Contesting sustainability in the Valley of the Grizzly Spirit: Models of justice in environmental conflict and assessment

by

CAMERON E. OWENS
M.A., UNIVERSITY OF CALGARY, 2002
B.A., UNIVERSITY OF CALGARY, 1995

DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

in the
Department of Geography
Faculty of Environment

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SIMON FRASER UNIVERSITY
Fall 2011

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Name: Cameron Owens
Degree: Doctor of Philosophy
Title of Thesis: Contesting Sustainability In The Valley Of The Grizzly Spirit: Models Of Justice In Environmental Conflict And Assessment

Examining Committee:
Chair
Nick Blomley
Professor, Geography

Meg Holden, Senior Supervisor
Associate Professor, Urban Studies and Geography

Alison Gill, Supervisor
Professor, Geography

Eugene McCann, Supervisor
Associate Professor, Geography

Murray Rutherford, Internal Examiner
Associate Professor, Resource and Environmental Management

Robert Gibson, External Examiner
Professor, Environment and Resource Studies
University of Waterloo

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ABSTRACT

This dissertation examines the conflict within and around the environmental assessment of the controversial proposal to develop Jumbo Glacier Resort in an uninhabited valley in southeast BC. Taking bearings from philosophical pragmatism the research attends to the various arguments of supporters and opponents of the project – both Native and settler - and the creative means by which they represent this place and what is to be done there. In particular it shows how sustainable development as a transcendent planning ideal comes to be variously articulated and contested in specific contexts of the ground. Following Boltanski and Thévenot (2006), I show how this conflict can be articulated as competing representations of various models of justice legitimated with respect to location, the market, technical-rationality, equality and accessibility; tradition, inspiration, popularity and environmental concern.

This research demonstrates the usefulness of such an approach for geographers examining environmental conflicts, but also shows how the geographer’s attention to the contested reproduction of place sharpens this analytical tool. More immediately the research tells the intriguing story (or stories) of the struggle over the Jumbo Valley, or what the Ktunaxa Nation recognize as the “Valley of the Grizzly Spirit”, seeking to explain the intensity of the conflict and the factors that have confounded decision-makers over the past twenty years. The extent to which both supporters and opponents are able to plausibly mobilize economic, social, ecological and other arguments to buttress their positions insinuates a muddling of public-political credibility around sustainability.
The field-based research took me to the communities of southeast BC, the high country above them and to the halls of power in the provincial capital of Victoria over three summers. Data from extensive document analysis and in-depth interviews with key actors, including proponents, supporters, opposition, First Nations and local and provincial officials provided the basis for this ethnography.
DEDICATION

I dedicate this dissertation to my beloved son Finn Owens, friend Virginia Denchuk and all other beautiful young British Columbians who will inherit this sacred place. May they be guided by the wisdom of those who have lived amongst these mountains since time immemorial.

ACKNOWLEDGEMENTS

It turns takes a community to write a dissertation. My most sincere thanks and love to my wife Kristi, my parents Elizabeth and Edward Owens, my sister Claire Owens and the rest of my family and supportive friends, to my colleagues and mentors at SFU, UVIC, UBC, U of Calgary and elsewhere; to my research participants in Victoria, the communities of the East Kootenay, and the territories of the Ktunaxa and Sinixt Nations; to the SFU Department of Geography; to my committee of Dr. Meg Holden, Dr. Alison Gill and Dr. Eugene McCann and external reviewers Dr. Murray Rutherford and Dr. Robert Gibson; to the gracious Coast Salish people, whose lands I have lived on; and to Salmon and my other non-human spirit guides.
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1: WELCOME

Little round planet in a big universe,
Sometimes it looks blessed sometimes it looks cursed.
Depends on what you look at obviously,
But even more it depends on the way that you see.

- Bruce Cockburn, “Child of the Wind”

A wooden sign welcomes travelers to the Columbia Valley with the biblical aphorism: “the mountains shall bring peace to the people”. Ironically, I have been drawn to these mountains of southeast British Columbia to document one of the most acrimonious environmental conflicts in the province over the past two decades. The proposal to build Jumbo Glacier Resort has met resolute opposition from locals, both Native\(^1\) and settler, despite enthusiastic claims that it would be the greenest ski resort in the world\(^2\). The promise of sustainable development ostensibly assured by rigorous environmental review has evidently not brought peace to these people (see Figure 1-1).

While conflicts over BC’s Crown forested lands have long been central to the province’s colonial social experience, witnessed in high-profile “war in the woods” clashes, sustainable development has been officially promoted since the 1990s to occasion a paradigm shift from “confrontation to cooperation” (BC CORE 1995).

\(^1\) I explain in Section 2.1.4 why I use “Native” and not other terms such as Aboriginal or First Nations.
\(^2\) Former Cabinet Minister Bill Bennett quoted in Grant (2009)
Aligning with the provincial motto *Splendor Sine Occasus*, sustainable development in rhetoric, policies and industrial forms such as resort tourism imagines the potential to capitalize on the province's splendid natural bounty without its diminishment (*sine occasu*) reconciling economic, social and ecological priorities. Combined with the implementation of the treaty process to address outstanding claims to unceded traditional territory of various First Nations and court supported provisions for interim agreements to immediately address resource concerns and economic marginalization, these efforts have represented hope for a more collaborative and just future.

![Figure 1-1 - Sign welcoming visitors to the East Kootenay at Radium Hot Springs](https://www.flickr.com)

The proposed Jumbo Glacier Resort intended to reflect this buoyant spirit. The project promised recreational, economic and social benefits in a region outside the dominant core of the province with targeted opportunities for First Nations while minimizing ecological impacts through conscientious design, state of the art technologies.

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3 BC's official motto "Splendour without diminishment" was imagined by the BC Commissioner on Resources and Environment as "an excellent definition of sustainability and the primary challenge facing us today" (British Columbia 1995).

4 Image source: anonymous (public domain), http://www.flickr.com (creative commons)
and comprehensive environmental management. The project would feature lift-accessed glacier-based skiing and a sightseeing gondola; a resort featuring hotels and condominium units (with a total of 6,250 bed-units plus 750 bed units for staff housing) and supportive commercial services (restaurants, shops) on a footprint of 104 ha (free simple transfer) with a Controlled Recreation Area (leased from the Crown) of 5,925 ha.

To confirm its fit the proposal was subjected to nearly twenty years of review including nine years in BC’s Environmental Assessment (EA) process. The EA ostensibly assembled scientific, public and Aboriginal knowledges to identify and minimize significant adverse economic, social, ecological, heritage and health effects within the context of the government’s sustainable development vision. While Jumbo Glacier Resort was finally awarded its EA certificate in 2004, it has met further regulatory hurdles and at the time of writing still awaits final approval.

Section 3.2 presents a detailed chronology of the review process. Briefly, the project was first accepted for review under the Commercial Alpine Ski Policy in 1991. It was then swept up in the province wide Commission on Resources and Environment (CORE) planning process, but due to its contentious nature no definitive statement on the values that should guide planning in the Jumbo Valley was ever reached. The project was then transferred to BC’s new Environmental Assessment (EA) process for further review in 1994. After 9 years, formal EA approval was finally granted with the caveat that the local regional district’s authority over necessary rezoning of the land would be upheld. Despite the regional district voting narrowly (8-7) in August, 2009 to allow the province to designate Jumbo a Mountain Resort Municipality (and thus avoid having to undertake the regional district rezoning process), the unpopularity of the proposal and the consistent opposition of the Ktunaxa Nation have discouraged the Province from granting final approval (as of December, 2011).
Despite the ostensibly thorough review and the promise of sustainable development, relentless opposition has dogged Jumbo Glacier Resort since it was first proposed in 1991. Opponents have raised a range of concerns particularly regarding perceived threats to wilderness values, grizzly bears and community sense of place; its dubious economic feasibility and the potentially unfair distribution of social costs and benefits. Opponents assert that the project, more about real estate than resort development, represents alienation of public land for private benefit. The Ktunaxa Nation\(^7\) has further proclaimed the proposed site to be in the heart of its unceded, traditional territory, a place named Qat’muk, the place of the Grizzly Spirit. The Sinixt people have also opposed the project in territory they also claim. They express a profound sadness about the potential impacts of the project on grizzlies, birds, bull trout and other tribal members. However, being recognized as officially extinct in Canada, the Sinixt have no formal status in this review. On the other hand the Kinbasket-Shuswap, whose reserve sits just outside of Invermere, have officially supported the project, which they view as environmentally sound and as presenting rare economic opportunities in their backyard. So, the struggle over the Jumbo Valley is a complex one. After two decades of conflict and uncertainty within and around the government review process, Jumbo Glacier Resort remains unbuilt but imminent and there is little peace for the people of these mountains.

\(^6\) Source: http://akkym.net/lifestyle/cat87/cat83/

\(^7\) Previously the name of the Native group of this region had been Anglicized as Kootenay or Kutenai. The name that they prefer, which is now in widespread use, is Ktunaxa pronounced (x)too-NA-ha.
1.1 Invitation to a dissertation

This dissertation has engaged with the multiple stories of those struggling over the Jumbo Valley or Qat’muk – the Valley of the Grizzly Spirit. Through these stories I have sought to understand this intense conflict persisting in an era where sustainability, with its promise of collaboration and integration, enjoys widespread acceptance. I am interested in answering puzzling questions about the particular case – why this project deemed the greenest ski resort in the world has generated such opposition and why the government assessment has dragged on for twenty years without resolution. However I have also sought more general lessons from these inquiries. I look to contribute to a nuanced understanding of environmental conflict and assessment in this geo-historical context as well as exploring the dynamic concept of sustainability. Much useful theoretical work has attempted to unpack this latter concept since it emerged as an important overarching planning ideal with the Brundtland Commission’s report in 1987 (explored further in Chapter 2). However, I have made a different kind of contribution here, hoping to provide a glimpse of BC’s political culture of sustainability in practice, empirically investigating how sustainability comes to be conceived, articulated, fought over and brought to inform decision-making efforts on the ground.

The research approach is elaborated and justified more fully in Chapter 2. Here I provide a brief sketch to orient the reader. Two probing questions help foreground this study: Rancière’s (2003:203) assertion that politics is “always a matter about knowing
who is qualified to say what a particular place is and what is done to it” and Blok’s\(^8\) (2010:11) concern with “who gets to speak for the environment and with what degree of public-political credibility”. The research takes the questions of “qualification” or “credibility” not as static and self-evident but as dynamic, imagined, contested, confounded and requiring considerable analytical resources to unpack.

This study involves carefully detailing the arguments of the supporters and opponents of Jumbo Glacier Resort and government decision-makers around what this particular place - the Jumbo Valley - is and what is to be done there (i.e. what its sustainable development entails). The research is informed by Nietzschean perspectivism, looking to bring more eyes to bear on the subject, furnished by pragmatism, particularly that of French sociologists (Boltanski and Chiapello 2002, 2005; Chiapello 2003, Boltanski and Thévenot 2006; Lamont and Thévenot 2000; Thévenot, Moody and Lafaye 2000). Such a theoretical sensibility takes seriously that the world is understood through perspectives eschewing essentialist accounts and others that dismiss too quickly the arguments of actors themselves. I am interested in how sustainability as a representation of the public interest is imagined and the creative means by which these different visions are mobilized.

At its root, a pragmatic ethos involves attempting at least temporarily to secure ways of evaluating truth claims while accepting pluralism and contingency. This approach aligns closely with Judith Butler (2002:6) who promotes a form of inquiry, which is not deployed “to evaluate whether the objects – social conditions, practices, forms of knowledge, power and discourse – are good or bad, valued highly or demeaned,

\(^{8}\) The question, which paraphrases Bruno Latour (2005), frames Blok’s (2010) study.
but to bring into relief the very framework of evaluation itself”. Bringing evaluation into relief is exactly the task of this present work. However, as I will elaborate more fully below, I would further assert that the perspective that is able to recognize or account for more perspectives is more valuable offering a promising pragmatic way out of paralyzing relativism. Hannah Arendt writes that “the validity of an opinion is not judged against truth; it is a product of plurality, its quality developed according to its ability to incorporate the perspectives – the ‘world-as-it-appears-to-me’ – of multiple others” (Sandilands 2002: 122).

To arrive at such a perspective of perspectives involves taking the arguments of the disputants seriously. In this case it means according common framings of such land use conflicts as either representing selfish Not-in-My-Backyardism (NIMBYism) on the one hand or insidious greenwashing and capitalist greed on the other, as perspectives to be unpacked not ontological descriptions. While clearly elements of self-interest and strategic manipulation not to mention dynamics of political economy are at play in the Jumbo struggle, such explanations underdetermine what is going on. In my extensive interview program I encountered a range of passionate and informed individuals who could thoughtfully and articulately substantiate their support for or opposition against this project across numerous lines of argumentation. I assert that there is great value in recording these elaborations. While opponents clearly did not want this proposal in their backyard, charging that this is simply self-interested territoriality is unsatisfactory. Similarly, to insinuate automatically that the assertion of the green merit of the project simply represents disingenuous greenwashing ignores the proponent’s longstanding commitment to sustainability through extensive planning which has been confirmed by
environmental assessment approval. This is not to say that we should uncritically accept that EA approval or sophisticated planning automatically entails sustainability, but it does invite us to empirically explore both the supporters' and opponents' claims and the denunciations of each other's positions. Rather than endpoints for investigation such discourses as NIMBYism and greenwashing should be regarded as starting points (if that). In particular, while corporate environmentalism has been rightfully met with skepticism, it should not be taken as a foregone conclusion that sustainable values are not accounted for at all in such efforts (Gill and Williams 2006:229) albeit perhaps in the form of unintended consequences (Rowe, unpublished).

Narrating the conflicting accounts around the proposal to build the greenest ski resort in the world highlights the unsettled enactment of sustainable development in BC. The fact that the review of Jumbo Glacier Resort has been so confounded, dragging on for nearly twenty years without resolution and the fact that both supporters and opponents have been able to plausibly mobilize and integrate social, ecological and other arguments to buttress their positions insinuates a muddling of public-political credibility around sustainability that invites investigation.

In this study, the principal research subjects are then the perspectives, imaginings and arguments of the disputants and government officials within and around the environmental review process of Jumbo Glacier Resort. The framework for analysis

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9 I recognize that the terms "green" and "sustainable" have distinct histories and usages. However, in this research where I am interested in how the terms are deployed by the actors I am less concerned about possible conflation. Sustainable and green are used often inter-changably. For example, a document published on Glacier Resorts Ltd.'s website entitled "The 'Greenest' Mountain Resort in the World", presents how in terms of "environmental impact and sustainability" the project represents "the most advanced mountain resort concept" based on careful choice of location and conscientious planning to reduce its environmental footprint.

builds upon the pioneering work of French pragmatists Luc Boltanski and Laurent Thévenot (2006 [1991]) elaborated by colleagues (particularly in Lamont and Thévenot 2000; Thévenot, Moody and Lafaye (2000)). Baert and Carreira da Silva (2010: 43) identify the main project of Boltanski and Thévenot as reconnecting “normative political philosophy with empirical social science” through identifying repertoires of justification in concrete political conflicts. The French pragmatists suggest that the key entry points for social reflection are those “critical moments” of conflict where social agents realize “that something is wrong; they cannot get along and that something has to change” (Boltanski and Thévenot 2006: 359). Parties in public disputes arguably draw upon available cultural models (e.g. acceptable discourses and forms of proof) to assert the legitimacy of their positions in the public realm. A central assumption here is that parties to a public dispute are compelled to provide legitimate justification for their argument, however disputable or implausible that justification may seem to opponents. Such justification makes some reference to the public interest or common good and involves some kind of proof supporting the assertion. Similarly denunciations of other arguments demand justification. It follows then that arguments in environmental conflicts are not simple assertions of naked self-interest but involve claims requiring some form of legitimation in generalized context.

Such an approach does not deny rhetorical manipulation or misinformation (the focus of much critical theory). However it does suggest that in the public realm in which land use decisions are made, arguments and actions require some kind of justification. Avoiding an overemphasis on simple self-interest and strategic manipulation opens up the opportunity to interrogate argumentation, in turn revealing the dynamic overlaps,
tensions and the acceptable range of assumptions and values which constitute political cultures at a particular time. The point is not exposing the "real" manipulative intent (without naively denying manipulation is central to political conflict) but rather to focus on the explicit justifications. The latter tells us something very interesting about that which constitutes what actors imagine can be legitimately said about a subject in a certain geo-historical context and opens promising venues for action.

It should be made clear that this analysis attends not only to the discursive dynamics of argumentation but also the institutional, technical, legal and material arrangements that support and constrain this argumentation and qualify forms of proof. What becomes useful is detailing what each party holds valuable or worthy and "the cultural models governing how they go about expressing and implementing these criteria of worth and shared modes of evaluation" (Thévenot et al 2000: 229). At the centre of the framework is an elaboration of models of justice.

Aligning more with Michael Walzer's communitarian approach, which holds different models of justice operating in different spheres or settings against a neo-Kantian grounding of justice in rationally derived principles, Boltanski and Thévenot (2006) have recognized an array of *grandeurs* which has been alternatively translated into English as "orders of worth" or "models of justice" (Baert and da Silva 2009). I have chosen to use the term "models of justice", but this term demands clarification. First off, models should be thought of in the sense of exemplars or orders used by the disputants and not in terms of technical models used by the researcher. Furthermore, justice here should be thought of in terms of justification or expressions of worthiness. Models of justice are then understood as cultural repertoires of rationales, justifications, denunciations, forms of
proof and “the ways in which one expresses, embodies, understands or represents” other people, objects and perceptions (Boltanski and Thévenot 2006: 132; Holden, forthcoming). Alternatively they may be thought of in a conventional Jamesian pragmatic sense as different worlds of evaluation supporting notions of the good, true and worthy in different situations.

