



Castle Restoration 2003

by Chris Wutzke

The restoration program has seen another summer come and go. With all the great weather we had we were able to get a lot of important work done even with the Lost Creek fire interrupting our high season for volunteers. The program seems to be growing in leaps and bounds in respects to volunteer interest and that is a great sign for the program's future.

The early part of the summer saw us focus on stopping the spread of noxious weeds throughout the Castle Wilderness. Blueweed in Little Pincher Canyon was probably only a year away from getting a real hold in the area and I would like to thank the volunteer stewards for pointing it out to us so we could get at it and control it.



Chris Wutzke

Blueweed in Little Pincher Canyon

Syncline Brook and Valley was an area we spent a lot of time working in because it provides such exceptional habitat for wildlife. We picked weeds and closed up trail braids that seem to be everywhere in there. The weed work we did in this area last year made a real difference. I can proudly say that the weed densities this year were at most half of what they had been previously and in many areas we had returned to from last year they were non-existent.

The second part of the year saw fewer days available to us than what we had hoped for because of the Lost Creek Fire.

However, we were still able to do a lot of trail work and erosion remediation throughout the Castle. In the fall we were lucky enough to have a very knowledgeable volunteer lend us his help teaching us how to begin our own native seed collection in hopes of starting a nursery sometime. This has real potential for future years.

We would also like to thank everyone who showed such a great volunteer spirit at the Restoration Celebration Day. This fun day started off with breakfast at the Syncline B camp and wrapped up with supper and a party in the evening. The work component took most of the day. We did some trail and erosion work and the highlight had to be the dismantling and removal of an



Chris Wutzke

Removing the debris of a shack.

abandoned illegal shack. The turnout for the day was really great considering the fire ban had only been lifted a week earlier and people had very little time to mark it on their calendars.

Overall this year, we picked nearly 50,000 weeds and worked on closing and repairing 4.5 km of illegal trails. With the dedicated volunteers, newly interested volunteer organizations and individuals who had to be turned away because of the fire all pledging to return next summer, next year could easily be our best year yet. •

Box 2621, Pincher Creek, Alberta T0K 1W0
Telephone 403 627 5059
e-mail: office@CCWC.ab.ca
website: www.CCWC.ab.ca
off-road website: www.canuck.com/off-road/

CCWC Board of Directors

Gordon Petersen (Pincher Creek)	President
Lea Clearwater (Twin Butte)	Treasurer
Mari Decker (Calgary)	Secretary
David Keith (Calgary)	Director
Jillian Lynn Lawson (Cowley)	Director
Dianne Pachal (Calgary)	Director
Mike Taylor (Lethbridge)	Director
Robert Campbell (Lethbridge)	Director at large
Peter Lee (Edmonton)	Director at large
Gary Parkstrom (Canmore)	Director at large

Staff

Jeff Emmett, Executive Director
(address/phone/e-mail as above)

James Tweedie, Conservation Director
403 628 2422
e-mail: tweedie@telusplanet.net

Chris Wutzke, Field Programs Coordinator
(address/phone/e-mail as above)

Upcoming Meeting

????? _____ ????????

Newsletter

Editor: Judy Huntley.

This newsletter welcomes comments and/or submissions from members and others. Please send submissions by mail or e-mail to the office. Please check with the office for submission deadlines.

The opinions, evaluations, claims and assertions contained in articles appearing in the Castle Wilderness News are the responsibility of their authors, and may not reflect the policies of the Castle-Crown Wilderness Coalition. The office takes responsibility for articles, notices, etc., for which an author is not identified.

*Donations to CCWC are tax creditable
and greatly appreciated.*

From the Executive Director

by Jeff Emmett

Hello Members! Our work to bring protection to the Castle is keeping up its relentless pace. The fall of 2003 has been a busy time for the CCWC, and for me personally. I was lucky enough to be accepted into a training program put on by an organisation called Training Resources for the Environmental Community (TREC). At the first of three sessions I learned a great deal about being a more effective employee, balancing life to avoid burning out and how to deliver a solid oral presentation. It has been a great opportunity—I am becoming a better advocate of wilderness and TREC is covering the tab!

