindsey Wallis took this photo of her daughter, Karina Eustace Wallis, along the South Saskatchewan River—inspired perhaps by a photo taken a generation ago when Lindsey's dad photographed her on a rock along another prairie river—the Red Deer. Precious. PHOTO © L. WALLIS



Featured Art

Brownie, aka Anne Beverly Brown of Bragg Creek, began her creative life as a singer/songwriter producing two recordings of original music before home-schooling her children for 14 years. Now in her next phase of life Brownie paints, something she had been doing intermittently for years. Having worked with acrylic, oil, and watercolour on canvases of many sizes, Brownie is presently enjoying watercolour pens and a touch of ink, a medium that best suits working small (4 x 6" to 9 x 12"). Each painting is inspired by her love of the land and a desire to communicate that love, pure and simple. Please visit: annebeverlybrown.com



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ALBERTA WILDERNESS ASSOCIATION

"Defending Wild Alberta through Awareness and Action"

Dedicated to the conservation of wilderness and the completion of a protected areas network, **Alberta Wilderness Association** is a voice for the environment. Since 1965, AWA has inspired communities to care for Alberta's wild spaces through awareness and action. With a provincial office and library in Calgary, AWA has active members, volunteers, and sponsors throughout Alberta and beyond. AWA is a non-profit, federally registered, charitable society. Donations and financial support are greatly appreciated, please call 403 283-2025 or contribute online at AlbertaWilderness.ca

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A Fork in the Road

Will history judge February 23, 2020 as a watershed moment in Alberta? Then, Teck Resources stunned boosters and detractors of oil sands exploitation alike. With the federal cabinet poised to decide the immediate fate of Teck's Frontier Oil Sands Project within a few days, the company pulled its application.

Not surprisingly, the Alberta government condemned what Teck did. But, Premier Kenney didn't fault the company for not waiting several days for the federal decision. Instead, his news release rounded up his usual suspects. Environmentalists and aboriginal opponents to the Coastal Gas-Link natural gas pipeline were to blame. So was Ottawa...but just Liberal Ottawa. Conveniently ignored is the fact that the Harper government, in which Premier Kenney served in cabinet, was the obstacle to fulfilling Teck's hope for a regulatory decision by 2014.

One phrase from Teck's project withdrawal letter received much press attention. It read: "However, global capital markets are changing rapidly and investors and customers are increasingly looking for jurisdictions to have a framework in place that reconciles resource development and climate change..." (my emphasis)

Does Alberta accept Teck's premise? I don't think so. When the Premier vilified "a militant minority" in response to Teck's decision, I suspect his target was all oil sands opponents, those who use legal as well as illegal means. But, the "militant minority"

label arguably fits some investors as well, the investors who are turning their backs on the oil sands sector and denying companies capital – their lifeblood.

The managers of Norway's \$1 trillion government pension fund decided last fall to sell the fund's holdings in four key oil sands players: Cenovus, Husky, Imperial Oil, and Suncor. Hundreds of railway blockaders didn't lead them to that decision. Or, what about Royal Dutch Shell and Conoco Phillips – companies that recently abandoned their longstanding positions in the oil sands? Or, what about BP's decision to dissociate itself from three U.S. petroleum lobby groups? Climate change and the need to take it seriously offer more compelling explanations for those decisions than the Premier's preferred narrative.

Teck's decision highlights that Alberta is at a fork in the road. To the right, is a route that takes climate change seriously and requires policies that will make significant reductions in GHG emissions in Alberta, in Canada, and in all major industrialized and industrializing nations. Alberta's governments – Progressive Conservative, New Democrat, and United Conservative – have never taken that road.

The fork to the left keeps us on a familiar route. It's the road where the Premier declares his government's deepened "resolve to use every tool available to fight for greater control and autonomy for Alberta within Canada, including reinforcing our constitutional right to develop our natural

resources, **ensuring a sustainable future for our oil and gas industries**, and restoring Canada's reputation as a reliable place to do business." (my emphasis)

So far, there's no indication the Teck decision will push the Premier to reconsider whether, in order to attract more of the oil sands investment he craves, his government must take seriously the need to take the right fork and cut greenhouse gas emissions from the oil sands sector.

Instead, the provincial government has offered a long list of decisions that only focus on deregulating oil and gas and improving corporate bottom lines in the short term. They include:

- cutting the budget of the Alberta Energy Regulator (AER) by more than \$150 million over four years;
- cutting staff at the AER by 22 percent in 2019/20;
- ordering rural municipalities to cut taxes on shallow gas producers by 35 percent;
- refusing to force oil/gas companies to pay the \$173 million they owe rural municipalities in unpaid property taxes;
- cutting corporate income taxes.

Instead of doubling down on the way government/industry relations have been conducted historically in Alberta I think it's time for the province to recognize a "militant minority" of investors who are looking for government to take a new route that recognizes new realities.

- Ian Urquhart



The Trout:

An Elk Creek Provincial Recreation Area Tale

By Ian Urquhart



Trailer relocation, not fishing, was the main reason my friend Michael and I found ourselves at the Elk Creek Provincial Recreation Area years ago. I had inherited an old Scamper trailer I needed to pull to the Clearwater Trading Company campground just west of Caroline. Michael, who always was looking for an excuse to spend time in the foothills, thought I really needed a navigator. So we hitched up the trailer onto the Explorer and headed southwest, first to Shunda Creek near Nordegg and then south on the Forestry Trunk Road.

I can't tell you much about the trip before we stopped at the Elk Creek campground or after we left there to drop the trailer off. But, I'll never forget the evening we spent there. As most of you know, there's nothing particularly luxurious about PRA campgrounds. The campsite had a firepit and a suitably engraved picnic table. As for the campground itself, it had pit toilets and a water pump – like then, today I still think it's a bit strange to see a pit toilet described as an amenity. In those days, firewood was provided. But, we didn't need it because I always like to travel with my own.

But the campground's setting – that is Elk Creek's real amenity. The campground sits at one of the broader points in the valley separating the grey, towering Front Ranges of the Rockies to the west from the gentler, fully-forested mountains of the foothills to the east. Elk Creek, like the Clearwater River it feeds just downstream from the campground, carves

a snake-like trail through the valley. It's not a very wide creek – I'm pretty sure my younger self would have been able to jump across it at more than a few places. Its many bends and curves suggest it isn't in much of a rush to join the Clearwater. Willows and other sun-loving shrubs jostle for position along the creek's banks. Like those shrubs, the creek avoids dense forest. Instead, it slaloms through open meadows interspersed with shrubs and patches of white spruce. As the shadows lengthened, we enjoyed our beers, listened to the creek gurgle, and breathed in the aroma of the forest behind us. Yes, it was tranquil.

"The Trout" broke that tranquility. Just below our campsite the creek, no more than five feet wide, made an S. In that first bend in the S, the creek bank was undercut, the water was deeper, the current was slower. It had formed a "lie" for fish. Sheltered by a small spruce on the

edge of the bank, this was a perfect place for a trout to take up residence and let the creek's current deliver its meals.

What happened next was the most extraordinary sight I've ever seen while fishing in the foothills. Either in person or on video you may have seen a whale "spyhop." This is when a cetacean, such as one of the orcas that frequent Robson Bight on Vancouver Island, vertically pokes its head and some of its body straight out of the water. That's what my trout did at Elk Creek. In the soft light just before sunset, a brown trout rose vertically out of the water within inches of the undercut bank and slipped silently back into the lie. In early evening light it was gorgeous, the sun gave it a copper-like hue. In any light, the trout was enormous. I guessed that at least 15 inches of the trout came out of the water. I couldn't believe what I had seen.

Excitement turned fingers into thumbs.

AWA WANTS YOUR MEMORIES!! Yes, we want you to share with us any memories you have of the time you've spent in these threatened elements of our provincial parks system. Please, please send them to us. Get your friends to send their memories. I want to devote much of the June issue of the Advocate to sending a message from all of us to the provincial government that its proposal is anything but "optimizing Alberta Parks." Your thoughts, your stories will make that message powerful. Tell us what sites like Elk Creek have meant to you in your life so we can tell the government how wrong-headed its plans are.



Frozen Over, 8" x 10", watercolour pens with ink, PHOTO: © A. BROWN

While Michael chuckled, I managed to assemble my fly rod and tie on one of my mayfly imitations. I scrambled down to the creek, grateful for the room the open gravel bed on my side of the water gave me. Staying low to keep my profile below the shrubs and trees behind me I tossed the fly into the current and watched it drift down to where the trout had surfaced. Nothing. Maybe my placement was off, maybe my fly was drifting too close to the middle of the creek, too close to the shallow water edge of the lie. My next cast was higher up the creek and deliberately onto the bank on the other side. I gently tugged the fly off the grass and into the water just inches from the bank. It drifted down, under the spruce,

virtually against the bank...

A few minutes later I landed a gorgeous 22-inch brown trout. When it hammered my fly it burrowed deep into the lie under the bank. Given the shallowness of the water both above and below the S in the creek, I guessed it felt the hole offered it the best chance of escape. When I released my trout, it darted back under the bank.

I'll never forget that amazing experience. I thought back on that day when I read the provincial government's inventory of the 164 sites it intends to close or otherwise cut loose as part of its "Optimizing Alberta Parks" initiative. Elk Creek Provincial Recreation Area is targeted as one of the sites to be removed from the parks

system. Its future may be one where it will be "available for partnership opportunities" or something called "alternative management approaches." Maybe it'll be closed altogether. Would I have had my magical moment if the Elk Creek PRA hadn't existed? I don't think so. I wonder how many other magical moments in the outdoors have taken place there, or in any of the other 164 sites the province wants to abandon? 🐟

Fortress Mountain and the False Promise of Public Participation in Alberta

By Shaun Fluker



The AWA has closely monitored the application by Fortress Mountain Ski Hill for an amendment to its water license which – as of October 25, 2019 – now authorizes Fortress to remove up to 50 million litres of water annually from a tributary of Galatea Creek in Kananaskis Country and sell it as bottled water in the retail consumer market. Carolyn Campbell has reported on this proposal, setting out the numerous environmental concerns associated with it (see the September and December 2019 *Wild Lands Advocate*). Along with this water license amendment, Fortress has public lands authorization to construct and operate infrastructure to divert the water, store it in a reservoir, and fill water transport trucks. Fortress has stated that an average of nine truckloads per day of diverted water would be transported to a bottling facility in southern Alberta.

The manner in which public input was (dis)regarded in this approval process illustrates yet again the false promise of public participation found in Alberta's legal and policy framework for decisions concerning the development of natural resources and the assessment of that development's environmental impacts. Despite statements of purpose in legislation such as the *Environmental Protection and Enhancement Act* (Alberta) which speak to providing Albertans with an opportunity to give input on decisions affecting the environment, nothing could be further from the truth in this province. The department of Alberta Environment and Parks (AEP) typically authorizes projects with very little transparency and without any opportunity for public input. The Fortress decision is

case-in-point. I recently had an opportunity to review AEP records concerning the Fortress approvals, records which are publicly available on request but are not readily available online. These records paint a very clear picture of how little regard there was for public input in this process.

Fortress applied for the amendment to its water license under the *Water Act* (Alberta) on August 1, 2018. After what appears to be several months of back and forth, AEP wrote to Fortress on October 30, 2018 indicating that additional information was needed before the application would be considered. Among these requests, AEP sought information to support the water bottling proposal including whether diversion from the source tributary would be seasonal or year-round, where the diversion would occur, and how the water would be transported to the bottling facility. At some point thereafter, Fortress confirmed that diversion for bottling would be year-round. AEP then sought additional information by way of correspondence sent on January 25, 2019. In particular, AEP asked for details concerning:

- signed water bottling contracts to confirm the volume of water that would be diverted for this new commercial use;
- an assessment of all environmental impacts that will arise from year-round water diversion and how these impacts will be mitigated;
- confirmation that any other necessary consents or approvals have been obtained for the water bottling operation.

Fortress responded by confirming:

- there was a memorandum of understanding with a Calgary-based company for

water bottling in southern Alberta;

- impacts on downstream water users would be 'essentially non-existent' because: (1) the source tributary is non-fish bearing within the Fortress leasehold; (2) the proposed diversion for commercial use represents a small percentage of the total annual flow in the tributary (supported by a study of the hydrogeology of the region conducted by a University of Calgary graduate student); and (3) the proposed diversion represents just 0.0113% of the total average flow in the Kananaskis River.