Boltanski and Thévenot (2006) originally identified six such models of justice, one or more of which are commonly drawn upon in public disputes. In subsequent work they have added to this list. The original six models register justifications of action based on:

1. economic performance - “market model of justice”
2. technical efficiency and planning - “industrial model of justice”
3. social concerns of civic equality, accessibility and solidarity - “civic model of justice”
4. tradition and locality - “domestic model of justice”
5. inspiration, emotion and spirituality - “inspiration model of justice”
6. renown and public opinion (“renown model of justice”)

Thévenot, Moody and Lafaye (2000) subsequently have added a seventh “green” model of justice which registers ecological and environmental aesthetic arguments, while Boltanski and Chiapello (2005) have diverged adding a different seventh “projective” model of justice based on flexibility, spontaneity and global connectivity. Each of the models of justice offers a different basis for justification (or mode of evaluation), a
different test, a different form of relevant proof, qualified objects and subjects; and time and space formations (see Table 5-1).

In this study I have found the framework based around the six original models and the “green” model of justice useful in organizing the mess of arguments around the Jumbo Glacier Resort proposal. As detailed in the following chapter, I have also deployed a spatial order of justice to capture particular justifications based on geographic factors such as site characteristics and relative location.

The principal analytical chapter (Chapter 5) is thus organized around exploring the Jumbo struggle through the lens of the eight models of justice. We explore in turn how the supporters and opponents of Jumbo Glacier resort argue whether or not the project can be justified with respect to the public interest in terms of geographic location; economic performance; technical-rationality; meeting social goals of equality, accessibility and solidarity; cultural concerns of tradition and locality; inspiration and aligning with spiritual sensibilities; popularity and renown; and ecological and environmental aesthetic goals.

Undertaking a detailed investigation of how the disputants mobilize these different models of justice produces a more nuanced and useful portrait of this conflict transcending simplistic explanations of selfish NIMBYism or disingenuous greenwashing and capitalist greed or tired binaries of environment vs. economy. Assembling the various arguments affords an opportunity to catch a useful glimpse of BC’s political culture of sustainability in practice.

was interested in exposing the insidious and oppressive power relations inhering in the government’s environmental decision-making apparatus. However, I became persuaded by Bruno Latour’s (2004) declaration that such “critique has run out of steam”. Questioning the premises of his own earlier work that critically interrogated the inevitable social / political context of scientific claims to objectivity, Latour has changed directions asserting now that progressive academia needs to transcend “critique”. For Latour, in light of imminent global ecological disaster the important work to be done involves recomposing, through the public realm, a more sustainable future rather than continuing down the path of exposing insidious and oppressive power structures. He warns that while the hammer of critique was able “to break down walls, destroy idols, ridicule prejudices” it cannot:

...repair, take care, assemble, reassemble or stitch together... Its limitations are greater still, for [it] can only prevail if, behind the slowly dismantled wall of appearances, is finally revealed a netherworld of reality. But when there is nothing real to be seen behind this destroyed all, critique suddenly looks like another call to nihilism. (Latour 2011:4)

As our world falls in disarray, it is (re-)building that is required, no longer tearing down and, in pragmatic form, that building involves re-establishing some form of public engagement. It is in this context that the normative dimensions and political commitments of this project become evident (elaborated in section 2.3).

This field-based research took me to the communities of southeast BC, the high country above them and to the halls of power in the provincial capital of Victoria during the summers of 2009, 2010 and 2011. Data from extensive document analysis and in-depth interviews with key actors, including proponents, supporters, opposition, members
of the Sinixt, Kinbasket-Shuswap and Ktunaxa First Nation; and local and provincial officials provided the basis for this ethnography. After initial interviews were undertaken, I maintained close contact with supporters, opponents and government officials during the analysis and writing stages to ensure that as much as possible I was faithfully conveying the arguments and understandings of the parties.

Clearly, the research is conceived as qualitative in bearing attending to interpretation and the production of meaning. Furthermore it is inherently geographical with an interest in the production of spatial meaning in portioning the struggle over who is qualified to decide what places are. However, it takes bearings from research outside of formal geography particularly drawing on ideas circulating in sociology, philosophy, political science and planning theory. It is thus committed to an interdisciplinary approach to geographic inquiry.

To clarify what I have attempted to do in this research it helps to consider the critical reflections of Glacier Resorts Ltd. President Oberto Oberti. Upon reviewing a draft chapter, Mr. Oberti noted the following:

I can appreciate your efforts trying to explain what has been going on with the Jumbo Glacier Resort (JGR) project through the incredible process and the pyramid of information accumulated over more than twenty years. A large part of what you are going through in reality is a reconstruction of the work done by the Environmental Assessment Office (EAO) to create the Project Specifications and then to review the studies, the public input and the Project Report in response to the encyclopedic Project Specifications.

The EAO’s nine years’ public process and its library were not only biased, but also monumental. To enter the building created by that process today is like to enter a colossal labyrinth. You are certainly doing a large
research, but I fear that a great deal of additional work will be required to achieve a complete review, if it can still be done by anyone.\(^\text{10}\)

I have been wary of both the impossibility of covering all the material generated over twenty years of assessment and simply attempting to reconstruct the formal review of the project. Rather I am interested in examining the arguments of supporters and opponents to catch a glimpse of political culture in action – of the acceptable ways of imagining and talking about sustainable development in BC currently. While I do not purport to have the same depth of perspective as those intimately involved in the struggle, I have the advantage of direct access, through interviews, to the various perspectives of government decision makers and the disputants in a way that they themselves have not.

Mr. Oberti concedes that he suspects: “geography, like all other sciences, has limited ability to rationalize the erratic behaviour of people and governments. Today even earthquakes are more predictable. So your job will not be easy, and you will find the twenty years of process a big grizzly bear to work with.”\(^\text{11}\) Indeed, making sense of this case has been a challenge. However, through my in-depth conversations, exhaustive review of documents and the pragmatic approach to analyzing arguments, I feel confident that I have something interesting to say about this big grizzly bear.

Having introduced the reader to the struggle over the Jumbo Valley and the research approach, I turn now to explicitly summarize the research objectives and guiding questions.

\(^{10}\) personal communication Sept 5, 2011
\(^{11}\) personal communication Sept 5, 2011
1.2 Objectives

I imagine the raison d'être of this project in terms of both personal meta-objectives and specific research objectives with respect to the case and in a more exploratory sense with respect to the development of theory.

1.2.1 Personal Meta-Objectives

Undertaking doctoral research is a major investment of time, energy and money (my own and the public's). My primary objective through undertaking this demanding assignment was to find my own voice as a researcher, teacher and citizen. In the midst of this project I realized how rare this opportunity was and how privileged I was to be afforded this time to grapple with this intriguing and important case in ways that others would not be able to. In light of the daunting socio-ecological challenges and fierce conflicts we face I have felt the responsibility to ensure this research can be put to work for understanding environmental politics and improve the crucial conversations we need to have in my province and beyond.

Practically, the most immediate element involves working out how to integrate this research effectively into my teaching. While presumably most graduate students who build a career in academia use their doctoral research in classroom settings, an ongoing concern of this research has been reflecting on the teaching and learning implications of this study. Realistically, the most direct outcome of this research will be its circulation in various forms within my classrooms. A major normative objective of this project is thus to imagine effective ways of teaching and learning about and through multiple perspectives as an integral part of imagining how to compose a better socio-ecological present.
1.2.2 Research objectives

The case specific research objectives involve learning from an in-depth review of the conflict within and around the environmental assessment of Jumbo Glacier Resort. As Lamont and Thévenot assert environmental conflicts provide particularly useful sites for studying "conflicting interpretations of what constitutes the public interest" (2000:2).

Most immediately I am interested in understanding why this allegedly sustainable project has met with such opposition and why the review has been confounded, dragging on for twenty years. The research is encouraged by Rancière’s (2003) invitation to explore who comes to be qualified to say what a place is and what is done there, although I transform the “who” question into a “how” question. In particular I am interested in the arguments of the Native and non-Native supporters and opponents of the proposal and the creative means by which they assert their position. I register the arguments through a number of models of justice (Boltanski and Thévenot 2000) referring to arguments in the public interest based on location, the market, technical-rationality, civic equality, traditional and locality, inspiration, renown and public opinion and ecological integrity.

I intend that this exploratory research affords further insights into environmental conflict and BC’s political culture of sustainability in practice – how the public interest / sustainability comes to be imagined and contested on the ground. As well I intend that the research make important theoretical contributions by engaging with a new set of analytical tools being developed within the field of French pragmatic sociology (elaborated in Chapter 2). I have experimented with this framework for evaluating arguments in this case with the objective of showing how it might be fruitfully used by
geographers (and others) examining land use struggles but also how geographic theories may further improve the power of this framework.\(^{12}\)

In sum, the following research questions have been identified:

1. **Case Specific**: What accounts for the conflict within and around the review of Jumbo Glacier Resort, allegedly the greenest proposed ski resort in the world? What has confounded the decision making process?

2. **Exploratory**: What does such an examination reveal about the political culture of sustainability in practice in BC? How does this case afford a glimpse of how the public interest and sustainability are defined on the ground? How does pragmatic argument analysis aid in our understanding of the persistence of environmental conflict in an era when sustainability enjoys such widespread acceptance?

3. **Theory development**: What opportunities are there for fruitful engagement between political-environmental geography and (French) pragmatism? How might geographers studying environmental conflict usefully employ this analytical framework and how might geographic theory usefully inform the further development of this analytical framework?

### 1.3 Outline

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\(^{12}\) I am inspired in this endeavour by Rose-Redwood (2006) who demonstrates that geographers and governmentality theorists could equally profit from theoretical development in the other field.
This dissertation includes six chapters and appendices. This first chapter welcomed the reader to Jumbo Valley briefly introducing the case, the research approach and objectives.

Chapter 2 further elaborates the research approach. I reflect on the opportunity of single-case research before building the analytical framework for examining the dispute, guided by geographically informed pluralist perspectivism and pragmatic argument analysis. I conclude by making explicit the normative commitments or political ambitions of this research.

Chapter 3 “Data” presents the specific methods of data production and analysis of this qualitative research based on in-depth interviews, participant observation and detailed document analysis. I reflect on teaching and learning as a valuable research method and detail the approach taken to analyze data.

Chapter 4 “Foreground” is named such to reflect the contention that the historic-geographic setting of the case represents much more than an innocuous “background” stage upon which the drama unfolds but is rather intimately woven into the struggle. Details about the geographic site and situation of this place are constructed and contested and serve as the principal subjects of investigation. The chapter attempts to orient the reader to the case through a dynamic presentation of the setting and a brief chronology of the environmental review.

The principal analytical chapter - Chapter 5 “Arguments” - presents the findings of the research organized around multiple passes over the data presenting the different arguments and legitimation strategies of the disputants. Models of justice with respect to
geographic fit, economic worth, technical-rationality; equality and accessibility; tradition and locality; inspiration, public opinion and greenness are considered in turn.

Finally Chapter 6 provides summative reflections organized around the original research questions and points to future opportunities.

The epigram of this introductory chapter, excerpted from Bruce Cockburn’s song “Child of the Wind” well encapsulates the research approach\(^\text{13}\). The lines:

Little round planet in a big universe,
Sometimes it looks blessed sometimes it looks cursed.
Depends on what you look at obviously,
But even more it depends on the way that you see...

... furnish the pragmatic perspectivism undergirding this research. While I reject a crude constructivism that eschews materiality - obviously it “depends on what you look at” (Latour 2004) - places and situations are inevitably understood from a perspective - “the way that you see”. Nietzsche provides inspiration for this undertaking in imploring that “there is only perspective knowing, only perspective seeing” and “the more eyes” with which we can view the subject the more accurate our common representation of it will be (2000 [1885] III:12\(^\text{14}\)). This commitment to honouring multiple perspectives fits with the radical democratic ethos of philosophical pragmatism, which rejects the urge to posit some absolute, objective foundations for decision-making and “escape from

\(^{13}\) As an aside, the prominent Canadian folk singer performed a benefit concert in Fort Steele, BC to “Keep Jumbo Wild” on October 2, 2008. These lyrics come from the song “Child of the Wind”

\(^{14}\) Due to the vastness of Nietzsche’s oeuvre and the number of editions, for this author only I have used a convention to cite references using section: sub-section to allow for easier cross-referencing.
conversation” (Bernstein 1983: 199). I have tried to make sense of the competing arguments on their terms, avoiding collapsing them too quickly into simplistic tropes of angry Indians, selfish NIMBYists, well-meaning but naïve sentimentalists or greedy, greenwashing capitalists. The struggle over the Jumbo Valley is much more complicated and much more interesting than that.
2: APPROACH

Profound aversion to resting once and for all in any one total view of the world and enchantment with opposing points of view, refusal to be deprived of the stimulus of the enigmatic.

- Friedrich Nietzsche

This dissertation explores the conflict around the proposed Jumbo Glacier Resort. It is immediately motivated to discover why this project portrayed as “the greenest ski resort in the world” attracted such vigorous opposition and why the environmental assessment and other related processes have dragged on for twenty years without decisive resolution. This chapter introduces the approach taken to answer these immediate questions and the more general objective to understand environmental conflict and to glimpse BC’s political culture of sustainability in practice. We begin by reflecting on the opportunities of single-case research before building the analytical framework around pragmatic perspectivism. Finally, I make explicit the normative considerations and political ambitions of the work. Nietzsche’s reflections in the opening epigram capture the spirit of this project enchanted with the opposing points of view and stimulated by this enigmatic struggle over the Jumbo Valley and the struggle to define sustainable development in BC.

2.1 On Single-Case Research

The focus of this dissertation is a single in-depth case study of the conflict around the environmental assessment of Jumbo Glacier Resort. A case study is a focused
consideration of a particular instance that attends to context (Babbie and Benaquisto 2002). The merit of such a focus has been debated since classical times. Aristotle defended the comprehensive examination of the particular example while Socrates and Plato denigrated such knowledge for its lack of generalizability privileging instead searching behind appearances for underlying, universal truths (Ruddin 2006: 798). This search for indubitable principles animates social science to this day, confirmed by the authority accorded quantitative studies, especially those with the predictive, law-generating capacity of the natural sciences (Bernstein 1983:16). However, as Holden (2004:100) notes case study research “produces a range of useful information that can be sorted, cross-referenced, and from which a credible, reliable analysis of situations and events can be drawn”. Eysenck argues that while with such studies we may not be able “to prove anything, we might actually learn something” (in Ruddin 2006: 798).

A good case study is a rich story, one that cannot be summarized in a few main results – “the story itself is the result” (Flyvbjerg 2002: 355). This crucial point is well articulated in the following excerpt:

Case studies often contain a substantial element of narrative. Good narratives typically approach the complexities and contradictions of real life. Accordingly, such narratives may be difficult or impossible to summarize in neat scientific formulae, general propositions, and theories. This tends to be seen as a drawback by critics... however a particularly thick and hard-to-summarize narrative is not necessarily a problem. Rather, it may be a sign that the study has uncovered a particularly rich problematic. The question, therefore, is whether summarizing and generalization, which the critics see as ideal, is always desirable. Nietzsche is clear in his answer to this question. “Above all,” he says about doing science “one should not wish to divest existence of its rich ambiguity”. (Flyvbjerg 2001:84)
In other words there is an irreducible quality to good case studies. While I intend for certain findings to be useful for understanding other cases, I have attempted as much as possible to capture and present the story of the struggle over the Jumbo Valley without reducing (too much of) its singular quality, complexity and contradiction.

From a pragmatic standpoint I am intrigued by the possibility of what has been labeled “naturalistic generalization” (Stake and Trumbull 1982) whereby there is a realignment of the responsibility for recognizing the value of a study between the researcher and reader (Ruddin 2006: 805, Lincoln and Guba 1985). In “naturalistic generalization” the researcher’s responsibility is to provide “thick description” (Geertz 1973, Lincoln and Guba 1985) to allow the reader to judge the extent to which the knowledge generated could be applied in other contexts. In other words, the more I am able to capture the unique details of the struggle over the Jumbo Valley, the more opportunities there will be for the transfer of knowledge to other contexts (Lincoln and Guba 1985). I intend this research to provide guidance for understanding other land-use struggles, especially those in which actors mobilize similar (sustainability) rhetoric. The research may inspire new ways of thinking about environmental conflict to aid fellow citizens, decision-makers, my students and colleagues in my own community and further afield to improve the conversation needed to avert catastrophic socio-ecological change.

2.2 Analytical framework – Perspectivism and Pragmatism

In hiking through the mountains, the first few steps are always the most difficult. It takes time to find the path and establish your breathing, rhythm and pace. Setting out to communicate one’s research approach in a major project like a doctoral dissertation can prove similarly challenging. As Blok (2011:22) articulates there is a certain problem of
“recursivity” whereby “no matter where we start, it will inevitably feel as if too many things have been left implied”. Attempts to map the mountainous analytical terrain of this dissertation will inevitably pass too quickly over the accumulated insights of decades of profound thinking in the fields of political geography, ecology, sociology and planning.

The cartoon “A Developer on Holiday” provides one way into discussing my analytical framework (see Figure 2-1). After appearing in the Seattle Post Intelligencer the cartoon accompanied a story on the Jumbo Glacier Resort proposal in the Invermere-based Valley Echo. The developer and (presumably) his partner and child are shown gazing over an alpine landscape from what appears to be a roadside viewpoint. The partner declares the setting with its soaring mountains and extensive forests to be “perfect”, while the developer imagines - “well, almost” - it could be improved with development.

![Figure 2-1 - "A Developer on Holiday"](image)

15 Source: David Horsey, Seattle Post Intelligencer blog.seattlepi.com/davidhorsey (used with permission)
Simply speaking, in this research I have sought to understand the perspectives of those, who like the developer and his partner imagine “perfect” (or other descriptors) very differently and how decisions about which vision of “perfect” should prevail were made (or confounded) through the review of Jumbo Glacier Resort. The pragmatic pluralist approach I develop in this section was usefully employed to make sense of these competing perspectives and more generally to catch a glimpse of BC’s political culture of sustainability in practice.

Intriguingly, Jumbo Creek Conservation Society spokesperson Meredith Hamstead recounts a very similar experience to that illustrated in the cartoon. She and Glacier Resorts Ltd. president Oberto Oberti had similarly stood side by side looking out from a high vantage point across the Jumbo Valley. Each had a gleam in their eye as they gazed over the spectacular landscape before them, yet as they did so, they beheld completely different places. The setting moved Ms. Hamstead to vow to protect a precious wilderness and community resource while Mr. Oberti was moved to want to share this treasure with others through the development of Jumbo Glacier Resort16.