I was also able to attend the Yellowstone to Yukon meeting in Missoula this fall. The CCWC is proud to be a member of the Y2Y conservation initiative. Recent research was presented at the meeting which confirmed the importance of this area to the overall vision of Y2Y. We need to protect the Castle and ensure wildlife connectivity through the area, or the dream of Y2Y may remain a dream. The importance of our work was confirmed and I left inspired. •

Membership Renewal Time

by Mari Decker

Calling all CCWC members, and all prospective members! If you haven't renewed your membership for this year, please jot your name down on the form provided, and send us a few dollars to keep assisting us towards our goal, which we are making some excellent steps towards!

We have been busy since the last newsletter working towards the legislated protection of the Castle Wilderness in a bunch of ways. Recently, at the Court of Queen's Bench in Calgary, the CCWC was represented by Sheilah Martin in a judicial review of the Alberta government's decision-making concerning the requirement of an Environmental Impact Assessment (EIA) in the area of the Castle Mountain Resort ski hill. We also have commissioned a study by Dr. Brian Horejsi concerning the status of grizzly bears and their habitat in the Castle Wilderness. It is nearing completion and will be a source of reliable data on which the Alberta government can base sound decisions. Also, though curtailed by the summer fires, we completed a bunch of hands-on restoration to help heal hurt areas in the Castle.

We love this area, and want to see that it stays a refuge for wildlife and people to enjoy into the future. We need your help to make it so! Please renew today—and consider giving gift memberships to the people on your holiday list who love wild lands and wildlife! If you need more forms they are on the website at www.ccwc.ab.ca •



West Castle Wetlands Ecological Reserve

by Michael Taylor

This year's fall visit to the West Castle Wetlands proved to be an interesting time, for both wildlife observations and further evidence that random camping and ATV-ing in the area are having a detrimental effect in some parts of the reserve. As the seasons were in transition, so too was the wildlife in the West Castle valley, as waterfowl could be seen prepping their feathers for a long flight south, squirrels were busy collecting more seeds for their winter cache, and the mighty raven called above.

Beaver activity continues in the reserve, and moose tracks were also observed during the latest visit there. Dippers, gray jays, and nuthatch were among the birds that were seen throughout the region. Columbia spotted frogs may have been breeding in the area this year, as I noted a small young-of-the-year hopping around at the southern end of the reserve near some of the large pools—remnants of higher flows earlier in the season—where a few observable cutthroat trout are likely to spend the winter. Although an intensive survey was not completed for presence of the bull trout, no redds were observed in the area. Approximately 12 trout fry were observed in some of the pools in the region, and these may have been bull or cutthroat trout.

A long-toed salamander population was located in the area during the summer months by researchers from the University of Lethbridge. Listed as “sensitive” in Alberta, the reserve's

ability to support this species, and the overall importance of maintaining wildlife habitat, is of considerable importance.

Despite evidence that wildlife continue to use this area, the multiple-use philosophy under which the Castle Wilderness is currently being managed is showing that even protected areas are not immune to the cumulative negative effects of this management framework. A large mullein infestation is currently spreading through the reserve, perhaps partly a result of the constant and intense all-terrain vehicle activity occurring throughout the valley, and directly on the boundary of the reserve. Evidence of random camping on the southern boundary continues to be observed in the area.

Not far away and easily heard from the reserve was the sound of chain saws, quads, and dirt bikes, as people come from far and wide to live in and drive throughout the West Castle valley. As vehicles speed by on the gravel road that splits the reserve, large clouds of sediment are airborne, and I can't help but to think of how that same sediment is filling up critical bull-trout spawning beds, and hope that the beautiful and mighty grizzly is still able to live in the valley today.



Rare Plants Survey in the Castle

by Mari Decker

This summer, Reg Ernst, botanist and former CCWC director, initiated a three-season rare plant survey in the Castle Wilderness, done for the Lethbridge Naturalists Society and the Alberta Wilderness Association. Rare plant surveys are important because they provide a base-line of how sensitive and diverse an area is. They can then be used to guide management decisions, and to monitor change of habitat over time, and how successful the land management is, that is, to make sure we aren't losing any species!