On February 25, 2019, AEP informed Fortress of the additional public land use authorizations needed for the water bottling proposal and what information Fortress would have to submit in that regard. Much of this information related to the proposed transfer/fill station and truck transportation of the diverted water. Fortress requested that the water license amendment be processed concurrently with these additional consents and approvals needed under the *Public Lands Act* (Alberta). At some point between late February and early July 2019, AEP completed its 'technical review' of the application. Although, as noted below, it appears many technical details on the impacts of this proposal had yet to be fully considered in this 'technical review.'

On July 4, 2019, AEP directed Fortress to give public notice of its proposal. These directions included a requirement for a one-time notice in the *Rocky Mountain Outlook* newspaper, as well as a posting on the gated access road to Fortress and at the Barrier Lake Visitor Centre along highway 40 at the

PUBLIC NOTICE

Fortress Mountain Holdings Ltd.

WATER ACT

NOTICE OF APPLICATION

Fortress Mountain Holdings Ltd. are currently authorized by way of a Licence under the *Water Act* to divert 98,679m³ of water from an unnamed tributary of the Galatea Creek at NE 32-021-09-W5 for Municipal (ski hill potable water supply) purposes. This Licence has a priority number of 1968-10-30-001.

Notice is given that Fortress Mountain Holdings Ltd. has filed an application to amend this Licence under the provisions of the *Water Act* to allow for the use of water for both Municipal and Commercial purposes. The applicant has requested that 50,000m³ of the total 98,678m³ be used for Commercial (truck fill station & water hauling) purposes. The Commercial operation will see the hauling of approximately 9 or more trucks per day annually from the site. The maximum volume allocated under the Licence will not increase.

Any person who is directly affected by this application may submit a written statement of concern to within 30 days of the date of this notice to:

Environment and Parks
Regulatory Approvals Centre
5th Floor, South Petroleum Plaza
9915 108 Street
Edmonton, Alberta T5K 2G8
Phone: 780-427-6311
Fax: 780-422-0154
Email: aep.waapplications@gov.ab.ca

The written statement of concern should include the following:

- the application number: 003-00037369, Please quote file number: 12562
- describe concerns that are relevant to matters regulated by the *Water Act*
- explain how the filer of the concern will be directly affected by the activity and/or diversion of water proposed in the application
- provide the legal land location of the land owned or used by the filer where the concerns described are believed to be applicable
- state the distance between the land owned or used by the filer and the site in the application
- contact information including the full name and mailing address of the filer. Please provide the telephone number and/or email address for ease of contact.

Environment and Parks will review each written statement of concern, seek more information if needed, and notify each filer by letter of the decision to accept or reject their written submission as a valid statement of concern. The Public Notice of this application will also be posted on the Department's website at <https://avw.alberta.ca/PublicNoticesViewer.aspx>.

Statements of concern submitted regarding this application are public records which are accessible by the public and the applicant. Failure to file a statement of concern may affect the right to file a Notice of Appeal with the Environmental Appeals Board.

Copies of the application and additional information can be obtained from:

Thomas Heath
Box 8173
Canmore AB T1W 2T9
Phone: 403-615-3433
Email: Thomas.heath@skifortress.com

entrance to Kananaskis Country. AEP also suggested how the public notice should be worded, including text that indicated any person who is directly affected by the application may submit a statement of concern to AEP within 30 days of the notice.

Several observations are immediately apparent about the content of this public notice. Most obviously, the notice provides almost no details about the application and makes no reference whatsoever to the very purpose of this application: water bottling for the consumer market. This deficiency is remarkable given that AEP staff themselves had specifically raised concerns and sought more details about the bottling proposal from the outset.

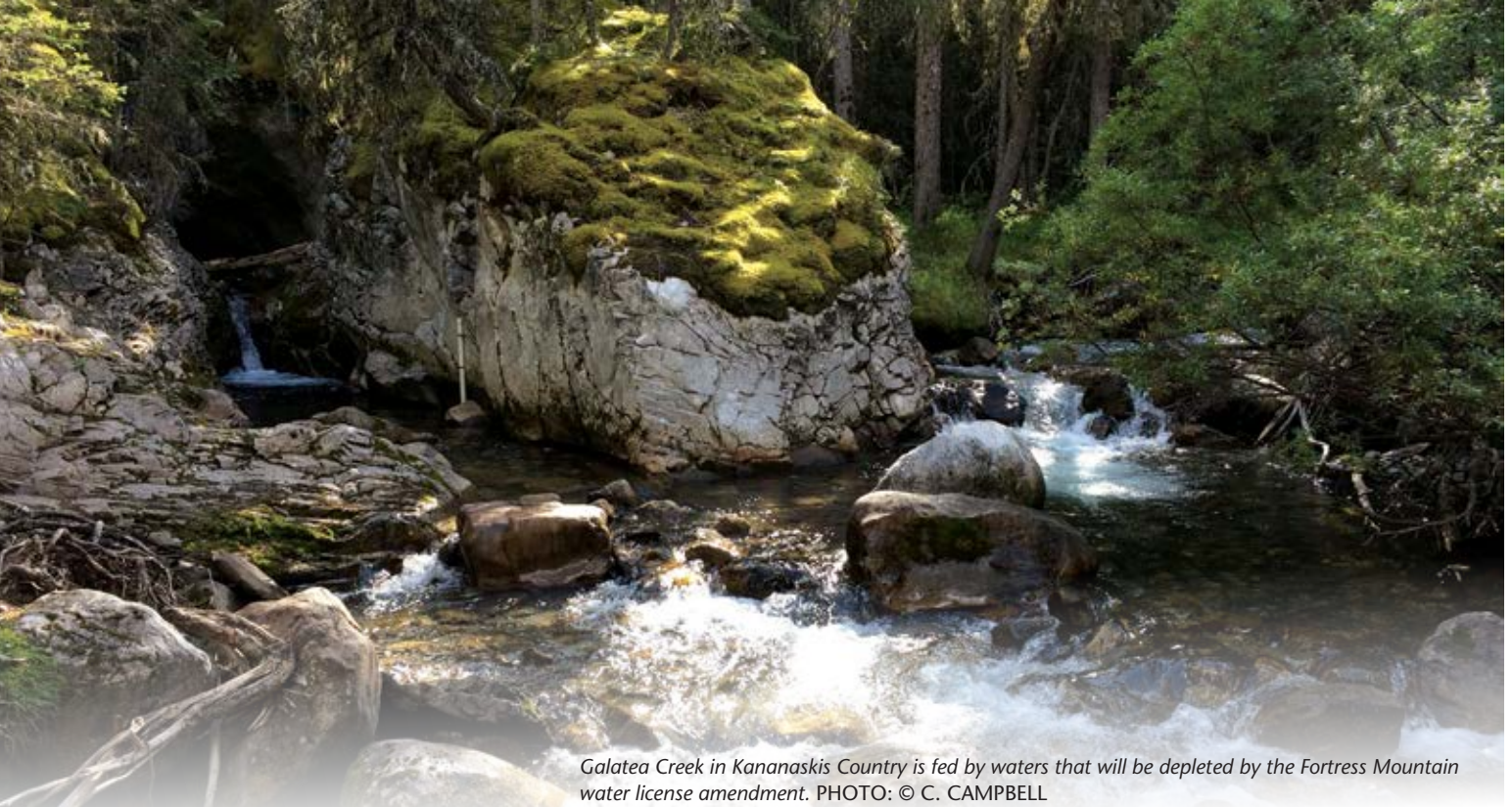
Similarly, there is no reference in the notice or even suggestions about the proposal's possible environmental impacts; this silence exists despite the fact that AEP staff had completed their 'technical review' of the application and, as internal records demonstrate, by this time AEP staff were aware of the possible environmental impacts. While the notice states further information can be obtained from Fortress or AEP, the public is left to guess what might be available. And the AEP record includes an internal AEP memo written on July 23, 2019 that suggests some reluctance on the part of Fortress to disclose additional information during the 30-day comment period.

The notice also references the 'directly affected' test for public participation in Alberta concerning environmental decision-making. As many readers will know from actual experience, this is the test used by AEP to **exclude**, rather than include, the public from decisions with possible environmental impacts. As is typical with AEP generally, none of the filers of statements of concern were found to be directly affected by the Fortress application. This is because AEP insists that in order to be 'directly affected' one must establish that they live or use a natural resource in close proximity to the approved activity. In short, AEP applies a test that nobody can meet for a project such as this one which is located on public lands in Kananaskis Country. In my view, this application of the 'directly affected' test by AEP must be unlawful in light of the statements of purpose in its governing legislation.

One of the more interesting documents on the AEP record is a decision statement dated October 8, 2019. This decision statement lists each of the 224 statements of concern received by the department within the prescribed comment period. With only a few exceptions, the AEP decision statement concludes each statement of concern is invalid because the filer did not provide information to support how they are directly affected by the project. In letters sent to statement of concern filers, AEP provided the following basis for rejecting statements of concern:

- the information submitted did not demonstrate how the filer is directly affected by the project;
- the filer's place of residence is outside the area of potential environmental impact associated with the transfer/fill station;
- concerns raised were outside the mandate of the *Water Act*;
- there was not sufficient information provided in response to the public notice of application;
- the statement of concern was filed after the 30 day comment period expired.

How is a member of the public even to know about these thresholds for participation when AEP requires the Fortress public notice to contain so little information? There is absolutely no reference to a 'residency' or 'use' re-



Galatea Creek in Kananaskis Country is fed by waters that will be depleted by the Fortress Mountain water license amendment. PHOTO: © C. CAMPBELL

quirement in the governing legislation for this process. In any event, such requirements are clearly impossible to meet for just about anybody concerned about a project in Kananaskis Country. Many public concerns focused on the removal of water for consumer bottling and, while this concern may not fall clearly within the mandate of the *Water Act*, it is surely within the mandate of the *Environmental Protection and Enhancement Act*. Given how little is disclosed in the public notice, it really seems like a ‘slap in the face’ to public participation for AEP to dismiss concerns for failing to give sufficient information!

On a related note, the record demonstrates that AEP held these statements of concern for most of August and all of September, before summarily dismissing them in early October 2019 just weeks before AEP approved the application on October 25, 2019. Given the basis upon which statements of concern were rejected in this case, the length of time AEP held these statements of concern is somewhat curious. And what transpired internally within AEP during the months of August and September is also interesting. Issues with the proposal raised by the public in statements of concern were, in fact, similar to the issues being raised internally within AEP in August and September. At the very least, all of this raises some doubt over the decision

by AEP that every single statement of concern filed on this project was ‘invalid.’

For example, statements of concern filed by the public identified the potential for adverse impacts to wildlife from truck traffic associated with this proposal, and within AEP similar concerns were being discussed and communicated to Fortress. AEP records indicate that on July 16, 2019 – during the public comment period – Fortress was informed that AEP was considering a seasonal closure on truck traffic between May 1 and June 15 each year because the subject lands are located within core grizzly bear habitat. On August 29, 2019, a senior wildlife biologist with AEP was asked to opine on the potential impacts to wildlife arising from the transfer/fill station and truck traffic on the Fortress access road. In correspondence sent September 10, 2019, the wildlife biologist answered that the impact of the transfer/fill station will be low because it is located on a previously disturbed site. However, the biologist stated truck traffic on the access road during the summer was a concern and that this will have impacts on wildlife. The public lands authorization issued to Fortress for the transfer/fill station on October 25 did include a condition of no activity between May 1 and June 15, but there does not appear to be any explanation on the record for why this is suf-

ficient to mitigate adverse impacts to wildlife.

In my view, the Fortress application should have been subjected to an open and transparent environmental impact assessment process right from the start. The application was destined to be controversial because of its potential adverse environmental impacts located in the highly valued lands of Kananaskis Country, and these impacts are clearly of significant concern to many Albertans. Not only would an open and transparent environmental impact assessment process have given the public a meaningful forum to raise concerns with the proposal, it would also have provided Fortress with more predictability over the issues it would need to address and the overall timeframe for doing so. As a further benefit, such a process would also have provided some legitimacy to the ultimate decision here. As it stands now, Fortress has the legal authorizations it needs to bottle Kananaskis water but its social license to do so remains in doubt.

