



CCWC takes Government to Court

by James Tweedie

On July 23, 2002, the Municipal District of Pincher Creek held a public hearing to consider the merits of Castle Mountain Resort Inc.'s (CMR) Area Structure Plan for its proposed expansion of the townsite and ski hill base area facilities in the Westcastle Valley. Later in the summer, MD Council approved the plan, with some minor conditions attached to address some site-specific fire safety and environmental management concerns. Council is now proceeding with the bylaw changes necessary to accommodate CMR's ambitions.

In the absence of any comprehensive review of the impacts of this development on local and regional wildlife populations on surrounding public lands and possible impacts on the adjacent Westcastle Wetlands Ecological Reserve, CCWC sought legal counsel to apply for a judicial review of Alberta Environment's decision not to require CMR to provide an environmental impact assessment (EIA) report. Dr Sheilah Martin, of Code Hunter LLP in Calgary, filed that application with the Court of Queen's Bench at the end of October, naming Ms. Jillian Flett, Director of Regulatory Assurance Division, and the Hon. Lorne Taylor, Minister, Alberta Environment, as respondents.

The purpose of this case is to call the Government of Alberta to account for a decision that appears patently unreasonable, given the nature of the project and the previous recommendations of the Natural Resources Conservation Board in 1993, that called for the designation of the Waterton Castle Wildland Recreation Area as a condition to any further expansion of the Westcastle ski hill.

Ms. Jillian Flett filed her response with the Court on December 9, and on March 11 CCWC received the response from Mr. Roger Palmer, Deputy Minister, Alberta Environment, acting for the Minister. A court date has yet to be set, because CMR has applied to be a co-respondent with Alberta Environment, on the grounds of being a directly affected party.

The responses filed by Ms. Flett and Mr. Palmer provide ample evidence that the Director of Regulatory Assurance Division consistently, over a three month period from October 2001 into January 2002, recommended to the Deputy Minister, and to the Minister himself in December 2001, that an EIA should be required. The responses provide extensive documentation

of consultation between Alberta Environment and Alberta Sustainable Resource Development staff in the fall and early winter of 2001 to justify that conclusion and almost no substantive evidence or documentation to support the final decision, made in May 2002, that an EIA would not be required. The record is almost void between February and May. Significantly, after some lobbying by CMR in December 2001, a meeting was held with Minister Taylor and MLA Dave Coultts on January 10, 2002 that appears to have effectively forced the Director to reverse her decision.

Throughout this "discovery" process, CCWC has been seriously handicapped by the failure of Alberta Environment and Alberta Sustainable Resource Development to provide Dianne Pachal, a CCWC director, with the information related to this decision that was requested in July 2002 from these departments, which have been in breach of the Freedom of Information and Privacy Act for their non-compliance. As we go to press, CCWC has been informed that the materials are just now being delivered to us. •

Editor's note: In July 2002, CCWC director Dianne Pachal made a request for documents regarding the Castle Mountain Resorts development and the failure of Alberta Environment to require an EIA. Dianne received the material from this Freedom of Information request nine months later, on April 25, 2003. We look forward to using the information in preparing the case about the need for environmental assessment.



Dieter Gade



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Upcoming Meeting

The next General Meeting is the AGM. See separate notice for details.

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.*

May is Membership Renewal Month!

See the enclosed membership form.

*Please renew, and please consider making
a donation if you can.*

Castle-Crown Wilderness Coalition

Annual General Meeting



Saturday June 14, 2003

Coalfield School, Beaver Mines



This year's AGM will be at the Coalfield School, near Beaver Mines, on June 14. The school is one mile east of Beaver Mines on the south side of Highway 507 (to Pincher Creek). People can camp on site, or at nearby Alberta Forestry sites.

Agenda

Friday evening: informal socializing and camping

Saturday:

9:00 Big Sagebrush hike
1:30 Afternoon hike for those who haven't gone to Big Sagebrush
4:00 Gather back at Coalfields School
4:15 Discussion of the restoration program
5:00 Potluck supper
6:30 AGM

For more details check the website or call the office.