2.2.1 Perspectives, Arguments, Imaginaries

The primary objects of analysis in this research are the perspectives, imaginaries and arguments of the actors who I designate as supporters, opponents, Natives (Ktunaxa, Kinbasket Shuswap, Sinixt) and government officials constituted through the environmental review of Jumbo Glacier Resort. The term “perspective” arrives from the language of vision. Since our eyes have a location in space we literally see things (or don’t see them) from a particular perspective. Moreover, the term is used metaphorically.

16 Personal communication Mar 1, ’09
to refer to value-based positions from which interpretations of the world are made. After Kant and Nietzsche, much contemporary social theorizing accepts (to varying degrees) the proposition that human knowledge is perspectival knowledge. Nietzsche famously declared:

There is only perspective seeing, only a perspective “knowing”; and the more affects we allow to speak about a thing, the more eyes, different eyes, we can use to observe one thing, the more complete will our “concept” of this thing, our “objectivity”, be. (Nietzsche 2000 [1887] GM 3:12)

In Nietzsche’s reading it is impossible for a “pure, will-less, painless, timeless knowing subject” to have access to unmediated objective truth which would involve an eye from nowhere or “God’s eye view” as famously articulated by the pragmatic theorist Hilary Putnam (1981). For Nietzsche, while we cannot access the world in some a priori way, through layering various perspectives and affects we might approach a more reasonably accurate view of the world. This reflection along with his encouragement to have “profound aversion to resting once and for all in any one total view of the world”, “enchantment with the opposing point of view” and “refusal to be deprived of the stimulus of the enigmatic” (Nietzsche 1968 [1885-86] WP:470) set the attitude for this research. This refusal to be deprived of the enigmatic compelled me to be vigilant against reducing the multi-dimensional complexity of this place. Paraphrasing Braun (2002:2) who uses the following description more generally to refer to the “temperate rainforest” of coastal BC, I asked myself how the Jumbo Valley might be seen as a “site of irreducible difference” rather than as transparent and singular. I was interested in seeing how the Jumbo Valley was “made visible, how it enters into history as an object of economic calculation and a site of emotional and libinal investment” (ibid).
Along with “perspectives” I have used the term imaginaries, following Charles Taylor and others who use “social imaginaries” to describe ideology in a non-pejorative sense to describe interpretive maps of social space that provide meaning and orientation to the members of society (Celiakates 2006: 27, Taylor 2004). Political geographers have added a spatial dimension in their use of notions such as “place-based imaginaries” or “geographic imaginaries”. These are mental maps produced through the experiences and livelihoods of groups in particular geo-historical contexts (Leitner et al 2007: 12). While “imagination” is not limited to the fanciful here, I appreciate the term because it can register elements of fantasy and affect invested in perspectives. For example, the Jumbo imagined in terms of sipping wine in the hot tub on a cedar balcony as the sun sets on the glowing, pink glaciers; your muscles gently aching after a spectacular day of skiing boundless powder drips with passion and fantasy; as does the Jumbo imagined as a place where one must exert effort to hike to high alpine ridges to be afforded spectacular views over a wild land of grizzlies and wolverines.

More precisely I use the term “arguments” linked with models of justice to denote attempts to justify particular positions with respect to some sense of the public interest or common good (Boltanski and Thévenot 1991, Thévenot et al 2000). While this research is inspired by Nietzsche’s development of perspectivism, its further refinement by critical pragmatists presents a useful ethos for undertaking research on conflicts in the public realm. Before further elaborating the analytical framework centered on models of justice, I provide a brief introduction to pragmatism.
2.2.2 Brief introduction to pragmatism

Pragmatism as a recognized philosophical endeavour can be traced back to the movement of American philosophers such as Oliver Wendell Holmes, Charles Sanders Peirce, William James and John Dewey reacting to currents of Nineteenth Century New England including the traumatic experience of the American Civil War; the ethical struggles around slavery and its abolition and the ontological upheaval in the wake of Darwin’s theories of evolution (Menand 2002). As a challenge to the rigid culture of incommensurable dogmatic positions divorced from public context that had lead to the brutal conflagration of war, pragmatism involved a commitment to fallibilist empiricism and communal inquiry. Abhorring the ethical hypocrisy of slavery, it developed as a reformist effort with a clear motivation to political action. Informed by Darwin, it sought ways of thinking about action in the world, recognizing contingency. In a more recent revived form it has developed as a reformist, democratic approach to inquiry associated with American philosophers such as Richard Rorty, Richard Bernstein and Hilary Putnam and engaged in France by the likes of Luc Boltanski, Eve Chiapello, Bruno Latour and Laurent Thévenot.

While pragmatists differ substantially, a commitment to practice or action is a common thread. For Dewey (1917: 65), academic inquiry should deal with the problems of men rather than the problems of philosophers. Rather than epistemic truth, social inquiry should be directed at what is useful for communities. For Rorty, pragmatism is

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17 It should be noted that French pragmatists do not trace their intellectual lineage back through American pragmatism. Indeed there is little reference amongst authors such as Luc Boltanski and Laurent Thévenot to writings of Dewey and others, although Bruno Latour has connected with the American tradition more explicitly (Baert and Carreira da Silva 2010: 42). Still, there are recognized similarities in approach and I have found it possible and fruitful to draw upon both traditions in this thesis.
about pursuing "what is better for us to believe" rather than "the accurate representation of reality" (1979:10). Of course, such an approach occasions its own set of philosophical problems to work out, but the key message of pragmatism is that we recognize the impossibility of perspective-independent, absolute objectivity (or epistemological and metaphysical foundationalism) and rather find ways of judging truth claims communally accepting contingency and fallibility.

Geographers have tentatively engaged with pragmatic philosophy. Geographers have used Rorty to explore the metaphoric space of the gravity model (Barnes 1991), used Dewey to explore uncertainty in health geography or adaptation to environments (Cutchin 2004a, 2004b), used a pragmatic approach to develop an anti-essentialist and engagingly pluralistic economic geography (Barnes 2008, Barnes and Sheppard 2010, Sunley 1996) and used a pragmatic, constructivist approach to tourism geography (Duncan 1978). Planning theorists and environmental philosophers have been more enthusiastic in engaging with these ideas in working through a public engaged planning and environmental ethics (Healey 1996, Hoch 2002, Holden 2004, Light and Katz 1996, Moore 2007, Sandilands 2002, Stein and Harper 2006).

Barnes (2008), who has been a major player in introducing the approach to geographers, has summarized some of the key underlying themes of the pragmatic ethos: anti-foundationalism; a recognition of the social character of knowledge; a Darwin-influenced acceptance of radical contingency; a commitment to experimentation, radical democracy and hope and pluralist perspectivism.

Before expanding on these themes it is important to note that I have adopted pragmatism as the research attitude or ethos and it has informed the specific research
framework (as elaborated by Boltanski and Thévenot (2006)). However, I have also imagined through this research how the pragmatic ethos could serve the public review process and encourage improved conversation around sustainability. To the extent that pragmatism explores means for evaluation and action in the absence of firm foundations it offers an interesting analogue for environmental assessment. Thus, more than a lens for viewing this case, I see the opportunity to offer this pragmatic approach as a potential guide for environmental governance. I return in the concluding chapter to further elaborate how a pragmatic ethos may improve how we approach environmental conflict and assessment through recognizing the social character of knowledge, radical contingency, the promise of experimentation, democracy and hope. Here, taking bearings from Bernstein (2010), I explore how three themes of anti-foundationalism, radical contingency and engaged pluralism informed my own research approach.

2.2.2.1 Anti-foundationalism

Following in the wake of Nietzsche and Darwin, pragmatists are anti-foundationalists in the sense that they do not take concepts to exist in timeless, pre-existing forms. Effort is not directed towards establishing transcendental truths, but in inquiring into the usefulness of particular concepts and conceptual frameworks in helping communities achieve collective goals. Pragmatism rejects the Platonic urge “to escape from conversation” through propping up positions on unassailable moral foundations (Bernstein 1983: 199). Adhering mistakenly to indubitable foundations outside the conversation has had tragic consequences (the US Civil War, for example). Rather than mirrors of nature, concepts are thus taken to be “like knives and forks, implements to accomplish certain tasks” (Barnes 2008: 1544). It is helpful here to consider the German
term for “concept” begriff from greifen – “to grasp”, as Nietzsche does (Young 2010: 474). “Concepts” can be thought of as tools for grasping the world. In the context of the present study, key concepts such as place, sustainability and wilderness are thus not taken as self-evident but as produced, contested and, importantly for pragmatists, reproduced in our collective conversation. Of course to communicate we need to use concepts and I concur with Butler that critical deconstruction of terms does not preclude their (careful) use by the researcher:

To question a form of activity or a conceptual terrain is not to banish or censor it… but to suspend its ordinary play in order to ask after its constitution. I take it that this provides the important backdrop for Derrida’s own procedure of ‘placing a concept under erasure’ [deconstruction]. I would only add, in the spirit of more recent forms of affirmative deconstruction that a concept can be put under erasure and played at the same time. (Butler 2000: 264)

Thus, I charted a path whereby I simultaneously employed key terms (e.g. place, sustainability, wilderness) while recognizing their contingent character and investigating how they were “played” by the actors in my study.

My own approach to the play of concepts took bearings from Kendall and Wickham’s (1999) reflections on Foucault’s Methods. Whether the authors are able to faithfully distill Michel Foucault’s research approach (a daunting task to say the least) their commentary on critical research methods is useful. The authors link the French historian’s disruption of the taken for granted and recognition of the “strangeness” or contingency of all social arrangements to the approach of the ancient Greek skeptic Phyrros as recounted by Roman philosopher Sextus Empiricus. In Phyrros’s time (2nd-3rd Century AD), the prevailing scholarly attitude was deeply pessimistic, objecting that one could never be completely sure of anything because our experience of the world was
mediated by (often unconscious) assumptions. Pyrrhos, like other skeptics was wary of received knowledge and dogmatism, but departing from the so-called Akademic skeptics, he also rejected the paralyzing denial of the possibility of ever discovering truth. Instead, he promoted the infinite continuation of investigations. A Phyrrhonian-inspired approach to research involves 1) being as skeptical as possible in regards to all political arguments, constantly investigating claims to knowledge and 2) suspending one’s own judgment by continuously imagining other possible explanations. In this dissertation I worked to present this case without too quickly judging perspectives and relying on simple explanations. Of course this is a profound challenge. Just as Milton Friedman (1984) famously declared that “with few exceptions businessman favour free enterprise in general but are opposed to it when it comes to themselves” we might suspect that many philosophically minded people who accept plural perspectivism in general, still affirm the accuracy of their own positions. Kendall and Wickham (1999:13) admit that no one ever perfectly succeeds at such an objective but suggest it sets a much more productive standard for inquiry. Both patience and suspension of judgment demand some modesty on behalf of the researcher, a virtue not always promoted in the academic enterprise. I freely admit that working to understand and as faithfully as possible detail the multiple perspectives in this case was certainly a humbling experience. I took heed of Nietzsche’s (1986 [1878]) assertion that “there are no absolute truths… [and] what is needed from now on is historical philosophizing, and with it the virtue of modesty”.

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2.2.2.2 Contingency

Along with concern arising in the aftermath of the US Civil War, Charles Darwin’s theories of evolution were important influences on the early development of the pragmatic approach. Pragmatists recognized the role of radical contingency and the extent to which social reality was formed and continually reformed within a context of chance, accident and serendipity (Barnes 2008: 1545). Like Nietzsche, pragmatists, for the most part, reject some kind of Hegelian Aufhebung or “final coherence” or “final reconciliation [of] all difference, otherness, opposition and contradiction.” (Bernstein 1991: 8). Rather than some necessary teleology, the pragmatic acceptance of contingency demands an open approach to a future of imminence and emergence. It demands grappling with uncertainty, unpredictability and the notion that things could be otherwise, which cautioned me against searching retrospectively for simple over-determinative explanations. In section 5.3.4, for example, I detail the process by which grizzly bear impacts were evaluated showing the many factors and contingencies eschewing simple, obvious explanation.

2.2.2.3 Radical pluralism

Linked with the need to deal with an absence of foundations and contingency, pragmatists have grappled with evaluation and action in a context of inescapable pluralism. A story told by William James portrays the very different imaginations of a place in the mountains of North Carolina. I include this lengthy excerpt because of its intimate linkage with my own story and its elaboration of Nietzschean perspectivism.

Some years ago, while journeying in the mountains of North Carolina, I passed by a large number of 'coves,' as they call them there, or heads of small valleys between the hills, which had been newly cleared and
planted. The impression on my mind was one of unmitigated squalor. The settler had in every case cut down the more manageable trees, and left their charred stumps standing. The larger trees he had girdled and killed, in order that their foliage should not cast a shade. He had then built a log cabin, plastering its chinks with clay, and had set up a tall zigzag rail fence around the scene of his havoc, to keep the pigs and cattle out. Finally, he had irregularly planted the intervals between the stumps and trees with Indian corn, which grew among the chips; and there he dwelt with his wife and babes—an axe, a gun, a few utensils, and some pigs and chickens feeding in the woods, being the sum total of his possessions.

The forest had been destroyed; and what had 'improved' it out of existence was hideous, a sort of ulcer, without a single element of artificial grace to make up for the loss of Nature's beauty. Ugly, indeed, seemed the life of the squatter, scudding, as the sailors say, under bare poles, beginning again away back where our first ancestors started, and by hardly a single item the better off for all the achievements of the intervening generations.

Talk about going back to nature! I said to myself, oppressed by the dreariness, as I drove by. Talk of a country life for one's old age and for one's children! Never thus, with nothing but the bare ground and one's bare hands to fight the battle! Never, without the best spoils of culture woven in! The beauties and commodities gained by the centuries are sacred. They are our heritage and birthright. No modern person ought to be willing to live a day in such a state of rudimentary and denudation.

Then I said to the mountaineer who was driving me, "What sort of people are they who have to make these new clearings?" "All of us," he replied. "Why, we ain't happy here, unless we are getting one of these coves under cultivation." I instantly felt that I had been losing the whole inward significance of the situation. Because to me the clearings spoke of naught but denudation, I thought that to those whose sturdy arms and obedient axes had made them they could tell no other story. But, when they looked on the hideous stumps, what they thought of was personal victory. The chips, the girdled trees, and the vile split rails spoke of honest sweat, persistent toil and final reward. The cabin was a warrant of safety for self and wife and babes. In short, the clearing, which to me was a mere ugly picture on the retina, was to them a symbol redolent with moral memories and sang a very pean of duty, struggle, and success.

I had been as blind to the peculiar ideality of their conditions as they certainly would also have been to the ideality of mine, had they had a peep at my strange indoor academic ways of life at Cambridge. (James 1977 [1899])
This quotation exemplifies this commitment to recognizing plural perspectivism in the imagination of places, different modes of argumentation and determination of value. To James, the Cambridge scholar, the landscape was interpreted as unmitigated squalor and denudation, while to the local person the landscape was a landscape of victory, "redolent with moral memories" of duty, struggle and success. This pluralism in geographic imaginations is what I have tried to capture in attending to the various stories of the disputants in the Jumbo case.

Pragmatic pluralism accepts that "[d]ifference, otherness, opposition and contradiction rather than being effaced should be juxtaposed, contrasted, brought together in opposition, made to groan and protest in their adjacency" (Barnes 2008: 1547). Put colourfully by James:

Philosophers have always aimed at cleaning up the litter with which the world is apparently filled. They have substituted economical and orderly conceptions for...tangle...As compared with these rationalizing pictures, the pluralistic empiricism which I profess offers but a sorry appearance. It is turbid, muddled, Gothic sort of affair. (James 1997 [1910]: 26)

It is this more turbid, muddled, Gothic account that I have wanted to capture, being as vigilant as possible of too quickly collapsing the complexity of the case. As such this approach diverges from much critical study as elaborated in the following section where we turn to explore the French pragmatism upon which I have built my analytical framework.

2.2.3 From critical sociology to a sociology of critique

The pragmatic pluralist emphasis on the different arguments of disputants is certainly not the only or even the most accepted approach for studying environmental
conflict. Much work in the social sciences takes on a more critical flavour countenancing attendance at various scales to oppressive political-economic processes, structures, institutions or specialized political actors rather than to the self-explanations, vernacular utterances and actions of the different actors themselves. By contrast a Marxian critique of ideological mystification works to expose the false consciousness sustained by those in power to mask the reality of the working class' bargaining position (Chiapello 2003: 157). Rather than attend to the arguments of the disputants in a conflict like this one an approach to the struggle over the Jumbo Valley might focus on insidious corporate greenwashing, the privileged relationship of business in government or commodification of nature (e.g. Smith 2008). My own path has lead through critical planning theorists such as Bent Flyvbjerg (1998, 2001) who emphasize the “dark side” – the power-laden context of public planning. This work has usefully drawn attention to the gulf between the ideals of Enlightenment rationality and the less-principled “realities” of democracy in practice.

As the project proceeded, however, I became more convinced of Latour’s (2004, 2011) call to action that this critical spirit of debunking insidious prejudices and injustices has begun to run out of steam and that the important work to be done, in light of imminent and precarious global ecological change, involves the (re)composition through the public realm of a more aware and responsive society. My sense is that in this case power-relations and insidious interests are insufficient explanations. There is something richer to be discovered. In the language of Boltanski and Thévenot (2006), we

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18 My portraits of eminent theorists such as Durkheim, Marx and Bourdieu are clearly tendentious and efface the complexity of their thinking (see Celikates 2006). I am rather using this caricature to contrast the current approach with other plausible approaches I could have deployed.
can move from a narrow, critical sociology to a ‘sociology of critique’, where attending to the critiques, arguments, justifications and denunciations of the actors in the public realm provides a more nuanced elaboration.

According to Baert and Carreira da Silva (2010), the ‘sociology of critique’ approach represents one of two major strands in contemporary French social theory and a welcome departure from the Ricoeur inflected Bourdieuan critical sociology. Rather than a “hermeneutic of suspicion”, theorists such as Boltanski and Thévenot take inspiration from American pragmatism aiming to describe a plurality of regimes of human action (Baert and Carreira da Silva 2010: 42).