Shaun Fluker is an Associate Professor in the Faculty of Law at the University of Calgary. He also is the Executive Director of the Faculty's Public Interest Law Clinic. His research focuses, in part, on public participation and community engagement with natural resources/environmental decision-making. 🐾

The Buzz about Native Bees



By Joanna Skrajny, AWA Conservation Specialist

Bees – we literally can't live without them. Approximately 45 percent of the world's crop species used in agriculture depend on pollinators and the value of this ecological service is pegged in the tens of billions of dollars. After about half of the honeybee colonies in the U.S. were lost in the winter of 2006, the public grew increasingly aware and concerned that honeybee populations were declining.

However, the public is generally unaware that a collapse in honeybee colonies is not, in fact, a conservation problem.

Why? The honeybee (*Apis mellifera*) is not native to North America, and actually originated in Europe. In other words, **honeybees are an invasive species!** They were brought over and are still used to this day as livestock, shipped around to different farms and greenhouses in order to pollinate crops. As a result, the issues facing honeybees are similar to some of the problems generally facing industrial-scale agriculture.

A lack of species diversity, coupled with large populations held in close proximity to one another, has increased outbreaks of viruses, parasites, and pests afflicting honeybee hives. Shipping bees to multiple locations is highly stressful and likely contributes to their death. Finally, lack of food availability, poor nutrition, and changes in habitat due to monoculture crops and pesticides have poisoned and malnourished bee populations.

Megan Evans, co-founder of the Alberta Native Bee Council, says that while the collapse of honeybees is well-documented, we know relatively little about our native bee populations. She started the Alberta Native

Bee Council with a colleague due to their concern over the lack of information – both scientific and public – about the status of native bees in Alberta.

Megan points to the fact that Alberta doesn't even have a complete inventory of the number of native bee species in Alberta. A couple of years ago, the Alberta Native Bee Council partnered with researchers at the University of Calgary and Alberta's wildfire lookout towers. They set up bee traps in wildfire towers across the province as a first step towards compiling a province-wide inventory of Alberta's bee species. While the data is still being processed, they've already discovered one new species, bringing the total number of known native bee species in Alberta to 322. Megan estimates there might be another 30 to 50 species that we have yet to discover. Since the body shapes and colours of native bees vary widely, it may not be immediately obvious to many that the winged creature before us is a bee.

Let's take a closer look at the charismatic uncle of the bee world, the bumble bee (*Bombus spp.*). Big, hairy, and personable, this species is a welcome, cheerful sight in any garden. Worldwide, there are about 250 known species of bumble bees; of those, 29 reside in Alberta. European countries have done a much better job of cataloguing their bee populations. There, many bumble bee species have declined steeply; several species have gone extinct.

In Canada, Sheila Colla and Laurence Packer studied bumble bees in Guelph in the mid-2000s. There, they re-sampled areas studied in the 1970s where 14 species of bumble bees were found. Thirty years

later, they found that three species had vanished and the populations of four species had declined.

Currently, four bumble bee species in Alberta are listed under the *Species at Risk Act*: two of them are assessed as Threatened, one is listed as Endangered, and the fourth is listed as Special Concern. Once considered a very common bumble bee species in Alberta, the western bumble bee (*Bombus occidentalis occidentalis*) was designated as Threatened in 2014. After winter ends, the queen bee will emerge and look for a nest site; a perfect spot is an abandoned rodent nest either underground or within a piece of wood. Once they pick a suitable nest, they'll forage for pollen and nectar and lay eggs in the nest in order to produce worker bees. The workers then take over the nest care and finding pollen duties. Late in the summer, the queen produces male bees and new queens which leave the nest to mate. Only the newly mated queen will survive until the next season. The rest of the bees, including the old queen, will die off come winter.

The decline of nesting bumble bee species has had cascading ecological impacts, including the decline of the gypsy cuckoo bee (*Bombus bohemicus*) which co-evolved as a nest parasite. A queen cuckoo bee takes over the nests of other bumble bee species in the spring by killing or injuring the host queen bee and tricking the male worker bees into taking care of her own eggs. The observed numbers of gypsy cuckoo bees in the wild are so small and sporadic that COSEWIC suggests the species may be extinct.

Since our bumble bees are loud, proud, and visible to the naked eye, the collapse of

bumble bee populations has been fairly obvious. What's less obvious is the current status of our remaining native bee populations, but it would not be unreasonable to assume that they have been facing similar declines.

Causes for the collapse of Alberta's Native Bees

The introduction of neonicotinoids – a pesticide still commonly used – in the early 1990s likely triggered the initial collapse of bumble bee populations. Pathogens that developed in honeybee colonies and jumped over to native bee populations subsequently amplified the decline.

As for honeybees, habitat loss and a change to monoculture crops have affected native bees. However, since honeybees are generalist species, they can feed on a number of different plant species. In contrast, most native Alberta bees are highly specialized species; as specialists, they require specific habitats and pollinate specific plants. Due to this specialization, scientists often use specific characteristics such as tongue length and the flowers native bees feed on to identify species.

Evans suggests one rarely discussed phenomenon is having a significant impact on our native bees. Large honeybee colonies are effectively starving native bee populations by competing with them for pollen.

About 70 percent of North America's native bee species are solitary and nest in bare ground. Bumble bee colonies are quite small, typically around 50 to 100 individuals but rarely exceeding 200. Honeybee colonies are much larger – the Canadian Honey Council reports there may be more than 50,000 bees in a single colony. Naturally occurring pollen amounts may not be able to sustain such large honeybee populations. Some beekeepers therefore supplement honeybees with sugar syrups and other pollen substitutes to maintain large, otherwise unsustainable, honeybee populations on the landscape.

The sheer numbers of honeybees collectively depleting natural sources of pollen can devastate native bee populations. A single honeybee colony can eat food that otherwise would have sustained 100,000 native bees. This effect may be reflected in the fact that bumble bees located near honeybee hives gain less weight and have smaller queens. Unfortunately, Alberta has a love affair with the honeybee – over 40 percent of the country's honeybees are in Alberta.

A decrease in native bees should be cause for public alarm. Their decline threatens crop pollination – one indispensable public benefit they provide. Other cascading impacts may include the loss of certain wildflower species since honeybees lack the specialization need-

ed to pollinate them. Honeybees also may perpetuate the spread of invasive species by pollinating invasive plants.

Solutions

Luckily, solutions are within reach. Despite widespread public outcry, the Canadian Government has refused to ban neonicotinoids; this simple change would provide a significant benefit to our native bees. In agricultural settings, it's important to move away from monoculture crops and provide "bee refugia" – strips of native wildflowers and trees to provide nesting sites and a year-round diverse supply of food. In Europe, financial incentives offered to agricultural producers who restore grasslands and set aside areas of wildflowers have helped increase bumble bee species and numbers. In Alberta, healthy rangelands have greater numbers of bee species, suggesting that ranchers can play an important role in sustaining bee diversity.

Of course, wildlands are a vital source of diverse habitat and food for specialist native bee species. However, researchers such as James Cane and Vincent Tepedino believe this refuge in the U.S. is increasingly imperiled as "managed honeybee hives may be placed after midsummer (e.g., Rocky Mountains, Sierra Nevada, and the Great Basin)" in wildland areas. This "supplemental" feeding of honeybees likely reduces the food supply of native bees and increases the risk of honeybees invading and/or spreading disease. Honeybees should not be brought into wild areas.

Cane and Tepedino also recommend reducing the number of honeybee hives. Interestingly, despite the investment agricultural producers make in shipping around honeybees, native bees are actually more efficient in crop pollination and are able to do most of the pollinating legwork for 86 percent of crops.

There is also a lot that we can do as individuals to help protect and maintain native bees in our own backyard. You should try and do your part to provide good habitat for bees and other species. In general, being a lazy gardener is good for wildlife. Leave a



A honeybee pollinating leafy spurge, an invasive species that originated in Europe and is listed as a noxious weed. PHOTO © K. MIHALCHEON



A male bumble bee (*Bombus* spp.) in Picklejar Lakes, Kananaskis Country. PHOTO © J. HILDEBRAND.

few dandelions on your lawn in the spring, rake the leaves in the fall, and leave a few piles of branches and leaf litter. Also, don't use insecticides.

One very rewarding way to help our native bees is to convert some of your lawn into flower gardens. Try to have plants flowering year-round; a particularly crucial time is the months of April and May, when the queen bee is eating food in order to begin reproducing. There are a number of native plants that are relatively easy to grow in the garden. In AWA's own garden, we have early blue violets that bloom along our gravel paths in mid-May and are always smothered with bumble bees. Once established, columbines are low maintenance perennials that faithfully bloom every June. In late summer, meadow blazing stars produce tall spikes of bright pink flowers – these showy flowers are a bee and butterfly magnet! Finally, Saskatoons provide a double benefit – not only are they great for bees in the spring, they'll provide you with delicious fruit as well.

It's important to do some research before you go shopping for plants; greenhouses of-

ten continue to sell invasive species of plants or will spray their annuals with insecticide, which will end up doing more harm than good. If you are interested in planting native plants for native pollinators, some great resources to get you started include Wild About Flowers, ALCLA Native Plants and the Edmonton Native Plant Society. Alberta Invasive Species Council's guide "Plant Me Instead" also offers alternatives to invasive flower species.

Cities have emerged as an excellent refuge for wild bees because of an abundance of habitat and food variety and a decrease in urban insecticide use. Unfortunately, that benefit is negated when honeybees in backyard hives compete with native species. It's estimated that Calgary currently has 1,400 backyard hives and there is no question that this negatively impacts our native bee populations.

In Alberta, the cities of Calgary, Airdrie, and Chestermere are all officially listed as bee cities, which means they are dedicated to establishing and maintaining bee food and habitat. If you live in a bee city, write

to your elected city councillors and let them know you believe we should focus on supporting native bees, not honeybees, and that our parks and city landscapes should focus on planting native flowers.

In conclusion, I think that it's time for us to reconsider our exclusive relationship with the honeybee and focus instead on increasing and encouraging our native bee populations. The outcome – a more diverse planet, full of beauty and flowers – would be a great ending to this tale. 🐝

*Bee! I'm expecting you!
Was saying Yesterday
To Somebody you know
That you were due-
The Frogs got Home last Week –
Are settled, and at work –
Birds, mostly back –
The Clover warm and thick –
You'll get my Letter by
The seventeenth; Reply
Or better, be with me –
Yours, Fly.
(Emily Dickinson, 1865)*

Rinse and repeat:

Another proposed revision of Alberta's parks legislation

By Grace Wark, *AWA Conservation Specialist*



Writing on Stone Provincial Park PHOTO: © J. SKRAJNY

Close your eyes and picture your favourite provincial park. What do you see?

For me, that park is Writing-on-Stone in southeast Alberta. I can hear the din of crickets in tall grass and the whispers of the wind eroding sandstone pillars. I see its lush riverside pathways shaded by arching willows. I appreciate the culture and history of that special place; warmth...that's the feeling I'm left with.

Now imagine that the buzz and hum of insects is drowned out by the squeal of tires

from a nearby racetrack; there, stands of sage brush and blue grama grass are replaced by fields of noxious leafy spurge; once vibrant cliff ledges packed with chattering swallows and nesting hawks now lie empty, abandoned for a more tranquil setting. While such shifts may seem extraordinary or even impossible to imagine, they are the types of changes that our provincial parks system could see with even subtle shifts in the system's mandate or if the management regime is changed in inhospitable ways.

This article addresses critically some of

the potential changes we may see coming to parks legislation. One of the pillars of the UCP platform during the 2019 election was a promise to "modernize" parks legislation and all signs indicate the government intends to keep this promise. This suspicion is fuelled by the summer/fall sitting of the legislature; at its conclusion the government announced that it had already fulfilled 58 of the 375 commitments it claimed it made during the campaign.

So, if changes to the *Parks Act* will be coming down the pike, what will it mean to

“modernize” Alberta’s parks? What can we expect out of a potential review? Since the government hasn’t told us what Acts they will consider changing, at this point in time we’re left to start with understanding the legislative landscape of Alberta’s parks system, what it currently accomplishes, and what is potentially at stake with a review.

The lay of the land

The *Provincial Parks and Protected Areas Act* was first introduced in 1930 and was Alberta’s first legal lever for establishing protected areas. Despite turning 90 this year, it hasn’t been left in some corner to collect dust. Another *Parks Act* was drafted in the 1950s, amended in the 1960s to include wilderness and natural areas, and has since been revised continually to meet our evolving knowledge of ecosystem management. With numerous updates and revisions to parks legislation over the years, the call for “modernizing” underestimates how the Act has evolved.