Reg will be focusing on the lesser-surveyed areas of the Castle: the upper reaches of the front-range canyons, the South and West Castle valleys, and the Carbondale valley. This summer, even though the survey season was cut short by forest fires, Reg located seventeen species of plants that are ranked as rare in Alberta! The Alberta Natural Heritage Information Centre (ANHIC) has a ranking system to determine how rare a plant is: S1 means there are 5 or less occurrences or only a few remaining individuals; S2 means 6–20 occurrences or many individuals with few occurrences, and S3 means 21–100 occurrences and may be rare and local throughout its range, or in a restricted range. There can also be intermediary ranks such as S1S2 or S2S3.

Reg will continue his surveying next year, in hopes of developing the most complete list of rare plant sightings that has ever been completed for the Castle. If you know of any places where rare plants occur, that you want to tell Reg about, or if you'd like to volunteer to accompany him for a day, give us a call, and we'll put you in touch with him! We hope you have a chance to get out and enjoy the impressive sight of the Castle's beautiful flora next year. •

These are the rare plants that Reg located this summer:

- Early Buttercup (*Ranunculus glaberrimus*) S2
- Large-Flowered Lungwort (*Mertensia longiflora*) S2
- Woollen-Breeches (*Hydrophyllum capitatum*) S2S3
- Dwarf Alpine Poppy (*Papaver pygmaeum*) S2
- Nodding Scorzonella (*Microseris nutans*) S2S3
- Jones' Columbine (*Aquilegia jonesii*) S2
- Alpine Townsendia (*Townsendia condensata*) S2
- Dwarf Bitter-Root (*Lewisia pygmaea*) S2
- White Suksdorfia (*Suksdorfia ranunculifolia*) S2
- Mistmaiden (*Romanzoffia sitchensis*) S2
- Lyall's Scorpionweed (*Phacelia lyallii*) S2
- Alpine Meadow Butterweed (*Packera subnuda*) S2
- Alpine Foxtail (*Alopecurus alpinus*) S2
- Prairie Lungwort (*Mertensia lanceolata*) S2
- Stream Saxifrage (*Saxifraga odontoloma*) S1
- Scribner's Wheat Grass (*Elymus scribneri*) S2
- One-Flowered Cancer-Root (*Orobanche uniflora*) S2



CCWC vs The Government of Alberta

by James Tweedie

“Requiring Castle Mountain Resort Inc to go through the Environmental Impact Assessment (EIA) process will provide an opportunity for public involvement in an unbiased process that will determine if the project is in the public interest. It will ensure an airing of issues which remain unresolved after the earlier Vacation Alberta proposal collapsed, for example, cumulative effects, bears and biodiversity. Any development in this environmentally sensitive area has a complex history and carries significant public interest.”

Does this sound like a familiar refrain to our CCWC members? The difference this time is that this quote is from Ms Jillian Flett, Director of Regulatory Assurance, Alberta Environment, in her Briefing Note to Minister Taylor on January 9, 2002 in preparation for a meeting with CMR Inc. the next day.

CCWC is presently in the Court of Queen's Bench in Calgary making the very same argument. The Judicial Review of the subsequent decision by the Director and by the Minister *not* to require an EIA will turn upon the question of how much leeway is allowed to the Minister in the exercise of his discretion under his particular mandate as Minister of the Environment, and therefore uniquely responsible for the legislative provisions of Alberta's Environmental Protection and Enhancement Act (EPEA).

Dr. Sheilah Martin, Counsel with Code Hunter LLP, has taken this case forward for CCWC. Our first argument is that the expansion should have been ruled by the Director to be a “Mandatory Activity” for an EIA review, based on the potential visitor numbers and the fact that the “activity” is directly adjacent to the Westcastle Wetlands Ecological Reserve. Our second argument is that the decisions of the Director and Minister were “patently unreasonable” given the fact that the Record of the Decision provided to the Court by both parties shows that from October 2001 through January 2002 the Director consistently recommended, in five Briefing Notes to the Deputy Minister, that an EIA should be required. That recommendation was supported by extensive documentation of consultation with other government departments.

