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THE REQUEST IS NOT COMPATIBLE:  
COMPETING FRAMES OF PUBLIC LANDS DISCOURSE IN THE LOLO PEAK SKI  
RESORT CONTROVERSY

By

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Professional Paper

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in Communication Studies

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## ABSTRACT

Sharp, Philip, A., M.A., Spring 2022

Communication Studies

The Request Is Not Compatible: Competing Frames of Public Lands Discourse in the Lolo Peak Ski Resort Controversy

Co-Chair (in absentia): Steve Schwarze

Co-Chair: Joel Iverson

In mid-2003, the United States Forest Service (USFS) received a pre-application for a Special Use Permit to build and operate an all-season ski resort on public lands near Missoula, Montana. The ensuing public deliberation over the possible use of protected lands for outdoor commercial recreational purposes provides a site of rhetorical inquiry. In this rhetorical criticism I analyze and evaluate arguments presented by the USFS, resort proponents, and opponents, in documents submitted by the USFS in the ensuing legal battle over their rejection of the proposal. Rather than focus solely on the context and the political factors that drive policymaking, this rhetorical inquiry focuses on the textual indications of assumptions, strategies, and appeals embedded in the discourses through frames and topoi. While arguments within this controversy do primarily align with the previously identified environmental frames of *Ecological Soundness* and *Public Interest*, the way the groups engage various topoi provides potential insights into the use of anthropocentric land ethics and varied, flexible, and conditional frames in effective environmental advocacy campaigns. Additionally, I conclude that this case study contributes to theoretical understanding of the *localism frame* and *procedural discourse* within environmental communication.

Keywords: Environmental Communication, Rhetorical Criticism, Argument Analysis, Public Lands Management, Land Management Ethics, Frames, Topoi, Environment-based Controversy, Outdoor Recreation, Skiing, Montana

## Land Acknowledgement Statement

The University of Montana, City of Missoula, Missoula and Ravalli County, and the Bitterroot and Lolo National Forests are in the aboriginal territories of the Salish, Kootenai, and Kalispel people.

## DEDICATION

Some students enter graduate school knowing exactly what they want to study and why. For me, the road was a bit different. I knew that I wanted to get my M.A. and continue coaching debate. Beyond that, nothing else really mattered to me. That all changed when I took Environmental Rhetoric with Dr. Steve Schwarze in my first term. His class introduced me to the important questions at the heart of Environmental Communication.

I can still recall the discussions we had in that class. I can remember how accomplished I felt the day that we had debates and he stopped writing my arguments on the board just to take it all in for a moment. I am told that he quipped to other faculty later that week that I was “quite sharp.” The paper I wrote for that course earned me my Top Paper award and a place on a panel at NCA moderated by Dr. Phaedra Pezzullo. His course also started me down the path of researching public lands controversies.

Despite his busy schedule and health challenges, Steve agreed to “see this thing through.” He was willing to devote his time and energy to dragging me through the writing process to complete a prospectus in December of 2021. I cherish that opportunity to learn from him again and be challenged in a way only he can. As a teacher, I have always wished I had his prowess at Socratic questioning, charisma, and ability to spark excitement in students.

Steve was forced to take a leave of absence in early 2022 as we were putting together the analysis. While I am unbelievably grateful for those who stepped forward to seamlessly keep me on path and provide guidance, including Dr. Joel Iverson, this work is inspired by and dedicated to my environmental rhetoric mentor, Schwarze.

## ACKNOWLEDGMENTS

I want to express my deepest gratitude to all of those who have supported me and encouraged me along the way. Thank you to the Communication Studies Department at the University of Montana for providing me an excellent experience and being understanding and supportive in this process. Most of all, I want to thank those academic mentors who provided me with guidance and advice in the writing process. This includes Dr. Schwarze, Dr. Iverson, Dr. Cassandra Hemphill, Dr. Benjamin Krueger, Dr. Jimmie Manning, the members of my committee, and many other colleagues who have helped me through my moments of struggle and uncertainty in completing this paper. This project would not have been possible without your patience, inspiration, and knowledge. I would also like to acknowledge my debate coaches, Linda Bannerman and Michael Dugaw. These educators played a significant role in making me the academic I am today.

I extend my love to my family for being an important part of my life regardless of academic pursuits. And my gratitude to all the friends who have stood by my side over the years and celebrated in my progress and moments of accomplishment. Of course, I cannot forget the many non-human living creatures and sublime natural features of this beautiful planet on which we reside for providing me respite and inspiration every day. And I would be remiss if I left out all the coffee shops and late-night diners that have served as my workspace and refuge in many cities like Missoula, Bellingham, Seoul, Puerto Vallarta, and Reno. I will never forget the moments we shared.

## TABLE OF CONTENTS

<b>ABSTRACT .....</b>	<b><i>ii</i></b>
<b>DEDICATION .....</b>	<b><i>iv</i></b>
<b>ACKNOWLEDGMENTS.....</b>	<b><i>v</i></b>
<b>RATIONALE.....</b>	<b><i>1</i></b>
<b>HISTORICAL CONTEXT.....</b>	<b><i>5</i></b>
The Controversy.....	5
Public Land Decision Making .....	9
<b>LITERATURE REVIEW.....</b>	<b><i>13</i></b>
Environmental Rhetorical Theory .....	14
Frames and Topoi .....	16
Common Frames and Topoi in Public Land Disputes.....	18
<b>METHODS.....</b>	<b><i>26</i></b>
<b>ARGUMENT MAPPING.....</b>	<b><i>30</i></b>
USFS: The Request Is Not Compatible .....	30
BRT: Appropriate Recreational Utilization of Public Lands .....	34
FLP: Leave It the Way It Is.....	42
<b>RHETORICAL INSIGHTS.....</b>	<b><i>50</i></b>
Anthropocentric Land Ethic .....	50
Varied, Flexible, Conditional Frames.....	55
<b>THEORETICAL REFLECTIONS .....</b>	<b><i>61</i></b>
Localism Frame .....	61
Procedural Discourse .....	66
<b>CONCLUSION.....</b>	<b><i>76</i></b>
<b>REFERENCES.....</b>	<b><i>78</i></b>
<b>ATTACHMENT 1: Index of USFS Documents .....</b>	<b><i>93</i></b>

## **RATIONALE**

Missoula, Montana is a bustling college town of 74,000 people located in the heart of the Rocky Mountains. Anyone who has ever visited or lived there can tell you a bit about the character of the place and its population. Missoula is home to many who recreate, work, and live in the forests and mountains that surround the valley. Just to the south lies the Bitterroot Valley, a 96-mile corridor of small towns, ranches, and resorts. Beginning in the 1990s, an influx of retirees, Hollywood stars, and tech industry executives began to reshape the character of the Bitterroot (Swanson, 2001). Standing tall above both valleys is Lolo Peak. Straddling the Bitterroot and Lolo National Forests, Lolo Peak and the surrounding area have been at the center of an environmental controversy for the better part of six decades (McDonald, 2004a). At the base of the mountain, on the valley floor, lies the Maclay Ranch. In 2004, the landscape was both literally and figuratively altered when landowner Thomas (Tom) Maclay cut ski runs into the low altitude slopes on his property (McDonald, 2004a). With the flick of a few chainsaws, the image of a long-discussed ski resort was thrust upon the community for discussion. The ensuing public debate and the U.S. Forest Service (USFS) decision-making process took a variety of twists and turns on its downhill slide to the eventual rejection of the proposal and bankruptcy of the property owner.

The controversy surrounding the proposed Bitterroot Resort offers a significant opportunity to analyze competing rhetorical strategies to influence land management in the western US. Environment-based controversies are a common focus of study in environmental rhetoric (see Beuschel & Rudel, 2009; Dickinson, 2012; Endres & Senda-Cook, 2011; Lange, 1993; Moore, 1993; Oravec, 1981, 1984; Peterson & Horton, 1995), especially those involving management of federal lands. Although questions of what activities should be permitted on



federal lands is at the heart of these controversies, the rhetorical strategies in these controversies invoke important notions of the value of nature, the concept of wildness, the appropriate human use of protected areas, land management ethics, and the hierarchal ordering of public values. In addition, management agencies that make decisions about land use are expected to adhere to the stated purposes of and prohibited activities on those lands. Thus, participants in these controversies can draw on a wide range of arguments and appeals to shape public deliberation and perception of the potential harms and benefits of land uses. In turn, they provide a rich site for rhetorical analysis.

Ski resorts, and outdoor recreation in general, create a compelling conflict over commercial projects that potentially bring masses of people into ecologically managed spaces. While these forests and parks are frequently already used by limited numbers of outdoor recreationists, the disputes over increased use often take on a life of their own (Boggs, 2017; Briggs, 2000; Powell 2013). One might expect these controversies to focus on the environmental issues involved. Instead, like many environmental disputes, they often get resolved on the non-ecological justifications for acceptance or rejection (Daniels & Walker, 1995; Endres, 2005, Schwarze, 2002). Nonetheless, few rhetorical studies have looked at controversies over allowing ski resorts on public lands to address these concerns. Given the number of ski resorts on public land, and that these types of proposals frequently face public deliberations that divide public opinion, this is surprising. One study looks directly at the important question of how material-discursive practices of settler colonialism exclude Indigenous populations from stakeholder status in decisions about outdoor recreation on public land (Boggs, 2017). However, this study does not address the broader question of rhetorical appeals used in the deliberations nor the question of ecology. In addition to evoking competing ideas about nature, wilderness, and the

public good, such controversies also can split avowed environmentalists who both enjoy skiing but also seek to maintain or strengthen protections for the land. For this reason, ski resorts present relatively “fresh powder” for the rhetorician and the outdoor recreationist to traverse. Further, the opportunity to examine the discourse around local environment-based controversy moves this analysis away from questions of global ecological deliberations.

In this rhetorical criticism I examine the controversy surrounding the proposed Bitterroot Resort, focusing specifically on the period 2003-2008, to identify the arguments and appeals used by proponents and critics of the project. After analyzing their appeals, I evaluate the relative strengths and weaknesses of arguments with the goal of aiding future advocates in land use controversies. The paper engaged in the following research questions derived from a review of relevant literature:

RQ1: What public arguments and appeals are used by the USFS, the Bitterroot Resort Team (BRT), and Friends of Lolo Peak (FLP) publicly in the controversy?

RQ2: What assumptions about the natural world and the public good underlie these arguments?

RQ3: What are the relative strengths and weaknesses of these arguments in the immediate context of the proposal and for future deliberation about public land use?

This paper proceeds in six parts. First, I recount the rhetorical situation through a brief timeline of the relevant events that explain how the controversy played out and the system of land management decision making. Further, I cover relevant literature from the discipline, including a discussion of the rhetorical study of environment-based controversy, introducing the concepts of frames and topoi, and highlighting the commonly used frames and associated topoi previously identified in land management controversies. Then, I outline my method for rhetorical

analysis of the controversy over the Bitterroot/Lolo Peak resort and an argument evaluation of the strategies present. Next, I present the findings from the research process in a mapping of arguments. Penultimately, I share two rhetorical insights meant to aid future advocacy groups in crafting strong arguments. I finish with the presentation of two theoretical reflections.

## **HISTORICAL CONTEXT**

Just after the turn on the twentieth century tracts of land such as national forests, parks, and refuges were set aside for protection and management by federal agencies like the U.S. Department of the Interior and the U.S. Department of Agriculture, not long afterwards the trend of building ski resorts on public lands in the United States began just after the turn of the twentieth century. Gifford Pinchot (1910)., the first head of the USFS, extolled that his vision of national forests was to provide Americans with outdoor recreational opportunity and access to one of the nation's greatest resources, nature. The terrain of these public lands made them ideal for outdoor winter recreation activities like snowshoeing, cross country skiing, and downhill skiing. As American interest and technological enhancement lead to increased alpine visitation following World War II (Fry, 2006; Ruth, 2000), so followed the rise of destination ski resorts on public land. While many resorts quickly passed review and were granted permits, others were caught up in objections and concerns from environmentalists (Clifford, 2002). In 1986 Congress passed the National Forest Ski Area Permit Act (McKinzie, 1993) to promote new ski resort development by streamlining the permitting process used by the USFS for ski resorts on federal land. As of 2017, the USFS reports that 122 resorts operate partially or fully on USFS lands and that downhill skiing and snowboarding rank as second most common use of national forests, right behind hiking (Tidwell, 2017). All-season resorts at Vail, Colorado, and Jackson Hole, Wyoming, became must-visit tourism attractions for Americans and international visitors alike. America's excitement over outdoor recreation drove expansion into new spaces.

### **The Controversy**

One such area identified for a possible ski resort project is Lolo Peak in Montana. In the 1960s an analysis by local officials with the Bitterroot and Lolo National Forests concluded that

the area was ideal for a ski resort with the potential to gain national prominence (McDonald, 2005a). However, a 1971 feasibility study confirmed doubts about the area's low elevation snowpack potential (McDonald, 2005a; Welsh, 1990). In 1987, the resort concept re-emerged when local groups began preliminary development planning and discussions of a resort near Lolo Peak (Welsh, 1990). Although no entity came forward as a developer for the concept, interest in the resort gave life to an oppositional movement. Community members formed different non-profit groups to voice their opposition--including FLP, a group that is the focus of this study. By 1988, the proposal had created enough controversy that the Missoula County Commissioners held a public referendum on the local community's desire for the resort (Welsh, 1990). While the questionably worded referendum did pass, the 62% margin was not considered sufficient public support to actively push the resort. The drive to pursue a resort once again subsided.

With time and evolving political, social, and economic conditions, the status of the dream resort also changed. In April 2003, the BRT submitted a special-use pre-application for alpine skiing within the national forests (McDonald, 2004a). Maclay had been meeting with local forest managers to discuss the idea, and he and his backers began marketing the "Bitterroot Resort" to the public and scheduling informational sessions throughout Missoula and Ravalli counties (McDonald, 2004d). It was at this time that Maclay went so far as cutting ski runs on his property just below the federal land that he sought to lease to make the resort viable (McDonald, 2004a). FLP then mobilized in opposition to the proposal (McDonald, 2004b). In 2004, the USFS also called for increased public participation in the creation of management guidelines and decision-making about use of protected federal lands (Boxall & Getter, 2004).

The fight over the appropriateness and public good of a ski resort in the Bitterroot and Lolo National Forests involved public campaigns that were covered extensively by the local

media. A person driving through traffic on Reserve Street might hear an ad promoting the resort on a local radio station, while someone walking along East Broadway might see multiple “No Way, Maclay” bumper stickers on passing cars. As ominous as the peak standing above the valley, the controversy loomed large in the community from 2004-2008. At public comment and behind closed doors, advocates for and against the proposed development made arguments to local forest managers (McDonald 2004d; see USFS Documents). During the controversy, both the BRT and FLP contacted Senator Conrad Burns (Montana) to lobby him. Burns then held a public hearing to further explore the concern that the local Forest Manager’s had neglected the multiple use doctrine (“2500-signature petition,” 2005). By July 2005, the proponents had submitted modified proposals after extensive dialogue with the USFS offices (Burk, 2006), eventually ending up with separate but intertwined concepts for multiple types of skiing (Alpine and Nordic) using multiple types of access (helicopter and Snowcat) (McDonald, 2005a).