Today, Alberta’s parks legislation consists of three major acts: the *Parks Act*, *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act* (WAERNAHR), and the *Willmore Wilderness Park Act*. Together, the Acts have established Alberta’s wide variety of protected areas, everything from strict protection (Wilderness Areas) to more recreationally friendly spaces (Provincial Recreation Areas). This underlines that not all “parks” are created equal in the level of protection they offer. The deliberate complexity of our current system accommodates regions that require more intensive ecosystem management, those that can allow more human use and enjoyment, and everything in between.

The Acts flesh out the answers to key questions such as: what is the purpose of protected areas? What level of wilderness protection does each designation offer? How will the area be managed to achieve conservation? Are roads allowed or foot access only? Are you allowed to hunt, fish, bike, boat or camp? In other words, they direct activities that have bearing on the ecological integrity of a protected area and how it will realize its conservation outcomes.

Since amendments to Acts require debate in the legislature, they are in the public eye and may invite controversy if opposition political parties and/or the media raise questions. Regulatory changes, which the law authorizes governments to make, don’t require public debate. Jason Unger, Executive Director of the Environmental Law Centre, explained that regulations are typically created “in the black box of government.” Since it’s a box that’s closed to public view, it’s tempting for governments of all political stripes to try to make significant, controversial changes by regulation, rather than by legislation. This is why we should be attentive to and wary of any government attempt to move something important, like protective status, out of an Act and into a regulation. We’ll revisit this later.

Sound familiar?

Like something out of Bill Murray’s movie *Groundhog Day*, it feels like we’re destined to relive the proposed remodelling of parks legislation over and over and over again. It was only a decade ago that the Stelmach government introduced the infamous Bill 29, which proposed to turn Alberta’s current suite of protected areas into two categories: provincial parks and heritage rangelands. This bill was panned for a number of im-

portant reasons.

Bill 29 would have consolidated two important acts (*Provincial Parks Act* and *WAERNAHR*), erasing the important distinctions between seven types of protected areas and the activities permitted within them. Everything not considered a Heritage Rangeland – a designation for managing grazing on native grasslands – would be classified as a provincial park. Designations such as wilderness areas, ecological reserves and natural areas would have been eliminated.

Then, a zoning system would have established permissible and prohibited park activities. Parks would be classified into one of four zones. At the time of the proposal, the details of these zones, and permissible activities therein, were not published. Zoning system details would have come through provincial regulations. The Minister would essentially have had discretion with respect to decisions regarding: protective status, park access, recreation types, and where industrial dispositions could or could not go.

Bill 29 also proposed to use delegated administrative organizations for recreational trails. Reduced management costs would cut government spending – a motive that’s dear to the heart of the current government. This would have opened the door to privat-



Paddlers like these on the Red Deer River may find their favourite pullout spots like the Bleriot Ferry Provincial Recreation Area closed to overnight camping. PHOTO AWA FILES

ization in parks and protected areas. The environmental sector criticized this proposal for its potential to erode park conservation values and remove public resources from public control.

Thankfully, Bill 29 was stopped dead in its tracks, one of few instances where a bill was pulled due to clear and unyielding public opposition.

Bigger business, relaxed regulations

The government's commitments to economic growth, business, tourism, and fewer regulations also may have worrisome implications for the substance of "modernization."

Travel Alberta and the Ministry of Economic Development, Trade and Tourism recently announced their plan to grow provincial tourism revenues to \$20 billion by the year 2030, more than double the amount the tourism sector currently generates. This proposed growth likely has important implications for protected areas, given that Alberta's parks are existing focal points for tourism and highly sought-after destinations.

With proposed tourism nodes already written into Alberta's regional plans, we're expecting new developments to start cropping up in parts of Kananaskis, Crowsnest Pass, Bighorn, Lakeland, and even in the badlands. While tourism can bring economic diversification to rural communities, any proposed development within or adjacent to protected areas will need significant vetting to ensure we aren't treading where we shouldn't. Habitat, headwaters, and species at-risk need to remain as the core values of our protected areas. They must not be sacrificed when attempting to balance environmental protection with tourism and recreation opportunities.

Under the lens of recreation ecology, the impacts of outdoor recreation on landscapes, habitats, and species have been well-documented. From literature and observation, we know that recreation can lead to decreased water quality, introduction of invasive species, habitat fragmentation, changes to wildlife behavior, and wildlife displacement. Frontcountry sites feel the brunt of the im-



A herd of moulting bighorn sheep atop Plateau Mountain Ecological Reserve, a protected area designation that would have disappeared under the proposed 2010 revision of the Provincial Parks Act. PHOTO © G. WARK

pacts, from the intensification of commercial sites on roadsides, the introduction of surfaced trails and campsites, the increased likelihood of human-wildlife interactions, and growing demand for local resources. The backcountry isn't immune either. Luxury backcountry huts can lead to overcrowding within undermanaged areas, and with the increasing popularity of e-bikes, we're also seeing higher intensity disturbance travelling further into the backcountry.

Despite tourism's noticeable footprint on the landscape, it is important to facilitating a personal connection to the land and generating the political and economic will to support protection. However, tourism's net positive benefits can only be unlocked when new developments are ecologically sustainable, something that is easier said than done. Scale, timing and seasonality, recreation types, and amount of use permitted, among many other ecological factors influence the sustainability of an activity. Estimating sustainability often can't be determined without an in-depth environmental assessment. With so much diversity between parks and protected areas, there is no general consensus on what constitutes eco-tourism within them. Contrary to what marketers would have you believe, an activity does not qualify as eco-tourism simply by virtue of being in the mountains...

The Alberta government is focused on ways to cut spending, shift costs onto other governments or actors, and promote economic growth. Given this focus it's not hard to imagine a rewritten parks act that invites commercialization within protected areas. This could mean relaxing the rules over new developments and recreation types, or allowing greater extraction of resources in or adjacent to protected areas (see Shaun Fluker's article on the Fortress Mountain Resort water license for an example of what's already happening adjacent to two provincial parks).

Wait and see...

At the end of the day, there are a lot of unknowns in how this platform commitment to modernization will shape up. Provisions have already been made in the provincial budget for a parks legislative review, so we know that changes will be proposed soon enough. For now, take the time to consider the history of Alberta's parks legislation, what our parks system currently achieves, and what Alberta's protected areas mean to you. My hope is that whatever revision the government ultimately proposes does not dilute the protection that's already in place and that any proposed changes happen transparently and with opportunity for dialogue on the management of our favourite wilderness spaces. ▲

Ottawa Proposes a Sandhill Crane Hunt

By Ian Urquhart



In February the Canadian Wildlife Service (CWS) proposed to introduce a sandhill crane hunt to Alberta. Saskatchewan and Manitoba already have hunting seasons for these migratory birds, as do most of the U.S. states in the Central Flyway. According to the proposed amendments to the Canadian Migratory Birds Regulations, this new hunting opportunity was repeatedly requested by hunters. Some Alberta farmers also wanted the hunt as a way to address crop damage caused by the cranes.

Apart from responding to this political pressure, the CWS's Waterfowl Technical Committee cited the increasing trend in the mid-continent sandhill crane population over the last generation. The latest three-year average of this population is well-above management plan objectives. Based on harvest estimates, the Committee felt that an Alberta hunt only would increase Canada's harvest by less than five percent.

Regardless of this data, AWA urged the federal government not to establish this hunt. Here, the whooping crane, listed as endangered under the Species at Risk Act (SARA) was a very important consideration. The Alberta hunt is intended to take place in wildlife management units that "avoid known Whooping crane migratory routes." (my emphasis) The Committee also based its recommendation on information and hunter education. The proposed amendment with respect to Alberta states:

Whooping crane descriptions are currently published online and in Alberta's guide to hunting regulations. Educating hunters to differ-

ences between Whooping cranes and Snow geese has been done for several years and will be amended to include Sandhill cranes.

It also stated that, if the Aransas/Wood Buffalo migratory population appears in an area open for sandhill crane hunting, "risk will be assessed and measures taken to protect them by altering hunting areas in the future."

AWA believes the CWS should give more importance here to the precautionary principle. Jaydee Hanson invites us to think of the precautionary principle as a collective or societal expression of the Hippocratic principle "first, do no harm." Unlike Hippocrates' medical oath, the precautionary principle applies to more than just human health. It applies to environmental health as well.

With respect to the proposed sandhill crane hunt, AWA believes we need more research to establish, with a very high degree of certainty, that these wildlife management units are well outside of whooping crane migratory routes. While the recovery of the Aransas/Wood Buffalo migratory population is developing into a conservation success story, the whooper's recovery is fragile. If this population appears in an area open to sandhill crane hunting, it is certainly possible that years of recovery progress could end up in the game bags of bird hunters.

But, the CWS seems to believe that species information and hunter education will make it very unlikely that hunters targeting sandhill cranes would shoot a whooping crane by mistake. This assumption is base-



Sandhill cranes? Whooping cranes? With very similar in-flight silhouettes these two species will be difficult to distinguish in the light of early dawn or dusk. PHOTO: © C. OLSON



PHOTO: © C. OLSON

less. In the first place, contrary to the quote above, Alberta's 2019 guide to hunting regulations DOES NOT contain a description of whooping cranes. Whooping cranes are not mentioned at all in those regulations. Furthermore, if hunters are being educated about the differences between whooping cranes and snow geese, this education is not coming from Alberta's hunting regulations. Those regulations only provide hunters with a drawing showing the differences between snow geese and swans.

Hunting sandhill cranes should be seen as a recommendation posing an unnecessary and unwarranted risk to the recovery of the Aransas/Wood Buffalo whooping crane population. Precaution should guide government here. It's preferable to err on the side of caution. 🦢

Featured Artist Anne Beverly Brown

Up Past Chester Lake,
5" x 7" watercolour pens and ink,
PHOTO: © A. BROWN



Fireweed and Aspen,
5" x 7" watercolour pens with ink,
PHOTO: © A. BROWN



A Right to Roam

By Nissa Petterson, *AWA Conservation Specialist*



I was born and raised in Alberta and learned quickly that there is an irrefutable set of privileges that come with calling Alberta home. My family spent a lot of time outdoors and I consider myself pretty lucky because of it. Most of our summer weekends were spent camping and fishing in some pretty beautiful places throughout the foothills and Rockies. Today, this continues to be how I spend most of my spare time; nature is where I feel most comfortable and can re-centre from the craziness of life.

Alberta's wilderness has a richness and diversity that has helped establish a wide range of livelihoods, a high quality of life, and to some extent, social wellbeing. While all these elements are equally important in their own domain, the benefits that Alberta's wilderness enables for social wellness is often overlooked, but is arguably the most important.

Ample evidence clearly demonstrates that people need to connect with nature; experiencing wilderness areas has been proven to be an inherent need that increases our overall well-being. Specifically, as Brymer, Cuddihy, and Sharma-Brymer argued in a 2010 paper, exposure to the natural world reduces mental fatigue, fosters deep reflections, and rekindles sentiments of nurturing and connectedness.

Social wellness, however, does not just function on an individual level, it also influences communities as a whole. Under the right circumstances, people can find a personal balance physically, mentally, and spiritually, but in caring for themselves, people foster more positive connections with others, allowing for communities to find greater equity and connectedness.

In my personal opinion, one possible avenue to increasing social wellness within our communities is establishing a "right to roam." Recognizing the importance of Alberta's wilderness and prioritizing it as a vehicle to social wellness is vitally important to a healthy future for current and subsequent generations of Albertans. Unfortunately, to date successive governments have been blind to this opportunity.

Alberta needs to follow the path of a country like Finland. There, the general public - citizens and visitors alike - have the extraordinary freedom to access public lands throughout the country. Called "The Everyman's Rights," this right to roam through landscapes responsibly is central to the Finnish understanding of what the human/nature relationship should look like.

Alberta's blindness is reflected in government's perennial favouritism of economic gain in its management of public lands. Conservation and/or public use of these lands generally have taken a back seat to resource exploitation. By now, this favouritism is well-entrenched in government policy, in addition to being successfully sewn into the cloth of heritage or legacy for many Albertans.

So how do we make a more general understanding of social wellness more of a priority? How do we manage our public lands in a fashion that enhances human health and wellness? To start, I think the legislation for Alberta's public lands needs to be changed to equally weigh all values of public lands, rather than propagating the single narrative of exploiting the land for economic gain. To this end, the law strains towards making public lands private preserves for leaseholders by

restricting severely public access. Legislative barriers to public access need to be removed in order to fully explore the opportunities Alberta's wilderness provides to increasing social wellness.

