

The Newsletter of the Canadian Institute of Resources Law

Special Places 2000: Lessons from the Whaleback and the Castle

by Steven A. Kennett*

Introduction

Special Places 2000 was launched in 1995 to decidedly mixed reviews. Three years later, this "made in Alberta" answer to the World Wildlife Fund's Endangered Spaces Campaign is losing what little remains of its credibility. The Canadian Parks and Wilderness Society, a key environmental participant in the process, has recently bailed out and the World Wildlife Fund (WWF), while remaining at the table, has publicly condemned Alberta's progress on protected areas as grossly inadequate.¹ From the industry perspective, the hope that *Special Places 2000* will improve certainty and reduce conflict regarding land access is rapidly fading. On the ground, the process has yielded remarkably little.² In fact, the fate of several bellwether candidate sites - two of which are examined in this article - appears to confirm the views of those who argued from the beginning that *Special Places 2000* was a sham.

This article sets out the principal lessons from three years experience

with *Special Places 2000*. Particular attention is paid to the Whaleback and Castle candidate sites. While each site has distinctive ecological, economic and political circumstances, these examples are instructive for two reasons: they constitute high profile, real-world testing grounds for *Special Places 2000* and they illustrate with exceptional clarity the policy's principal deficiencies.

The Policy

Special Places 2000 revealed from the outset a lukewarm commitment to protected areas. The Alberta government's stated objective was to complete "a network of Special Places that represent the environmental diversity of the province's six Natural Regions (20 sub-regions) by the end of 1998".³ The policy's four "cornerstone" objectives, however, include outdoor recreation, heritage appreciation, and tourism and economic development, in addition to preservation. The government promised a "balanced" approach to these objectives, noting examples of existing parks and other "special places" where a broad range of industrial and recreational activities

were said to be consistent with the goal of sustainable development.⁴

The process for designating "Special Places" involves consideration of nominations by the multi-stakeholder Provincial Coordinating Committee (PCC), review by Local Committees (LCs), and final approval by the Minister of Environmental Protection and Cabinet. Government input is channelled through an interdepartmental committee, a small secretariat, and the ultimate authority of the Minister to direct the process. The decision-making processes, criteria to be applied and the relationship between the various stages were ill-defined at the outset but have since become somewhat clearer.

In an article published shortly after the release of *Special Places 2000*, I argued that this policy's multiple-use orientation and numerous veto points would simply entrench the status quo on Alberta's public lands.⁵ These criticisms remain valid three years later. Revisiting *Special Places 2000* is warranted at this time because the experience to date with sites such as the Whaleback and the Castle sheds further light on this policy and shows why it is approaching a critical juncture.

The Land - Whaleback and Castle

The Whaleback and the Castle are undeniably special places. Ranchers, oil and gas companies, loggers, hikers,

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off-road vehicle enthusiasts, outfitters and environmentalists all claim an interest in these areas. Their ecological and land-use attributes make them a challenge and a litmus test for *Special Places 2000*.

The Whaleback, located in the southern portion of Alberta's Eastern Slopes, is the province's largest remaining tract of intact montane ecoregion.⁶ Although covering less than one percent of Alberta, montane is ecologically significant because of its exposure to warm Chinook winds in winter and its unique vegetation. The Whaleback has high biological diversity and contains critical core habitat for a variety of wide-ranging species, notably elk, moose, wolf, grizzly bear and cougar. Diverse populations of birds, including golden eagles, breed in the area. Other attributes include high quality trout habitat, over 22 rare plant species, numerous archeological and historical sites, and some of the province's most extensive limber pine and douglas fir stands.