While a version of the development plan did pass the initial screening phase in October 2005, two factors worked against the plan’s progress. First, Ed Ryberg, a USFS analyst completed a needs assessment for skiing in the area (Backus, 2006). This report concluded that the area was not in need of additional skiing opportunities and expressed concern over whether there would be sufficient demand to make the project financially viable. Second, the USFS discovered that Maclay had cut trees along the Carlton Ridge Jeep trail to a width suitable for snow grooming equipment to navigate the terrain (Moore, 2006). Maclay, who owns water rights in the National Forest, asserted his right to maintain the trail despite existing restrictions; the USFS accused him of illegal deforestation (Moore, 2006). As a result, the resort proposal was placed on hold pending the resolution of the alleged violation. Even if the proposal moved forward to secondary and tertiary levels of review, it would have needed to pass multiple hurdles

including formal environmental review, fiscal review, needs assessment, and an evaluation of public good. By 2006, the US Attorney sued Maclay for the illegal logging, which Maclay settled out of court for \$20,000 (Moore, 2006).

The pursuit of the business venture had cost Maclay millions, with public records indicating his debt exceeded \$18 Million (Davidson, 2009). The economic downturn of the late 2000s only exacerbated the situation and created new economic hurdles to developing a ski resort. Before modified proposals could move any further, Maclay's property was foreclosed and auctioned off to his financier (LaRubbio, 2012). Even without legal possession of his property, Maclay pushed forward with a new plan exclusively using federal lands under an LLC, the Special Use Permit Public Resource Benefit (SUPPRB) (Backus, 2013; Chaney, 2013). Maclay and his supporters unsuccessfully formally appealed the local decisions to the USFS Regional office. Maclay's last stand was to pursue legal action against the local forest managers for wrongful denial in District Court (Duroi, 2015). By 2014, the idea of an all-season ski resort in the Bitterroot Valley was all but dead, and Maclay no longer held possession of his family's ancestral ranch. The ski runs Maclay had cut into the hills on his property stand as a haunting reminder of the endeavor.

In reviewing this tale, an observer might conclude that despite the historical precedent the BRT never had a realistic chance of being granted a lease for the specific commercial and recreational activities in this location. However, throughout the USFS process there were concerns in the community about the possibility that without robust public outcry, the resort could come to fruition (McDonald, 2005b). The rhetorical fight over the proposal took on incredible importance to community members, managers, and the local media.

## **Public Land Decision Making**

While the physical location of the controversy is important to the rhetorical situation, so is the location of the discourse. These deliberations occurred around a USFS review of a proposed use of public lands. Despite the codified process for review, the decision-making process is far from straightforward. Management agencies are expected to adhere to the stated purposes of lands and any existing prohibitions. Behind these statutes lies a science-based approach to ecology undergirded by land management ethics (Peterson, 1988). This ethic is both systemic to the US land management agencies and individualized to local management officials, who possess the power as local experts to reinterpret within institutional gray areas. Despite the reliance on technical rationality, decisions are far from objective. Additionally, the purpose of areas can be quickly reclassified or redefined by politicians and the courts (Schwarze, 2002). The process also asks that the public good be considered in making decisions. This invites democratic participation and can shift the focus to potential harms and benefits that may extend beyond the ecological protection of lands and may not align with stated goals of a management plan (Bierle & Cayford, 2002; Peterson, et al, 2007). The result of these processes and criteria for evaluating a proposal is the creation of different avenues to advocate for and against the proposal.

In March 2006, *Lolo Peak News*, a local news publication, (Burk) interviewed USFS Resource Staff Officer Andy Kulla about the review process. This article emphasized the process that SUP proposals undergo at the local level. This USFS process unfolds in three sequential parts. First, after the initial application is submitted, “phase one” review mandates eight criteria to determine if the proposal can move forward to a second phase. There are eight questions that comprise the initial level screening.



- Is the proposal in line with current laws, regulations, order, and policy concerning National Forest Service land?
- Is it consistent with the forest plans?
- Does it pose a serious risk to public safety?
- Will it create an exclusive or perpetual right of use or occupancy?
- Will it interfere or conflict with administrative use of the national forest.
- Does the proponent have a delinquent debt to the USFS?
- Does it involve gambling or sexually explicit oriented commercial activities?
- Does it involve private military or paramilitary activities?

Some of these items would become focal points in the rejection of most of the BRT proposals, others, specifically 7 and 8, remained irrelevant to the proposal.

While the initial proposal was rejected in phase 1, a few modified BRT proposals managed to move past the first phase. In the second level screening, the USFS addresses four questions. These reviews happen simultaneously and are not sequential as listed here. First, they check to determine if there is a competitive commercial interest for the proposed area. If another developer also wishes to use the space, then that must be resolved. Second, managers review the proposal to confirm that there is a need for the use of National Forest lands. If the project could be sufficiently completed without the use of protected lands, the SUP would be denied. Third, there is an investigation and review of documents to confirm the financial and technical capability on the part of the proponent. Finally, the USFS conducts necessary studies to address concerns about the technical and economic feasibility of the project. Any of these four items could block a proposal from moving forward (Burk, 2006).

If an initial proposal makes it through the first two levels of review, it becomes an official application under consideration. During this final stage, an Environmental Impact Statement (EIS) is performed as mandated under the National Environmental Policy Act (NEPA) of 1970. In conjunction with the EIS, the USFS would solicit public input on issues of concern including, as Kulla articulates, “water, wildlife, recreation, and the like” (Burk, 2006, p. 8). USFS resource scientists and managers would then analyze those issues and either approve the permit or propose acceptable alternatives and modifications. The various BRT proposals for an SUP in the Bitterroot and Lolo National Forests never reached the application phase. As a result, these official studies and public comments never occurred.

In 2002, both the Bitterroot and Lolo National Forests began the process of revising their forest management plans (USFS, 2002). This is a process that National Forests undergo every 10-15 years, and their revision provides an opportunity for changing the categorizations and stated purpose of land within the forest. Interestingly, the timing of the revision added an element of intrigue and exigence to the deliberations. The USFS included statements with rejection letters and public news releases indicating that modifications to the forest management plan would allow for reconsideration of the proposal (USFS Document 355, 2004). David Blair, communications director for the BRT, quipped prior to the release of the initial proposal, “This is going to be a very public decision. It can only occur with a partnership between Tom Maclay and the public” (as quoted in McDonald, 2004c, para. 16). Even the FLP beckoned the public to attend hearings and voice their objections (USFS Document 452, 2005). Local public comment sessions about the plan revisions in 2005 become de facto battlegrounds over the potential ski resort (Backus, 2005a).

Despite the seemingly persuasive argument that ski resorts are beneficial to a community and the perpetual sense of dominion regarding this area, this proposal failed. This is not the first ski-related SUP that has been rejected by the USFS. Some are rejected as not aligning with the management plan and purposes of the land, despite public support. Others are hung up in the EIS and lawsuits from various opponents. Some proposals which faced rejection, were resurrected by intervention from politicians and Forest Supervisors (Childers, 2012). The results of a January 2007 thematic textual analysis of public comments released in a report compiled by Bader Consulting on behalf of The Sierra Club confirm that the public comment was overwhelmingly opposed to the proposal. “Analysis of the 1,014 comments revealed that 78.4% oppose the resort on public lands, 20% favor the resort on public lands and 1.6% of the comments were neutral or unrelated to the resort issue. Of the 998 comments stating a pro or con position, 795 (79.7%) opposed the resort plan and use of USFS lands. Those in favor of the resort numbered 203 (20.3%)” (in USFS Document 521, p. 6).

The fact that ski resorts on public land are up for public debate is significant. Concluding with certainty that public deliberations directly impact the eventual decision or public opinion is difficult, but one could easily envision a different outcome where the public support and political pressure resulted in allowances for limited commercial and recreational uses of the Lolo Peak area. In fact, Kulla responded to the question of whether the resort project could ever be approved by saying, “Anything is possible” (as quoted in Burk, 2006, p. 10). What is certain is that the USFS claimed they were open to public deliberation about the forest management plan revisions, the BRT actively pursued the public’s involvement in persuading the USFS, and FLP conducted a multifaceted campaign to oppose the resort (McDonald, 2005b).

## LITERATURE REVIEW

Rhetorical scholars have long examined the form and function of the art of persuasion within public deliberations. Controversy analysis is a staple of the discipline. It allows the advancement of a stronger understanding of the way that we approach and navigate public disagreements (Schiappa, 1995). When it comes to deliberation, critical analysis improves the way that we form policy and pursue futures. It does so by showing how our discourse shapes our perceptions of the world and orders our cultural values (Goodnight, 1982). Deliberation is an opportunity to witness this struggle in process. Public deliberations arise and thrive in instances of uncertainty. Goodnight (1982) explains

Uncertainty persists. Until such a time when all the creative enterprises are reduced to a single underlying certainty, it may be useful to add to the repertoire of study the investigation of the manifold ways in which individuals and communities attempt to create and reduce the unknown. The study of why uncertainties appear, what they mean, how they are banished only to be reformed, and what practices shape the course of future events is important, for knowledge of argument's varieties may illuminate the values, character, blind spots of an era, society, or person (p. 200).

Argument then, is defined by the need to create or resolve uncertain situations. This uncertainty is not only a critical element of a deliberative process or navigating the moment when a policy proposal creates an uncertain future, but it is a critical component of rhetorical studies.

Participants are not only fighting over a set of policies or outcomes, but they are also struggling over our interpretation of reality (Berger & Luckmann, 1966). Regardless of the impact they have on the policy adopted, public discussions of the appropriateness of commercial and recreational use of public lands are an important site of inquiry into how a society negotiates

questions of ecological protection and the public good and an opportunity to explore ontological perspectives.

### **Environmental Rhetorical Theory**

Rhetoricians usually point to Kenneth Burke to explain how language functions in communication, not simply to transmit information between people but also to influence the way that others perceive the world around them. (Burke, 1945; Burke, 1950). Pezzullo and Cox (2022) draw on Burke to posit that environmental communication is both *pragmatic* and *constitutive*. They explain that the transmission of symbolic messages can have an instrumental purpose—to inform, to alert, or to persuade others about environmental conditions and solutions to environmental problems. Regardless of how we are communicating about nature, that communication is generally aimed at making intentional, meaningful change. But messages are also constitutive; they shape, orient, and negotiate meaning, values, and relationships (Carbaugh & Cerulli, 2013). Environmental communication is an attempt to influence the way others perceive the world around them through invocation of assumptions about the relationship between human and non-human (Cantrill & Oravec, 1996). These discourses deploy terministic screens, orientations, and identifications to “condition the way we define, interpret, and address environmental affairs” (Dryzek, 2021, p. 12). So then, rhetorical maneuvers, both intentional and unintentional play a significant role in shaping our view of reality and the actions we take in response to those views.

Based on these ideas, the study of environmental communication involves diverse approaches to unearthing how our communication about the natural world reflects our conceptions of it and constitutes our relationship to it. Endres (2020) explains that scholars within the subfield “are invested in knowledge production that addresses the relationships

between humans and the environment” (p. 315). At the center of this endeavor is our conception of nature--whether we ought to view nature as distinct from human existence or an intertwined ecological network of all things living and non-living, human and non-human. Pezzullo & Cox, 2022 explain that one primary goal of the environmental communication field is to examine the different ways that people talk about nature and how that influences the resolution of specific environmental issues and controversies. “Less interested in universal claims, rhetoric, cultural studies, and media explore the relationship among bodies, institutions, and power within specific situations or conjunctures” (p. 6). Environmental rhetorical study, then, allows us to address how specific environment-based controversies are navigated and what that tells us about systems, institutions, and society. This type of critical inquiry is both theoretical and practical in nature. For example, one of the most compelling political discussions of the last 30 years is the issue of climate change. Academics from many disciplines, including environmental communication have endeavored to better understand the debates about climate policy (Comfort & Park, 2017). Despite the exigence, the question remains: why is society unable to craft an effective response to the crisis we face? The national/global scope and complexity of the discussions drives ongoing scholarship on the topic.

However, deliberations over the use and management of federal lands are also important opportunities to engage in environmental rhetorical analysis at a local level and provide a different lens through which to view many of the same issues at the heart of the climate crisis. Given the fluidity of the ensuing public discussions as they cross between meetings, emails, public comments, and letters to the editor, it can be difficult to identify when the public deliberation starts and stops. One way of looking at these discussions would be to consider all of it as part of the public deliberation, with the assumption that the form and function of arguments

will differ depending on the rhetor and audience. As a result of the decision-making process around environment-based controversies, significant research has focused on these rhetorical situations that bring forth rich public deliberation for analysis and critique.

### **Frames and Topoi**

Within recent environmental rhetorical studies, the utilization of the concepts of *frames* and *topoi* is common (Antal & Drew, 2015; Atanasova, 2019; Eriksson & Reischel, 2019; Goodman et al., 2016; Klimasauskaite & Tai, 2021; Lindström, 2019; Phillips, 2017; Sullivan, 2016; von Mossner, 2018; Wallen & Kyle, 2018). A frame is a way of organizing arguments often within established systems of thought and communication. For Lakoff (2010), these frames have a way of prescribing world view through the invocation of particular symbols, words, and images, that evoke certain sets of ideology and understandings. Often these frames take on a familiarity, sometimes in the form of metaphors and slogans, that evoke particular perspectives. Frames help listeners to piece together seemingly divergent and disconnected information into a clear narrative that resonates. By organizing assumptions and rationales, these frames then facilitate policy discussions and decision-making processes.

Simultaneous to frames, topoi are the lines of arguments presented. These argumentative pathways tend to follow and invite audiences to access complementary frames. The concept dates to discussions from antiquities scholars like Aristotle, Cicero, and Quintilian, but takes on a more modern perspective with the works of scholars like Perelman and Olbrechts-Tyteca, Goffman, Leff, among others. Topoi are common-place arguments which resonate with audience and serve as enthymematic support for syllogistic premises and/or conclusions (Ivie, 1980). They rely upon universal assumptions, types of proof, and logical appeals to efficiently persuade audiences by aligning with existing worldviews and values. Topoi, then, are the commonly used

lines of reasoning and logic structures that frames invite. The importance of topoi to argument analysis lies in the way they assist critics in locating the place from which arguments are derived and aid in analyzing/constructing logical proofs (Zompeta, 2006). With an understanding of topoi, arguments will better align with conclusions invoked by the frame and resonate with an audience. Furthermore, topoi function to highlight certain arguments as relevant and relegate others out of the frame. Ivie (1980) provides criteria for evaluating argumentative strength through topoi analysis. He says that topoi are most effective when they reflect conventional thought, generate synthesis or wholeness of a narrative, and strategically align with the audience being persuaded.