Critical approaches to environmental conflict (e.g. Bakker 2007, Block 1980, Duffy 2002, Harvey 2007, O’Neill 2001, Smith 2008) are valuable, but pragmatism makes a useful contribution well-articulated by Celiakates (2006). Her review of critical sociology begins after Marx, with the founder of the modern discipline Émile Durkheim. The pre-eminent French theorist claimed that the task of social science was to reveal how society really worked, doing away with what he called “the traditional prejudices of the common man” (e.g. the arguments of supporters and opponents of Jumbo Glacier Resort). Durkheim understood agents living under a spell unable to reflect on their true situation and thus their own utterances would only serve as data for scientific interpretation. The eminent sociologist Pierre Bourdieu maintained a rigid distinction between vernacular appearance and objective reality. While he did not frame his project in terms of critique of ideology, he imagined the task of the social scientist was to break with the temptation to trust local self-understanding or the “illusion of immediate knowledge” and reveal the “social fact”. While local agents may fashion themselves to be
“a bit of a sociologist” their readings were naïve of the mediations and conditions of what they perceived to be self-evident, pre-given and immediately true and valid – for Bourdieu “expérience naïve rhymes with expérience naïve” (Celikates 2006: 23-25). As Boltanski and Chiapello articulate it:

[Bourdieu aimed] to unveil the mechanisms through which a universal ‘domination’, presented as an iron law, is exercised, while at the same time seeking to advance the work of individual liberation, conceived as an emancipation from external powers and intervention. But if, in the final analysis, all relations are reducible, and this is a “law” immanent in the order of the “social” what is the point of unmasking them in the indignant tones of critique, as opposed to registering them with the dispassion of the scientist studying ant societies. (2005: x)

In this understanding, taking the arguments and justifications provided by the disputants in the Jumbo struggle seriously would thus be considered a distraction. I would miss the hidden truths (of economic conditions or social structures) that the agents themselves inadequately represented immersed as they were unreflexively in quotidiens habits and routines (habitus). In this view, what allows the social scientist to unmask social reality is her scientific training and careful reflexivity with respect to her own presuppositions and accounting for her positionality. So, as Celikates (2006: 26) summarizes critical sociology as tendentiously caricatured here involves “an operation of unmasking and unveiling that discovers what is hidden beneath the surface, behind the appearances that ordinarily deceive us into thinking what we see is all there is”.

As we have explored already, the possibility of neutral observation and the “givenness” of facts is increasingly challenged by theoretical developments set in motion long ago by Kant and Nietzsche coalescing in what Rabinow and Sullivan (1979) coined the “interpretive turn”. As Taylor (1985: 45) articulated since humans are “self-
interpreting animals” their actions and their meanings cannot be faithfully apprehended at a distance by the outside observer as these are always “for us”. Taylor has written extensive critiques of a variety of approaches that have in common the expectation that reductive theories provide explanations of human behavior that can be verified against empirical evidence (without checking with the actors). While Taylor and others working with such assumptions share such an approach with postmodern thinkers and their critical deconstruction of the scientistic, foundationalist and individualistic bias of western thought, they depart from the latter by attending to rather than ignoring the integrity of lived personal experience. Pragmatists contend actors are able to understand and reflect upon the meaning of their lives and their relationships based on practical knowledge and everyday encounters within cultural frameworks. Such interpretation is further taken to involve moral evaluations – working out meanings and justifications for action.

Such an approach does not dismiss the role of critique but is interested in seeing how “critique” itself is “played” by different actors in the struggle (not just academics). Furthermore, the approach does not imply that the actors’ perspective is necessarily accurate. It is not so interested in a correspondence theory of truth at all, but is rather interested in the perspectives or interpretations upon which the different participants act. As Celikates (2006: 27) articulates it: “it does follow however that the experience of the agents themselves and their articulation in self-interpretation have to play the role of an explanans [the explanation of a phenomenon] and an explanandum [a phenomenon that needs to be explained]”. Furthermore, “it follows that the interpretation of society and culture is not a search for hidden structures and law-governed processes but an attempt to
understand the meaning of social practices and self-understandings”. Of this “hermeneutic view”:

Social practices, institutions, and discourses do not constitute a reality that can be apprehended from the perspective of a detached observer. The objects the social and human sciences interpret are themselves already interpretations. They are, therefore, “doubly hermeneutic” since they give interpretations of interpretations, and these interpretations are “doubly underdetermined” since there is, on both levels, no simple fact of the matter independent of interpretation to which one could refer in order to validate one’s interpretation (ibid).

In a similar vein, Latour (2005) has noted that social sciences should reject the “debunking” stance and move from a critical sociology to a sociology of critique (Boltanski and Thévenot 2006). It is here that we can turn to French pragmatism to build a useful framework for making sense of the Jumbo struggle.

### 2.2.4 Bringing (French) pragmatism to the Jumbo Valley

In this research I have experimented with a framework developed by Luc Bolanski, Laurent Thévenot and their colleagues working through l’École des Hautes Études en Sciences Sociales in Paris in a field of inquiry referred to as French pragmatism. I should begin by noting that using the term “experiment” is important. I have utilized a framework that involves a way of categorizing social phenomena. It has proven to be a useful, robust tool for bringing the arguments in this case into relief. I have no doubt there are other grids of interpretation that could be used. As a researcher I have a Nietzschean skepticism to all-encompassing systematic explanations. However, Nietzsche, himself, did not hesitate to employ elements from different systems to aid in analysis using such systems with caution as “aids to ruthless questioning” (Kreis 2000). He writes that:
The philosopher believes that the value of his philosophy lies in the whole, in the building: posterity discovers it in the bricks with which he built and which are then often used again for better building: in the fact, that is to say, that the building can be destroyed and nonetheless possess value as material. (Nietzsche 1986b [1886]: 201)

Foucault (1994 [1974]) adopted such a position when he famously advised his students to adopt a toolbox approach to philosophizing. He counseled researchers to rummage through the work of philosophers looking for tools that could be used pragmatically to help make sense of problems while avoiding subscription to any totalizing framework. To avoid getting lost in abstraction, Foucault encouraged researchers to “never lose sight of reference to the concrete example” (in Flyvbjerg 1998). Nietzsche, prefiguring pragmatism, asserted that the “philosopher of the future” would be a versucher – an experimenter, claiming that the researcher is disingenuous when deciding antecedent to investigation that reality has a systematic nature. Tania Murray Li articulates clearly a prime methodological concern that I share. Like her, I have resisted too easily forcing the complexity of my case into a neat systematic framework rather seeing its untidiness as a “provocation that enables me to put pressure on the conceptual repertoire I have adopted and confront theory with the world that it would explain” (Murray Li 2007: 30). With these reservations in mind, I have found the model of Boltanski, Thévenot and colleagues a useful if imperfect tool for experimentation.

Fellow French sociologist Bruno Latour (1993) has praised the work of Boltanski and Thévenot claiming that it provides a way beyond the no longer tenable denunciation or unmasking of critical research. He argues that up until now:

...critical unmasking appeared as self-evident. It was only a matter of choosing a cause for indignation and opposing false denunciations with as much passion as possible. To unmask: that was our sacred task, the task of
us moderns. To reveal the true calculations underlying the false consciousness, or the true interests underlying the false calculations. Who is not still foaming at the mouth with that particular rabies? Now Boltanski and Thévenot have invented the equivalent of an anti-rabies vaccine by calmly comparing all sources of denunciation...they do not unmask anyone. They show how we all go about accusing one another. Instead of a resource, the critical spirit becomes a topic... Instead of practicing a critical sociology the authors quietly begin a sociology of criticism” (Latour 1993: 44)

It is this comparison of sources of denunciation or analysis of how we accuse each other of the critical spirit itself that we can usefully appropriate to explore argumentation in the present case.

As described by Baert and Carreira da Silva (2010: 43), the main project of Boltanski, Thévenot and their colleagues is to reconnect “normative political philosophy with empirical social science” through identifying repertoires of justifications in concrete political conflicts. In their elaboration of French social theory, Baert and Carreira da Silva describe Boltanski and Thévenot’s (1991 (English translation 2006)) On Justification as the most important treatise of post-Bourdieu French sociology (2010:43). The French pragmatists suggest that the key entry points for social reflection are those “critical moments” of conflict where social agents realize “that something is wrong; they cannot get along and that something has to change” (Boltanski and Thévenot 2006: 359). Parties in public disputes draw upon available cultural models to assert the legitimacy of their positions in the public realm.

The works of Thévenot, Moody and Lafaye (2000) and Moody and Thévenot (2000) are particularly useful for introducing the relevance of such reflection for the present study. The authors use two in-depth cases studies of environmental conflicts in France and the United States respectively. They argue that environmental conflicts are
particularly appropriate sites for “the study of conflicting interpretations of what constitutes the public interest” and in their case are able to complete an intriguing comparative analysis of political culture in practice. This emphasis on “culture in practice” (as opposed to an overarching static and determinist model of culture) is particularly attractive for my own study and is elaborated below (in section 2.2.6). I am similarly interested in studying “values and culture in use” and “the way actors creatively employ resources in practice” (ibid: 238).

Like my own, their work considers conflict that results from major development proposals planned for remote, treasured areas: specifically a highway and tunnel project in the Apse Valley of the French Pyrenees and a hydroelectric project on the “wild and scenic” Clavey River in the Sierra Nevada Mountains of Northern California. The authors develop a two-stage approach to studying environmental disputes. First, they are interested in the claims and arguments of the disputing parties, and particularly in the way arguments are justified. Secondly, they attend to the rhetorical and other strategies and tactics by which each party advances its case.

A central assumption here, consistent with pragmatic theory, is that parties to a public dispute are compelled to provide legitimate justification for their argument. Such justification makes some reference to the general interest or common good and involves some kind of proof supporting the assertion. Similarly critiques of other arguments demand justification. It follows then that arguments in environmental conflicts are not simple assertions of naked self-interest but involve claims requiring some form of legitimation in generalized context. Even arguments about the singularity or unique qualities of a certain place involve more generalizable justification. For example, the
argument that the Jumbo Valley is uniquely important because of its quality as a corridor for grizzly bears moving up the Yellowstone to Yukon wildlife corridor relies on a more general argument in support of ecological integrity (or the emotional attachment to a charismatic species).

Such an approach does not deny rhetorical manipulation or misinformation (the focus of critical planning theory). However it does suggest that in the public realm in which land use decisions are made, arguments and actions require some kind of justification. Moody and Thévenot (2000:273) assert that connecting argumentation to the general good is always necessary in public debate, although self-interest may be used as a legitimate justification (e.g. Adam Smith’s “invisible hand”) in some political cultures. Avoiding an overemphasis on simple self-interest and strategic manipulation (a concern with Flyvbjerg’s approach (see Stein and Harper 2000)) opens up the opportunity to interrogate arguments, in turn revealing the assumptions and values which constitute political cultures at a particular time. The point is not exposing the “real” manipulative intent (without naively denying that manipulation is central to political conflict) but rather to focus on the explicit justifications. The latter tells us something very interesting about what constitutes what actors imagine can be legitimately said about a subject in a certain time / place context.

The authors add that their analysis attends not only to the discursive dynamics of argumentation but also the institutional, technical, legal and material arrangements that support and constrain this argumentation and qualify forms of proof. What becomes useful is detailing what each party holds valuable or worthy and “the cultural models governing how they go about expressing and implementing these criteria of worth and
shared modes of evaluation” (Thévenot et al 2000: 229). At the centre of the framework is an elaboration of models of justice.

2.2.5 Models of justice

The starting point in the sociology of critique of French pragmatist analysis is the concept of “generalized arguments” defined as “arguments which make some claim to general applicability by reference to different sorts of values, principles or models judging what is good, worthy or right (e.g. equality, tradition, the free market or environmentalism)” (Thévenot et al 2000: 236). The authors are interested in the modes of justification that the disputants use to assert the generalizability of their arguments. As introduced above (on page 16), models of justice (i.e. orders of worth; models of justification) refer to cultural repertoires of rationales, justifications, denunciations, forms of proof and the ways in which one expresses, embodies, understands or represents other people, objects and perceptions (Boltanski and Thévenot 2006: 132).

Eight particular models of justice represent the focus of this research including justifications based on the economic performance (“market worth”); technical efficiency and planning (“industrial worth”); civic equality, accessibility and solidarity (“civic worth”); tradition and locality (“domestic worth”); inspiration and emotion (“inspiration worth”); renown and public opinion (“renown worth”); and greenness and environmentalism (“green worth”). Each of the models of justice offers a different basis for justification (or mode of evaluation), a different test, a different form of relevant proof, qualified objects and subjects; and time and space formations (see Table 5-1). Justifications can be understood in both positive and negative forms as either supportive claims or critical denunciations.
To illustrate with an example, in the market model of justice price is a principal mode of evaluation while in the green model of justice environmental friendliness would be. Competitiveness or sustainability / renewability might be regarded as the suitable tests, respectively. Proof would be monetary in the market model of justice while in the green model of justice proof would be found in some measure of ecological integrity. These justifications are more than just words also enrolling objects, producing subjects, and qualifying these in different ways. Qualified objects might be a freely circulating good / service or healthy environment. Qualified subjects might be customer, consumer, merchant, seller or environmentalist. Relevant temporal and spatial contexts may be articulated differently based on the model of justice. The time and space formation for market worth might be short-term flexibility and global networks while the future (generations) and the planet correlate with the green model of justice.

Boltanski and Thévenot (2006) arrived at this particular categorization scheme or grid of intelligibility through classic texts in political theory and an exhaustive review of business management literature. From a pragmatic standpoint, it is important to judge this categorization scheme in terms of its utility in registering diverse arguments. Not all “generalized arguments” fit easily into one and only one model of justice. Indeed in political practice attempts are often made to “blend” or render compatible justifications that could be registered in two (or more) models of justice. Boltanski and Thévenot (2006) label this integration of arguments a “compromise”. So for example, when the Jumbo proponent justifies the resort in terms of job creation and investment in a region outside the core of the province and with dedicated opportunities for First Nations such argument aligns the market and civic (equality) models of justice. These kinds of
compromises are continuously stabilized, contested, destabilized and reconfigured. The relative salience of criteria, how criteria are blended and which are afforded more validity in different situations are what helps us put into relief political culture in practice (Lamont and Thévenot 2000: 15). This framework helped me organize the various arguments in the Jumbo case.

What was particularly interesting to me about Thévenot, Moody and Lafaye’s (2000) work was how disputants in their cases mobilized the same concepts or models of justice to support otherwise contradictory agendas. For example, in the French (road and tunnel building) case both supporters and opponents claimed the civic model of justice (i.e. justification based on civic equality and solidarity). The supportive French state justified the project by arguing it would support equality of access and communication between regions. Given that the project would connect Southern France and the Basque Region it could potentially enhance trans-boundary solidarity. On the other side, the opponents of the project also attempted to mobilize trans-boundary solidarity through linking their own struggle with similar efforts against road building in Switzerland. In another example, this time in the American case, both project supporters and opponents worked to mobilize the industrial model of justice (i.e. justification based on technical efficiency and planning). Advocates of the Clavey dam supported their position through appealing to technical science-based planning, which asserted that further hydroelectric power generation was vital to California’s future. Opponents also mobilized scientific analysis, this time to reject the project, asserting that preserving wild rivers was vital to California’s future. This mobilization of models of justice was similarly the focus of my study.
2.2.6 Fitting models of justice to the Jumbo struggle

The “sociology of critique” approach, focusing on the models of justice, was developed by sociologists drawing principally on political theory and management texts in the French context. I found it was generally helpful for unpacking this environmental conflict, but in its use I uncovered that it could be made much more robust through reimagining it with a geographic sensibility. I return to reflect on the promise of integrating French pragmatism and geography in Chapter 6. Here I introduce the reader to two important categories included in my version of the models of justice framework not included in the original developed by Boltanski and Thévenot (2006).

Thévenot, Moody and Lafaye (2000) themselves experiment with the green model of justice attending to ecological and environmental aesthetic arguments, which was not included in the original development of this framework (Boltanski and Thévenot 2006). Furthermore, I have experimented with an additional category of justification. While explicitly geographical arguments are registered within the domestic model of justice (arguments around locality and tradition) or the green model of justice (ecology and wilderness aesthetics), a spatial model of justice could usefully organize arguments surrounding the suitability of the geographic location itself, the local physical characteristics (site) and relative location (situation) as well as mapping, bounding and asserting the appropriate scale of analysis. These models are explained in more detail below (in Chapter 5).

In sum, this research used a framework based on the work of French pragmatist Laurent Thévenot and his colleagues to analyze the contrary arguments of supporters and opponents of the proposed project. The underlying assumption of this approach is that
parties to environmental conflicts provide justifications for their arguments. Rather than random, incoherent or simple assertions of naked self-interest disputants attempt to legitimately link their positions to some notion of the public interest however questionable their interpretation may be to others. Such an analytical approach does not deny the presence of power dynamics, deceit, denial or delusion but, as Boltanski and Thévenot (2006) argue, analysis grounded only in these categories fails to account for the rich experience of different social actors themselves.

The approach involves making multiple passes over the data considering the multiple arguments, denunciations, forms of proof and links to cultural models as they are brought into relief by the different models of justice.

Having laid out the analytical framework I turn now to explore some other key dimensions of the research approach including reflections on the key actors; the concept of political culture of sustainability in practice and the normative considerations / political ambitions of this research.

2.2.7 Supporters, Opponents and Native Actors

I use the terms “supporters” and “opponents” frequently in this dissertation as necessary shorthand to contain a diversity of perspectives. The labels are readily understood and accepted, with qualification, by the actors themselves, however they hide some of the complexity of the case. Like other key concepts in this dissertation, I approach identities in a non-essentialist way. The identities of supporters and opponents are imagined and performed in complex and changing ways and grafted on to other ways
of identifying. Particularly interesting is how roles are prescribed and resisted through the environmental assessment process.

