

## Form 49

COURT FILE NUMBER	2001-08938
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
APPLICANTS	E. MACLEAY BLADES, ROCKING P RANCH LTD., JOHN SMITH and PLATEAU CATTLE CO. LTD. <b>(RESPONDENTS)</b>
RESPONDENTS	HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA and THE MINISTER OF ENERGY FOR THE PROVINCE OF ALBERTA <b>(RESPONDENTS)</b>
DOCUMENT	<b>AFFIDAVIT ON BEHALF OF THE PROPOSED INTERVENOR CANADIAN PARKS AND WILDERNESS SOCIETY SOUTHERN ALBERTA CHAPTER (APPLICANT)</b>
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Public Interest Law Clinic University of Calgary 2500 University Drive NW Calgary, AB T2N 1N4 Telephone: n/a due to Covid-19 Fax: n/a due to Covid-19 <a href="mailto:christine.laing@ucalgary.ca">christine.laing@ucalgary.ca</a> ATTN: JS Peacock, QC/Christine Laing

Clerk's Stamp

**AFFIDAVIT OF KATHERINE MORRISON****Affirmed on December 8, 2020**

I, Katherine Morrison, of the City of Calgary, Alberta, AFFIRM AND SAY THAT:

1. I have been the Conservation Director of the Canadian Parks and Wilderness Society Southern Alberta Chapter ("CPAWS SAB") since January 2013. In this role I am responsible for directing

strategy and plans for CPAWS conservation works, implementing large-landscape conservation campaigns and projects, writing technical and public conservation reports, representing CPAWS on technical and multi-stakeholder planning committees, initiatives and events, and working with other ENGOs, communities and other stakeholders to create and implement collaborative conservation work. As such, I have personal knowledge of the facts in this affidavit, except where stated to be based on information and belief, in which case I state the source of the information and believe it to be true.

2. I have authority to represent CPAWS SAB for the purpose of providing this affidavit.
3. CPAWS has been in existence in Alberta since 1967. CPAWS Calgary/Banff Chapter was initially registered in Alberta as a Society in 2003 and changed its name to CPAWS SAB in 2008. Attached as Exhibit “A” to my Affidavit is a true copy of a corporate registry search dated November 17, 2020 confirming the same.
4. CPAWS SAB is a non-partisan organization. It neither receives support from, nor lends support to, any political party or candidate. CPAWS SAB currently has approximately 22,500 subscribers on its mailing list.

#### **Mandate**

5. The mandate of CPAWS SAB is to safeguard, connect, and expand parks and wilderness through education, engagement, and collaboration with Albertans. In doing so, CPAWS SAB prioritizes the effective and timely conservation of Southern Alberta’s lands and waters. This includes working with governments and stakeholders on conservation issues and solutions. Attached as Exhibit “B” to my Affidavit is a true copy of CPAWS SAB’s Strategic Plan for 2018-2023 confirming the same.
6. CPAWS SAB also works to ensure that the management of public lands and waters outside of parks and designated wilderness areas effectively support those parks and wilderness areas.



7. In carrying out its mandate to ensure that lands are managed in a way to support parks and wilderness areas:
  - a. CPAWS SAB seeks to maintain and improve wildlife habitats;
  - b. CPAWS SAB seeks to maintain and improve fish habitats;
  - c. CPAWS SAB seeks to maintain and improve biodiversity value;
  - d. CPAWS SAB seeks to maintain and improve connectivity; and
  - e. CPAWS SAB seeks to maintain and improve headwater health.
8. As a result of its activities, CPAWS SAB has a deep organizational knowledge of the landscape and ecosystems in the South Saskatchewan River watershed as well as other watersheds within Alberta and of the environmental threats to all landscapes along the Eastern Slopes.

#### **Involvement in the Land Use Framework and the South Saskatchewan Regional Plan**

9. Consulting with government bodies on land use planning is a critical component of how CPAWS SAB fulfills its organizational mandate.
10. I am informed by Joe Obad, the Conservation Director of CPAWS SAB between 2003 and 2007, and believe it to be true that beginning in 2006 CPAWS SAB was one of the stakeholders involved in the development of the Land Use Framework (the “LUF”) for the South Saskatchewan Region. Attached as Exhibit “C” to my Affidavit is a letter from the then Executive Director of CPAWS SAB to the head of the Land Use Secretariat dated March 10, 2009, which confirms CPAWS SAB’s longstanding involvement along with other environmental organizations in the discussions regarding the proposed LUF and the proposed *Alberta Land Stewardship Act* (“ALSA”).
11. CPAWS SAB was involved as a stakeholder in all phases of the consultations leading to the development of the LUF, the South Saskatchewan Regional Plan (the “SSRP”) [Exhibit “G” to the Affidavit of E. MacLeay Blades (the “Blades Affidavit”), and the Livingstone-Porcupine Hills Land Footprint Management Plan (the “L-PHLFMP”) [Exhibit “H” to the Blades Affidavit]. As a result of this involvement, CPAWS SAB has first-hand knowledge of the public consultations involved in creating the LUF, the SSRP and the 2018 amendments to the SSRP, including the L-PHLFMP.

12. Attached as Exhibit “D” to my Affidavit is a true copy of a Briefing Note dated July 4, 2012 prepared by CPAWS SAB and the Northern Alberta chapter of CPAWS for the then Minister of Alberta Environment and Sustainable Resource Development commenting on the involvement of both chapters of CPAWS in the LUF and the involvement of CPAWS SAB in the SSRP to that date.
13. On November 8, 2013, I participated in a SSRP Phase 3 meeting of stakeholders, which included representatives of a number of environmental groups and government representatives, during which those present were informed that the implementation stage of the SSRP “*will include regular consultation with multi-stakeholder groups*”. Attached as Exhibit “E” to my Affidavit is a true copy of the minutes of that meeting.
14. I sent CPAWS SAB’s written comments on the draft SSRP to the Government of Alberta on January 15, 2014. Attached as Exhibit “F” to my Affidavit is a true copy of the email message and written comments.
15. By email message dated February 24, 2014, CPAWS SAB and other stakeholders were invited to provide additional comments on the draft SSRP. Attached as Exhibits “G” and “H” to my Affidavit are true copies of the email message from the Land Use Secretariat dated February 24, 2014 requesting further input and CPAWS SAB’s letter of response dated February 26, 2014.
16. The SSRP came into effect on September 1, 2014. In August 2014, CPAWS SAB and other stakeholders were invited by the Stewardship Commissioner to participate in a discussion about the spectrum of conservation tools and approaches in the context of land-use planning and the SSRP. Attached as Exhibit “I” to my Affidavit is a true copy of the email invitation dated August 8, 2014. CPAWS SAB participated in the discussion and attached as Exhibit “J” to my Affidavit is a true copy of the agenda for the September 24, 2014 meeting, which I attended. One of the topics on the Agenda was “Collaboration”.
17. In September 2015, CPAWS SAB was one of the stakeholders invited to become involved in the development of a linear footprint management plan and a recreation management plan for the Porcupine Hills. Attached as Exhibit “K” to my Affidavit is a true copy of a letter from Alberta Environment and Parks dated September 25, 2015 extending the invitation to CPAWS SAB.

18. Following this invitation, CPAWS SAB was one of the stakeholders involved in the development of the L-PHLFMP.
19. In addition, in 2015, CPAWS SAB was invited to engage as a key stakeholder in the development of the Biodiversity Management Framework for the South Saskatchewan Region and as a member of the Provincial Advisory Committee for a Bull Trout Recovery Plan.
20. Throughout 2016 and 2017, I participated on behalf of CPAWS SAB in stakeholder discussions and provided recommendations to Alberta Environment and Parks on the Livingstone-Porcupine Hills Recreation Plan initially as a stakeholder and later as a member of the Southwest Alberta Recreation Advisory Group.
21. During the course of these discussions and at planning meetings that I attended, there was never any discussion about rescinding the 1976 Coal Policy [Attached as **EXHIBIT “A”** to the Blades Affidavit]. However, there was an expression by the government of an intention to review the relevant integrated resource plans to ensure that the most relevant parts of these plans were carried forward into current regional planning.
22. Specifically, at a meeting of the Porcupine Hills Planning Coalition on April 15, 2016, which I and many other stakeholders attended, a representative of Alberta Environment and Parks informed those present that there was a provincial process for review of integrated resource plans to ensure the most relevant components were carried forward into current regional planning but that *“this review had yet to be completed for the Porcupine Hills and Livingstone IRP.”* Attached as Exhibit “L” to my Affidavit is a true copy of notes of this meeting and this information is noted at page 6 of the minutes.
23. At a meeting on July 14, 2016, CPAWS SAB and other stakeholders involved in Livingstone – Porcupine Hills Footprint management planning were informed by Government of Alberta representatives that the 1976 Coal Policy was still in effect and that it had implications for zoning in the management plan. Specifically, those present were informed that the FMP technical team was *“working to address questions regarding coal rights and mining applications, including cumulative effects assessment, especially in the Critical Zone.”* Attached as Exhibit “M” to my Affidavit is a true copy of the minutes of that meeting.

24. Attached as Exhibit “N” is a true copy of the letter from Alberta Parks and Recreation dated April 26, 2017 formally inviting CPAWS SAB to become a member of a Recreation Advisory Group for the Livingstone and Porcupine Hills planning areas. This group developed the Livingstone - Porcupine Hills Recreation Management Plan, which was implemented through amendments to the SSRP in 2018. [A copy of the Livingstone - Porcupine Hills Recreation Management Plan is attached as **Exhibit “B”** to the affidavit of Alistair Des Moulins.]
25. In 2018, following an invitation, CPAWS SAB joined the Native Trout Collaborative, led by the Government of Alberta, the purpose of which is to advise on and contribute to trout recovery matters in Alberta, including the Livingstone-Porcupine Hills region.
26. In 2019, CPAWS SAB agreed to serve as an alternate ENGO representative member of the Castle Livingstone Porcupine Hills Bob Creek Black Creek Recreation Advisory Group (the “C/L-PH/BC/BC RAG”). The role of this group includes advising on the implementation of the Land Footprint Management Plan and Recreation Management Plan for the Livingstone-Porcupine Hills areas and potential changes to them. A Membership list for this Advisory Group dated March 2020 is attached as Exhibit “O” to my Affidavit.
27. I became aware on May 15, 2020 through the Government of Alberta news release that, effective June 1, 2020, the 1976 Coal Policy would be rescinded and that all restrictions on issuing coal leases within the former coal categories 2 and 3 would be removed.
28. By letter dated July 14, 2020, CPAWS SAB, the Alberta Wilderness Association and the Yellowstone to Yukon Conservation Initiative jointly informed the Government of Alberta that, in light of recent land-use changes implemented by the Government of Alberta, including the rescission of the 1976 Coal Policy, the work of the C/L-PH/BC/BC RAG was no longer a relevant or valid process. Attached as Exhibit “P” to my Affidavit is a copy of the July 14, 2020 letter to the Honourable Jason Nixon, Minister, Alberta Environment and Parks.
29. CPAWS SAB’s most recent correspondence to the Government of Alberta relating to the rescission of the 1976 Coal Policy was sent on November 11, 2020. In this letter, which was sent jointly on behalf of CPAWS SAB and the Northern Alberta chapter of CPAWS, we set out in detail CPAWS’s many concerns about the cancellation of the 1976 Coal Policy, including the environmental threats



as well as the lack of transparency and public consultation in relation to the decision to rescind the policy. This letter included four maps identifying source watersheds, native trout critical habitats, environmentally sensitive areas and parks and protected areas in Alberta affected by this decision. A true copy of this letter is attached as Exhibit “Q” to my Affidavit.

30. I understand that the issues raised by the Applicants on this application include whether the rescission of the 1976 Coal Policy was an amendment to the SSRP (and the sub-regional plans referenced in the SSRP) that did not comply with the procedural requirements in the *Alberta Land Stewardship Act, SA 2009, c A-26.8*, and it was in breach of the common law requirements for procedural fairness.
31. Both the SSRP and the L-PHLFMP provide that the Integrated Resource Plans will remain in effect until they have been reviewed for their relevance. The strategy/action provided for in relation to **Objective 3.3.2 – “Relevant provisions in Sub-regional plans are effectively rescinded”**, at page 23 of the L-PHLFMP, provides for an integrated review of the existing coal categories “*consistent with an integrated approach [which] will specify where surface exploration and development can and cannot occur based on the best and most recent biodiversity sensitivity data*” (underlining added).
32. The “**integrated approach**” for subregional and issue-specific planning, as described on p. 62 of the SSRP, was intended “*to be efficient and effective and to provide clarity while also being inclusive. This is to ensure cumulative effects from the many uses and pressures on the landscape are managed; various viewpoints are considered; and Albertans are involved. An integrated approach means that there will be sharing of information and knowledge; coordination of assessments, analysis and planning approaches; coordination of engagement with other governments, industry, **stakeholders and the public**; and mechanisms to align options being considered across the planning*” (bolding added).
33. As CPAWS SAB and others present at the meeting with government representatives in July 2016 (Exhibit “M”) had previously been informed that the 1976 Coal Policy was still in effect and, based on the significant involvement of CPAWS SAB and other stakeholders in the consultations relating to the creation of the LUF and the SSRP and subsequent amendments, as well as the content and spirit of both the SSRP and the L-PHLFMP, CPAWS SAB understood and expected that it and

other stakeholders would be notified and consulted prior to any significant land use changes within the Region, including changes to the coal categories, as part of the promised integrated review of the relevant integrated resource plans in effect in the South Saskatchewan Region.

34. The Respondents did not consult with CPAWS SAB or provide us with an opportunity to make submissions or discuss a plan to rescind the 1976 Coal Policy. By contrast, I am informed and believe that the government was lobbied by representatives of the coal industry about the 1976 Coal Policy shortly before it was rescinded. Attached as Exhibit "R" to my Affidavit is a true copy of lobby registration information and the response to an undertaking provided by Robin Campbell, President of the Coal Association of Canada, during the recent Grassy Mountain hearing, confirming meetings between the government and representatives of the Coal Association of Canada on this issue.
35. Neither CPAWS SAB nor, to my knowledge, any other stakeholder has been informed that an integrated review using the integrated approach described above was underway and, to my knowledge, the integrated review promised in the SSRP and the L-PHLFMP has never taken place.

#### **Impact of the Rescission of the 1976 Coal Policy**

36. In the past, the 1976 Coal Policy was one of the provincial zoning policies considered by the Alberta energy regulator in deciding whether to approve an application for coal development. In Decision 97-08, the Alberta Energy and Utilities Board specifically referenced the fact that the proposed coal development was consistent with the 1976 Coal Policy. Attached as Exhibit "S" to my Affidavit are relevant excerpts of EUB Decision 97-08.
37. In carrying out its mandate in the South Saskatchewan Region, CPAWS SAB seeks to ensure that decision-makers understand the effect that land use changes, including changes to restrictions on coal development, potentially have on ecosystem values as a result of amending or otherwise altering land use designations.

38. I am informed by Harvey Locke, who was counsel for the Whaleback Coalition, and do verily believe that, in 1994, CPAWS was part of the Whaleback Coalition, a coalition of environmental groups, that successfully intervened in an Energy Resources Conservation Board hearing with respect to exploratory drilling in the Whaleback, an area in the Livingstone mountain range north of the Oldman River. In dismissing the application for an exploration permit, the ERCB relied upon the intervenors' submissions to inform its understanding of the rare assemblage of plants and species in the area that were rare and sensitive to disturbance. Attached as exhibit "T" is a copy of relevant excerpts from ERCB decision 94-8.
39. More recently, in 2020, CPAWS was granted intervenor status in the Grassy Mountain Coal Project hearing currently underway and has retained experts to provide evidence on coal quality, adaptive management and selenium mitigation. We have worked closely with and support the concerns and expert evidence submitted by other intervenors including the Alberta Wilderness Association, Livingstone Landowners Group and Municipal District of Ranchlands.
40. I understand that this application concerns the nature of the Respondent's duty to provide consultation opportunities for stakeholders, including the affected landowners, based not only on the relevant provisions in the *Alberta Land Stewardship Act* but, as well, on a consistent and longstanding practice of undertaking such consultations in relation to land use planning and coal development and the promise of continuing this practice as reflected in the SSRP and the L-PHLFMP.
41. Consequently, I am concerned that the outcome of this application will directly and significantly affect CPAWS SAB's ability to carry out its mandate above in the South Saskatchewan Region and elsewhere in the province.
42. Category 1 and 2 lands in the 1976 Coal Policy cover virtually all the Rocky Mountain and Foothills regions in Alberta. I am advised by CPAWS SAB Conservation Program Coordinator Brooke Kapeller and verily believe that Provincial public lands in Category 1 cover roughly 16,000 square miles, and that Category 2 lands cover roughly 5600 square miles (4,155,507 and 1,458,421 hectares, respectively).



43. Attached as Exhibits “U” to “Z” my affidavit are six maps showing, among other things, the Livingstone-Porcupine Hills Sub-Region, the 1976 Coal Policy Categories for the areas within this subregion, and the guidelines contained in the Livingstone-Porcupine Hills Sub-Regional Integrated Resource Plan, referred to in the L-PHLFMP. These maps were prepared by CPAWS SAB Conservation Program Coordinator Brooke Kapeller. I am informed by her and do verily believe that they are accurate representations of what is depicted in each map.
44. Exhibit “X”, in particular, illustrates that the rescission of the 1976 Coal Policy has opened up for coal exploration and development areas of land within Livingstone-Porcupine Hills Sub-Region that were previously subject to restrictions on exploration and/or development under the 1976 Coal Policy and the Livingstone-Porcupine Hills Sub-Regional IRP. It also shows areas where either exploration is currently underway or for which exploration permits have been granted.
45. I am informed by CPAWS SAB Conservation Program Coordinator Brooke Kapeller and verily believe that only 4% of lands that were once protected from coal leasing, exploration and development within Category 2 of the 1976 Coal Policy remain otherwise protected by parks, protected areas, or prime protection zone designations. The removal of Category 2 protection has exposed an additional 5390 square miles (1,396,262 hectares) of the Rocky Mountains and Foothills regions to coal leasing, exploration and development.
46. The proximity of these activities and any subsequent development creates a significant risk of harm to wildlife habitats, fish habitats, biodiversity values, connectivity for wide ranging mammals and the health of headwaters and watersheds within the South Saskatchewan Region and nearby public lands and wilderness areas.
47. I believe that due to the lengthy and consistent involvement of CPAWS SAB in the consultations relating to the SSRP as well as its knowledge and expertise in relation to the potential environmental impact of the rescission of the 1976 Coal Policy, CPAWS SAB can assist the Court in determining whether the decision to rescind the 1976 Coal Policy was procedurally fair and, specifically, whether the Respondents had a duty to undertake an integrated review using an integrated approach, including a duty to consult with stakeholders such as the Applicants and others before deciding to rescind the 1976 Coal Policy.



48. I make this affidavit in support of CPAWS SAB's application for intervenor status in this matter, as well as in support of the applications of the proposed intervenors Alberta Hiking Association and Alberta Chapter of the Backcountry Hunters and Anglers.

AFFIRMED BEFORE ME at Calgary, Alberta, this 8th day of December 2020.  
*I certify Katherine Morrison satisfied me they are a person entitled to a firm -*  
*Christine Laing*  
\_\_\_\_\_  
A Commissioner for Oaths  
in and for the Province of Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

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)  
)  
*Kath Laing*  
\_\_\_\_\_  
(Signature)

)  
)  
)  
*Katherine Morrison*  
\_\_\_\_\_  
(Print Name)

# Exhibit A

# Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2020/11/17  
 Time of Search: 09:50 AM  
 Search provided by: THE REGISTRY (2002) INC.  
 Service Request Number: 34396327  
 Customer Reference Number: SOUTHERN ALBERTA CHAPTER

Corporate Access Number: 5010453792  
 Business Number: 885087403  
 Legal Entity Name: CANADIAN PARKS AND WILDERNESS SOCIETY SOUTHERN ALBERTA CHAPTER

## Name History:

Previous Legal Entity Name	Date of Name Change (YYYY/MM/DD)
CANADIAN PARKS AND WILDERNESS SOCIETY - CALGARY/BANFF CHAPTER	2008/12/10

Legal Entity Status: Active  
 Legal Entity Type: Alberta Society  
 Registration Date: 2003/04/30 YYYY/MM/DD

## Registered Office:

Street: 88 CANADA OLYMPIC ROAD SW  
 City: CALGARY  
 Province: ALBERTA  
 Postal Code: T3B5R5

## Records Address:

Street: 425-78TH AVE  
 City: CALGARY  
 Province: ALBERTA  
 Postal Code: T2V5K5

## Officers:

This is Exhibit " A " referred to in the  
 Affidavit of  
Katherine Morrison  
 Sworn before me this 8 day  
 of December A.D. 2020  
Christine E. Laing  
 A Notary Public, A Commissioner for Oaths in and for Alberta.

**CHRISTINE E. LAING**  
 Barrister and Solicitor  
 A Commissioner for Oaths in and for Alberta

**Last Name:** DONOHUE  
**First Name:** JIM  
**Street:** 15920 MCKENZIE LAKE WAY SE  
**City:** CALGARY  
**Province:** ALBERTA  
**Postal Code:** T2Z1Y4  
**Officer Type:** Treasurer

**Last Name:** MEE  
**First Name:** JOHN  
**Street:** 641 3 AVENUE NW  
**City:** CALGARY  
**Province:** ALBERTA  
**Postal Code:** T2N0J2  
**Officer Type:** Secretary

**Last Name:** NYKYFORUK  
**First Name:** PHIL  
**Street:** 96 CITADEL GREEN NW  
**City:** CALGARY  
**Province:** ALBERTA  
**Postal Code:** T3G4G6  
**Officer Type:** Chair

### Other Information:

#### Last Annual Return Filed:

File Year	Date Filed (YYYY/MM/DD)
2019	2019/10/04

#### Outstanding Returns:

Annual returns are outstanding for the 2020 file year(s).

#### Filing History:

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List Date (YYYY/MM/DD)	Type of Filing
2003/04/30	Incorporate Society
2008/11/10	Society Bylaw Change
2008/12/10	Name Change - Society
2013/01/11	Change Address
2019/10/04	Enter Annual Returns for Society and Non-Profit Company
2020/02/18	Update BN

**Attachments:**

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Nuans	10000002000344893	2003/04/30
Consent	10000802000344894	2003/04/30
Application	10000502000344895	2003/04/30
Bylaws	10000302000344896	2003/04/30
Supporting Documentation	10000102000344897	2003/04/30
Bylaws & Special Resolution	10000404100047224	2004/08/09
Annual Return Form	10000804100207239	2005/01/20
Audited Financial Statement	10000204100207001	2005/01/20
Annual Return Form	10000305101145921	2006/01/18
Audited Financial Statement	10000105101145922	2006/01/18
Annual Return Form	10000107102771671	2007/04/16
Audited Financial Statement	10000507102771674	2007/04/16
Annual Return Form	10000307104478647	2008/08/22
Audited Financial Statement	10000107104478648	2008/08/22
Bylaws & Special Resolution	10000607104925377	2008/11/10
Supporting Documentation	10000507104926754	2008/12/10
Nuans	10000207104926755	2008/12/10
Consent	10000007104926756	2008/12/10
Notice of Address	10000507106413780	2009/10/16
Annual Return Form	10000007107275233	2009/11/09
Audited Financial Statement	10000207107275232	2009/11/09
Annual Return Form	10000607107275230	2009/11/09
Audited Financial Statement	10000807107275229	2009/11/09
Annual Return Form	10000507109327591	2010/09/29
Audited Financial Statement	10000307109327592	2010/09/29
Annual Return Form	10000007111188326	2011/09/26



Audited Financial Statement	10000707111188323	2011/09/26
Annual Return Form	10000807113249338	2012/09/19
Audited Financial Statement	10000407113249335	2012/09/19
Notice of Address	10000007114954329	2013/01/11
Annual Return Form	10000107117275883	2013/10/15
Audited Financial Statement	10000907117275879	2013/10/15
Annual Return Form	10000907120079168	2014/10/10
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Audited Financial Statement	10000007124836646	2016/11/01
Annual Return Form	10000007129705758	2017/10/17
Audited Financial Statement	10000807129705759	2017/10/17
Annual Return Form	10000207130292925	2018/11/20
Audited Financial Statement	10000007130292926	2018/11/20
Annual Return Form	10000507134514803	2019/10/04
Audited Financial Statement	10000307134514804	2019/10/04

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.



# Exhibit B



# ENGAGING ALBERTANS IN CONSERVATION

## CPAWS Southern Alberta Strategic Plan 2018-2023

This is Exhibit " B " referred to in the

Affidavit of  
Katherine Morrison

Sworn before me this 8 day

of December A.D. 2020

Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta



**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

### VISION

The Alberta landscape has a growing abundance of parks, protected areas and wilderness, where nature thrives because of the conservation efforts of and for all Albertans.

### MISSION

Safeguard, connect, and expand parks and wilderness through education, engagement, and collaboration with Albertans.





## EXECUTIVE SUMMARY

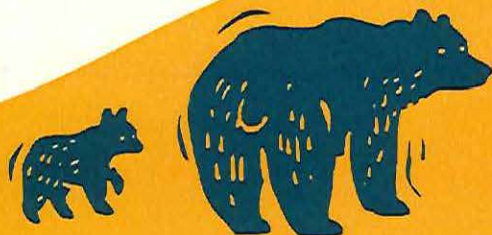
The Canadian Parks and Wilderness Society Southern Alberta Chapter embarked upon a six-month strategic planning exercise as its 2013-18 strategic plan was nearing the end of its term. The new five-year strategic plan, entitled "Engaging Albertans in Conservation" builds on the well-established conservation and education success of the organization, focusing on engagement as a key element to strengthen conservation work. While the previous plan was organized into regional conservation planning areas along the south eastern slopes, rocky mountain parks, and grasslands, the new plan focuses on strategic priorities to strengthen engagement and conservation efforts in the entire southern Alberta region. By expanding conservation education, ensuring broad and effective communications, building a diversity of support for conservation, and focusing on more meaningful involvement with partners and stakeholders, CPAWS Southern Alberta aims to improve organizational capacity and advance conservation objectives.



The plan provides updated Vision and Mission statements, updated and streamlined Guiding Principles, reaffirmation of the Long Term Goals established in the previous strategic plan, and most importantly, Strategic Priorities that will guide our operational plans over the next five years. These Strategic Priorities include:

1. Achieve effective and timely conservation of Southern Alberta's lands and waters.
2. Be a leader in conservation education.
3. Build new and existing relationships to strengthen conservation.
4. Strengthen and grow constituency and support for conservation.
5. Operate with integrity.

A comprehensive list of Objectives is provided with each of these Strategic Priorities. In addition, detailed strategies for accomplishing each of the objectives and the associated "measurables" for monitoring our progress are currently under development by the chapter, and will be completed during the first year of the plan.








## INTRODUCTION

This five-year strategic plan of CPAWS Southern Alberta was developed by the chapter's Board of Directors and staff. An ad hoc Strategic Planning Committee worked on drafting the plan throughout the winter and spring of 2018, guided in large part by the outcomes from a full-day planning retreat for staff and Directors. A final draft was presented to the Board of Directors on June 23, 2018, at which time the plan was formally approved. This overarching document will guide the chapter as it develops its annual operational work plans, and it will be reviewed on an annual basis to monitor progress and sustained relevancy.



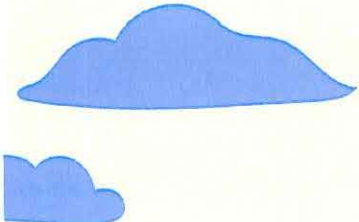
CPAWS is a national organization that has been Canada's voice for wilderness for over 55 years. The history of CPAWS as a national organization is directly linked with the history of the wilderness protection movement in Canada. Since 1963 CPAWS has been a leader in creating over two-thirds of Canada's protected areas.

Established in 1967, CPAWS Southern Alberta is one of thirteen chapters across Canada that focuses on protecting parks and natural ecosystems. As a volunteer-driven, grassroots organization, CPAWS Southern Alberta started its work in response to commercial development pressures in Banff National Park. While maintaining a strong focus on the creation and protection of provincial and national parks, CPAWS Southern Alberta has expanded over the years into the areas of landscape-scale wilderness conservation and environmental education.

CPAWS Southern Alberta was critical in the establishment and planning of the wildlife overpasses over the TransCanada Highway in Banff National Park, the establishment of the Bow Valley, Elbow-Sheep, Whaleback, Spray Valley, Sheep River, Bluerock, and Don Getty protected areas, and most recently, creation of Castle Provincial Park and Castle Wildland Provincial Park in southwest Alberta. Since 1997, CPAWS Southern Alberta has become a recognized leader in conservation education. Our classroom and outdoor programs connect youth and adults to nature and inspire stewardship and support for conservation. CPAWS Southern Alberta's curriculum-linked education programs have won provincial and national awards and have reached over 130,000 participants.







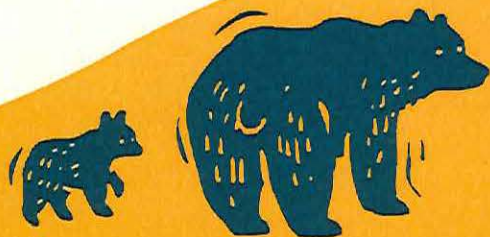
Southern Alberta contains a diversity of ecosystems which support a variety of species. Protection and reclamation of these natural ecosystems is not only critical for the health and viability of the lands, waters, fish, and wildlife, but for humans as well. Ecosystem health and human health are inextricably linked. Albertans benefit directly from the many services provided by healthy ecosystems, such as clean air, abundant water, reduced flood risk, adaptation to climate change, and opportunities for physical, spiritual, and cultural activities.



The need to protect and restore ecosystems is recognized internationally and by the governments of Canada and Alberta, through the Convention on Biological Diversity, which includes commitments to protect at least 17% of our lands and waters by 2020. While 17% protection is an interim goal, research suggests that we need higher protection and a diversity of habitats protected to sustain the full range of biodiversity and the natural processes and functions we rely on. Reaching and surpassing this target across natural regions is a priority for CPAWS Southern Alberta for the health of our lands, waters, and people.

However, legal protection of natural areas alone is not enough to conserve the many services that parks provide. Equally important to our mandate is our work on ensuring that existing parks and protected areas have the necessary regulatory frameworks, management, and monitoring processes to prioritize ecosystem health. Likewise, management of our public lands and waters outside of protected areas needs to effectively support and connect our parks and important natural areas by maintaining and improving fish and wildlife habitats, connectivity, headwaters health, climate resilience, and other ecosystem values.

Increased demand on our Southern Albertan parks and public lands, including high industrial pressure, continued population growth, increased recreational demand, and a changing climate, are just some of the major challenges that we face in the next five years. These and other external challenges were identified early on in the development of this plan, as well as our many external opportunities and organizational strengths and weaknesses. This analysis, together with our revised guiding principles and mission and vision statements seen below, forms the contextual foundation on which this plan was built.





## LONG TERM GOALS

1. Strengthen the network of interconnected protected wilderness and natural areas throughout Southern Alberta.
2. Ensure the effective stewardship of Alberta's national and provincial parks and wilderness areas.
3. Ensure Albertans value and respect our parks and wilderness areas through education, appreciation, engagement, and experience.



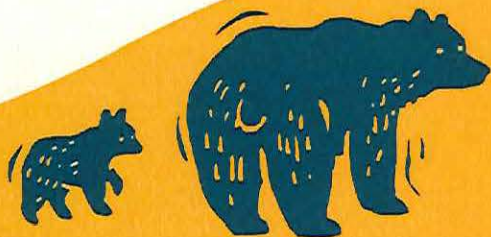
## BELIEFS AND GUIDING PRINCIPLES:

The staff and board of CPAWS Southern Alberta believe:

- Nature, wilderness, and wild places have intrinsic value.
- Nature thrives when ecosystems are healthy, functioning, resilient, and diverse.
- Large landscape protection and connection is a natural solution to mitigate and adapt to climate change.
- Healthy ecosystems have a positive impact on human wellness.
- People are an integral part of the ecosystem.
- An informed and engaged citizenry is important to public debate and addressing conservation and wilderness issues.
- Conservation solutions should be developed proactively.

In our approach to conservation we:

- Are guided by the precautionary principle.
- Base our positions on sound scientific evidence and objective research/analysis.
- Encourage citizen stewardship through education and awareness.
- Promote collaboration and cooperation with all Albertans including industry, governments, Indigenous peoples, private citizens, educators, other conservation organizations, and other stakeholders.
- Respectfully listen to all perspectives and interests.
- Are politically non-partisan—supporting principles and policies, not individuals or parties.
- Acknowledge the traditional lands and rights of Indigenous peoples and respect their traditional ecological knowledge.







## STRATEGIC PRIORITIES AND SUPPORTING OBJECTIVES

### STRATEGIC PRIORITY ONE

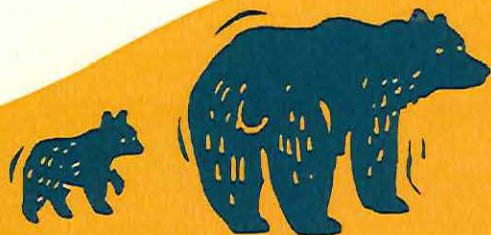
#### Achieve Effective and Timely Conservation of Southern Alberta's Lands and Waters



Effective and timely conservation in Southern Alberta relies on protecting our most important natural areas, representing a diversity of habitats and regions. Provincial and national parks must also be managed to prioritize conservation. Equally important is the management of our public lands and waters to maintain and improve habitats and connectivity, to ensure quiet places for people to connect with nature, and for the provision of invaluable ecosystem services. This work includes identifying priority areas and initiatives, working with governments and stakeholders on conservation issues and solutions, and raising public awareness and support for conservation and stewardship in Southern Alberta.

#### Objectives

1. Alberta meets or exceeds 17% protected public lands by 2020.
2. All ecoregions are represented in Alberta's protected areas network.
3. Ecological integrity is top priority in established national and provincial parks and protected areas.
4. Public lands and waters are managed with conservation as a top priority, supporting connectivity across the landscape. This includes work on forest management, managing industrial footprint, responsible recreation, and land-use planning.