Thank You!

Our sincere thanks go out to the many funders and supporters that make it possible to do all the work described in this newsletter. In addition to the stewards, hikers, and restoration volunteers, and the collaborating organizations, we wish to thank

- √ EcoAction, which makes the restoration work possible,
- √ Alberta Ecotrust, the major funder for the grizzly study,
- √ Wilburforce Foundation, helping in many ways,
- √ Fanwood Foundation, a faithful supporter for many years,
- √ World Wildlife Fund, stalwart supporter, and
- √ LaSalle-Adams, a new foundation that came on board at a critical time.

To our past supporters—Kendall Foundation, Mountain Equipment Coop, Calgary Foundation, Patagonia, Yellowstone to Yukon, Turner Foundation, EJLB Foundation, Friends of the Environment, McLean Foundation, and many more—thanks, your contributions are still bearing results. •

New Partners for the Castle Campaign

by Gordon Petersen

Exciting things are happening in the campaign to save the Castle! The U.S.-based Natural Resources Defense Council (NRDC) and the German group Robin Wood have joined the CCWC, the Canadian Parks and Wilderness Society (CPAWS), the Alberta Wilderness Association (AWA), the Sierra Club of Canada, and WildCanada.net in the campaign to protect the Castle.

Reinhold Messner, arguably the world's most famous mountaineer, and member of the European Parliament, also supports protection for the Castle. For a picture of Mr. Messner standing in front of a Castle Wilderness display in Germany, see <www.castlewilderness.ca/welcome.html>.

The NRDC <www.nrdc.org> is a non-profit public interest group based in New York with offices in Washington D.C., San Francisco, and Los Angeles. According to their web page, the NRDC uses "law, science, and the support of more than one million members and online activists to protect the planet's wildlife and wild places and to ensure a safe and healthy environment for all living things."

The Castle and Bighorn areas in Alberta have recently been named one of the NRDC's "BioGems"—"wilderness regions of the Americas under specific threats that are deserving of protection." See <www.savebiogems.org/>. As part of the campaign, the NRDC is asking its members to write Shell and the Provincial Government requesting that the Castle and Bighorn be protected.

The Castle is also highlighted in the NRDC's publication (co-authored with the Sierra Club of Canada) *America's Gas Tank, The High Cost of Canada's Oil and Gas Export Strategy* <www.nrdc.org/land/use/gastank/contents.asp> which looks at the Canadian environmental costs of producing and selling energy to the U.S.

"Inspired by the legendary character," the German group Robin Wood "sprang into action as non-violent 'Defenders of the Leaf'" in 1982. Currently, Robin Wood has about 2300 members and regional offices in some twenty cities. Although most of their web site <www.robinwood.de> is in German, there are some pages in English. Whatever your language, the great animation of a goat "butting Shell out of the Castle" speaks volumes!

Robin Wood is asking its members to send a letter (in English) to Shell Canada, with a copy to Shell Germany, asking Shell to "show environmental leadership on this internationally relevant conservation issue by phasing out existing operations and by not pursuing new natural gas activities in the Castle Wilderness." The letter also asks Shell "to publicly support the designation of a legislatively protected Castle Wilderness, and to work cooperatively with local stakeholders and conservation organizations to develop a restoration framework for this area."

It's very gratifying to have these international partners working with us on the Castle campaign. Their interest, and participation, clearly demonstrates that gaining protection for the Castle is truly of national and international significance.

Since it was first launched in February of 2001, more than 2,500 letters have been sent through WildCanada.net's Castle Action Centre at <www.wildcanada.net/castle> asking "the Alberta government to designate the Castle as a protected area, free from industrial activity and motorized recreation." With the NRDC and Robin Wood joining the Castle campaign as international partners, WildCanada.net has "relaunched" the Action Centre and is asking Albertans to "add their voice to the many others who want to see the Castle protected."