To summarize, frames are argument structures and topoi are specific lines of argumentation (Ekman & Krzyżanowski, 2021). Previous research provides relevant examples of frame and topoi analysis within environmental communication. Lakoff (2010) explores the way frames prove significant in the way environment is discussed in the Global Warming/Climate Change media coverage. The Luntz Memo from 2003 advised conservative candidates that discussions of global warming were a weakness in campaigns for public office. Luntz advised them to reframe the discussions with the term “climate change.” This frame sidestepped the more effective arguments of environmentalists and emphasized arguments that focus on minimizing the US culpability for pollution and emphasize the impact of environmental regulations on citizens. These two different terministic screens align with the topoi that are favored by the worldviews of each side. Dryzek, refers to these sets of assumptions, reasonings, and orientations as discourses (2021). He identifies 8 common discourses present in the “politics of the earth.” These different discourses are often in conflict within questions of environmental policy. These discourses are his way of neatly organizing topoi into larger frames. Lange (1993) argues that the



tactic of frame/reframe is a defining element of competing information campaigns through his study of the controversy over spotted owl protection and timber harvesting. He explains that opponents of spotted owl protection framed environmental advocates as preferring a few owls over thousands of people in logging communities. An additional example of competing logical structures provided by Lange is that of jobs/economy versus unsustainable resource extraction. While advocates argued that the timber industry was to blame for the decline of the industry through greed and overharvesting, counter-advocates argued that government agencies were the threat to the logging industry. Ultimately the narrative that environmentalists, politicians, and regulators regarded loggers with malice reflected sets of assumptions that fit better with the perspectives of communities impacted by the controversy. Moore (1993, 2003) argues that frame-invoked synecdoche in the form of tropes constructs incongruent realities for participants in both the Spotted Owl and the Salmon conflicts in the Pacific Northwest. He argues that these ways of thinking are so deeply rooted that they prevented solutions in the case of the owl, and lead to common ground in the case of the Salmon. Sovacool (2008) identifies the differences in topoi used by experts versus public advocates in the controversy over oil extraction in the Arctic National Wildlife Reserve. He argues that popular journalists and the public engage in hyperbole about quantitative impacts and overemphasize high-profile species in comparison to the expert arguments. Despite sometimes using different terms to describe the concepts, each of these authors looks at different case studies to illustrate the role of framing and topoi to better understand environmental controversies.

### **Common Frames and Topoi in Public Land Disputes**

The foundations of the United States environmental movement were cemented by the turn of the twentieth century writings and images of wilderness commissioned by the United

States Federal Government, both of which encouraged concern and interest in public lands (Deluca & Demo, 2000; Oravec, 1984). At the behest of early ecological figures like John Muir and Pinchot, the United States made the unprecedented move of setting aside tracts of land for protection and use by the public. In one of the first identifiable essays on environmental rhetoric, Oravec (1984) traces the way environmental discourse took shape in the Hetch-Hetchy Valley Reservoir debates. During the deliberations arguments were made in publications and in the halls of Congress over the appropriate uses of public land. The arguments in this highly public and first of its kind controversy gave birth to a recurring pattern of arguments in environmental controversies between conservation and preservation (Callicott & Nelson, 1998). Preservationists argue that public lands should have high levels of protection from the damages of commercial and human use, while Conservationists present those protections should prioritize sustainable utilization.

With time, Oravec (1984) explains, Conservationists gained the upper hand through a focus on the value of public land uses to the wider human public, claiming the best value to Americans is to use the valley as a water source and develop it in a way that increases public access to the area. Conservationists began to tailor arguments to be most convincing to progressive Americans who were interested in the economic and leisure benefits of interaction with nature (Oravec, 1984). The Hetch-Hetchy dam was built. This discussion set the stage for the mainstream environmental movement in the 20<sup>th</sup> century as well as the codification of land management policy. Policies like the 1960 Multiple-Use Sustained-Yield Act and the 1964 Wilderness Act further codify the purposes and intents of different types of protected lands (Ruth, 2000). Within these policies lie explicit and implicit views of nature and assumptions about the role of public lands. The Hetch-Hetchy discussion set the stage for the mainstream

environmental movement in the 20<sup>th</sup> century by cementing the foundation of the ecological soundness and public interest frames within the discourse of public lands.

### *Ecological Soundness*

The preservationist frame for environmental decision-making presents the perspective that the non-human natural world has value in and of itself. Oravec (1984) argues that early Preservationists held that the use of public lands should be extremely narrow in scope. They desired places relatively unaffected by human use where the human footprint was not visible on the land. Muir<sup>1</sup> and others in the preservationist camp challenged the claim that public land resources needed to be used for the nation's progress and economic development. While this frame draws upon fundamental opinions about the role of public lands and the role of managers in making these decisions. As a frame, ecological soundness calls into question the multi-use doctrine by centering ecological impact and problematizing the perspective that forests, mountains, wetlands, and other undeveloped and publicly managed places are a merely resource for the American people. Two commonly used topoi within the frame are the ecological fragility of nature and place-based rationalization of appropriate use.

The topoi of the fragility of natural areas and the need for management orientations that frame ecological protection as a principled stance appear frequently in arguments for environmental protection. This argument is based in a view of natural-human dichotomy. According to activists and early ecologists, these wild areas needed protection from commercial endeavors and fire damage to ensure the retention of the intrinsic value of the land for the sake of the animals and Gaia, or nature's spiritual existence (Marshall, 1930; Nelson, 1989). Carbaugh

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<sup>1</sup> Muir has recently come under criticism for his erasure of Indigenous people and other issues of racism (Fox, 2020).

(1996) argues that “communication occurs in places, cultivates intelligible senses of those places, and thus naturally guides ways of living with them” (p. 38). The topoi for management ultimately center the ecological and places value in wildness in decision-making about public land management. Arguments about resource use and environmental impacts often are dominated by experts like wildlife biologists and policy analysts, where technical argument crowd out ordinary citizens and meaningful debate about the public interest (Goodnight, 1982; Peterson & Horton, 1995). Leopold’s land ethic, articulated in *A Sand County Almanac*, is touted as the foundation for this ecological focus (Callicott, 1987; Killingsworth & Palmer, 1992). Willard (2007) characterizes Leopold’s rhetorical landscape as an episteme, or “a way of understanding and celebrating” the natural world (p. 221). By writing about human ability to observe and adapt to the needs of the land, Leopold created an ethic of land management, but also entrenched the concept that humans can know what is best for natural environments by being more in tune with them. Some environmental communication scholars indict the over-reliance on the myth of scientific objectivity in the management of public lands and resources. They argue that it prevents effective democratic participation of the public and ultimately harms the environment (Brulle, 2010; Cox, 2007; Hamilton, 2003; Peterson et al., 2007).

The articulation of rationales rooted in place-based appropriateness are the second topoi present in the ecological soundness frame. Often in disputes over environmental protection of places, the invocation of features of place become the rationale for and against certain uses. In the human-nature dichotomy, public lands are seen as the place where “nature” exists. The presence or absence of certain species, ties to Indigenous cultures and historically significant events, and the physical features of the land become warrants for advocates to argue for and against human activity and consumption (Wolf-Watz, 2015). Rogers (1998) explores the way

that epistemes have guided environmental policy to try and order nature. The discursive creation of an organizational system then creates the material reality of land management policies. From this process, we derive the different classification of land (park, forest, Wilderness, roadless, primitive, sensitive research-area... etc.) and with each distinction come notions about the appropriate management ethic for that land. Other scholars have explored the connection between place and arguments within environmental controversies (Carbaugh & Cerulli, 2013; Daneri et al., 2021; Dickinson, 2011; Endres & Senda-Cook, 2011; Peeples, 2003).

### *Public Interest*

Turning back to Hetch-Hetchy to trace a second frame present in environmental discourse, Conservationists pushed for uses of the land that retained the natural element but allowed for human appreciation and use. They believed that public lands ought to be managed for public benefit while protecting them from the worst excesses of development (Oravec, 1984). Advocates like Pinchot, focused on the growing population that would benefit from being able to visit nature and experience the various transformative effects of visiting or observing a wilderness area (Olson, 1938; Nelson, 1998). Ultimately, Conservationists showed that their position would benefit more Americans than the preservationist position (Oravec, 1984). Over time, Conservationists gained the upper hand through a focus on the value of public land use as both a commodity and a resource for the wider human public. Conservationists began to tailor arguments to be most convincing to progressive Americans who were interested in the economic and leisure benefits of interaction with nature (Oravec, 1984). The frame of public interest, then, tends to prioritize the anthropocentric, consumptive benefits of expanded commercial and recreational use of public lands, both directly and indirectly relegating the ecological, non-human impacts of lesser concern (Deluca, 2007).

The first topoi the public interest frame invites are appeals to nature as economic resource. Leopold (1925) identifies this view of nature as resource, “not only in the physical sense of the raw materials it contains, but also in the sense of a distinctive environment which may, if rightly used, yield certain social values” (p. 398). Taylor III et al. (2016) argue that the USFS is a money-making venture, from its inception. The USFS was established with the express purpose of managing the sustainability of cash crops found in national forests. In its early years, the revenues from grazing and logging proved to be so great that Congress would fight over where they would be spent. USFS is the only of the major land management agencies housed in the Department of Agriculture rather than the Department of the Interior. It is now commonplace to hear arguments made about the economic benefits of the use of all public lands including jobs, real estate sales, tax revenue, influx of consumers, and fees and revenue for the USFS. For instance, cattle grazing, which is relatively common throughout many highly protected public lands—including wilderness—does not appear to present much benefit to the public. Aside from more beef supply and a few jobs for ranchers, it does not seem like the public has much interest served by this use of public lands. The fees paid to the land management agencies can be reinvested into management and hiring more employees, providing economic impetus at the institutional level. In fact, the economic argument has become a trump card for commercial uses throughout national forests (Deluca, 2007).

Goodnight (1982) claims that issues of economics migrated from an individual concern into the larger public sphere during the Middle Ages when it moved from a personal problem to a societal ill. According to Pezzullo and Cox (2022), the public sphere represents “collective opinion, knowledge, and action” (p. 13). The shift of economic concerns from the personal to the public then invites compromises on the part of environmentalists when public goods like the

economy are weighed against the external benefits of ecology and the personal benefits of nature's sublime. Turner (1996) contends that economic arguments, which began with the inception of the capitalist system, seem like friendly justifications for uses of protected land but create a language that allows for other, more damaging uses of protected lands and ultimately creates a set of monetary driven morals and value hierarchies. As a result, uses of protected land have grown to allow activities that are far from preservationist ideals. Woods (1998), for example argues that multiple use arguments opened the door to the destruction of protected lands from logging, mining, grazing, and skiing. The view that wilderness is a resource, both in terms of raw materials and outdoor recreational activities, allows for continued demands for different uses and constant argument about which uses align with current public lands management policies (Woods, 1998).

The second topoi commonly present in the public interest frame is universal human benefit. The preservationist position opposed the dam at Hetch-Hetchy to retain undisturbed land for future human enjoyment and aesthetics in addition to protection of the inherent value of wilderness, while the Conservationists argued that many Americans could enjoy outdoor recreation if road infrastructure, campground and park facilities, and a reservoir were approved. These benefits are ultimately human centered, but the costs and benefits to different publics are varied and more complex than arguments usually directly acknowledge. Panetta and Condit (1995), in examining the dispute over deforestation in Brazil, conclude that a modernist approach to environmental deliberations has resulted in two common rhetorical moves. The first, a belief that survival of the earth is enough to unify people, misses that the consequences of environmental degradation are different for different publics and creates what they call a false universalized good. The resulting, second trend is a form of manipulation in which arguments of

larger public good are presented to allow the pursuit of other interests and benefits. Muir himself used the sublime human response and the mountaineering persona to attempt to persuade the public of why preservation benefited people more (Oravec, 1981). Inherent within this argument is the idea that a small group of rugged outdoor enthusiasts, who can trek out into wilderness, enjoy all nature has to offer without interference from the masses, and leave without making a significant impact on the land. This appeal to the people who will benefit or be harmed directly because of public land management decisions is a frequent feature of public deliberations.

Today, environmentalists' arguments vary greatly as to what actions should be allowed and prohibited on protected lands. In addition to the clash between conservation and preservation frames, the line between low and high-impact actions is unclear and muddies the turbulent waters of environmental disputes. These disputes do not just pit environmentalists versus developers, they often place ecologists and recreationists as foes. In the end, multiple perspectives shape our use and management of public lands. Depending on the speaker and the audience, the lines of argument and the evaluation of competing values remain in flux. With these frames and topoi in mind, I analyze the arguments in the Bitterroot/Lolo Peak Controversy through the research questions:

RQ1: What public arguments and appeals are used by the USFS, the BRT, and FLP publicly in the controversy?

RQ2: What assumptions about the natural world and the public good underlie these arguments?

RQ3: What are the relative strengths and weaknesses of these arguments in the immediate context of the proposal and for future deliberation about public land use?



## METHODS

In this project I engage in a form of rhetorical analysis known as argument evaluation (Endres, 2005). This method allows an exploration of contested public discourses through a framework of public argument. The analysis of discourse focuses on the language of each side of the controversy and elucidates the way that frames and societal constructs appear in the deliberations. In argument evaluation, the critic is tasked with rendering judgements about arguments. Not in terms of where they personally agree or which arguments prevailed, but a rhetoric-based assessment of the arguments themselves. This approach allows speculation about why a particular argument had a particular effect. As a method, evaluation allows the researcher to approach a particular situation by first identifying the arguments present, then analyzing those arguments using standards of evaluation, and finally using the discourses to sense-make about the world and provide insights into rhetorical theory (Black, 1980; Leff, 1980).

A high-profile public controversy like this one provides any number of texts from which to decipher the specific discourses present. To explore the specific arguments used during the deliberations, this project utilizes artifacts from four main sources: the USFS, the BRT, FLP, and local newspapers. As a result of Maclay's lawsuit against the local management offices, the Lolo and Bitterroot National Forest catalogued more than 1000 documents related to their decision. I gained access to these files under a Freedom of Information Act request. Many of the documents are emails between involved parties, handwritten notes documenting meetings between parties, maps of the area, and local media articles on the controversy. While much of this material provides background for understanding the controversy, my analysis will focus on twelve documents that relate directly to the public deliberations about the proposal (Appendix 1).

I used two criteria to narrow down the file of documents to these texts. First, I limited the documents to the period between mid-2003 and 2008, which was the primary period of activity among Maclay and his supporters. This also represents the period when Maclay had publicly moved forward with his concept and overlaps with the period of the forest management plan revision. Although Maclay did make one last push after 2008, the important rhetorical moment occurred prior to that. Second, I identified external communications, reports, formal proposals/denials, press releases and newsletters during this period. These documents were publicly available and designed to communicate messages widely, rather than internally. In addition, I eliminated documents that were insufficiently substantial in size or duplicative of the arguments found in the more summative documents I selected. This period and these types of communication present the best opportunity to observe the arguments aimed at influencing public opinion and the USFS about the desirability of a ski resort and, for the USFS documents, justifying the agency's decisions. Two of the documents, Document 521 (2007) and Document 522 (2007), are a summary of arguments presented in public comment to the USFS. One is from the USFS, and the other is from the Sierra Club. Even though these documents are not the direct words of the parties involved in the conflict, they do represent a good summary, including snippets and quotations, of arguments made by proponents and opponents more broadly as accounts of the arguments. These two documents, along with the media coverage of the dispute, serve as points of comparison between the arguments of the three rhetors and the public comments. They also help with triangulation of arguments identified in the documents.