## STRATEGIC PRIORITY TWO

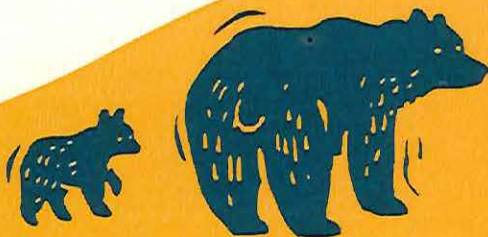
### Be a Leader in Conservation Education

An informed, caring, and engaged public, who appreciates nature, is the foundation of support for conservation and stewardship of Alberta's parks and wilderness. CPAWS Southern Alberta will build upon its award winning education programming to further establish itself as a leader and centre of excellence in conservation education for youth from grades 2-12, adult new immigrants, seniors, corporations, community groups, university students, and the general public. This work includes strengthening and expanding programs and audiences, ensuring quality and safety, and acting as a model and mentor to other chapters or organizations.



### Objectives

1. Conservation education is strengthened and expanded.
2. Grassland education is strengthened and expanded.
3. CPAWS Southern Alberta's conservation education program is inclusive of Indigenous culture, history and experience.
4. CPAWS Southern Alberta's conservation education program is respected and well known in the community.
5. CPAWS Southern Alberta's conservation education program is a role model and mentor for other CPAWS chapters and partners.





## **STRATEGIC PRIORITY THREE**

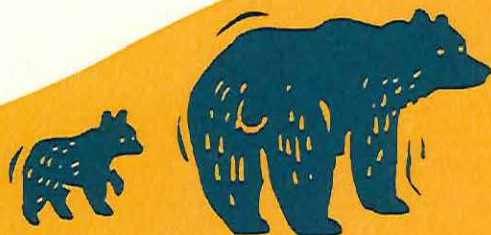
### Build New and Existing Relationships to Strengthen Conservation

The development of strong and trusting relationships is integral to successful conservation initiatives. Building these relationships allows us to understand the conservation values of Albertans and share knowledge for conservation of Southern Alberta's parks and public lands. Working with Indigenous communities, governments, scientists, communities, recreation groups, industry, and other interested Albertans strengthens our collective conservation work to achieve better outcomes for nature and people.



#### **Objectives**

1. CPAWS Southern Alberta's relationships with Indigenous communities are established and enhanced.
2. Constructive relationships with municipal, provincial, federal, and Indigenous governments.
3. CPAWS Southern Alberta is an established leader in conservation and education.
4. Strong collaboration and alignment with CPAWS Northern Alberta, CPAWS National, and other CPAWS chapters.
5. CPAWS Southern Alberta works with grassroots community groups, recreation groups, industry, businesses, and others work to find solutions to conservation issues in Alberta.
6. Strong working relationships with other conservation and education organizations.







## **STRATEGIC PRIORITY FOUR**

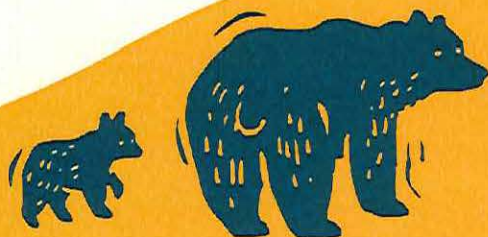
### Strengthen and Grow Constituency and Support for Conservation

Strengthening and growing constituency is essential in achieving conservation success and ensuring the sustainability of CPAWS Southern Alberta's ongoing work. It is important that people in this region connect, experience, and care for public lands and protected areas, growing our collective voice for conservation. This work includes strengthening and growing support for conservation, raising public awareness and profile, connecting people to nature in their local area, and ensuring organizational financial sustainability.



### Objectives

1. Strong and growing support for conservation.
2. The public is aware of conservation issues and of CPAWS Southern Alberta's role in conservation and nature education.
3. CPAWS Southern Alberta effectively connects with the public on conservation issues.
4. Albertans are connected to conservation through their local parks and natural areas.
5. CPAWS Southern Alberta is financially sustainable.







## **STRATEGIC PRIORITY FIVE**

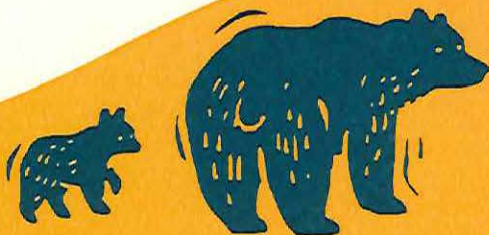
### Operate with Integrity

CPAWS Southern Alberta is an organization that operates with integrity based on professionalism, accountability, and transparency. We operate with purpose, adhering to our mission and vision and guiding principles, following our strategic plan. This includes having a well respected, engaged, and supported staff and board; upholding our long standing reputation in the community; nurturing a culture of respect, feedback, personal and professional growth, and collaboration; and ensuring diligent financial planning, management, and accountability.



### Objectives

1. CPAWS Southern Alberta has effective and responsible financial planning, management, and accountability.
2. CPAWS Southern Alberta staff and board are engaged, motivated, and supported.
3. CPAWS Southern Alberta staff and board uphold organization reputation.
4. CPAWS Southern Alberta fosters a culture of respect, collaboration, and cooperation.



# Exhibit C

This is Exhibit "C" referred to in the

Affidavit of

Katherine Morrison

Sworn before me this 8 day

of December A.D. 2020

Christine E. Laing

A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**

Barrister and Solicitor

A Commissioner for Oaths in and for Alberta



Greg Belland  
Executive Director  
CPAWS – Southern Alberta Chapter  
Suite 1120, 1202 Centre St SE  
Calgary, AB, T2G 5A5  
(403) 232-6686



CANADIAN  
PARKS AND  
WILDERNESS  
SOCIETY

March 10, 2009

Dear Mr Seiferling,

CPAWS Southern Alberta appreciates the opportunity to engage in discussions regarding the Land-Use Framework (LUF) and the Alberta Land Stewardship Act (ALSA). Thank you for taking the time to meet with us and other environmental organizations to review the proposed ALSA legislation prior to its being tabled in legislature. We commend the provincial government for taking the initiative to change land-use patterns in the province of Alberta, and to embrace landscape-scale cumulative effects and adaptive management in the planning process. The LUF and ALSA have the potential to drastically improve the impacts of land-use on environmental, economical, and cultural systems. While we welcome change that will increase the sustainability of land-use practices ensuring the health of our ecological and human communities, we do have several concerns regarding ALSA.

1. The application of interim measures

The LUF and ALSA address many of the land issues that have come to light in Alberta’s booming economy, and represent significant changes to the way land is managed in this province. It is to be expected that the passing of ALSA in legislature, and the creation and passing of each of the regional plans through Cabinet will take time. The North Athabasca and South Saskatchewan Land Use Plans are scheduled for completion at the end of 2010. At that point, 5 regions within the province would still be without a cumulative effects land-use plan. If this timeline is consistent, plans for the entire province will not be completed until 2013, however, many land use problems across the province require immediate attention. It is unacceptable to have a 4 year time lag during which industry, municipalities, and other stakeholders attempt to get their development proposals accepted before regional plans are complete. This could result in a “land grab” over the next few years. The LUF and ALSA will be not be successful in accomplishing their objective of making land-use in Alberta more sustainable if interim measures are not in place to safeguard ecological integrity.

Until all of these regional plans are passed and implemented, land-use planning decisions will fall to current policies and practices. Current land-use policies do not address cumulative effects, ecosystem processes, or even conflicting priorities for land-use amongst different government ministries. We believe there is a need to have interim measures in place to regulate land use planning and management until all of the regional plans can be put in place. Interim measures must be included to ensure economic needs do not take priority over environmental needs. These measures should become effective immediately and remain so until sufficient research regarding cumulative effects, thresholds and indicators, and ecosystem management is completed.

CPAWS is working with other environmental organizations to provide a more detailed list of what interim measures could be put into place prior to the completion of all regional plans. This may require a delay or modifications to some proposed developments until enough information can be gathered to

accurately address the ecological and cultural impacts. We also believe that all proposed projects should be subject to the conditions stated in the completed regional plan and amended accordingly.

## 2. Changes and amendments must *always* be tabled in legislature

The proposed legislation provides Cabinet the power to unilaterally amend regional plans without necessarily being subject to public consultation or tabled in the legislature. This raises questions of transparency and public accountability. Plan amendment should require the same rigour as plan creation, even in times of emergency. We propose that all plan amendments should be tabled in legislature and subjected to public consultation a maximum of 30 days after the amendments are put in place.

## 3. Working effectively at different spatial scales

We acknowledge that addressing land-use on a provincial scale requires examining the landscape on regional and sub-regional scales as a means to create plans that are applicable on the ground and effective for communities and ecosystems alike. However, declining biodiversity and ecological integrity are not local or regional problems, they are provincial. The LUF states that provincial scale complexities will be resolved through clear provincial leadership and an integrated process for land, air, and water management. Solving these issues at a provincial scale is much more complex than stapling all of the regional plans together and calling it a provincial plan. Cumulative effects, a key premise of the LUF, occur in ways that a series of regional plans cannot accurately address, particularly when some effects will cross regional boundaries.

The province needs to provide each region with clear guidance as to what it wants to accomplish through the LUF and ALSA. There needs to be well defined province-wide objectives that each regional plan must contribute towards; detailing how they propose to do so should be a requirement for each plan. Provincial objectives need to be defined within the context of public land-use values, environmental thresholds and limits, current provincial policies and legislation, future trade-off analyses, and market based incentives for reducing resource extraction impacts.

## 4. All plans should be subject to an environmental assessment, at both regional and provincial scales

Commissioning an environmental assessment of each regional plan should be a requirement stated in ALSA prior to the plan being presented to Cabinet. An assessment on each regional plan should measure the impacts of development and land-use and associated outcomes of regional plans for each region and the province as a whole. This will assure that together the plans address ecological problems on a provincial scale; this includes cumulative effects assessment, biodiversity and climate change considerations, and resource requirements across regional boundaries. Results from these assessments should be used to establish a monitoring plan, mitigation tactics, and development thresholds. Although ALSA states that all plans will be subject to review within a 10 year period, a monitoring program implemented throughout these 10 years is integral to the success of the regional plan before its review.

Please feel free to contact me should you have any questions or require expansion on any of the above suggestions.

Sincerely,  
Greg Belland

Executive Director



# Exhibit D

This is Exhibit "D" referred to in the  
Affidavit of

.....Katherine Moxson.....  
Sworn before me this 8..... day  
of December A.D. 2020  
.....Christine E. Laing.....  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

## **BRIEFING NOTE – CPAWS and the LUF**

*Prepared: July 4, 2012*

*By: Canadian Parks and Wilderness Society Northern and Southern Alberta Chapters*

*For: Honourable Diana McQueen, Alberta Minister of Environment and Sustainable Resource Development*

### **CPAWS and the Land Use Framework**

Both Northern and Southern Alberta Chapters of CPAWS have participated actively in the Land Use Framework (LUF) process and its regional plans since the LUF's inception in 2008. CPAWS Northern Alberta has focused its efforts on the Lower Athabasca Regional Plan (LARP) and CPAWS Southern Alberta has been working on the South Saskatchewan Regional Plan (SSRP).

CPAWS is committed to ensuring these regional plans are completed and working with the Ministry of Environment and Sustainable Resource Development in implementing these regional plans to ensure conservation related objectives are met and have a high level of public support. CPAWS will continue to provide science-based input into regional plans as we believe these regional plans hold the potential to effectively address many of the cumulative effects being observed in the province's ecosystems.

### **CPAWS SAB and the SSRP**

CPAWS SAB has been actively involved in the SSRP in each stage of the planning process to date. The SSRP presents an opportunity to increase the extent of protected areas on public lands and provide effective incentives for the conservation of biodiversity on public lands. The diversity of the South Saskatchewan Region and the large percentage of private land require a creative approach to landscape planning, which CPAWS SAB has been working with various stakeholders to define.

#### *Objectives*

- ✿ To increase the extent of protected areas, particularly in the grasslands (e.g., the South Saskatchewan Canyon) and along the eastern slopes (e.g., The Castle Special Place).
- ✿ To improve incentives and market-based instruments to effectively conserve biodiversity and connectivity on private lands.
- ✿ To improve forestry practices along the eastern slopes to use ecosystem-based objectives as the foundation of management and planning.
- ✿ To work with multiple stakeholders to look at the South Saskatchewan region holistically and ensure conservation measures across jurisdictions complement each other.
- ✿ To ensure the results of land use planning in this region help mitigate the impacts of climate change, particularly in terms of water quality and quantity.

#### *Resources*

CPAWS SAB has created a series of reports and letters to the Government throughout this land use planning process. All of our work on the SSRP can be found on our website at: <http://cpaws-southernalberta.org/campaigns/policy-legislation>.

Our report, *Planning Connections: Recommendations for the South Saskatchewan Regional Plan*, focused on the large landscape scale planning solutions to address climate change, connectivity, and ecological goods and services. This report was submitted to the Regional Advisory Council in December 2009.

In a letter to the Land Use Secretariat and the Ministry of Sustainable Resource Development, we provided detailed input to the advice to Cabinet from the Regional Advisory Council. That letter

provided comments pertaining to process, content, specific landscape recommendations, and best management practices for recreation and forestry on public lands.

### **CPAWS NAB and the LARP**

CPAWS NAB has been working to conserve the Athabasca Heartland, which is included in the LARP, for many years. Our focus has been to link new conservation areas with Wood Buffalo National Park and the Caribou Mountains Wildland Park. CPAWS NAB is advocating for at least 50% protection of this vital landscape. Information indicates this can be done in a way that does not conflict with the highest value bitumen reserves and yet does include areas with high conservation value. We are working with the forest industry in the region through the Canadian Boreal Forest Agreement and Forest Stewardship Council Certification to identify areas for conservation.

#### *Objectives*

- ✿ Establishment of additional large legislated protected areas in at least 50% of the region, focusing on ecosystems and biodiversity hotspots that are insufficiently represented in existing parks;
- ✿ Recovery of woodland caribou populations through habitat protection and restoration.
- ✿ Establishment of a cap on linear disturbances across the entire region (applicable to roads, seismic lines, and pipelines) that is designed to maintain the ecological integrity.

#### *Resources*

In October 2010, CPAWS NAB provided the Alberta Government with a detailed response to the Regional Advisory Council's recommendations for the LARP. Although we supported the need for cumulative effects management, we raised concern regarding the amount of woodland caribou habitat being protected. More of this critical habitat could be protected without adversely impacting oil/gas development. We also suggested that the Plan must consider First Nations Traditional Ecological Knowledge as well as incorporate inherent Aboriginal and legal Treaty rights.

CPAWS NAB also participated in creating a joint response from the signatories of the Canadian Boreal Forestry Agreement in Alberta as well as a response from the Alberta ENGO members of the national Boreal Leadership Council.

All of CPAWS NAB's comments regarding the LARP can be found at:

<http://cpawsnab.org/campaigns/protect-the-athabasca-heartland>

# Exhibit E





## NGO's and the Draft SSRP Session

SSRP Phase 3 Consultations/ 116507600.800

This is Exhibit <sup>E</sup> **Meeting Minutes**

Affidavit of

Katharine Morrison

Sworn before me this 3 day

of December A.D. 2013

Christine Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

Date/Time: November 8, 2013 / 9:00 AM

Place: Room 212  
Elevation Place  
Canmore, Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

Attendees:	Adam Driedzic, Environmental Law Centre Carole Stark, Water Matters Marina Krainer, Ghost Watershed Alliance Society Stephen Legault, Crown of the Continent Conservation Initiative Sarah Cox, Yellowstone to Yukon Conservation Initiative Katie Morrison, Canadian Parks and Wilderness Society Bev Yee, Land Use Secretariat Dave Bartesko, Land Use Secretariat Bill Dolan, Tourism, Parks and Recreation Steven Donelon, Tourism, Parks and Recreation Joey Young, Tourism, Parks and Recreation Tyrell Ludwig, Alberta Energy Kevin Williams, Alberta Energy Terry Koch, Stantec Consulting Ltd. (recorder)	adriedzic@elc.ab.ca carole@water-matters.org office@ghostwatershed.ca Stephen@highwatermark.ca  sarah@y2y.net  kmorrison@cpaws.org  bev.yee@gov.ab.ca dave.bartesko@gov.ab.ca bill.dolan@gov.ab.ca steve.donelon@gov.ab.ca joey.young@gov.ab.ca tyrell.ludwig@gov.ab.ca kevin.williams@gov.ab.ca terry.koch@stantec.com
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Distribution: 6 Attendees + GOA staff

Adam opened the meeting and welcomed everyone. He said he appreciated the public engagement effort and noted that this meeting was scheduled the day after the SSRP Phase 3 Canmore session so that people could have a break.

Dave B. explained structure of draft plan and engagement program.

### Discussion, Comments and Questions

- The number of recreational users is really increasing and the feedback to date reflects this; awareness of the number of users is very high.
- Dave framed what the Regional Plan is trying to accomplish.

- A lot of layers and it is complex.
- Overlapping clear priorities. How will trade-offs occur is a priority. How will decisions fall into place?
- **Implementation stage will include regular consultation with multi-stakeholder groups.**
- Weighting feedback is a concern for NGO's. Crown of the Continent had a meeting with Minister Diana McQueen to discuss their priorities especially maintenance and protection of headwaters. Draft SSRP protection of headwaters – sound watershed protection should be weighted higher than OHV users. Extraordinary damage has occurred.
- Job is to protect headquarters; growing quality concern. Not just a numbers game.
- One comment or 1000 does not matter from LUS's point of view. The emphasis is to document a range of comments and whether anything provided is different. Weighting is not done.
- Environmental professionals looking at cumulative effects of looking at the many different land uses.
- Limits have to be front and centre.
- Environment consultation hub is in Canmore.
- Environmental Law Centre is a charity founded in 1982 in response to the Lodgepole blowout. Stay the course topic centre. Environmental Law reform advocating on changes. Water and land stewardship law reform. The ELC runs its own public engagement program.
- What we are hearing – like to see people working together.
- Pressure of growth increases conflicts and may not going away
- Old rules won't apply, they don't work
- Business as usual will not achieve outcomes that this draft SSRP envisages.
- Strategies fall very short, trade-offs will be a reality
- Plan is written to being all things to all people
- Need to clearly define who the regulator for surface and sub-surface leases.
- Fragmentation of agricultural land is written around guidance. More than encouragement, much stronger language is required
- In the Eastern Slopes tools deserve a chance. Value of the regional plan depends on existing framework.



- White Zone – No reliance on old tools or new.
- Private Land – need some guidance and more than voluntary – set the guidance.
- Need more detail – place appropriate regulatory regimes. When will the intermediate piece come into the plan?
- Resources implementation – revenue neutral more than it is. Lack of guidance on their use and commitment to public funding, i.e. parks and trails, \$ includes operational funding. Need the implementation.
- A lot of the SSRP is a business plan and not so much a land use plan. Good move on air and water.
- Resources for implementation: ESRD, TPR greater need for enforcement.  
Options for enforcement?
  - 1) New resources?
  - 2) Collective resources of ministries?
  - 3) OHVA Trails ActDelegated admin org. fees to fund trails outreach, education and self-policing.  
Reclamation? Yes.
- Oldman Headwaters report 17, 3 hour workshop. Recreation was one of the chosen topics.
- People understand the challenge and we all collectively must work together.
- Spike in recreational emphasis in plan with regards to creating more use. Focus on opportunities and not focusing on impacts.
- Need to treat the rec user sector like other industries. Concern for different metrics applied to rec users.
- Issue of equitable cost and benefit. Contributes to local economy, restore balance between entities.
- Details and tools depend on foot print that is there. Needs to be backed by ALSA.
- Feedback from GOA collaboration approaches rec users message different from everyone else.
- GAP - Linear disturbance piece gets at the access management plan, piece and rec user piece it has to be the strongest tool.
- Linear disturbance 2017 timeframes for designated trails has to be sooner. Have to have the conversation. Intent is that the most significant factor on biodiversity.
- Integration conversations are hard. Open it up to pilots and test it. Only way to move forward.
- Test pilot on eastern slopes would go a long way. PLUZ -back it up with tools to explore and

learn from. Move recreation end use to front end whether or not it will be used for recreation.

- North of Nordegg, west of forestry trunk management area. Roads, seismic lines, attempt at rationalizing roads and other linear disturbances.
- Plan to expand linear disturbance will lead to failure. No action will continue to perpetuate the problem. Conservation efforts to forestry industry and off trail users. Challenge is that OHV use is allowed in the eastern slopes.
- Should follow success like K-Country, 4,200 sq km area with designated uses.
- System of OHV designated trails in draft to develop system. Will take time to build system.
- Should not be 4-5 years because damage will be done. 6 months is doable. No traction with environmental movement because they only lose in the decisions. Now it is a significant barrier in reaching headwater protection.
- If we can't cross this hurdle, a lot of people will be upset.
- OHV groups have a land stewardship focus, prepared to stay out of areas. Commitment from OHV to work with GOA. Not enough detail on how you will get people to work together. Identify off and on limits. This will always be a challenge to see how long it will take. Very concerned that people will break the law, the longer we go without a system increases the risk goes up for bad apples to disturb areas.
- Not enough details here, need to be clearer.
- Ghost Partnership more sustainable trail development.
- 4X4 trails non-motorized and motorized so you avoid sense of entitlement. Need to break pattern so that it is safe for everyone.
- Ghost has lost traction within the Ghost. Fear of being shot, this from a biologist working in the area. Sense of urgency, but take the time to do it right. Huge concern about increased use in green zone outside of forestry zones. Proper enforcement, green area expansion will be met with great opposition.
- Ghost – Maclean Creek comparison user conflicts in Parks Trails Act.
- Appendix G – improve education about water sources and water bodies. Needs to be done. Trail plan vs access plan.
- Fear is losing access. Montana state printed a map – collaboration to print maps. Large willingness to work together.
- Outreach education and more boots on the ground. Stewards on the ground looking to support the outreach.
- Collaboration – list of opportunities for improvement. Goal is to find solutions. Castle



discussion opportunities for finding common ground. What are opportunities for resolving 40 year conflict? Draft SSRP falls short. Want to explore opportunities for environment protection. How do we solve the problem in the Castle?

- 5 years ago stakeholders came up with a solution. 1,000 sq. kms designated a Wildland Park.
- OHV and Forestry, two remaining conflicting users. Is it ESRD losing land base so that parks gets increased land base?
- Over 13 months, a meeting was held every 3 weeks. Respect process from GOA. Do not repeat the work that has been done. Stewardship Commissioner needs to get grounded.
- Baggage around a designation of parks need to remove baggage to reach a solution.
- Was it always a multi-stakeholder group? Smaller group took it forward.
- Castle work to be shared with LUS.
- Initial pilots - LUS looking for feedback and suggested places for pilots.
- Rec users are very heterogeneous. Big challenge is how to create tools and mechanisms to understand access and use of public space. People generally agreed on outcome.
- In the Milk River area there is the Twin River rangeland with 12 sections. Heritage Range land with oil and gas companies ready to pull out.
- SSRP could seize on forestry reform. A lot of good conversations with Spray Lake Sawmills.
- 90% is there, so the GOA needs to get the last 10%.
- Parroting what is happening in Montana. Focus on restoration and reclamation, changes scale and emphasis as a tool for headwaters management. Timber that comes out is less. Encourage forestry industry to diversify - ounce of prevention for a pound of cure.
- As part of revised of forestry management, some barrier is protected areas. Need to see entrenchment of high valley areas and lower valley stay in. Like to have Livingstone Valley bottom perfected.
- Lack of truly newly protected area more that areas up high. Lack of wildlife corridor connectivity. How do we get the final plan to wildlife connectivity?
- Details are not in the draft but that does not mean that our modern province is not looking at a modern way of looking at protected areas. Does not mean it's any less important.
- Challenge ourselves to best achieve the level of protection.
- GOA trying to communicate management intent of green and white. Public land. What are some of the objectives at a high level? Features of the BMF should be to set a timeline at the end of 2014 about what does it really mean and how to accomplish this on the

landscape.

- Suite of things to be identified in green and white area. Features and what else can we do to move PLUZ planning needs to take place as part of the surface land management plan.
- Surface Linear Footprint Management Plan in priority areas first. Do not wait until we get everything.
- GOA needs to carry out integrated planning and people want to know what that looks like.
- Need to look at a lot of different tools. Protected areas are a bottom tool in Alberta, whereas worldwide it is recognized as a key tool.
- Plan for Parks post Land Use Plan always needs revisiting. Regional Parks Plan for LARP is underway.
- Water Conversation and Water for Life - Regional Plan points our pressures we are setting and what we need on an integrated basis.
- SSRP creates a base update opportunities from many different areas.
- Minerals and surface disturbance - plan provides guidance to broader decision making. Integrated Resource Management Plan is about sustaining oil and gas and rock industry.
- Sense that decisions on energy are different than other decisions.
- Decisions are to be integrated decisions on caribou planning. The Department of Energy is very forward thinking. There is a significant difference with how we do planning. Subsurface taking into account what is happening on the surface.
- Need to use the wilderness status quo. The problem is that there is always some sort of activity. It seems hydraulic fracking gets a free ride.
- Endangered species plans required. Feds are lacking this information.
- Need to identify move inappropriate areas for activity to take place.
- Proactive approach with industry to manage dispositions is required.

November 8, 2013  
NGO's and the Draft SSRP Session  
Page 7 of 7

The meeting adjourned at 12:15 PM  
The foregoing is considered to be a true and accurate record of all items discussed. If any discrepancies or inconsistencies are noted, please contact the writer immediately.

**Stantec Consulting Ltd.**

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# Exhibit F

**Katie Morrison**

**From:** Katie Morrison <kmorrison@cpaws.org>  
**Sent:** January 15, 2014 11:53 AM  
**To:** premier@gov.ab.ca; esrd.minister@gov.ab.ca; bev.yee@gov.ab.ca;  
 tpr.minister@gov.ab.ca; christine.sweet@gov.ab.ca  
**Cc:** amsyslak@cpaws.org  
**Subject:** Comments on draft SSRP - CPAWS Southern Alberta  
**Attachments:** CPAWS SAB Comments on Draft SSRP\_15Jan14.pdf

Dear Premier Redford,

Please find attached the Canadian Parks and Wilderness Society – Southern Alberta chapter (CPAWS SAB) comments on the draft South Saskatchewan Regional Plan (SSRP). CPAWS SAB appreciates the opportunity to participate in this process and look forward to seeing our comments and recommendations reflected in the final SSRP.

Sincerely,  
Katie Morrison

**Katie Morrison, M.E.Des., P.Biol.**

Conservation Director  
 CPAWS Southern Alberta Chapter  
 Office: (403) 232-6686  
 Cell: (403) 463-6337  
[kmorrison@cpaws.org](mailto:kmorrison@cpaws.org)

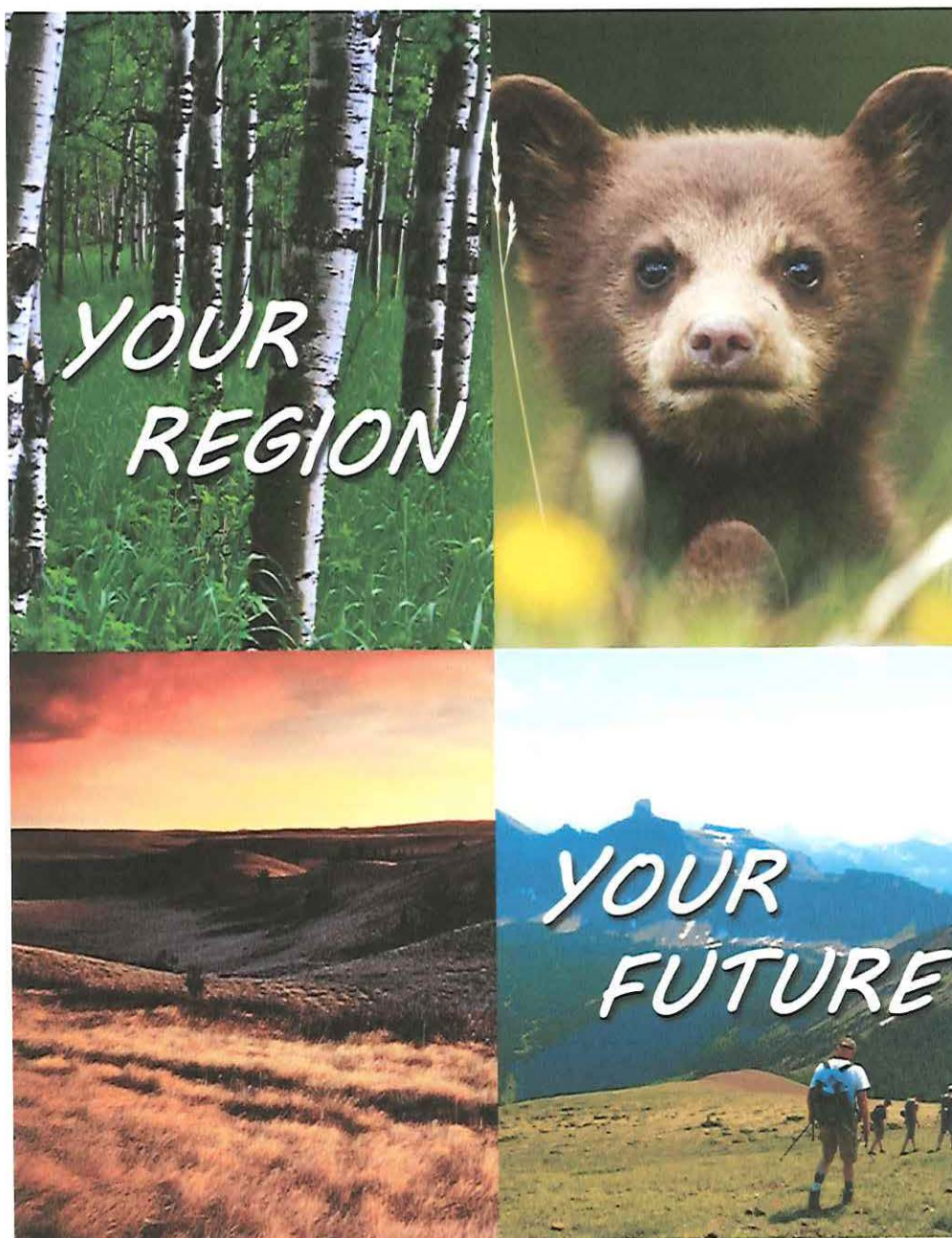
Celebrating 50 years and 50 million hectares of protected Canadian wilderness! Help up us make it 50 more. Become a [donor today](#).



This is Exhibit "F" referred to in the  
 Affidavit of  
Katherine Morrison  
 Sworn before me this 8 day  
 of December A.D. 2020  
Christine E. Laing  
 Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
 Barrister and Solicitor  
 A Commissioner for Oaths in and for Alberta

# Comments on the Draft South Saskatchewan Regional Plan





The Hon. Alison Redford, Q.C.  
Premier of Alberta  
307 Legislature Building  
10800-97 Avenue  
Edmonton, Alberta T5K 2B6  
Email: [premier@gov.ab.ca](mailto:premier@gov.ab.ca)

January 15, 2014

Dear Premier Redford,

**Re: Canadian Parks and Wilderness Society – Southern Alberta Chapter Feedback on Draft South Saskatchewan Regional Plan**

The Canadian Parks and Wilderness Society – Southern Alberta chapter (CPAWS SAB) appreciates the opportunity to provide feedback on the draft South Saskatchewan Regional Plan.

The Canadian Parks and Wilderness Society (CPAWS) envisages a healthy ecosphere where people experience and respect natural ecosystems. CPAWS is the only national conservation organization dedicated to the protection and sustainability of public lands across the country. CPAWS Southern Alberta Chapter promotes awareness and understanding of ecological principles and the inherent values of wilderness amongst resident Albertans and visitors.

CPAWS has been working on conservation in Alberta since 1967 and is engaged in a variety of discussions with provincial and federal government staff as well as industry on a number of different conservation issues in Alberta. Our particular role as an environmental organization in Alberta is to provide landscape scale, science-based support and advice for the conservation and protection of Alberta's protected areas and wild lands. We have a positive public profile and pride ourselves on working cooperatively with government, First Nations, businesses, non-government organizations and individuals to achieve practical conservation solutions on the landscape.

CPAWS SAB commends the government for taking the initiative on land-use planning to ensure that as we develop our resources, we also maintain and conserve the natural areas that provide the high quality of life we have in Alberta. However, we believe that the draft South Saskatchewan Regional Plan (SSRP) falls far short of meeting these objectives.

CPAWS SAB is concerned with seven key areas of the plan:

- The SSRP contains vague language about prioritizing headwaters integrity, but fails to provide specific changes and standards. The draft SSRP allows obsolete practices such as clear-cut logging to continue.

- Virtually all of the “new” protected areas in the plan are in high alpine areas and are already protected by policy; thus very little additional protection is included in the plan.
- The draft plan fails to protect the entire 1,041km<sup>2</sup> of the Castle Special Place and ecologically significant areas in the eastern slopes and native grasslands.
- Wildlife need to be able to move across the landscape. None of the designated protected areas are connected in any way.
- The Linear Footprint Management Plan is a much needed tool for biodiversity and watershed protection and should be implemented immediately.
- Motorized traffic and crowds on off-road vehicles lead to degraded streams and dirty water, disrupted water runoff patterns, conflicts between people and loss of key wildlife habitats. This is already too common in the region. The plan does little to address these issues.
- The tourism and recreation development strategies in the draft SSRP focus largely on promoting motorized recreation. This plan fails to give proper weight to eco-tourism potential of the region and the real reasons people come to visit our beautiful Alberta wilderness.

Detailed comments on the plan are provided below.

## **1. The region’s economy is growing and diversified (p. 12-35; p. 59-66)**

### **The Region Today (p. 12-35)**

#### *Forestry (p. 18)*

The draft SSRP indicates that forestry is an important industry within the region yet the plan does not place the economic or employment numbers in the context of the region but rather talks about the value of the industry on a provincial scale. A draft paper prepared by the ASPEN group for AENV and ASRD in 2008 estimates the economic value of forestry to the annual GDP in Southern Alberta as \$2.4 million.<sup>1</sup> All other economic sectors in the draft SSRP describe the value of the industry in the region.

#### *Recommendation:*

- Include a full-cost economic and employment value of commercial forestry in the South Saskatchewan Region in the document to put real perspective on the economic value of this sector in the SSRB region.

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<sup>1</sup> The ASPEN Group. 2008. Draft Alberta Southern East Slopes Integrated Land Management Pilot Project. The ASPEN Group. Prepared for Alberta Environment, Environmental Monitoring and Evaluation Branch and Alberta Sustainable Resource Development, Sustainable Resource and Environmental Management.



### *Tourism (p. 20)*

The draft SSRP focuses on motorized recreation. This focus is set at the outset of the document in the economic section on tourism, which singles out the economic value of motorized recreation. This economic estimate for motorized recreation does not include the costs of damages caused by unfettered motorized recreation.