So if you haven't sent a message yet or, if it's been a while, why not visit WildCanada.net, Robin Wood, or the NRDC's BioGems site, and let Shell and the Provincial Government know what's on your mind!

As always, please check out the CCWC's web site at <www.ccwc.ab.ca> and CPAWS' Castle web site at <www.castlewilderness.ca> for news and information. •

Wildcanada.net: Conservation that Clicks with Canadians

Wildcanada.net's network participants get access to state-of-the-art technology to help them protect nature in Canada. Our first-of-a-kind myWildcanada service allows network participants to choose what issues they will receive action alerts on, and how often. Our Conservation Calendar provides participants information on up-coming conservation events in their geographic area. Our Media Mentors program helps them write letters to the editor of their local newspaper, and our Action Central is backed by a sophisticated database that can tailor on-line emails and faxes to a user's Member of Parliament. And our weekly Action Alerts help people graduate from on-line to real-world advocacy for wildlands and wildlife.

Once informed about Canadian conservation issues, over 19,000 network participants take timely action to help protect Canada's wildlands and wildlife. Wildcanada.net's network participants have so far sent over 160,000 letters to decision makers! The service we provide is fast, free, and effective. We ask that you join this exciting effort. Become a network participant (for free) today at <http://www.wildcanada.net/join> and get in on the action! •



Long-toed Salamanders in the Castle

by Kimberly Pearson

CCWC



Have you ever had the pleasure of meeting a long-toed salamander? They're unassuming, rarely encountered creatures that inhabit forests and ponds of Alberta's Rocky Mountains. The Castle Wilderness, in particular, is host to many of their important terrestrial and aquatic habitats. Typically 16 cm in length, adults are dark brown in colour, each with a beautiful, yellow-orange band from head to tail, and light speckling on their sides and legs. Long-toed salamanders are currently listed in Alberta as a Sensitive species, meaning that because of a lack of long-term data, the stability of the population and range of the species in the province are uncertain.

Amphibian species throughout the world have experienced significant population declines in the past few decades. Causes of these declines are thought to be many, including the introduction of non-native animals such as brook trout and bullfrogs to their habitats. Long-toed salamander larvae are naturally the top vertebrate predator in many fishless mountain

lakes of Alberta, British Columbia and the Northwest USA. When predators such as trout and bullfrogs are introduced, however, salamander larvae promptly become prey.

Fish stocking of Alberta's mountain lakes to provide recreational fisheries has been a common practice since the early 1900s. Long-toed salamanders have been eliminated from at least one known breeding pond in Banff National Park due to introduction of non-native trout, and I have observed a similar pattern in southwest Alberta. In an attempt to increase our knowledge of the status of long-toed salamanders in the Crowsnest Pass, Castle Wilderness, and Waterton Lakes National Park, I am conducting research into the effects of introduced fish on larval long-toed salamanders. Field surveys and complimentary experimental work at the University of Lethbridge will continue this spring and summer.

Details of this research will soon be available at <http://www3.gov.ab.ca/srd/fw/riskspecies/index.html>, in a report titled *Distribution and Habitat Associations of the Long-toed Salamander (Ambystoma macrodactylum) in the Oldman River Drainage*. If CCWC members are interested in volunteering a day of their time to my study this summer, please contact me at kim.pearson@uleth.ca.



New Era of Cooperation with WLNP

by James Tweedie

Following from the report on the State of the Ecological Integrity of Canada's National Parks and the new Canada Parks Act, and as part of the Park's expanded public outreach initiative, Castle-Crown has been in valuable discussions with Waterton Lakes National Park (WLNP) superintendent Peter Lamb, and chief warden Bill Dolan, over the past year. This has allowed us to stay in touch with the decisions being made by Parks Canada on such things as the new designation of WLNP as a Wilderness Park, the possible expansion of National Park status to the Akamina-Kishinena, the potential impacts on the Park of CMR's residential expansion in the Westcastle Valley and new programs for wilderness restoration that are being undertaken by both Waterton Lakes and Glacier Parks.