While grazing has occurred there for decades, the Whaleback has experienced little industrial activity and is virtually roadless. Impacts from off-road vehicle use are much less severe than in Alberta's next largest remaining montane blocks. Its closest brush with intensive development was in 1994 when Amoco Canada Petroleum Company Limited applied to drill an exploratory well. This application was rejected by the Energy Resources Conservation Board in an unprecedented decision which concluded that "the Whaleback area represents a truly unique and valuable Alberta ecosystem with extremely high recreational, aesthetic, and wildlife values."⁷ The Board identified Special Places 2000 as "the logical forum in which to debate the overall public value of the Whaleback from the provincial perspective."⁸

The Castle area has the province's highest biodiversity outside of Waterton Lakes National Park, which is

immediately to the south in the extreme south-western corner of Alberta.⁹ Seven percent of Alberta's wintering bighorn sheep are found in or near the area, as are trumpeter swans, unique species of butterflies and about half of Alberta's rare vascular flora. Like the Whaleback, the Castle's ecological significance extends well beyond its boundaries. Traversed by north-south wildlife corridors, it is a vital component of the Crown of the Continent ecosystem which, in turn, is a key link in the chain of Rocky Mountain ecosystems extending from Yellowstone to the Yukon.

Land-use in the Castle was recently documented by Alberta's Natural Resources Conservation Board (NRCB) in its review of an application to expand a ski resort in the West Castle valley. The Board noted "evidence that the Castle area is used by individuals including hikers and campers, berry-pickers, off-road vehicle users ..., horseback riders, mountain bikers, anglers and hunters, and by businesses whose activities include trapping, outfitting, livestock grazing, logging, natural gas exploration, and mining."¹⁰ It concluded that:

"Roads and trails have fragmented habitat, reduced habitat effectiveness and opened up large parts of the area to uncontrolled access. Other disturbances such as logging and cutting seismic lines have exacerbated the effect over shorter periods. The number of people using the area in various ways has increased and is still increasing. Evidence before the Board showed that many of those uses have not been controlled and that there have been substantial impacts on the environment. Both project supporters and opponents agreed that unless steps are taken to better control use of the area, environmental deterioration will continue."¹¹

The NRCB rejected the resort owner's application as filed, but approved a modified project conditional on the establishment of a management regime on surrounding lands that was intended to help safeguard the integrity of the Crown of the Continent ecosystem.¹² This trade-off was

ultimately rejected by the provincial Cabinet.

The ecological and land-use characteristics of the Whaleback and Castle made their nomination as "Special Places" inevitable and controversial. The fate of these nominations reveals much about *Special Places 2000*.

The Result - Multiple Use and "Special" Places

The Whaleback and Castle nominations were opposed by some members of the PCC who argued that the Rocky Mountain Natural Region was already fully represented in protected areas. Whatever the merits of this argument - discussed below - Minister of Environmental Protection Ty Lund instructed the PCC to consider several "unique and significant" Rocky Mountain sites, including these two nominations.¹³ Following PCC review of the nominations, Minister Lund asked the local Municipal Districts (MDs) to host and chair the respective LCs.

In the case of the Castle, the PCC's recommendations that the LC focus on preserving "the unique and significant features" of the area and operate through a facilitated, multi-stakeholder process were rejected by the MD.¹⁴ Instead, the LC was given an open-ended mandate to consider whether a special area should be designated and, if so, what land uses should be permitted. Membership in the LC included municipal councillors and other individuals having "an interest in and understanding of the community as a whole".¹⁵ Specifically excluded were stakeholder representatives involved in previous processes, including those from the environmental group responsible for nominating the Castle as a "Special Place". Furthermore, the LC chairperson stated that she had Mr. Lund's assurance that the LC "will be given priority" over the PCC.¹⁶

The Whaleback LC followed a different model. The objective suggested by the PCC was to "preserve landform

features and ecosystems of the montane as represented in the Whaleback area" with a view to contributing to protection, but also to the other three goals of *Special Places 2000*.¹⁷ A multi-stakeholder committee was struck that included representation from municipal government, the ranching community, the oil and gas industry, utilities, outfitters and trappers, the forestry sector, off-highway vehicle and environmental groups, and recreational fish and game interests. Most were local residents, although the oil and gas representative was a Calgary-based employee of Amoco, the 'local' mineral rights owner. One of the two environmental representatives resigned in frustration after nine months.¹⁸

As of early July, 1998, the Castle LC's recommendations have been finalized and approved by government and the Whaleback LC has released its draft report. Despite the differences in their processes, the outcomes are remarkably similar. Both perpetuate the current multiple-use regime and pay only lip-service to the preservation objective of *Special Places 2000*.