If the plan includes the value of motorized recreation it should also include the value of non-motorized recreation and protected areas. These industries rely on protected and wilderness areas to support the industry. Other lower impact forms of recreation, such as equestrian and hiking, photography and birding contribute greatly to the economy and the health of communities and should receive more focus in this plan.

For example, a report by the Canadian Parks Council estimates that in 2009 the economic impact of parks in Alberta was over \$1.4 billion<sup>2</sup>. This estimate does not include the contribution of non-motorized recreation to the economy through clothing, transportation and gear.

In another study by Headwaters Economics<sup>3</sup>, it was shown that rural counties in the Western United States where 30% of their land base was protected as national parks or monuments experienced economic growth of 345% between 1970 and 2010. In counties where less than 10% of the land base was protected, growth of only 90% was experienced during the same time period.

#### *Recommendation:*

- Include the full economic impact of parks and non-motorized recreation in the section on Tourism in the SSRP.

### *Ecosystem Services*

The plan does not include the value of ecosystem services such as clean water, air purification, carbon capture and many other services that intact ecosystems provide.

A mandatory requirement to determine the net economic benefit or cost of current management compared to the net economic value of ecosystem goods and services, protected areas and low-impact recreation should be conducted. A precedent exists for valuing assets such as ecosystem services and biodiversity, both in Canada and internationally.<sup>4</sup>

<sup>2</sup> Canadian Parks Council. 2011. The Economic Impact of Canada's National, Provincial & Territorial Parks in 2009. Canadian Parks Council. A Technical Report prepared by The Outspan Group Inc. Amherst Island, Stella, Ontario

<sup>3</sup> Headwaters Economics. 2012. West is Best How Public Lands in the West Create a Competitive Economic Advantage. Headwaters Economics. Bozeman, MT.

<sup>4</sup> Miller, E. and P. Lloyd-Smith. 2012 The Economics of Ecosystem Services and Biodiversity in Ontario: Assessing the Knowledge and Gaps. Prepared for the Ontario Ministry of Natural Resources

TEEB (2010), The Economics of Ecosystems and Biodiversity Ecological and Economic Foundations. Edited by Pushpam Kumar. Earthscan, London and Washington.

Hanna, E., P. R. Hanna, T. Hanna, T. Koveshnikova, and P. Victor. 2010. Valuation of Ecological Goods and Services in Canada's Natural Resources Sectors. Report for Environment Canada.



Forest and grassland management practices and ecosystem goods and services are assets of the people of Alberta and, as such, need to be valued during decision-making processes about land-use. By implementing these analyses into watershed plan reviews and all future resource management decisions, Alberta can, over time, become a leader in the valuation of its assets.

*Recommendation:*

- Include a requirement for full economic assessment of ecosystem goods and services, protected areas and low-impact recreation in the region to be conducted prior to making land-use decisions.

**Outcome 1: The region’s economy is growing and diversified (p. 59-66)**

Despite the focus in the title of this section on economic diversification, the entire section focuses on status quo economic development based on natural resource development, with little acknowledgement of the land use issues arising from unfettered and unplanned development presented in the rest of the document. Although CPAWS SAB recognizes the importance of the natural resource sector to our economy, this cannot be addressed in isolation of land-use planning.

*Recommendations:*

- To achieve the objectives of the rest of the draft SSRP in maintaining biodiversity and headwaters, for each of Energy, Renewable Energy, Corridors for Linear Infrastructure and Surface Materials, a key planning principle needs to be added:  
 “A priority will be to locate new development and access where development already exists and on existing disturbed land to the greatest extent possible so as to maximize efficiencies and minimize landscape fragmentation.”

**Agriculture (p. 61)**

The section on agriculture is not in alignment with the rest of the document and should include Market Based Instruments described on page 74.

*Recommendation:*

- Include the Market Based Instruments as part of the diversification of Agriculture.

**Forestry (p. 63)**

Despite the excellent commitment on page 69 to “Manage forests in the Green Area with headwaters protection and integrity (water storage, recharge, and release functions) as the highest management priority,” and the section on forestry on page 63 does not mention headwaters protection, water quality or water storage. Rather, the economic section on forestry (p. 63)

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The Pembina Institute. 2009. Counting Canada’s Natural Capital: assessing the real value of Canada’s boreal ecosystems. Canadian Boreal Initiative.

recommends promoting diversification through the Alberta Forest Products Roadmap to 2020, which is entirely focused on timber supply and products, and through managing forest health through pine beetle and wildlife control.

Although managing for pine beetle and wildlife are done through commercial forestry, and restoration and water storage through maintaining intact forests, the role of ecosystem-based management in the southern eastern slopes should be recognized as a potential strategy for economic diversification of the forestry sector.

There are working examples of successful forestry reform in North America. For example, in western Montana several multi-stakeholder groups of conservationists, motorized recreational vehicle users, outfitters, loggers, mill operators, state government and the U.S. Forest Service have developed systems of restoration forestry. These initiative were initiated based on the realization that the “present system was failing – failing our timber workers and timber-dependent communities, failing the ecological health of our forests, and failing our responsibility to future generations.”<sup>5</sup> These new initiatives aim to find a solution to these failures.

These innovative approaches to forest management attempt to rejuvenate and recover natural structure, function, and process in a landscape context by using adaptive management and a flexible and open approach. These groups collaboratively create scientifically-defendable, socially-appropriate principles or objectives for a new type of forest management in the region, which prioritize management of social and ecological objectives.<sup>4</sup>

A key part of this model is the collaborative approach to, not just forest management, but creation of new protected wilderness areas in Montana. This innovative system also provides for a new forest economy in the region and restoration and maintenance of important ecosystem services.<sup>6</sup>

This model of restoring forests to meet ecosystem and social objectives is one that Alberta could adapt as part of an alternative forest management model for the Southern Eastern Slopes.

The adjustment and aligning of the “Forest Management Unit C5 and Spray Lakes Sawmills Forest Management Agreement areas and associated ground rules” (p. 69) should include adopting an ecosystem-based management approach. Solely adjusting the management plans and ground rules will not achieve the desired objectives as long as commercial timber supply is a key objective. Under an ecosystem-based approach, timber would be a by-product of other management actions rather than an objective of management.

#### *Recommendations:*

- Priorities for forest management of the region should be based on social and ecological objectives such as headwaters protection, wildlife habitat and low-impact recreation rather than timber extraction. This should be explicitly outlined in the forestry, headwaters protection and maintenance of biodiversity sections of the plan.

<sup>5</sup> Montana Forest Restoration Committee. 2013. Restoring Montana’s National Forest System Lands Guiding Principles and Recommended Implementation. Montana Forest Restoration Committee.

<sup>6</sup> Southwest Crown Collaborative. 2012. The Southwest Crown Collaborative. Available at: <http://www.swcrown.org/> Accessed November 29, 2013.



- Forest management should include restoration as a key component of land-use planning and management of the Southern Eastern Slopes.
- The final SSRP should incorporate the creation of a pilot project for an ecosystem-based approach to forest management using the Southern Eastern Slopes.
- There should be no further logging in the Castle Special Place.

### **Tourism (p. 64)**

The objective of the region as a world-class, year-round, tourism destination is a valuable way of diversifying our economy. Although “accommodations, attractions, events, activities and amenities” are all important parts of attracting visitors to the region, these developments will not alone attract visitors to the iconic wilderness that people come to Alberta to see – such wilderness must exist for people to see it.

As such, the economic development plan for tourism conflicts with many other areas of the plan, which allows for industrial development and unregulated motorized recreation throughout the region. For example on page 55, the plan states the “recreation, tourism and industry must co-exist on the landscape outside the designated camping areas, industrial activity will continue and new industrial tenures will continue to be granted.”

The outdoor recreation and tourism industry are important economic sectors in the region which rely on the existence of intact and iconic wilderness areas. The value of these areas decreases when they are also used for industrial development, clear-cut logging and unregulated motorized recreation. “Long-term security” (p.65) will not be achieved through longer leases alone – it must also include the security that wilderness areas, a key attraction, are maintained now and in the future.

#### *Recommendation:*

- The plan should include development of a sustainable tourism strategy for the region including specific measures and policies around industrial development in iconic regions. This strategy would increase security that the wilderness areas, which draw people to the region, will remain intact for low-impact tourism developers and operators.
- The plan should include a statement that “Tourism development nodes, to the greatest possible extent, should be on private land and in proximity to existing communities and public infrastructure.”



## 2. Biodiversity and ecosystem function are sustained

(Strategic Direction p. 38-44; Outcome 3 p. 66-74; Appendix C, D, F, H; Schedule C)

### Conservation Areas p. 39-41, 66

#### *Protected Areas Targets p. 39*

The plan states that “conserving a range of landscape types representative of Alberta’s natural diversity provides for habitat that will support and maintain species and other aspects of biological diversity that depend on these landscapes” (p. 39). This statement makes reference to the natural region protection targets in Appendix C.

Alberta Tourism, Parks and Recreation (ATPR) targets are not biologically defensible and are completely inappropriate for a meaningful identification of gaps in protected areas. The International Union for the Conservation of Nature (IUCN) indicate that at least 17 percent of lands needs to be protected to conserve known biodiversity, whereas Conservation International suggests that 25 percent is a more appropriate target<sup>7</sup>. Currently only 4.2 percent of our land is protected as provincial protected areas.

Notwithstanding the inappropriate ATPR targets, virtually all the “new” protected areas in the SSRP are in the Alpine and Subalpine Natural Sub-Regions, which are already protected under current policy.

Several Natural Sub-Regions underrepresented in Alberta’s protected areas system, Foothills Parkland (2.1% protected), Foothills Fescue (1.3% protected) and Mixedgrass (1% protected), occur exclusively within the SSRP region and a significant portion of the Dry Mixedgrass Sub-Region (1.6% protected) falls in the region. Even with the Pekisko Heritage Rangeland which doubles the protection of Foothills Parkland to 4.2% of the Natural Sub-region, this area of protection is far below the international targets for ecosystem protection.

Despite significant gaps in these sub-regions, the draft plan does little to nothing to conserve a range of landscape types or fill protected areas gaps by identifying protected areas in these sub-regions.

#### *Conservation Areas p. 39-41, 66*

Although targets are useful for broad scale planning, identification of protected areas is not just about meeting a target number. To meaningfully protect biodiversity, the most ecologically important or sensitive areas must be protected in a range of habitat types both between and within natural sub-regions.

The plan states that the prime protection zone from the Eastern Slopes Policy was used to designate new Wildland Parks in the SSRP. The prime protection zone is described in the Eastern Slopes Policy as “high-elevation forests and steep rocky slopes” designated to “protect

<sup>7</sup> Conservation International. 2010. Technical Brief A rationale for protecting at least 25% of Earth’s land and 15% of Earth’s oceans to protect global biodiversity and ecosystem services (Strategic Plan Target 11). Conservation International.



the rugged mountain scenery.”<sup>8</sup> Using this out-of-date policy ignores the last 30 years of ecological science, knowledge of landscape planning and recommendations from the province’s own species-at-risk biologists and species at risk recovery plans<sup>9</sup> and therefore contributes little to conservation of biodiversity. We are also dealing with a different landscape than we were in 1977 or 1984 when the Eastern Slopes Policy was drafted. The 2013 landscape has more people and more pressures on the land from industrial and recreational activities and from the effects of a changing climate. We will not resolve our land-use conflict and create a plan for the next 50 years by looking for solutions from 30 years in the past.

On page 47, the draft plan states that “the environmentally significant areas assessment and mapping provides information on areas that significantly contribute to maintaining healthy aquatic ecosystems” This Government of Alberta document does also not appear to have been used in designation of new protected areas.<sup>10</sup>

Although not a complete network of protected areas, the RAC advice seemed to have used more recent science to identify the proposed Candidate Conservation Areas including some areas of critical wildlife habitat. However the draft plan does not even use these recommendations and only designates the rocky mountain top areas, not wanted by industry or off-highway vehicle users. This does not, in effect, add any on-the-ground protection either in the Eastern Slopes or the Grasslands (outside of the Pekisko Heritage Rangeland). These designations may be politically easy solutions but do not address the conflicts or required trade-offs that form the basis of the Land Use Framework.

Furthermore, protection of the mountain tops does not protect the ecologically important lowland and riparian areas or a range of habitat types. To conserve biodiversity, a diversity of habitats must be protected in order to protect a diversity of species. Protecting only the mountain tops protects only species that rely exclusively on alpine and subalpine habitats such as mountain goat and big horn sheep. Species that require large areas and/or species that rely on lowland or riparian habitats will continue the decline we have seen over the last few decades.

If one of the main purposes of new protected areas is to maintain biodiversity (p. 67), these protected areas must be chosen and designated based on value to a variety of species. A recent report by the Wildlife Conservation Society, using Government of Alberta data, recommends the

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<sup>8</sup> Government of Alberta. 1984. A Policy for Resource Management of the Eastern Slopes Revised 1984. Government of Alberta, Edmonton, AB.

<sup>9</sup> E.g. Alberta Grizzly Bear Recovery Plan 2008-2013. 2008. Alberta Sustainable Resource Development, Fish and Wildlife Division, Alberta Species at Risk Recovery Plan No. 15. Edmonton, AB. 68 pp.

Alberta Environment and Sustainable Resource Development. 2013. Alberta Greater Sage-grouse Recovery Plan 2013–2018. Alberta Environment and Sustainable Resource Development, Alberta Species at Risk Recovery Plan No. 30. Edmonton, AB. 46 pp.

<sup>10</sup> Government of Alberta. 2009. Environmentally Significant Areas of Alberta. Parks Division, Alberta Tourism, Parks and Recreation.

[http://tpr.alberta.ca/parks/heritageinfocentre/environsigareas/docs/esa\\_pdfwebmap\\_update2009.pdf](http://tpr.alberta.ca/parks/heritageinfocentre/environsigareas/docs/esa_pdfwebmap_update2009.pdf)



most appropriate areas in the southern Rockies for protection of key vulnerable species<sup>11</sup>. This data should be used in designation of protected areas in the SSRP.

One of the most glaring oversights of the SSRP is in regards to the Castle Special Place. The Castle is important to Albertans and to all of Canada. It is treasured for its stunning beauty, habitat for rare wildlife, its opportunity for wilderness recreation and as the source of clean water for communities far down stream. The Castle contains the highest level of biodiversity in the province after Waterton Lakes International Peace Park and provides 30 percent of the water in the Oldman River Watershed. Protection of this important region is essential for maintaining the future of wilderness and communities in our province.

The plan proposes to protect the rocky mountain tops of the Castle, previously protected as prime protection zone in the Eastern Slopes Policy, as a Wildland Park and ignores the problems of unregulated off-road traffic and the pressure for inappropriate development. This does little to address the conflicts that plague the lowland areas. The rest of this unique landscape is left unprotected and is slated for intense off-highway vehicle use, road-building and logging.

It also proposes to designate a few of its valleys as ill-defined Conservation Management Areas, which still allow for commercial forestry. While a new definition of forestry is needed on the Eastern Slopes there are also places where commercial forestry is not appropriate in any form. For its ecological, social and watershed values, the Castle is one such place. This does not preclude ecosystem-based forest management in these areas but does exclude commercial timber-driven forestry. The designation of a “Castle Conservation Area public land use zone” (p.71) is in essence a multi-use zone with a meaningless conservation title with no legal backing.

Albertans have called for full protection of the Castle time and time again – in the past few years over 100,000 people have contacted the Premier’s office to ask for full protection. Polls also show that southern Albertans want full protection for the area. A 2011 poll, for example, found that three out of every four of area residents<sup>12</sup> and 87 per cent of Lethbridge/Coaldale residents<sup>13</sup> support designating the Castle as a Wildland Park. Albertans have spoken clearly that they want the entire Castle protected as a Wildland Provincial Park<sup>14</sup> yet the plan ignores the desires of these citizens. The science and public opinion both argue for full protection of the Castle Special Place.

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<sup>11</sup> Weaver, J.L. 2013. Protecting and Connecting Headwater Havens: Vital Landscapes for Vulnerable Fish and Wildlife, Southern Canadian Rockies of Alberta. Wildlife Conservation Society Canada Conservation Report No. 7. Toronto, Ontario, Canada. <http://www.wcscanada.org/WildPlaces/CrownoftheContinent.aspx>

<sup>12</sup> The Praxis Group. 2011. Castle Special Management Area Public Opinion Study. The Praxis Group. Calgary, AB. [http://cpaws-southernalberta.org/upload/Castle%20Public%20Opinion%20Poll\\_Praxis\\_2011.pdf](http://cpaws-southernalberta.org/upload/Castle%20Public%20Opinion%20Poll_Praxis_2011.pdf)

<sup>13</sup> Ellis, F. 2011. Castle Special Management Area Lethbridge Public Opinion Study – Winter 2011. Citizen Society Research Lab. University of Lethbridge, Lethbridge, AB. [https://www.lethbridgecollege.ca/sites/default/files/imce/about-us/applied-research/csrl/Castle\\_Winter\\_2011.pdf](https://www.lethbridgecollege.ca/sites/default/files/imce/about-us/applied-research/csrl/Castle_Winter_2011.pdf)

<sup>14</sup> Castle Special Place Citizens’ Initiative. 2009. Castle Special Place Conceptual Proposal for Legislated Protected Areas. Castle Special Place Working Group. [http://cpaws-southernalberta.org/upload/castle\\_special\\_place\\_conceptual\\_proposal.pdf](http://cpaws-southernalberta.org/upload/castle_special_place_conceptual_proposal.pdf)



### *Recommendations:*

- A Wildland Provincial Park for the **entire** 1,040 km<sup>2</sup> of the Castle Special Place.
- Protected areas should conserve ecologically important habitat in a variety of habitat types from “mountain top-to-valley bottom,” not just the harsh, windswept areas above timberline.
- New Heritage Rangelands in areas of intact native prairie.
- New protected areas should be put in place in the Ghost watershed, Kananaskis country, the Porcupine Hills, the Milk River watershed, the Livingstone Range and the Castle Special Place.

### *Grasslands*

The introduction section of the plan indicates that the SSRP region has more than 80% of the province’s species at risk (p. 21). The decline in these species to the point where they are listed either federally or provincially indicates that existing policies and practices to conserve wildlife and their habitats in Alberta are not working.

Most of these species at risk are associated with mixed grassland and wetland habitats. However outside of the Pekisko Heritage Rangeland, no new conservation areas are identified or designated in the grasslands region.

While CPAWS SAB fully supports the Pekisko Heritage Rangeland as an important first step in grasslands conservation and help protect against further species declines, this area alone will not contribute to recovery of currently listed species-at-risk in eastern Alberta.

Additionally the boundary of the Pekisko Heritage Rangeland should be extended north to the Highwood River. Valuable native grassland exists between the current northern boundary and the Highwood River. From an ecological standpoint, the Highwood River is a far more logical boundary.

The plan states that “opportunities for further conservation management approaches will be explored...” (p. 40). This statement, in essence, proposes a wait-and-see approach and a “plan-to-do-more-planning” in critical grassland and wetland habitats. Areas of intact grasslands are known (see map on page 128 of the draft SSRP) and species at risk recovery plans outline important habitats for Alberta’s species at risk. Additionally the RAC advice identified areas of high conservation priority that were not reflected in the draft plan. Thus further exploration is not needed to identify areas for protected areas or conservation designations. Putting off this important responsibility does not provide the provincial leadership that the LUF promised nor will it address the continued loss and fragmentation of wetland and native prairie habitats in Southern Alberta.

The draft plan also mentions that “the environmentally significant areas assessment and mapping provide information on areas that significantly contribute to maintaining healthy aquatic ecosystems” p. 47. This Government of Alberta document should be used to identify areas for protection in the grasslands.

*Recommendations:*

- Extend the northern boundary of the Pekisko Heritage Rangeland to the Highwood River.
- Additional new protected areas in the grasslands are needed to support our ranching culture and protect species-at-risk such as the sage grouse.
- Use the intact native grasslands map from the draft SSRP and environmentally significant areas<sup>15</sup> map to identify new Heritage Rangelands.

***Connectivity***

On page 39 the plan states: “Connectivity of wildlife habitat across landscapes is also an important factor in maintaining biodiversity.” This is the one and only time landscape connectivity is mentioned in the document.

In contrast, the Regional Advisory Council (RAC) advice identified an integrated network of public and private lands that contribute to the conservation of biodiversity. This concept has not been included in either the identification of protected areas or any other part of the draft SSRP.

*Recommendations:*

- Include connectivity in protected areas planning such that new and existing protected areas are meaningfully connected to allow wildlife species and other natural processes to move across the landscape.
- Outside of protected areas, identify a new land use designation, which identifies and protects habitat for wildlife movement between protected areas, especially along stream and river corridors.

***Public Land – Green and White Zones (p. 41-44, 66-69)***

***Linear Footprint Management Plan***

The Linear Footprint Management Plan (p. 41, 67) is an important and necessary part of conservation of both the green and white zones. Linear disturbances can fragment habitat for wildlife species, create avenues for invasion of non-native species and provide access for motorized traffic and crowds on off-road vehicles which lead to degraded streams and dirty water, disrupted water runoff patterns, conflicts between people and loss of key wildlife habitats.

Studies of linear densities in the eastern slopes<sup>16</sup> indicate that in many areas linear densities are far above thresholds for species at risk in Alberta such as sage grouse, grizzly bear, cutthroat trout and bull trout<sup>17</sup>.

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<sup>15</sup> Government of Alberta. 2009. Environmentally Significant Areas of Alberta. Parks Division, Alberta Tourism, Parks and Recreation.

[http://tpr.alberta.ca/parks/heritageinfocentre/environsigareas/docs/esa\\_pdfwebmap\\_update2009.pdf](http://tpr.alberta.ca/parks/heritageinfocentre/environsigareas/docs/esa_pdfwebmap_update2009.pdf)

<sup>16</sup> E.g. Lee PG and M Hanneman. 2011. Castle Area Forest Land Use Zone (Alberta) – Linear disturbances, access densities, and grizzly bear habitat security areas. Edmonton, Alberta: Global Forest Watch Canada 1st Publication for International Year of Forests.

[http://www.globalforestwatch.ca/pubs/2011Forests/02Castle/Castle\\_report\\_GFWC.pdf](http://www.globalforestwatch.ca/pubs/2011Forests/02Castle/Castle_report_GFWC.pdf)



Given the significance of these disturbances we should not wait until 2017 to implement this tool. Additionally watersheds containing bull trout and westslope cutthroat trout and native prairie habitats should be included in the priority planning areas.

*Recommendations:*

- Immediate development and implementation of the Linear Footprint Management Plan for the entire South Saskatchewan Region including a strategy for restoration of areas already above targets.
- Include watersheds containing bull trout and westslope cutthroat trout and native prairie habitats as areas for priority planning.
- Enforceable limits should be created for the public lands in the entire region not just specific areas. This helps ensure that, not just at-risk species are protected, but also that we are limiting habitat loss and fragmentation throughout the region to prevent species from becoming at-risk.
- The last point under key features of the plan should read: “A practical system for monitoring, measuring, reporting and *enforcing limits to* linear footprint.
- In the White Area Public Land, no new linear developments on native grasslands should be approved. New approvals should be limited to agricultural and otherwise disturbed areas.
- Strategies on Green Area Public Land should include not just a “management approach” (p. 68) but restoration of obsolete roads and trails and unregulated motorized recreational trails, restrictions on motorized access outside of the designation trail system and an enforcement strategy.
- The plan should include a statement to the effect that until the linear footprint management plan is developed and executed, a moratorium on new linear footprint development will be put in place for public land, including tax-recovery lands, that contains native prairie, sage grouse habitat, core grizzly habitat or watersheds containing, westslope cutthroat trout or bull trout streams.

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Ghost Watershed Alliance. 2011. Cumulative Effects Assessment, Ghost River Watershed. Ghost Watershed Alliance. Cochrane AB. [http://www.ghostwatershed.ca/GWAS/Research\\_&\\_Data\\_files/2011%20Ghost%20Report-web\\_1.pdf](http://www.ghostwatershed.ca/GWAS/Research_&_Data_files/2011%20Ghost%20Report-web_1.pdf)

Fiera Biological Consulting Ltd (Fiera). 2013. Oldman Watershed Headwaters Indicator Project – Draft Report (Version 2013.3). Edmonton, Alberta. Fiera Biological Consulting Report #1346. [www.oldmanbasin.org/index.php/download\\_file/view/899/89/](http://www.oldmanbasin.org/index.php/download_file/view/899/89/)

<sup>17</sup> E.g. Alberta Grizzly Bear Recovery Plan 2008-2013. 2008. Alberta Sustainable Resource Development, Fish and Wildlife Division, Alberta Species at Risk Recovery Plan No. 15. Edmonton, AB. 68 pp.

Alberta Environment and Sustainable Resource Development. 2013. Alberta Greater Sage-grouse Recovery Plan 2013–2018. Alberta Environment and Sustainable Resource Development, Alberta Species at Risk Recovery Plan No. 30. Edmonton, AB. 46 pp.

The Alberta Westslope Cutthroat Trout Recovery Team. 2013. Alberta Westslope Cutthroat Trout Recovery Plan: 2012-2017. Alberta Environment and Sustainable Resource Development, Alberta Species at Risk Recovery Plan No. 28. Edmonton, AB. 77 pp.

Alberta Sustainable Resource Development 2012. Bull Trout Conservation Management Plan 2012 - 17. Alberta Sustainable Resource Development, Species at Risk Conservation Management Plan No. 8. Edmonton, AB, 90 pp.



### *Biodiversity Management Framework (p.66)*

CPAWS SAB supports a new approach to cumulative effects management in the South Saskatchewan region. While the Biodiversity Management Framework is a key part of the strategy for sustaining biodiversity in the region, CPAWS SAB has several recommendations for the Framework in the draft SSRP.

#### *Recommendations:*

- It is important that the indicators and key species chosen are appropriate for assessing the effects of cumulative developments on both species-at-risk and biodiversity. Appropriate indicators should be chosen in consultation with wildlife biologists and conservation organizations.
- The Biodiversity Management Framework does not include the ability to designate new protected areas in key species habitats or landscapes. Although protected areas are not the only tool for conserving biodiversity they are the keystone tool in all conservation plans worldwide. For the Framework to be meaningful and effective, this key tool should not be taken off the table before the process even begins.
- Sector-specific ecological thresholds and cumulative effects thresholds related to land-uses should be included in the biodiversity management framework. Forest management practices should be required to comply directly with legislated ecological thresholds (e.g., for forest cover, linear disturbance, water quality, wildlife habitat) identified by an independent monitoring body and practices should adjust where necessary. Penalties should be applied and enforced for companies that exceed determined thresholds.

### *White Area Public Lands (p.43-44, 67-69)*

On page 43 the plan states: “While the management intent for agriculture and infrastructure on these lands will not change, there will be additional clarification regarding multiple uses of the White Area public land, which is maintaining intact native grasslands and habitat as a high priority.”

The plan also states that in Alberta the grasslands support the majority of our species-at-risk and provide many ecosystem services such as watershed retention and carbon storage.

Native grasslands are one of the most endangered ecosystems on earth. Given their importance and the continued loss and fragmentation of native grasslands, maintaining public native grasslands should be the highest priority for land-use planning in the White Area.

On pages 44 and 69, the plan states that “conversion of native grasslands to other uses such as cultivation-based agriculture, tame pasture or facility developments will be minimized.”

However this statement is contradicted in Appendix H (p. 127) which provides for sale of any intact public grasslands that have irrigation potential. No public land containing intact native prairie should be sold for cultivation. The number of species-at-risk dependent on native is a clear sign that Alberta has already passed the safe threshold for conversion of grassland. All surviving larger tracts of native grassland vegetation on Crown lands should be designated as Heritage Rangelands with longer-term leases for existing grazing lessees and immediate



restrictions on any new surface disturbance. Any irrigation expansion should be onto existing cultivated land currently used for dryland crop agriculture.

*Recommendations:*

- The sentence on page 43 should be revised as follows: “While the management intent for agriculture on these lands will not change, there will be additional clarification regarding multiple uses of the White Area public land, which is maintaining intact native grasslands and habitat as *the highest* priority.”
- The plan should state that no further conversion of public native grasslands, including tax recovery lands, to other land-uses will occur.
- There should be a moratorium on further leases and surface disturbance on intact grasslands to ensure no further loss occurs.

*Invasive Species*

CPAWS SAB supports the efforts to manage risks associated with invasive species.

*Conservation on Private Lands (p. 44-45, 74-75)*

CPAWS SAB supports the use of Market Based Instruments to encourage conservation on private land. Landowners play a key role in stewardship and conservation in southern Alberta.

The section on page 74 provides a broad overview of market-based conservation instruments; however the details of how and when these strategies will be implemented are missing. Without having a clear, specific strategy of implementation, these initiatives will be another case of “planning-to-plan.”

CPAWS SAB also has concerns with the Southeast Conservation Offset Pilot (p. 74-75). While restoration of native prairie through conversion of cropland to grasslands is a much needed initiative, this should not be done at the expense of currently intact native grasslands. Restoration of native prairie from agricultural lands is still experimental. Implementation of this type of offset runs the risk of offsetting high-value native grassland with low-value reclaimed grasslands – contributing to the continuation of decline in grassland species. Thus while restoration projects are important, they should not be conducted as the sole strategy for industrial offset.

*Recommendations:*

- The plan should include commitments to tangible market-based pilot projects aimed at, for example, restoration of sage grouse and burrowing owl habitat on privately-owned agricultural lands.
- Restoration of native grasslands from agricultural lands should not be based on offsets from disturbance and loss of high-value intact native prairie habitats.
- No new disturbance should occur on intact native grasslands.

### 3. Watersheds are managed to support ecosystems and human needs (p. 45-48 , p. 81-91)

#### *Advancing Watershed Management p. 45-48*

The floods of 2013 reminded us that what happens upstream in Alberta impacts everyone many miles downstream. The mountains and foothills of southern Alberta are natural water towers for millions of people.

When clear-cut logging, road-building and unregulated motorized vehicle use impact headwater forests, these lands lose their natural ability to regulate water flows. Soils exposed by clear-cutting, packed hard for roads or eroded from off-highway vehicle use are unable to store as much water, adding to floods and leaving less water during droughts.

The SSRP contains vague language about prioritizing headwaters integrity, but fails to walk the talk by providing specific changes and standards. The draft SSRP allows obsolete practices such as clear-cut logging to continue.

This section on advancing watershed management focuses largely on infrastructure and flood plain mitigations to flooding and has little connection between watershed management and land-uses. Better land-use decisions need to be made not just within “flood hazard areas” (p. 46) but also in headwaters landscapes.

On page 47, the plan refers to the environmentally significant areas assessment and mapping as providing information on areas that significantly contribute to maintaining healthy, aquatic ecosystems. This mapping should be used in identification of new protected conservation areas in order for these areas to actually protect headwaters systems.

On page 48 the importance of wetlands and the extent of wetland loss in southern Alberta are highlighted, but there is nothing proposed to stop and reverse this loss.

On pages 52 and 96, reference is made to redevelopment of flood affected areas. CPAWS SAB supports restoring low-impact recreational trails and use areas in Kananaskis Country and along the Bow River; however, the plan does not address the issue of restoring the damage by off-highway vehicle recreation which can lead to increased magnitude of future flooding events.

#### *Recommendations:*

- A strategy for restoring area impacted by clear-cut logging, road building and off-highway vehicles should be outlined and implemented as soon as possible.
- Detailed strategies for achieving natural, healthy water systems and wildlife habitat need to be defined in sections on forest management.
- Protected areas outlined in the SSRP should include more than just the mountaintops above timberline. Protected areas should also include the slopes and valleys through which the streams and rivers flow. Government of Alberta ESA mapping could be used in this assessment.



### ***Surface Water Quality Management Framework (p. 81-82)***

CPAWS SAB supports the implementation of the Surface Water Quality Management Framework for the South Saskatchewan Region and the use of water quality guidelines (p. 81). However, without linking the cumulative effects on water quality to land uses that degrade water quality, or having legally enforceable standards, it will be hard to regulate such standards.

#### *Recommendations:*

- Include limits and targets for land-use that contribute to decreased water quality (eg. linear densities, forest clearing) as part of the water quality management framework.
- Make water quality limits legally enforceable.

### ***Enhanced Integrated Watershed Management (p.87-88)***

On page 87, the plan states that the work of watershed planning and advisory councils will be supported. In our view, there is little point in doing watershed planning or serving on advisory councils if there is no prospect of the results being implemented.

#### *Recommendation:*

- Add: “Watershed plans developed under the Water for Life strategy, to the extent that they support implementation of the SSRP, may be designated Sub-Regional Plans under the ALSR and, upon coming into force, carry similar weight to the over-riding SSRP.”

On page 87 the plan commits to establishing regional wetland management objectives under the Alberta Wetland Policy and assessing the feasibility and need for a regional riparian management strategy. Wetland and riparian areas are very important for both headwaters protection and provision of habitat for species at risk. Restoration of wetlands should be a key priority in the region. The management objectives for wetlands and riparian areas, including thresholds and multipliers on wetland replacement offsets, should be clearly stated in the final SSRP.

#### *Recommendations:*

- As market-based instruments for ecosystem services on private lands are developed, a priority for implementation should be the restoration and development of those ecologically-productive classes of wetland that have suffered the greatest losses in the region.
- Include clear objectives and thresholds for wetland and riparian management.

Unregulated off-highway vehicle use is contributing to the deterioration of our headwater landscapes and water sources throughout our region. Inappropriate activities such as mud-bogging, poorly-laid out trails which were never designed for heavy recreational use and other issues associated abuse by off-highway vehicle users are a key issue in headwaters management. However these issues are not addressed in the section on headwaters management.

*Recommendations:*

- Include a new, enforceable regulatory requirement that motorized recreation users avoid both wetlands and riparian areas.
- Address unregulated off-highway vehicle use as a contributing factor in the degradation of headwaters (see specific recommendations in section 4 below).

The quality of our sole water source in Southern Alberta should not be left to best management practices and optional source water protection plans.

*Recommendations:*

- Page 88 (e), (f) and (h): Replace “encourage” with “require”

***Efficient and Resilient Water Supply (p. 88-90)***

The section on Efficient and Resilient Water Supply (p. 88), once again fails to link watershed health, land-uses and disturbances in the headwaters landscape to water quantity and resiliency.

The timing, volume and quality of water are to a very large degree a factor of the health of forests, wetlands and valleys which intercept and retain the runoff from snowmelt and rain. However, the draft plan focuses on water storage and hardly mentions headwaters. Without addressing headwaters land management we are not looking at the whole picture of achieving an efficient and resilient water supply or mitigating the impacts of future flood events.