CCWC board member Lea Clearwater, and CCWC's conservation director James Tweedie, recently met with Bill Dolan (now Acting-Superintendent in Peter Lamb's absence) to continue these discussions. Two actions of importance followed from the meeting. Consistent with WLNP's publicly stated position to the Municipal Council of Pincher Creek last summer, Parks Canada is prepared to support CCWC's case for the need for

the environmental impact assessment (EIA) by providing testimony before the Court, in the event that their evidence is required in the judicial review. And, consistent with the new Wilderness Park designation, Parks Canada will work to obtain a memorandum of understanding with Shell for the reclamation and restoration of the access road that now cuts across the floor of the valley in Yarrow Creek, inside the Park. Both of these commitments reflect a more collaborative relationship between Parks Canada and the CCWC, illustrating the seriousness with which Parks Canada is now taking its mandate for the protection of the ecological integrity of the Park.

In addition to those items, Parks Canada reports that their new budget allows them to contribute to the science and feasibility assessments that can advance the expansion proposal for the Akamina-Kishinena. Finally at the local grass roots level, CCWC will continue to work with WLNP on the science and practicalities of the restoration programs that both are now involved in, particularly as they may affect the Front Range Canyons.

Energy Exploration in Alberta's Castle Crown Wilderness Would Threaten Wildlife

Conservation Groups Call on Provincial Government to Legislate Protection

WASHINGTON (April 15, 2003) Shell Canada's plan to survey for gas reserves in southwest Alberta would threaten wildlife and could open the region to further drilling, according to a coalition of Canadian and American environmental groups.* The groups today called on the Alberta government to pass a law protecting the Castle Wilderness, a critical link in the Yellowstone-to-Yukon wildlife corridor for bears, wolves and other large mammals.

Shell made the announcement that it plans to begin the seismic gas survey on the eastern edge of the Rocky Mountains in today's edition of the Pincher Creek Echo, a weekly newspaper in Pincher Creek, Alberta. The company said it plans to start the survey this summer on land zoned for prime protection and critical wildlife in the Front Range Canyons. Shell also said it would not drill in a limited number of specific places, but it did not rule out development in many sensitive areas.

"Shell would have the public believe that it can expand its activities in this area without threatening the environment. It's just not so," says Dave Poulton, executive director of the Calgary/Banff Chapter of the Canadian Parks and Wilderness Society. "What the area requires is a law that would protect the region."

The Castle Wilderness contains some of the richest mix of biodiversity in Alberta. It lies on the northern edge of the U.S.-Canadian border "Crown of the Continent" ecosystem, providing a bridge for wildlife migrating between this region and the Central Rockies ecosystem to the north, and between Alberta's eastern slopes foothills to the Flathead Valley to the west of the Great Divide. (For a map, see <http://www.castlewilderness.ca/mapcastle.html>.)

"The value of the Castle Wilderness as a North American wildlife pathway cannot be overestimated," said James Tweedie, campaign manager at the Castle-Crown Wilderness Coalition. "Grizzly bears travel through the South Castle and West Castle valleys and the region is on a major migration route for bald and golden eagles, providing an abundance of nesting habitat."

Both Canadians and Americans are concerned about the fate of the Castle Wilderness. "Since March, our supporters have sent more than 4,000 letters asking Shell to support a wildland provincial park in the Castle," said Susan Casey-Lefkowitz, a senior attorney at the Natural Resources Defense Council (NRDC), a U.S.-based environmental group. "NRDC recently named the area an international BioGem." (For more



Murray Anderson

Gas development on South Drywood Creek

information about NRDC's BioGem campaign, see <http://www.savebiogems.org/>.)

The coalition of Canadian and American conservation groups, including Castle-Crown Wilderness Coalition, Canadian Parks and Wilderness Society-Calgary/Banff Chapter, Wildcanada.net, Sierra Club of Canada and NRDC, are proposing that the Alberta government protect the Castle Wilderness as a "wildland provincial park." A wildland park would allow non-motorized recreation—fishing, hunting, dog sledding and hiking—but ban industrial development.