2.2.7.1 Supporters

By “supporters” I refer to the proponents (Glacier Resorts Ltd. formed by Vancouver-based Pheidias Project and Development Management) and others favourable to the resort development whom I interviewed or whose opinions I accessed in public documents and other materials (detailed in section 2.3). Generally, those acknowledged as supporting the project include: the proponent, most provincial officials, the Kinbasket Shuswap Band, the Hamlet of Radium Hot Springs, the Columbia Valley Chamber of Commerce, organized labour and some local businesses and citizens. While I uncovered much consistency with respect to general details and principals of these supporters there were important differences, which I have noted in the text that follows.

2.2.7.2 Opponents

“Opponents” refers to those individuals and groups opposed to the resort. Opponents of the project include hunters, environmentalists, recreationists and others mobilized through Wildsight and the Jumbo Creek Conservation Society; the Ktunaxa and Sinixt First Nations, the District of Invermere, some government officials, some local businesses including RK Heli-Ski, local regional district directors and the majority of citizens\(^\text{19}\). Again while there was great consistency with respect to concerns with the proposed development and the review process, there were differences amongst opponents (especially with respect to what alternative arrangement for the Jumbo Valley was most

\(^{19}\) We return to the claim of who is opposed in section 3.7.
desirable). Only one individual I interviewed noted that he had changed his position. Gerry Taft, the mayor of Invermere, was a supporter of the proposal and had even used it as the subject of a college project. However, upon becoming a councilor and then mayor of the nearest community to the proposed resort location, he became more concerned with the economic and social implications of the development.

2.2.7.3 Native Groups: Ktunaxa, Sínixt, Kinbasket-Shuswap

Given their unique history and political status within the province, I often discuss Native communities separately. Although the Ktunaxa and Sínixt have consistently opposed the resort and the Kinbasket-Shuswap have supported it, their motivations are often different from other opponents and supporters.

Encouraged by Robertson (2011) I use “Native” where appropriate (i.e. mindful of effacing diversity) to more generally delineate “the original occupants of Turtle Island/North America”. This term was used most frequently by interview participants to self-identify and was preferred to Indians, Aboriginal or First Nations, which sometimes connotes a more colonial bureaucratic vocabulary. I use these titles in certain situations as demanded, for example with respect to the legal categories of Aboriginal rights and title or “Indians” as defined by the Indian Act.

BC’s cultural diversity in pre-Contact times surpassed that of Europe (McKee 2009). In the colonial imagination the vast diversity of groups on this continent were usually assembled into an indistinct totality and assigned the misnomer “Indian”. Wherever possible I use proper names (i.e. Ktunaxa, Sínixt, Kinbasket-Shuswap) to connote groups as distinct as Spanish, English and Chinese (the province’s “second”
peoples). Actually, the tendency to speak about Natives generically is greatly foreclosed in this case where the three groups most involved have clearly enunciated different positions with respect to Jumbo / Qat’muk. It should be remembered that even these groupings efface further diversity amongst members. So, while the Ktunaxa and Sinixt are officially opposed to the project and the Kinbasket-Shuswap supportive, these representations do not exhaust possibilities. For example, one Shuswap Band member expressed her opposition to the Band leadership “making blanket statements to the media” as though all Shuswap agreed with the decision to officially support Jumbo Glacier Resort (Teneese 2010:6).

Unlike most other parts of (southern) Canada, Aboriginal rights and title in much of BC (including all of the southeast) have not been extinguished by treaty. The Royal Proclamation of 1763 issued by King George III established guidelines by which land could only be acquired from Native inhabitants through treaties undertaken by the Crown. These treaties involved previously self-governing groups giving up claims to their traditional territories in exchange for a portion of that land (reservation), hunting and other rights to a larger portion of that land, cash and other provisions. After initially pursuing treaties, by the 1850s local authorities in BC, the most remote of Canadian colonies, had little interest in the welfare of Native peoples (McKee 2009). After Confederation the Federal authorities found it more prudent not to jeopardize intergovernmental relations and alienate the electorate in the new province by forcing the provincial government to cede land to complete treaties. Thus, it became longstanding federal and provincial policy to deny Native claims to their territories in BC, controlling them through the Indian Act and restricting them to penurious reserves (ibid). After years
of denial a combination of local Native activism, including direct action campaigns in the form of access road blockages; solidarity amongst Native populations across North America, particularly galvanized by the Oka Crisis around land use struggles on Mohawk territory in Québec; increasingly more sympathetic public opinion in whitestream society; increasing recognition amongst Native scholars of legal injustice and eventually in the 1980s and 1990s high profile Supreme Court rulings in favour of Aboriginal claims and the entrenchment of Aboriginal Rights and title in the Canadian Constitution (in 1982) compelled government to establish a treaty process. The Canadian Constitution and common law evolved to support the duty of government to consult and accommodate potential infringements on Aboriginal rights on their claimed territories, which would impact proposals, such as Jumbo Glacier Resort, sited on BC Crown land.

The Ktunaxa, who are currently in the latter stages of treaty negotiations with the provincial and federal governments, have included claims to the Jumbo area in these deliberations. The Shuswap-Kinbasket band (and indeed the broader Shuswap Nation) are not currently participating in the treaty process but assert interest in the lands in question. They have been supportive of the Jumbo project and have signed and Impacts and Benefits Agreement with the proponent. The Sinixt Nation also make claims outside of the treaty process. They have been staunch opponents of the project but they also object to the Ktunaxa claims. The Sinixt however have been declared officially extinct in Canada and have no special status under the Constitution or Indian Act. They have participated in the Jumbo deliberations as part of the broader interested public.
Lawrence Paul Yuxweluptun’s painting “Land Claims Negotiation Delegates” provides an unsettling illustration of the precarious status of land tenure in BC (see Figure 2-2). The direct, lived connection with the land of Native peoples is depicted in the Salish imagery embedded in the hills, although this is somewhat troubled by the colonial exploitation of the land (illustrated in the exasperated expressions). The image of colonial BC (the sun and waves from the provincial flag) floats both oppressively but also perhaps ephemerally over the scene. The laws and institutions such as property ownership are reflected as shallow and insubstantial, while the painting portrays Natives firmly rooted in this place.

Figure 2-2 - Image of L.P. Yuxweluptun’s Painting "Land Claim Negotiation Delegates\(^\text{20}\)"

\(^{20}\) Used with permission, Source: L.P. Yuxweluptun, source: http://www.lawrencepaulyuxweluptun.com/retrospective.html
Being mindful of the historic relationship between settlers and Native peoples presents research challenges. Tuhiwai Smith (2008:1) observes that “from the vantage point of the colonized...the term ‘research’ is inextricably linked to European imperialism and colonialism”, indeed the word research, itself, is “probably one of the dirtiest words in the indigenous world’s vocabulary”.

I have been circumspect in my approach to portraying perspectives of Natives in this dissertation. My approach has been informed by methodological reflections of Denis (1997) whose book We Are Not You: First Nations and Canadian Modernity explores a collision of legal, spiritual and material imaginations of Coast Salish and Canadian whitestream society surrounding a BC court case. Denis reflects that regardless of the methods he employed or the extensiveness of his interviews with Native peoples he would still be writing from a non-Native, French Canadian perspective. With the risk that his work could be conceived as a denial of Native people to speak for themselves he recognizes “the issue becomes, then, one of my entitlement to do this book at all” (Denis 1997: 44). Granted that Native people are “fed up with being studied by (primarily) white academics”, Denis (ibid) suggests that this should not silence non-Native academics. As Allan Smith, the editor to a 1991 issue of the journal BC Studies dedicated to Native writers, artists and activists writes “the journal remains convinced that investigators of competence and sensitivity can contribute constructively to discussion of a society or culture whether they are affiliated with it or not” (cited in Denis 1997: 44). Denis further suggests that his study departs from classical “authoritative” anthropological description of a culture but is rather a study of Canadian-First Nations relations, especially as First Nations societies provide a revealing foil for critically analyzing Canadian Modernity.
Similarly, my study has no ambitions to describe First Nations communities beyond considering their espoused perspectives on the review of Jumbo Glacier Resort. This is not to deny concerns even with this modest undertaking, particularly because of the sensitive nature of conflicts between the three groups involved. I hope that I have succeeded in not further exacerbating differences while not denying these differences exist.

The following quoted at length provides a useful point from which to take bearings for developing a modest, reflexive approach to data from Native sources:

Whitestream modernity’s ways of life and of thinking are vastly different from aboriginal ways – from aboriginality – to a degree rarely acknowledged or even grasped by people reared in whitestream ways... Practically, for the purposes of this study, this means that whatever understanding of aboriginal ways I may obtain will be a “western” understanding: understanding aboriginality will depend on its redescriptions in occidental terms. (Denis 1997: 45)

For example, even after the immense research effort of the Royal Commission on Aboriginal Peoples, researchers reflected that “it would be presumptuous to suggest that we have come to understand the Aboriginal worldview, or that we could adequately represent in these pages the complexity and diversity of Aboriginal cultures” (Canada RCAP 1996: 616).

Admitting that I cannot fully grasp the perspectives of the First Nations in the Jumbo case and that my own study is inevitably a redescriptions or translation does not necessarily discredit it or automatically represent a cultural appropriation and misrepresentation. Indeed, Denis argues that white silence with respect to Native perspectives is inimical to Native interests and is also “theoretically reductionist and simplistic” (Denis 1997: 45). The demographic reality of Canada is that Native peoples
live in a society surrounded by whites and as such conditions for Native peoples "could not help but be improved if whitestream society acquired a better understanding of aboriginal ways and discovered, in fact, that it has something to learn from them" (ibid 47).

While all redescriptions are in some way distortions, the care and the spirit with which the researcher approaches the research will influence the extent to which the research is injurious or potentially helpful. Denis (1997: 47) offers that "the occidental reader who approaches aboriginal ways in a spirit of sympathy and good will, and who looks at aboriginal concepts as equal to his own, can contribute to a better relationship between cultures".

In attempts to ensure that I was not misrepresenting the perspectives of the three different First Nations' groups in this research, I asked key informants to review my analysis (as I did with non-Native groups as well).

In sum, it is not about "summoning the self-control to keep quiet" but about finding ways to approach such issues "in the right spirit" (Denis 1997: 46, Tully 1995: 19). In his own case, Denis reflects that more than writing on behalf of or about Native people he is writing in the spirit of dialogue with them.

2.2.7.4 Government Officials

Government officials and decision-makers represent another important group of individuals whose perspectives I explored in this research. While the bulk of the study focuses on the groups contesting the Jumbo Valley, the research is rounded out by exploring the decision-making context with officials from involved Ministries and
particularly the three EAO project directors who guided the Jumbo review process. These interviews provided valuable material to make sense of the conflict, how the process was so confounded and the character of BC’s political culture of sustainability in action. I engage with the perspective of government decision-makers throughout the study, but in particular in section 6.3.

2.2.7.5 Non-humans

Non-human actors are also central to the Jumbo story especially grizzly bears and the Grizzly Spirit, but also other wildlife, glaciers, water and climate. I was reminded to imagine these beings as actors in this case both from Latour (2005) and from Sinixt spokesperson Marilyn James who insisted that tribal members such as bears, caribou, birds and fish be central characters in the retelling of this story21.

2.2.8 Political culture of sustainability in practice

Through examining the arguments of supporters, opponents, Native groups and government officials this research attempted to catch a glimpse of what I am calling BC’s political culture of sustainability in practice. I derived this conceptualization from Thévenot et al (2000) who have critically interrogated the usefulness of conventional political studies that present political cultures in terms of static, overarching sets of uncontested values and institutions. The essays in their collected volume examine French and American “culture in practice” through attending to the modes and themes in argumentation, the strategies of legitimation and denunciation deployed, the forms of proof recognized as valid, the complicated arrangements of people and organizations, the

21 Personal communication (Aug 5, 2011)
permitted range of disagreement on matters and the specific cultural models and resources available to be drawn upon. In their essays they find a more nuanced, non-essentialist accounting of culture through examining such dimensions of conflict in the context of a range of questions pertaining to racial equality, the nature of sexual harassment and the value of contemporary art and how these show up as objects for elaboration and contestation in different cultures.

Similarly, I was interested in obtaining a revealing glimpse of BC’s political culture in action through exploring arguments around sustainable development in the Jumbo Valley. How does “sustainability” (and other key concepts) come to be imagined in actual conflicts in this geo-historical context? That all sides mobilize the rhetoric of sustainability to support their position invites examination of how this concept is imagined and contested. Like other terms I approach sustainability in a non-essentialist way. Rather than imagining that it has some pre-given essence I am interested in investigating how its meaning comes to be stabilized and destabilized in this particular context of conflict and uncertainty. As such, I have avoided taking either a naively sympathetic or a pessimistically cynical approach to the project of sustainability.

While open to construction and contestation sustainability is not entirely empty of meaning. How it can be mobilized is subject to constraints, although these constraints are worked out in particular situations and demand empirical elucidation. Sustainable development is most famously understood as “meeting the needs of the present without compromising the ability of future generations to meet their needs” (WCED 1987, 1). Such a framing has been both criticized and praised for its ambiguity. Many attempts have been made to elaborate, redefine and refine the concept to make it more useful, just
and effective. Frameworks have been developed and prescriptions offered emphasizing the balancing of social, environmental and economic priorities (Campbell 1996); enhancing community capital in its cultural, natural, physical, economic, human and social forms (Roseland 2005) or providing a working set of interdependent requirements for progress towards sustainability: socio-ecological system integrity and civility, livelihood sufficiency opportunity, intra and intergenerational equity, resource efficiency, precaution, adaptation and immediate and long term integration (Gibson et al. 2005). While these and many other authors have critiqued and articulated prescriptive articulations of sustainability, what I have done here is explore how sustainability, in a non-ideal form, has come to be constructed and contested on the ground in this particular context. These details may then be deployed to help understand other cases to help put clearly into relief the precise character of ethical disagreements.

In BC, sustainable development has been an explicit stated objective of government policy and specifically of environmental assessment since 1992. All parties – supporters, opponents, government, First Nations – agree that sustainability should guide development in the Jumbo Valley and this research works to reveal what this is taken to mean. In the context of EA, sustainability involves integrating economic, social and ecological priorities but also health and heritage factors and until recently - culture22.

To the extent that sustainability has become aligned with the public interest as the transcendent planning ideal (Gunder 2004), I have articulated it along with the framework of Boltanski and Thévenot (2006). While Thévenot et al (2000) register ‘sustainability’ within the ‘green’ model of justice, I see it more as a platform for

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22 For Native commentators, the removal of “culture” as a category of impacts in the 2002 Revisions of the EA Act was seen as a direct affront to their interests.
assembling models of justice (or potentially as a new integrative model of justice emerging as a compromise between existing orders). The typical rendering of sustainability as a reconciliation of the economic, social and ecological aligns with the market, civic and green models of justice. However, given that sustainability also is imagined in terms of technical planning, governance and cultural dimensions, the other models of justice can be usefully linked. Explicitly considering the struggle over sustainability in terms of the domestic, inspiration and renown models of justice produces novel ways of thinking about a popular, inspired sustainability. An important discussion for future consideration surrounds whether sustainability is best conceived as an integrative platform for these elements captured by these various models of justice or a kind of model of justice itself. I return in the conclusion to further critically assess the framework. At this point I just want to connect the ‘sociology of critique’ typology with that typically deployed through sustainability.

Thus, by the concept “political culture of sustainability in practice” I am interested in exploring the range of publically defensible positions on sustainability, the range of acceptable denunciations of other positions, the range of acceptable proofs and supportive cultural models in this place and time context. After taking multiple passes over the data I return in Chapter 6 to reflect on the view of BC’s sustainability culture in practice that the research approach affords.

2.3 Normative considerations / political ambitions

One can infer from the discussion of the analytical framework that this research departs from some critical approaches in that it is less directed at exposing oppressive power relations inhering in the government review process. The ambition is not to
cynically denounce EA or undertake a critical political economy analysis revealing yet another case of insidious corporate greenwashing or conversely selfish NIMBYism. While such approaches no doubt tell an important part of the story, such explanation is underdeterminative and fails to register the important nuance of this case, where indecisiveness has prevailed over unimpeded capitalist accumulation. With Castree (2001) I suggest that political economic explanations (and others) are necessary but not sufficient for understanding conflicts of “social nature”. My ambition is to make sense of how potential limits to capital accumulation and the constraints imposed by environmental assessment and sustainability are negotiated. This research affords a glimpse of where we are and intends to inform crucial conversations of where we ought to be.

I align my own normative and political ambitions with those of Butler (2002) and Latour (2005). Butler (2002:6) promotes a form of criticism, which is not deployed “to evaluate whether the objects – social conditions, practices, forms of knowledge, power and discourse – are good or bad, valued highly or demeaned, but to bring into relief the very framework of evaluation itself”. Bringing evaluation into relief is exactly the task of this present work and the point of deploying the sociology of critique approach.

Latour’s critique of critique (2004) or later “reuse of critique” (2011) seems particularly apt. In arguing to move from a critical to a compositionist position he observes that while “critique did a wonderful job of debunking prejudices, enlightening nations [and] prodding minds” it has run out of steam because “it was predicated on the discovery of a true world of realities lying behind the veil of appearance”. The problem is there is no firm basis upon which one can establish such a privileged access to some
real world behind the veil of appearance that others cannot access. Furthermore, Latour notes the futility in much critical theorizing that posits a virtually unassailable infrastructure of oppression:

If there is no way to inspect and decompose the contents of social forces, if they remain unexplained or overpowering then there is not much that can be done. To insist behind various issues there exists the overarching presence of the same system, the same empire, the same totality, has always struck me as an extreme case of masochism, a perverted way to look for a sure defeat while enjoying the bittersweet feeling of superior political correctness. Nietzsche had traced the immortal portrait of the “man of resentment”, by which he meant a Christian, but a critical sociologist would fit just as well. (Latour 2005: 252)

Latour (and Nietzsche) reject this nihilism and demand of us a more careful and nuanced elaboration of the social eschewing what the latter termed résentiment – the life-denying, reactionary deadening of the spirit. I found that my own empirical research cautioned against simple explanations and caricature of positions: i.e. that asserting the sustainability of Jumbo Glacier Resort was merely rhetorical manipulation hiding the fact that the proponent was only concerned about capital accumulation. In my interviews with supporters and opponents of the projects I encountered intelligent, rich perspectives that while not free from rhetorical and strategic effect could not be reduced so easily to critical formulae.