The Castle LC recommended a multiple-use "Special Management Area", which it admitted did not even qualify as a "Special Place".¹⁹ A very small Ecological Reserve was also proposed. The LC endorsed the existing policy framework for land and resource management as embodied in the *Castle River Subregional Integrated Resource Plan* (IRP) and the *Castle Access Management Plan*, although it noted deficiencies with both. The NRCB's findings of fact and conclusions regarding land use in the Castle were not mentioned and the Board's carefully crafted recommendations were summarily dismissed as "unacceptable to the local communities."²⁰

While supporting the current land management regime, the LC offered some veiled criticism. It was "concerned ... about the lack of commitment by Alberta Environmental

Protection [AEP] to keep the IRP or any plan current and 'alive'" and it commented occasionally on the lack of funding for AEP's land management activities.²¹ The Castle LC did not, however, examine the implications for its recommendations of the underlying policy and funding decisions that have contributed to the moribund state of Alberta's IRPs and the diminished capacity of AEP to deliver on its public land management responsibilities.

Most of the LC's small nods in the direction of greater protection for the Castle simply throw the issues back to the very land managers, processes and interest group pressures that have produced the ongoing environmental degradation documented by the NRCB. Substantive recommendations are generally vague or heavily qualified. For example, the LC recommends reevaluating Zone 1 and 2 lands - those having most restrictions on land use under the IRP - with a view to "preservation" but provides no further guidance, except to point out that: "The expansion of Zone 1 and Zone 2 objectives to include preservation DOES NOT override any permitted uses or conditions under the IRP."²²

The Whaleback LC's draft report reaches the same multiple-use result. After the obligatory references to "ecological integrity" and a "holistic approach to management", the draft report gets down to the business of carving up the Whaleback.²³ Proceeding methodically through the wish-lists of the principal non-environmentalist user groups, it concludes that virtually all uses are appropriate. In addition to continued grazing - which is uncontroversial - the LC supported an established network of off-road vehicle trails, commercial logging, oil and gas development, and mining operations (although not open-pit mining). References to "environmentally sensitive" operations cannot disguise the vision of the Whaleback as, for the most part, a multiple use area traversed by roads and off-road vehicle tracks.

Most of the remaining land-use issues are shunted to a planning process to be directed by a "Local Management Committee" which, the LC suggests, "should have a similar spectrum of representatives as the existing Local Committee."²⁴ Its practical recommendations include the proposal that the standard hunting, fishing and predator management regime apply in the Whaleback so that "the recommended designated area does not become an 'island' with different fisheries and wildlife management regulations than surrounding areas."²⁵ Given that most of the wolves in the south-west part of Alberta were legally shot, trapped or poisoned over a one-year period in 1994-95, this suggestion speaks volumes about the importance attached to ecological integrity. Seamless integration of the Whaleback into Alberta's multiple-use land regime leaves little that is special about this "Special Place".

While every candidate "Special Place" has its unique characteristics and interest-group pressures, the outcomes of the Whaleback and Castle processes cannot simply be dismissed as anomalies. The following sections argue that these processes reflect key design features and implementation decisions that have shaped *Special Places 2000* since its inception. The paper then turns briefly to the government's broad policy direction and to the implications of a failure to get *Special Places 2000* on track.

The Veneer of Science

Special Places 2000 purports to be a science-based approach to designating protected areas.²⁶ In fact, the application of science is confused and sidelined by the policy's multiple objectives and subverted by the primacy of interest-group politics. The Whaleback and Castle nominations show that even when applied at the front end of the process to identify 'gaps' in protected areas coverage and screen candidate sites, the 'science' of *Special Places 2000* has little to do with the ecological rationale for protected areas. By the time the PCC,

the government's interdepartmental committee, the LCs and the Minister have had their say, science hardly stands a chance.