"The Alberta government has received thousands of letters requesting legislated protection of the Castle," said Nadine Reynolds, campaign coordinator with Wildcanada.net, host of the Castle Action Centre (<http://www.wildcanada.net/castle>). "It is time that the government listened." •

*Natural Resources Defense Council, Castle-Crown Wilderness Coalition, Canadian Parks and Wilderness Society-Calgary/Banff Chapter, Wildcanada.net, Sierra Club of Canada. CCWC contact is James Tweedie; other contacts available from the office.



What's New?

A CCWC Update

Restoring the Castle Wilderness

This year is especially exciting on the restoration front. With most of the groundwork finished, a significant amount of field work will get done this summer. Work projects will continue from where they left off last year and volunteers will be invaluable to the undertaking and success of these field projects.

Noxious weeds have become a serious threat to the Castle's amazing biodiversity and, allowed to go unchecked, will continue to alter the area's ecological integrity. With a little work now we can minimize their spread and lessen their effects on the integrity of the Castle. Waterways throughout the Castle will be the main areas of focus for these projects, and so the hiking involved will allow for wonderful scenic vistas of the rivers and creeks in the area.

As well, there are a number of other projects you could help out with this year depending on what we are working on at the time. Many of these involve trail work, erosion control and stream course clean-ups. There really is no shortage of work that we could do with your help.

We would love to have you out with us. Whether it is for a few hours or even days, it is all invaluable time spent protecting an invaluable resource. Hope to see you soon.

—Chris Wutzke

Lots going on—lots of ways to help

CCWC has major initiatives underway this year. Please contribute in whatever way you can.

One is hands-on fieldwork beginning the restoration of ecologically damaged areas. Contact Chris Wutzke in the office to join a work party, or to suggest a place that you know of that should be put on the list.

A second is participating in our stewardship program. The stewardship program is entering its eleventh year. We are proud to be publishing a Ten Year State of the Castle report this year and have entered ten years of stewardship information into a new database program, making the stewardship program more useful and valuable than ever. We have also been working with the Canadian Community Monitoring Network to improve our reporting. We are in need of more stewards. Please let us know if you would like to help out.

Our hiking program is another great way to get involved with the CCWC and stay in touch. Please see the enclosed hiking schedule and we will see you on the trail!

One way to help our ongoing campaign is to write a letter—either a regular one, or via either wildcanada.net or NRDC's websites. Check these out and support the excellent work of our colleagues in their efforts to protect the Castle.

Financial help with the judicial review is definitely needed. Funding for litigation is hard to come by. Please give this serious consideration.

Last but not least, we are looking for new board members. If you would like to become involved with the board or would like more information about what this entails, please do not hesitate to give Jeffrey a call in the office: 403-627-5059.

New Staff

In September of last year Judy Huntley had a stroke, which meant that others had to pick up all the CCWC office work. Jeffrey Emmett is your new executive director. Judy sends her sincere regrets at leaving so abruptly!

CCWC climbs the Tower

At the AWA Calgary Tower Climb fundraiser on April 19, CCWC put up its full display. We had the main display, Grizzly Project display, water display, brochures and posters available during this major Calgary event, as well as participating in the Climb. Thanks to those who pledged my climb for \$225. I climbed 14 times again ... about 11,000 steps or around 7,500 feet elevation in less than four hours.

It is very much a family event; the youngest climber this year was a girl of 2, going on 3, while the oldest was 88 (two climbs). Our Castle Wilderness poster was presented as an additional prize to the winners of some of the categories of awards, giving CCWC and the Castle extra profile. As a fundraiser for the AWA, it was a successful event and raised over \$75,000.

This continues to be an important (and fun) event for us, as it is attended by mostly young city people, many of whom have never heard of the Castle Wilderness, but who are predisposed to be our allies. I really do hope that next year the CCWC will actually put a team in place.

—James Tweedie

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