The following, excerpted at length, provides the crux of Latour’s argument:

Is it not obvious then that only a skein of weak ties, of constructed, artificial, assignable, accountable and surprising connections is the only way to begin contemplating any kind of fight? With respect to the Total, there is nothing to do except genuflect before it, or worse, to dream of occupying the place of complete power. I think it would be much safer to claim that action is possible only in a territory that has been opened up, flattened down, and cut down to size in a place where formats, structures, globalization and totalities circulate inside tiny conduits, and where for each of their applications they need to rely on masses of hidden
potentialities. If this is not possible then there is no politics. No battle has ever been won without resorting to new combinations and surprising events. One’s actions make a difference only in a world made of differences... Critical proximity and not critical distance is what we should aim for (Latour 2005: 252)

I return in the final chapter to reflect on this compositionist approach (Latour 2011) to finding new combinations rather than genuflecting in futility before immovable and oppressive structures. It is this hope that I want to pervade this particular exercise; a hope that is not naïve to the global socio-ecological predicament but one that opens up space for thinking about how it is possible to do things differently, to reveal points at which resistance and contestation may “bring an urgency to their transformation” and reveal potential barriers to transformation (Dean 2010: 48).
3: DATA

One will ask me why on earth I've been relating all these small things
which are generally considered matters of complete indifference...
Answer: these small things... are inconceivably more important than
everything one has taken to be important so far...And all the problems of
politics, of social organization, and of education have been falsified
through and through because... one learned to despise "little" things,
which means the basic concerns of life itself.

- Friedrich Nietzsche

This research involves a detailed study of the “little things” to reveal something
about BC’s political culture of sustainability in practice. Immediately, I am interested in
discerning why the Jumbo Glacier Resort proposal has solicited such a negative response,
given that the project is upheld as an example of sustainable development. I am further
interested in how the environmental review process has been confounded, dragging on
for twenty years. Beyond its exploratory intent the research details the arguments of
disputants over what this place is and what is to be done there.

To meet this objective appropriate data (in the form of “texts” (arguments,
justifications, denunciations, proofs) were collected (or perhaps more accurately
produced\textsuperscript{23}) through interviews, informal participant observation (e.g. casual
conversation, “word on the street”, attending group meetings) and reviewing a range of

\textsuperscript{23} To collect data implies that data are autonomous entities out in the field awaiting the observation
of the researcher, while producing data implies that something becomes data when it is identified
and interpreted by the researcher. The latter is a much more integrative process that recognizes
the inevitable performative act of the researcher in shaping the research subject. (See Charmaz
2000)
written materials including government documents, proponent and other stakeholder submissions to the environmental assessment process, emails and letters, websites, newspaper articles, videos, and historical archives.

This chapter details the various methods employed including interviews, participant observation and document analysis as well as outlining the role of teaching and learning as research method. It then finishes with an overview of analytical strategies.

3.1 Interviews

In the previous chapter I justified the emphasis on exploring the accounts of the actors in this case. In-depth interviewing provided one of the richest sources of data for this project. With interviewing, large amounts of data can be accessed quickly in the “digestible format of conversation within the context of the participant’s experience and with immediate follow-up and clarification possible” (Holden 2004: 110, Kahn and Cannell 1957). Certainly, the different perspectives of the supporters and opponents could be gleaned from other sources such as public submissions to the environmental assessment process and local news media coverage. However, interviewing provided me with a much richer elaboration of the different perspectives. It also allowed me to bring the different actors into “dialogue” through responding to each other’s claims. Interviews with government officials were especially important, as I was able to pursue discussions
(not always fruitfully\textsuperscript{24}) about decision rationalities and justifications that were not made explicit in any written format.

In this case interviews included face to face meetings, telephone and email correspondence with key participants. Decisions about who to interview were made using purposive (or criterion-based) and snowball sampling strategies (Valentine 2005). I was not seeking a representative sample of individuals in the region but rather chose respondents based on the particular criterion that they were meaningfully involved in the Jumbo struggle. In such inquiry there are no rules for determining sample size. Patton (2002:185) argues that “the validity, meaningfulness and insights generated from qualitative inquiry have more to do with... information richness... and the observational / analytical capacities of the researcher than with the sample size”.

I enlisted specific participants using a snowball sampling strategy, following leads from interviewees. This opportunity represents another advantage of interviews over mere document analysis. A saturation point was recognized where I had followed up on all the principal leads that had been suggested to me. I felt that all the principal actors had been engaged except I would have liked more time with Native communities. While I was able to access official positions through interviews and documents of the three principal groups, the sensitive nature of ongoing Treaty negotiations and issues of trust

\textsuperscript{24} With respect to conducting research involving government officials in BC, Wilson (1996) notes four particular barriers. First, dimensions of BC’s political culture, including an unusually powerful cabinet and longstanding practice of cabinet policy making dynamics being “shrouded in secrecy” frustrates attempts to “get the inside dope”. Secondly, Wilson finds the BC media largely “anemic” and unable to reveal governing process. Of course, such concerns surround most governments, but BC is noted as particularly opaque as indeed is reflected in the “open government” campaign of Premier Christy Clark in 2011. Thirdly, since parties do not change frequently there is little “airing out” in BC politics. Finally, and particularly relevant to the Jumbo case, “policies are largely discretionary and important decisions are usually made behind the scenes” (Wilson 1996: xxviii-xxix). In our case reading the EA Act you learn very little about how EA actually works. Notwithstanding these concerns I endeavoured as best as possible to uncover sufficient material to understand this case.
precluded more engagement with these perspectives. I was able to meet with two of the principal Ktunaxa spokespeople involved with the case (with follow-up correspondence), the principal spokesperson of the Sinixt (with follow-up correspondence) and very briefly with a principal spokesperson of the Kinbasket-Shuswap.

In total, thirty-eight participants were formally interviewed including: the president and vice-president of Glacier Resorts Ltd., supporters of the development, members of the opposition Jumbo Creek Conservation Society, the Chief negotiator and biologist of the Ktunaxa First Nation, the appointed spokesperson of the Sinixt Nation, the CEO of the Kinbasket Group of Companies of the Kinbasket-Shuswap and local officials from the District of Invermere, Town of Radium Hot Springs, Central Kootenay and East Kootenay Regional Districts (see Appendix 1 and 2).

I began interviewing early in the research process before I had conducted much of the document analysis. Such timing allowed me to get a good sense of the case. Also, participants pointed out efficient routes into the vast written material and identify important leads and potential dead-ends. Most of these interviews were undertaken during the summer of 2009, in the communities of the East Kootenay region centered on Invermere. Follow-up correspondence continued through the summer of 2011, including numerous discussions with resort opponents, frequent ongoing email correspondence with the president of Glacier Resorts Ltd. and government officials. Interviews with key decision makers from the Environmental Assessment Office and government ministries took place in Victoria or over the phone during the fall of 2009 through to the summer of 2011. The value of follow-up conversations, where I was able to meet repeatedly with some of the research participants to reflect on progress and seek clarification of earlier
conversations, has been noted (Holden 2004:111). Rossman and Rallis (1998:125) assert the value of these “true conversations in which researcher and participant together develop a more complex understanding of the topic. There is authentic give and take— mutual sharing of perspectives and understandings – and “talk time” is more balanced between researcher and participant” (quoted in Holden 2004: 111).

I adopted a semi-structured interview style, preparing an interview guide with a list of topics to cover, rather than a rigid list of carefully worded questions (see Appendix 3). This approach encouraged more spontaneous discussion while ensuring some consistency between interviews. I imagined the interview process as fluid and dynamic—a purposeful conversation. The topics discussed, the wording and order of questions were refined as the project progressed informed by new information and experiences from the ongoing interviews as per Dunn (2000: 55). This iterative approach allowed “data from one interview [to] feed into another in order to clarify different positions upon an issue or to investigate criticisms one actor may have made of another” (Pearson 2006, 208). During the interviews I used a “pyramid strategy” (Dunn 2000: 55), which involved establishing a rapport with the respondent asking questions that were easier to answer, closer to the respondent and less controversial first before moving into more general, abstract or controversial questions. I employed “checking”, which involves asking questions in a number of different ways to encourage deeper reflection and to check consistency of explanations (ibid).

Interviews were held in what Holden (2004: 112) refers to as a “natural setting”, chosen by the participant – their home, workplace, café or pub. It was hoped that this setting would be comfortable for the participant and avoided extracting them from the
context of their daily life. There were also practical benefits. Some participants had books, maps, images, articles, even archives that could be readily accessed and referred to during the interview. Meetings in public places were sometimes serendipitously “interrupted” by other locals joining the conversation often with interesting effects.

All formal interviews were digitally recorded on an unobtrusive device to be transcribed later. Most interviews began with small talk about this device (e.g. and how different people’s voices sound recorded). Another conversation starter was my arrival on bike for most interviews. For many participants who were avid cyclists or environmentally conscious this provided a way of building trust. However, I was likely judged quite differently by other participants.

3.2 Participant Observation

Beyond formal interviews, I learned from a variety of other in situ experiences including informal conversation, follow-up emails and phone calls, hearing “the word on the street” and attending a number of meetings and open houses. A number of examples help to illustrate the kind of information obtained and effectiveness of this “wide net” form of research.

Some of the interesting reflections on the proposed resort came up in informal conversations with service staff at local restaurants and pubs. Young adult staff commonly expressed concern about grizzly bears while acknowledging the job opportunities. While the opposition to the resort decried the lack of well-paying jobs that would result from this development, these jobs were welcome news to some of the young
servers in Invermere. Having a presence in town was useful as interviewees sought me out after our original meeting to provide further details.

I was contacted by Bruce Kirkby, a resident of Kimberley, BC (in the East Kootenay south of Invermere) and writer for the Globe and Mail when he was preparing a story on the Jumbo case. Helping him draft his article and learning from his perspective on the case were very helpful. I also learned much about the resort politics from regularly visiting Gerry’s Gelati, a local café owned by the mayor of Invermere Gerry Taft. Regularly dropping in for a coffee proved beneficial as the mayor followed up on our original formal interview supplementing earlier supplied information, kept me abreast of developments and directed me towards other important sources of information. Attending meetings of the Jumbo Creek Conservation Society was helpful for learning about the group’s values and imaginings as well as specific strategies. These informal elements of the research process – a veritable immersion in the case context - were invaluable for developing my understanding of the story or stories of the Jumbo struggle.

3.3 Documents

A wide range of documents represented another significant source of data. These came in the form of government documents; submissions from the proponent and other stakeholders through the formal Commercial Alpine Ski Policy (CASP), Commission on Resources and Environment (CORE) and Environmental Assessment (EA) processes (considered in section 4.2 below); websites, brochures and other promotional material of the major actors; and media coverage. Documents were accessed through the online Project Information Centre through the EAO website, through university and government libraries: including the BC Parliamentary, Department of Forestry and Environmental
Assessment Office libraries; the library at the College of the Rockies in Cranbrook and from personal archives (most significantly that of Bob Campsall, who has collected virtually all printed material on Jumbo since 1991).

With over 500,000 pages of written submissions, I had to devise a two-part strategy for assessing which documents to attend to. First, I kept note of documents that were explicitly or implicitly accorded importance by interview participants. To provide one example, Ray Crook who had been the Environmental Assessment Office (EAO) director assigned to the Jumbo case for over seven years was able to direct me to the most significant documents, once he established my own research interests. The second stage involved pursuing intertextual references. To provide one example I found in the minutes of a meeting of the project committee that open houses had been videotaped. Accessing these was very useful in directly accessing the opposition’s views.

3.4 Teaching as Research Method

An important ongoing dimension of this project has been a conscious concern with teaching. Throughout the time period within which I was developing, producing data and analyzing it I was teaching undergraduate geography classes at three different institutions in Vancouver and Victoria, BC. While presenting major time management challenges, extensive teaching which included the use of Jumbo material in a variety of course settings, provided some unique opportunities for reflecting on the research / teaching connection. Though, perhaps unconventional to reflect upon in a dissertation, I truly believe that teaching is a valuable research methodology and in this section I include some brief reflections.
It is often said that the best way to learn something is to teach it. Teaching various aspects of the Jumbo case in different class settings demanded careful reflection and concise presentation skills, as well as forming the material into a compelling narrative. Feedback from students with respect to elements I had not described clearly and directions I had not yet envisioned was particularly helpful. Presenting this material in classes clearly helped me solidify as well as challenge my understandings of the case.

Most stimulating were two mock public hearings that I staged in courses on environmental assessment first at UBC in the spring of 2010 and then at UVIC in the summer of 2011. In these events students assumed the roles of various actors (e.g. EA officials, the proponent, members of the opposition Jumbo Creek Conservation Society, local government, various First Nations, concerned citizens and the media), researched these roles (through interviewing, accessing public submissions available at the EAO website and other sources) and then played their parts in an imagined EA public meeting. Watching my case presented to me by my students was thrilling and highly educational. Shortcomings of the process, confusing elements of different perspectives and their seeming incommensurability were all elements revealed in these enactments.

I also gained from guest speakers invited into these classes including government officials such as former EA director Ray Crook who had developed BC’s review process and guided the Jumbo review from 1995 to 2003.

Students were particularly receptive to the perspectivist approach and appreciated the care taken in providing each different imagination of the Jumbo Valley. I would begin classes with Rancière’s quote that “politics is a matter of knowing who is qualified to say what a particular place is and what is done to it”. Students found this quote to provide a
succinct way to begin thinking about political geography. I would then talk about the
different imaginations of places and what is to be done to them drawing on Nietzsche. I
would present his quotation on perspectivism as a provocation allowing students to
reflect on whether there was only perspective and if we could approach a more objective
understanding of the world by bringing more eyes to bear on it. I would then offer
Nietzsche’s advice to have “profound aversion to resting once and for all in any one total
view of the world and enchantment with opposing points of view, refusal to be deprived
of the enigmatic”. I would use this “refusal to be deprived of the enigmatic” as the
underlying motivation of our class to avoid too hasty an explanation of events and
smoothing out of contradictions. Grounding this reflection in the Jumbo case facilitated
student access to potentially challenging epistemological elaboration. I return in the
conclusion to reflect further on the interface between research and teaching.

3.5 Data Analysis

In the conventional conception of the research process, analysis is described as a
step after data collection and before dissemination of findings. I conceive of this
qualitative research in a much less linear way. Analysis happened before, during and after
the formal data collection stages. However, here I describe the specific methods for
analyzing the formal data collected through interviews and document analysis.

The author and his very considerate partner, Kristi Owens, carefully transcribed
the rich qualitative data collected through interviews. They were coded with atlas.ti, a
computer assisted qualitative data analysis software (CAQDAS). While it unfortunately
does not complete the analysis for you, such software proved a helpful tool for speeding
up routine work, organizing data and viewing patterns and connections (see Crang 2005:222).

Coding can be thought of as the process of attaching a label to a section of text, indexing it as part of a theme or issue the researcher recognizes as important (King 1998). Qualitative researchers do not regard coding as a disinterested, objective task but rather acknowledge the role of the researcher in the process. Thus coding is not evaluated as “correct” or “true”, but rather by its usefulness for analysis (Crang 2005). To counter charges of arbitrariness and ensure rigour and validity, I maintained an ongoing log of the analysis process in an attempt at being vigilantly reflexive. As Baxter and Eyles (1997) assert, in this kind of research rigour is established through how clearly the researcher is able to demonstrate the process by which conclusions were arrived at. As such there are no hard and fast rules for coding and it should be seen as more of an art than a technical process, relying on skilful, practical judgment (Flyvbjerg 2001).

The codes were created while running through the interviews and refined upon a second and third pass. They were arranged into categories / themes as presented in Table 3-1. An enduring concern in coding qualitative data is that the researcher will abide too rigidly by the categories (codes) once they are established. As the code list evolves it becomes more determinate of the coding. As it gains inertia, rethinking, rejecting or otherwise revising the coding scheme can become a more challenging task. I addressed this concern through the following steps:

- Meticulously keeping memos with suggestions for coding revisions and periodically reviewing the memos and deciding whether the revisions were reasonable
• Taking time away from the data and thus being able to return with a “fresh outlook” to see if the coding still seemed reasonable (as per Kirby and McKenna 1989: 146).

• Being as mindful and open as possible, practicing a form of “Beginners Mind” as reflected in the Japanese Zen saying that “in the beginner’s mind all things are possible.”

• Reflecting on Agar’s (1986) assertion that it is in the “breakdowns” (refining process) that theory development takes place.

• Triangulation with my supervisor, colleagues and with key informants to ensure my interpretations seemed reasonable (see King 1998: 127).

Much of each interview focused on the arguments – presenting the case for or against the development, refuting the case of the opponent or reflecting on argumentation. As elaborated above these arguments were considered using a framework taking its bearings from Nietzschean perspectivism and pragmatic argument analysis. I worked to suspend judgment and consider and convey these arguments as faithfully as possible, exploring how actors legitimized their own positions, “legitimately” denounced their opponent’s position, what forms of proof they employed and the cultural and institutional context within which they made their arguments. In coding data I developed a moderate number of codes trying to balance manageability with a fair degree of precision. While the classic triad of development categorization – ecological, social and economic was used, I also employed additional codes (e.g. accessibility, community, nationalism and sense of place) to more precisely capture concerns of participants. Many of the same codes were applied to statements of supporters and opponents.
In some instances comparing the quotations captured an obvious conflict of interpretations. For example, reviewing comments made with respect to “remoteness” by
the opponents (i.e. “the resort is too remote to attract international ski tourists” and / or “to be of any benefit to Invermere”) contradicted those by the proponent (i.e. “the resort is not as remote as many other similar resorts in interior BC”). In this case “remote” is held to be a negative thing and the struggle is over whether or not Jumbo Glacier Resort is remote.

In other even more interesting cases however interview codes revealed instances where a term was used approvingly by both opponents and proponents but interpreted in different ways. “Nationalism”, for example is mobilized by the proponent in highlighting the opportunities Jumbo Glacier Resort would afford athletes providing summer training facilities for skiers competing for the Olympics. Jumbo Glacier Resort can then be affirmatively connected to national pride. On the other hand, opponents of the resort consistently asserted that this European-inspired plan (conceived by an Italian Canadian) did not fit with the Canadian national myth of wilderness. Nationalism demanded rejecting this project.