The scientific foundation of *Special Places 2000* is 'gap analysis', similar to the methodology adopted by WWF for its Endangered Spaces Campaign.²⁷ WWF's objective is to conserve Canada's biological diversity through the protection of representative examples of the country's terrestrial and marine ecosystems. Gap analysis, the means proposed to achieve this objective, is a multistage process, focusing initially on natural regions (defined according to climate and broad physiography) and then on "enduring features" of the landscape that are intended as rough proxies for ecological diversity. This "coarse filter" approach is then further refined to achieve the intended ecological objectives.

Under *Special Places 2000*, the means has become the end. Numerical targets for protection proposed in a scientific study of Alberta's natural regions have been transformed by government fiat from the minimum, heavily qualified guidelines that were intended by the authors,²⁸ to firm upper limits on the extent of new protected areas required to fill the gaps. In this numbers game, issues such as the size and configuration of individual sites, the quality of wildlife habitat and the functional justification for site designation in ecosystemic terms risk being discounted or completely ignored.²⁹ This fundamental confusion of means and ends has led to protracted and circular discussions within the PCC, with some members taking the view that the objective of *Special Places 2000* is not habitat conservation or biodiversity preservation, but simply the inclusion of representative landscape features within "Special Places".³⁰

This distortion of the spirit and intent of protected areas designation is graphically illustrated by the Whaleback and Castle processes. Both

areas have provincial, national and arguably international significance as 'hot spots' of biodiversity. Both play key roles in maintaining the ecosystem integrity of the Rocky Mountains. While the Rocky Mountain Natural Region is well represented in parks, much of the 'protected' montane in Banff and Jasper is either under pavement or has severely reduced habitat effectiveness due to its fragmentation and heavy recreational use. As for the Castle, the NRCB found that ongoing activities within this area are contributing to the environmental degradation of the entire Crown of the Continent ecosystem, which includes Waterton Lakes National Park.³¹ Despite these compelling scientific arguments for protection, it took explicit ministerial direction to secure consideration of these sites and some members of the PCC continue to take the view that these areas are not, on 'scientific' grounds, legitimate candidates for protection under *Special Places 2000*.

That the debate over gap analysis within *Special Places 2000* has been so completely disconnected from the objectives and values underlying protected areas designation indicates just how thin is the scientific veneer over much of this process. Once a nomination proceeds beyond this initial stage, the veneer practically vanishes. Science does not have a seat at the table at either the PCC or the LCs. Furthermore, these committees are neither guided nor constrained by any government policy incorporating the scientific principles of conservation biology.³² Not surprisingly, science is no match for interest-group politics when deciding on site configuration and permissible land uses.

If *Special Places 2000* had been designed with a view to the Alberta landscape and the science of protected areas, as opposed to being tailored to the government's fiscal objectives and the interests of industrial resource users and motorized recreationalists, the legitimacy of including the Castle and the Whaleback among the list of

candidate sites would never have been at issue. Furthermore, any protected areas strategy that took science seriously would never have sacrificed the ecological rationale for nominating these sites at the altar of narrow, interest-group politics, as embodied by the Whaleback and Castle LCs.

Promises, Promises

The lack of commitment to science in *Special Places 2000* is paralleled by the government's unwillingness to take seriously the idea of protection. According to the WWF, land use restrictions in protected areas are intended to ensure ecological integrity. While there are no nationally agreed upon standards, WWF adopts the widely-accepted view that industrial activities, notably logging, mining, hydroelectric, and oil and gas development, should not be permitted. The Alberta government, however, has yet to define a protection standard for *Special Places 2000* and the PCC has not reached a consensus on this issue.

The problem for *Special Places 2000* goes beyond its inconsistent objectives and lack of clarity on what constitutes protection. The government's promise to "honour all commitments to tenure holders" within "Special Places"³³ represents an internal contradiction at the heart of *Special Places 2000*. This blanket promise has been rigidly interpreted to permit existing resource tenures and other interests to run their course, including possibilities for renewal. Since private interests in public lands and resources blanket most of Alberta, allowing all commitments to stand within "Special Places" means that very few candidate sites - particularly those large enough to contribute significantly to biodiversity and ecological integrity - are likely to meet any plausible standard of protection.