The rhetorical analysis begins by identifying the arguments found in the core texts. Once immersed in the artifacts, I catalogue the arguments, make observations about the presence of both expected and unexpected phenomenon in comparison to the existing research on land

management discourse, and identify types of reasoning and assumptions present within the arguments. Throughout the process of selecting artifacts, familiarizing myself with this controversy, preparing a literature review, analyzing the artifacts, and looking back to additional scholarly works for help in interpreting phenomenon, I established depth and familiarity about this case study. This knowledge and thorough review of materials allowed me to provide readers a sort of thick description of the texts in my mapping (Geertz, 1973). Consistent with argument analysis, I also engaged with numerous theoretical perspectives that became my tool bag and helped to inform my interpretations of what I unearthed (Rowland, 1985; Schiappa, 1995).

My role as researcher is to provide an informed and thoughtful analysis of the discourses present within the controversy via the texts. Furthermore, it is my task to evaluate the arguments presented from my perspective as critic. Schiappa explains that argument evaluation requires “rendering explicit judgment that an argument is valid or invalid, sound or unsound, good or bad, strong or weak, ethical or unethical” (1995, p. ix). However, the job of the critic of argument is not to establish a generalizable claim or rules that explain discourse in all deliberations. Rather than “creating a universal set of standards for argumentation, the argument critic evaluates arguments to comprehend a particular problem, the argument strategies employed by participants in the case, and offer judgment about the use of arguments in this particular case” (Endres, 2005, p. 45). This analysis can then potentially aid in understanding discourse within another controversy, or aid in constructing arguments in future deliberations.

While it would be impossible to lay bare all the argumentation theory that I utilize as a rhetorical critic of argument, I will identify a few specific concepts that I operate under in this argument analysis. First, the Toulmin model of argumentation (2003) is the most accessible vehicle through which to assess whether a claim is well supported by the necessary

grounds/proof and underlying warrants/assumptions to draw a sound conclusion. Second, well-constructed arguments combine consistency, plausibility, and strong evidence with sound reasoning (Rowland, 1985). Third, rhetorical campaigns are more effective when they invoke frames that are supported by topoi which are conventional, generative, and strategic (Ivie, 1980). Following these assumptions, I proceed to provide rhetorical insights into the way the arguments of these three competing rhetorical campaigns functioned to support frames aligned with desired outcomes through argument mapping. I then move on to two theoretical reflections that may present new pathways for the future study of environmental rhetoric.

## **ARGUMENT MAPPING**

The dialogue within this controversy took an indirect back-and-forth exchange as events unfolded. Following the meetings and discussions held between Maclay and the USFS, the BRT attempted to present their argument to the public in the early stages. Once the USFS rejected the initial proposal, the BRT continued to fight both publicly and privately for their proposal. All the while FLP publicly presented their concerns about the resort and mounted an opposition to any revision to the Forest Management Plans that would open the door to development, or risk outside interference from Forest Supervisors or Congress. The exchange continued over the course of the four-plus years of the active controversy. While the resort failed to gain approval from the USFS, indicating that the proponents were unsuccessful in altering the position of local forest managers, it is also worth noting that the resort failed to gain widespread support from the community. Here I outline the arguments of the agency, proponents, and the opponents in that order.

### **USFS: The Request Is Not Compatible**

The USFS argument leans heavily upon the codified policies and regulations that guide their review. They summarize the overall concerns of the agency

Briefly, the first steps involve two levels of screening criteria to evaluate such things as whether: The proposal is consistent with laws and regulations; The project would create a serious risk to public health or safety; It is consistent with, or can be made consistent with standards and guidelines in applicable Forest Plans; The proposed use is in the public interest; The use of National Forest System Land is necessary. (USFS Document 423, 2005, p. 2)

In reviewing specific documents, I observe three sets of arguments. First, they invoke the sacred nature of protected ecological areas (roadless, primitive, research, and Wilderness) in numerous ways. Second, they focus heavily on the question of public interest. Finally, they often point to other criteria for approval that seem unrelated to either of these frames.

The designation of portions of the national forests as highly protected creates a taken-for-granted assumption of the inappropriateness of commercial development and the ski resort proposals within the USFS arguments. The documents themselves do not go into detail or provide much in the way of justifying the categorizations and definitions. In a letter rejecting the initial BRT proposal the USFS simply stated, “The request is not compatible with the Bitterroot or Lolo National Forest Plans” (as quoted in Burk, 2006, p. 8). A USFS press release states with more specificity

Because a ski resort is considered “Developed Recreation” and much of the current Forest Plan Management Areas around the proposed downhill ski area do not allow “developed recreation facilities” their proposal is not consistent with our Forest Plans and thus does not pass the Initial Screening criteria. (USFS Document 423, 2005, p. 1)

While the guidelines for managing these areas are codified, the land managers also lean upon conceptions of protected areas as sublime, dating back to early preservation rhetoric that gave birth to modern environmentalism (Oravec, 1981). USFS Document 355 (2004) explains the purpose of area designations

The visual quality objective for MA5 is Retention. A downhill ski area would not be compatible with the semi-primitive setting and would be unlikely to meet Retention. Retention means that human activities are not evident to the casual Forest visitor... Research Natural Areas may only be used for research, study, observation, monitoring,

and those educational activities that maintain unmodified conditions. The purpose of designating Carlton Ridge as a Research Natural Area is to maintain an undisturbed ecosystem for future observation and study. (p. 1)

The outward communications about rejection do not explicitly make an appeal to technical evidence or scientific expertise, though these decisions are being informed by wildlife biologists and other scientific experts and refer to the eventual need for further confirmation under an EIS if the proposal becomes an application. One document evaluating a modified proposal simply states, “VQO is an important criteria, this proposal does not meet VQO... Visuals would be further evaluated during NEPA if proposal passes through screening criteria” (USFS Document 510, 2006, p. 3). Throughout other documents, there are references to concerns about impacts to the Selway-Bitterroot Wilderness and discussion of multiple species currently under study in the Carlton Ridge Research Natural Area (e.g., Elk, Lynx, Cutthroat Trout, and Grizzly Bear). One document from a USFS researcher provides some expert testimony about species impacts. One would expect more of these kinds of studies and evidence provided when necessary. Despite the ecological soundness frame, there is acknowledgement of allowance for limited recreational activities in these areas under existing policies.

A second main set of arguments used by the USFS invokes the public interest. The question of need for the proposal and potential duplication of services is repeated often. They indicate one reason for rejection, “The spring, summer, and fall activities listed are all currently offered and provided for on the forest,” but continue to suggest that the Heli Skiing portion of the proposal may provide novel services: “I am not aware of any such services in the area. The impacts of this type of ski activity could be light considering where and how they would be conducted” (USFS Document 315, 2003, p. 1). Arguments also take concern over how this

development would affect existing recreational users. “The area is currently a destination for back-country skiing. This back country experience could be threatened by the establishment of the heli-skiing operation basically operating out of the same starting points” (USFS Document 315, 2003, p. 1). Public access and the need to avoid an exclusive private use arise several times. USFS Document 510 (2006) questioned, “Is this truly a proposal that the general public will be allowed to participate in? The ability for the public to access these routes without Bitterroot Resort equipment is no longer possible” (p. 1). Another public interest concern is safety. The USFS explains

Current motorized closures in the area are based on safety reasons. It would seem that these same reasons would apply regardless of who is offering the activities. I could not support privately or professionally any proposed activities in this area until the current situation that excludes public access from the area is addressed. (USFS Document 315, 2003, p. 2)

Liability and the harm to humans from motorized use in an area with unstable soils is mentioned often. One statement in USFS Document 510 (2006) is unclear as to whether the primary concern is safety or other potential effects of soil erosion, “Soil concerns for future expansion and this proposal. There is proven history of unstable soils in the area; need clarification as to how this proposal addresses this issue and protects the public from soil failure” (p. 4). The arguments centered on need, access, and safety support the role of the public interest frame within the discussion. It also serves to reinforce universal good topoi.

Finally, the majority of USFS arguments center on the set of criteria used for evaluation. It is logical that they would do so as an administrative agency. However, their discussion of these criteria is often divorced from any clear topoi. These concerns include technical feasibility of



skiers getting out of remote valleys where ski runs dead end, low snowpack at low elevations, whether demand will sustain economic feasibility, ongoing and historical legal issues between the USFS and Maclay, and potential liability issues. These technical and economic feasibility arguments take center stage in much of the USFS discussions. They present, using scientifically gathered data, that the snowfall in the area would not be sufficient for maintaining the resort. This concern then leads to two separate additional concerns, ecological impact of snowmaking and grooming and the financial viability of a resort with insufficient snowpack. There is a general and pervasive message from the USFS that the lack of details and uncertainty do not address these issues well. “How will...”, “please clarify...”, and general uncertainty appear frequently in both internal and external documents.

### **BRT: Appropriate Recreational Utilization of Public Lands**

In reviewing the advocacy documents submitted by the BRT a clear pro-tourism frame emerges. The proposals articulate the importance of offering a national public the chance to come and experience Montana and public lands. The argument for tourism tells the narrative that a resort is simultaneously good for the economy and those who recreate there. These frames can be pieced together from the arguments of the BRT, but one sentence from their 2006 comment on the forest plan revisions states it concisely, “Bitterroot Resort respectfully requests that the Forest Service should identify promoting tourism and developed recreation as desired conditions of the Lolo and Bitterroot Forest Plans” (USFS Document 494, 2006, p. 25). One press release from the BRT, which reads like a business proposal, quotes Maclay

I believe our community is beginning to more fully appreciate the great potential of this site as well as the economic development opportunities that come with having

appropriately planned, ecologically sustainable recreation and tourism amenities in one of the most outstanding natural settings in the U.S. (USFS Document 431, 2005, p. 1)

Economics and recreation are frequently centered in the arguments of the BRT and are both tied directly to tourism.

The tourism frame is strongly supported by the presence of Bitterroot in the naming of the resort. The Bitterroot, while a physical place, is also a symbol that invokes the concept of development and growth endemic to the Bitterroot Valley since the 1980s when the area began to transition from ranching and farming to playground for retirees, tech executives, and Hollywood elites. The BRT argues repeatedly that the resort is both good for the local economy and that the purpose of public lands is to share them with the citizens of the nation through multiple environmentally compatible recreational uses. Unpacking these two topoi, recreation and development, helps to elaborate how the underlying assumptions and rationale behind the advocacy function. In a 2006 comment on the proposed Forest Plans, the BRT emphasizes these two frames. “Recreation on public lands is in the public interest and is part of the Forest Service’s multiple use mission” (USFS Document 494, p. 2). These two arguments would be repeated throughout the BRT advocacy. The 2007 Sierra Club public comment report compliments the mapping of these two topoi in this analysis of documents (USFS Document 521). It summarizes, “Of those in favor of the resort, 58% cited increased recreational opportunity, with emphasis on a local alternative with shorter drives; 26% cited the opportunity for economic growth and job creation; 16% did not provide a reason” (p.8).

Not surprisingly, the development topoi dominate the tourism frame. It is an argument meant to establish compelling public interest. The BRT argues that Montana is uniquely situated to gain economically from an eco-friendly tourism industry. They explain

We've stressed that the economic development potential of a destination resort makes it our responsibility as a community to request and expect that a place can be reserved in the forest plans so that outstanding sports and recreation resources can help our community in the future. (USFS Document 431, 2005, p. 3)

The BRT makes several individual claims to substantiate the economic benefits of the proposal. First, they establish that the local economy needs new economic opportunities. Then they quote the Forest Plan in noting that the region's economy has shifted away from timber sales and toward tourism as a main source of income (USFS Document 494, 2006). The BRT reinforces the role of tourism in the local economy in their comment on the Forest Plan revisions. Here they state.

The tourism industry is important to the local economy. It is responsible for generating on the order of \$2.6 billion in total industry output from non-resident sources alone; 37,000 jobs and more than \$739 million in personal income from out-of-state recreation and tourism; and \$135 million in taxes attributable to non-resident traveler spending. (USFS Document 494, 2006, p. 19)

They continue on to argue that the housing development on private land will be ecologically sustainable and compliant with area growth policies. The argument that tourism fuels economic development and growth is not a complex one.

However, the question of who realizes those benefits is more complicated. Potentially in response to claims that the kinds of jobs offered will be seasonal and low paying, the BRT argues that jobs created by the resort would be above minimum wage and offer numerous benefits. They tack on the benefit of reduced cost lift tickets to aid residents in taking advantage of the resort. They argue that effects upon property values and infrastructure would benefit residents and

prime the area for an economic boom. The proponents do occasionally present some projections of overall economic impact in these documents. One example claims

Bitterroot Resort has projected an economic development infusion of more than \$1 billion during the build-out phase of a resort with approximately 2,200 homes and hotel rooms designed and developed by resort industry leaders. (USFS Document 431, 2005, p. 2)

The development topoi are so dominant that they necessitate very little of the argumentative gymnastics observed in the other arguments of the resort. The BRT appears to take for granted that the economic benefits will satisfy the USFS requirements for public interest analysis and compel the community to support the proposal. They, however, find themselves amid a battle with FLP over these claims.

The second piece to the tourism frame is the belief that public lands are primarily for public recreational use. The BRT cites multiple pieces of Congressional legislation and USFS policy to support their argument. The 1960 Multiple-Use Sustained-Yield Act, the National Forest Management Act, the Federal Land Policy and Management Act, the National Forest Ski Area Permit act of 1986, and the 40-year partnership between the USFS and the National Ski Area Association are all invoked. In grounding the multiple use topoi, the BRT attempts to place skiing within the realm of acceptable and appropriate use under the multiple use doctrine of public lands vis-à-vis USFS management principles. First, the BRT argues that the philosophical principles behind federal protection of land is to provide for the highest use possible, both economic and recreational. At odds with the preservationist principles of wildness, this topoi views nature as a manageable resource with economic, physical, and psychological benefits. The BRT Forest Plan proposal touts that developed recreation ranks high in the ‘land of many uses’

(USFS Document 494, 2006). Arguments of multiple use inextricably intertwine outdoor recreation and public lands.