I once thought accessing public lands for low-impact recreational purposes was pretty straightforward and nearly always allowed. But, in reality, that's not the case. In fact, any number of regulations prioritize the right of industry to explore and develop public lands over public use.

Under the *Public Lands Act (PLA)*, the *Public Lands Act Administration Regulation (PLAR)*, the *Recreational Access Regulation (RAR)*, and other statutory instruments, the public may be granted recreational access, but only under certain conditions. Discovering what those conditions are takes time and research. The onus is on you to be the sleuth and discover of the circumstances under which you can access any particular parcel of public land.

"The PLAR authorizes any person to enter for recreational purposes," Arlene Kwasniak wrote, "vacant public land, where vacant public land is a vacant disposition area, or if the land is Environment and Sustainable Resource Development (ESRD) administered land that is not under a formal disposition..." (ESRD is now Alberta Environment and Parks)

Now, despite the seemingly straightforward language here, there is still a tremendous amount of information to unpack. Prior to accessing public lands, citizens are expected to understand what constitutes a "formal disposition" or what is considered to be a "vacant disposition area."

According to PLAR (section 1 (ff)), for vacant public land to be considered as a vacant disposition area, a suite of conditions must all be met:

- (i) Public land on which no development is occurring or is likely to occur for 90 days;
- (ii) Public land under the administration of the Minister; and
- (iii) Public land that is subject of
 - (A) an authorization, easement, miscellaneous permit, commercial trail riding permit, pipeline agreement or provincial grazing reserve
 - (B) or a licence of occupation, unless the public land is a closed road within the meaning section 54.01 of the Act,
 - (C) a timber disposition,
 - (D) grazing allotment under the Forest Reserves Act, or
 - (E) a registered fur management licence.

Additionally, the term “vacant public land” is in itself inherently misleading; the use of the word “vacant” in the term does not necessarily imply that there is no activity or development associated with the parcel of land, and that the public is permitted to access it. All of the elements within public lands legislation makes decisions about where and how the public can access public lands for recreational purposes overly difficult.

While public access to public land under a formal disposition or authorization/permit may create safety concerns for operators and the public, the regulations for managing public lands clearly do more to accommodate industrial endeavors and dissuade public access to what is defined as a public resource.

In southern Alberta, public lands often are managed as if they were private properties. If you plan to hike or to hunt on public lands in the prairies or the foothills, you better reference the Recreational Access Regulation (RAR) to ensure you aren't trespassing. There are many agricultural dispositions such as farm developments and grazing leases associated with parcels of public lands in the southern part of our province where their activities often supersede your right to access. On leased public lands, the RAR requires you to obtain permission to access the area from the leasee. That means recreationists need to determine who holds the lease, contact them, and give them specifics on how you wish to access the area, (i.e. date, approximate duration of your activity, number of people accessing the area etc). Ultimately, the RAR appoints the lease holder as gatekeeper of public lands, allowing them to choose whether the public can access the land.

Being denied access to public land is something AWA became all too familiar with last

year. As the coordinator of AWA's hikes season, I have had my fair share of awkward conversations (bordering on interrogations) when asking lessees for permission to hike across a quarter of their grazing lease. I understand there are certain times, like during crop harvesting or calving season, when the public's right to roam should be more limited. But, in my opinion, the RAR is far too general; it may be used unnecessarily and unfairly to discourage and exclude Albertans from accessing public lands. It seems to be all too common for some leaseholders to construe the regulation as giving them land tenancy authority and to prevent continuously public access. Governments seem content with this situation. In 2017, the provincial government renewed the RAR without any public consultation; that didn't bode well for seeing access to public lands as a means to increase social wellness.

Last summer, red tape frustrated AWA's efforts to organize two group hikes. In one case, Alberta Environment and Parks told us we required a Temporary Field Authorization (TFA) to visit the Antelope Creek Ranch. Located west of Brooks, Antelope Creek Ranch is a working ranch managed by Alberta Fish and Game, Ducks Unlimited Canada, Wildlife Habitat Canada, and the Government of Alberta to demonstrate how multiple uses



The Whaleback hike that almost didn't happen.
PHOTO: © N. PETTERSON

on a landscape can occur without compromising the landscape's natural integrity. The ranch managers encourage public access. In the second case, AWA was told it needed to purchase a permit to conduct our perennial Whaleback hike. Thankfully, correspondence and phone calls evaporated the red tape. We have since had productive meetings with AEP and believe last year's frustrations won't happen again.

To return to a point made near the outset of this article: there is potential to grow social wellness by increasing access to wildspaces using the right to roam. Multiple jurisdictions across the world have successfully invoked elements of the "right to roam" to facilitate better public access to wild spaces, and this even includes accessing private lands.

When exploring this access issue, I came across an article about a dispute between recreationists and the Douglas Lake Cattle Company (owned by Stan Kroenke) located in the Cariboo-Chilcotin area of British Columbia. In short, the members of the public were in a long drawn out battle to access Stoney Lake and dozens of other waterbodies (which are considered Crown property) surrounded by the private property of the Douglas Lake Cattle ranch. Members of the public encountered blocked right-of-ways, or gates installed

by the ranch. A B.C. Supreme Court judge eventually ruled that Kroenke could no longer unlawfully prevent public access to the lakes; this was just one encouraging example of where a right to roam was affirmed.

The "freedom to roam" or "the right of public access to the wilderness" is a centuries old movement. Started by recreationists of all varieties, its goal is to marry justified access to wilderness while respecting private property. Under this campaign, recreationists don't seek unfettered access to all areas, but rather an acknowledgement and support by governments in having the basic right to access wilderness for social wellness.

In 2000, England enacted the "right to roam" by means of the Countryside and Right of Way Act (CRoW). Under this legislation, all private land classified as "mountain, moor, heath or down" is open to the public for hiking and pic nicking. Restricted activities under CRoW include driving, lighting fires, bathing, commercial endeavors or any activity that may cause damage to the property. CRoW also sanctions local authorities to issue a code of conduct for recreationists exercising their access rights, and includes a provision and fines for any person who stations a notice containing "false information likely to deter the public."

Scotland, Sweden, Norway, New Zealand, Maine, and Nova Scotia are all examples of different jurisdictions that have taken the issue of public access to wild spaces, and found creative solutions that prioritize social wellness, eliminate liability concerns, protect environmentally sensitive areas, and even incentivize private land owners to encourage public access.

When comparing the dilemma we face here in Alberta with accessing public land and the fact that some jurisdictions have found solutions that practically enable unrestricted access throughout their boundaries (both on private and public land), it's difficult to understand why Alberta cannot find an approach to public land access that respects a range of values.

When assessing the current level of access Albertans have to public lands, journalist Bob Scammell once wrote that the provincial government has a duty to ensure that, "... public access to our public lands for lawful purposes should be improved and guaranteed to the owners, the people of Alberta". AWA believes that the public has a fundamental right to access public lands, and will continue to defend that principle for the overall social wellbeing of all Albertans. ▲

Featured Artist Anne Beverly Brown

Wetlands in the Valley,
5" x 7" watercolour pens with ink,
PHOTO: © A. BROWN



Louise and Richard Guy Poetry Corner



THE BALLAD OF TAMARACK GLEN

By Richard Guy, 2008.

Do you think we could hike up to Tamarack Glen?
Louise says, not "if:" it's a question of "when?"

We decide to set out, ere we get any older
And find ourselves hopping from boulder to boulder.

Now Wilma had shown us the start of the route
And we often could follow the marks of a boot.

But, as time passes by, how one's memory fades!
We remember our walking through gorgeous green glades.

Now we're walking a tight-rope of thin sand ridges;
Being bitten by nasty mosquitos and midges.

And if I ventured to step on this slippery sand
'Twould be hard to predict just where I might land!

But I have an idea! If I take off my pack
I can manage to squeeze through this eighteen-inch crack.

And then we are wondering which way to go.
Perhaps we should aim for those steps in the snow?

But how do we thread through this vast rocky maze?
We mustn't despair of our finding our ways.

At last it is looking a little more lush:
It's good that we feel the adrenaline rush.

Matt had radio'd Rob to make sure we're still whole,
And he meets us, and guides us both, safe to our goal.

The plateau where CMH patrons are able
To have barbecued lunch while seated at table.

Cassandra and Norman and Sandra and Dan
Were climbing the rocks wherever they can.

And Steve, Jean and Leny (seventy-one year beginner),
And Kim, till she had to rush off to cook dinner.

And we couldn't stay long, 'cos we knew our down climb
Would be like our ascent, and take just as much time.

But Rob's there again, to smooth our descent,
And after only eight hours we are back at our tent.

ABOVE SNOWY PASS

By Richard Guy, 2003

I'll tell you a tale of a couple of guys
Who scaled a mountain twice their size
Louise it was, who had the hunch,
So they bottled some booze and packed some lunch,
They seized their poles and donned their packs
And set off through the snow on westward tracks.
Traversing the slopes above the lake
With never a care that their backs did ache
Leaving the tracks, they blazed a new trail
Where nary a white man had ere set sail.
To find a new route was their wildest dream,
So with fearless leaps they crossed the stream.
Then came the question – which way to go?
Should they take the rock? Should they take the snow?
Louise kicked steps, having taken the lead,
Higher and higher, till they at last succeed.
They ate and drank and admired the views
Built cairns to later folks confuse.
From by the boulder they gave a hail
And an answer echoed across the vale.
Steadily down the way back they came:
It's funny how routes never look the same.
Plowing their way through a sorry morass
From time to time they were up to their knees.
Eventually they regained the trail
And lived to return and tell this tale.

THE CALL OF THE WILD

By Robert William Service

(AWA thought this poem was especially fitting to mark Richard Guy's passing)

Have you gazed on naked grandeur where there's nothing else to gaze on,
Set pieces and drop-curtain scenes galore,
Big mountains heaved to heaven, which the blinding sunsets blazon,
Black canyons where the rapids rip and roar?
Have you swept the visioned valley with the green stream streaking through it,
Searched the Vastness for a something you have lost?
Have you strung your soul to silence? Then for God's sake go and do it;
Hear the challenge, learn the lesson, pay the cost.

Have you wandered in the wilderness, the sage-brush desolation,
The bunch-grass levels where the cattle graze?
Have you whistled bits of rag-time at the end of all creation,
And learned to know the desert's little ways?
Have you camped upon the foothills, have you galloped o'er the ranges,
Have you roamed the arid sun-lands through and through?
Have you chummed up with the mesa? Do you know its moods and changes?
Then listen to the wild - it's calling you.

Have you known the Great White Silence, not a snow-gemmed twig a-quiver?
(Eternal truths that shame our soothing lies.)
Have you broken trail on snowshoes? mushed your huskies up the river,
Dared the unknown, led the way, and clutched the prize?
Have you marked the map's void spaces, mingled with the mongrel races,
Felt the savage strength of brute in every thew?
And though grim as hell the worst is, can you round it off with curses?
Then hearken to the wild - it's wanting you.

Have you suffered, starved, and triumphed grovelled, down, yet grasped at glory,
Grown bigger in the bigness of the whole?
"Done things" just for the doing, letting babblers tell the story,
Seeing through the nice veneer the naked soul?
Have you seen God in His splendours, heard the text that nature renders?
(You'll never hear it in the family pew.)
The simple things, the true things, the silent men who do things -
Then listen to the wild - it's calling you.

They have cradled you in custom, they have primed you with their preaching,
They have soaked you in convention through and through;
They have put you in a showcase; you're a credit to their teaching -
But can't you hear the wild? - it's calling you.
Let us probe the silent places, let us seek what luck betide us;
Let us journey to a lonely land I know.
There's a whisper on the night-wind, there's a star agleam to guide us,
And the wild is calling, calling ... let us go.

Mark Boyce's 2019 Martha Kostuch Annual Lecture

By Ian Urquhart



Some of the overflow audience for the Annual Lecture admiring previous recipients of AWA's Wilderness Defenders Award. Martha Kostuch is in the middle photo of the top row. PHOTO: © K. MIHALCHEON

When I think of trade between Canada and the United States, commodities or goods and their import and export come first to mind. Oil, automobiles, cattle... those are the sorts of goods that I first imagine. Dr. Mark Boyce, 2019 AWA Wilderness Defender and the deliverer of the annual Martha Kostuch Annual Lecture, exemplifies the value Canadians receive through a different kind of import – intellectuals and their ideas. The University of Alberta recruited Mark from the University of Wisconsin system in 1999. Since then he has been a Professor of Ecology in the Department of Biological Sciences and he has built a reputation as a world-renowned population ecologist.