Upstream land-uses such as clearcut logging, industrial disturbances, linear disturbances and unregulated off-highway vehicle use have significantly impaired the ability of our headwaters to perform their natural function as water regulators, contributing to increased flood intensity and drought magnitude.

Improving resiliency by restoring natural areas that mitigate floods and droughts such as headwaters regions, wetlands, river-connected aquifers and riparian areas should all be advanced with the SSRP through specific, measurable targets and limits.

“Climate variability” (p. 89) will only increase as the climate changes, leading to more severe flooding and drought events in Southern Alberta. The best ways to address these changes and ensure that we indeed are resilient in the face of such changes are not short-term infrastructure solutions but using our great natural capacity for adaption – intact landscapes.

According to current climate predictions, the province’s annual mean temperature is projected to increase between 3°C and 5°C by 2050.<sup>18</sup> Climate change will cause changes to the water cycle, leading to an increase of extreme events like floods, droughts, and blizzards. The following changes are anticipated due to the changing temperature and precipitation patterns, as a result of climate change:

- Changes in species community composition and structure.

<sup>18</sup> Barrow, E.M. and Yu. G. 2005. Climate Scenarios for Alberta. A Report Prepared for the Prairie Adaptation Research Collaborative (PARC) in co-operation with Alberta Environment. University of Regina, Saskatchewan. Available at [http://www.parc.ca/research\\_pub\\_scenarios.htm](http://www.parc.ca/research_pub_scenarios.htm)



- Alteration to the timing and amount of water availability.
- Increased rainfall triggering more flood events.
- Inability of species to migrate relative to the rate of climatic change, possibly leading to extinction.
- Northward and upslope shifts in species distribution.
- Changes in plant phenology (e.g., the timing of bud burst and flowering);
- Increasing occurrence of disturbance and threat of invasive species.
- Decline of old growth forest communities.

The plan also does not address the impacts of climate change. It is difficult to see how a 50-year plan could ignore such an important and significant issue. The Government of Alberta commissioned climate change scientists to develop climate change scenarios for the South Saskatchewan Region. Not only was this work not used in the draft, there is not even a reference to the documents that were produced.

Healthy, functioning and diverse ecosystems are more resilient to change, thus providing more opportunity for nearby human communities to adapt as well. Retaining intact natural areas with options for species to persist and expand in the face of climate change is a key adaptation strategy.<sup>19</sup>

The SSRP should include climate change predictions for the region and planning should be based on this current and future landscape rather than the landscape of the past. Measures to enhance the resiliency of the landscape to climate change, including conservation of forested and grassland areas, must be an essential element of any serious regional plan.

*Recommendations:*

- Reform management of headwaters landscapes and source water areas in all use sectors.
- Implement changes to forestry, road construction, beaver management and recreational infrastructure to increase the resilience, storage capacity and filtering ability of the headwaters forests of the South Saskatchewan region.
- Include the science-based predictions of the effects of climate change in headwaters management planning and ensure planning aligns with such predictions and contributes to enhancing resiliency of the landscape to climate change.
- Include commitments to restore natural areas that mitigate floods and droughts such as headwaters regions, wetlands, river-connected aquifers and riparian areas

*Headwaters (p. 90-91)*

On page 90, the draft plan states “Headwaters are protected through the establishment of conservation areas.” Given that these “new” conservation areas are mostly rock above tree line, these areas do not provide the storage, filtration, flood control, or the riparian habitat that the vegetated areas on the lower slopes, valleys and foothills provide. In addition, none or very few threats to the watershed exist on the top of the mountains. The threats to the watershed from industrial, recreational, and residential development activity occur more in the foothills or further

<sup>19</sup> Hebda, R. 2010. The future of flora: The impacts of climate change on the flora of the Canadian Southern Rocky Mountains and its value to conservation. Vancouver, BC: Canadian Parks and Wilderness Society.  
[http://cpawsbc.org/upload/CPAWS\\_Flathead\\_Climate\\_Rockies\\_flora\\_comp\\_Mar2010.pdf](http://cpawsbc.org/upload/CPAWS_Flathead_Climate_Rockies_flora_comp_Mar2010.pdf)



down on the grassy or forested slopes of the mountains. It is a huge stretch to say that these areas are designated for headwaters protection.

Among the many important headwaters areas, the Castle Special Place provides 30 percent of the water for the Oldman Watershed. The symbolic protection of the mountain tops of this key water source area does not in any way address the issues headwaters protection.

*Recommendations:*

- A Wildland Provincial Park for the **entire** 1,040 km<sup>2</sup> of the Castle Special Place.
- Protected areas should important source watersheds from “mountain top-to-valley bottom,” not just the rocky areas above timberline.
- Headwaters protection should also include specific measures for reforming forest management towards an ecosystem-based approach.

#### **4. Quality of life is enhanced through recreation (p. 51-56, 68-69, 96-97, 114)**

*Meeting Demand for Outdoor Recreation (p. 96-97, 114)*

The plan states that “the demand for outdoor recreational opportunities such as camping, hunting, fishing, ski touring, paddling and trail use is growing, and these forms of active living are a significant aspect of the quality of life for the region... Existing provincial park recreation amenities in the region are generally at or over capacity and demand will increase as the region’s population grows” (p.34).

The plan also states that it will “expand and designate new provincial parks and recreation areas” (p. 96) to meet that demand.

Despite this statement, the plan adds only 13.5 km<sup>2</sup> of provincial parks, 1.3 km<sup>2</sup> of recreation areas (p. 114). New Wildland Parks are also entirely at mountain tops which, although used by some are largely inaccessible to many outdoor recreationalists.

According to the Alberta Population Projection, Alberta’s population is expected to increase by an additional two million people in the next thirty years, bringing the total number of people in the province to approximately six million.<sup>20</sup> It is estimated that by 2041 the population of the Calgary area will exceed two million people. This increase will create additional pressure on our remaining wild areas and resources, such as the availability of clean water and natural spaces.

It begs to question how or where this growing demand for low-impact recreation for a growing population will occur.

*Recommendation:*

- Expand the provincial parks system in the final SSRP to meet the need for expanded conservation and protected area and the demand for low-impact recreation. One such area could be the expansion of the provincial parks system in Kananaskis.

<sup>20</sup> Government of Alberta. 2012. Alberta Population Projection. Alberta Treasury Board and Finance. <http://www.finance.alberta.ca/aboutalberta/population-projections/2013-2041-alberta-population-projections.pdf>



### *OHV Use in Conservation Areas (p. 41)*

On page 41 the plan states: “Off-highway vehicle use is permitted on existing trails and areas or where a management plan, trails plan or regulation specifies. In areas where designation of trails has not yet occurred, use of existing access can continue, but no new trails or routes or access may be developed without an access management plan. No motorized access is permitted in wetlands and water courses. Off-highway vehicle use will continue to be prohibited in the beds and shores of permanent water bodies.”

Where designated trails have not been established, no motorized access should be permitted on or off existing non-regulated trails.

CPAWS SAB fully supports the prohibition of motorized access in wetlands and watercourses. This prohibition should also include “riparian areas” including areas adjacent to water and seasonal streams and waterbodies and should apply to all areas in the SSRP region.

#### *Recommendation:*

- The second sentence should be changed to read: “In areas where designation of trails has not yet occurred, *access only by non-motorized means is permitted* and no new trails, routes or access may be developed without an access management plan.”
- Include “riparian” areas as areas where motorized access is prohibited.
- Prohibition of motorized vehicles in wetlands, water courses and riparian areas should apply to all areas of the SSRP region.

### *Public Land Use Zones (p. 41-43, 68-69)*

The plan indicates that “Public Land Use Zones (PLUZ) will be consolidated and expanded to provide the ability to more effectively manage public land across the Green Area and address priority issues such as protection of watercourses and sensitive areas.” (p. 43, p. 68)

PLUZs have not proven to be an effective tool for management of multiple uses. They are, in fact, the “everything can happen everywhere, all the time” model. Current management of PLUZs creates a situation where the land is dominated by OHV activity which can exclude low-impact users who enjoy big, wild and quiet spaces entirely apart from noise and pollution that comes with motor traffic. In other words, the problems and impacts of unregulated off-highway use should be addressed before any expansion occurs and bigger problems are created.

While the plan provides provision for protecting industrial facilities and public safety by requiring avoidance of camping and OHV recreation on industrial facility areas (p. 68), it does not provide for protection of the land or water.

CPAWS SAB supports low-impact sustainable outdoor recreation. The SSRP should focus on promoting low-impact outdoor recreation, which creates less damage than motorized recreation. The plan should include an assessment of the cumulative effects of motorized recreation in our natural areas compared to low-impact recreation. No expansion or promotion of motorized recreation should occur without an understanding of the long-term cumulative impacts of this land-use.



Southern Alberta is big enough for a diversity of recreational opportunities. However, when the rule is “anything goes,” there will soon be nothing left. The wrong kinds of activities in the wrong places lead to displacement of wildlife, degraded waterways, damaged habitat and conflicts between people.

*Recommendation:*

- No expansion of Public Land Use Zones should be considered until:
  - all existing damage to native vegetation, soils, wetlands and streams in existing PLUZs has been effectively remediated;
  - new regulatory and enforcement tools have been established for recreational off-highway vehicle use; and
  - the linear footprint management plan for White and Green Area lands has been completed in implemented.
  - a long-term cumulative effects assessment of the impact of this land-use has been conducted.

On page 52 the plan indicates that integrated recreation and access management plans will be created in the priority areas of North Castle, Porcupine Hills, Livingstone and Willow Creek. CPAWS SAB supports the creation of a designated trail system, restoration of damaged areas and clear enforcement of unregulated motorized use of the green zone. It is unclear in the document whether these management plans are to expand motorized recreational trails or to limit access and restore damaged areas. CPAWS SAB recommends that no expansion of motorized recreational trails should occur in these areas until a system of designated trails is created AND damaged areas are restored. The intent of these areas should be made clear in the plan. The SSRP needs to provide clear actions for ending landscape abuse and to repair existing damage, not expand it.

*Recommendation:*

- Make the intent of recreation and access management plans in the priority areas clear. Indicate that no new motorized trails will be developed until a system of designated trails is created AND damaged areas are restored.

***Public Land Recreation Areas (p. 55, 96-99)***

On page 55 the plan states “New Public Land Recreation Areas will be established in the eastern slopes to support random camping and access to trails.” While random camping and the damaging effects of irresponsible use in the eastern slopes most definitely need to be controlled, CPAWS SAB has several concerns with the new PLRAs.

The plan states that these areas were chosen based on “highly popular areas of random camping on public lands” (p.55) rather than areas the most ecologically appropriate areas. An assessment needs to be conducted on the effects of formalizing camping in these areas before they are established and alternate areas should be chosen if PLRAs have the potential to affect prime fish or wildlife habitat, headwaters streams, important recreation areas or private property.



Related to this concern is that this approach seems to be a “if you build it, they will come” strategy to formalize random camping and does not guarantee that random camping will be directed to these area nor does it provide any limits to random camping outside of these areas. The education and Guardian program is an essential part of educating people on responsible use. However this program must be complemented with clear limits and rules for random camping and sufficient resources for enforcement. The plan should also include a strategy for restoring areas already impacted by irresponsible random camping.

CPAWS SAB is also concerned that no fees will be charged for use of these areas despite provision of basic amenities such as fire rings and gravel pad and services such as the education and enforcement (both within the PLRAs and throughout the eastern slopes). This arrangement also creates a disparity between users in provincial campgrounds and those choosing to camp randomly while still receiving government services. Although access to the outdoors is an important part of our Alberta culture, resources to fund education, enforcement and restoration of damage could be funded through a permit or service fee.

*Recommendations:*

- Include clear limits and rules for random camping and sufficient resources for enforcement.
- Include a strategy for restoring areas already impacted by irresponsible random camping.
- An assessment should be conducted on the effects of formalizing camping in these areas before they are established.
- As with provincial campgrounds, permits and fees should be charged for random camping in PLRAs and throughout the eastern slopes.

***South Saskatchewan Regional Trail System (p. 97, 130-131)***

CPAWS SAB supports the development of the South Saskatchewan Regional Trail System. This system should be purposefully designed for recreation and to avoid the most ecologically sensitive areas such as important wildlife habitat, wet areas and watercourses and key low-impact recreation areas. Public Land Use Zones, do not adequately manage motorized recreation on public land. The current designated trail system was not designed for recreational use, rather it is comprised of linear disturbances turned recreation trails.

*Recommendations:*

- Immediate development and implementation a regional trail system.
- No new motorized trails will be developed until a system of designated trails is created AND damaged areas are restored
- Regulations that all off-highway recreational vehicles to be registered and clearly marked, front and back, with a unique vehicle identification plate should be implemented. Substantial penalties (up to and including confiscation of vehicles) should be given to registered owners (not just the operator) of OHVs that are found to be operating outside authorized areas.

## Conclusion

The vision and objectives of the draft SSRP are an encouraging step for Albertans to move towards a sustainable future. However with a few exceptions the plan is set up as a 'business as usual' approach to planning which will not achieve the objectives of the Land Use Framework.

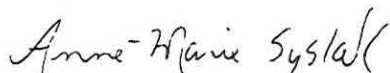
Although the government has spent millions of dollars and countless hours in public consultation, little of this information appears to have been used in the drafting of the plan. Likewise, the hard work of the Regional Advisory Council (RAC) is largely not incorporated. We hope that these comments and the comments of the many Albertans who took the time provide feedback on the plan and their vision for the future of southern Alberta are carefully considered. A transparent process of how current science and public comments were included in the plan and why decisions were made should accompany the release of the final SSRP.

We look forward to these revisions being included in the final SSRP, to ensure that we maintain our beautiful wild spaces, our quality of life and the vital ecosystem services we receive from intact natural areas.

Sincerely,



Katie Morrison  
 Conservation Director



Anne-Marie Syslak  
 Executive Director

cc: Hon. Robin Campbell, Minister Environment and Sustainable Resource Development Email: [esrd.minister@gov.ab.ca](mailto:esrd.minister@gov.ab.ca)

cc: Hon. Richard Starke, Minister Tourism, Parks and Recreation Email: [tpr.minister@gov.ab.ca](mailto:tpr.minister@gov.ab.ca)

cc: Christine Sweet, Southern Planning Lead, Email: [christine.sweet@gov.ab.ca](mailto:christine.sweet@gov.ab.ca)

cc: Bev Yee, Assistant Deputy Minister, Integrated Resource Management Planning Division, ESRD, Email: [bev.yee@gov.ab.ca](mailto:bev.yee@gov.ab.ca)



# Exhibit G

This is Exhibit " G " referred to in the**Katie Morrison**

**From:** LUF <LUF@gov.ab.ca>  
**Sent:** February 24, 2014 4:24 PM  
**To:** Undisclosed recipients:  
**Subject:** Draft SSRP workbook deadline - February 28

Affidavit of  
 ..... Katharine Morrison .....  
 Sworn before me this ..... 8 .....  
 of ..... December ..... A.D. 20.....  
 - ST: ..... Christine Laing .....  
 A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
 Barrister and Solicitor  
 Commissioner for Oaths in and for Alberta

Dear friends and supporters,

We are now in the final stage of collecting feedback for the draft South Saskatchewan Regional Plan (SSRP), which lays out the path for managing growth pressures and balancing environmental needs in southern Alberta. The regional plan will create new conservation areas, establish environmental limits, protect our water supply, and provide clarity about land use and access.

We encourage you to review the draft regional plan and provide us with your input via the online workbook or discussion guide.

Your submission of one of these documents must be received electronically or by mail by February 28, 2014. The online workbook and discussion guide are available from the Land-use Framework website at [www.landuse.alberta.ca](http://www.landuse.alberta.ca). You may also submit your feedback via email to [LUF@gov.ab.ca](mailto:LUF@gov.ab.ca).

Your input and comments are essential as we work to develop the final regional plan for southern Alberta. Summaries of the feedback gathered throughout the workbook and consultation sessions will be publicly released. To read up on what we've heard about the SSRP thus far visit our blog at [www.aesrd.wordpress.com/category/ssrp/](http://www.aesrd.wordpress.com/category/ssrp/).

Thank you for your continued support as we work to achieve Alberta's long-term economic, environmental and social goals.

Land Use Secretariat  
 9th Fl. 10035-108 St. Centre West Bldg.  
 Edmonton Alberta, T5J 3E1  
 Phone: 780-644-7972 / 780-644-7973 Fax: 780- 644-1034  
[www.landuse.alberta.ca](http://www.landuse.alberta.ca)

*This is our land, and it's up to us to ensure the aspects of this province that we enjoy are there for current and future generations.*

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.



# Exhibit H

**Katie Morrison**

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**From:** LUF <LUF@gov.ab.ca>  
**Sent:** February 27, 2014 9:57 AM  
**To:** 'kmorrison@cpaws.org'  
**Cc:** Office of the Premier; ESRD Minister; Bev Yee; 'Anne-Marie Syslak'  
**Subject:** Katie Morrison\_Additional SSRP Information on the Castle

Dear Ms Morrison:

On behalf of the Alberta Government, thank you once again for your additional feedback to the South Saskatchewan Regional Plan. Your feedback will be considered as the Government finalizes the South Saskatchewan Regional Plan.

It is still our intent to release the South Saskatchewan Regional Plan in the spring of 2014.

Sincerely,

Land Use Secretariat  
9th Fl. 10035-108 St. Centre West Bldg.  
Edmonton Alberta, T5J 3E1  
Phone: 780-64  
[www.landuse.alberta.ca](http://www.landuse.alberta.ca)

*This is our land, and it's up to us to ensure the aspects of this province that we enjoy are there for current and future generations.*

This is Exhibit "H" referred to in the  
Affidavit of  
Katherine Morrison  
Sworn before me this 8 day  
of December A.D. 2014  
Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**From:** Katie Morrison [mailto:kmorrison@cpaws.org]  
**Sent:** Wednesday, February 26, 2014 1:38 PM  
**To:** Bev Yee; ESRD Minister  
**Cc:** LUF; Office of the Premier; Anne-Marie Syslak  
**Subject:** Additional SSRP Information on the Castle

**CHRISTINE E. LAING**  
Barrister and Solicitor  
Commissioner for Oaths in and for Alberta

Dear Minister Campbell and Ms. Yee,

Please find attached supplementary information to be appended to our SSRP comment submission from January 15<sup>th</sup>, 2014 related to public opinion polls showing high local support for protection of the Castle Special Place.

Thank you,  
Katie Morrison

**Katie Morrison, M.E.Des., P.Biol.**

Conservation Director  
CPAWS Southern Alberta Chapter  
Office: (403) 232-6686  
Cell: (403) 463-6337  
[kmorrison@cpaws.org](mailto:kmorrison@cpaws.org)

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Hon. Robin Campbell  
Minister of Environment and Sustainable Resource Development  
323 Legislature Building  
10800 97 Avenue  
Edmonton, AB, T5K 2B6  
[esrd.minister@gov.ab.ca](mailto:esrd.minister@gov.ab.ca)

Ms. Bev Yee  
Assistant Deputy Minister  
Integrated Resource Management Planning Division, ESRD  
11th fl Petroleum Plaza ST  
9915 - 108 Street  
Edmonton, AB, T5K 2G8  
[Bev.yee@gov.ab.ca](mailto:Bev.yee@gov.ab.ca)

Dear Minister Campbell and Ms. Yee,

Further to CPAWS Southern Alberta's comments on the draft South Saskatchewan Regional Plan (SSRP) submitted January 15th, 2014 we would like to provide some additional information on public support for protection of the Castle Special Place. I have attached two independent public opinion polls conducted in Southern Alberta on the Castle area in 2011. These polls indicate that a large majority of local residents are in favour of designating the Castle as a Wildland Park.

The poll of Lethbridge/Coaldale residents, conducted by the University of Lethbridge Citizens Science Lab, found that 87 percent of residents supports designating the Castle as a Wildland Park, 85 percent of residents are opposed to commercial logging in the Castle, and 94 percent support protecting the Castle watershed over providing recreational opportunities in the area.

A poll conducted by The Praxis Group in the Municipal District of Pincher Creek, Village of Cowley, Municipality of Crowsnest Pass, Town of Pincher Creek, Piikani First Nation's reservation and Fort Macleod showed similar results. In this poll 74 percent of residents supported designating the Castle as a Wildland Park, 77 percent of residents are opposed to commercial logging in the Castle, and 82 percent support protecting the Castle watershed over providing recreational opportunities in the area.

We hope that this additional information will be used in creating the final SSRP and that the plan will include legislated protection of the entire 1,041 km<sup>2</sup> Castle Special Place as a Wildland Park.

Sincerely,



Katie Morrison  
Conservation Director

# Exhibit I



**Katie Morrison**

**From:** Jane White <Jane.White@gov.ab.ca>  
**Sent:** August 15, 2014 11:34 AM  
**To:** wendy@y2y.net; Christyann Olson (colson@abwild.ca); kmorrison@cpaws.org; junger@elc.ab.ca; office@ccwc.ab.ca; vtfamily@telus.net; stephen@crownconservation.net; Adam Driedzic (adriedzic@elc.ab.ca); Kerry Robertson; bhpowell@elc.ab.ca; snichols@abwild.ca'  
**Cc:** Graham Statt; Matthew Machielse; Bev Yee  
**Subject:** RE: Email Invitation  
**Attachments:** SSRPConservationAgenda.pdf

Hello everyone,

Thank you for interest in attending this discussion. Based on the current responses, it has become apparent that this meeting may have better attendance if we defer to a later date after the busy summer vacation season.

I suggest we defer this meeting until Wednesday September 24, and would like to confirm availability from your organization for this new proposed date. It would be greatly appreciated if you could please RSVP for this new date to Jane White ([jane.white@gov.ab.ca](mailto:jane.white@gov.ab.ca)) by August 29, 2014.

A draft agenda is attached for your information, and once we confirm attendance for this new date, further details on logistics and location will be provided.

Cheers,  
Bev.

**From:** Bev Yee  
**Sent:** Friday, August 08, 2014 10:58 AM  
**To:** 'wendy@y2y.net'; Christyann Olson (colson@abwild.ca); kmorrison@cpaws.org; junger@elc.ab.ca'; 'office@ccwc.ab.ca'; 'vtfamily@telus.net'  
**Cc:** Graham Statt; Matthew Machielse; Bev Yee  
**Subject:** Email Invitation

Good day,

You are invited to join me in a discussion on Alberta's spectrum of conservation tools and approaches in the context of land-use planning and the South Saskatchewan Regional Plan. This session will include colleagues from related non-governmental organizations, as well as leadership and staff from the departments of Environment and Sustainable Resource Development and Tourism, Parks, and Recreation. This session will provide an opportunity to share your thoughts on conservation, for us to have a collective discussion on how those objectives may already be addressed with existing tools, and where there may still be gaps that require further consideration. Most importantly, this session will provide an opportunity to explore how we can continue to work better, together, in achieving the conservation outcomes in the South Saskatchewan region.

This half-day session will be scheduled for the morning of Wednesday August 20, 2014 in Calgary, Alberta. Further details on agenda, location and time will be provided to confirmed attendees. To ensure we can have a thoughtful and productive conversation, I request that you nominate no more than three representatives from your organization.

This is Exhibit " I " referred to in the

Affidavit of

*Kathene Morrison*

Sworn before me this 8 day

of December A.D. 2014

*Christine E. Laing*  
A Notary Public, A Commissioner for Oaths in and for Alberta

Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

Please RSVP by Tuesday August 12 to Jane White ([jane.white@gov.ab.ca](mailto:jane.white@gov.ab.ca)) with the names and contact information of the representatives who will be attending.

Cheers,  
Bev Yee  
Stewardship Commissioner

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# Exhibit J

This is Exhibit "J" referred to in the

Affidavit of

Katherine Morrison

Sworn before me this 8 day

of December A.D. 2020

Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

## CONSERVATION MANAGEMENT IN ALBERTA'S SOUTH SASKATCHEWAN REGION

Wednesday, September 24, 2014  
 8:30 a.m. - 12:00 p.m.  
 Calgary, Alberta  
 Location: TBD

<b>Meeting called by:</b> <b>Type of meeting:</b>	Bev Yee, Stewardship Commissioner Roundtable Discussion	
<b>Attendees:</b>	Alberta Wilderness Association Castle Crown Watershed Coalition Canadian Parks and Wilderness Society Yellowstone to Yukon Environmental Law Centre Tourism, Parks, and Recreation Environment and Sustainable Resource Development	
<b>Objectives:</b>	<ol style="list-style-type: none"> <li>1. share thoughts on conservation objectives, tools, and approaches</li> <li>2. collective discussion on where conservation objectives may already be addressed with existing tools</li> <li>3. identify where there may still be gaps that require further consideration</li> <li>4. explore how we can continue to work better, together, in achieving the conservation outcomes in the South Saskatchewan region.</li> </ol>	
<b>Time Allocated</b>	<b>Agenda Topics</b>	<b>Lead</b>
8:30 a.m. – 9:00 a.m.	Welcome and Introductions	Bev
9:00 a.m. – 9:45 a.m.	Conservation in SSRP <ol style="list-style-type: none"> <li>1. share thoughts on conservation objectives, tools, and approaches</li> <li>2. collective discussion on where conservation objectives may already be addressed with existing tools</li> </ol>	All
9:45 a.m. – 10:00 a.m.	Break	All
10:00 a.m. – 10:45 a.m.	Next Steps <ol style="list-style-type: none"> <li>3. identify where there may still be gaps that require further consideration</li> </ol>	All
10:45 a.m. – 11:30 a.m.	Collaboration <ol style="list-style-type: none"> <li>4. explore how we can continue to work better, together, in achieving the conservation outcomes in the region</li> </ol>	All
11:30 a.m. – 12:00 p.m.	Summary and Close	Bev



# Exhibit K

This is Exhibit " K " referred to in the  
Affidavit of

Katherine Moinsov

Sworn before me this 8 day

of December A.D. 2015

Christine E. Laing

A Notary Public, A Commissioner for Oaths in and for Alberta

September 25, 2015

CHRISTINE E. LAING

Barrister and Solicitor

A Commissioner for Oaths in and for Alberta

Dear Stakeholder:

In 2014, the Government of Alberta approved the South Saskatchewan Regional Plan (SSRP), and is now moving forward with implementation. The SSRP guides future land-use management decisions, while considering social, environmental, and economic impacts of activities on the landscape. As part of the plan's ongoing implementation, Environment and Parks is moving forward on key initiatives including:

- A Linear Footprint Management Plan for the Porcupine Hills – a plan to manage the extent, timing, duration, and rate of linear disturbance on the landscape. This plan will address the biodiversity outcomes established in SSRP and support the regional Biodiversity Management Framework (BMF) currently under development. Engagement on the BMF will proceed this fall through a separate process.
- A Recreation Management Plan for the Porcupine Hills – a comprehensive and integrated plan to be developed throughout 2016 to manage the recreational activities and their impacts on the landscape. As part of this process a Public Land Use Zone in the Porcupine Hills will be established to enable enhance management of recreation activities.

These plans will give users the information they need to share and enjoy the Porcupine Hills region in a safe and sustainable manner.

As a stakeholder in the Porcupine Hills area, we want to provide you with a brief update on the planning process and identify how you can be involved.

- Government of Alberta staff are gathering land-use data and information, and building maps and background materials to understand the current state of the land in the Porcupine Hills. This information will feed into relevant modeling tools to start building scenarios and options for discussions.
- Meetings will be held through the fall of 2015 to provide updates and give opportunities for discussion and feedback. Workshops and focus group sessions will be scheduled to gather information and ideas.
- Analysis of the existing information, scenarios, meeting results and surveys will lead to the writing of the draft Linear Footprint Plan and the development of a Public Land Use Zone.



- First Nations, stakeholders and the public will have an opportunity to review and provide comment on the draft Linear Footprint Plan and the proposed Public Land Use Zone.
- All parties will have an opportunity to participate in the development of the Recreation Management Plan in 2016.

### Your Involvement

The Government of Alberta is seeking your involvement in the process. There are various ways that you can be involved in informing the planning for these areas including:

- 1) A survey is available for you to provide your thoughts on your recreation activities within the Porcupine Hills. It can be found at: <https://extranet.gov.ab.ca/opinio6//s?s=27058>. We encourage your participation in the survey.
- 2) Involvement in workshops and focus groups. If you are interested in participating in a session(s) and becoming more actively engaged, please contact Cheryl Dash at ([Cheryl.Dash@gov.ab.ca](mailto:Cheryl.Dash@gov.ab.ca) or 403-381-5562).

Should you require more information than what is provided in this letter, please contact Cheryl Dash.

Sincerely,



Scott Milligan  
Executive Director  
Planning Branch  
Alberta Environment and Parks

cc Rob Simieritsch

# Exhibit L

This is Exhibit " L " referred to in the

Affidavit of

Kathenne Monson

Sworn before me this 3 day

of December A.D. 2020

Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta



## Porcupine Hills Planning Coalition

### Meeting Notes

**15 April 2016, Noon – 4:30 pm; MD Ranchland Office**

Coalition Attendees: Cheryl Bradley (biologist, ANPC), Warren Burles (landowner), Phil Burpee (SPHSA), Shawn Burton (landowner), Ron Davis (MD Ranchland), Brian Delinte (rancher), Nina Ewing (landowner), Lorne Fitch (biologist, NCC), Cam Gardner (MD Ranchland, landowner), Larin Guenther (OWC), Andrea Johancsik (AWA), John Lawson (landowner, LLG), Judy & Wayne Lucas (landowner), Katie Morrison (CPAWS), Bruce Mowat (LLG), Raymond Nadeau (BCSA, SPHSA), Mike Roberts (Waldron), Connie Simmons (Y2Y), Joanna Skrajny (AWA), Justin Thompson (SALTS, landowner), Gerald Vandervalk (landowner), Kevin VanTighem (biologist, landowner), Tony Webster (Chimney Rock B&B), Neil Wilson (MD Willow Creek, landowner)

Government Staff: Scott Milligan (ED Planning Branch, AE&P), Heather Sinton (Director Planning, AE&P), Cheryl Dash (Planner, AE&P), Ryan van der Marel (Planner, AE&P), Brad Jones (Resource Manager, AE&P)

#### Summary of Suggestions/Concerns

*Consider the South Eastern Slopes Task Force Report (2010) produced by the M.D. of Pincher Creek, the M.D. of Ranchland, the M.D. of Bighorn and Clearwater County regarding managing recreational use on public lands.*

*Recent logging activity in the northern Porcupine Hills has resulted in significantly increased linear disturbance accessible to motorized vehicles. There is a need to restore these routes and to implement a PLUZ or increase enforcement effort as soon as possible.*

*Park designation in the Castle area may push motorized recreation users north into the Porcupine Hills this spring and summer. There is a need to implement a PLUZ or increase enforcement effort as soon as possible.*

*Existing linear footprint may inappropriately reduce biodiversity value and landscape health layers input to the Marxan model. Ensure there is not a bias towards continuing motorized use in areas already experiencing use. First and foremost there must be an objective evaluation of watershed and biodiversity values and of the carrying capacity for recreational use as well as any other land uses. .*

*To avoid raising expectations about the outcome of the planning process, it would be prudent to refrain from showing routes for ORV access in the Porcupine Hills.*

*Not only current, but also historic distribution of Westslope Cutthroat Trout needs to be considered.*

*If some motorized use is allowed to continue in areas zoned for restoration, success of restoration efforts may well be compromised without strict enforcement to prevent access on routes being restored. A more effective approach would be to close restoration zones to all motorized use until restoration goals are accomplished.*

*Private interests adjacent to the Porcupine Hills, several with conservation easements, need to be consulted. Some landowners are experiencing increased pressure from wildlife (e.g. grizzly bear) and hunters pushed out of the Forest Reserve by the noise and disturbance from ORVs. Residents have a right to quiet enjoyment of their property according to ALSA. A suggestion is to place a buffer zone/setback from private property for motorized routes.*

*The recreation survey did not include people who no longer recreate in the PH because of the motorized use or those who may in future choose to recreate in the PH if motorized use is better managed. It is important to consider the results of recent surveys of values within the community and among southern Albertans generally. These results suggest that off-road vehicle users are a very small minority and that the large majority value watershed and wildlife protection.*

*Some members of the PH Coalition are unable to be at the April 22nd linear footprint workshop in Pincher Creek because of scheduling conflicts. An opportunity to engage at another time would be appreciated. To address this concern, government staff offered to organize another session and to provide detailed information on the land use footprint planning model.*

*Some Coalition members have not received invitations to the linear footprint or recreation workshops. Cheryl D. will provide information to all those interested in participating in these workshops.*

*Consider holding the May 26th recreation planning workshop in a community closer to the Porcupine Hills (e.g. Claresholm).*

## **1) Introductions**

Government staff were welcomed. Attendees introduced themselves. Three individuals are attending their first meeting of the PH Coalition. Other members sent their regrets at being unable to attend because of ranching responsibilities.

## **2) Planning Principles and Basis for Planning**

The principles of the Porcupine Hills Coalition were reviewed. Key points in response by government staff included:

- The South Saskatchewan Regional Plan (SSRP) affirms that protecting watershed and maintaining biodiversity are priorities for planning. Multiple use is not a focus for planning.
- Planning for the Porcupine Hills will proceed without finalizing the Biodiversity Management Framework (BMF) for the SSR. Fortunately, a fair bit is known already about biodiversity in the Porcupine Hills. When completed the BMF will help to manage cumulative effects of land uses on biodiversity.
- Planners have been reviewing the Southern Foothills Study, Oldman Watershed Council planning documents and relevant municipal plans as background and a basis for linear footprint and recreation planning for the Porcupine Hills.



- This is the first linear footprint and recreation planning to be done under the SSRP. Planners are flexible and open to adjusting the process as needed.
- Planners understand the need to consider the larger South Eastern Slopes regional context (including planning for Castle Parks) in developing a recreation plan for the Porcupine Hills. An important step is to identify areas within the region that are not appropriate for motorized recreation.
- A Public Land Use Zone that will provide conservation officers the ability to administer ticketable offences for inappropriate recreational vehicle use is planned for the Porcupine Hills and Livingstone however it may not be in place as soon as it should be as there is a need for consultation with First Nations.