The importance of providing recreational opportunities on public land belies the argument that Montana has something unique to offer others that should not be kept exclusively by Montanans. The non-economic benefits of lots of people visiting Montana is premised on showing off the greatness of the place you live and then sending visitors home so residents can still enjoy what they have without it being ruined. This serves to connect local benefits with the local values of sharing and kindness. The proposal invokes concepts of the pristine qualities of wild spaces and the sublime response visitors experience. Wildlife, sweeping Bitterroot Valley views, solitude, and nature are all benefits to a hiker who visits the resort in proposal documents. The BRT argues that the lifts to the peak will provide access to the vast amount of pristine non-motorized-use wilderness areas that lie beyond the peak (USFS Document 494, 2006). These comments echo the preservationist sentiments of Muir's writing and the benefits of relative solitude.

However, the multi-use argument is premised on the view of nature as a commodity. According to the BRT, the resort will create "a national destination that showcases western Montana's natural beauty and endless capacity for adventure" (USFS Document 431, p. 3). While the separate economic benefits of the resort are outlined in the development topoi, this conception of nature as resource is more about the way the resort facilitates how people can, and should, use the area to their benefit. The discussion of skiing and other recreational activities assumes that human utility is a primary goal of public lands. Pinchot (1910) argued that conservation stands for development, the elimination of 'waste', and the greatest good for the greatest numbers for the longest time. Importantly, the BRT argues that the area needs the

specific skiing offered by Lolo Peak (both Nordic and Alpine). They even go so far as to promote the anti-obesity and physical health benefits of outdoor recreation offered by the resort (USFS Document 494, 2006). This argument that the resort fills a need of the local community combined with the argument that the forest itself needs skiing is centered prominently in the tourism frame.

The BRT's argument that the enjoyment and recreation by the public is a primary purpose for public lands is qualified by the requirement that those uses do not unreasonably damage the ecology. Reinforcing the relevance of ecological soundness, the BRT argues that skiing is the most benign way of allowing thousands of people per day to use the area and enjoy the Montana wild. They then proceed to try and position skiing in alignment with protection. In doing so, the BRT challenges the local USFS's conception of protection and multiple use, makes assertions about the resort's environmental stewardship, and reinforces the idea that the proposal is a minor issue. The BRT rotates between two different arguments whenever the issue of sustainability arises. First, they say that skiing is not harmful to ecology or that concerns can be addressed through community review to mitigate negative effects once the proposal is granted application status. Second, they argue that the amount of land proposed is minimal, perfect for skiing, and supported by prior USFS documents. Each of these arguments deserves some discussion.

The BRT frequently says that outdoor recreation is good for ecology. They say that the ski area would provide a "buffer zone" for the Bitterroot-Selway Wilderness, but they never explain what it is buffering the area from. They even go so far as to claim that the SUP is the best way to ensure the area will remain protected. They posit

At the same time, we should recognize the stewardship ethics demonstrated by all generations of the Maclay family, and the integrity of the surrounding grassland, transition, and alpine environments in this unique location. Appropriate ecologically sustainable community planning will secure the long-term viability of this area for future generations of Montanans. (USFS Document 431, 2005, p. 3)

Of course, this statement ignores the reality that Maclay has a questionable history with the USFS and at the time that this statement was submitted to the USFS, Maclay was under investigation for widening the Carlton Lake Access Trail. He would eventually pay a hefty fine for illegal logging on USFS land. At other times, the BRT says that the proposed use is benign at worst. Within the proposal, the BRT challenges specific accusations about water quality impact, erosion, and disruption of wildlife habitat with assertions to the contrary. They encourage the USFS to push the proposal forward to the application stage and say they hope the environmental issues can be addressed (McDonald, 2005a). In one document BRT states, “Bitterroot Resort is confident that the proposed ski area and wildlife can co-exist” (USFS Document 431, 2005, p. 2). They then explain that they are working with the Rocky Mountain Elk Foundation to accomplish that goal, implying that habitat concerns need to be navigated.

Moving away from denial of the ecological impact, the BRT tries to rationalize the use in other ways. Arguing that the proposal does not violate USFS management principles, the BRT continually makes a claim that the total amount of land they are requesting is minimal in comparison to the overall size of the two forests. They explain:

Bitterroot Resort proposes that less than 4/10ths of 1% of the public land on the Bitterroot and Lolo National Forests to be designated as suitable for a diverse year-round recreational experience. This small amount of public lands would give the Forest Service

the flexibility to meet the growing demand for reliable, high quality winter recreation under conditions that protect the environment and help provide economically sustainable uses of national forest lands. (USFS Document 457, 2005, p. 1)

The exact percentage varies with each invocation of this logic and as the proposals move the boundaries of the ski area. This claim is rooted in three independent premises. First, they argue that the particular area is “ideal” for skiing. Second, the BRT forces the fact that the resort concept has been supported by previous administrations and documents. Finally, they argue that the overall health of both National Forests and the Bitterroot-Selway Wilderness area do not rely upon the protection of this particular land. As one person noted in the public comment, this is like using the rationale that tearing down the Empire State Building is acceptable because it is a very small part of New York (USFS Document 522, 2007). The resort also supports the addition of new lands, not in the proposed use area, to the adjacent Wilderness area. Once again, the implication is that if some new areas are set aside for further protection, then the use, and potential damage, of the proposed area is acceptable. This attempt at creating a line of argument ignores the topoi of ecological managerialism and place-based rationale that are inherent in the current land management debates.

As the BRT’s ecological soundness arguments erode, they turn to a distinct criticism of the local forest service managers for betraying the multi-use doctrine in biased rejection of what they frame as a perfectly acceptable and sustainable use of the land. They implore, “We ask that the expanded recreational and economic development opportunities for western Montana be more fully considered” (USFS Document 431, 2005, p. 2). The implication that the USFS did not fully consider the proposal points to what would become a main argument of the BRT in later



communication. In this same press release, the BRT responded to USFS rejection (USFS Document 315, 2003) with the following unwarranted claim. They state

The proposal is consistent with the land-use designations in the existing forest plan and requires no change in use of the Research Natural Area located outside the proposed ski area. The resort team will offer supporting mapping and documentation of the concept plan in the coming months. Bitterroot Resort looks forward to the Forest Service conducting a public environmental review process for the proposal. (USFS Document 431, 2005, p. 2)

This statement is bold given the itemized list of specific units and areas that are not compatible with the proposed use outlined in the USFS rejections. Despite their claim that increased use, ski runs, infrastructure, and snow groomers are sustainable use, the BRT does not make a particularly clear refutation to the claim that they pose a threat to the local protection goals and special land designations in the proposed use area. Additionally, the arguments for the science behind snowmaking and grooming does not seem to interact with concerns about erosion and habitat/migration disruption cited in the USFS reports. Overall, the BRT does not provide good evidence to support the ecological soundness of their proposal. Nor does their argument interact with FLP claims that it will destroy the backcountry experience.

Overall, given that USFS approval is required, BRT arguments lack the needed adaptation to USFS counterclaims and procedures. Additionally, the BRT ecological impact claims in support of a multi-use mission are inconsistent, internally contradictory, poorly supported, and sometimes grossly misalign with USFS rationale.

**FLP: Leave It the Way It Is**

Finally, turning to the FLP, I observe an approach that blends arguments for Ecological Soundness and Public Interest frames. The arguments utilize numerous topoi including the anti-corporate, Protection of Wilderness, and xenophobia prominently within their discourse. FLP summarize their concerns as “reduced/eliminated recreational opportunities, local water supply, lifestyle and economic impacts, National Forest impacts, ecological impacts” (USFS Document 402, 2005, p. 1). The FLP leverages three main lines of advocacy. First, they directly challenge the economic benefits of the resort to the community at-large and frame it as a benefit for the few. Second, they argue the resort will have negative social and cultural impacts. Third, they invoke arguments about ecology and backcountry designation. Again, looking to the 2007 Sierra Club report as a way of determining if the mapping aligns, the data suggests this analysis is congruent. They summarize

Of those opposed to the resort, 43% cited wilderness, roadless and primitive values and many advocated for expansion of the Carlton Ridge Research Natural Area; 20% cited negative economic effects and impacts to quality of life; 14% emphasized scenic values; 11% voiced strong opposition to private use of public lands; 12% provided no specific reason. (USFS Document 521, 2007, p. 7)

While this data is dependent upon the themes derived by the commissioned researchers, it does support that the same arguments being made by FLP appear in broader public comment. My mapping is congruent with these findings; however, by employing argument analysis, I uncover more nuanced insight into the way these reasons to oppose function to support different topoi.

To begin, FLP engages in a direct argument that commercial ski resorts are economically detrimental. There are concerns that the resort could affect roads, schools, sewers, and fire and medical services. Lowery (2005a) notes that FLP is concerned with increased property values,

taxes, traffic, and cost of living. An FAQ page on the FLP website includes 11 questions answered by Dr. Steve Seninnger, an economics professor at the University of Montana and member of FLP. These answers are a comprehensive discussion of why public lands and Wilderness, themselves, provide numerous economic benefits and an indictment of the proclaimed jobs, real estate, and tax benefits from the resort, complete with a list of sources. The economic arguments introduce an implicit rejection of how real estate developers and outsiders will impact the area. “‘Second’ homes for out-of-state, wealthy individuals are extremely expensive...This subsequent rise in property values and housing costs make it impossible for workers to live within a reasonable distance of their place of work” (FLP, 2022, *Impacts/Economics3*, para 3). It is difficult to argue that the resort would not create jobs. However, FLP argues that most of those jobs would be seasonal and low wage, while management would be imported. Also, they point out that the initial construction of homes and resort facilities are a temporary and minimal boost to the local economy (Lowery, 2005a). FLP claims this would benefit a small number of people while the public would bear the cost of increased property taxes and a difficult housing market when they wanted to sell.

But the economic argument goes beyond simply depicting the local economic effects as negative. It presents anti-corporatism topoi. The FLP loudly proclaims on their website in January 2004

The Colorado-ization of Montana? With the Bitterroot Resort, the corporate ski industry has found its next Vail...without the snow... The proposed resort mirrors massive real estate ventures currently found throughout Colorado and California. These corporate projects have little to do with skiing and A LOT to do with exclusive real estate

development at the expense of local communities and the environment. (USFS Document 402, 2005, p. 1)

Another document says, “They need to hear, loudly and clearly, that Lolo Peak is not for sale!” (USFS Document 452, 2005, p. 1). FLP conflates the use of the area for private economic endeavor with possession/ownership. They argue

No signs are necessary for the area to be declared property of the Bitterroot Resort. The presence of groomed trails and snowcats transporting customers would be de facto possession. Yes, this proposal would, in practical effect, result in the mountain becoming exclusively the Bitterroot Resort's. (USFS Document 585, 2008, p. 2)

These depictions of corporate theft join with arguments of the negative economic effects function to challenge the BRT claim that development is economically beneficial. These arguments are of note because they represent a strategic refusal to concede the “jobs” argument that plagues environmental advocates.

The second FLP focus is on the impact of the resort on the local community both socially and culturally. These arguments re-center the costs and benefits of the project on the local public, rather than a national one centered in the Tourism frame of the BRT. These depictions of the Missoula area assert that it is a wonderland place, unspoiled by outside influences and modernity, whose aesthetic and way of life are at risk if a resort brings its traffic, lower quality of life, and tourists to the area. FLP ties Lolo Peak to values of simplicity and stewardship. Missoula is described as a small mountain town with a high quality of life, slow paced living, and friendliness. Lolo, then, stands above the town as a reminder of the agrarian way of life and the many backcountry recreational opportunities that await outside the hustle and bustle of work. According to Jerry Covault, a retired USFS employee who was one of the figures who pushed

the area as a ski resort in the mid 1980s before changing his opinion, “Lolo Peak is an icon for the city. You sit at Malfunction Junction, wait for a couple of rotations and you raise your eyes, see Lolo and say, 'OK, this is not so bad'” (as quoted in McDonald, 2005a, para. 5). They assert that life in the region is inextricably tied to the land. With these narratives the identities of Montanans and backcountry recreationists are reinforced to emphasize what the resort could destroy with its traffic, increased cost of living, road construction projects, overwhelmed infrastructure, rude tourists, and disruptive masses.

Seemingly missing from the Lolo Peak land ethic discussion, however, is the local Indigenous Community, which is a voice that environmental justice advocates would be quick to point out (Endres, 2005; Sandler & Pezzullo, 2007; Boggs, 2017; Pezzullo & Cox, 2022). The City of Missoula recognizes, on its website that they are located “in the aboriginal territories of the Salish, Kootenai, and Kalispel people” (City of Missoula, 2022, para 1). Early disputes over the Lolo and Bitterroot National Forests frequently referenced the significance of the area due to its adjacent position to Traveler’s Rest (Welsh, 1990). The Lewis and Clark expedition famously camped here during a particularly arduous portion of their journey. They wrote about the splendor of Lolo Peak in a way that constitutively created the regional narrative of, not just Lolo Peak, but all the natural areas in the state (Welsh, 1990). Lolo Pass was an incredibly important part of trade routes, the exchange of culture, and of the lives of Bitterroot peoples for thousands of years. The discourse around this controversy remains relatively silent on this human-centered, historical, and cultural issues despite its overall shift away from ecocentrism. While identification with Lewis and Clark and appeals to the sacred nature of Indigenous spaces may have once been compelling topoi and intricately tied to the identity of Montanans, it slips to the periphery in this controversy. The lack of prominence of these arguments seems to place the

impacts on the Indigenous populations out of the realm of relevance. Within this deliberation, the importance of Indigenous communities remains an external interest, despite its significance in past discussions.

Finally, FLP presents the negative ecological effects of the development with concern for the wildlife that lives in the area and overall ecological soundness. A quick look at the FLP website suggests some of the potential ecological harm that could result from the ski resort. The area is home to many plants and game and non-game animal species that exist there with relative ease. The area is home to one of the largest elk (*cervus canadensis*) herds in the entire valley. It is also home to such endangered and threatened species as wolves (*canis lupus*), grizzly bears (*ursus arctos horribilis*), lynx (*felis lynx*), and bull trout (*salvelinus confluentas*) and cutthroat trout (*oncorhynchus clarki*). The presence of ski lifts, fences, roads, increased numbers of people and dogs, a subdivision and golf course below the forest, and snow making machines could negatively impact the wildlife and push them away from an area they have found to be a sustaining place. Ski runs travel directly through a major research area created in 1987, an area that is managed like Wilderness and that is used to inform management policies in Wilderness Areas. Threatened plant species are currently being studied in the Research Natural Area established around Carlton Ridge. A unique mix of alpine and western larch species provides one of the only remaining areas to study the presence of a potential keystone species. Furthermore, the extended snowpack into spring on the lower sections of the mountain could potentially kill off the native early spring annuals that grow after the first thaw. The loss of this plant life could result in spiraling impacts upon other living things that rely upon these plants for survival after a rough winter. The increased snowpack and late spring thaw combined with vertical logging and reduction of ground annuals could also result in massive slope failure or erosion in an area

already managed as unsafe. The area is registered on the water quality impaired list because of previous landslides. The effect of water resource issues is also tied to economic impacts from damage to agriculture. These arguments are very matter of fact. They also take a less prominent role in communications and are often summarized into less detailed statements.