Mark grew up in Iowa, in the U.S. Midwest. The Hawkeye State's landscape is dominated

by rolling hills and, in modern times, cornfields. A self-described "farm boy," Mark pitched a lot of manure, ploughed a lot of fields, and planted many bushels of corn growing up. When he wasn't doing chores, he was hunting, fishing, and trapping and those were the activities that changed his life and led him to pursue a career in ecology.

Through his education, and reading therein works such as John McPhee's *Encounters with the Archdruid* – a profile of David Brower, one of America's leading 20th Century environmentalists, Mark developed a broader, more nuanced understanding of "wilderness." Chasing waterfowl in the marshes of Iowa, Mark had never experienced what the U.S. *Wilderness Act* defined as wilderness.

In part, that definition reads: "A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." (I believe it's incredible that The Wilderness Society's Howard Zahniser was the primary author of this legislation. Conservationists writing conservation legislation... wouldn't that be a change from what we're used to?)

Mark came to see the existence of wilderness and healthy wildlife populations as a quality of life issue. That understanding, while motivating Mark in his early years of teaching, was the exception. In 1981 he taught one of the first conservation biology courses and realized that "usually the dollar rules and, if something is worth a lot economically, conservation takes second fiddle, wilderness loses ground." Optimistically, Mark sees signs in the last few years that that imbalance is changing. Climate change's global importance has elbowed its way into the public mindset and positively affected how the general public views wilderness.

After delivering a few barbs to what he called Alberta's "petro-state" and government petroleum policy, Mark shifted to talk about his research. Much of his wildlife research in Alberta though is connected intimately to the activities of the oil and gas industry. Some of our audience may not have appreciated the important role that Mark and his research played in pushing the federal government to issue an emergency protection order for the greater sage-grouse. When the federal government prepared its first version of its re-



Dr. Mark Boyce, delivering the 2019 Martha Kostuch Annual Lecture

PHOTO: © K. MIHALCHEON

covery plan for greater sage-grouse it refused to identify critical habitat for sage-grouse. Ecojustice called Mark and asked if he would participate in the lawsuit that AWA and four other environmental groups had launched. The position Ecojustice argued was that the federal government, in refusing to identify critical habitat, was ignoring scientific information about the existence and location of that habitat. Sensitive to the possibility the University of Alberta might not like his participation in the lawsuit, he sought the counsel of his department chair. To her credit, his Chair told him that this type of work was an important reason they had brought him to Alberta. “Get after it” was her advice and he did. His research, as well as that of Jennifer Carpenter and Cameron Aldridge, made an important contribution to the Federal Court’s decision that Environment Canada had broken the law; Ottawa had to identify critical habitat. The research subsequently helped push the federal government to issue an emergency protection order for greater sage-grouse under the *Species at Risk Act*.

While the emergency protection order has helped with respect to new oil and gas development, the future of sage-grouse remains extremely tenuous. It remains “probably the most endangered species of bird in Cana-

da.” Given the statistical trend of the greater sage-grouse population, Mark wouldn’t be surprised if this iconic bird disappears from Alberta by as early as 2021... next year.

Mark told a more positive story based on the research he did with his doctoral student (now Dr.) Matthew Scraftford. Their subject was wolverines in northwestern Alberta. Mark, despite the awe he feels towards wolverines, initially wondered if they would capture enough of these forest ghosts to form solid conclusions about their population and behaviour. Whatever reluctance he had was laid to rest by the end of the first week when they had already captured and released three wolverines. Over four years, they put collars on 46 wolverines and logged over 50,000 relocations as their radio-collared subjects roamed through two general areas – Rainbow Lake and the Birch Mountains. The wolverine population in the Rainbow Lake area is at a high density due to the very healthy population of beavers in the region. There they discovered not only that beavers are one of the wolverine’s favourite prey species but also that wolverines would take up residence in beaver lodges. “On more than one occasion,” Matthew Scraftford wrote, “a wolverine was living in a beaver lodge after he killed the beavers and growled up at us from within the lodge.”

One especially rewarding part of the wolverine research was the interest the Dene Tha showed in the project. So enthusiastic were

the Dene Tha that they offered a two-year stipend for a graduate student to engage in this research.

Towards the end of his remarks Mark took us back to an issue he mentioned at the outset: climate change. Everyone, Mark suggested, is talking about planting trees as a means to sequester carbon. Prime Minister Trudeau certainly talked about this approach during last fall’s federal election. Then he promised a Liberal government would plant two billion trees as part of the effort to transform Canada into a net-zero emissions country by 2050.

Due to the fire cycles in both the boreal and Rocky Mountain forests, the soil in our grasslands and parklands is likely a better candidate for an enduring carbon sink. That conclusion is suggested by the historic depth of the black soil horizon in grasslands and parklands alike. So carbon sequestration and conservation in the grasslands is one of the research themes Mark’s lab at the University of Alberta is currently working on. The goal of their work is ambitious and praiseworthy – to try to develop grazing practices that will be positive for grassland productivity, carbon storage, and cattle production.

Mark’s lecture underlined the very significant conservation challenges that we face today. But, it also emphasized the very promising research work that, if embraced by governments and powerful economic interests, will increase the probability of realizing a sustainable future. ▲



It was the WLA editor’s pleasure to present Mark Boyce with a 2019 Wilderness Defenders Award. PHOTO: © K. MIHALCHEON

Updates

Teck Frontier Oil Sands Mine and Wildlife

As the 'end of February' deadline approached for a federal decision, AWA urged the Canadian government to reject Teck Resources' proposed 'Frontier' oilsands mine. On February 23, Teck announced it was withdrawing the Frontier proposal from the regulatory process. We thought it was important to publish our key wildlife concerns with this project 'for the record.'

Teck's Frontier mine would have had lasting harmful impacts to wildlife habitat. The large open pit bitumen mine would have caused further loss of northeast Alberta's 'biodiversity,' the diverse wealth of native species and ecosystems that both Alberta and Canada have committed to maintain for future generations.

The federal-provincial regulatory panel that reviewed Teck Frontier concluded that the mine would have 'significant adverse effects' on biodiversity, locally and also regionally, considering the combined impacts of this mine and other industrial projects. The regulatory panel added "the proposed mitigation measures have not been proven to be effective or to fully mitigate project effects on the environment or on indigenous rights, use of lands and resources, and culture."

What was at risk? For a start, a herd of wood bison called the Ronald Lake bison. They are special because they are free from the diseases of bovine tuberculosis and brucellosis that were introduced in the 20th century to the wood bison herds further north inside Wood Buffalo National Park. Local First Nations rely upon these disease-free bison for part of their food security. The mine would have destroyed or blocked the south part of the Ronald Lake bison range. They could have been pushed into poorer habitat and into contact with the diseased herds, which would jeopardize their health, numbers, and value to indigenous communities.

Teck Frontier's lease sits beside the Athabasca River just south of the Peace-Athabasca



Part of Teck's proposed Frontier mine site, October 2019, illustrating the complex, ecologically valuable mosaic of natural wetlands that would be destroyed by an open pit tar sands mine. PHOTO: © GARTH LENZ

Delta, along a major North American migratory flyway. The Delta is one of the world's largest freshwater deltas and supports globally significant waterfowl populations. AWA was concerned that migratory birds, including endangered whooping cranes, would be harmed by the increased toxicity of industrial lands and waters on the nearby mine site.

Wetlands are a key part of Alberta boreal ecosystems, storing carbon and water, and providing valuable wildlife habitat. They make up just under half the landscape on the Teck Frontier site. Alberta has exempted oil sands industry applications, up to and including the Frontier mine, from the provincial wetland policy. The site's peat wetlands, such as bogs and fens, would have been removed forever, as they cannot be reclaimed once they're destroyed by a mine. Some swamps and marshes were planned to be re-built eventually, but at lower density than today. Re-creating water flows that support wetlands on mine sites is difficult. Furthermore, toxic soils from salts and hydrocarbons add to the risk that reclaimed wetlands in the mineable oilsands region will be significantly impaired. This is bad news, not just for sensitive wetland birds like the yellow rail and rusty blackbird, but for the

whole regional ecosystem's diversity and ability to retain water.

Forests are removed on oilsands mine sites for many decades. For the forest dwelling Canada lynx, industrial disturbance in the wider region is already having a significantly adverse impact on their habitat. The Teck mine would have added to that. Old forests would be gone on-site for more than a century; whether they would have returned to their former diversity and complexity is uncertain. This is harmful to valued fur-bearers such as marten and fisher and to sensitive older forest bird specialists like the mighty northern goshawk or the beautiful Canada warbler.

With or without the Frontier mine, another serious problem for regional wildlife is the likelihood that oilsands mines will default on their reclamation obligations. Alberta's regulations only require these mines to post a small financial security deposit now against their current reclamation obligations, and to ramp up payments 15 years before the end-of-mine life. The theory is, big companies with high assets now will pay up in future decades. But why would investors in this sunset industry pay billions to reclaim a site long after its main

revenue-earning years are over?

Alberta now holds only about \$1 billion in oil sands mine clean-up funds. That's three percent of operators' self-calculated clean-up costs of \$31 billion, and less than 1 percent of the Alberta Energy Regulator's 2018 internal clean-up cost estimate of \$130 billion. Quebec and Yukon each have stronger up-front financial security requirements to motivate timely, progressive mine reclamation. Alberta's unfunded mine reclamation liabilities mean un-reclaimed landscapes may well become a long-term ecological hazard and public burden.

The Teck Frontier mine proposal, nested within Alberta's deficient regulatory system, fell far short of responsible resource development. As well as addressing their significant greenhouse gas emissions, the regional land and water impacts of oil sands development must be reduced to uphold Alberta's and Canada's international obligations to maintain and restore biodiversity.

- Carolyn Campbell

Another Punch to Parks

In the December 2019 issue of the *Advocate* we detailed the provincial government's plans for fulfilling its environmental stewardship responsibilities. Those plans were outlined in the UCP government's first budget, "A Plan for Jobs and the Economy." The picture wasn't pretty; it was a punch in the gut. The October 2019 budget promised to reduce full-time staff in Alberta Environment and Parks significantly; it promised to cut spending on core ministry responsibilities.

The February 2020 budget does not pause those measures. In fact, this downsizing is accelerating. A further 49 full-time positions are estimated to evaporate in the 2020-21 fiscal year. The Ministry's operating expenses for 2020-21, targeted to be \$575 million last October, are now estimated to be no more than \$532 million – a further \$43 million cut. The Minister's 2022-23 target is now \$537 million, \$13 million less than the target of just five months ago.

In a related vein, the government used its latest budget to deliver another punch to your network of provincial parks and recreation areas.

The government decided it's not worth using your tax dollars to continue funding many of the provincial parks, natural areas, comfort camping areas, and recreation areas dotted across Alberta – most of which were established by Progressive Conservative governments. The government has decided it's time to either close them or privatize them. The latter is what the government really means when it describes its plans to make these areas "available for partnership opportunities or alternative management approaches."

As Grace Wark noted in AWA's March 3rd news release (<https://albertawilderness.ca/news-release-government-plans-to-remove-164-sites-from-parks-system/>), the Ministry of Environment and Parks justifies this action in part because the 164 locations targeted are "mainly small and underutilized." It didn't consult the public at all before taking the axe to these sites. It also calls into question the sincerity of the government's commitment to ensure that 17 percent of Alberta lands are protected and conserved by the end of **this year** (in 2018-19 Alberta's actual protected areas percentage was 14.7 percent). This target, set in order to achieve globally-agreed to biodiversity conservation objectives, was established by the Harper Conservative government.

In the longer term the apparent logic behind these actions is distressing for what it says about the societal values governments should privilege. First, the Minister's spokeswoman asserts this is about a long overdue modernization of Alberta's parks system. Since modernization has positive connotations to many, this decision therefore must be a positive one. To this point, Bob Weber of the Canadian Press quotes her as saying: "Government is subsidizing a financially struggling system year after year, while attempting to ensure maintenance, programs and services remain at a high level."

J.B. Harkin, the first Commissioner of Canada's National Parks system, said the following more than a century ago: "National Parks exist for the people. They are the people's share of the natural beauty of the mountain, lake, and stream." He didn't say they should only exist for the people if the people paid

enough in user fees so that the government could break even. In the user-pay world Minister Nixon advocates, this outlook on parks is in danger. If a provincial park or recreation area doesn't make enough money, it doesn't merit inclusion in the province's stable of protected and recreation areas – despite the taxes most of us pay to fund these and other services. The dollar and cost-recovery through user fees, not a place's natural beauty, are the trump cards in this world.