No one argues that existing tenure holders within candidate "Special Places" should be subject to expropriation without compensation or should arbitrarily bear the cost of decisions taken in the broad public

interest. Flexibility and imagination - and perhaps a willingness to spend money or forego revenue - are therefore essential if fairness to tenure-holders is to be reconciled with a reasonable measure of protection for "Special Places". Unfortunately, neither flexibility nor imagination has been forthcoming.

Compensation, land swaps or other mechanisms to remove industrial tenures are not on the table and there is not even an implementation policy to accelerate the phasing out of industrial activities in "Special Places". In fact, government is going in the opposite direction. In one notable instance - the Chinchaga site in the foothills - Alberta Environmental Protection issued the largest logging licence in provincial history within the proposed protected area *after* the nomination had been approved by the PCC.³⁴ New industrial activities have been allowed in the Rumsey and Fort Assiniboine protected areas, sites the government refers to as "Special Places" although they were not established through the *Special Places 2000* process.

Furthermore, the government has shown little interest in efforts by others to come up with solutions. A consensus document on the removal of existing tenures that was hammered out between the Canadian Association of Petroleum Producers and three environmental groups³⁵ has sat unanswered on the desks of the Premier and the Ministers of Environmental Protection and Energy for four months.

The result is that tenure holders - such as Amoco in the Whaleback - have neither a formal mechanism nor informal encouragement from government to accommodate the protection objective. Few 'win-win' outcomes are possible for industrial and environmental interests and many "Special Places" will forfeit any credible claim to protected status because of ongoing industrial activity or the risk of future development.

Think Locally, Act Locally

The *Special Places 2000* policy clearly stated that LCs could veto site nominations but it was vague about their composition and operating procedures and the parameters for their deliberations. Subsequent decisions have established LCs as the key forums for decision-making on site designation and land uses.

While there is no single model for LCs, four patterns are emerging. First, responsibility to establish LCs is being delegated to local authorities. Second, LCs are given a *carte blanche* - they are not constrained by the objectives of *Special Places 2000*, the purposes behind site nominations or the conclusions and recommendations of the PCC. Third, LCs can be numerically weighted in favour of those with non-protection agendas and can make decisions on the basis of majority-rule. Finally, LCs have the ear of the Minister. The results are predictable.

The Castle and Whaleback LCs illustrate the tendency of local interests to favour the use of public lands for commercial and industrial purposes and for the full range of recreational activities.³⁶ Power brokers in local politics will often be closely aligned with pro-development economic interests or supporters of status quo land uses. The values and longer term benefits associated with protection rarely have well-organized, local constituencies that can counter the pressure from those promoting local resource industries and motorized access to the back country. Furthermore, LCs are congenitally ill-suited to taking account of 'big picture' considerations, such as the broader ecological significance of their public land 'backyards'.

Local interests, like those of industrial tenure holders, should not be ignored in the process of designating protected areas on public lands. People living next door to "Special Places" may experience the costs - and, it should be said, the benefits - of land-use

restrictions more directly than other Albertans. They may also have considerable knowledge relevant to land stewardship.

It is, however, a giant leap from the principle of local involvement to a process that allows hand-picked local representatives to determine land-use policy on public lands that have been nominated as "Special Places" precisely because these areas have provincial (or national, or international) significance. As well as effectively disenfranchising the majority of owners of these public lands, this process preordains the outcome in most cases. In the absence of clear policy direction and land-use parameters from the government or the PCC, many LCs can be expected to think and act locally. The Castle and Whaleback precedents are therefore a taste of things to come.

Incentives for Inaction

The multiple veto points in *Special Places 2000* have been criticized from the outset. It is now clear, however, that both the process itself and the underlying incentive structure laid down by government are virtually guaranteed to preclude significant progress in designating protected areas.