Within their discussion of the ecological impacts, they also invoke a complicated perspective on the relationship between backcountry recreationists and nature. This perspective, traceable to early preservation advocates like Bob Marshall and Muir, is rooted in a state of exception argument. While it assumes that human interaction spoils the pristine ecology of Wilderness, it simultaneously argues that a select group of rugged enthusiasts who reach the backcountry by their own means, are capable of the experience without spoiling it due to their ecological sensitivity and awareness. It also argues against the use of wild places by others because of their likelihood to harm ecology and to ruin the experience of this select group. Despite its frequent use by backcountry recreationists, there is a potential inconsistency in this argument that threatens its logical validity when put to test.

Overwhelmingly, the group attempts to send the message that the benefits of the resort are not to the advantage of the public. Overall, FLP's economic arguments move toward the monetary calculus of the public interest frame, but they introduce other negative externalities in the overall economic picture. The social and cultural impacts present an existential threat to the local population from resort developments. And the ecological concerns, themselves, are presented as a significant but tertiary concern with little emphasis and extrapolation.

Overall, the arguments from each of the three groups provide insight into the way each group frames the potential development of Lolo Peak. The USFS use of ecological fragility and place-based appropriateness topoi undergird their reliance upon the regulatory process and

existing codified policies, while not entirely rejecting the potential for other topoi that might still work within these frames. The BRT topoi center on the importance of recreation and development opportunities for the local community. In doing so, they jump headlong into the public interest frame, yet fail to accommodate the arguments of rejection from the USFS and FLP. Finally, the FLP topoi act to simultaneously support and challenge multiple frames, including ecological soundness and public interest. FLP invoke topoi which reify the arguments of the USFS and challenge the narrative of the BRT with the public.



## **RHETORICAL INSIGHTS**

After mapping the arguments in this controversy, I draw out two observations on the form of the arguments and how the arguments functioned. First, I observe a shift toward land ethics that center humans in the assignment of value to public land. Second, I argue that a strategic selection of topoi that invite multiple frames allows for more strategic advocacy. In both cases, I advance the argument that a pragmatic form of environmental advocacy has more utility than a principled one. These rhetorical insights are the practical implications of this research. They are meant to provide better understanding of discourse within public land deliberations and provide guidance to future advocates.

### **Anthropocentric Land Ethic**

In rhetorically analyzing controversies over environmental policy, scholars frequently attempt to solve the puzzle of why environmental protection discourse typically fails to gain administrative or public support. Bruner and Oelschlaeger (1994) present that anti-environmentalism has been able to co-opt attempts at true reform, mislabel the movement as a human-nature conflict, and divide environmentalists. Importantly, they posit that in the ecology debate “whoever defines the terms of the public debate determines its outcomes” (p. 391). The common criticism leveraged against ecological advocacy is that it holds too tightly to the principled stance that environmental harm is simply unethical. By avoiding the human interests, this stance is tone deaf to the process of environmental decision making and dominant societal topoi. As a result, both environmentalist and scientific frames typically do not persuade the public (Killingsworth & Palmer, 1992). The frame of ecological soundness, then is generally judged as rhetorically inferior and unable to generate widespread democratic support for environmentalism. While FLP could have made the choice to engage solely in the traditional

ecological soundness argument, instead they chose to recenter the direct and indirect negative social/cultural implications of the proposal.

Recognizing that frames exist in the world is a big step toward crafting strategic public advocacy messaging. As a first step, advocates can select frames that work to challenge the existing parameters that constrain the arguments in environmental controversies. For example, FLP does not accept the very idea that commercial outdoor recreational development is desirable for the economy or for the broader public good. As a result, they can rely upon more than ecological arguments to convince the USFS and the public. Additionally, they can select topics that resonate well with local identities and engage with local land ethics. FLP provides an empirical example of engagement within the established terms of the debate.

Further, the arguments present in this deliberation provide an opportunity to consider the way that each side approaches the question of land ethics. Land ethics are ethical frameworks through which one views the value of nature, but also how humans can ethically interact with it through use and/or management. Much attention has been given to the influences of Muir (1910) and Leopold (1925) in creating land ethics used by land management agencies. Even as Muir argued for preservationism, he still believed that nature was a resource and playground for the few. Leopold argued that humans should better listen to the land so that they might effectively manage it. And in these land ethics, there are blueprints for the management of national forests that are studied by natural resource management professionals and environmental advocates. For instance, within the various United States management agencies there are noticeably different land ethic orientations found between foresters and natural resource scientists (Brown & Harris, 1998). Rademaekers and Johnson-Sheehan (2014) argue that environmental scientists would be well served to move toward a Leopoldian land ethic because it activates a set of nature-centered

values for the audience while promoting the role of science informed human action to solve problems. For example, they argue that energy/climate policy debates should not be framed around the importance of polar bear habitat to humans but instead be centered on the ethics of their destruction and the rights of nature to exist. Brown and Harris (1998) demonstrate that foresters take a far more “utilitarian” approach. With the decline of timber harvesting, employee numbers in the USFS have shifted toward natural resource scientists and a more scientific preservation perspective. Jerry Covault noted the way that USFS reviews have shifted over the years to consider new human-centered impacts. He is attributed with saying, “The balancing act is infinitely more complex. Now, public land managers must consider the psychology of those who will be affected by the development and the environmental impacts brought about by the change” (as quoted in McDonald, 2005a, para. 16). In addition to appealing to the USFS land ethics, the Montana and Backcountry land ethics are being invoked by FLP and BRT to emphasize an anthropocentric approach to environmental protection and ecological soundness.

The arguments of FLP mobilize public opposition by personalizing the harm of a ski resort to their audience. In doing so, they adjust the calculation of whether the negative effects of the resort proposal outweigh the positive benefits. FLP makes the rhetorical move of framing ecological damage as a harm to people who live, work, hunt, recreate, and gaze upon the area. One resident’s public comment goes so far as to say the harm to the forest is reduced solitude for recreationists, “For the Forest specifically, ...growth (the resort development) will make it increasingly difficult to provide for and maintain opportunities for outdoor recreation, particularly those requiring solitude or that take place in fragile environments” (USFS Document 522, 2007, p. 2). Even the claims of FLP that actions create permanent change are human-centered. While the “ugly scars” on the hillside below Lolo seem permanent, it is still only short-

term in a geologic sense. The FLP incorporate both qualitative and quantitative human-centered impacts in an argument which simultaneously claims there are few benefits from the proposal outside of the interests of Maclay and the corporation backing him. In side-stepping the need to convince the audience that nature has inherent value or that harming nature is unethical, they reframe the impacts of ecological damage to something the audience already values.

The BRT frames of development and recreation also attempt to prioritize the human but fail to make those benefits relevant to their audience's interests. Local audiences do not express a desire for more skiing or a compelling need for different backcountry experiences than the ones they already have. As several individuals note, the economic conditions of the region were different in the mid 2000s than they were when the proposal was conceived or when it came to the table in the late 80s. In both cases, relatively dramatic changes created drastic concerns about the local economy. In the 1970's, the nation was dealing with slow growth and a stagnant economy. The region had seen reduced profits as the supply of larger timber dwindled and new regulations reduced crop yields for the timber industry for over a decade. In the late 1980s, extractive industries were pulling back their operations and mills were closing. The economic argument was more compelling to an audience whose fears made them more willing to accept an emotive appeal and hope for salvation (Welsh, 1990). However, economic conditions change and so does the relevance of certain types of appeals. Overall, the failure of the BRT to provide compelling and relevant counterclaims regarding economic and environmental harms combined with their emphasis on externalized benefits places them in a weaker argumentative position.

As noted, public interest arguments often triumph over ecological impacts because harms to nature do not weigh as heavily with audiences as anthropocentric public interest arguments. In this case, both FLP and the BRT adapt environmental soundness topoi to support the public

interest frame. Much has been written about the anthropocentric move within environmental advocacy. The radical environmentalist argument that all living things have equal inherent value has been repeatedly rejected. It simply is not an effective argument when trying to appeal to broad public and management agencies (Deluca, 2005). And with it, goes the hope of convincing many Americans that the protection of the environment/nature is of importance based upon the inherent value of the non-human living and non-living. The parsing out of nature into public lands comes with a celebration of the way that we escape or adventure into wild, recreational spaces. It is an ingrained part of societal thinking about our national parks and forests. Deluca (2005) documents how the reformist environmental movement distanced itself from the more ideological radical environmental movement to pursue more pragmatic advocacies. The human-centered move has become more prominent in groups like the Environmental Justice Movement (EJM) (Bakari, 2019; Deluca, 2005). Being more aware of the consequences of ontological conceptions can equip advocates to better choose their strategies.

Like the EJM, FLP creates a broader appeal with its inclusion of social values and anthropocentric discussion of impacts. In arguing for a less ideological approach to advocacy, Schwarze (2007) says that new environmental coalitions have the potential for revitalizing the environmental movement by bringing new constituencies into environmental activism and “working to broaden and deepen traditional understandings of ecological impacts, particularly in terms of linking issues to larger structures of state and corporate power” (p. 158). Sometimes this results in selecting topoi that have been heavily critiqued by rhetoricians and other sects of the larger environmental movement who advocate for an ontology that preserves nature as a value. Take for example, the human-nature dichotomy or the concept of wildness itself. Numerous scholars have done the valuable service of showing that societal views (ontologies) embodied

within these disputes are problematic and ought to be challenged to preserve wildness. However, choosing arguments that challenge the ontology means these arguments are beginning from a place of disconnection with the audience, like the disconnect with locals apparent in the BRT advocacy. The Lolo Peak controversy provides evidence that, at least in the short term, shallow anthropocentric land ethics are more effective at appealing to local identities. Thereby, they are preferable to the traditional, principled arguments for ecological soundness within public lands deliberations.

### **Varied, Flexible, Conditional Frames**

Regardless of the topic of advocacy, arguments do not exist in a vacuum and neither do frames. Traditional frames analysis can result in the creation of a dichotomy to describe the competing frames of the controversy. Killingsworth and Palmer (1992) argue that an oversimplified dichotomy exists in environmental discourse with environmentalists on one side and developers on the other. Lange's (1993) observation that competing public campaigns engage in a frame/reframe back and forth supports the idea that discourse functions in this way. The idea that we should never repeat the language of our opponent because it plays into their frames (Lakoff, 2004) often results in the conclusion by rhetoricians and activists that each side needs to stay in its frame to be successful. The findings of this project dispute that approach. Schwarze (2007) points out that large segments within the mainstream Environmental Movement have been confined to a narrow political agenda focused mainly on "public land preservation and species protection that is rooted in a false dichotomy between humans and nature" while showing "a significant silence regarding issues that it [the EM] perceives as insufficiently 'environmental' in character" (p. 171). Given that many public campaigns engage in this rigid, black and white approach, then it is a predictable outcome that frame-based argument analysis would serve to

confirm its existence, whether intentional or not. This reductive approach to saying this group operated under one frame and their opponents operated under another only reinforces the selection of strategies that are narrow and myopic.

However, it is possible for a persuasive campaign to select multiple frames which they concurrently invoke. FLP arguments demonstrate the ability to adopt a nature frame and human frame. A varied set of flexible and conditional frames has several benefits. First, it is not beholden to any specific ideological convictions. Arguments are free to explore multiple perspectives and embrace less principled topoi. Second, advocacies become adaptable to different audiences. To invite stronger identification and acceptance, advocates can engage in code switching to create more strategic campaigns. Third, the creation of interwoven but independent sets of topoi allows audience members to pick and choose the narrative that is most comfortable to them. Finally, the varied, flexible, and conditional approach to frame selection does not require the rejection of opposing frames and values; it is not absolutist in its approach. It breaks the rhetor free from the chains of the jobs versus environment debate, in which you lose if you use the words of the other side.

In this conflict, I note that the FLP embraces the pragmatic questions and pushes its ideological objections to the periphery of its argumentation. At times shifting away from cognitive and logic rationalizations, FLP mixes in more emotive and “gut feeling” appeals as well. By providing the public with a doomsday narrative for the local economy, culture, and ecology, they can appeal to more people. The strategies of FLP demonstrate that arguments are not absolute and there is nuance to issues. The Preservationists argued that people adventuring out into nature with pack horses was not encroachment of humans into wild spaces. This seemingly problematic logic is resolved if you consider that different activities leave different

footprints on the space. An argument that existing use of the area means it is no longer wild and therefore new uses will not make a difference fails to understand the massive difference between some people hiking into an area and skiing down it versus thousands of people riding up a ski lift and skiing down groomed runs. Conversely, the BRT seems to cling to various rigid ideological arguments. Bill Worf, a retired USFS Regional Director summed up the principled view of Maclay and the BRT,

It looks to me that as far as Tom Maclay is concerned, it's all one way. He thinks he's doing great things for the Missoula community. He thinks the public should give its full support to the project and tell the Forest Service to give him everything he wants (as quoted in Backus, 2005b, para. 32).

The assertion that Maclay has a right to build the resort, that national forests exist for multiple-use, and that development is good for the local economy, do not directly respond to the more versatile blend of ideological, pragmatic, and affective topoi in the approach of FLP.

The rigidity of the two-frame approach of the BRT locks them into a set of seemingly contradictory arguments without a narrative that can reconcile the inconsistencies. Arguing for high-intensity recreational development while also embracing the ecological soundness frame is never reconciled by the BRT. For instance, the BRT arguments about the importance of expanded recreational opportunities in the area are internally inconsistent and undercut several other arguments from the resort. After claiming that skiing already composes 15 percent of recreational use in the area of the proposal, an argument that undercuts the claim that there is a need for the development, the BRT goes on to claim that the resort would increase access by thousands of people a day. The multiple-use topoi lock them into trying to justify the benefit of increased use, which they do using a complex set of claims,



Ski areas can actually serve to introduce more people to the beauty of the Selway Bitterroot backcountry. That's because Nordic skiers, hikers and even persons in wheelchairs could in the future be carried by ski lifts to relatively high elevations that could open views and adventures out onto an unprecedented 160 miles of backcountry located south and west of Lolo Peak. (USFS Document 457, 2005, p. 1)

In this argument is a premise that more people need to be able to view large tracks of desolate Wilderness via their use of the protected area in question. The BRT goes on to argue the benefit of the proposal, "We think that's good for the forest and good for Americans" (p. 1). There is no discussion of the impact of ski lifts on the area, or the migratory patterns of endangered species in the area. In fact, there is no discussion of why the forest is helped at all. Also, the BRT's attempts to prove sufficient demand and snowpack results in inevitable questions about why they need to use public lands to have real estate, shopping areas, a golf course, mountain biking, hiking, and lower altitude skiing. The BRT are also critical of the scientific managerial perspective of the forest service that rejects the multi-use mission of federal lands. They dismiss natural resource scientist concerns over snowpack, water use, and ecological impact. They try to ignore them, say they simply are not true without any scientific data to support the claims, or argue that they are not that significant. The BRT ends up trying to dance around multiple inconsistencies and arguments that collide with other poorly warranted claims. These arguments indicate that the BRT was trying to simultaneously fit within the USFS frame and their own without success.