If these parks, natural areas, and recreation areas are being underutilized, there are other ways of addressing that issue. The tolerance of random camping, especially in the vicinity of established parks and recreation areas, robs these sites of clientele. As long as government accepts the belief of some Albertans that it's their right to set up camp anywhere they want, it's unlikely the use of designated campgrounds will increase.

As Grace pointed out, there wasn't any consultation about this major decision. Unfortunately, this may be a norm the government aspires to establish and follow. And, if consultation does take place, will it be widespread? When the government changed grazing fees, it only consulted the groups most likely to agree with their changes. Likely supporters got invitations. Those who might have suggested other options were left outside the door.

This is symptomatic of an unhealthy stealth and secrecy animating much of what we've seen so far from the UCP government. Looking ahead, is it the case that Minister Nixon plans to introduce a permit fee that would be used to finance the construction and upkeep of recreational trails on public lands? And what kind of trails – motorized, equestrian, or hiking trails – would be financed by this fee? Does the Minister plan to consult with Albertans about this idea? When will those consultations begin and who will be invited to those consultations?

The concern about stealth and the questions above don't arise from any news release from the Minister of Environment and Parks. They arise instead from a close reading of the February 2020 budget. There, Schedule 22 (page 219 of the 2020-23 fiscal plan) states that

Environment and Parks plans to introduce a new trail permit, not in this budget year, but in the 2021-22 fiscal year. This \$30 fee would be designated for “supporting development, maintenance and longevity of recreation trails on Crown land.” So Minister Nixon, what’s up? When will you be announcing your consultation with Albertans about the trail permit system you’ve committed to in the 2021-22 and 2022-23 fiscal years?

- Ian Urquhart

Norquay Gondola: A “No-Go” for Banff

At the end of January, Parks Canada announced they would be rejecting Liricon Capital’s (aka Norquay Ski Resort) proposal to build a gondola from the town of Banff to the top of Mount Norquay. The gondola, as proposed by Liricon, was advertised as reducing traffic up the Norquay Access Road. It would have been paired with boardwalks and a new pavilion.

Parks Canada rejected the gondola proposal because it did not adhere to the site guidelines for development and growth. Those guidelines stipulate that, in order to approve a gondola, the project would need to deliver “substantial environmental gain.” This decision didn’t see sufficient merit in the feasibility study the Miistakis Institute produced for Liricon. Miistakis concluded there that closing the access road would deliver a potential environmental gain for grizzly bears and cougars, but ambiguous results for bighorn sheep.

A variety of potential issues were not addressed by the feasibility study. They included: the disturbance that expanded summer use at the resort would create for wildlife during their more active summer season, the impacts on other species and critical habitat within the area, and the fact that Liricon’s proposal called for development outside of their lease lands.

The gondola proposal is part of Liricon’s overarching vision to create an “Eco Transit Hub” based out of the Banff CP rail station, which they currently hold on a long-term lease. That larger vision imagines twinning the CP Rail line from Calgary to Banff for passenger service, building an intercept parking lot at the train station, and providing shuttles and walkable routes to various locations in the Banff townsite. Some have objected to the proposed transit hub as further commercializing the National Park. Liricon also envisions the development of “Banff’s Historic Rail Lands” into a tourism destination which would further increase the development footprint within the protected area.

AWA supports Parks Canada’s decision to reject this proposal. It recognizes the vital point that there must be limits to development and growth in the National Park. Statistics Canada’s 2016 census put the Town of Banff’s population at 7,851, less than 200 people short of the policy objective of keeping the town’s population below 8,000. Some feel very strongly that the town and the park more generally have reached, if not exceeded, their social carrying capacity. While the “Eco

Transit Hub” is a separate proposal, AWA hopes Parks Canada will hold to their limits and prioritize the ecological integrity of Banff National Park.

- Grace Wark

Federal Government Bans the Use of Strychnine to Control Prairie Gophers

On March 4th, the Pest Management Regulatory Agency of Health Canada announced its final decision on the re-evaluation of strychnine and its associated end-use products for controlling populations of Richardson’s ground squirrels.

The agency has officially banned the designated use of strychnine citing concerns with environmental risks with regards to poisoning of non-target species and potential impacts to species at risk.

People opposed to the ban have 60 days to file a scientifically-based objection to Ottawa’s decision.

The phase out of cancelled products will take place over three years:

- Registrants of products containing strychnine (such as Maxim Chemical International Ltd.) may sell the product for one year from the date of the Health Canada decision;
- Retailers may sell the product for one year from the last date of a registrant’s sale;
- Users are permitted to use and apply the product for one year from the last date of sale by a retailer.

AWA has long opposed the use of strychnine to control Richardson’s ground squirrel populations. This poison poses significant threats to species at risk such as burrowing owls, ferruginous hawks, and swift foxes. All of these prairie-dependent species rely on ground squirrels as a critical food source. AWA has also cited human health concerns, with strychnine baits potentially contaminating water and/or soil.

While AWA is pleased with this re-evaluation decision, concerns still remain with regards to the humaneness of using this substance, and its application to larger mammal species such as wolves or coyotes.

- Nissa Petterson



Banff as seen from the road leading to the Norquay ski resort. CREDIT: THIS IMAGE WAS ORIGINALLY POSTED TO FLICKR BY DAVEBLOGGS007. THE FILE IS LICENSED UNDER THE CREATIVE COMMONS ATTRIBUTION 2.0 GENERIC LICENSE [HTTPS://CREATIVECOMMONS.ORG/LICENSES/BY/2.0/DEED.EN](https://creativecommons.org/licenses/by/2.0/deed.en).

Another Episode of Potatoes and Politics?: Native Grasslands Sold for \$460,000

On March 31, 2020, the provincial government sold a quarter-section of native prairie in southern Alberta for \$460,000. The parcel is located about 29 kilometres due east of Taber and 6 kilometres southwest of the hamlet of Grassy Lake. An Alberta company, 1709054 Alberta Ltd. owned by Louis Ypma, had a grazing lease on this land. The sale happened less than one month after Environment and Parks Minister Jason Nixon told a Postmedia columnist: “We are not selling any Crown or public land – period.”

AWA objected to the government’s decision to auction off these lands for various reasons. As AWA Director Cliff Wallis explained to Bob Weber of the Canadian Press: “Every piece of native prairie that we have left is precious. Temperate grasslands are one of the most rapidly disappearing habitats on the planet.” This point was underlined in a March 17, 2020 letter from AWA’s Nissa Petterson to Premier Kenney and his Minister of Environment and Parks. With less than two percent of Alberta’s native prairie grasslands protected, no further conversions of prairie to agricultural use should be entertained.

Wishful thinking describes well the public consultation about this sale, like that for the government’s agenda for parks and for the grazing fee changes announced last fall. In the case of this auction, the absence of any consultation underlines the absence of any certainty in the public record and mind about what public lands the province may sell and for what reasons.

Currently, the Minister of Environment and Parks has virtually unlimited discretion when it comes to the sale of public lands. Section 6 (2) of the Public Lands Administration Regulation states: “The Minister may, subject to the Act and regulations, sell public land by public auction, private sale or tender, **on the terms and conditions the Minister considers appropriate** and at a price not less than the fair value of the land.” (my emphasis)

AWA will be asking the government to de-



The privatized provincial grazing lease sits one mile north of the Sherburne Lake Reservoir. This image shows the extensive conversion of native prairie already characterizing this area. All of the circles in the Google Earth image are native grasslands converted to irrigated, agricultural properties.

velop a policy, preferably enshrined in legislation, outlining the criteria governing any future privatization of public land. We also will ask the government to prohibit any further privatization of native prairie grasslands – unless the proceeds of such privatization will be used to purchase more ecologically-valuable lands.

Currently, there are approximately 12 sections of public land (7,680 acres) in the immediate vicinity of the Sherburne Lake Reservoir. We know sensitive and threatened species would like to call these lands home and therefore want the government’s assurance that these grazing lease lands will not be privatized.

In the accompanying Google Earth image, two of those 12 sections have been labelled “Future Public Land Sale?” The history of 1709054 Alberta Ltd., the company with grazing leases on those two sections, justifies the question of whether these grazing lease lands will be put up for sale in the future. It also justifies the recommendation that criteria more substantive than “terms and conditions the Minister considers appropriate”

must be incorporated into the Alberta’s Public Lands Administration Regulation.

Louis Ypma, the company’s owner, has had a longstanding interest in purchasing and/or trying to purchase public lands from the provincial government. In the December 2007 issue of *WildLands Advocate*, Joyce Hildebrand thoroughly and superbly detailed Ypma’s efforts to acquire public lands to convert to agricultural production. In 2004, Ypma negotiated a land exchange successfully with the Ministry of Sustainable Resource Development. His success came over the objections of Fish and Wildlife biologists. They objected to the land exchange because they didn’t believe Ypma’s lands offered sufficient wildlife resources.

In 2010, AWA’s Nigel Douglas discovered that through a private, secretive process Alberta was about to sell 25 sections of land (16,000 acres) near Bow Island to SLM Spud Farms Ltd. The Ypma family owned SLM Spud Farms. Legally, the proposed sale likely was untouchable since the Minister had almost unfettered discretion to decide what was “appropriate.”

Nigel's discovery of "Potatogate" sparked a wide-ranging public outcry against this proposal. That outcry helped secure a promise from Alison Redford, a candidate to replace Ed Stelmach as leader of the Progressive Conservative party, to suspend the land sale if she was elected party leader. Soon after her victory, she canceled the land sale.

One foundation of a healthy democracy is the public's belief that a government's decisions are based on principles and clear criteria – not on whim or favouritism. We need stronger, clearer criteria for public lands sales in Alberta to reassure us that those sales are guided by more than whimsy or favouritism.

The Ypma family has developed important connections with Alberta's governing conservative parties since 2011, the year of "Potatogate." After donating \$700 to the Progressive Conservatives in 2011, Louis Ypma didn't give Premier Redford's party a penny in 2012 (according to the Elections Alberta database, 2011 was the first year Louis Ypma made a donation to a provincial political party). This shouldn't surprise in the aftermath of "Pota-

togate." But, since 2013 Ypma has offered financial support to first, the Progressive Conservatives (2013 and in the 2015 provincial election), then the Wildrose Alliance (2016), and finally for Jason Kenney in the 2017 UCP leadership contest.

His political contributions (totaling \$5,125 in those contests) have been equaled or exceeded by other members of the Ypma family starting with the 2017 UCP leadership election. Two other family members financially supported Jason Kenney in the UCP leadership race.

Most notably, five members of the family each donated \$3,000 to help nominate Grant Hunter as the UCP candidate in Taber-Warner. The \$15,000 the Ypma family donated to Hunter constituted 91 percent of his total nomination contributions. If you subtract the \$1,000 Hunter contributed to his own nomination that percentage rises to 97 percent. In addition to the Ypmas and Hunter, only one other person contributed to Hunter's nomination.

Since the Hunter campaign transferred the

lion's share of the nomination contest proceeds to the Taber-Warner UCP constituency association, the Ypma family effectively contributed nearly 42 percent of the constituency association's total annual revenue in 2018. Grant Hunter currently serves as the Associate Minister of Red Tape Reduction.

Am I mad to think the financial support the Ypma family gave to the UCP may have influenced the decision to auction this quarter-section? Maybe. But, that's where I'm left when the Minister won't explain to AWA why scarce, native grasslands were privatized. Here, AWA is not alone. When *The Western Producer* reported on the land sale Barb Glen wrote: "The Western Producer did not receive a reply to queries made to Nixon's office." Nor did she get any comment about the sale from Lyle Ypma, one of Louis's sons. Such silences only strengthen my suspicion that political favouritism is part of this story. The silences also strengthen the need for regulatory reform.

- Ian Urquhart

"A Mixed Bag:" Bill 12 and Cleaning Up Oil Wells



Orphan Well Association site near Frank Lake, east of High River. PHOTO: © C. OLSON

In 2006, President George W. Bush told Americans they were "addicted to oil." By then, Alberta's oilfields and tar sands had become the most important stash of foreign oil

feeding that addiction. Alberta was a friendly, trustworthy dealer.

