

**LEVEL OF DESCRIPTION:**

Series

**No.:**

AU023.015S

**FORMS PART OF:**

AU023 Martha Kostuch fonds

**TITLE:**

Friends of the Oldman River Society series

**CREATOR:**

Kostuch, Martha

**DATE RANGE:**

1964-2006

**EXTENT:**

8.00 m of textual records and other material

**ADMINISTRATIVE HISTORY/ BIOGRAPHICAL SKETCH:**

In 1987, the Alberta Government began construction of the Oldman River Dam in southeastern Alberta. The Friends of the Oldman River Society (FOR) was formed when Martha Kostuch and other concerned individuals discovered that an environmental assessment had never been conducted for the Oldman River Dam. They pressed the government to stop construction until an assessment was completed, but, their concerns went unheeded. As construction continued, they began a series of legal battles that spanned from 1987 to 2001, and went from the Court of Queen's Bench in Alberta to the Supreme Court of Canada and back again several times. Kostuch was also involved in private prosecution against the Attorney General of Alberta for allowing a stay of prosecution against the proponents and builders of the Oldman River Dam. She alleged that the stay of prosecution violated her Charter of Rights and Freedoms.

During the legal battles, it was discovered that no clear legal jurisdiction regarding Fisheries Laws existed between the Province of Alberta and the Federal Government in Canada. Eventually, after the last legal case, history was made when the Supreme Court of Canada ruled on jurisdiction between the two governments. Although construction of the dam was completed, this was a ground breaking case for environmentalists because they now had a clear jurisdictional ruling and they could ensure that mega-projects would never again proceed without a proper Environmental Impact Assessment of the area in question.

**CUSTODIAL HISTORY:**

In April 2008, Martha Kostuch signed an agreement with Athabasca University to have her records digitized but she passed away before this work could be started. After her death on April 23, 2008, her records went into the custody of her son Edward and in July 2008, he donated the records to Athabasca University.

**SCOPE AND CONTENT:**

The series consists of material pertaining to the efforts of the Friends of the Oldman River Society to stop construction of the Oldman River Dam and their work to change and clarify the *Fisheries Act* of Canada. Also included are the administrative records for the society.

This series includes the following sub-series: AU023.015S.001S Organizational Records, 1978-2000 and AU023.015S.002S Legal Actions and Law, 1964-2004.

The AU023.015S.001S Organizational Records sub-series consists primarily of administrative records for the Friends of the Oldman River Society and includes textual material including correspondence, agendas, meeting minutes, reports, financial records, annual returns, brochures, newsletters.

AU023.004S.002S Legal Actions and Law sub-series consist mainly of textual material regarding litigation initiated by the Friends of the Oldman River Dam Society to stop construction of the Oldman Dam. Includes legal documents, correspondence, news releases, reports, maps, site plans, studies, copied material received under the *Freedom of Information Act*, presentations, news releases, copies of the *Fisheries Act*, notes from court cases, notes, publications on criminal law, transcribed media interviews, newspaper clippings, and posters. Much of the material has been annotated by Martha Kostuch.

Other material includes transparencies that were used in a presentation by Kostuch which depicted the land base the dam would flood and the flora and fauna the flooding would affect. Two of the postcards are addressed to Kostuch and two are picturesque views of water from Vancouver Island. The artifacts are a t-shirt with a slogan written in French and two lapel pins with slogans to stop dams. The other one is an ink stamp with the words *Friends of the Oldman River Society*. Three CDs contain the Environmental Assessment Report for the Oldman Dam. Two VHS tapes are of recorded *Crossfire Television Shows*, both regarding with the Oldman Dam. One audio tape is a recording of a song called *Oldman River*. One audio tape is a recording of a radio show on radio QR 77 containing an interview between Ken Kowalski and Milton Born With A Tooth.

**SOURCE OF TITLE:**

Title taken from the contents of the fonds.

**PHYSICAL DESCRIPTION:**

Series also includes –44 site plans. – 36 transparencies. – 4 postcards. – 4 maps. – 4 artifacts. -3 optical. – 2 video tapes. – 2 audio tapes.

**CONSERVATION:**

Conservation copies have been made of some of the newspaper clippings, thermal fax paper and mimeograph paper.

**ARRANGEMENT NOTE:**

Series have been based on the major topics identified from the creator's arrangement, though some records may pertain to a number of series.

**LANGUAGE NOTE:**

The material is in English.

**ACCESS CONDITIONS:**

None.

**USE CONDITIONS:**

Permission for use required. Subject to *The Copyright Act*.

**FINDING AIDS:**

Box list and file list are available. Some of the material is available in electronic form.

**INCLUDES THE FOLLOWING ACCESSIONS:**

2008.015

Further accruals are not expected.

**RELATED RECORDS:**

**GENERAL NOTE:**

Information for the administrative history was obtained from the records and from *The Edmonton Journal*, *Calgary Herald* and *Red Deer Advocate* newspapers.

**SUBJECT HEADINGS:**

Dams

Environmental policy

Environmental law

Water - - conservation

Reservoirs

Agriculture

Irrigation

Water-power electric plants

Actions and defenses