*Suggestion/Concern: Consider the South Eastern Slopes Task Force Report (2010) produced by the M.D. of Pincher Creek, the M.D. of Ranchland, the M.D. of Bighorn and Clearwater County regarding managing recreational use on public lands.*

*Suggestion/Concern: Recent logging activity in the northern Porcupine Hills has resulted in significantly increased linear disturbance accessible to motorized vehicles. There is a need to restore these routes and to implement a PLUZ or increase enforcement effort as soon as possible.*

*Suggestion/Concern: Park designation in the Castle area may push motorized recreation users north into the Porcupine Hills this spring and summer. There is a need to implement a PLUZ or increase enforcement effort as soon as possible.*

### **3) Presentation on Linear Footprint Planning**

Ryan van der Marel provided a presentation on managing linear footprint in the Porcupine Hills. Some key points include:

- Watershed management is the highest priority for the Eastern Slopes.
- There is an acknowledgement that use of existing linear footprint by off-highway vehicles is damaging watersheds and wildlife and leading to conflict among users.
- A “balanced” approach means considering environmental, economic and social values.
- Linear footprint planning is currently occurring for both the Porcupine Hills and Livingstone area. Recreation planning is currently occurring only for the Porcupine Hills, with the Livingstone to follow.
- Planning units within the PH are based on watershed boundaries (hydrological unit code HUC 10). Four HUC 10 watersheds intersect the PH.
- Existing linear disturbances have been mapped in the Porcupine Hills (paved roads, gravel roads, trails). In summer 2015 a contract was issued to map both double and single-track trails, including ground-truthing. Routes termed “open”

are ones accessible to motorized vehicles. There is differentiation between permanent open routes and non-permanent open routes (that can be restored).

- Government is proposing that all linear features are closed unless considered open, an approach contrary to today's situation. This will require designating "open" linear routes.
- The Marxan model is being used instead of ALCES as the conservation planning tool to support decision making. Fifty data layers including over 200 features are input as surrogates for biodiversity value and landscape health. The model is run over 200 times to identify areas of high conservation value and with potential for restoration.
- Existing open route linear disturbance density is calculated for landscape units, defined by watershed and conservation value/restoration potential.
- The landscape is stratified into linear footprint management zones considering conservation value, suitability for certain activities and existing footprint. There are four proposed zones: critical management zone (keep intact), enhanced management zone (minimize new disturbance), general management zone (reduce existing linear features) and restoration zone (remove linear features). Each zone has an open route disturbance density limit.
- Work is also underway on defining linear footprint for non-motorized use.
- Numerous 'other' sources have been consulted including C5 FMP, mineral leases, SAR recovery plans, OWC Headwaters Action Plan, Alberta Culture, First Nations...
- A Phase II engagement workshop on the linear footprint plan for the PH and Livingstone, will be held at Pincher Creek Community Hall on April 21 (1 – 4:30 pm)
- Next steps after this are to get mining/energy and forestry input, define beneficial management practices, determine where linear footprint limits are exceeded, and incorporate orphaned IRP provisions prior to preparing a draft plan and Phase III public engagement.

*Suggestion/Concern: Existing linear footprint may inappropriately reduce biodiversity value and landscape health layers input to the Marxan model. Ensure there is not a bias towards continuing motorized use in areas already experiencing use. First and foremost there must be an objective evaluation of watershed and biodiversity values and of the carrying capacity for recreational use as well as any other land uses. .*

*Suggestion/Concern: To avoid raising expectations about the outcome of the planning process, it would be prudent to refrain from showing routes for ORV access in the Porcupine Hills.*

*Suggestion/Concern: Not only current, but also historic distribution of Westslope Cutthroat Trout needs to be considered.*



*Suggestion/Concern: If some motorized use is allowed to continue in areas zoned for restoration, success of restoration efforts may well be compromised without strict enforcement to prevent access on routes being restored. A more effective approach would be to close restoration zones to all motorized use until restoration goals are accomplished.*

*Suggestion/Concern: Private interests adjacent to the Porcupine Hills, several with conservation easements, need to be consulted. Some landowners are experiencing increased pressure from wildlife (e.g. grizzly bear) and hunters pushed out of the Forest Reserve by the noise and disturbance from ORVs. Residents have a right to quiet enjoyment of their property according to ALSA. A suggestion is to place a buffer zone/setback from private property for motorized routes.*

*Suggestion/Concern: Some members of the PH Coalition are unable to be at the April 22<sup>nd</sup> linear footprint workshop in Pincher Creek because of scheduling conflicts. An opportunity to engage at another time would be appreciated. Government staff offered to organize another session and to provide detailed information on the planning model.*

#### **4) Recreation Planning**

In response to requests from the PH Coalition Cheryl Dash provided a presentation on:

- Phase 1 engagement results
- PH Recreation User Survey results
- Integrated Resource Plan Provisions Review
- Outdoor Recreation Management update

Phase 1 engagement results:

Key themes identified by participants include:

- 1) Environment (SARs, noise, ecological value, experience, water quality, watershed, forest management);
- 2) Trails (design, use, maintenance)
- 3) Camping (use, timing)
- 4) Grazing
- 5) Management (enforcement, education, staffing, funding, fees)
- 6) Planning process (timeline, engagement)
- 7) Social management

PH Recreation User Survey results:

The survey was online Sep 1 – Nov 15, 2015 and was distributed to recreationists in the PH and to interests known to government. There were 612 useable surveys. It is not a representative or random sample and more work is needed to analyze and present the results.

Participants were asked what type of recreational activities they engage in in the PH. The top five are: relaxing, camping with an RV, bird and wildlife watching, hiking/backpacking and picnicking.

Participants were asked what benefits they derive. The top six benefits identified are: connecting to nature (88%), encourages development of new economic goods and services (86%), better health and fitness (84%), connecting with family and friends (78%), and increasing environmental awareness (67%).

The majority of respondents are male (74%) and have an annual income of over \$50,000 (30%) or over \$100,000 (40%).

*Suggestion/Concern: The recreation survey did not include people who no longer recreate in the PH because of the motorized use or those who may in future choose to recreate in the PH if motorized use is better managed. It is important to consider the results of recent surveys of values within the community and among southern Albertans generally. These results suggest that off-road vehicle users are a very small minority and that the large majority value watershed and wildlife protection.*

#### Integrated Resource Plan Provisions Review:

There is a provincial process for review of integrated resource plans to ensure the most relevant components are carried forward into current regional planning (an information bulletin was provided). This review has yet to be completed for the Porcupine Hills and Livingstone IRP.

#### Outdoor Recreation Management Update

Provincial direction to advance outdoor recreation management on public land is being led by an Executive Director Steering Committee. Their mandate is to improve enforcement, explore sustainable funding options, develop a provincial outdoor recreation strategy, explore options for enabling partnerships and resolve policy gaps and align legislation.

#### Stage II Engagement:

Two workshops focused on recreation planning have been scheduled, one on May 26<sup>th</sup> in Blairmore and one on June 8<sup>th</sup> in Pincher Creek. Government is striving for participation by a broad variety of interests.

*Suggestion/Concern: Some Coalition members have not received invitations to the linear footprint or recreation workshops. Cheryl D. will provide information to all those interested in participating in these workshops.*

*Suggestion/Concern: Consider holding the May 26th recreation planning workshop in a community closer to the Porcupine Hills (e.g. Claresholm).*



# Exhibit M

This is Exhibit "M" referred to in the  
Affidavit of  
Katharine Morrison  
Sworn before me this 8 day  
of December A.D. 2020  
Christine Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
Commissioner for Oaths in and for Alberta

## Livingstone and Porcupine Hills Footprint Management Planning (FMP)

### Meeting Notes

Tue 14 July 2016 (10:30 am – Noon); AWA Office, 455 = 12 St. NW Calgary

Participants: Ryan van der Marel (GoA), Jessica Yuszko (GoA) by phone, Cheryl Bradley (ANPC), Lorne Fitch (biologist) by phone, Craig Harding (NCC), Andrea Johancsik (AWA), Katie Morrison (CPAWS), Connie Simmons (Y2Y)

#### 1. Public Land Administration Regulations (PLAR)

The July 7<sup>th</sup>, 2016 Order in Council allowing ticketable offences under PLAR applies only to public lands designated as Public Land Use Zone (PLUZ). Delay in designating a PLUZ in the Porcupine Hills and Livingstone planning areas is a result of opposition by some First Nations concerned it will restrict their use of crown land. Negotiations are underway between First Nations and the province but likely won't be resolved before the Fall. There is likely not a role for ENGOs to influence these negotiations.

#### 2. Grizzly Bear Recovery Plan

A draft Recovery Plan (RP) for Grizzly Bear in Alberta is currently undergoing public review. There are inconsistencies with the direction that footprint management planning is taking. The Grizzly Bear RP is using "open road" (roads accessible to on-highway vehicles) rather than "open route" (all motorized roads and trails) for setting linear footprint limits. The Porcupine Hills is no longer considered part of the "recovery zone", but instead is in a "support zone" which means there is no longer a requirement to manage road density. The draft FMP will address these inconsistencies. Since the FMP is a policy document and multi-species in approach, it trumps a RP for an individual species.

*Action: Connie and Andrea to provide Ryan a link to the June 2016 paper by A. Morehouse and M. Boyce "Grizzly bears without borders: Spatially explicit capture–recapture in southwestern Alberta".*

*Action: ENGOs will work to ensure the Grizzly Bear RP is consistent with the FMP for the Livingstone and Porcupine Hills and that it takes a precautionary approach.*

#### 3. Update on Status of the Plan

Planning is expanding to include more than linear footprint; that is ALL footprint is being considered (cutblocks, mining sites, campgrounds). Disturbance footprint will be managed within the range of natural variation. Hence, terminology is shifting towards "footprint management plan" rather the "linear footprint management plan". It is evolving to be a land use plan.

Version 5 of the zoning map is now being considered based on input received at two Linear Footprint Management Planning workshops and internal discussions within government. A paper map showing proposed zoning for the Porcupine Hills and Livingstone was reviewed.



- A Critical Zone (dark grey) encompasses key elk winter and spring calving areas and high value grizzly bear habitat as well as key connectivity corridors. Overwintering habitat for other ungulate species (mountain goat, bighorn sheep) is also included. The Critical Zone overlaps with sensitive snow accumulation areas at stream headwaters. Limit on linear footprint density in this zone is proposed as 0.4 km/km<sup>2</sup>.
- An Enhanced Zone (light grey) encompasses most of the remainder of the planning area. Limit on linear footprint density is proposed as 0.6 km/km<sup>2</sup>.
- The limit on linear footprint density is not a target and lower linear footprint density will occur within these zones (e.g. 100 m buffer along streams will have limit of 0.04 km/km<sup>2</sup>).
- A zone for dirt bike use is proposed along Highway 40 in the Vicary Creek Watershed. This area has a dense monoculture lodgepole pine forest and topography and soils that are determined to have low erosion risk. This zone does not have a linear footprint density limit.

*Action: Cheryl will formally request a digital copy of the Version 5 zoning map from Ryan.*

*Action: ENGOs will prepare to defend the proposed limits on linear footprint based on sound science.*

#### 4. Coal and Oil and Gas Rights and Applications

Coal Mining - The 1976 *Coal Development Policy for Alberta* is still in effect and has implications for zoning in the FMP. The *Coal Policy* classifies Provincial lands into four categories with respect to coal exploration and development ranging from no permitting in Zone 1 to permitting exploration and development with various controls in Zones 2-4. In addition there are Freehold rights. The FMP technical team is working to address questions regarding coal rights and mining applications, including cumulative effects assessment, especially in the Critical Zone. Coal interests are not yet involved in the FMP consultations.

Oil and Gas – Various companies have purchased rights to explore for oil and gas in the Livingstone and Porcupine Hills. To date there has been little development. One suggestion is to have rights in the Critical Zone revert to the Crown once they expire.

*Action: ENGOs will work to ensure that measures for handling mineral rights and exploration and development applications are consistent with the intent of zoning in the FMP.*

#### 5. Considerations beyond Zoning

- **Fish-bearing Streams** - All streams designated as “fish-bearing” (provincial standard) will have buffers extending 100 metres on each side of the stream. Limit on linear footprint density in the buffer is 0.04 km/km<sup>2</sup>). Reference for this density is Valdal and Quinn 2011. It was noted that under climate change scenarios, the headwaters of the Oldman River along the Continental Divide are very important for survival and reestablishing of Westslope Cutthroat Trout.
- **Erosion Risk** – Erosion risk will not inform the zoning, but it will be considered in making decisions about land uses during implementation of the plan. Most steep slopes and high snow accumulation areas are in the Critical Management Zone. A watershed assessment protocol

recently developed by government hydrologist Mike Wagner will be used as a decision-making tool in plan implementation. It considers slope, aspect and soil permeability among other parameters.

- **Springs** – Location of springs will not inform the zoning; however, buffers may be placed around springs to protect their integrity. Only three springs are currently mapped for the Porcupine Hills. It was noted that locations of springs are available in reports of range survey, range health assessment and range inspection for grazing allotments in the Forest Reserve.
- **Cultural Sites** – Location of cultural sites will not inform the zoning; however, cultural sites will be provided appropriate buffers from land uses that threaten their integrity. Treaty 7 cultural sites are currently being assessed in the Livingstone and Porcupine Hills areas using funds made available by Alberta Environment and Parks (~\$100,000/nation); completion is expected by the Fall. There are at least twelve First Nations that claim traditional use of the Livingstone and Porcupine Hills areas
- **Fire Risk** - Wildfire risk is not informing the zoning, but it will be considered in making decisions about land uses during implementation of the plan. For example, fire risk (as well as precipitation events) will be considered in placing timing (seasonal and daily are being considered) restrictions on motorized vehicle use of roads/trails. There is a recognition that fire management in the province needs to be substantially improved. The Forest Management Branch is now integrally involved in Footprint Management Planning for the Livingstone and Porcupine Hills.
- **Road/Trail Planning** - Geosimulation modelling will be used at a landscape scale to predict roads/trails in 5-year intervals into the future. A heat map will be produced on a subwatershed (HUC 12) scale. Areas where the density exceeds limits for a zone will be the focus for restoration efforts. Industry approvals will be considered in this context. Siting of linear footprint will be prioritized towards the Enhanced Zone vs the Critical Management Zone. A “straw-dog” trail map is currently being developed that will comply with zoning and footprint limits.
- **Interface of Private and Public Land** – Concerns about implications of land uses near the boundary with private lands will be addressed on a case by case basis (e.g. trail placement will consider effects on adjacent landowners).
- **Restoration of Existing Footprint** – FMP planners welcome suggestions on how to incentivize a decrease in footprint.
- **Social Values** – Values of the local community and Albertans are informing the FMP.

*Action: Cheryl to enquire about availability of data on spring locations for grazing allotments in the Forest Reserve.*

## 6. Planning Process

A draft FMP will be complete by mid-September. At that time there will be full public consultation. Until the draft FMP is complete, consultation will continue with one-on-one meetings upon request.

*Action: ENGOs will request another meeting with FMP planners in early August to be appraised of any new information.*



# Exhibit N

This is Exhibit "N" referred to in the

Affidavit of

Kathene Morrison

Sworn before me this 8 day

of December A.D. 2017

Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

April 26, 2017

Ms. Katie Morrison  
Canadian Parks and Wilderness Society Southern Alberta  
Email: [kmorrison@cpaws.org](mailto:kmorrison@cpaws.org)

Dear Ms. Morrison:

**Subject: Southwest Alberta Recreation Advisory Group**

CHRISTINE E. LAING  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

In 2014, the Government of Alberta approved the South Saskatchewan Regional Plan (SSRP), and is now moving forward with implementation. The SSRP guides future land-use management decisions, while considering social, environmental and economic impacts of activities on the landscape. As part of the plan's ongoing implementation, Alberta Environment and Parks is working on several key initiatives, including a Recreation Management Plan for the Livingstone and Porcupine Hills areas. The objective is to build a sustainable recreation management system for public land and ensure areas are available to provide a range of experiences for Albertans.

In order to support development and implementation of the plan, the government intends to establish a Recreation Advisory Group for the Livingstone and Porcupine Hills planning areas, and anticipated Public Land Use Zones (PLUZ). This group will consist of a cross section of stakeholders, user groups, local governments and First Nations. The intention is to create a forum for the government to receive advice on recreation management for the area, but also provide information, facilitate discussion and promote shared stewardship.

There will be two separate phases of work: (a) plan development, and (b) plan implementation. This invitation is for the first phase which will commence in mid-May of 2017 and will focus on providing advice and input for completion of a draft Recreation Management Plan for public review in September. In addition, the group will be asked to review and provide input on an interim designated trail network to support establishment of the two new PLUZs. New invitations will be sent out in 2018 for Phase Two. That group will provide advice regarding the implementation of the Recreation Management Plan in the Livingstone and Porcupine Hills.

The commitment for the spring and summer of 2017 is attendance at four all day in person workshop-style meetings. These will be held starting May 16<sup>th</sup> and run until late July in order to support completion of a draft Recreation Management Plan. Meeting locations and times are on the enclosed schedule. You may also be asked to participate in meetings that will inform a broader audience about the process.

You have been identified as an individual who can represent your sector as a local resident and user of the Livingstone and Porcupine Hills. We are looking for people who can commit to the group and provide the perspective of their sector as a whole rather than their organization's or personal views. The expectation is that as a sector representative, you will bring information to and from that sector.

If you, or the organization that you will be representing, don't feel that you are the best person to represent them, please provide us with potential alternative names by Friday May 5<sup>th</sup>, 2017. We



April 26, 2017

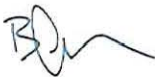
also request that you identify an alternate that will be available in the case that you are unable to attend a meeting. It will be your responsibility to keep that individual completely up to date on planning progress.

A draft Terms of Reference (TOR) is attached for your review and information. The intention is to review and finalize the TOR during the first in person meeting.

Please confirm your interest and participation directly with Jessica Yuszko at [Jessica.Yuszko@gov.ab.ca](mailto:Jessica.Yuszko@gov.ab.ca) or by phone at 403-388-7737. If you have any questions or require additional information, please contact me directly at 403-875-4762 or [Brad.Jones@gov.ab.ca](mailto:Brad.Jones@gov.ab.ca).

Thank you for your time, and your participation in this important process.

Best regards,



Brad Jones  
Resource Manager  
South Saskatchewan Region

cc: Scott Milligan, Environment and Parks  
Roger Ramcharita, Environment and Parks  
Rob Simieritsch, Environment and Parks  
Heather Sinton, Environment and Parks  
Kimmy Shade, Indigenous Relations

Enclosures.

# Exhibit O

This is Exhibit " O " referred to in the

Affidavit of

Kathene Moman

Sworn before me this 8 day

of December A.D. 2020

Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta



**Castle-Livingstone-Porcupine Hills-Bob Creek-Black Creek  
Advisory Group Membership List**

March 2020

<b>Primary Member</b>	<b>Organization</b>	<b>Alternate</b>
	<b>Municipalities</b>	
Glen Alm	MD of Willow Creek	Evan Berger
Brian Hammond	MD of Pincher Creek	Bev Everts
Cameron Gardner	MD of Ranchland	Ron Davis
Dean Ward	Municipality of Crowsnest Pass	Dave Filipuzzi
	<b>Summer Motorized</b>	
Gary Clark	Crowsnest Pass Quad Squad	Darryl Ferguson
Keith Routley	Alberta Motorsports Association/Lethbridge Motorcycle Club	John Bader
Peter Reed	Alberta Off-Highway Vehicle Association	Garett Schmidt
	<b>Winter Motorized</b>	
Joe Trotz	Crow Snow Riders	Doug Cox
	<b>Winter Non-motorized</b>	
Alix Hennig	Crowsnest Nordic Ski Club	Karen Nicholson
	<b>Equestrian</b>	
Norm Spencer	Alberta Equestrian Federation	Jason Edworthy
	<b>Hiking</b>	
Alistair Des Moulins	Alberta Hiking Association	Dave Hockey (Great Divide Trail Assoc)
	<b>Mountain Biking</b>	
Jim Lucas	United Riders of Crowsnest	Dave Whitten
	<b>Trapping</b>	
Ken Hildebrand	Alberta Trappers Association	Blair Seward
	<b>Guides and Outfitters</b>	
Glen Brown	Alberta Outfitters Association	Kevin Stanton
Tyson Mackin	Alberta Professional Outfitters Society	
	<b>Hunting and Fishing</b>	
Wade Abeli	Hillcrest Fish and Game Protective Association	
Everett Hanna	Backcountry Hunters Association	Kurt McGearry

**Castle-Livingstone-Porcupine Hills-Bob Creek-Black Creek  
Advisory Group Membership List**

March 2020

<b>Primary Member</b>	<b>Organization</b>	<b>Alternate</b>
Brian Dingreville	Alberta Fish & Game Association	Bob Weir
	<b>Stewardship</b>	
John MacGarva	Crowsnest Forest Stewardship Society	Judy Cooke
Andy Hurly	Oldman Watershed Council	Sophie Fortrom and Shannon Frank
Connie Simmons	Y2Y	Katie Morrison (CPAWS)
Gordon Petersen	Castle Crown Wilderness Coalition (CCWC)	Andrea Hlady
	<b>Energy and Mining</b>	
Kristina Benoit	Riversdale Resources	
	<b>Forestry</b>	
Errol Kutcher	Spray Lakes Sawmill	
	<b>Land Owners</b>	
John Lawson	Individual	Harry Welsch
Ted Smith	Livingstone Land Owners Group	Cody Johnson
	<b>Grazing</b>	
Roxy Wideman	Rocky Mountain Forest Range Association	Diane Sawley Jim Lynch-Staunton
Shawna Burton	Burton Cattle Company Ltd.	Syd Gray (Gray's Ranch)
Keith Everets	Castle Grazing	Brent Barbero
	<b>Additional</b>	
Roger Reid	MLA Livingstone-MacLeod (Ex Officio)	Jody Maul (Constituency Office Manager)
Fred Bradley	Individual	
<b>Treaty 6 and Treaty 7 First Nations Consultation Coordinators</b>		
Ira Provost	Piikani Nation	
Mike Oka	Blood Tribe	
J.J. Shade	Blood Tribe	
Glenda Spotted Eagle	Siksika Nation	



**Castle-Livingstone-Porcupine Hills-Bob Creek-Black Creek  
Advisory Group Membership List**  
March 2020

<b>Primary Member</b>	<b>Organization</b>	<b>Alternate</b>
Richard Right Hand	Siksika Nation	
Scotty Many Guns	Siksika Nation	
Dean Cherkas	Stoney-Nakoda Nation	
Bill Snow	Stoney-Nakoda Nation	
Violet Meguinis	Tsuut'ina Nation	
Carol Wildcat	Ermineskin Cree Nation	
Danny Belerose	Ermineskin Cree Nation	
Terry Ermineskin	Ermineskin Cree Nation	
Melanie Daniels	Louis Bull Tribe	
George Addai	Montana First Nation	
Jocelyn Rabbit	Montana First Nation	
Andrew Scott	O'Chiese First Nation	
Ashlee Gladeau	O'Chiese First Nation	
Shayleigh Raine	Samson Cree Nation	
Jocelyn Goodrunning	Sun Child First Nation	

# Exhibit P





July 14, 2020

Honourable Jason Nixon  
Minister, Alberta Environment and Parks  
323 Legislature Building  
10800 97 Avenue NW  
Edmonton, Alberta  
T5K 2B6

This is Exhibit "P" referred to in the  
Affidavit of

Katherine Morrison  
Sworn before me this 3 day  
of December, A.D. 2020  
Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

**Re: Castle-Livingstone-Porcupine Hills-Black Creek-Bob Creek Recreation Advisory Group process**

Dear Minister Nixon,

In the face of imminent and sweeping land-use changes on Alberta’s Southeastern Slopes, we believe that the Recreation Advisory Group (RAG) for the Castle/Livingstone-Porcupine Hills/Black Creek/ Bob Creek is no longer a relevant or valid process. The context against which group members are providing input on recreation management has changed dramatically, therefore we request that the process be postponed until a key output of the Livingstone-Porcupine Hills Land Footprint Management Plan – the Human Spatial Footprint (Interior Habitat) Plan -- is completed.

Since the start of the RAG process in 2018, the Alberta government has made three significant decisions that risk negatively impacting the ecological integrity of the Southeastern Slopes. Due to the uncertainty these decisions introduce about short- and long-term land use in the Livingstone Public Land Use Zone (PLUZ) and adjacent areas, the RAG is no longer positioned to provide well-informed recommendations for sustainable recreation opportunities on these lands. The new policy decisions and regulatory changes that risk having a direct impact on recreation opportunities and ecological integrity are as follows:

- **The June 1, 2020 rescission of the 1976 Coal Policy and the lifting of development limits in coal categories 2, 3 and 4:**
  - The Livingstone PLUZ is now open to extensive coal-mine exploration and development. The significant landscape-level effects associated with coal mine exploration and development should be incorporated into a Human Spatial Footprint analysis and management plan *before* recreation management planning proceeds;
- **The 13% increase in Annual Allowable Cut announced May 6, 2020:**
  - Without knowing the extent to which logging will increase in the Livingstone PLUZ and adjacent areas, or where additional logging will occur, the RAG is not in a position to suggest the best trail locations for different user groups. New trails will be at risk of being affected by logging, which will impact users’ experience and enjoyment.
  - Again, the Human Spatial Footprint Plan must precede recreation management planning so that the RAG can provide substantial and well-informed advice on trail systems to ensure fun, and sustainable, experiences for both motorized and non-motorized recreation users.

- **The March 2020 proposal to delist 11 parks within or adjacent to the Livingstone PLUZ, including a total of 630 campsites.**
  - Removal of these sites could have a significant impact on how the region is used. Random camping has been a growing issue on public lands, and the need for better control and management has been a long-standing issue. Removal of these sites could exacerbate the issues associated with random camping and the paucity of formal recreation infrastructure for non-motorized users. Public Recreation Area with links to motorized trails will be less appealing to non-motorized users, and motorized recreation sound impacts actively displace and/or compromise the camping experiences of non-motorized users.

In addition to completing the now-overdue Human Spatial Footprint Plan, an analysis of the cumulative effects of various land uses across the planning region, and a subsequent management plan that addresses the findings is needed. Critical habitat of species at risk will be severely compromised by the proposed industrial impacts in the Livingstone-Porcupine Hills PLUZ.

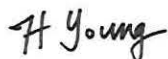
Since the development of the L-PH Recreation Plan, bull trout has been listed as a federally Threatened species. While not yet defined, potential critical habitat for bull trout occurs throughout the Livingstone region and was not considered in the original planning process. Addressing the westslope cutthroat trout critical habitat order and critical habitat needs for bull trout should be done immediately, and current recreation impacts should be managed to avoid these important streams and riparian areas.

Management of the cumulative effects of human activities on a large landscape scale is required to safeguard critical habitat, protect important source waters, and ensure that habitats are connected to ensure healthy wildlife populations. Importantly, because additional industrial impacts will negatively impact the ecological integrity of the landscape, the amount of recreational activity on the landscape will need to be reduced in response.

Finally, the risk of expanded coal mining and forestry within the Livingstone PLUZ and in adjacent areas reinforces our opposition to the expansion of the RAG's mandate to consider adding motorized trails in the Castle Parks. Management practises that maintain the natural values of the Castle Parks, such as those outlined in the Castle Management Plan (2018) will become even more necessary. This plan was approved after the longest and most extensive public review in Alberta Parks' history. Any suggested changes to SSRP sub-regional plans that come from the RAG will need a full public review.

Thank you for your attention to this concern, and to our request to postpone the RAG process until the Human Spatial Footprint plan is completed for the Livingstone-Porcupine Hills PLUZ. The current Castle Management Plan and Livingstone Porcupine Hills Recreation Management Plan should be fully implemented during this time, and adapted to better protect bull trout critical habitat when it has been defined.

Sincerely,



Hilary Young  
Senior Alberta Program Manager  
Yellowstone to Yukon Conservation Initiative



# Exhibit Q

c/o Canada Olympic Park  
88 Canada Olympic Road SW  
Calgary AB T3B 5R5  
Phone: (403) 232-6686

Office of the Premier  
307 Legislature Building  
10800 - 97 Avenue  
Edmonton, Alberta, T5K 2B6

Dear Premier Kenney,

We are writing to you today on behalf of the Canadian Parks and Wilderness Society, Southern and Northern Alberta Chapters (CPAWS). CPAWS has long been involved in conservation and public lands management in Alberta since both Chapters' inception in the 1960s. Today, we are staffed by a diversity of Albertans with a passion for the outdoors and Alberta's wilderness, supported by members and donors across the province. We work collaboratively with provincial and federal governments, industry, Indigenous Peoples, and other stakeholders to provide landscape-scale, science-based support and advice for the protection and proper management of our parks and wilderness areas. We pride ourselves on being a voice for practical conservation solutions of Alberta's lands and waters.

CPAWS Alberta chapters do not support the Government of Alberta's cancellation of the decades-old Coal Policy. This cancellation has left glaring gaps in environmental and regulatory protections for some of Alberta's most culturally and environmentally important areas. There should be no new coal mines, leases, or exploration permits approved until land use planning, at both the regional and sub-regional level, equivalent to the Coal Policy categories is completed across Alberta, or a new coal policy is put in place.

Our key concerns on the cancellation of this policy are:

1. Creation of significant gaps in land use planning and regulation.
2. Risk to Alberta's source waters.
3. Loss and degradation of habitat for federally listed species at risk
4. Decrease in Alberta recreation opportunities and quality of life.
5. Threats to sustainable economies and a legacy of expensive environmental liability for Albertans.
6. Lack of transparency and public consultation

These points are explained in detail below.

While updates to land-use plans for the region covered by the Coal Policy are needed to reflect the even greater land-use pressures and current knowledge of the region's sensitivity that exists now compared to when the Coal Policy was written, removal of the Policy is a step back in creating a balanced approach to land-use and development in the province.

Since the Coal Policy rescission, there has been a surge in coal exploration activities on the Eastern Slopes of the Rocky Mountains of Alberta. These lands are important to Indigenous Peoples, local landowners, and all Canadians. Many Albertans have expressed their outrage that they were not consulted before the decision was made. CPAWS does not support this decision to rescind the Coal Policy. We are asking you

P.O. Box 52031  
Edmonton, Alberta T6G 2T5  
Phone: (780) 328-3780  
This is Exhibit Q referred to in the

Affidavit of

Katherine Morrison

Sworn before me this 8 day

of December A.D. 2020

Christine E. Laing

A Notary Public, A Commissioner for Oaths in and for Alberta



and your government to halt any further coal development until there is a similar policy put in place, or until regional and sub-regional land use planning has been conducted that offers equal or better protection on these lands. Without such regulations in place, you are putting these vital landscapes, our water, and Alberta's reputation at risk.

We look forward to your response addressing each of our concerns, and would welcome the opportunity to meet with you, Minister Nixon or Minister Savage to discuss this matter further.

Sincerely,



Katie Morrison,  
Conservation Director, CPAWS Southern Alberta



Dr. Kecia Kerr,  
Executive Director, CPAWS Northern Alberta

Cc:

Honourable Jason Nixon, Minister of Environment and Parks: [aep.minister@gov.ab.ca](mailto:aep.minister@gov.ab.ca)

Deputy Minister Bev Yee, Environment and Parks: [bev.yee@gov.ab.ca](mailto:bev.yee@gov.ab.ca)

Honourable Sonya Savage, Minister of Energy: [minister.energy@gov.ab.ca](mailto:minister.energy@gov.ab.ca)

Deputy Minister Grant Sprague, Energy: [grant.sprague@gov.ab.ca](mailto:grant.sprague@gov.ab.ca)

### **Our major concerns about the cancellation of the Coal Policy are:**

#### **1. Creation of significant gaps in land use planning and regulation.**

We are extremely concerned about the removal of the Coal Policy and the subsequent lack of protection that now exists on previous Category 1 and 2 lands. While you have stated that Category 1 lands will remain protected, without a Coal Policy or similarly binding land-use policy, there is no mechanism to ensure that these areas are indeed protected. Protective Notations as suggested in the "Restrictions on Coal Activities on Areas of Public Land in the Eastern Slopes" directive, does not provide the same level of protection for these previous Category 1 lands. Of particular concern are areas with freehold mineral rights in Category 1 lands. Lands with these non-crown mineral rights must be protected from development in land-use plans or protective notations. A separate letter on our concerns and recommendations for the Protective Notation on Category 1 lands will follow.

Only two regional plans have been completed in Alberta, and neither address the policy gaps left behind following the removal of the Coal Policy. The purpose of regional planning is to provide strategic direction for the regions of interest, going into further detail at the sub-regional planning level; of which only the

Livingstone-Porcupine Hills have undergone sub-regional planning. The Livingstone-Porcupine Hills Footprint Plan only addresses linear features - roads and trails - and does not address the cumulative effects of all land-uses including large spatial disturbances such as coal. It is currently outside the scope of these plans to manage coal development on the landscape. To replace the Coal Policy, a new Eastern Slopes sub-regional plan should be completed that assesses the areas of high ecological value for assets such as water, biodiversity and recreational use as well as a full cumulative effects assessment, established thresholds and management of all land uses, including coal development. As such, the Coal Policy, or similarly binding policy to regulate coal development and other land-uses must remain in place to manage the landscape as a whole until such sub-regional plans are completed for all areas affected. All future regional and sub-regional planning must take coal development into consideration, and the regional and sub-regional plans that have already been written will need to be reviewed in this new context; adding a significant expansion to the scope of these plans.

While the Alberta Energy Regulator (AER) does provide some regulatory oversight, it is not able to provide the oversight needed to address the environmental impacts in the absence of a coal policy. The AER does not have the mandate to do landscape level planning of where coal developments are environmentally or socially responsible at a high level, but rather is set up to minimize impacts for projects in areas already deemed lower risk for environmental impacts or socially acceptable trade-offs can be made.

In addition, the AER has been drastically cut and timelines imposed to pass projects – limiting rigorous review and stakeholder and public participation. Given this, the removal of coal policy sets the AER and industry up to fail by forcing new projects into the AER process that should never make it that far. This decreases certainty for industry, communities and the environment.

Until a plan to fill this planning gap has been put in place and made public, there should be no new coal exploration, development, or leases approved. These approvals are contrary to the decades of work our province has done to create balanced land-use plans and ensure the highest standards for industrial development, something many Albertan citizens and companies are proud of on both a national and global stage.

## **2. Risk to Alberta's source waters.**

Cancellation of the Coal Policy puts our water quantity and quality at risk. Category 2 lands, where restrictions on open pit coal mining and exploration have recently been removed, are also Alberta's headwaters. These regions supply drinking water to millions of people downstream, and supply essential water to support Alberta's agriculture industry. Previous Category 2 lands provide 35% of Edmonton's water, 31% of Red Deer's water and 24% of Lethbridge's water (Map 1).