In these conversations I also learned about the case context: about the apparent character of the Columbia Valley region and the vernacular Kootenays culture. Comments on BC’s political culture and on the perceived state of the ski / tourism industry and stories about other similar cases invited me into the dialogue over this dynamic place. I coded comments on specific events such as the early days of the review (“beginnings”), the CORE and the CASP processes and such controversies as the passage of Bill 11 and Bill 30 (which authorized the province to override local regional district jurisdiction alternatively viewed as corrective or anti-democratic in intent), the road
blockade and the vote by the regional district to allow the province to designate Jumbo a Mountain Resort Municipality.

A large set of “process” codes were used to help catalyze my analysis of the decision making process. These codes captured reflections of “insiders”, critical commentaries of “outsiders” and critical questions around changes in the process, why the Jumbo review had taken so long, what was the purpose of the EA. As elaborated throughout this dissertation these questions are not self-evident but highly contested.

Overlapping with a number of other codes / categories I tried to link conversations directly to the main research questions. Directly or indirectly I asked interview participants what the Jumbo Valley was to them, what should be done there and who was qualified to decide or why were decision made the way they were.

I was attentive to contemporary theorizing on subjectivities. I do not take identity to be self-evident but constructed, reproduced and contested. In interviews I was interested in seeing how subject positions were stabilized (and de-stabilized). Codes worked to capture how opponents worked to produce the proponent (i.e. as foreigner (Italian / Vancouverite), deceitful capitalist, ambitious but misguided entrepreneur) and the supporters worked to produce the opponents (i.e. as radical enviros, selfish NIMBYists or disruptive bullies). Comments were captured on self and other reflections on a variety of actors. Who is / are supportive and opposed? What about the “silent majority”? What was the role of personal affect / ego in the outcome of the case?

Finally, some miscellaneous codes captured other interesting snippets of conversation related to theoretical themes in the research. A number of comments were made about the complex, contradictory, paradoxical nature of the case or elements
thereof. I was also interested in a consistent reference to empiricism ("seeing is believing"). Both opponents and proponents seemed adamant that for me to get the "true" story I had to visit the site. To both it was self-evident what was to be done there. However, other references seemed to suggest a belief that places were at least partially socially constructed. One observer, a politically active businessman from the nearby community of Radium Hot Springs, noted of the struggle over the Jumbo: "It’s as if the different sides are talking about a completely different place."\textsuperscript{25} In this dissertation I contend he is accurate. Indeed they are talking about different places.

After coding interviews, insights were further developed and refined through analysis of documents, further follow up interviews, teaching the material and 24 / 7 emergence / reflection. Documents were not coded as formally as interviews, but having developed the codes, which in turn defined some directions for analysis, I was able to produce well organized notes. I kept a journal of reflections, which provides an interesting (if non-linear) record of the development of thought. It was also invaluable in capturing insights which otherwise might have escaped this churning, chaotic, grasping brain at work, charting dead-ends and even providing some evidence that some kind of stuttering progress was being made.

This chapter and the previous one introduced the research approach including the analytical framework, normative considerations and the specific methods of data production – how I have attended to Nietzsche’s “little things”. With this introduction we are now ready to set forth into the mountains of southeast BC exploring the arguments of

\textsuperscript{25} personal communication July 16, 09
supporters and opponents of the greenest ski resort in the world around an environmental review process that has ground on for twenty years. We will explore why the mountains have not brought peace to the people.
4: FOREGROUND

History is a very tricky thing. To begin with you can't get it mixed up with the past. The past actually happened, but history is only what someone wrote down.


To provide a background to this (and perhaps any) case of environmental struggle presents great challenges, especially given that a central contention of this research is that place itself is intimately and variously constructed and contested. Still, to provide the reader with some kind of map to navigate this contested territory I proceed here with some orienting comments before turning to provide a brief chronology of the review of Jumbo Glacier Resort. I prefer to imagine this effort with the metaphor of foregrounding rather than backgrounding, to imply that the setting is intimately weaved into the struggle and not some innocuous setting upon which this drama unfolded.

4.1 Orientation

Jumbo refers to a mountain, glacier, valley and creek in the Purcell Mountains of southeast BC\textsuperscript{26}. The name is associated with the Jumbo Mineral Claim granted by the Crown in 1892 and was subsequently used by mountaineers to describe a peak and

\textsuperscript{26} Jumbo is located at latitude 50°25' N, longitude 116°34' at the confluence of the Eastern Purcell Mountains, Central Columbia Mountains and Northern Columbia Mountains eco-sections of the Columbia Mountains and Highlands eco-region (Norecol et al 1994).
glacier until it was officially adopted in 1962\textsuperscript{27}. It is unclear whether the original mining interest used Jumbo to refer to the scale of the glaciers and peaks that towered up the valley above the mine or to an anticipated bonanza. Today, context determines whether Jumbo refers to the area around the Jumbo group of glaciers, the proposed development or the issue of development. For example, opposition may simultaneously declare “Keep Jumbo Wild” (the area) while opposing “Jumbo” (the resort) and talking about what’s happening with “Jumbo” (the issue). Jumbo has been used to denote the size of the resort with supporters affirming the boundless skiing opportunities (in terms of skiable acres and vertical elevation) while opponents link the name to the alleged sprawling mega-scale of the resort village to increase anxiety\textsuperscript{28}.

For the Ktunaxa the area is known as Qat’muk – imperfectly translated as the place where Klawtla Tukluat\textsuperscript{2}is the Grizzly Bear Spirit was born, goes to heal itself and returns to the spirit world (Ktunaxa Nation 2010). The official Qat’muk website is referenced as beforejumbo.com to indicate the priority (in both senses of the word) of the Ktunaxa spatial inscription. The reader can imagine the performative power of this act of naming (Butler 1993) with respect to the question of who gets to speak for the environment and with what degree of public-political credibility (Blok 2011). Indeed the Qat’muk Declaration, “an expression of Ktunaxa sovereignty” which “outlines stewardship principles for the Qat’muk area” has understandably provoked great difficulties for provincial regulators (see Section 5.6.3). In this dissertation I will usually

\textsuperscript{27}BC Place name information is available through the Integrated Land Management Bureau: http://archive.ilmb.gov.bc.ca/bcnames/

\textsuperscript{28}According to plans at full buildout the resort will host 6,250 bed units plus 750 bed units in staff accommodation on a 104 ha footprint. The proponent compares the resort with BC’s principal winter resort Whistler, which has 62,500 bed units on 1,072 ha. However, opponents object that such a comparison is disingenuous and the "mega" resort label is apt to describe this proposal, whose scale is inappropriate for this location.
use the name Jumbo, which the Ktunaxa use as well. However, it is important to note how the name is politically weighted and inflected with colonial residues.

Jumbo Creek drains a horseshoe-shaped valley that runs roughly south from the headwall of Glacier Dome and then winds around to the east to join the Toby drainage (see Figure 4-1). Toby Creek, in turn, continues tumbling past Panorama Mountain Resort and the urbanized District of Invermere before spilling into the internationally significant Columbia River wetlands.

Figure 4-1 - Map of the Central Purcells locating the proposed Jumbo Glacier Resort in the upper Jumbo Valley. Jumbo Creek joins Toby Creek, which in turn, flows past Panorama, Invermere and into the Columbia Valley Wetlands.

The resort opposition has mobilized under the name Jumbo Creek Conservation Society, which reflects the central concern in the region with protecting watersheds. The proponent intends to take measures to ensure the integrity of the watershed and also diverts attention away from the resort towards other development that threatens the larger Columbia basin.
Jumbo and other formidable peaks and glaciers form the east slope of the Upper Jumbo Creek Valley, while the less imposing mountain ridges around Jumbo Pass rise to the West. Beyond these latter peaks lie meadows and glaciers and the descent (by pedestrian trails) into the West Kootenay region, while beyond Glacier Dome at the head of the valley lies the Lake of the Hanging Glaciers (see Figure 4-2). To the south past the Leona Creek basin sit the expansive forests of the Purcell Wilderness Conservancy.

Figure 4-2 The fabled Lake of the Hanging Glaciers in the adjacent Horsethief Creek drainage. Proposals to include this valley in the Jumbo Resort were met with such staunch opposition that the proponent revised plans.

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30 Each of these places is important to the Jumbo story and deserves some further introduction. Jumbo Pass is a popular hiking trail (although how much it is used is highly contested). Because of its popularity, Jumbo Glacier Resort has retracted plans to develop on this side of the valley and has designed the resort village so that it cannot be seen from the pass in deference to concerns about aesthetics. Glacier Dome is the name of a high alpine glacier, which would host a gondola-accessed tea room. This element of the project is regarded by the proponents as the most exciting, offering access to a high alpine glacier in a safe and secure format. The Lake of the Hanging Glaciers is regarded as one of the most scenic spots in the region and currently accessible only by hiking up from the Upper Horsethief Canyon. The resort retracted plans to include this area in the resort after fierce opposition. The area is not formally protected but according to the proponent is “for all practical purposes untouchable... as nothing would be permitted there by well-known policy of the key ministries” (Pheidias Management 2011). The Purcell Wilderness Conservancy is a protected area to the south of the Jumbo Valley beyond the Leona Creek Drainage. The struggle to protect nine large watersheds in the Central Purcell Mountains has inspired a conservation mindset and well-organized environmental movement in the East Kootenay region.

A resource road provides access to the Jumbo Valley following the Toby drainage beyond Panorama Village, which in turn is accessed from Invermere, the main service area of the Columbia Valley on a paved road. The proposed resort site is approximately 55 km from Invermere and access would involve upgrading the road past Panorama Village. On the stretch out past the existing resort there are signs of human influence such as an old sawmill site (where the resort village would be located), mining tailings ponds, clear-cuts, rustic cabins and roads, but there is no permanent settlement (see Figure 4-3).

Figure 4-3 - Aerial view of the proposed resort centered on the "sawmill site" with Lake of the Hanging Glaciers in the foreground

Defining the regional context of the case is not an innocuous cartographic exercise but a highly contested political one. While the Jumbo Valley falls within the functional boundaries of the Regional District of East Kootenay, privileging this spatial inscription has political effects. Some members of the Jumbo Creek Conservation Society

have worked to reframe the location in terms of “the Kootenays”, “the heart of the Kootenays” or “the Heart of the Purcells”. JCCS member Arnor Larsen explained to me that by limiting the imagination of the regional bounding to the East Kootenay supporters have been able to dismiss the validity of the opposition from the West Kootenay region. Proclaiming that the Jumbo is in the “Heart of the Purcells” is asserted as more inclusive. Furthermore it provokes a different affective imagination of the landscape: “the heart of the Kootenays versus the edge of the East Kootenay.”33 The contested bounding of the region is revisited below (in section 5.1).

Mindful of this concern, I will proceed to orient the reader to the Purcells Mountain area and the East Kootenay region, making reference where relevant to the broader Kootenays. Uncontroversially, the Purcells, along with the Caribou, Monashees and Selkirks make up the Columbia Mountains, one of the major ranges in the interior mountain system (see Figure 4-4). The Purcells are renowned as “legendary” for skiing and other winter sports, based on exhilarating scenery, favourable climate and deep and powdery snow conditions. It was here that helicopter skiing was born34. The Purcells also feature one of the largest intact ecosystems (part of the Montane Cordillera ecozone) in southern BC. Central to the range, the Purcell Wilderness Conservancy protects six forested watersheds and boasts a diversity of large mammals and other creatures unmatched anywhere else in North America. Historically, the struggle over the Purcell Wilderness was the first case of citizen action leading to the protection of a large-scale wilderness in Canada. With the efforts of fledgling environmental groups and the inspiration of local photographer and homesteader Art Twomey, the 130,000 ha (now

33 personal communication Jul 22, '09; discussed further in section 3.1
34 See Canadian Mountain Holidays at: http://www.canadianmountainholidays.com/about/our-story
200,000 ha) area, BC’s first wilderness conservancy, was established in 1974\textsuperscript{35}. The successful fight to protect the Purcell wilderness has echoed down to this day and continues to contribute strength to the present day conservation efforts of organizations such as Wildsight in the region.

The Purcell Mountains (as well as the Monashees) form the western boundary of the East Kootenay. The East Kootenay is a region both in a formal political sense defined by district boundaries and in a vernacular sense – imagined as a unique part of the province that evokes a strong sense of place and awe amongst locals and outsiders. Its other boundaries are defined by the continental divide through the Rocky Mountains that marks the provincial boundary with Alberta (to the East); by the international border with


\textsuperscript{36}source: Know BC at: http://knowbc.com/limited/Books/Encyclopedia-of-BC/M/Mountains
Montana (to the South); and less distinctly with the Golden area of the Columbia-Shuswap Regional District to the North. An active geological and glacial history has created a complex landscape of towering peaks, snowfields, glaciers and lakes as well as the wide intermountain Rocky Mountain Trench which hosts the renowned Columbia River and associated wetlands, plains and bench lands. The East Kootenay is often divided into the Cranbrook Region (the open valley around the region’s largest urban centre (with a 2006 metropolitan population of 27,229), the Columbia Valley (portion of the Rocky Mountain Trench which stretches from north of Radium down to the Columbia headwaters at Canal Flats and includes Invermere – the gateway to Jumbo (population: 3002 (Statistics Canada 2006)) and the Elk Valley in the southeast featuring mining and tourist towns such as Fernie, Sparwood and Elkford.

The East Kootenay is recognized as the “Serengeti of the North” with no other similarly sized region in the world supporting such significant diversity of big game species. The region boasts the vast majority of BC’s elk and bighorn sheep; as well as a variety of species of ungulates such as rare mountain and woodland caribou and Wyoming moose; other species such as mountain lions, wolf, lynx, wolverine and black bears and the densest non-coastal population of grizzly bears. The wetlands of the Columbia Valley, at the heart of the region, provide one of the most important international staging areas for waterfowl along the Pacific flyway. Recognition of its ecological significance inspires arguments against resort development elaborated below (in section 5.8).
4.1.1 Native Lands

“Kootenay” is possibly a derivative of Ktunaxa (pronounced with the “k” elided and the “x” like the Scottish “ch” as in loch), likely the first inhabitants of the region and possibly BC’s first people (Huck 2006). Archaeologists have suggested that the ancestors of the present day Ktunaxa may have arrived more than 11,000 years ago from the south following retreating glaciers. To elders the Ktunaxa have been here since time immemorial (ibid: 67).

Detailing the Ktunaxa’s history in the area is an ongoing matter of central importance to current treaty negotiations and a realm of contest and collaboration between Ktunaxa Elders, Native and non-Native archeologists and lawyers and government officials. Generally the boundaries of Ktunaxa territories extend over the wide mountain valleys of what is now southeast BC and into the states of Montana and Idaho. According to the Nation’s official website:

For thousands of years the Ktunaxa people enjoyed the natural bounty of the land, seasonally migrating throughout our Traditional Territory to follow vegetation and hunting cycles. We obtained all our food, medicine and material for shelter and clothing from nature - hunting, fishing and gathering throughout our Territory, across the Rocky Mountains and on the Great Plains of both Canada and the United States. 37

Like other Native groups in BC, with the retreat of glaciers and re-vegetation, the Ktunaxa settled in the valleys leading a semi-nomadic existence based on a seasonal round of hunting and resource management. While they had sophisticated notions of territoriality, they did not have sharply defined, exclusive territories recorded in a written cartography. The Ktunaxa would have moved through territories overlapping with other

37 Source: http://www.ktunaxa.org
groups sometimes belligerently and sometimes peacefully. Territoriality would be conveyed orally through stories and place-histories. The Ktunaxa Creation Story, for example, tells of the Chief Animal Natmuqcin traveling through the lands naming places, which is used now as evidence of occupation. Such oral inscriptions of meaning on the landscape have cultural and historic importance but are also valuable for legally asserting title in Canada especially since the *Delgamuukw*\(^{38}\) Supreme Court Decision, which affirmed the validity of such accounts. This Creation story ends with a teaching of how the people are the keepers of the land guided by animal spirits in an alternative realm. With respect directly to Jumbo, what is most significant is the centrality of the grizzly bear (spirit), which has guided the Ktunaxa’s firm opposition to development in this territory called Qat’muk sacred to this spirit (and will be elaborated in section 5.6.3).

Another interesting story tells of ancient Ktunaxa prophets warning of a time of big change when fair-skinned people will be amongst them. Like other parts of the continental interior, the first encounter with European society came not with people but with the arrival of the horse in the 1500s, feral escapees of Spanish colonists. Indeed, when asked to translate Ktunaxa, elders noted among other descriptions “lean and fast [like] the way we keep our horses” (Coull 1996: 101). The first non-aboriginal person the Ktunaxa likely encountered was the explorer David Thompson, who was interested in learning from the “Kootenay Indians” about the Columbia River as a potential fur-trade route. The Ktunaxa helped Thompson set up a trading post on Lake Windermere, near

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\(^{38}\) *Delgamuukw* (1997) – was a potentially momentous Supreme Court Ruling with respect to Gitxsan and Wet’suwet’en claiming compensation for loss of land and resources and inherent right to self-government on their traditional lands. It is the most definitive statement yet on Aboriginal rights—ruling that Aboriginal title is a right to the land itself, that this title was never extinguished in BC and still exists (as a burden on Crown title) and government must consult with and may have to compensate First Nations whose rights are affected. For our purposes here, what is most significant is that it legally established the legitimacy of oral history.
present-day Invermere. Ktunaxa historians observe that the nation was introduced to modern commerce through the fur trade but the traditional lifestyle continued for the most part and the introduction of modern tools and implements had only a slight impact and their close attachment to the land was maintained. There are stories of one Ktunaxa woman who traveled ahead of Thompson down the Columbia River all the way to the coast warning that the end of the world was coming (Coull 1996: 102). Arguably the end of the Ktunaxa’s world was nigh.