The preconditions for successful multi-stakeholder negotiations include: (1) well defined objectives and clear parameters; (2) a process conducive to replacing rhetoric and position-based bargaining with a search for common interests and win-win outcomes; and (3) a credible threat that a failure by stakeholders to fashion their own solutions will result in a government-imposed result that may be less than ideal for *all* parties at the table. *Special Places 2000* fails on all counts.

First, instead of clear direction and parameters the government has set out four broad and sometimes inconsistent objectives that may be met to varying degrees in different sites. Even within the preservation objective, the policy is unclear about why protection is important, what is to be protected, and what is to be protected against.

Everything is up for grabs and each interest has an incentive to push its agenda in each site, a recipe for frustration and conflict.

Second, the process is not conducive to consensus-building. Independent chairpersons and professional facilitation are strikingly absent. When decision-making is by majority rule, the numerical distribution of interests at the PCC and LC tables ensures the marginalization of those promoting protected status for "Special Places". As noted above, nothing has been done to assist in resolving the divisive issue of existing tenures. Finally, the primacy accorded to the LCs has undermined the PCC, the forum where a measure of broad-based consensus might have been possible.

Third, the multiple vetoes in *Special Places 2000* undercut any impetus for compromise by those opposing protected areas. When failure to agree entrenches the status quo, those seeking this outcome have every incentive to dig in their heels. In contrast, where a non-status quo default position is established the stakeholders in the process have the opportunity to exert greater direct influence - and thereby further their respective interests - by fashioning a common solution. For this dynamic to occur, government has to establish clearly that it will take matters into its own hands if the stakeholders cannot reach agreement. With *Special Places 2000*, the government's response to stalemate is merely to perpetuate the status quo.

The result is a divisive and frustrating process where those opposing protection hold most of the cards. In addition to its failure as a protected areas strategy, *Special Places 2000* may prove to be a textbook example of how not to run a multi-stakeholder process.

Neither Fish nor Fowl

The most pervasive contradiction within *Special Places 2000* is its failure to be either a focused protected areas strategy or a comprehensive land-use

planning exercise. In fact, it takes all of the competing demands and expectations of a multiple-use regime and focuses them on relatively small and ecologically significant areas of land. *Special Places 2000* thus manages to entrench the worst aspects of multiple-use land management without any of its redeeming features.³⁷

If the Alberta government is serious about protected areas and seeks to balance preservation with economic and other objectives across the province as a whole, it has two options. The first is to adopt a protected areas strategy with teeth and use it to identify areas of key ecological value and to establish protected areas of the size and character needed to secure the objectives of ecological integrity and biodiversity. Ideally this narrowly-focused strategy should be situated within a broader land-use planning framework that incorporates principles of ecosystem management, something that is sadly lacking at the present time in Alberta.³⁸

The other alternative is to develop a comprehensive process that has clear preservation and economic development objectives and applies across sufficiently broad sections of the province that trade-offs can be made. Thus, the protection of areas such as the Whaleback and Castle could be balanced against security of access for resource industries and play-grounds for off-road vehicle enthusiasts in less ecologically important terrain. Under this model, everyone gives up something in some areas, but is able to secure key objectives elsewhere.

Unfortunately, *Special Places 2000* manages to be neither fish nor fowl. It is too diffuse to constitute an effective protected areas strategy yet it lacks the geographic scope and procedural sophistication required to facilitate multiple-use tradeoffs that, taken together, would respect a broad range of interests and values. The result is to magnify conflict and preordain the lowest common denominator approach to land-use management that is so

evident in the Whaleback and Castle LC reports.

By Accident or Design?

Given this portrait of *Special Places 2000*, it is reasonable to ask whether the Alberta government ever intended to achieve meaningful progress on protected areas designation. Many of the defects of *Special Places 2000* as a protected areas strategy were, of course, evident from the outset and have remained unaddressed. If anything, implementation decisions have further entrenched these problems. In addition, there are clear indications that the establishment of protected areas and the use of multi-stakeholder processes to build consensus and contribute in a meaningful way to policy development on land-use issues are not at the top of the government's agenda.