Especially in southern Alberta, water availability is already scarce and this will only increase as the climate changes. The greatest part of irrigation activity in Alberta takes place in the 9 irrigation districts that draw water from the Oldman River. Approximately a half million hectares of land receive irrigation water through the operations of the districts. Since August, 2006, the South Saskatchewan River Basin has been closed to new water licence applications except for First Nations, Water Conservation Objectives (WCO), and water storage projects (as per an Approved Water Management Plan). It is unclear how much water is available and the allocation of water licenses in this closed basin versus how much is required for these proposed mines throughout their life cycle. Water licenses should not be allocated or transferred from



existing users or water reserves for industrial use. This puts water security at risk for thousands of people and users downstream.

Coal mines are also a proven risk to water quality. Selenium is a naturally occurring element found combined with coal deposits and in geologic formations associated with coal. When exposed to water and oxygen as part of the mining process it is released in much greater quantities than through natural processes. This selenium contamination can cause birth defects and reproductive failure in fish and wildlife, and can jeopardize human health. Selenium leaching from coal mining has poisoned water sources for communities in BC's elk valley. Teck Resources has spent billions of dollars over many years to try to control the issue without success.

Coal mining is an inherently risky activity. Mine failure, air and water pollution, and other factors will put local communities at an elevated health risk. Additionally, downstream health effects are likely regarding water pollution when these mines inevitably release selenium and other harmful chemicals into our waterways. Without a mechanism in place that adequately regulate coal development, it is unlikely that these health impacts will be avoided.

With the removal of the Coal Policy and the influx of coal exploration and development, our headwaters are at a significantly higher risk of pollution and severe reductions in water quality and quantity. Alberta supplies water to the rest of the prairie provinces, and as such we are not the only ones who will be at risk from this shortsighted announcement. It is imperative that a new policy be put in place to restrict open pit coal mining in these sensitive areas of source water.

### **3. Loss and degradation of habitat for federally listed Species at Risk**

Category 2 lands and areas with freehold minerals overlap with Critical Habitat for native westslope cutthroat trout, bull trout, and Athabasca rainbow trout - all threatened under the federal Species at Risk Act (Map 2). As road density and land disturbance are one of the key risk factors for native trout, coal exploration and access road construction will likely negatively impact these trout species. Open pit coal mining and potential related selenium leaching, will significantly impact not only native trout, but all aquatic species in the region.

Open pit coal mines will also be harmful to species at risk that are sensitive to habitat disturbance such as Grizzly Bears and Woodland Caribou. Caribou, in particular, are sensitive to habitat disturbance, and have long suffered from the cumulative impacts of industrial development caused by a lack of comprehensive land use planning. No new coal mines should occur within species at risk habitat.

Much of the area now open to coal mining is also classified as an environmentally significant area (ESA) within both the Category 1 and 2 lands. ESAs make up approximately 63% of Category 2 land, now open for coal development (Map 3). The Government of Alberta defined these ESAs based on their importance for long-term conservation and biodiversity.

In developing a new comprehensive plan to replace the Coal Policy, it is imperative that the government protects habitat for listed species at risk, as well as the ESAs that were previously defined by the government to protect our natural heritage.





#### **4. Decrease in Alberta recreation opportunities and quality of life.**

Alberta's Rocky Mountains are some of the best areas for recreation and enjoyment of nature, providing places for Albertans to hike, camp, bike, fish and hunt and contribute to our high quality of life. This quality of life is what attracts productive and creative people to Alberta to take advantage of its healthy lifestyle and great recreational opportunities. It encourages these people to stay, work and set up businesses.

This summer we have seen a huge increase in outdoor recreation in Alberta that, while instigated by COVID, will likely further the growing trend of recreational use of public lands. The areas now open to coal development support some of the world's best landscapes for recreation, a key source of economic diversification for communities. While Protective Notations have been placed on Category 1 lands, there are many Parks and Provincial Recreation Areas that are in close proximity to coal leases and possible coal developments that would be impacted by adjacent developments and reduce recreation access and experience (Map 4). Large areas of mining activity will also become off-limits to public recreational use with development of new mines. As such, visitors and Albertans alike will lose valuable recreation opportunities on public lands that are currently valued by Albertans and are upcoming recreation destinations, such as the Crowsnest Pass and Bighorn regions.

#### **5. Threats to sustainable economies and a legacy of expensive environmental liability for Albertans.**

New coal developments in this region undermine the existing and growing sustainable economies - affecting the livelihoods of ranchers, outfitters, the outdoor recreation and tourism industries and other land users.

The region has long been an important area for sustainable ranching operations. Threats to water and loss of lands to coal mines jeopardize grazing allotment and downstream ranch operations and could permanently reduce or eliminate its ability to support cattle and wildlife into the foreseeable future. Once the native fescue grasses are gone there is no good economic method of recreating that type of excellent grazing. Reductions in water quantity and quality could also affect downstream irrigators and crop productivity.

The natural beauty supported by Alberta's parks and wild public lands is also helping to establish southwest Alberta as a leading international destination, once again named in the Global Top 100 Sustainable Destinations. The region was also a top three finalist for the Best in Americas award for the 2020 Green Destinations Award, receiving accolades as a "place among global destinations that strive to be more sustainable for the benefit of travellers and local communities, and to preserve, enhance and celebrate our iconic character of place." Given the importance of many of these areas of Category 1 and 2 lands for tourism and recreation, these two land-uses are not likely reconcilable. Other areas along the eastern slopes including central Alberta have great potential for similar development of recreation economies.

For decades, Alberta has relied heavily on non-renewable resources as a staple of our economy. While this has allowed for unprecedented prosperity and growth, it comes at the cost of environmental damages, uncertain boom and bust economies, and a legacy of environmental liabilities and cleanup costs. While some short-term jobs will be created, volatile prices, international market uncertainty, and the continued automation of this industry means that these projects are not the sure-fire job creators and sustainers they





once were. In fact, experts retained to examine the Economic Assessment for the proposed Grassy Mountain mine state that there is insufficient evidence to conclude that there will be large or significant regional or provincial economic benefits from the project.

Looking further down the road, one can anticipate the massive public liability that these projects represent. Once markets drop and companies can no longer make a profit, Albertans could be left with the bill to clean up environmental damage, as we have seen with many other coal mines around the world and with other similar volatile commodities in Alberta, such as the many orphaned and abandoned oil and gas wells. For example, the federal government recently allocated \$1.7 billion to help clean up orphaned and abandoned oil and gas wells in BC and Alberta and \$2.2 billion towards cleanup and reclamation of abandoned mine sites in the Yukon and Northwest Territories.

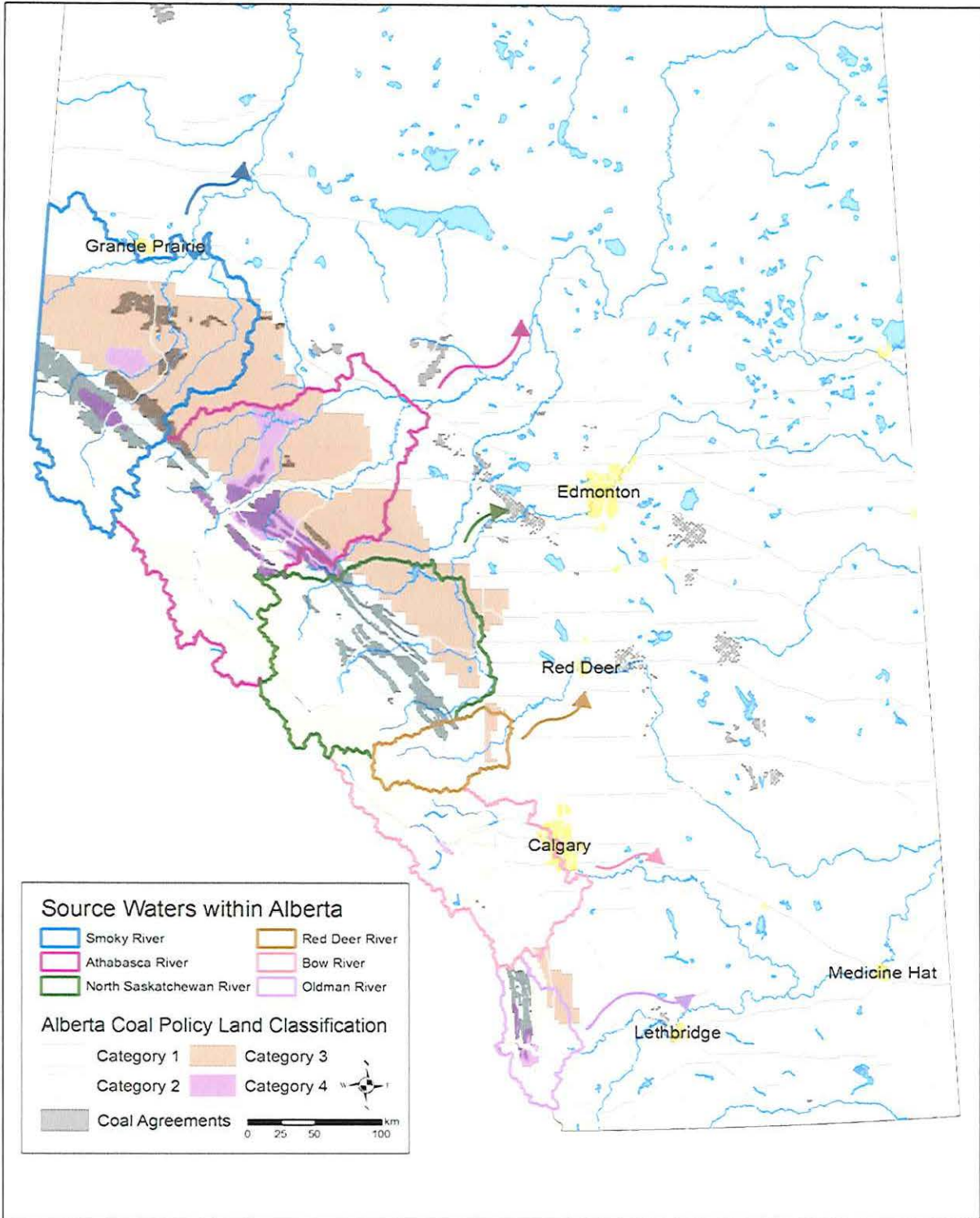
While Alberta has the Mine Financial Security Program (MFSP) which is designed to off-set reclamation liabilities, according an audit report released in 2019 by Alberta's Auditor General titled "Alberta Energy Regulator - Systems to Ensure Sufficient Financial Security for Land Disturbances from Mining Follow-up", there is a significant risk that asset values calculated by the department are overstated within the program. This includes a failure to fully account for future risk, underestimating the impact of future price declines, and treating proven and probable reserves as equally valuable. Currently there is only a fraction of the funds in the MFSP to cover existing mine reclamation liabilities. The audit report also indicates that AER has still yet to implement the auditor's 2015 recommendations to improve the overall design of the MFSP system.

Overall we believe that the economic risks to opening these areas far outweigh the economic benefits. As the world shifts and recovers from COVID-19, there are increasing calls for a just and green recovery. Nature conservation, nature-based climate solutions and sustainable recreation and tourism should be part of the future sustainable and diversified economy. Coal mining undermines these objectives.

## **6. Lack of transparency and public consultation**

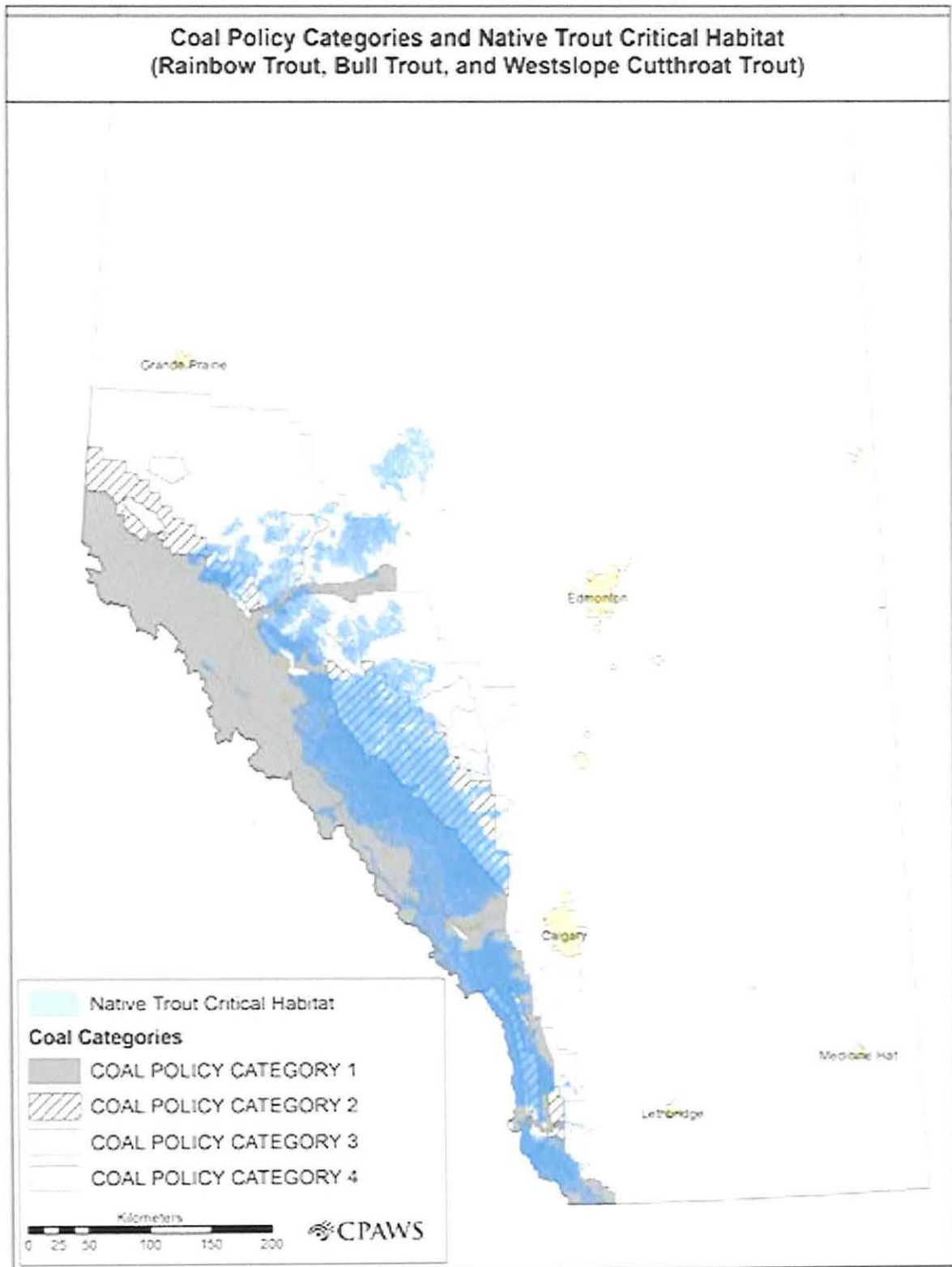
CPAWS Alberta Chapters are very concerned that the decision to rescind the Coal Policy was made without public consultation and believe this process lacked transparency and accountability. It is unprecedented that such a major land-use decision be made without consulting the public and stakeholders. Albertans have been very involved and engaged in land-use planning in the eastern slopes for decades, including the development of the Coal Policy. Rescission of the Coal Policy without consultation is contrary to the consultation commitments of the South Saskatchewan Plan and the Land Use Framework, given that this decision was also made outside of the land-use planning process.

Input into individual applications through the AER does not address the need for public input on such landscape level planning, and is in fact not set up for public input on individual applications. Under the AER, the public cannot provide landscape level recommendations on coal development but rather must give input on each individual project at each stage of application or approval. Applications are quietly posted, often requiring interested individuals to submit an information request to access the application and additional information. Members of the public not deemed to be directly adversely affected by an application (e.g. live in close proximity to the project or their direct source of income affected) are not considered to have an interest in the area and their concerns do not need to be addressed. Likewise, many recent coal exploration applications have been approved before the deadline to submit Statements of Concern causing input to not even be registered. This does not replace true public consultation on where coal development is appropriate or not.

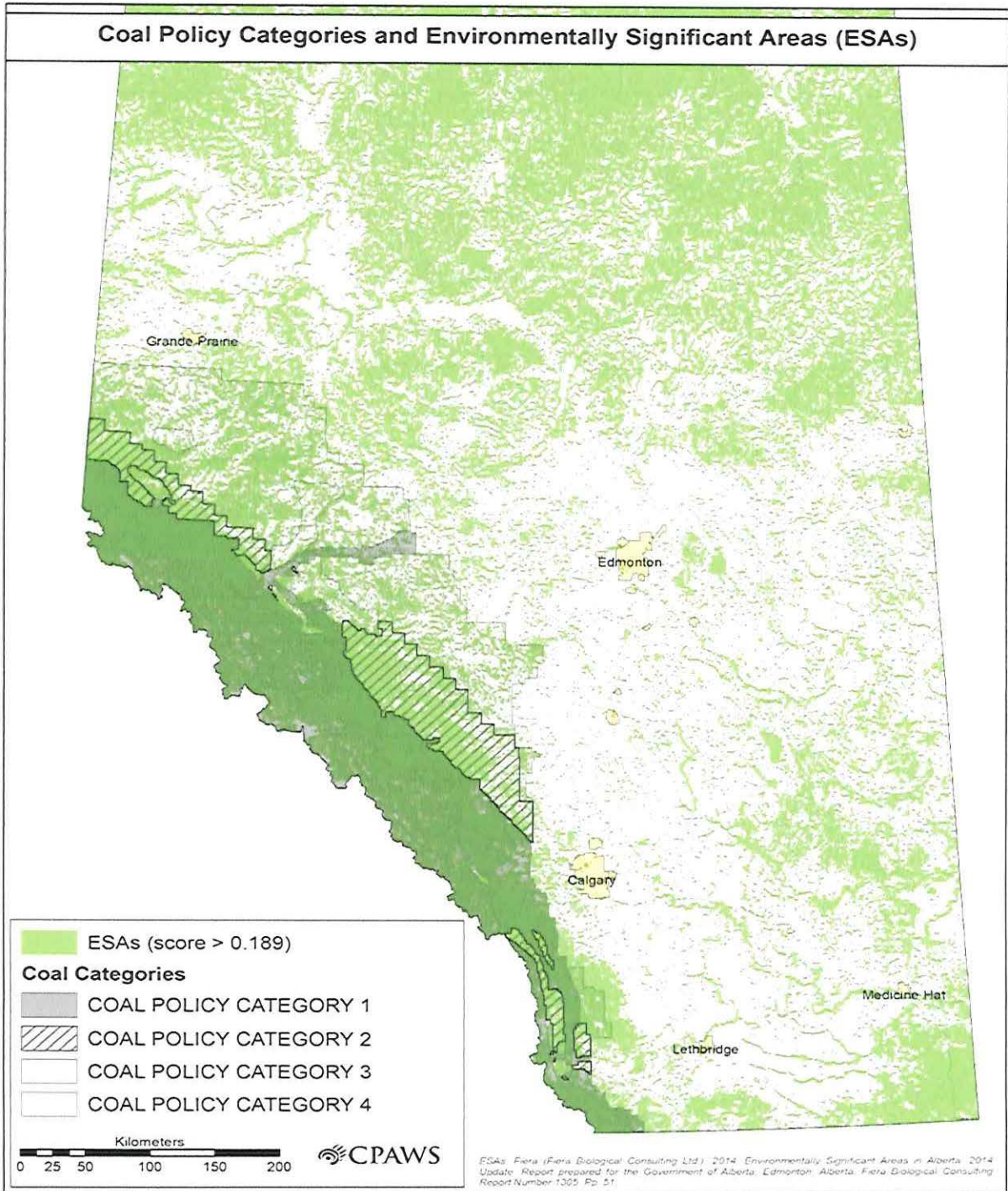


**Map 1: Source Watersheds**



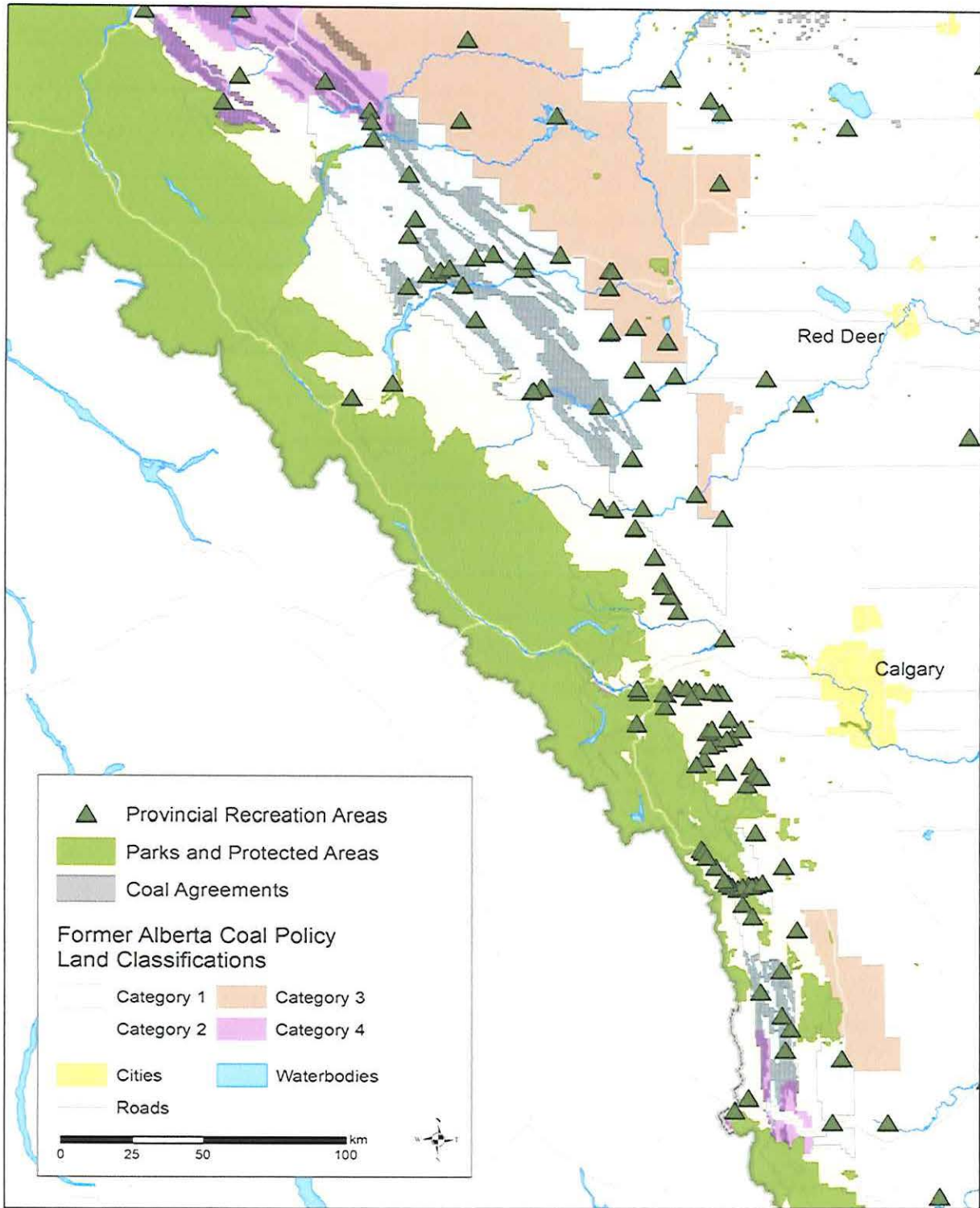


**Map 2: Coal Policy Categories and Native Trout Critical Habitat**



**Map 3: Coal Policy Categories and Environmentally Sensitive Areas**





Map 4: Coal Policy Categories and Parks and Protected Areas

# Exhibit R



Organization Lobbyist Registration - Notice of Change

OL-10308-10 - Notice of Change

Status  
**Archived**

Registration Information

Registration Number	OL-10308-10
Type of Registration	Notice of Change
Initial Filing Date	15-Feb-2017
Official Filing Date	22-May-2020

Designated Filer Information

Organization Name	The Coal Association of Canada	
Designated Filer Name	Robin Campbell	
Position Title	President	
<b>Business Address:</b>		
Street	302, 10240 124 St	
City	Edmonton	This is Exhibit " <u>R</u> " referred to in the Affidavit of <u>Katherine Morrison</u> ..... Sworn before me this <u>8</u> day of <u>December</u> , A.D. 20 <u>20</u> <u>Christine Elain</u> ..... A Notary Public, A Commissioner for Oaths in and for Alberta <u>CHRISTINE ELAIN</u> <u>BARRISTER &amp; SOLICITOR</u>
Province	Alberta	
Postal Code	T5N 3W6	

Lobbyist Information

Current Lobbyist Information

Please state the name of each individual organization lobbyist who is or will be engaged in lobbying activities on behalf of the organization.

Name	Title
Robin Campbell	President
Reise O'Hara	Director of Government Relations

Former Lobbyist Information

Please state the name of any individual who was named as a current organization lobbyist in the organization's most recent active registration preceding this return, but who since has ceased to be engaged in lobbying on behalf of the organization.

Name	Title
------	-------

## Organization Lobbyist Registration - Notice of Change

## Former Public Office Holders

**Has any individual organization lobbyist named in this return become a "former public office holder" within the previous two (2) years?**

No

## Lobbying MLAs, Executive Council and/or their Staff

**Have any organization lobbyists named in the return lobbied in the previous 6 months, or do any of them expect to lobby in the next 6 months, any MLA or any individual on an MLA's staff?**

Yes

**Have any organization lobbyists named in the return lobbied in the previous 6 months, or do any of them expect to lobby in the next 6 months, any member of the Executive Council (includes all Ministers, Associate Ministers and the Premier) or any individual on the staff of a member of the Executive Council?**

Yes

## Contract for Providing Paid Advice

**Does any lobbyist named in the return hold a contract for providing paid advice to a department or a prescribed Provincial entity?**

No

**Does any person associated with a lobbyist named in the return hold a contract for providing paid advice to a department or a prescribed Provincial entity?**

No

## Organization Information

### Organization Information

**Does your organization have members?**

Yes

**Please provide a general description of the membership of the organization.**

The Association's membership represents a the diverse spectrum of the Canadian coal industry, including companies engaged in mining (exploration, development and production), transportation (rail, terminal and port), diverse suppliers of goods and services, industrial coal consumers, and general associates.



## Organization Lobbyist Registration - Notice of Change

**Please list all directors of the organization.**

Allen Foster  
Glenn Dudar  
Arpad Koltai  
Michael Reinsma  
Ed Griffith  
Carolyn Hillard  
John Schadan  
Ross Van Bostelen  
Stephen Letwin  
Rob Booker

**Please list all officers of the organization.**

John Schadan - Chairman  
Robin Campbell

**Please describe the organization's business or activities.**

The CAC proactively supports Association members in the development, growth and advancement of a safe, socially responsible and economically sustainable Canadian coal industry. This involves hosting networking events for members including an annual national conference, government relations activity and educational campaigns related to coal production and related activities in Canada. The CAC is governed by a Board of Directors and has 3 staff members.

**Parent Corporations and Subsidiaries**

**If your organization is a corporation, does it have any subsidiaries that have a direct interest in the outcome of the organization's lobbying activities?**

No

**If your organization is a corporation, is it a subsidiary of any other corporation(s)?**

No

**Funding of Lobbying Activities**

**Has any individual or organization, during the individual's or organization's financial year that preceded this filing, contributed \$1,000 or more towards your organization's lobbying activities?**

## Organization Lobbyist Registration - Notice of Change

No

## Government Funding

Has the organization received any funding from any government, government agency or prescribed Provincial entity within the last 12 months?

No

Has the organization requested any funding from any government, government agency or prescribed Provincial entity within the last 12 months?

No

## Lobbying Activity - Previous 6 Months

## Description of Lobbying Activities

Subject Matter	Who is Being Lobbied?	Subject Matter Details
Mining	Alberta Environment and Parks Alberta Energy Regulator Alberta Energy Alberta Economic Development, Trade and Tourism Alberta Indigenous Relations	<p><b>Legislation, Regulation or Order in Council: Land-Use Framework; Caribou Range Planning</b></p> <p>Coal Association of Canada President met with Minister of Environment and Parks, Honourable Jason Nixon on September 17, 2019, to discuss caribou range planning, economic opportunities for the Province of Alberta as a result of proposed coal mining activity, primarily in the Eastern Slopes of Alberta.</p> <p><b>Legislation, Regulation or Order in Council: Coal Mining Effluent Regulations (Federal)</b></p> <p>Provided briefing to AEP and Energy on Government of Canada's upcoming Coal Mining Effluent Regulations to inform of industry's positions and seek alignment with provincial input on regulations.</p> <p><b>Program or Policy: Economic Diversification</b></p> <p>President of the CAC met with Deputy Minister Energy on January 30, 2020 to provide an overview of the Canadian coal industry and to discuss economic opportunities as a result of exporting Canadian coal, carbon capture and storage technology as well as potential opportunities for stranded coal assets in Alberta as a result of the coal-fired generation phase out.</p>



**Program or Policy: First Nations Consultation for Resource Projects**

President of the CAC met with Minister Wilson on September 17th to discuss consultation capacity and impact benefits of resource projects, specifically coal mines in Alberta.

**Program or Policy: Alberta Coal Policy**

CAC met with Minister of Energy via teleconference on April 30th to discuss economic opportunities of the coal industry in Alberta, including the 1976 coal policy and existing land-use planning, continued work with the Alberta Energy Regulator through the CAC/AER working group and need for coal mining expertise, federal coal mining effluent regulations as well as any opportunities for fiscal relief in response to business impacts of COVID-19

Communication Techniques

Please specify all communication techniques that have been or will be used (as applicable).

Arranging one or more meetings, Meetings, Written communication whether in hard copy or electronic format, Telephone Calls

Lobbying Activity - Next 6 Months

Description of Lobbying Activities

Subject Matter	Who is Being Lobbied?	Subject Matter Details
Mining	Alberta Energy Alberta Energy Regulator Alberta Environment and Parks Premier's Office Alberta Legislative Assembly Alberta Treasury Board and Finance	<b>Legislation, Regulation or Order in Council: Land-Use Framework</b> CAC will continue engagement with Ministry of Environment and Parks to advocate for land-use planning that does not strand Alberta's coal assets, both existing projects and potential projects in the Eastern Slopes, primarily. <b>Program or Policy: Caribou Sub-Regional Task Force</b> President of the CAC will continue to participate in the West-Central Sub-regional Task Force - Upper Smoky

Planning Area by the Minister of Environment and Parks.

**Program or Policy: Alberta Coal Policy**

CAC will discuss the implications of rescinding of the 1976 Coal Policy with the Minister and Deputy Ministers of Energy. Discussion will focus on the economic opportunity of Alberta's coal deposits, both for domestic use and export.

A meeting has also been requested with The Premier of Alberta to discuss Alberta's Coal Policy and the economic importance of Alberta's coal mining industry.

CAC President expects to be present to the UCP Energy Caucus in 2020 to provide overview of coal industry in Alberta.

**Communication Techniques**

Please specify all communication techniques that have been or will be used (as applicable).

Arranging one or more meetings, Meetings, Telephone Calls, Written communication whether in hard copy or electronic format, Presentations

**Additional Information (Optional)**

Please provide any additional information which you feel was not covered elsewhere in this registration (optional). Information provided is included in the published registration.

**Declaration**

**Declaration and Certification**

**I declare that (select only one)**

- No lobbyist named in the return holds a contract for providing paid advice to a department or prescribed Provincial entity.

**I further declare that (select one for each statement):**



## Organization Lobbyist Registration - Notice of Change

Every lobbyist named in the return, and to my knowledge after reasonable inquiry, every person associated with those lobbyists, are not in contravention of section 6 of the *Lobbyists Act* (contracting prohibitions)

- I Declare

Every lobbyist named in the return, and to my knowledge after reasonable inquiry, every person associated with those lobbyists, are not in contravention of section 6.2 of the *Lobbyists Act* (prohibited gifts)

- I Declare

I certify that to the best of my knowledge and belief the information contained in this return is true.

Designated Filer (DF) Name

Robin Campbell

**From:** Robin Campbell  
**Sent:** Monday, November 2, 2020 9:08:17 AM (UTC-07:00) Mountain Time (US & Canada)  
**To:** Hearing Services  
**Cc:** Drew Yewchuk; Reise O'Hara  
**Subject:** RE: Grassy Mountain Hearing Undertaking

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Elaine,

In response to the two undertakings given by the Coal Association of Canada, we advise as follows:

*Undertaking 1: It is confirmed that Millennium EMS is a member of the Coal Association of Canada.*

*Undertaking 2: It is confirmed that the Organization Lobbyist Registration - Semi-Annual Renewal filed by the Coal Association of Canada on August 18, 2020, contains the following two references to the 1976 Coal Policy:*

*CAC met with Minister of Energy via teleconference on April 30th to discuss economic opportunities of the coal industry in Alberta, including the 1976 coal policy and existing land-use planning, continued work with the Alberta Energy Regulator through the CAC/AER working group and need for coal mining expertise, federal coal mining effluent regulations as well as any opportunities for fiscal relief in response to business impacts of COVID-19*

*and:*

*CAC will discuss the implications of rescinding of the 1976 Coal Policy with Alberta Government, as required. Discussion will focus on the economic opportunity of Alberta's coal deposits, both for domestic use and export.*

Robin Campbell



# Exhibit S



# Cardinal River Coals Ltd. TransAlta Utilities Corporation Cheviot Coal Project

June 1997

This is Exhibit "S" referred to in the

Affidavit of

Katherine Morrison

Sworn before me this 8 day

of December A.D. 2000

[Signature]  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta



2

15 km east of the mine boundary (see Figure 3). The western edge of the proposed mine permit boundary lies 2.8 km east of the Jasper National Park boundary.

The Cheviot mine permit area is approximately 23 km long and 3.5 km wide and located within an east–west trending valley. Terrain within the valley is hilly, with elevations between 1700 and 2000 metres (m). The eastern third of the permit area drains to the south and east along Red Cap Creek into the Cardinal River and ultimately the Saskatchewan River system. The western portions of the proposed permit area are drained to the north by the McLeod River system into the Athabasca River and ultimately the Mackenzie River system. The Cardinal Divide ridge is a dominant topographic feature to the south, while the western edge of the proposed mine permit boundary extends into the front range of the Rocky Mountains to an elevation of 2200 m. The north and east limits of the development are bounded by Cadomin Mountain and Red Cap Mountain (Nikanassin Range).