In recent years, attention has started to focus on cleaning up the environmental damage created by feeding that addiction. Thanks to organizations such as the Alberta Liabilities Disclosure Project (ALDP) public awareness has grown of the need and scope of this clean up. As any recovering addict should tell you, cleaning up from addiction is hard work, expensive work. Last July the ALDP wrote to Energy Minister Savage to suggest that approximately 1,500 companies had amassed \$64.6 billion in oil and gas well cleanup obligations.

Through Bill 12, the *Liabilities Management Statutes Amendment Act, 2020*, the Alberta government took aim at this dire situation. Introduced on March 31, 2020, the bill was pushed through the legislature in three days. Energy Minister Savage told the Legislature the initiative was one that would create much needed work in the oilpatch, work that would "accelerate the cleanup of oil and

gas properties that do not have an owner to be accountable for the cleanup." She said it would strengthen the abilities of the Alberta Energy Regulator and the Orphan Well Association (OWA) to manage orphan, abandoned wells. The Bill would do this "while protecting landowners and ensuring environmental and public safety."

David Swann, retired MLA and member of the ALDP, sees some merit in this new law. The legislation includes "part of the recommendations we were making at the Liabilities Disclosure Project." He said the ALDP had "encouraged the Orphan Well Association to take over some of these companies while there still was some viable producing wells." The revenue from this production could then be used to start the cleanup.

This recommendation found its way into Bill 12. Marlin Schmidt, the NDP Environment and Parks critic, also felt that, in principle, this was a positive measure. But Schmidt wanted additional guarantees in the law that the OWA would have the authority to do

that effectively. The government didn't offer such amendments, any amendment, to Bill 12. Schmidt, in the all-too-brief legislative debate on this Bill, also was glad to see the Bill demand that oil and gas operators must remediate, not just reclaim, the lands hosting petroleum facilities.

However, an enormous "but" may detract significantly from these positive changes. Bill 12, despite the Minister's assertion that the law is "protecting landowners," may instead be a slap in their face. In Swann's words, "they haven't respected the rights of landowners. They've said the Orphan Well Association...can go on someone's land and do what they choose to do, when they choose to do it." Like Swann, Schmidt sees Bill 12 as undermining individual's property rights: "This piece of legislation strips away the ability of property owners to even give consent. It doesn't even require them to give consent when the old legislation did." According to Swann, this possibility was never raised seriously when the OWA consulted with landowners about changing the mandate and authority of the OWA in the year prior to the appearance of Bill 12.

The Energy Minister never responded to these criticisms in the legislative debate. She left it largely to Minister of Municipal Affairs Madu to address the Official Opposition's concerns. Madu insisted that other measures in the amended section 101 of the *Oil and Gas Conservation Act* ensured that landowners, in fact, were protected. After reading both the previous and the new sections of the *Oil and Gas Conservation Act*, I believe landowners should be concerned that the new law further infringes on their property rights. Furthermore, it also appears the sub-surface property rights of petroleum producers are better protected than the surface rights of landowners.

Swann and the NDP's Irfan Sabir raise another important point about this Bill. It gives the provincial cabinet the authority to override management decisions made by either the OWA or the Alberta Energy Regulator. For Swann, this raises the spectre that, in some circumstances, the decision-making of an independent, non-profit organization

like the OWA, will be replaced by political decision-making. If the OWA's clean up priorities don't fit well with those of the cabinet, the cabinet can dictate to the OWA what the Association must do. And, cabinet decision-making is secret, not transparent. Sabir agreed in the legislature with Swann's first contention. He described this change as one that gave the cabinet "carte blanche" – complete freedom to act as it wishes – vis-à-vis the OWA and the Alberta Energy Regulator. Sabir pointed out that neither the Energy Minister, nor any other Minister of the government, "has given us any good reason why this Legislature should pass this piece and give government this power."

Potentially then, parts of Bill 12 could help ensure we reduce the size of the petroleum industry clean up challenge we seem des-

igned to leave to the next generation. But, I think the government could have done better. It allowed less than three hours of debate in the legislature on such a vital issue. More importantly perhaps, the government refused to refer the legislation to the Standing Committee on Resource Stewardship. In that committee, MLAs could have heard at length from landowners and from experts about what the likely consequences of this new law will be. Referral to the Standing Committee, in other words, could have strengthened and improved the legislation. That is how a well-functioning representative democracy should operate.

- Ian Urquhart

Corrections to the December 2019 WLA Story "Celebrating the 45th Anniversary of Project: Great Divide Trail."

Dr. Jenny Feick pointed out a handful of errors in our December 2019 story about the Great Divide Trails Project. I am pleased to address her concerns here.

Ian Urquhart, Editor

1. The project was called "Project: Great Divide Trails", not "Project: Great Divide Trail".
2. Only three of the so-called "Original Six" were undergraduate university students at the University of Calgary (Cliff White, Jenny Feick and Mary Jane Cox).
3. Two people, Cliff White and Mary Jane Cox, were undergraduate majors in Geography. Jenny Feick did a minor in Geography.
4. The phrase "all under the age of 21" should have read "all under the age of 22."
5. According to Dr. Feick, Parks Canada did not build the Great Divide Trail within the mountain national parks because of concerns about potential environmental damage as well as potential overcrowding issues with the proposed trail shelters. The AWA article only men-

tioned concerns about overcrowding in the backcountry.

6. The project was tasked to document natural and historic features – not cultural features.
7. Despite Dave Zevick's lighthearted comment about it was impossible to turn down a job that offered "\$90 a week: all the bologna you can eat" it was quite a challenge for Cliff White, Mary Jane Cox, and Jenny Feick to recruit the last two members of Project: Great Divide Trails – Chris Hart and Dave Zevick. The wages were so low compared to other summer jobs. Also, the need to have a vehicle to use on the rough roads of the study area was an additional obstacle.
8. The blue Volkswagen belonged to Chris Hart, not Dave Zevick.

Dr. Feick also wanted to mention that in November 2019, all 30 copies of the Collector's Edition of Tales from the Great Divide had been sold. She is working on the Second Edition, which will correct all errors that she and her contributors discovered in the Collector's Edition and add new material. For more information see <https://greatdividetrail.com/book-launch- Tales-from-the-great-divide/>.



PHOTO © J. QUIROZ

Too few indeed are those of us with intelligence, devotion, generosity, and humility. Richard Guy was one of that rare breed. I didn't know Richard very well. Unlike close friends like Chic Scott, I came to appreciate these qualities in Richard from a distance – from his perennial participation in AWA's Climb for Wilderness, from the comments people made about him during those occasions.

His intelligence was the trait I heard the least about, a silence I attribute to his humility. Mathematics was the British-born Richard's vocation. He published many books and many more articles on mathematics, a subject he loved and taught at the University of Calgary since the 1960s.

One might also say that he exhibited his intelligence when, in 1937, he took the first steps to spending more than 70 years of his life with Nancy Louise Thirian. They loved dancing, they loved mountains. In 1940 they married and were life partners until Louise passed away here in Calgary in October 2010.

Devotion though is the better lens to use when it came to the relationship between Richard and Louise. When AWA's Andrea Johancsik interviewed Richard before the 2017 Climb for Wilderness he described Louise as his inspiration when it came to the wilderness. Louise was his "wonderful companion for seventy years, the perfect person." Anyone who saw Richard during a Climb for Wilderness will have seen him wearing a sign of his devotion to Louise – her photograph hung around his neck.

Devotion also described well Richard's outlook on his vocation as well as the

In Memoriam:

Richard Guy, September 30, 1916 – March 9, 2020

mountains that, like a magnet, attracted the Guys to Calgary from India in the early 1960s. This shared love of the mountains inspired Richard and Louise to attend dozens of the Alpine Club of Canada's annual General Mountaineering camps.

But, when it came to the mountains and wilderness more generally, you can't talk about Richard Guy without highlighting his generosity. His large donation to the Alpine Club of Canada, in memory of Louise, enabled the ACC to build the Louise and Richard Guy Hut on the Wapta Icefield. The fact the hut is a winter-only facility attests to the appreciation Richard and the ACC showed towards wilderness wildlife species. The hut is closed from spring through to the late fall because the area to the south of the hut is important grizzly bear habitat.

I witnessed Richard's generosity every



PHOTO © J. QUIROZ

year at AWA's Climb for Wilderness. For example, in 2014 when the Climb was held at the Calgary Tower, a 97-year old Richard Guy was AWA's top individual fundraiser. He raised over \$4,000 for our association (by the way, he climbed the tower twice that year...). And, that wasn't the only year when Richard was the individual who raised the most money through the Climb for AWA. **Not a tall man, Richard's bright red jacket made him easy to spot every year at the Climb. If you got close enough you could read the text on his ever-present button: Peace is a Dis-**

arming Concept. So many of the most important issues for present and future generations were ones Richard cared deeply about.

As a native Briton, I hope Richard would approve of me relying on the *Oxford English Dictionary* for my understanding of humility. Humility is the opposite of haughtiness; it describes a person who is unpretentious, who is not arrogant or disdainful towards others. Again, watching Richard at the Climb in the last decade of his life was where I believe I saw that quality on display. My memory of this is particularly strong from the 2018 Climb, when participants were tasked to climb the 1,188 stairs of the Bow Building in Calgary. On the 54th floor, where people gathered after their climbs, Richard spoke to dozens of participants. He had time for one and all.

It always was inspirational to see some of Richard's age climb those stairs in order to raise money to help AWA's conservation work. I know my AWA colleagues and anyone who had the opportunity to know him will miss Richard deeply. We have lost a friend, an inspiration.

This planet will never have enough people with Richard's qualities. In so many ways, he taught us well. When we lose a Richard Guy, we should mourn our loss but also commit to do better in our own lives.

For more on the life of this wonderful citizen see Chic Scott's biography/remembrance of Richard Guy on the Alpine Club of Canada's blog "Aspects." (https://blog.alpineclubofcanada.ca/blog/2020/3/10/richard-guy?fbclid=IwAR0NXN_J_Cl0nwGCuG-7B8cHZcztgFUh1xuq6u0y-JLD0fnIqtwnqa-U1tSjM)

Alberta Wilderness Association, along with the Alpine Club of Canada and the University of Calgary Scholarship Endowment, was recognized as one of Richard's favourite charities. We are grateful for his recognition and will be honoured to receive gifts in his memory.

- Ian Urquhart



**After 28 successful Climb for Wilderness events,
we are celebrating 55 years as an association
with a new and exciting program.**

Adventures for Wilderness

What's your adventure?

We, like our sisters and brothers around the world, are living in extraordinary times. At AWA, we hope you are coping well and finding peace in this time of uncertainty. The longer days, bird song, and sunshine have given us at the AWA plenty of reasons to be thankful and hopeful. (Ian, however, has been complaining about the *%&%^\$ cold!

We have been working to ensure that our day-to-day work and our Adventures for Wilderness program follow the advice of public health experts during this time; as such, event dates and details are subject to change but we are keeping our website up to date.

For now, there are a few Adventures that you can enjoy from home and here's two of them.

Pollinator Power!

Even though we're practicing social distancing, our bees aren't. They still need our help. We are building bee boxes and for a minimum donation we will deliver your box to your doorstep. Our April 19th scavenger hunt is postponed until further notice. Once you have your box you will be able to personalize it and set it up for your pollinator friends.

Photographs for Wilderness

Spending a bit more time in front of the computer now? That's what makes this the perfect time to open up your photos collection and share your past adventures in Alberta's wilderness through the art of photography! Your photograph will be featured on the website, you will be entered for a chance to win one of four categories, and most importantly, you will raise money for conservation. Those donations will help ensure that future generations will be treated to the spectacular locales you'll share through your photographs.

Whether you are staying at home or working on the front lines, we'd like to extend a sincere thank you to everyone for your support - we are in this together!

If you are still able to give, we appreciate your ongoing financial and emotional support.
- Your AWA Team

Adventures for Wilderness is AWA's annual program to engage Albertans in wilderness conservation. We believe an Adventure can be anything from climbing a mountain, to walking by the river, to enjoying the beauty of nature in your own backyard (literally YOUR own backyard!) Visit our website to learn about the Adventures this season and how you can support Alberta Wilderness Association.

ADVENTURES FOR WILDERNESS

CREATE,
SPONSOR
OR JOIN

1 OF 55 ADVENTURES
IN SUPPORT OF
WILDERNESS AND
WILDLIFE AND
PEOPLE THAT CARE.

ADVENTURESFORWILDERNESS.CA



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