First, the absence of key political support for protected areas is no mystery. MLA Ty Lund's views on the *Special Places 2000* initiative were on record prior to his appointment to Cabinet. Speaking in the Alberta Legislature on April 27, 1994, Mr. Lund directed the following comments on this subject to his caucus colleague Brian Evans, then Minister of Environmental Protection:

"People are concerned that large tracts of land are going to be protected to the point where you would only be permitted access by foot. As if this wasn't ridiculous enough, now I'm hearing that Alberta parks are going to be the managers of these huge areas."³⁹

As a supplementary question, Mr. Lund asked the Minister of Economic Development and Tourism, "how on earth *sterilizing* large tracts of land could possibly add to economic development or tourism."⁴⁰ Not long after making these remarks, Mr. Lund became Minister of Environmental Protection, the man in charge of *Special Places 2000*.

Second, the government has spiked attempts at consensus-building on land-

use issues in the past. Particularly telling was the fate of the Eastern Slopes Environment and Energy Committee (ESEE), an initiative by environmental groups and the oil and gas industry to reach understanding on land use in a particularly sensitive region of the province. The effort collapsed in the spring of 1995, a victim in part of government indifference that left the door open for non-participants to undercut any agreement that was reached. The nail in the coffin, however, was an explicit government decision to post for sale mineral rights in one of the key areas under discussion at the ESEE table. An editorial by David Coll in *Oilweek* magazine argued that "trust lies in tatters. It's back to square zero."⁴¹ According to Coll:

"That's because when all is said and done, a government hell-bent on short-term revenue generation no matter what the ultimate cost - backed ever-so-discreetly by those who truly call the shots in industry - is still only paying lip service to the ideals of environmental protection and conservation. Look no further than [the] *Special Places 2000* debacle for proof. ... Suffice it to say, if the government cared one bit for the genuine effort on behalf of environmental groups and ESEE committee members to reach mutually agreeable positions, the parcel would never have been posted in the first place"⁴²

Third, the government's record on another multi-stakeholder process, the Alberta Forest Conservation Strategy (AFCS), is consistent with the approach taken to *Special Places 2000*. Promoted as an "initiative that will result in a new, sustainable, ecosystem approach to the management of Alberta's forest",⁴³ the AFCS involved extensive consultation and countless hours of volunteer effort by a broad range of stakeholders. In the end, the government declined to endorse the proposed strategy and instead issued a thin pamphlet containing nothing more than generalities.⁴⁴

Finally, the government's own blue-ribbon Future Environmental Directions for Alberta Task Force

included the following key passage in its 1995 report:

"The Task Force sees the need for sustainable land and resource management policies as the most urgent issue facing Alberta. Without updating and clarifying land-use policy, including determining the relationships among the policy elements, conflict will continue - valley by valley and hill by hill."⁴⁵

The Report also urged completion of Alberta's system of protected areas, noting economic and environmental rationales and stating that management of these areas "should be based on the ecosystem approach."⁴⁶ Three years later, there has been no significant progress on these recommendations.

The design and implementation of *Special Places 2000* thus follows a well-established pattern of government policy. Failure to achieve greater progress on protected areas designation or to promote consensus among stakeholders on the use of Alberta's public lands is not in the least surprising.

Conclusion

While three years experience with *Special Places 2000* leaves little reason for optimism, it is perhaps premature to reach a final and completely negative verdict on this initiative. There have been some gains in protection in the Canadian Shield Natural Region and a number of important candidate sites in other regions have been nominated but have yet to emerge from the process. Intervention by the Premier or Cabinet on specific sites or to redirect the process remains a possibility. Nonetheless, if *Special Places 2000* continues on the current course its principal accomplishments will have been to waste an inordinate amount of stakeholder time, further poison relations between the government and the environmental community, and lay the groundwork for a series of contested project applications and bitter land-use conflicts that will focus national and international attention on Alberta's environmental record and its

resource industries. To avoid this result, lessons from the Whaleback and Castle should be rapidly identified and corrective measures taken. These measures will require significant changes in the overall political direction and in the specific decisions regarding policy design and implementation that have thus far shaped *Special Places 2000*.