Mining activity had been carried out within the proposed mine permit boundary from the early 1900s until the 1950s, and was centred around the former townsite of Mountain Park. Mining during this period was primarily underground, although some minor surface mining was also conducted. No reclamation of these mining activities has been carried out.

## 1.2 Approval Process

In Alberta, the development of a coal mine is based upon a two-stage approval process. The first provincial approval (or permitting) stage deals primarily with the conceptual plans for the mine project as a whole. This stage is carried out under the disclosure requirements of the Coal Development Policy for Alberta, the EIA requirements of Alberta Environmental Protection (AEP), and the permit requirements of the EUB. In the case of the Cheviot Coal Project, a federal approval from the DFO is also required. These various processes are described in greater detail below.

The second stage of the approval process, generally referred to as the licensing stage, is designed to examine, on an individual basis and in much greater detail, the specific components of the project. These include licences from the EUB for individual pits and rock dumps, as well as more detailed approvals from AEP for air and water emissions and reclamation plans.

The two-stage approval process for coal mine projects is designed to first look at, on a broad-scale basis, the full range of likely environmental and technical issues associated with a project, and in so doing, set broad boundaries for acceptable development scenarios. The second stage is intended to allow for site-specific changes to the broader conceptual plans approved during the first stage. The presence of the second stage recognizes the inherent difficulty for a company in predicting the optimal pit, highwall, waste dump, and reclamation program designs prior to accurately establishing the actual extent and distribution of the coal resources. The presence of the licensing stage helps to ensure that both resource conservation and environmental protection are optimized in a manner not possible during the permitting stage.

### **1.2.1 Coal Development Policy for Alberta (1976)**

The Coal Development Policy for Alberta is designed to bring about and maintain the maximum benefits of the province's coal resources for the people of Alberta. A fundamental principle of the Coal Development Policy is that no development will be permitted unless the Alberta Government is satisfied that it may proceed without irreparable harm to the environment and with satisfactory reclamation of any disturbed land.

The Coal Development Policy provides a classification of provincial lands into four categories based on: their relative environmental sensitivity; the range of alternate land uses; the potential coal resources; and the extent of existing development of townsites and transportation facilities.

The Coal Development Policy also provides for a four-step screening and approval process for coal mines which includes:

- (1) preliminary disclosure to government,
- (2) disclosure by the applicant to the public,
- (3) consideration of a formal application through a public hearing, and
- (4) a final decision by the government.

CRC submitted a preliminary disclosure, as required by the Coal Development Policy, to the Government of Alberta and in December 1985 received approval in principle to proceed to the next stage of the approval process.

### **1.2.2 Alberta Environmental Protection**

The Cheviot Coal Project includes both a surface mine producing a projected 3.2 million tonnes of coal per year and a coal processing plant. As a result, it is a mandatory project as set out under the Environmental Assessment Regulations of the AEPEA and so requires the preparation of an EIA.

A draft Terms of Reference for the EIA was developed jointly between both the federal and provincial governments and CRC. These were made available to the public for review in October 1994. After receipt of comments, the Terms of Reference were finalized and published by the Alberta Director of Environmental Assessment on 23 January 1995. The EIA was submitted by CRC in March 1996 to the EUB as one component of its application. Following the review of the EIA, AEP's Director of Environmental Assessment advised the EUB on 18 September 1996 that the EIA now addressed the requirements set out in Section 47 of the AEPEA and in the final Terms of Reference. The Director also advised the EUB that the EIA report was complete pursuant to Section 51 of the AEPEA.



## 6 LAND USE EFFECTS

The proposed Cheviot Coal Project is located on lands owned by the Province of Alberta (i.e. Crown lands) and is subject to government land use policies. A number of other uses are currently made of these and nearby lands, including: provincial natural areas, recreational uses, commercial developments, and federal national parks. (A number of communities are also located near to the Cheviot Coal Project. The expected environmental effects of the Cheviot Coal Project on them are discussed in Section 7 of the report.)

### 6.1 Land Use Policies

#### 6.1.1 Views of the Applicant

In their application, CRC acknowledged that several provincial zoning policies cover the proposed development areas of the Cheviot mine, including the Coal Development Policy for Alberta, the Eastern Slopes Policy, and the Coal Branch Sub-Regional Integrated Resource Plan.

CRC also noted that the proposed Cheviot Coal Project area is located entirely within the Municipal District (M.D.) of Yellowhead No. 94. The applicant indicated that, should the project be approved by the provincial and federal governments, local development approvals would also be required and would be subject to the development policies of the M.D.

#### *Coal Development Policy*

CRC noted that the 1976 Alberta Coal Development Policy identified a variety of categories which set out the extent to which exploration and development of coal resources may be considered in Alberta. The categories are based on factors such as potential coal resources, infrastructure requirements, alternate land uses, environmental sensitivity, and reclamation capability.

At the hearing, CRC advised the Panel that all lands within the mine permit area were classified under the Coal Conservation Act as Category 4 lands; that is, lands:

*"in which surface or underground mining or in-situ operations may be considered subject to proper assurances respecting protection of the environment and reclamation of disturbed lands".*

CRC stated that the Coal Development Policy zoning for the proposed Cheviot area recognizes the previous mining activity in the area, as well as the high potential for the area to still contain significant coal resources, the proximity of infrastructure, the presence of successful coal operations, and reclamation achievements in the immediate area. In CRC's view, these all confirm the capability of the area to accommodate future coal mining.

### *Coal Branch Sub-Regional Integrated Resource Plan*

CRC stated that the 1995 Coal Branch Sub-Regional Integrated Resource Plan outlined the government's most recent general resource management policy for public lands and resources within the Coal Branch planning area. CRC stated that the Integrated Resource Plan identified eight Resource Management Areas (RMAs) within the Coal Branch Region and that the Cheviot project area is within the Mountain Park–Folding Mountain RMA. CRC observed that the Integrated Resource Plan (page 66) stated that:

*"The management intent for the Mountain Park–Folding Mountain RMA is to recognize a varied range of provincially significant resources such as coal, wildlife, extensive recreation, tourism and historical resources. A limited range of other multiple use activities will also be provided, while recognizing the importance of watershed protection."*

CRC indicated that four land use zones and their associated objectives have been established for the immediate area within and around the Cheviot Coal Project. These are:

- C** *Zone 1 - Prime Protection: "To preserve environmentally sensitive terrain and valuable ecological and aesthetic resources."*
- C** *Zone 2 - Critical Wildlife: "To protect specific fish and wildlife populations by protecting aquatic and terrestrial habitat crucial to the maintenance of those populations."*
- C** *Zone 4 - General Recreation: "To retain a variety of natural environments within which a wide range of outdoor recreation opportunities may be provided."*
- C** *Zone 5 - Multiple Use: "To provide for the management and development of the full range of available resources, while meeting long-term objectives for watershed management and environmental protection."*

Of these, CRC noted that only Zones 2, 4, and 5 are found within the lands to be disturbed by the Cheviot Coal Project. CRC stated that while Zone 1 (Prime Protection) lands border part of the Cheviot Coal Project area, they do not occur within it and that the breakdown of the land use zones within the project is: 83 per cent Critical Wildlife; 8 per cent General Recreation; and 9 per cent Multiple Use.

### *Coal Branch Access Management Plan*

CRC indicated that the Coal Branch Access Management Plan, which was developed in 1995, also had a bearing on the Cheviot Coal Project. CRC stated that the Access Management Plan was intended to manage motorized and non-motorized recreational use on existing access routes on public land. The Plan was created in order to provide opportunities for compatible motorized and



non-motorized recreational use, while meeting the fish and wildlife objectives and maintaining the integrity of the natural environment as outlined in the Integrated Resource Plan. Within the Mountain Park-Folding Mountain RMA, the planning area considered by the Access Management Plan included all Zone 1, 2, and 4 areas. To date, the plan has only been implemented on a voluntary basis, with a public review proposed for the latter half of 1997.

CRC stated that the proposed mine and coal preparation plant operations would disturb portions of designated motorized access corridors from the project area to Drummond/Prospect Ridge and to Cadomin Ridge/Cadomin Mountain. CRC stated that it was prepared to work with provincial land managers and affected stakeholders to review access alternatives and, where appropriate, develop trails outside the disturbance area, and thereby provide linkages to the existing trail system. In addition, CRC stated that it would prepare annual access plans within the project area that would be available for review by interested recreation user groups. As a result, CRC believed that the proposed Cheviot Coal Project would have an insignificant impact on the Coal Branch Access Management Plan.

### *Special Places 2000*

In their application, CRC noted that Special Places 2000 is a 1995 government policy committed to the identification and protection of a network of natural landscapes that represent the environmental diversity of the province's six natural regions and 20 sub-regions. CRC noted at the hearing that the Alberta Minister of Environment had advised the Special Places Coordinating Committee that the Cardinal Divide Natural Area is an effective and adequate commitment to the protected areas program for this portion of the Rocky Mountains. CRC stated that, in its view, approval of the Cheviot Coal Project would have no impact on the Special Places 2000 program.

CRC stated that, while it was aware that there are other land use policies which may have some degree of relevance to the Cheviot Coal Project, it was their belief that the policies noted above were the overriding authority for the area. Furthermore, CRC stated that whatever land use limitations may have previously applied to the Cheviot Coal Project under the 1984 Eastern Slopes Policy, those had now been superseded by the more recent Integrated Resource Plan.

CRC stated that it recognized that zoning policies carry restrictions and/or guidelines for industrial development within the areas of their coverage and hence must be assessed for potential conflicts or development conditions. CRC stated that it had incorporated what it interpreted as being the required components of the aforementioned policies into its EIA.

### **6.1.2 Views of the Interveners**

The AWA Coalition stated that they believed the applicant had not given an appropriate amount of consideration to all of the relevant policies that apply to the proposed Cheviot project area. The AWA Coalition also felt that, due to the possibility of impacts extending beyond the proposed project boundary, the policies which apply to lands adjacent to the proposed project area should also have been considered.

The AWA Coalition stated that, in its view, CRC was prepared to meet only the basic statutory requirements, which included such policies as the Coal Branch Integrated Resource Plan, the Coal Development Policy for Alberta, and the Coal Branch Access Management Plan. It was the contention of the AWA Coalition that CRC had not addressed all of the relevant policies and, of the ones that it had addressed, CRC had not satisfactorily presented evidence that indicated it would be able to meet their intent and/or goals. As an example, the AWA Coalition noted that the Coal Development Policy states that any coal development which will cause irreparable harm to the environment should not be approved. The AWA Coalition stated that there was extensive expert evidence concluding that irreparable harm to the environment, including to such VECs as grizzly bears, Harlequin ducks, migratory song birds, rare plants, and fish will occur if the Cheviot Coal Project were to proceed.

The AWA Coalition also suggested that the Cheviot area had been classified as Zone 2 (i.e. Critical Wildlife) rather than Zone 1 (Prime Protection) during the creation of the Integrated Resource Plan because coal leases already existed for the area, rather than as an accurate measure of the relative environmental sensitivity of the lands. However, since such zoning did not guarantee a company that a proposed development would be approved, the AWA Coalition stated that it had now fallen to the Panel to determine whether the application was compatible with the intent of the Integrated Resource Plan. The AWA Coalition also stated that since, in their view, portions of the Cheviot mine permit area, most notably upper Prospect Creek, were still being considered as potential extensions to the Cardinal Divide Natural Area under the Special Places 2000 program, CRC could not claim that the approval of the Cheviot Coal Project would have no impact on Special Places 2000.

RMEC also stated that, in its view, CRC had considered only those policies which favoured its project and had ignored those which did not, often arguing that policies did not have the force of law. Further, RMEC concurred with the AWA Coalition's position that policies are a key determinant as to the significance of an environmental effect, and therefore go considerably towards establishing what the public interest is in a particular situation. Given this, RMEC felt that the question of significance of impacts must be viewed beyond just legalistic terms and that policy is one of many components which must be considered in the decision-making process.

AEP advised the Panel that, in its view, the proposed Cheviot Coal Project is consistent with the Coal Branch Sub-Regional Integrated Resource Management Plan and that coal mining is a compatible or permitted use within the land use designations for the proposed project area. AEP indicated that it had no objections in principle to a coal mine in this area, subject to public review and approval by the Panel, and subject to CRC meeting all subsequent environmental regulatory requirements.

With respect to the issue of access management, AEP stated that there is a detailed provincial process for the Coal Branch area that already exists which is designed to balance the interests of various stakeholders regarding access management issues. It was indicated by AEP that a determination would be made of the effectiveness of voluntary compliance with the Coal Branch Access Management Plan during the public review in the fall of 1997. At that point, a multi-stakeholder committee, hopefully including CRC, would determine whether the use of legislated forest land use zones (FLUZs) is



required or if access management can continue on a voluntary basis. Given this, AEP requested that the Panel leave the issue of access to the provincial process.

### **6.1.3 Views of the Panel**

As noted earlier in this report, the Panel does believe that the consistency of a project with government policy does provide one of many tests of the public acceptability of a project. In the case where there are inconsistencies between the policies themselves, the Panel believes that it is reasonable, unless it can be demonstrated otherwise, to consider either the most recent and/or the most site specific as paramount. In the case of the Cheviot Coal Project, the Coal Branch Sub-Regional Integrated Resource Plan is clearly both the most recent and site specific. That plan also clearly anticipates potential coal mining in the area, to the extent that it sets out specific criteria for an applicant to meet in its environmental planning. The Panel agrees with the position taken by AEP that the Cheviot Coal Project is conceptually consistent with the Integrated Resource Plan for the region. The Panel also finds that the Cheviot Coal Project is consistent with the Alberta Coal Development Policy. Nor is the Panel convinced that further consideration of the area under the Special Places 2000 program is likely.

With regard to access management, this issue has been addressed to some degree previously (Section 4.4) and will be addressed again in Section 6.4. However, the Panel notes that AEP did not raise concerns with CRC's proposals to ensure that Cheviot Coal Project activities were consistent with the Coal Branch Access Management Plan, and accepts that these issues can be addressed during the mine development process.

## **6.2 Natural Areas**

### **6.2.1 Views of the Applicant**

In their application, CRC indicated that two sites near the proposed mine permit area have been designated as Natural Areas, and that two other sites have been nominated as Candidate Natural Areas. The designated Natural Areas were the Cardinal Divide Natural Area south and west of the proposed mine and the Muskiki Lake Natural Area several kilometres to the east. The two candidate sites identified by CRC were the Cadomin Caves Candidate Natural Area located south of Cadomin, and the Grave Flats Candidate Natural Area located 5 km east of the project area. In its application, CRC only addressed possible environmental effects of the Cheviot Coal Project on the Cardinal Divide Natural Area and the Cadomin Caves Candidate Natural Area, as these were the closest to the proposed developments.

#### *Existing Conditions*

CRC indicated that the Cardinal Divide Natural Area was established under the Alberta Special Places 2000 legislation in 1995. Bordering part of both the western and southern boundaries of the proposed Cheviot mine project area, it covers approximately 6500 ha and lies between the proposed mine and Jasper National Park to the west and the Cardinal River to the south (Figure 6). CRC also noted that

# Exhibit T



AL-2-1994-262  
C.2

Decision D 94-8



6777  
007 11 034

**Application for an Exploratory Well  
Amoco Canada Petroleum Company Limited  
Whaleback Ridge Area**

This is Exhibit "T" referred to in the  
Affidavit of  
Katherine Morrison  
Sworn before me this 3 day  
of December A.D. 20  
Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta



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<https://archive.org/details/applicationforex00amoc>



**TABLE 1**      **THOSE WHO APPEARED AT THE HEARING**

Principals and Representatives (Abbreviations Used in Report)	Witnesses
Amoco Canada Petroleum Company Ltd. (Amoco) F. R. Foran, Q.C. J. M. Liteplo D. G. Arnason	R. L. Findlay, P.Biol. J. G. Ward, Ph.D., P.Biol. C. H. Dawson, P.Geoph. D. M. Innes, P.Eng. H. J. Vrielink, P.Eng. M. J. Miners, P.Eng. D. Chalmers All of Amoco
Hunter Creek Coalition P. E. J. Prentice, Q.C. G. S. Fitch	L.E. Morgantini, Ph.D., P.Biol. G. Kupfer, Ph.D. D. M. Leahey, Ph.D. R. E. Dales, M.D. J. A. Lore, P.Ag. D. E. Reid, P.Biol. J. L. Kansas, P.Biol.  T. Smith H. Smith J. Huntley M. McCall E. Nelson J. Nelson T. Molson R. Nelson P. Nelson H. W. Thiesson W. D. Wishart W. A. Ross, Ph.D. W. McMillan J. R. Eickmeier, P.Eng.
Whaleback Coalition G. T. H. Locke R. Smith	J. A. Tweedie C. Wallis, P.Biol. D. L. Pachal K. Van Tighem M. Gerrand W. Francis R. Longair, Ph.D.
Peigan Nation C. Figol	B. Pard J. C. Elliott, Ph.D.

6

Antelope Butte Ranch  
H. Lynch-Staunton

D. Sheppard, Ph.D.

S. Marty

K. Jericho

R. Hoff

E. Squair

M. Prusky

Federation of Alberta Naturalists (FAN)  
and Alberta Fish and Game Association (AFGA)

M. Posey

R. D. MacDonald

W. C. Ranching  
W. Wolbert

Top Hand Industrial Services  
S. Aris

Diamond Hitch Outfitters  
M. Judd

Pincher Creek Chamber of Commerce  
R. Dykin

J. McFarland

Alberta Justice (Representing Alberta Environmental Protection and Agriculture Food and Rural  
Development)

R. Bodnarek

Energy Resources Conservation Board staff

M. J. Bruni

R. Creasey, P.Biol.

M. Miller

P. Oscienny, P.Eng.

C. Hill

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be avoided coupled with the fixed view of some interveners that no drilling should take place led to polarized positions.

It is evident that Amoco has now expended a significant amount of time, effort, and money to explain its project to people living in the region. Despite that effort, the Board is concerned with the lack of progress made by Amoco in re-establishing dialogue with many of the members of the community after the initial problems. The Board understands and accepts that effective public consultation in no way guarantees that the parties involved will reach consensus. Clearly, if there is no common ground between two viewpoints, then the best result one might expect from consultation is a better understanding of each other's position. In this instance, however, the Board is not convinced, based on the evidence provided, that the parties are truly committed in their efforts to re-establish dialogue. The Board believes that a renewed effort by both sides will be necessary to deal with at least some of the outstanding issues.

## 10 LAND USE

### 10.1 Views of the Applicant

In its application and at the hearing, Amoco stressed that the Whaleback Region had a long history of multiple use including ranching, hunting, recreation, and wildlife preservation, and that the proposed exploratory well was compatible with those other uses. The exploratory well and associated 2.6 km of new all-weather road would, in Amoco's view, have a negligible impact on either ranching or hunting and a minor impact on recreational and wildlife values. In particular, Amoco noted that there already existed 13.5 km of all-weather roads in the Whaleback area plus another 160 km of dirt trails, many of which were used by off-road vehicles. Amoco believed that the short length of additional road needed for the well, combined with its agreement to modify its own activities in order to reduce impacts (eg. no winter drilling, road closure, remote camp, etc.), would result in little or no disruption of the value of the area for other uses.

At the hearing, a significant amount of evidence was presented regarding whether Amoco's proposal was consistent with the Livingstone-Porcupine Hills Sub-Regional Integrated Resource Plan (IRP), a land-use management plan administered by AEP. Amoco noted that the decision of the Board, even if the Amoco proposal were at odds with the IRP, would not be bound by the land-use guidelines outlined in the IRP. This was due in part to the fact that the IRP has no force in law and in part to the intent of government that IRPs should serve only as land-use management guides. Amoco pointed to the issuance by AEP of access to the site through the MSL and LOC as further evidence that its proposal was consistent with the IRP.

Amoco noted that the IRP clearly distinguished between mineral exploration and mineral development. In its view, the applied-for well and road were clearly for exploration purposes and, given the proposed restrictions on access and timing, entirely consistent with the specific guidelines set out by the IRP for the Whaleback Ridge — Bob Creek Critical Wildlife Zone. It argued that its proposal also met the potentially more stringent wildlife protection criterion (i.e. no net wildlife habitat loss) set out by the IRP for development programs in the region.

Amoco also commented on the potential implications of Special Places 2000 to its proposal. Amoco stated that it agreed with the intent of the proposed Special Places 2000 policy in that certain areas representing each ecological zone in Alberta should be set aside for protection. Amoco noted that

while it accepted that the Whaleback represented an excellent example of the montane ecosystem, five areas of montane habitat in Alberta (including the Bob Creek Ecological Reserve within the Whaleback) now had some form of environmental protection. Since protection of representative montane areas already existed in other parts of the province, Amoco believed it was appropriate and consistent with the proposed Special Places 2000 policy to consider possible oil and gas development within the Whaleback in a broader, multiple-use context, balancing its oil and gas potential against its ecological values. The mineral lease review process and the issuance of the MSL and LOC were also claimed by Amoco to be evidence that the government did not wish development in the Whaleback to halt, pending implementation of the Special Places 2000 policy.

With regard to impacts on wildlife, Amoco recognized the value of the Whaleback area to a variety of wildlife species and, in particular as a wintering area for elk. Amoco stated that the Whaleback is one of the two most important and least disturbed elk wintering ranges in Alberta and the area could be described as the most productive ungulate habitat in the entire Eastern Slopes of Alberta.

Amoco stated that it did not believe the exploratory well would impact on either elk habitat or directly on the elk population in the Bob Creek valley. Amoco concluded that since the well site is in an area of improved pasture and this type of ground cover does not constitute winter feeding habitat for elk the proposed well will not result in a net loss of habitat for wintering elk. In addition, Amoco noted that the access road alignment follows a currently rutted and compacted dirt trail that already provides negligible habitat for the elk populations that frequent the area. No disruption of wintering elk populations was anticipated because of the seasonal timing constraints imposed on the drilling activity. Amoco noted that the surface leases were issued by AEP with the condition that, for wildlife management purposes, no activity was permitted between 1 December of any given year and 30 April of the following year.

At the hearing, experts for Amoco noted that there was limited knowledge available regarding elk movements in the summer, fall, and winter. If gas reserves are found and a development scenario is proposed, additional work would be required to fully understand these movements. However, for the proposed exploratory well, Amoco stated that impacts on elk would not be an issue if seasonal constraints and access mitigation are undertaken. Amoco also committed to fencing the well site to control wildlife attraction to the area, and to monitoring elk distribution during drilling, with the objective of adjusting the schedule of operations.

Amoco argued that the IRP requirement of no net loss of habitat applied primarily to elk, with other ungulate species that frequent the area having less importance. Under questioning, Amoco admitted that this interpretation of the IRP guideline was not sanctioned by AEP, nor had this concurrence been sought.

With regard to carnivore species, expert evidence by Amoco provided the view that neither cougars nor wolves, both present in the Whaleback area, would be impacted by short-term well drilling. For grizzly bears, Amoco believed that their occurrence in the area occupied by the proposed well and access road is very likely limited to sporadic short-term visits during the early spring to early summer period. Amoco did acknowledge, however, that if there are bears using the area during the drilling period, there will likely be displacement (i.e. effective habitat loss). Amoco also admitted that it cannot demonstrate there will be no net loss of either grizzly bear or black bear habitat since the information required to reach that conclusion is not currently available. Amoco suggested that one possible mitigative method which would allow industrial development to proceed would be to reduce the amount of hunting which is allowed.



## 10.2 Views of the Interveners

A number of residents living in the general area expressed support for Amoco's views that oil and gas development could be carried out in a manner which would preserve other land values including ranching, hunting, recreation, and wildlife resources. Some referenced their own acceptable experience in co-existing with the energy industry.

Several interveners, most notably the Hunter Creek Coalition, the Whaleback Coalition, the Federation of Alberta Naturalists, and the Alberta Fish and Game Association as well as a number of individuals, however, disagreed strongly with the view that even the single exploratory well could be drilled without an unacceptable reduction in land-use values in the Whaleback Ridge — Bob Creek valley.

The Whaleback Coalition noted that the 1984 Eastern Slopes policy, which provides direction for the IRPs, sets out a number of goals for Eastern Slopes management. These goals included wildlife protection, recreational opportunities, management of rangelands, protection of significant ecological and archaeological values, and exploration and development of mineral resources. They noted that with the exception of mineral resource development, the area already accommodated the remaining goals. Unlike Amoco, however, the interveners did not accept that oil and gas development could be carried out in a manner which preserved other land-use values.

The interveners emphasized the lack of road development in the area. The lack of access in particular had helped in preserving the region's wilderness, recreational, and ecological values. The Hunter Creek Coalition noted how their industry, that is raising cattle, had been carried out for several decades without harming the area's other values, such as its unique ecology, and noted that they viewed their role as stewards of the lands.

With regard to the role of the IRP in Board decisions, both the Hunter Creek Coalition and the Whaleback Coalition argued that the Board must take the IRP into consideration. Furthermore, they stated that the IRP process clearly recognized that not all activities could take place in one area and that the IRP offered guidance to the Board as to how priorities should be determined in the case of conflicting uses. In this instance, they argued that the IRP clearly intended that protection of the surface values of the area was to be given precedence over development of its subsurface values. In particular, they noted that the IRP required that oil and gas development could only be carried out in a manner which resulted in no net loss of wildlife habitat, no disruption of wildlife populations, and no loss of ecological and recreational values found in the area. They noted that such a prescription was not generic to the Eastern Slopes, but rather was specific to the Bob Creek area. This, they argued, clearly demonstrated that the IRP process intended oil and gas development to proceed in some but not all areas of the Eastern Slopes. Amoco's application, they believed, could not be carried out within the confines of the IRP, particularly if the project moved beyond a single exploratory well.

The interveners noted that, although Amoco had applied only for a single exploratory well, they believed that the road to the well would greatly increase public access, and the well, if successful, would become a component of Amoco's proposed development. Therefore, it should, in their view, meet the requirements of no net wildlife habitat loss and no disruption of populations set out in the IRP for mineral development, requirements which they argued the well and access road clearly would not meet. The interveners also doubted Amoco's ability to meet the requirements set out in the IRP for even an exploratory well. For example, they questioned Amoco's ability to control access once the road had been constructed. The associated increased access would, they claimed, result in not

only wildlife impacts, including increased poaching, but also in cattle rustling and random or accidental shooting of cattle.

In addition to impacts on wildlife and possibly ranching, the interveners opposed to the well all argued that industrial development in the Bob Creek valley would significantly reduce its ecological and recreational values. In particular, they noted that the exploratory well would represent the first step in a complex system of roads and well pads into an area which was fundamentally unchanged from the time of the first white settler into Alberta. For the Whaleback Coalition, this represented a complete loss of the wilderness value of Bob Creek and the Whaleback Ridge. Also at risk, they argued, was the ecological integrity of the area. The Whaleback, they stated, was made up of a complex and very site-specific assemblage of plants and animals. The loss of any species, in their view, reduced the overall ecological value of the area and could irreversibly destroy the area's unique ecology. A number of factors associated with industrial development, including direct disturbance as well as less direct impacts associated with emissions, contaminants, habitat displacement, etc., could all have an impact. The Whaleback Coalition stated that there is a real economic value in sparing the Whaleback from industrial development due to the increasing rarity of wild country and unique landscapes such as the Whaleback.

For the Peigan Nation, the well was also considered a potential risk to their traditional uses of the area.

The interveners opposed to the well also disagreed strongly with Amoco's view of the importance of the Whaleback within the Special Places 2000 program. They argued that, with the exception of a small area known as Ya-Ha-Tinda in west-central Alberta, the remaining montane ecoregions of the province had been heavily disturbed by industrial and recreational developments. The Whaleback, in their view, clearly represented the largest and least disturbed example of the montane ecosystem in Canada. As a result, they believed that the Whaleback was a prime candidate site for protection under the Special Places 2000 program. At a minimum, they argued, the Board should not make a decision which would pre-empt the potential for the Whaleback to be included within the Special Places 2000 program.

Several individual interventions offered comments on the effect the proposed well may have on wildlife. Dr. Sheppard stated that, in interpreting the no net loss principle, one needs to consider individual target species. In this case, Amoco had not provided a site-specific inventory; thus, the information required to determine the effects of the road and well site on wildlife habitat was not available. He also took exception to Amoco's conclusion that elk are the only species in this area to which the regulatory requirement of no net loss need be applied.

Mr. Lynch-Staunton, in support of Amoco's application, stated that there is a misconception that wildlife populations in the area are either fragile or in short supply. He went on to say that, as a rancher, he believed that there are too many elk and deer in the area and they have proven their ability to adapt to human activity. Mrs. Aris, citing her extensive professional contact with wellsite and pipeline areas, stated that disruption to the area is minimal, wildlife is abundant, and elk and deer use of seeded areas is extensive.

Wildlife experts for the Hunter Creek Coalition concluded that the exploratory well will indeed result in an appreciable net loss of wildlife habitat in that effective use will be altered. It was suggested that elk could be considered as a pivotal indicator species, since maintenance of a viable elk population would be indicative of the general condition of the ecosystem. Other species identified as being



potentially affected by the proposal included bears, wolves, wolverines, and several birds such as eagles and woodpeckers.

The Whaleback Coalition stated that the proposed exploration well and road do not comply with the IRP guidelines for wildlife in that they will result in a direct loss of montane wildlife habitat and disrupt elk and grizzly bear populations. It was suggested that the impacts associated with the drilling of the exploratory well will extend far beyond the physical footprint of the access road and wellsite surface location.

The Peigan Nation stated that loss of wildlife habitat and emissions of H<sub>2</sub>S and SO<sub>2</sub> could directly impede its ability to exercise the right to hunt and gather plants in the Whaleback area. An expert witness for the Peigan Nation suggested that, in considering the concept of no net loss of habitat, it is not a matter of an acre for acre replacement of something, but rather an evaluation of habitat functions and values. He also warned that some elk are very sensitive to disturbance, a response which depends on their past experiences, among other factors, and that the winter period would be the most critical for elk. The other species which the Peigan Nation suggested could be affected was the grizzly bear.

Some opposing interveners recommended that the application under consideration should be denied, that Amoco's investment in the mineral and surface leases should be returned, and that the leases should be recovered by the government and not be re-issued. These interveners suggested that this would constitute a "win/win" situation in that not only would the citizens of the province benefit from preservation of the unique ecological values of the area, the company would also benefit due to a significant public image boost related to its environmental consciousness, and also from probable increased sales of renewable energy devices (solar panels) manufactured by its sister company. Additionally, future generations would benefit from the retention of a "benchmark" or "reference library" montane ecosystem that would otherwise disappear. Moreover, any underlying hydrocarbon reserves would remain available to future generations if a critical need arises.

### 10.3 Views of the Board

The Board accepts the views presented that the Whaleback area has had a long history of multiple and highly-valued use for ranching, hunting, recreation, and wildlife. The area also appears to have significant value for native traditional uses. Although various forms of disturbance have occurred, such as seeding of pasture areas with non-native species and the development of off-road vehicle trails, the Board believes that the overall ecological integrity of the area has also generally been preserved. The question which the Board must address is whether the proposed development of the 10-18 well can be carried out in a manner which does not reduce the existing land-use values so significantly that the overall public interest is compromised.

One component of the Board's assessment of this issue has been the land-use guidelines adopted for the area in the IRP. The Board is of the view that its ultimate discretion is not fettered by the guidelines set out in the IRP and notes that the IRP clearly states that it is to be used only as a management guide. At the same time, the Board does believe that it should be cognizant of the IRP in reaching its decisions and can draw from the document valuable insights and direction into the Provincial Government's land-use goals.

The Board notes that the IRP does, as stated by the interveners opposed to the well, set out a series of priorities for resource protection in the region. Furthermore, the IRP appears to give priority to the protection of ecological and wildlife values. As argued by the Whaleback Coalition, this higher level

of protection also appears to be echoed in the no net loss of habitat concept and the requirement of no loss of ecological values. The Board does not accept Amoco's argument that these tests need only be applied during the development stage. The Board believes that it would not be reasonable to prevent development activity which resulted in either habitat loss or loss of ecological values but allow exploratory activity which had the same effect.

Based on the information supplied at the hearing, the Board is not convinced, despite the efforts of Amoco to reduce drilling and construction impacts, that the requirements of the IRP, as the Board interprets that document, can be met with the applied-for well location and routing of the access road. The road extension in particular would appear, without some form of additional mitigation, to be totally inconsistent with the intent of the IRP. The Board believes that there would be at least a modest net loss of functional wildlife habitat as a result of the construction and operation of the access road and drilling site. This effect would be magnified significantly under the various development scenarios.

The Board also does not accept the narrow interpretation of no net loss of wildlife habitat offered by Amoco, although it acknowledges that no clear definition is offered in the IRP from which the guideline is taken. The Board believes that it is much more reasonable to assume that "no net habitat loss" refers to functional habitat units and would include the impacts of disturbance, harassment, and hunting. The Board also does not believe that it is reasonable to apply this principle only to elk, even given their high local importance. The Board doubts that the wildlife management intent of the IRP was single-species oriented.

It also appears that of the wildlife species utilizing Bob Creek valley, it may be elk in particular which are most sensitive due to the limited availability of over-wintering habitat, coupled with the area's high population density and the high recreational value (i.e. for hunting) of the species. At the very least, elk may provide a reasonable indication of ecosystem integrity. However, the Board also accepts the view of the Whaleback Coalition that the Whaleback region contains a unique assemblage of other plants and animals, with many of them potentially rare and/or sensitive to disturbance. The Board recognizes that it is not sufficient to consider only a single species (in this case, a large, wide-ranging mammal) and based on that determine that ecosystem integrity can be maintained.

The Board does accept Amoco's position that development of the exploratory well, provided access can be controlled, can likely be carried out with limited risk to area wildlife populations. However, the location of the well within the centre of Bob Creek valley does appear to maximize the potential risks, particularly to the elk population. This fact, when coupled with the lack of data for other species and the high value of the Bob Creek valley for elk, gives the Board concern. The Board also has ongoing concerns regarding Amoco's assertion that access, particularly during winter, can be controlled. The Board received considerable evidence at the hearing that road access represents the most significant threat to wildlife. It was also suggested that access control, once the road is in place, would be at best difficult to restrict and enforce. While the Board believes Amoco's suggestion to limit access during the drilling program would avoid negative impacts temporarily, it believes a more permanent long-term access plan needs to be developed in advance of additional proposals for the area if permanent damage to wildlife populations is to be avoided. Such plans should be supported by appropriate wildlife inventories, specific to the type of operation, designed to suit the wildlife management objectives of the area, and should have the support of wildlife officials charged with managing the area. The Board also believes some consideration should be given to restrictions to hunting or regulated controls to prevent access should energy development proceed.