In contrast, between January 2002 and the final decision made at the end of April 2002 that gave CMR Inc. the green light, the Record is virtually empty of any documentation to suggest that all the issues recognised in the January 9 Briefing Note had been resolved.

Counsel for the Minister has stated in Court that “The Minister can do whatever he wants”—a statement that has a familiar ring to Albertans far beyond simply environmental matters. We have heard the same line in matters of health and education, too. Dr. Martin has provided the Court with strong arguments based on the EPEA and relevant case law that suggest that such an arbitrary view of the Minister's discretion is wrong, that his discretion must uphold the purpose and intent of the Act to

protect the environment. The case is presently adjourned till December 5 and we do not expect a ruling until the new year.

We believe that the following summary of quotes from the Director's Briefing Note to Minister Taylor may reassure our members and funders that we have not been engaged in a frivolous or pointless exercise in the pursuit of this court case. The Alberta government lawyer uniquely responsible for making this decision clearly supported the line of argument held by CCWC since CMR Inc. started its “phased” expansions in 1998: there needs to be an EIA.

Quotes from the January 9, 2002 Briefing Note provided to Minister Taylor

“There is concern that if an EIA is not required the Public Lands Act and the Municipal development approval process may not be capable of addressing the complexities with this project.”

“While each existing regulatory process may be able to address certain aspects of the development, there is a need for an overriding public interest decision that will consider all aspects of the development.”

“Notwithstanding the legislative requirements [she is referring to the 250,000 visitors to make this a mandatory review], the interdepartmental review of CMR's proposal has identified a number of issues that require further clarification to determine that the project may proceed without having a significant effect on the environment. These include issues arising from CMR's Area Structure Plan, Fish and Wildlife concerns, cumulative effects issues, and the adequacy of water and wastewater facilities.”

She also provided the Minister with a page of Key Points:

“Since 1993 no meaningful information has been collected in relation to CMR's proposal that would diminish the nature of Fish and Wildlife concerns. CMR's Area Structure Plan lacks detailed information about environmental effects and proposed mitigation related to its development.”

“CMR indicates its development is strictly a ski hill expansion having an impact only during the winter season. With the significant residential development associated with the expansion there is uncertainty regarding year round impacts the overall development will have on surrounding public lands.”

“CMR's development may be a turning point in the Westcastle valley. An EIA will provide decision makers with the information necessary to make informed decisions regarding the future of the area.”

“The MD of Pincher Creek has a voting share in CMR Inc.” •



CMR's Sewage Lagoon

by James Tweedie

The decisions about the Castle Mountain Resort have been broken down into isolated components being addressed by various agencies—the MD of Pincher Creek, Alberta Sustainable Resource Development, Alberta Environment, Environment Canada, and Fisheries and Oceans (DFO). In the context of Alberta's regulatory approvals process, the Environmental Appeals Board, CCWC is appealing the isolated approval by Alberta Environment for an amendment to CMR Inc.'s Wastewater System Approval which removes the clause that limited the number of housing units to be served by the wastewater system to 88. CCWC believes that this amendment should not be issued until the Judicial Review regarding the need for an Environmental Impact Assessment Report has been resolved by Judge Kenny in Court of Queen's Bench.

Beyond this appeal, the Alberta Environment approval, notes that "this approval should not be taken to mean that the proponent has complied with federal legislation." CCWC has received information from DFO, in response to an Access to Information Request, that demonstrates that CMR Inc. has failed to provide an appropriate response to the information deficiencies noted by Environment Canada in their screening of CMR Inc.'s wastewater irrigation plans that will see wastewater from the sewage lagoon sprayed onto adjacent slopes. These slopes drain directly, by way of a culvert, into the Westcastle River Wetlands Ecological Reserve (WRWER).