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Notes

1. WWF's Endangered Spaces Progress Report 1997-98 gave Alberta an "F" grade and the lowest numerical score in Canada.
2. Site designation is complete only in the small Canadian Shield Natural Region.
3. Government of Alberta, *Special Places 2000: Alberta's Natural Heritage* (March 1995), p.5.
4. *Ibid.*, p.3.
5. Steven A. Kennett, "Special Places 2000: Protecting the Status Quo" (1995) 50 *Resources* p.1.
6. See, AEP, *Alberta's Montane Subregion, Special Places 2000 and the Significance of the Whaleback Montane* (November 1995); Government of Alberta, *Special Places: Alberta's Rocky Mountain Natural Region* (July, 1997).
7. ERCB, *Application for an Exploratory Well, Amoco Canada Petroleum Company Limited, Whaleback Ridge Area*, Decision D 94-8, 6 September 1994, p.35. The ERCB has since been reconstituted as the Energy and Utilities Board. See, Steven A. Kennett, "The ERCB's Whaleback Decision: All Clear on the Eastern Slopes?" (1994) 48 *Resources* p.1.
8. ERCB, *ibid.*, p.34.
9. See, *Alberta's Rocky Mountain Natural Region*, *supra* note 6.
10. NRCB, *Application to Construct Recreational and Tourism Facilities in the West Castle Valley, near Pincher Creek, Alberta*, Decision Report #9201, December 1993, p.9-73. See Steven A. Kennett, "The NRCB's West Castle Decision: Sustainable Development Decision-Making in Practice" (1994) 46 *Resources* p.1.
11. NRCB, *ibid.*, p.9-74.
12. The NRCB, *ibid.*, p.11-2, stated that "current efforts to accommodate all users [in the Castle] are incompatible with long-term sustainable management for the ecosystem."
13. Letter from Minister Lund to PCC Chair Ms. Iris Evans, 24 May 1996.
14. PCC "Recommendation to Establish a Local Committee on the Castle Area", pp.1-3.
15. Castle Nomination-Special Places Local Committee Terms of Reference, p.3.

16. Marshall Jones, "Special Places 2000 process simplified" *Pincher Creek Echo* (4 February 1997) p.3.
17. PCC Rocky Mountains Recommendation Whaleback Subregion Local Committee, p.1.
18. Letter from James Tweedie to LC Chair Ron Davis, reprinted in *Wild Lands Advocate*, February 1998, p.4.
19. "A Living Document", Recommendations of the Castle Local Committee to the Minister of Environmental Protection on the Castle Candidate Area, July 4, 1997.
20. *Ibid.*, p.3.
21. *Ibid.*, p.12.
22. *Ibid.*, p.14.
23. Alberta Special Places Whaleback Local Committee, *Recommendations to the Minister of Environmental Protection*, Draft Report (28 April 1998), p.5.
24. *Ibid.*, p.5.
25. *Ibid.*, p.9.
26. *Special Places 2000*, *supra* note 3, p.6; Government of Alberta, "The Science of Special Places", Summer 1997.
27. See, Tony Iacobelli, Kevin Kavanagh & Stan Rowe, *A Protected Areas Gap Analysis Methodology: Planning for the Conservation of Biodiversity* (Toronto: WWF, n.d.).
28. AEP, *Alberta Protected Areas System Analysis (1994) Report 3* (December 7, 1994) p.2.
29. See, Richard Schneider, "Special Places 2000: Off The Tracks" *Encompass* (October 1997) p.8.
30. This point was confirmed in interviews with several PCC members.
31. NRCB, *supra* note 10, p.9 - 73-76.
32. See, Reed F. Noss, "Some Principles of Conservation Biology, As They Apply to Environmental Law" (1994) 69 *Chicago-Kent Law Review* p.893.

33. *Special Places 2000*, *supra* note 3, p.8.
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