Of course, adopting the multi-frame approach may carry certain risks that could derail advocacy efforts. First, it is possible to spread arguments too thin, or appear to be making a lot of random arguments. The result is arguments that are unfocused and seemingly lack an organizing

frame. Frames move individual topoi into an interwoven, cohesive narrative. Many marketing, persuasion, political communication or any number of popular science websites and books, provide the advice that one should stay on message. However, if well-constructed, over-arching frames can be made to support each other and remove the need to refute or reject the frame of the opposing side, then the message becomes larger than the individual frames being invoked.

A second concern with juggling different frames is the potential for these arguments to seemingly contradict themselves or for one frame to undercut another. For instance, if one simultaneously argues for ecological soundness and wildness, it may seem problematic to argue that the area is important for a limited group of back-country enthusiasts to use it but not others. The challenge presented by this phenomenon requires the careful navigation of a multiple frames. Within this controversy, opponents are frequently seen qualifying their arguments before making them. Covault provided an excellent soundbite which demonstrates this balance in a *Missoulian* article in 2005. He said,

I don't have a problem with people making money. There is nothing wrong with people enjoying skiing— hell, I do. And there is nothing wrong with people being employed. But ski areas do have a large environmental impact. As a forester, you think about that.  
(as quoted in McDonald, 2005a, para. 37)

So, as a forester, he can be concerned about the environmental and invoke the recreation and development frames. Another audience member could say they do not really care about skiing and nature but are afraid of not being able to afford to live in the area anymore. The FLP provides a set of frames and allows the audience to gravitate toward the frame they best identify with. In true debate form, FLP is trying to prove that the costs outweigh the benefits through every available frame.

The effective use of a multi-frame, conditional approach also involves the interweaving of topoi across different frames. The selection of topoi that simultaneously support different, competing frames allows for the implied argument that “if you do not buy that argument, here is another that might convince you,” to borrow a turn of phrase from competitive debaters. The arguments are congruent and interconnected but not dependent on one another (Zarefsky & Henderson, 1983). Each on their own may be sufficient to persuade an audience. They also serve to inoculate against potential contradictions and inconsistencies without risking a fracture within the movement or public rejection. The diversity of argument allows people to gravitate to the topoi that best fits the frame that they associate with. Overall, this approach typifies the campaign of FLP and helps to explain the strength of the advocacy.

Overall, the contrasting approaches of the frames and topoi for BRT and FLP demonstrate that a dichotomous approach such as the ones employed by BRT and traditional ecological arguments do not provide strong argumentative opportunities to the rhetors. Instead, a frame that integrates human and natural ethics into arguments that appeal to multiple frames and provide a more complex and conditional weaving of human and natural interests allow audiences to connect through their existing frames.

## THEORETICAL REFLECTIONS

Moving beyond practical recommendations, this research contributes to existing theory in two ways. First, the engagement of localist topoi should not be overlooked by environmental rhetorical scholars. These topoi, particularly in land management disputes, re-center the discussion on the interests of a particular public. They also have the potential to fit within multiple frames. The localist topoi may be the key to understanding why environmentalists sometimes “win” and problematizing the existing perspectives on the inferiority of pro-environmental discourse. Second, I argue that the discourse over the proposed ski resort centers on institutional processes of decision making to the point that it signals a frame based on procedures that precedes the general public discourse about the issues within the controversy. This *procedural frame* sets parameters around what is relevant and what is not, prescribes and prioritizes the values that ought to be in play, and controls the debate itself. The procedural frame has the potential to supplant other hegemonic discourses within land management disputes if it has not already.

### Localism Frame

A few weeks ago, when the idea was first reported, I felt a strange emptiness, the kind that comes from sudden, unanticipated loss. Such a feeling elicited by the mere suggestion that a place I know could see change is a bit extreme, I'll be the first to admit. Maybe it was just realizing again that places and things one holds vaguely sacred are not viewed that way by everybody.

I have no doubt the proposal is well-intentioned. The people behind it, I am sure, have feelings about what Montana is and should be that are every bit as strong as my own. And I understand that our economy can always use a little help. I know people need jobs and that every possibility to create them should be explored. And I have no particular aversion to ski areas, and, in fact, I ski at them. Still, something inside says no to this one.

-Gregg Tollefson, *Missoulian* (2005)

Localist ideology is a prominent feature of rhetorical campaigns, including the NIMBYism and anti-box store movements. While NIMBYism was originally viewed as a self-centered reaction to larger public threats, more recent research suggests that NIMBYism is a spatial concept in which participants tie their own identity to the place they live (Batel & Devine-Write, 2020). The anti-box store movement, which dates to the 1920s, relies upon similar appeals to what is best for the local cultural identity and values to offset the perceived benefits of box stores, like lower prices. Opponents of chain stores, like Walmart argue that absentee ownership takes money out of the community, turns former owners into clerks, and replaces full-time jobs with benefits with part-time jobs that provide few benefits. The challenge to the movement in these controversies has been that low consumer prices appeal to more people than concerns over impacting local merchants and some employees to the benefit of outside interests. But the claims that corporate stores harm the social fabric have proven to resonate with members of the community who align with the ideals of anti-corporatism (Schragger, 2005). Identification and place-based values play a critical role in the effectiveness of the localist topoi. Localism taps into a proscribed set of values and preformed topoi that resonate with the local ideology. The differentiation of the other within this appeal to identity invokes melodrama to unify through villainization. This move creates a re-prioritization of principles within decision making that applies beyond environmental disputes.

While FLP and BRT share in their recognition of Montanan and backcountry recreationist identities tied to localized land ethics, they rhetorically negotiate the definition of those local identities and the values associated with those identities. As previously noted, naming plays an important role in supporting the frames through which to view the controversy. The symbols also serve to define local identity and values. The BRT supports the tourism frame with

their use of the Bitterroot symbology in their naming. Even though the BRT tries to identify the outside experts involved in the resort planning, they also regularly uses the word Montana or Montanan to tie the proposal to local values. They emphasize team members who are from the area, like describing Maclay as a fifth generation Montanan, an average Joe Lolo, a longtime rancher, an avid outdoorsman, a climber, and a mountaineer (USFS Document 402, 2005). In response, FLP tends to highlight the key members of the team who were hired in, like the BRT CEO, Jim McGill. They regularly insinuate that no one really knows who is backing Maclay financially, implying it is the corporate ski industry or some mystery other. Despite these attempts, the proposal faces an uphill battle in persuading the public that the recreational and economic benefits they offer align with local values and ideology.

FLP's selection of the Lolo Peak symbol prioritizes a different definition of local interest previously discussed. FLP also use the term friends, which is simultaneously a coalition building gesture and reinforces an environmental ethic that juxtaposes the view that public lands are simply a source of corporate profit. Rather than emphasizing multi-use and development, the FLP succeeds in creating an advocacy that creates a big tent and a narrative of local values that is more identifiable for residents, both in Missoula and down the valley. In local politics, the distaste for non-Montanans can occasionally be seen. The concerns expressed by FLP include the profit motives of outside corporate interests and how the resort presents an existential threat to the local way of life.

Once the local identity is defined, the sides then work to establish that they align with those identities and values. To succeed, localism campaigns also must convince their audience that the outcomes support the best interests of that community. In its four-season branding, the BRT positions outdoor recreation and skiing as an integral part of local identity. Taking this one

step further, the BRT likens the resort to “farming snow” instead of farming the land or cattle (Lowery, 2005). Farming and ranching are likely to appeal to many of the people who live in the Bitterroot Valley, given its prominence in the local economy. In one interesting attempt to address local identity, Tom Maclay said, "It's a question of if the community wants to embrace it. Do we want to be a recreation-based community?" (as quoted in McDonald, 2004b, para. 4). Maclay is literally asking the community to embrace a tourism identity. Overall, the BRT claims they will provide economic, recreational, and cultural opportunities for local citizens with the resort. They state that they will work with the community to design the resort and reduce negative effects on the ecology and lifestyle of existing residents. They also frequently tell the USFS that their denial of the proposal prevents the community from having a say in the choice. The difficulty for the BRT is that there is a challenge to whether the local benefits will be realized and whether those benefits outweigh the costs.

Additionally, there is some cognitive friction with their claim of alignment with local values while also trying to justify the resort through tourism. Because the proposal requests the use of national forest, the BRT relies heavily on the conception of the right of citizens to visit and experience national forests. They simultaneously appeal to the residents of the area to share the world they are blessed to live in every day. The BRT says that they aim, “to incorporate the ideas and interest of the Bitterroot Valley community to create a village filled with cultural and recreational opportunities for both the local and visiting public” (USFS Document 431, 2005, p. 3). This is not to say that the appeal to the hospitality of Montanans is misplaced. Anyone who has ever attended a Montana Grizzlies football game can attest to the spectacular way that Montanans treat fans, Griz and opponent alike. In fact, the 2007 Sierra Club commissioned study of public comment confirms that the resorts paid advertisements were not well embraced by

those who commented on the resort. Finally, an interesting aspect was the effect that paid advertisements had on public comment. “A large number of respondents cited the ads using negative terms, and of those who mentioned the ads, a large majority expressed opposition to the resort idea” (USFS Document 521, p. 10). Clearly, the BRT rationalizations of local identity and the proper use of these protected lands strains identification and challenges the proximity of benefits.

FLP challenges the claimed benefits of the resort while they provide argument for the significant costs. Embedded in these discussions are assertions about the threats the resort poses to the identity of the place and the way of life the residents enjoy. The localist ideology proves strategic in opposing development when the public you are attempting to persuade is the public that is being negatively affected, but doubly so when that public identifies with the people and place being harmed. Nancy Brown, a local resident, typifies this sentiment in the *Missoulian*

I'm not opposed to ski areas in general, but feel that western Montana has many opportunities for skiing. I really believe that it (the resort proposal) is an attempt to use recreation to justify high-end development that benefits the landowner, the developers, but in no way the community. (as quoted in Backus, 2005a, para. 18)

Localist topoi clearly resonate better than one that is partially premised on benefit to outsiders. The BRT argument might have some effectiveness if the local public is willing to accept the appeal to the interests of outsiders and, more importantly, the proponents have a compelling argument of local economic benefit.

In this fight, the adversary is not presented as skiers, or even Tom Maclay. In fact, FLP are careful to explicitly state that they are in favor of skiing. Instead, they feel free to both explicitly and implicitly, through enthymeme, cast the exploitative corporate ski industry and



masses of tourists as the enemy of the local. In this dispute, the outsiders are developers, the ski-industry, and tourists. Much in the same way that environmentalists are often painted as anti-development and anti-human, the localist perspective allows the resort itself to be portrayed as a threat to local populations. This same vilification is an integral component of both NIMBYism and anti-box store discourses. In 1992, Killingsworth and Palmer argued, “for the rhetorical analyst, the intractability of social problems like the environmental dilemma is due to the inability of concerned discourse communities to form adequate identifications through effective appeals” (p. 7). These identifications created through the localist appeals both support and create a melodramatic frame. This “integrated set of rhetorical appeals... can transform public controversies and oppose dominant discourses that rationalize or obscure threats to the quality and existence of life on Earth” (Schwarze, 2006, p. 239). The narrative explicitly within the FLP argument, then, is functionally to say those developers, who already ruined Colorado, want to ruin *our* economy, culture, and sacred spaces so that Californians can take a vacation. This is not far off from the spotted-owl melodrama when opponents successfully argued that the government and environmentalists want to ruin the lives of thousands of loggers, their families, and communities for the sake of a few glorified chickens. In the controversy over a ski resort proposal on Lolo Peak, the chance of successfully framing the resort as the hero of the story flew the coup, potentially years before the 2003 proposal surfaced. The localism phenomenon is rarely discussed in environmental communication. The role of identity, location and place, and values is an important piece to the puzzle of understanding environment-based controversies.

### **Procedural Discourse**

Emotional response aside, many questions about the proposal should be answered before a spade of dirt is turned...

The feasibility study suggested by the backers of the proposal should answer some of these questions. And if the numbers add up, considerable environmental analysis and haggling

will no doubt follow. But ultimately, no amount of number crunching or analysis will answer the larger question. That question is whether this kind of development represents the future residents want for the Missoula area. The people and the process will have to decide that.

-Gregg Tollefson, *Missoulian* (2005)

When Congress was deliberating the fate of the Hetch-Hetchy Valley, Conservationists and Preservationists were disputing the underlying philosophy of public lands as much as they were arguing about the specific proposal. Given the constitutive nature of communication (see Berger and Luckman, 1966; Burke, 1966; Mumby, 1989; Ono and Sloop, 1995), these debates not only framed our future discourse about environment and land management, but they guided the creation of a decision-making framework. Today, Forest Managers are required to use a set of criteria outlined and codified in formal policies and laws. I argue that these deliberations, in revolving around the USFS process, took on a procedural frame that liberated FLP from the dichotomy of traditional ecological advocacy frames. This rhetorical analysis of the Lolo Peak controversy suggests that opposition to the resort took on a form and function that not only aligned with the expectations of the diverse public audience but closely followed the set of criteria that would be used by the USFS to decide policy. This paradigmatic shift to align with the independent criteria used by the USFS does not just reframe the discourse, it also brings local knowledge in concert with institutional authority.

An early 2003 USFS response to the BRT's pre-proposal proclaims it does not meet initial screening criteria (USFS Document 315, 2003) . Multiple later correspondences from the USFS reiterate the lack of compatibility between the proposal and the Forest Plans on multiple grounds. They summarize these issues, "The initial proposal for a ski area development near Lolo Peak does not meet current Forest Plan standards...the proposal, as given to us, is not consistent with national policies for managing Research Natural Areas" and "was incompatible

with the current Management Area direction in both the Lolo and Bitterroot Forest Plans.” (USFS Document 423, 2005, p. 1). In emails and internal documents, forest managers regularly state that Maclay should not devote any further financial investment into the project until major issues are resolved or regulations are changed. In multiple interviews, current and former USFS staff openly recognize that the prohibition of a ski resort was intentionally built into management plans by the previous Lolo National Forest manager in the late 1980s. McDonald (2005a) writes

Because of the financial potential of a ski resort on Lolo Peak, (Orville) Daniels knew there would be other proposals. So when he had the chance to write a forest management plan for the Lolo National Forest, he specifically excluded the mountain's use as a ski area. “What I found out was this: A ski area isn’t about skiing, it's about making great wealth out of real estate,” said Daniels. “It all has to do with the value of the base property, and the real winners are not the skiers but the landowners. I never felt there was a need for more skiing. Why would I take a piece of precious public land and give it away for a few people to make money?” And the precedent set by the Lolo Forest plan signed by Daniels remains intact. Lolo Peak, it says, should be managed for its potential as wilderness and wildlife habitat. (para. 48)

If the plan remained intact, the proposal was destined for perpetual rejection, absent something unexpected. The frequent suggestion that a change to the forest management plan could open the gate for the resort proposal creates uncertainty, public fears, and potentially a false deliberation. Thus, all 3 parties engaged in deliberation of the process and calls for procedural maintenance or change. The discourse from each party represents a procedural frame of argument.