James Tweedie, as Conservation Director for CCWC, is taking the lead on this complex matter. The quotes below are from a November 15 letter from him to Environment Canada Minister David Anderson asking for a re-opening of the CMR Inc. files. For more detail, check our website at www.cwc.ab.ca.

"Our review of the materials provided by DFO under the Access to Information Request, as well as through conversations with both Alberta Environment Regional Approvals Managers and with Regional staff in DFO and Environment Canada lead us to believe that ... matters of concern ... are indeed not being addressed in the approvals process ... CCWC is therefore now appealing the recent amendment to the Wastewater Approval held by CMR Inc."

"In response to the limited information requests made jointly by Mr. Olson, DFO's District Manager and Mr. Fred Zaal of Environment Canada in a letter written by Mr. Olson on September 13, 2002 ... CMR Inc made some minor modifications of their wastewater irrigation lines to address DFO concerns re the crossing of intermittent streams, but no attempt was made by CMR Inc to address the 5 points raised by Mr. Zaal of EC. Specifically, and of major concern to CCWC et al., is the failure of CMR Inc to address Mr Zaal's point #5 :

"To assess the potential for adverse environmental effects on wetlands and other surface waters from the proposed

wastewater irrigation, the results should clearly demonstrate whether and to what extent the hydraulic loading of the proposed land application could contribute to erosion, could exceed evapo-transpiration rates for the site and could increase interflow. The results should also demonstrate whether and to what extent wastewater loading could exceed the long term acceptance rate of the soils with respect to heavy metal, nutrient and salt loadings."

"In light of the recent proclamation of the Species at Risk Act, the September 12, 2002 letter seems deficient in not attempting to address species of concern known to be present in the Wetlands area, including the vagrant shrew, long-toed salamander, wandering garter snake, spotted frog and western toad. Nor was attention given to any rare plant inventory for the Wetlands. No doubt these matters are considered to be under Provincial jurisdiction, but have never been addressed by the proponent or by any division of Alberta Sustainable Resource Development, the "land managers" responsible for public lands surrounding the resort ... CMR Inc. has not provided any such assessment to satisfy Point 5 above."

"CMR Inc, throughout all the approvals processes to date, has consistently avoided delineating the boundaries of the WRWER on any of their maps. The Wetlands Ecological Reserve occupies significant portions of the NE and SE quarter sections of Section 25-04-04-W5M, adjacent to the Sewage Lagoon and to the slopes designated for irrigation."

"An Ecological Reserve is the highest protective designation available for public lands in Alberta, and wetlands ... have been receiving increasing attention and concern across Canada as we attempt to meet our commitments to the Biodiversity Convention and the Migratory Birds Convention. In 1995 the Government of Alberta committed to use the National Biodiversity Strategy as a guide for ensuring sustainable resource management, and the designation of this Wetlands Ecological Reserve was a practical implementation of that policy under Alberta's Special Places 2000 Program. The stated objective of Canada's Policy on Wetland Conservation is to "promote the conservation of Canada's wetlands to sustain their ecological and socio-economic function, now and in the future". Building a sewage lagoon in a flood plain of the headwaters of the Oldman River Basin and irrigating the adjacent slopes with the effluent seems hardly the recipe for the sustainable protection of either the adjacent wetlands or the downstream water quality."

"We believe that CMR Inc has not met the information requirements requested of them by DFO and they have misrepresented the substance of the information that they provided to Environment Canada. We are therefore requesting you to reopen the screening of CMR Inc's expansion plans in light of the deficiency of their response to your department." •



Waterton Lakes National Park—

Northern Leopard Frogs Extirpated

by Michael Taylor

The 2003 northern leopard frog (*Rana pipiens*) and western toad (*Bufo boreas*) inventory in Waterton Lakes National Park (WLNP) was wrapped up in late August, with some surprising and unfortunate results. Despite intensive survey methods at approximately 120 waterbodies, no northern leopard frogs were found; they have not been detected in WLNP since 1980. There were high hopes this season that individuals of this species would be detected in at least one of the many historical and potential leopard frog habitats within WLNP.