With regard to the Special Places 2000 program, the Board notes the commitment by government to the initiative and expects implementation of the program will move forward in a timely fashion. The Board concurs with the views expressed that the Whaleback area is a valuable representation of an ecologically unique portion of the province. The Board accepts that it is the largest such area in the province still remaining in a relatively undisturbed condition and, as such, would likely be a prime candidate for consideration by the Special Places 2000 program. Furthermore, the Board believes that allowing oil and gas development in the Whaleback region prior to allowing the Special Places 2000 program to run its course would likely compromise its relative value to the program.

The Board is of the view that the Special Places 2000 initiative has been designed to specifically identify and evaluate unique lands such as the Whaleback within a broader provincial context. The Board believes that the Special Places 2000 process is the logical forum in which to debate the overall public value of the Whaleback from the provincial perspective. In the absence of such an evaluation having been performed at this time, the Board does not believe it would be in the public interest for it to approve an application for energy development that may, in turn, significantly compromise a scarce or unique combination of ecological values. This view is compounded by the uncertainty the Board has that Amoco has justified this proposed 10-18 location as the only one suitable for its needs at this time.

Once a decision has been made under the Special Places 2000 program for the region, the Board would be willing to reconsider an application by Amoco under the terms defined for the area. Given the reputed size of the structural anomaly, the Board certainly believes it still may be in the public interest, after the concerns raised in this decision are addressed, to evaluate at some future time the resource potential in the region. The Board would still need to be convinced that gas development could be carried out in a manner which did not unacceptably compromise the integrity of the Whaleback ecosystem or the surface values of the region.

#### **11 DECISION RESPECTING APPLICATION NO. 931598**

The Board has carefully considered all the evidence pertaining to this application. Based upon that evidence, the Board accepts that Amoco has established the need to drill an exploratory well. The Board also found that the proposed drilling and emergency response plan for the well generally meets all provincial guidelines and that the well can be drilled without undue risk to the public, although the details of the emergency response plan would have to be worked out to the Board's satisfaction with regards to notification, evacuation, and ignition. Further, the Board can accept that, from the company's position, it has attempted to select a drilling location which will optimize its probability of establishing whether hydrocarbons in commercial quantities exist within those mineral leases.

Although such an exploratory well would clearly be in Amoco's best interest, the Board must be satisfied that the proposed well would be in the overall public interest of the Province. The Board is charged under section 2.1 of the Energy Resources Conservation Act with considering "...whether the project is in the public interest, having regard to the social and economic effects of the project and the effects of the project on the environment". It is this test of public interest which must be met before a project can be deemed acceptable by the Board.

In the Board's view, the most significant issue is whether the benefit of the information which would be supplied by the exploratory well outweighs the environmental, social, and economic costs associated with such a development within the Whaleback. In carrying out this analysis, the Board

took note of the planning objectives for the area set out by the Provincial Government in the IRP. From the evidence, the Board is convinced that the exploratory well is not consistent with those management goals, particularly unless access to the area can be controlled in the long term. On the basis of the evidence, the Board found it difficult to accept that Amoco can successfully develop an all-weather road into the Bob Creek valley without causing a significant long-term risk of permanently increasing public access and thereby having an unacceptable impact on wildlife and other values of the area. The Board believes a sound access control plan, consistent with the Integrated Resource Plan for the area, should be developed before any disturbance is allowed to take place.

The Board also believes that the Whaleback area represents a truly unique and valuable Alberta ecosystem with extremely high recreational, aesthetic, and wildlife values. It accepts the position of some interveners that the area is a primary candidate for protection under the provincial Special Places 2000 program. A significant component of that value lies in the relatively large and contiguous nature of the Whaleback Ridge ecosystem and the very limited disturbance which has occurred. The Board believes that for it to approve the Amoco application at this time could significantly affect the area's surface values before the Special Places 2000 program has had an opportunity to evaluate the importance of the area in a provincial context.


The Board firmly believes that the exploration for and development of Alberta's natural gas resources is a key component in the economic well-being of the Province. The Board acknowledges that the natural gas prospects in the Whaleback area may be promising and evaluation of that prospect may eventually be in the long-term public interest of Alberta. It is the Board's view, however, that the current application is deficient, that further information is required to establish if the 10-18 well site is in the most suitable location and that it should not be approved until more definitive land-use policies are prepared for the area. The Board is prepared to consider a new application upon clarification of the land-use status of the area and subject to the submission of further evidence on the issues identified in this report.


Application No. 931598 is denied.

DATED at Calgary, Alberta on 6 September 1994.

**ENERGY RESOURCES CONSERVATION BOARD**

  
F. J. Mink, P.Eng.  
Vice Chairman

  
B. F. Bietz, Ph.D., P.Biol.  
Board Member

  
R. G. Evans, P.Eng.  
Board Member



# Exhibit U

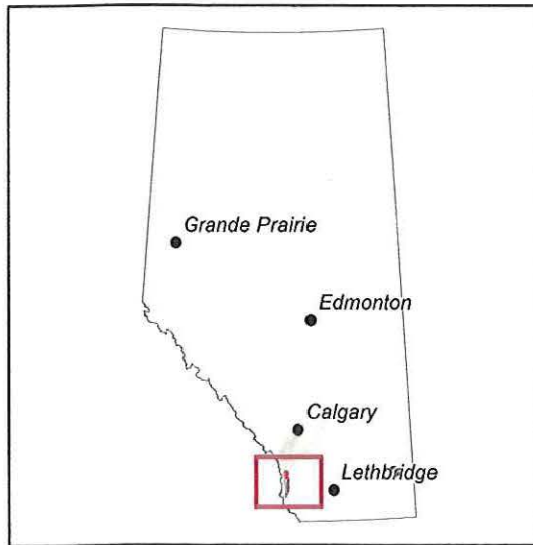
This is Exhibit "U" referred to in the  
Affidavit of  
Katherine Hanson  
Sworn before me this 8 day  
of December, A.D. 2020  
Christine Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

### Overview: Livingstone-Porcupine Hill Sub-Regional Integrated Resource Plan (IRP) boundaries within Southern Alberta

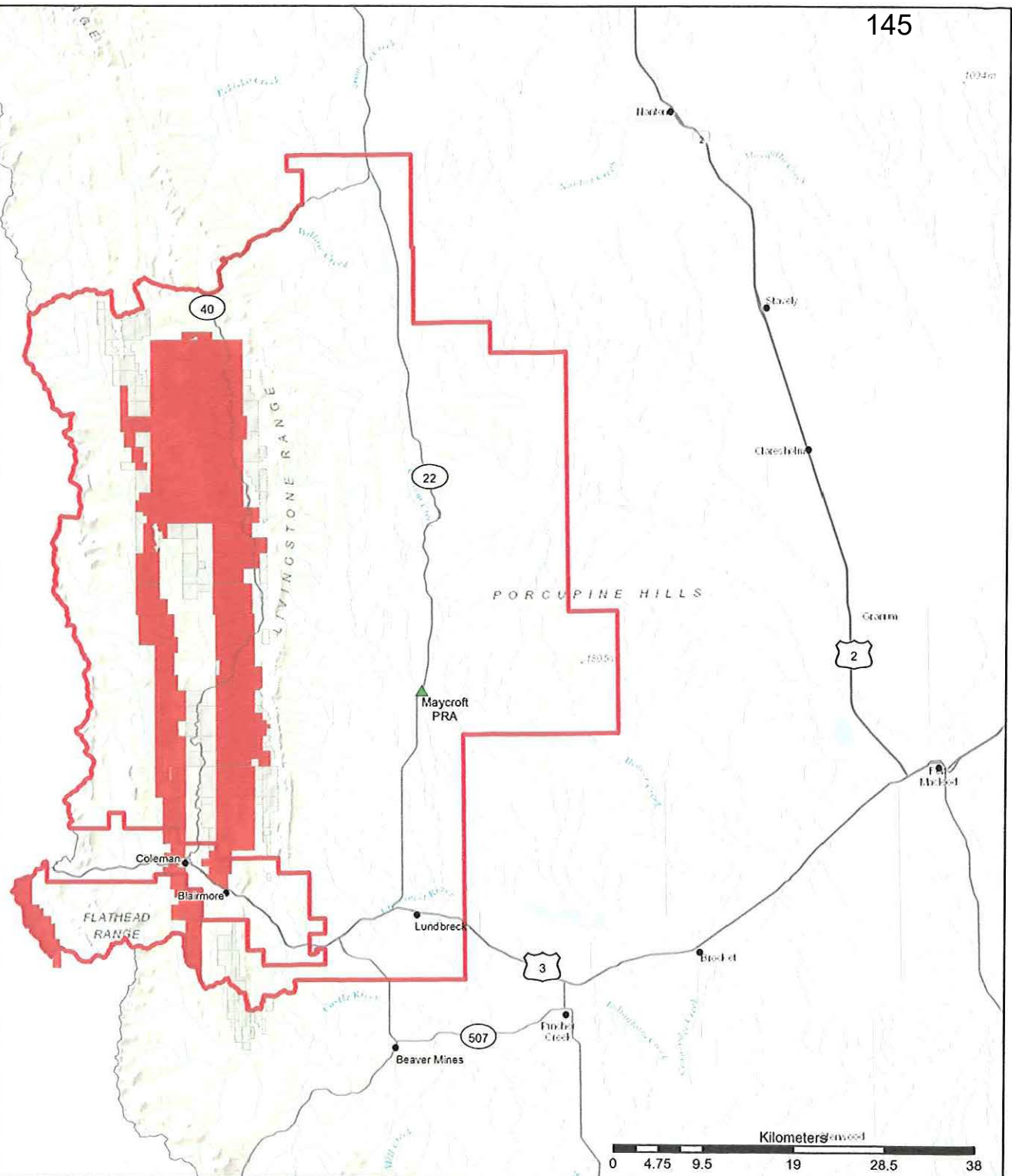
-  Livingstone-Porcupine Hills Sub-Regional IRP
-  Proposed Mine and Exploration Sites\*
-  Coal Agreements
-  Towns

\* Coal Mine and Exploration Sites layer last updated 29 Sept 2020



Data Sources:  
 Alberta Environment and Parks, Government of Alberta. (2018). *Integrated Resource Plan - Subregional* [vector digital data]. Retrieved from <https://www.altalis.com/map?id=117>.  
 Alberta Department of Energy, Government of Alberta. (2019). *Coal Agreements*. Retrieved from: <https://gis.energy.gov.ab.ca/Geoview/Coal>.  
 Coal Mine and Exploration Sites layer digitized from a series of sources: company maps available online and AER coal exploration application locations

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community





# Exhibit V

This is Exhibit " ✓ " referred to in the

Affidavit of

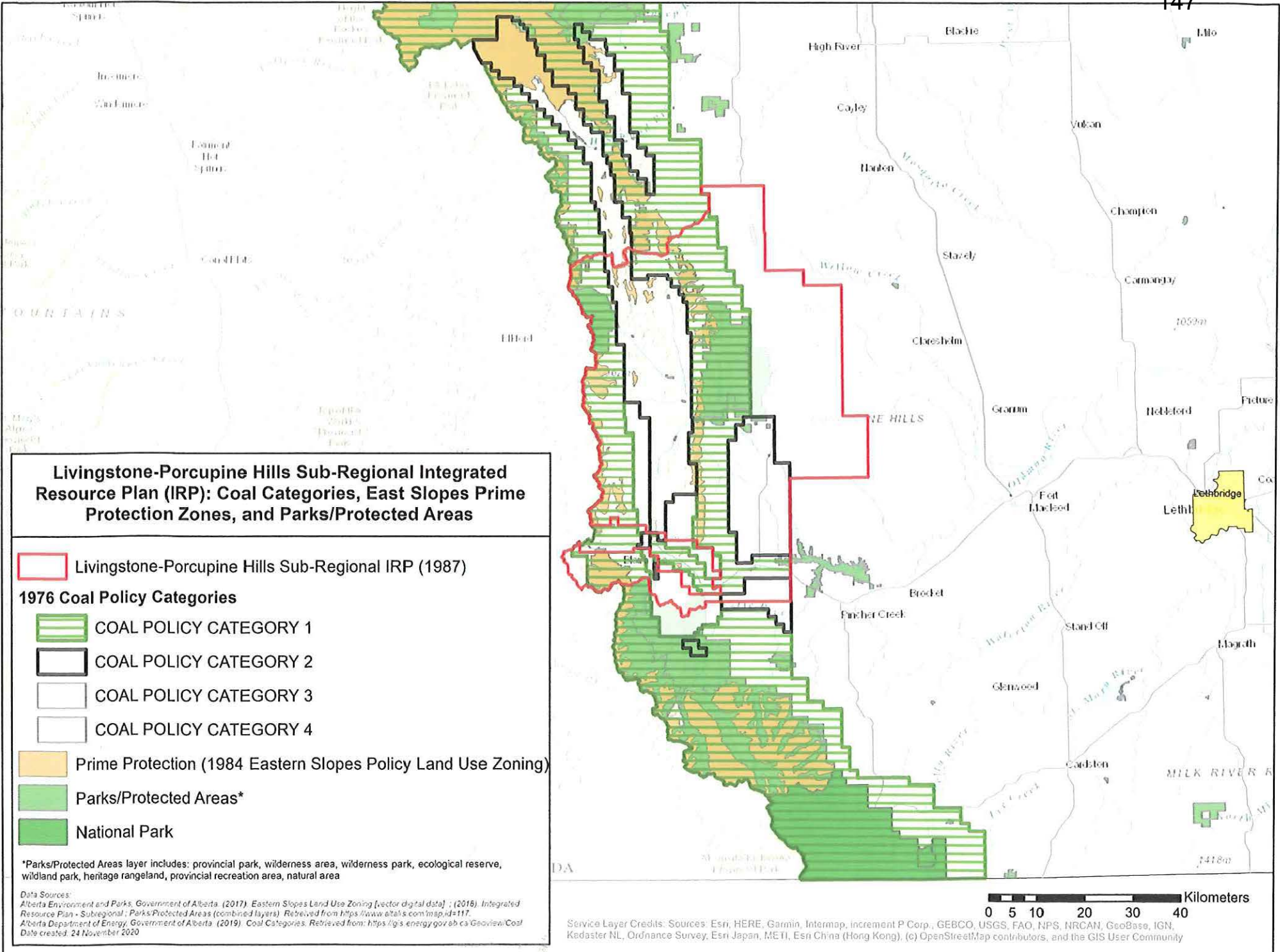
Katherine Morrison

Sworn before me this 3 day

of December A.D. 2020

Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

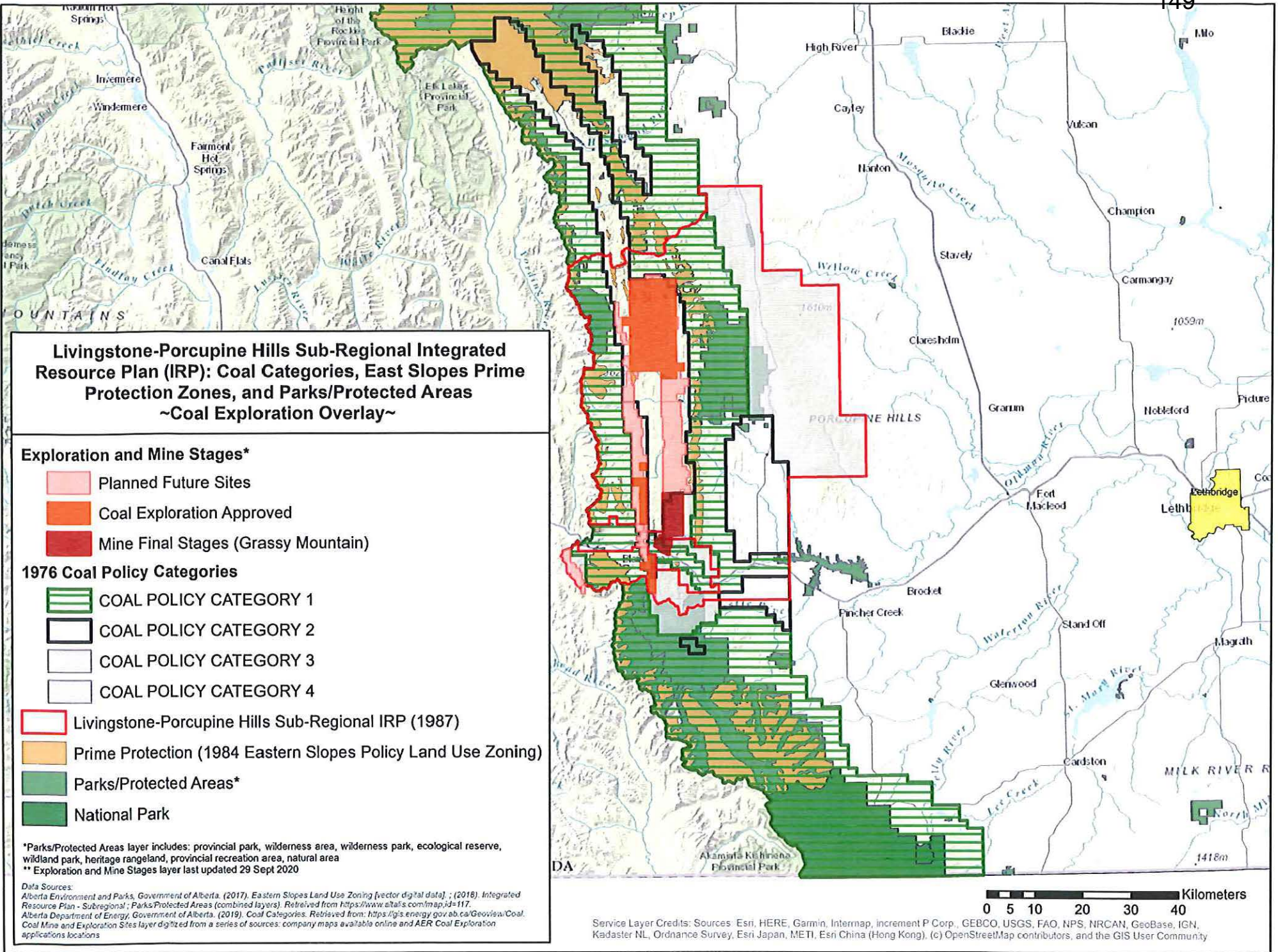




# Exhibit W

This is Exhibit "W" referred to in the  
Affidavit of  
Katharine Morrison  
Sworn before me this 8 day  
of December A.D. 2020  
Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta





# Exhibit X

This is Exhibit "X" referred to in the

Affidavit of

Katherine Morrison

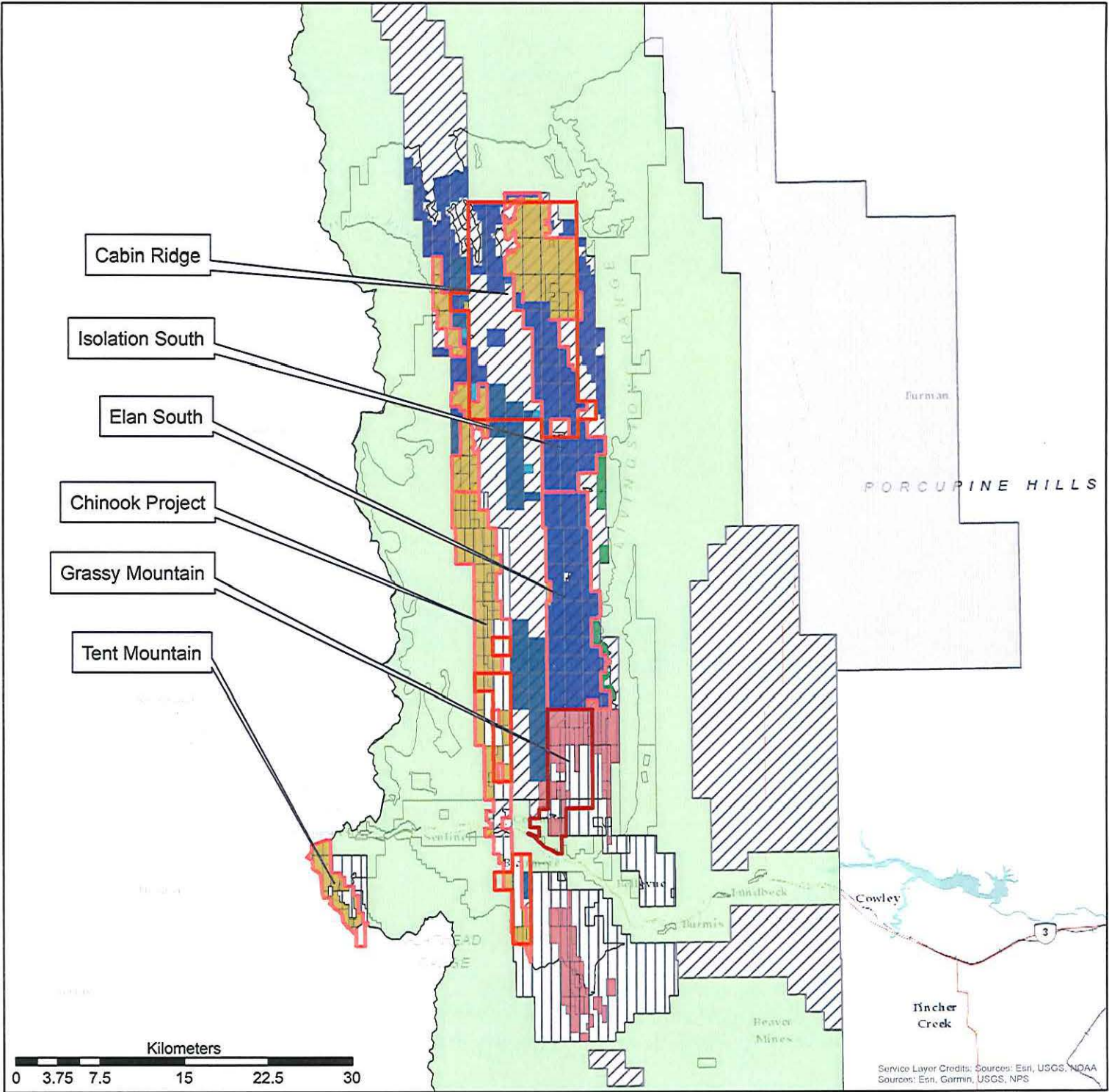
Sworn before me this 9 day

of December A.D. 2020

Christine Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

# Livingstone Public Land Use Zone (PLUZ): Coal Agreements, 1976 Coal Policy Categories, and Current Exploration (Projects Labelled)



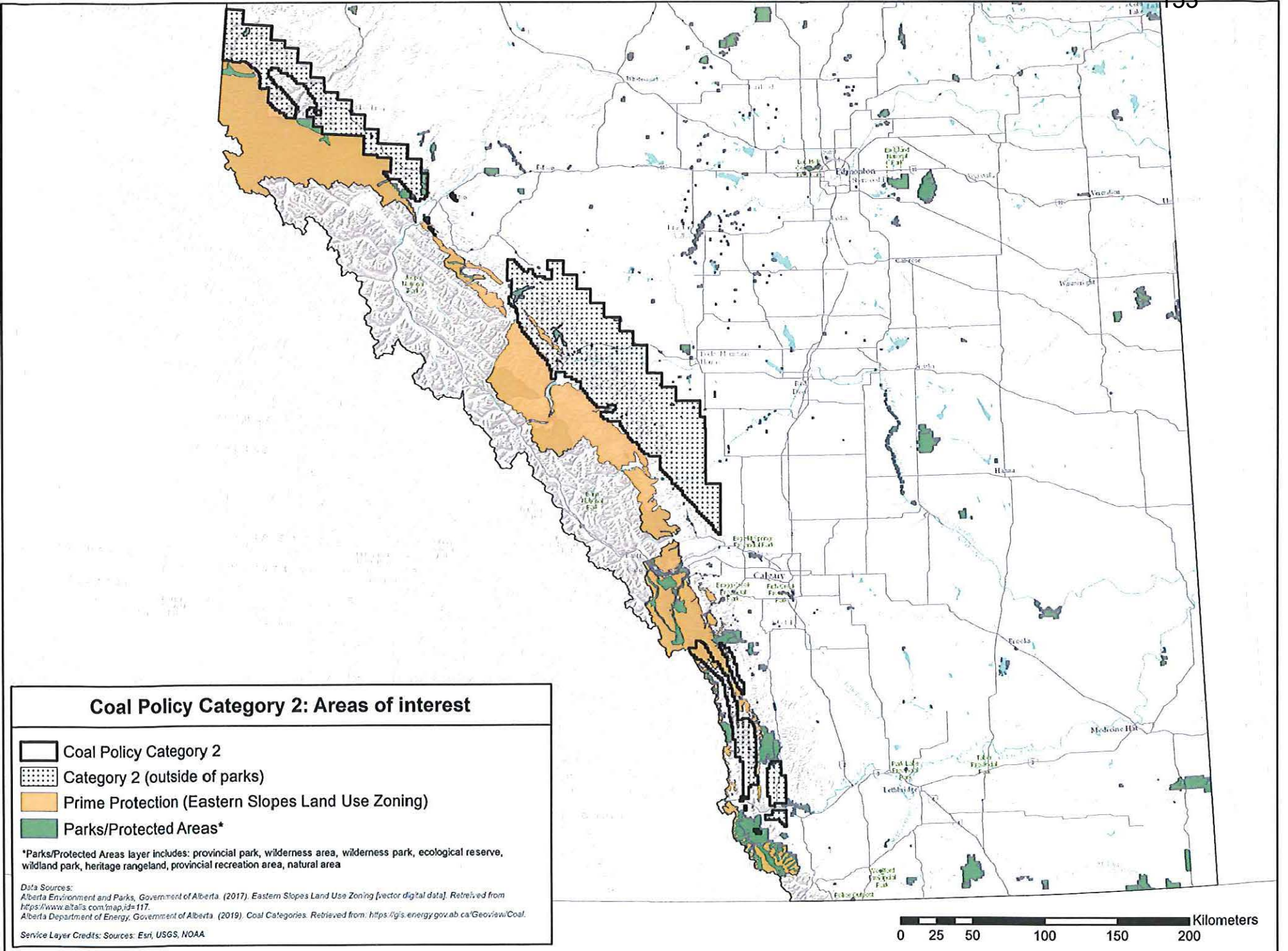
<p><b>Coal Agreements (Company)</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e91e63; border: 1px solid black; margin-right: 5px;"></span> BENGA MINING LIMITED</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #2e7d32; border: 1px solid black; margin-right: 5px;"></span> BLAIRMORE COAL CANADA LTD.</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #004a99; border: 1px solid black; margin-right: 5px;"></span> ELAN COAL LTD.</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #00a0e3; border: 1px solid black; margin-right: 5px;"></span> GTE POWER CORP.</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #c4a33b; border: 1px solid black; margin-right: 5px;"></span> MONTEM RESOURCES LTD.</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #004a99; border: 1px solid black; margin-right: 5px;"></span> PEACE RIVER COAL INC.</li> </ul>	<p><b>1976 Coal Policy Categories</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #c8e6c9; border: 1px solid black; margin-right: 5px;"></span> COAL POLICY CATEGORY 1</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> COAL POLICY CATEGORY 2</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e0e0e0; border: 1px solid black; margin-right: 5px;"></span> COAL POLICY CATEGORY 3</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> COAL POLICY CATEGORY 4</li> </ul>	<p><b>Exploration and Mine Stages*</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid red; margin-right: 5px;"></span> Planned Future Sites</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid orange; margin-right: 5px;"></span> Coal Exploration Approved</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid brown; margin-right: 5px;"></span> Mine Final Stages (Grassy Mountain)</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Livingstone PLUZ</li> </ul>
<p><small>* Exploration and Mine Stages layer last updated 29 Sept 2020</small></p> <p><small>Data Sources: Alberta Department of Energy, Government of Alberta. (2019). Coal Categories; Coal Agreements. Retrieved from: <a href="https://gis.energy.gov.ab.ca/Geoview/Coal_Coal_Mine_and_Exploration_Sites_layer_digitized_from_a_series_of_sources_company_maps_available_online_and_AER_Coal_Exploration_applications_locations">https://gis.energy.gov.ab.ca/Geoview/Coal_Coal_Mine_and_Exploration_Sites_layer_digitized_from_a_series_of_sources_company_maps_available_online_and_AER_Coal_Exploration_applications_locations</a></small></p> <p><small>Date created: 26 November 2020</small></p>		







# Exhibit Y

This is Exhibit "Y" referred to in the  
Affidavit of  
Katherine Morrison  
Sworn before me this 8 day  
of December, A.D. 2020  
Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta



### Coal Policy Category 2: Areas of interest

-  Coal Policy Category 2
-  Category 2 (outside of parks)
-  Prime Protection (Eastern Slopes Land Use Zoning)
-  Parks/Protected Areas\*

\*Parks/Protected Areas layer includes: provincial park, wilderness area, wilderness park, ecological reserve, wildland park, heritage rangeland, provincial recreation area, natural area

Data Sources:  
 Alberta Environment and Parks, Government of Alberta. (2017). Eastern Slopes Land Use Zoning [vector digital data]. Retrieved from <https://www.altalis.com/map?id=117>.  
 Alberta Department of Energy, Government of Alberta. (2019). Coal Categories. Retrieved from: <https://gis.energy.gov.ab.ca/Geo/aw/Coal>.

Service Layer Credits: Sources: Esri, USGS, NOAA





# Exhibit Z

This is Exhibit "Z" referred to in the  
Affidavit of

Katherine Morrison

Sworn before me this 8 day

of December A.D. 2020

Christine E. Laing  
A Notary Public, A Commissioner for Oaths in and for Alberta

**CHRISTINE E. LAING**  
Barrister and Solicitor  
A Commissioner for Oaths in and for Alberta

Sturgeon Lake-Puskwaskau East Sub-Regional Integrated Resource Plan

Coal Branch Sub-Regional Integrated Resource Plan

Brazeau-Pembina Sub-Regional Integrated Resource Plan

Rocky-North Saskatchewan Sub-Regional Integrated Resource Plan

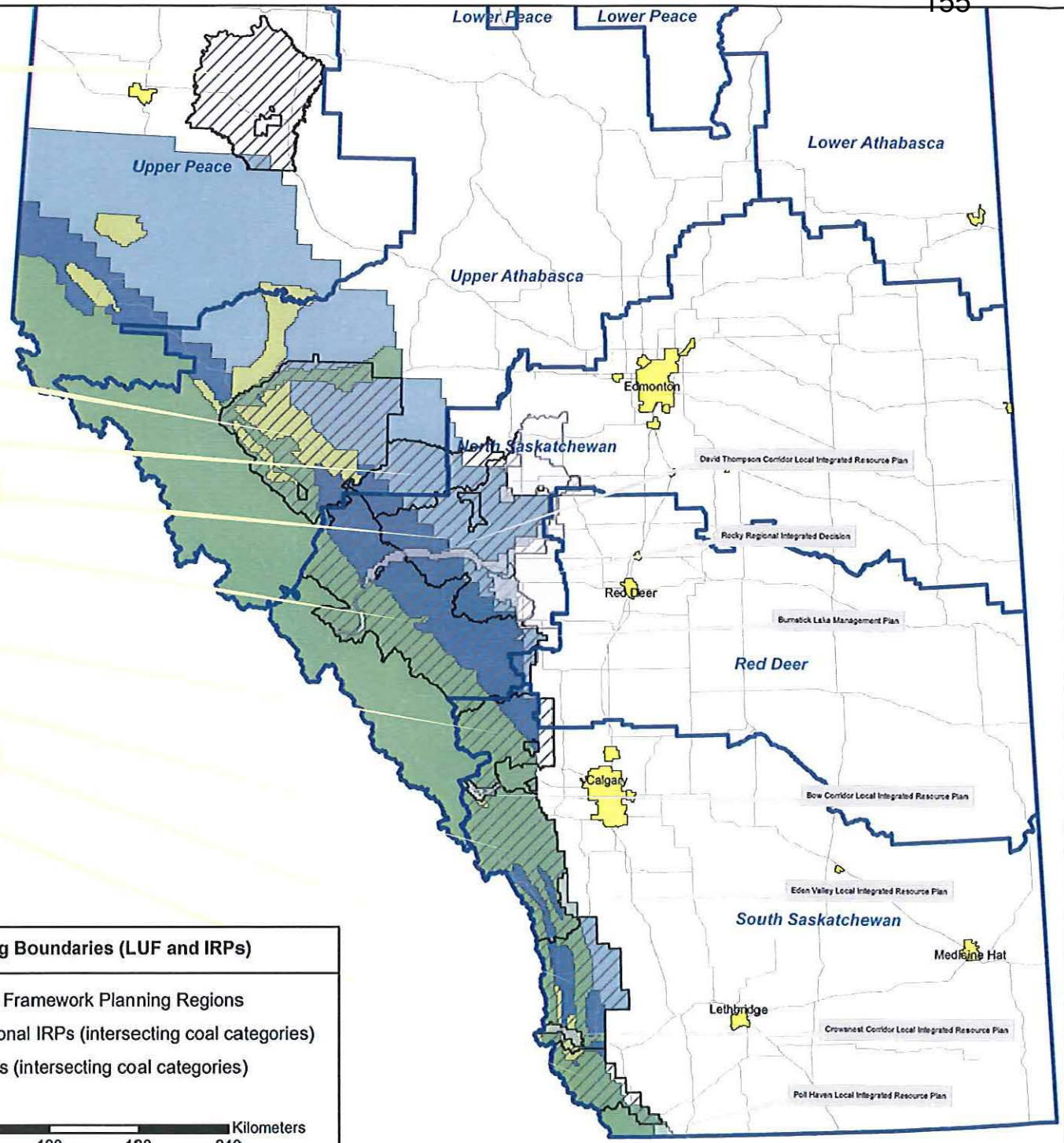
Nordegg-Red Deer River Sub-Regional Integrated Resource Plan

Ghost River Sub-Regional Integrated Resource Plan

Kananaskis Country Sub-Regional Integrated Resource Plan

Livingstone-Porcupine Hills Sub-Regional Integrated Resource Plan

Integrated Resource Plan: Castle River Sub-Regional Plan



**1976 Coal Policy Coal Categories and Planning Boundaries (LUF and IRPs)**

**Coal Policy Categories**

- COAL POLICY CATEGORY 1
- COAL POLICY CATEGORY 2
- COAL POLICY CATEGORY 3
- COAL POLICY CATEGORY 4
- Land Use Framework Planning Regions
- Sub-Regional IRPs (intersecting coal categories)
- Local IRPs (intersecting coal categories)
- City