For the USFS, explaining and adhering to the process resulted in framing the order of issue resolution. In December of 2004, Dave Bull, the forest supervisor for the Bitterroot

National Forest, reinforced the notion of the procedural frame when he said, "There are a lot of issues we will need to work through. It is important to remember there is no decision yet, there is a process to be followed" (as quoted in McDonald, 2004d). Sharon Sweeney, a public affairs officer for the Lolo National Forest, reiterated the importance of public participation in the eventual decision, "People are more polarized now. It is the social issues that have changed dramatically. The public's interest and concern over the management of public resources is very much involved these days" (as quoted in McDonald, 2005a, para. 14). The Missoulian reported that community members remained concerned throughout the controversy about the ability of outside agents to determine the fate of a local issue (McDonald, 2005b). One USFS administrator, in explaining the rejection of one of the BRT proposals said, "It's a very deliberate, step-by-step process that we go through before we decide whether we would even accept a special use permit application for a development of this sort" (as quoted in Devlin & McDonald, 2005, para. 27). At the center of these controversies lies a USFS process with many intricacies and possibilities.

Throughout this climate of contradictory messages about the status of the decision, both FLP and the BRT remained committed and active in their advocacy efforts through procedural arguments. From the start, arguments from FLP address questions present in the USFS criteria including need, impact on protected areas, and public interest. They also increasingly adapt to emphasize seemingly unimportant arguments from a land ethics perspective within their communications, unless those claims are viewed from the procedural frame. In response to one of the BRTs last proposals, FLP published their opposition in a format that resembled an internal USFS document (USFS Document 585, 2008). An entire section of that document points out, item by item, the ways the proposal conflicts with the Forest Management Plan. They argue that

the proposal specifically “violates screening criteria 4 by permanently altering the land through logging and creating exclusive access” (p. 2). There is a reference to the need to reject the possible impact on the Carlton Ridge because it “creates ‘opportunity’ to interfere with wildlife regardless of intent” (p. 1). The presence of the quotation marks indicates an awareness of the language of the institution and legal precedence. The document also refers to the fear that any low altitude proposal creates the possibility for future expansion, the lack of need for public lands, and the fact that Maclay’s illegal logging should disqualify him from consideration. “Maclay having been responsible for the initial illegal logging and damage to the area never had to return it to its original state and now seeks to use those same trails he created for personal gain” (USFS Document 585, 2008, p. 2). These arguments would not take center stage in opposition if they were not criteria used by the USFS. FLP uses USFS language and format to engage in the procedural frame of argument by adopting USFS language and knowledge of the process.

From the start, Maclay and the BRT center their procedural frame arguments on the USFS land management philosophy rooted in the multiple use doctrine. They regularly use terms like the public interest, necessary environmental review, and public input to justify their proposal. Though, oddly, the BRT makes a few misguided arguments that conflate the concept of public interest with interested public when it argues that skiing is popular in the area and demand will be high. Many of the BRT arguments for the resort speak directly to the criteria used by the USFS. USFS Document 494 (2006) uses an outline structure that moves through concerns like economic and technical feasibility, demand/needs assessments, and compliance with existing protections. Arguing that the area needs to be utilized to its full capacity and using capacity to refer to the demand for skiing invokes interesting and important scientific concepts of

sustainability based around the term “capacity.” Eventually, the BRT accuses the local USFS managers of violating USFS policies and procedures. They premise their arguments on the USFS history of recognition of the potential of the area for developed recreation, lack of allowance for proscribed recreation and economic sustainability in the Forest, flaws in the USFS needs assessment report, The Ryberg Report, and comparison to other ski resort projects on federal land. Appealing to the role of public opinion, BRT Spokesman Blair said, "We live in a democracy and if the majority of the public recognized the value of our proposal and approved of it, then that designation could be changed or modified to allow a few ski trails to go through" (as quoted in Howell, 2005, para. 6). At the same time, the BRT begins characterizing the opposition as an organized, vocal minority—you can infer that this is FLP—that should be disregarded because most people want the resort (USFS Document 494, 2006).

Aside from showing that they are aware of the process and language of the USFS, the BRT takes multiple actions that show an awareness of the procedural nature of the system. By 2005, the BRT shifted to making arguments about why the new forest plans should allow for developed recreation in the proposed areas so that their proposal would be allowed (USFS Document 494, 2006). Several times they rebranded with a different LLC to dodge criteria that would have potentially exempted Maclay from being approved based on prior actions or financial concerns. They also shifted their focus to lobbying members of Congress. Appeals to Senator Conrad Burns resulted in his office holding public comment to determine if the local USFS offices were properly adhering to the multi-use doctrine. Finally, when all else failed, Maclay eventually filed a lawsuit challenging the USFS impropriety and interpretation of the multiple use doctrine. These shifting strategies, and the rhetorical campaigns that accompanied

them suggest that institutional authority and the procedural paradigm were a large part of the BRT advocacies, but they were forced to advocate for procedural change in their arguments.

As the system for decision-making by land management agencies in the United States has evolved and changed, it has, in turn, directly influenced the discourse that proponents and opponents use to influence the process. Regulations become blueprints for a frame that invites preformed topoi. It may be telling that both the BRT and FLP have experts on their bench with experience navigating this USFS process. For the BRT, it is CEO Jim Gill and other resort developers and executives who worked to approve similar proposals elsewhere. For FLP, their membership is composed of several University professors in Economics, Resource Management, and Forestry combined with several retired USFS employees. The knowledge of the institutional criteria helps to guide the selection of topoi that should appeal to the management agency. The accompanying discourses function to create and then reify institutional authority (see Peterson, 1999). These discourses are often grounded in evolving social norms, cultural values, and customs, but Doxtader (1995) believes that arguments from institutional authority frame public good in a way that relies upon justificatory and definitional claims to collapse the possibilities of political deliberation. The USFS processes are a set of customs that evolved from these frames and directly influenced environmental discourses from every group.

While environmental disputes often place ecological advocates in opposition to the institutional authority. FLP did not need to engage in agonistic rituals (Cathcart, 1977) meant to change the system. They were not opposed to the institutional process at play, per se. Both the FLP and USFS regularly refer to the existing Research Natural Area as permanent or protected in perpetuity by statute. However, FLP arguments were indirectly hedging against the reversal of course possible in that same system. Greg Lind, a Montana State Senator at the time, wrote an

op-ed in the local newspaper in 2006 expressing his concern over the way that Maclay could usurp the USFS process and override local agents

But will Maclay and backers—who have already cut ski runs into the private lands and illegally logged on national forest land in the Research Natural Area—accept a final decision if it nixes their grand plan? The potential for Congress manipulating agency decisions is a real concern, and one with precedent. One decade ago, Congress turned over 1,377 acres of national forest to a Utah ski resort developer by slipping the Snowbasin Land Exchange Bill into an omnibus public lands bill. The land trade also exempted the planned ski development from public review as required by NEPA (the National Environmental Policy Act). (para. 3-4)

Lind is concerned that the BRT could bypass democratic processes and usurp the established authority of the local USFS managers. The repeated attempts by FLP to push for additional statutory protections for the area suggests further utilization of institutional authority. One prominent FLP member said, “Nothing is ever over until there’s some kind of permanent protection up there, which would negate any kind of special-use permit. We’re still working on that in the Carlton Ridge/Lolo Peak area” (as quoted in Chaney, 2013, para. 14). The Sierra Club summary of public comment confirmed this view as well, “Many want to see an increase in the level of protection of the roadless area and the Carlton Ridge Research Natural Area. Many want the area put into Wilderness designation and support expansion of the Carlton Ridge RNA” (USFS Document 521, 2007, p. 9). For their part, the BRT voiced support of new protections for areas outside of the proposed ski resort. Both were working within a malleable system of management.



The power of the state to determine the fate of the land is clear, but the decision they will make is not. Schwarze (2002) addresses the issue at stake in the uncertainty of institutional authority and state discourse,

Studies of hegemony could benefit from accounting for the specific role that state rhetoric plays in the process of consent formation. While many studies of hegemony have examined civil society rhetoric in order to challenge the notion of a monolithic, univocal "dominant ideology," this turn toward civil society has often neglected how state institutions contribute to the hegemonic process (p. 133)

Existing rhetorical scholarship does not fully account for the role of institutional authority and procedures in influencing selection of frame by participants in deliberations. The discourse in this case study contribute to the negotiation and legitimation of state power and play an important role in the processes of hegemony that has drawn the attention of several theorists and critical scholars within environmental communication. Dryzek (2021) takes the position that it is better for a discursive field such as environmental politics to welcome a plurality of discourses and be a part of its critical engagement, rather than have a field where there is a single dominant, if not hegemonic discourse which has not faced any sustained critical scrutiny.

While it would be easy to say that the groups were just following the process established by the USFS, the phenomenon goes beyond that. Rather, the discourse of USFS, FLP, and BRT follow a procedural frame of argument that requires further elaboration. The procedural frame is a paradigmatic frame. It shifts the criteria for decision making. FLP and BRT arguments act as independent reasons to reject or accept the proposal as a precursory matter. In legal proceedings and in competitive debate rounds, a judge decides who wins and loses. In many forms of debate, the participants are tasked with defining the terms of the debate, negotiating questions of debate

theory and rules management, and articulating a method of determining a winner. Each of these procedures can be argued by both sides and must be deliberated by the judge and that comparison exists in debate theory (Anapol & Towne, 1970). The criterion for decision is often the loci of the debate, as moving these goal posts may serve to exclude certain arguments or prioritize others (Murphy, 1990). Within the judicial system, a similar set of circumstances exist in which pre-trial motions are used to determine what is and is not allowed and could potentially result in a case being dismissed entirely. The USFS discourse about process and the needed conditions to even engage in a decision about the environmental issues used a procedural frame to select which arguments to engage and which to (temporarily) avoid. The determination of an evaluation paradigm, in both cases, will dictate the strategic selection of frames and topoi by the disputants. It is then possible for a rhetor to select a procedural frame which banks heavily upon institutional authority, hegemonic discourses, and independent disqualifying issues like FLP using the language of the process and showing violations by Maclay of procedures as reasons for dismissal. Additionally, disputants can argue for change to the procedures, such as the BRT accusation of violating procedures and suing the USFS.

Overall, each party uses the procedural frame to maintain or change the process to yield their desired outcome. For environmental rhetoric, the use of procedural frames is a new consideration that adds to the complexity of environmental disputes but allows for meaningful analysis. Future scholarship should work to develop more detailed criteria and implications of this frame.

## CONCLUSION

This rhetorical study of environment-based controversy examines disagreements over public policy and land management decisions to understand the rhetorical tactics utilized and the way that participants discuss nature in the context of political decisions by evaluating the discourse present. The argument analysis within this paper provides valuable insights into strategic rhetorical tactics in public lands controversies and reflections on environmental communication theory. Though I am not able to provide definitive evidence that the frame and topoi were intentional strategies within this study, the analysis is still worthwhile. The arguments of an organized campaign, which are rooted in its member's worldviews, identifications, and ideologies do not simply emerge as reflections of thought in public argument. More likely, some intention and strategic choice made the selection of arguments to fit the circumstances of the moment. They appear to start with dominant frames and topoi of environmental discourse and adjust their aim as they continued to make arguments. It is highly likely that the long history of this controversy and the early 2004 rejection of the initial proposal by the USFS set the parameters for the ensuing discussions. The presence of frequent arguments that align with USFS criteria in the arguments of both FLP and the BRT demonstrates that those procedures at least guided discussions. This selection of preformed topoi results from the participants prior experiences with outdoor recreational development in national forests. Many of the arguments from the BRT would have likely been more relevant in prior conflicts that occurred under different economy conditions or different management land ethics.

This argument analysis attempts to create an accurate picture of the discourse within a particular controversy. Of course, this approach is not without some limitation. While the study does select summative documents meant to give a snapshot of a particular moment, it may lack

the comprehensiveness of a broader survey of materials employed by other methods. The result may be that the research fails to recognize nuances and other subtle changes that were occurring over time or in different contexts. The results, however, provide a clear picture of arguments that triangulates with other sources of information, mainly the summaries of public comment and news media coverage. However, consistent themes emerge from the discourse and allow for a quality argument analysis. Given that this analysis only attempts to look at the arguments of one controversy in one place, a controversy shaped by the particulars of that place, future research would be well served to look for these similar themes and variations in other land use and ski resort conflicts. Additionally, those composing advocacy campaigns ought to test these findings through their own crafting of discourses. Ultimately in this conflict, the FLP's employment of arguments through a procedural frame engaged more directly with the criteria and expectations of the management agencies. Their localist appeals to both economic and identity-based public interest coupled with human-centered arguments for ecological soundness allowed them to engage in varied, flexible, and conditional frames to oppose commercial and recreational uses of public lands. In what often becomes a losing battle for environmental protection, in which the principled argument is eclipsed by the practical benefits, the symmetrical rhetorical strategy of FLP suggests that future disputes may turn to the side of more restrictive policies on public lands and better environmental protection. It also may signal a shift that is taking place in which environmental groups and management agencies find themselves ideologically and procedurally aligned in opposition to commercial exploitation of protected areas. Environmental rhetorical studies need to examine contemporary land management disputes to confirm if this is an isolated incidence or a wide-spread phenomenon.

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**ATTACHMENT 1:  
Index of USFS Documents**

USFS Records <a href="https://drive.google.com/drive/folders/1MqbU93-UPFWnn-CK_BA1dzBMT0Cn7rrd?usp=sharing">https://drive.google.com/drive/folders/1MqbU93-UPFWnn-CK_BA1dzBMT0Cn7rrd?usp=sharing</a>		
<b>Document</b>	<b>Brief Description</b>	<b>Date</b>
315	USFS Response to BRT Pre-application	3/2003
355	USFS Pre-application Denial Letter	2/2004
402	Friends of Lolo Peak Newsletter (website pdfs)	1/2005
423	USFS Alpine Proposal Denial Press Release	3/2005
431	Bitterroot Resort Nordic Proposal Press Release	4/2005
452	FLP flyer	7/2005
457	BRT Forest Management Plan Revision Press Release	8/2005
494	BRT Forest Management Revision Comments, includes prior BRT revision comments, Market Analysis, and historic USFS Documents supporting the proposal, studies, etc.	9/2006
510	USFS Email addressing concerns about BRT Nordic Proposal	10/2006
521	“Analysis of Public Comments sent to the US Forest Service on Proposed Ski Resort Development on Lolo Peak”. Bader Consulting for the Sierra Club	1/2007
522	USFS Supplemental Content Analysis Report – Public concern statements about Lolo Peak, Carlton Ridge, and the Bitterroot Resort	1/2007
585	FLP Concerns about SUP Proposal	5/2008