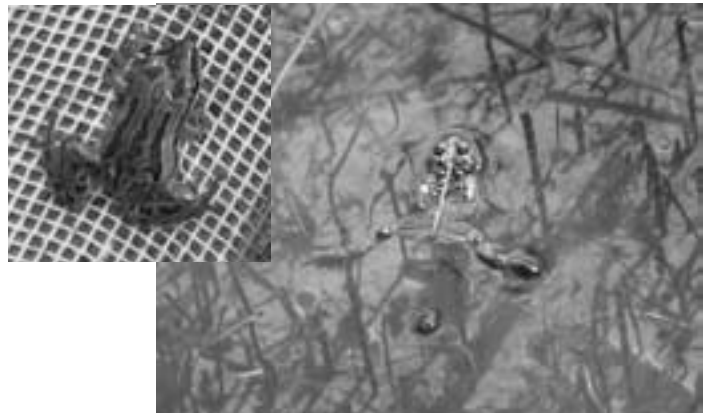
Despite this unfortunate result, a northern leopard frog reintroduction project was initiated in Magrath, Alberta during the summer of 2003. In time and depending on the success of this project, individuals may slowly re-colonize this corner of southwest Alberta. Reasons for the sharp decline in this species are currently unknown, although many well-supported theories exist.

Western toads were detected at one third of the survey locations in WLNP. Although this result suggests this species is also experiencing a population decline within the park, the largely terrestrial nature of this species makes its presence or absence difficult to analyze.

In total, six amphibian species, including the northern leopard frog and the western toad, have historically been detected in WLNP. The other four species detected in the park this year were the long-toed salamander (*Ambystoma macrodactylum*), the Columbia spotted frog (*Rana luteiventris*), the boreal chorus frog (*Pseudacris maculata*), and the tiger salamander (*Ambystoma tigrinum*). Long-toed salamanders and Columbia spotted frogs were detected at nearly half of the survey

locations, while boreal chorus frogs were found at only 35 percent. Tiger salamanders were detected at a mere 4 percent of the sites, perhaps due to the minimal availability of suitable habitat for that species within WLNP. Long-toed salamanders, listed as “sensitive” in Alberta, appear to be doing well in the relatively intact aquatic ecosystems found in the park.

Amphibians are excellent indicators of the health of terrestrial and aquatic ecosystems. These systems in WLNP are relatively intact, however populations within the park’s boundaries simply cannot maintain themselves without populations on lands adjacent to the park. As these fascinating creatures continue to decline on a global scale, the importance of preventing human-induced localized declines will intensify. If you would like more information on amphibian ecology, terrestrial and aquatic habitat preservation, and/or the importance of amphibians on a greater scale, please contact michael.taylor@uleth.ca. •



Continuing Strategic Action with our Partners

by Gordon Petersen

On November 20, members of the CCWC staff and board met with representatives of the Alberta Wilderness Association (AWA), the Canadian Parks and Wilderness Society (CPAWS), the Natural Resources Defence Council (NRDC), the Sierra Club, WildCanada.net, and the Yellowstone to Yukon Conservation Initiative (Y2Y) to discuss the ongoing coordination of our joint effort to gain legislated protection for the Castle. While all these groups have been cooperating on Castle issues for years, this cooperation was given a more formal structure during the strategic planning process that took place from the late fall of 2001 into early 2002.

A cornerstone of the strategic plan is that each group pursues the actions that most closely match its strengths and abilities. For example, the CCWC continues to be the front line watchdog and local representative. For its part, the NRDC has used its

formidable organizational abilities to generate over 43,000 faxes to Shell, and more than 27,000 faxes to the provincial government, asking that the Castle be protected. Other groups have been active in marketing, public outreach and surveying public opinion.

While it wouldn't do to outline, in this public forum, the next steps that the coordinating partners are contemplating, suffice it to say that bigger and better things are in the offing. And even though each group has a particular set of skills to bring to the mix, the common goal is still the same: legislated protection for the Castle. •

Printed on recycled paper
containing 75% post-consumer waste.