European settlement began in earnest in the mid 1800s, with the establishment of more trading posts. Impacts on traditional Ktunaxa society were now more dramatic. The convenience of the trading post, with its availability of provisions, interrupted the seasonality of the traditional lifestyle, while the introduction of firearms transformed hunting methods. Alcohol was introduced which led to “social disobedience from a traditional Ktunaxa perspective” (Ktunaxa Nation 2003). The roles of males and females were impacted with the man’s “tribal significance as provider and protector” being diminished and woman’s role as family supporter being transformed by new foods and preparation methods. The Ktunaxa diet was reshaped resulting in less healthy eating habits from increased intake of processed flours, salt, sugar and fatty meats. Generally, the value of traditional knowledge and skills to the community (especially the young) diminished, giving way to a “new, aggressive society” (ibid).

Other historical or political events of the mid 19th Century impacted Ktunaxa. Christianity was introduced (but not forced upon the Ktunaxa) by Jesuits and later by other Catholics. Interestingly, the Ktunaxa found some familiarity in the strictness of the Catholic lifestyle, which was not unlike that of “the very disciplined Ktunaxa society”
(Ktunaxa Nation 2003). However they found that moral values declined with the doctrine of confession (i.e. being able to sin and then ask forgiveness). The establishment of the political boundary between Canada and the United States cut right through the Ktunaxa territory dividing the nation (even immediate family) into American and Canadian Indians and greatly restricting movement and access for example with respect to seasonal hunting rounds. The mid-century Gold Rush saw a large influx of American fortune seekers flood into the region and that, in turn, resulted in changes such as the establishment of new non-Aboriginal settlements and the development of a modern ferry system.

Canadian Confederation (in 1867) was regarded problematic from the Ktunaxa perspective. The British North America Act established that the Federal government would be making laws regarding Indians and lands reserved for Indians, but government policy making was now in the direction of economic growth, which in turn meant that alliances with First Nations were no longer a priority (Ktunaxa Nation 2003). The imposition of the Indian Act, with its 200 laws and rules, meant Ktunaxa’s lives were strictly controlled. Without signing treaties, due to BC government policy of the day (to which the Federal government turned a blind eye) the Ktunaxa were unceremoniously displaced onto small reserves. The damming of the Columbia River from 1902 into the 1960s brought the end of the salmon run – the traditional life-blood of the communities of the Kootenays. Residential schools were a central disciplinary technology of the assimilationist government (and churches) of the day. In 1912, a residential school was established at St Eugene’s Mission near Cranbrook educating Ktunaxa children in white, Christian ways until 1971. Imagined either as civilizing, “educating and caring” for
Natives or as brutal attempts at ethnocide, residential schools like this one and the litany of abuses that inhere in them brought a dramatic end to the Ktunaxa’s traditional world (Frideres 2011). Interestingly the residential school at St Eugene’s is now the site of a casino and high-end resort, that also features a cultural museum and workshop. The Ktunaxa imagine this as a proud act of reclamation.

Today the Ktunaxa citizens are divided into six Bands based around reserves in BC, Montana and Idaho, with an associated seventh band of Kinbasket Shuswap (see Table 4-1 and Figure 4-5). The Ktunaxa-Kinbasket Tribal Council recently disbanded on account of tension between the Ktunaxa and the Kinbaskets (discussed below). Many Ktunaxa live off reserve in cities and rural areas throughout their Canadian and American territories. As the Columbia Valley has emerged as a major exurban and recreational destination (especially since the 1970s) the Ktunaxa have struggled to maintain their language and some semblance of their cultural traditions while watching much of their territory developed largely with benefit to others. The Ktunaxa maintain that they are not anti-development and advance a sincere ethic of sharing uncommon in settler society. However, they are adamant that sustainable development be much more respectful of their interests and longstanding connection with their territories and their legally inscribed rights and title, and have remained resolutely opposed to Jumbo Glacier Resort.
The Ktunaxa are presently in treaty negotiations with the province and federal governments through the BC Treaty Process, established to address outstanding claims to unceded traditional Native territories and Aboriginal rights including rights to self-government. Examining the review of Jumbo Glacier Resort is rendered more complex in that these negotiations often overlap in complicated ways with the more general treaty negotiations.

Table 4-1 - Bands of the former Ktunaxa-Kinbasket Tribal Council\textsuperscript{39}

<table>
<thead>
<tr>
<th>Band</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbia Lake Band</td>
<td>Windermere, BC</td>
</tr>
<tr>
<td>St Mary's Band</td>
<td>Cranbrook, BC</td>
</tr>
<tr>
<td>Tobacco Plains Band</td>
<td>Grasmere, BC</td>
</tr>
<tr>
<td>Lower Kootenay Band</td>
<td>Creston, BC</td>
</tr>
<tr>
<td>Shuswap Band</td>
<td>Invermere, BC</td>
</tr>
<tr>
<td>Kootenai Tribe of Idaho</td>
<td>Bonners Ferry, ID</td>
</tr>
<tr>
<td>Ksanka Band</td>
<td>Elmo, MT</td>
</tr>
</tbody>
</table>

\textit{Ktunaxa citizenship is comprised of Nation members from seven Bands located throughout historic traditional Ktunaxa territory. Five Bands are located in British Columbia, Canada and two are in the United States. Many Ktunaxa citizens also live in urban and rural areas “off reserve.”}

\textsuperscript{39} Source: Ktunaxa Nation: http://www.ktunaxa.org
As mentioned one of the Bands living in this area and until recently part of the local Tribal Council is the Kinbasket Shuswap Band of Invermere. The Shuswap (or Secwepemc) are an Interior Salish people whose territories spread over a large area of BC to the northwest of the Ktunaxa (see Figure 4-6). Ethnographic accounts claim that the Kinbasket (Kenpesq’t) family of the larger Shuswap Nation moved into the Columbia Valley area from the Upper Thompson River in the mid nineteenth century or as early as the late eighteenth century (Shuswap Indian Band 2008). According to the Ktunaxa, their

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council allowed “the Shuswap Kinbasket people to stay in Ktunaxa territory where they eventually settled in the Invermere area and became members of the Ktunaxa nation”\textsuperscript{41}. The Shuswap well integrated with the Ktunaxa families and in 1991 the Ktunaxa Kinbasket Tribal Council was established “to reflect the two language groups”. The Shuswap name for the Jumbo Valley is Le7tescenc or “dark rocks for knives”, which hints at the traditional use of the area. Jumbo Pass was regarded an important traveling route to visit other Shuswaps further West (Shuswap Indian Band 2008).

41 Ktunaxa Nation:at http://www.ktunaxa.org/who/kktc.html
42 Notice the depicted Shuswap Territory extends to the southeast all the way to Windermere, which would cover the Jumbo Valley and Invermere. The Ktunaxa would dispute that bounding. Source: Sturtevant (1998: 204) by Boelscher Ignace, based on Teit in. (public domain, the Smithsonian).
In the early years of the twenty-first century relations between the Shuswap and the Ktunaxa deteriorated because among other matters, opinions on the proposed Jumbo Glacier Resort greatly diverged.\textsuperscript{43} In 2005 the Council was renamed the Ktunaxa Nation Council to reflect this break. The Shuswap, as mentioned, were by this time well-integrated into the community and have remained in the area, however, their leadership has distinguished this group from the wider Ktunaxa Nation.

Through the Kinbasket Group of Companies, the Shuswap have aggressively pursued economic development in the Invermere area prompting Glacier Resorts vice-president to suggest they are “a great example of the Province’s “New Relationship” policy”\textsuperscript{44}. The “New Relationship” reflects an attempt to “close the socio-economic gaps that separate Aboriginal people from other citizens” (BC MARR 2008).

The Shuswap support for the project has been embraced and strategically used by the proponent. However, the Ktunaxa’s more legitimate claims challenges any attempt to gain the credibility of having Native support. According to Bill Green, the Ktunaxa have taken a pluralist approach honouring the difference of opinion, but asserting that the Shuswap do not have the same spiritual connection to the land and to honouring the sacred Grizzly Spirit that the Ktunaxa have.\textsuperscript{45} At the time of writing some kind of rapprochement seems imminent as relations have improved between the nearby Columbia Lake Band (ʔakisqnuk) and the Kinbasket Shuswaps.

\textsuperscript{43} Bill Green of the Ktunaxa Council claims that the Jumbo issue was the main point of contention, while there were other differences of opinion (personal communication Aug 22, '11). Glacier Resorts Ltd. also point to differences of opinion with respect to the establishment of a Casino at the St Mary’s reserve (Pheidias Project Management 2011).
\textsuperscript{44} personal communication July 21, '09
\textsuperscript{45} personal communication Aug 22, '11
Understanding the Jumbo struggle necessitates consideration of one other Native group – the Sinixt. Like the Shuswap, the Sinixt are an Interior Salish speaking people whose traditional territories spread over the West Kootenays and down into what is now Washington State (see Figure 4-7). Known also as the Arrow Lakes Band (as officially rendered by the federal Government) or the Lakes people, the Sinixt (sngaytskstx) lived semi-nomadically in the region to the West of the Ktunaxa. They traveled extensively by foot and by sturgeon-nosed canoes over the territories on seasonal fishing, hunting and gathering rounds and trading expeditions. The name sngaytskstx may be translated as “place of the bull trout” expressing the connection with the lakes. They lived in pit houses in small relatively autonomous villages.

The Sinixt faced similar traumas to other Natives in the region but with even more devastating effects. Colonial disruption and displacement common to other Native groups was further exacerbated by what the Sinixt claim to be a deliberate attempt at genocide through smallpox infestations. The “Time of Great Dying” decimated and scattered the Sinixt people, with some seeking refuge amongst neighbouring peoples, while many fled to the Indian Reservation at Colville, Washington integrating with a number of other Native groups there. In 1956, the Federal Government declared the Sinixt extinct after the last Sinixt woman officially recognized under the Indian Act died. The further erasure of this people off the landscape occurred with the construction of the Keenleyside Dam 1968 and subsequent flooding of the Arrow Lakes, which destroyed almost all the recorded archeological sites.

In the official absence of the Sinixt, the “nightmarish” destruction of their former territories ensued with:
...landscapes and rivers scarred from mining operations, industrial logging, the toxic Teck smelter in Trail, BC, and nuclear reactors on the banks of the Columbia at the Hanford site, a site fueled by the Grand Coulee Dam, the dam that ended the migration of Pacific salmon to the headwaters of the Columbia and Slocan rivers and countless others. (Settlers in Support of the Sinixt, 2011)

The Sinixt saw the "erosure of the traditional indigenous culture from the landscape".

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![Map showing the Lakes (Sinixt) People's territories](image)

Figure 4-7 - Map showing the Lakes (Sinixt) People's territories

In the 1980s as a response to the disinterring of their ancestors' remains when the Ministry of Highways began constructing a road through their traditional territories (in the Slocan Valley), the Sinixt returned to the political scene (Robertson 2011). In 1987 they occupied this site known as Vallican, beginning the struggle to recover the skeletal

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46 source: Vern Ray (1936: 114) "Lakes territory and villages" (Pacific Northwest Quarterly, with permission).
remains of their people (in response to their cultural law) and more generally the struggle to re-assert themselves in their traditional territories. As appointed spokesperson for the Sinixt Marilyn James notes:

We have a cultural law that says you must when you are done with this body, go back to the earth. When people go and dig up our ancestors and put them on shelves, in boxes, in macramé wall-hangings, or use them for other types of decoration, it makes my ancestors break their cultural law. They can't go back. And it is our responsibility to bring our ancestors home and rebury and protect their resting place (Settlers in Support of the Sinixt 2011).

Figure 4-8 - Diagram showing Tribal Territories. Note the absence of Sinixt or Lakes.47

47 Source: Sturtevant (1998, ix). (public domain, the Smithsonian)
The Sinixt claim to have had support from their neighbours – the Ktunaxa Nation to the East and the Okanagan Nation (another Interior Salish group) to the West – when they first returned. However, they assert that the implementation of the BC Treaty Process propelled these Nations to conspiratorially incorporate Sinixt territories in their claims. Judging from maps they have produced (see Figure 4-8), the Okanagan Nation Alliance imagine Sinixt people and their lands as part of this grouping. However such an assertion is vehemently resisted by the Sinixt leadership that has rather tried to re-establish itself in the region centered on Vallican since the 1980s. The question remains: who is entitled to speak on behalf of the original People of the Lakes and the lands they claim?

While the Sinixt accuse the Ktunaxa of attempting to usurp the former’s traditional territories, it is unclear how the Jumbo Valley fits into this dispute. Maps do not seem to show overlapping claims in this area (i.e. between the official claims of the Ktunaxa registered through the treaty process and the unofficial claims of the Sinixt based on their own oral and archeological evidence). The Sinixt see their Eastern boundaries as the height of land of the Purcells. However, as the Jumbo Valley is East of the height of land it would seem to be beyond the Sinixt traditional territory, which is the perspective of Bill Green of the Ktunaxa Nation Council. Marilyn James of the Sinixt, however, believes these lands to be part of traditional Sinixt territory and has contested the Ktunaxa’s assertion of its claims, through for example calling the Qat’muk Declaration “political opportunism”. An article published by the Nelson based “Settlers in support of the Sinixt Nation” notes:
The Ktunaxa Nation council's Qat'muk Declaration at first glance looks like an assertion of Indigenous sovereignty to protect a large watershed, grizzly bears and an endangered fragile ecosystem from resort development but is actually a plot created by native and non-native politicians to quicken the theft of traditional sovereign Sinixt territory through false land claims and the BC Treaty Process in the interests of industry, business and the dominant settler society (Settlers in Support of the Sinixt 2011).

This letter objects to agreements between the province and Ktunaxa to “further engage in land use planning, resource extraction and treaty making over Sinixt territories” (ibid). For their part the Ktunaxa dispute the claims of the Sinixt, especially with respect to the Qat’muk area. However, as Bill Green of the Ktunaxa Nation Council concedes the imposition of colonial modes of inscribing land ownership and the treaty process have fomented the current tensions between the groups, although, it should be noted, there is also oral and archeological evidence of conflict between them in the past.

The Sinixt’s official status (or lack thereof) as an unrecognized (extinct) people denies them the special role afforded First Nations in the EA process. However, they have participated as concerned citizens in the public process expressing great concerns about the ecological impacts of the resort development and co-option of Native groups in support of unsustainable development.

4.1.2 The Kootenay economy

The colonial economy of the region has been supported by resource exploitation especially mining and forestry and increasingly tourism and recreational real estate. The foundations of the colonial economy were established in the mid nineteenth century after the fur trade had established a non-Native presence in the area. Mining soon became the major driver. In 1864, after the California gold rush had declined, prospectors flooded
into BC (and eventually into the Kootenays) and by the 1880s the mining of gold, silver, lead, zinc and other commercially important metals propelled the region to becoming a significant economic engine of the Canadian province. Two intercontinental railways and a series of branch lines linked the region and its many mines. Symbiotically, these mines produced metals for the expansion of the railway and telegraph lines throughout the province. At the turn of the century the discovery and exploitation of the rich coalfields in the Elk Valley and Crowsnest Pass area prompted the claim that the region was becoming the “Pennsylvania of the West”. Through the 1890s, provincial exports grew from $6 million to $17 million annually with most of that increase coming from mining in the Kootenays (BC CORE 1994). For many years the lead-zinc-silver mine at Kimberley was the world’s largest.

As mentioned, mining was undertaken in the Jumbo Valley, with the Mineral King mine operating sporadically from 1928 and continuously from 1954-1974 producing silver, zinc, lead, barite, copper and cadmium. While the mining industry in the region as a whole has faced significant setbacks in recent times and is no longer operating in the Columbia Valley region, it continues to be of significance to some communities in the adjacent Elk Valley.

Agriculture, especially in the form of cattle ranching, often mixed with other activities including logging, Christmas tree harvesting, outfitting and prospecting formed another important dimension of the resource-based economy. However, like elsewhere in the province, it was forestry that emerged as the most important resource sector, at least in terms of employment, in this region. Timber started being hauled out of the Kootenays at the turn of the previous century as the industry moved inland with technological
advances and expanded transportation connectivity. This new industry helped diversify the regional economy beyond mining. Forestry supported the needs of mining operations as well as the construction of mining boomtowns, railways and canals. Kootenay lumber was used to build the rapidly expanding foothills and prairie centres including Calgary. In time wealthy recreationists and second homeowners from this centre of Canada’s lucrative oil industry would largely support the service economies of the Columbia Valley.

Eventually, the regional economy would become known much more for recreational activities than for resource exploitation. Some recognition of such opportunities came quite early. In 1886 Yoho National Park was established and by the early twentieth century, the region was renowned as an exotic destination especially for hunting and mountaineering. Throughout the 1990s, as recognized in government documents and local newspaper coverage, the prevailing discourse identified a “transitional economy” referring to the transition from resource exploitation industries to tourism and other opportunities for “diversification”. In the 2000s the region would establish itself as a major recreation destination drawing golfers, skiers, hikers, hot springs enthusiasts as well as second home vacationers. In particular, the region centred on Invermere, Lake Windermere and Radium catered to Albertans many of whom had made their fortunes in oil. It is often remarked that there are more Alberta than BC licence plates in Invermere and that the Jumbo issue has received much more attention in Calgary than in Vancouver.

With a population around 3000 (Statistics Canada 2006), swelling to over 15,000 in the summer, Invermere is the major service centre of the Columbia Valley and is
second in size only to Cranbrook in the entire East Kootenay. Its economy is diverse featuring the provincially renowned Kicking Horse Coffee and other services catering to a population increasingly urban-oriented, consuming the aesthetic and recreational opportunities of the mountains and less tied to traditional resource exploitation. It is in this context that Jumbo Glacier Resort has been proposed.

4.2 Brief Chronology of the Jumbo Glacier Resort Review

Having considered some elements of the historical geography of the region I turn now to further orient the reader with a brief chronology of the review of Jumbo Glacier Resort (see Table 4-2). Objectively chronicling the review over the past couple of decades presents similar challenges to providing a geographic background. Decisions about which events to include, their relative importance and how to string them together in some narrative form (with a beginning, middle and end) are all conscious or unconscious decisions made ineluctably through the lens of perspective (see Cronon 1992). In what follows I draw on the accounts of government, resort opposition and the proponent attending to some of the discrepancies in their accounts.

4.2.1 1990-1992 CASP Review

One place to begin this narrative is the summer of 1990 when Oberto Oberti of Pheidias Project Management Corporation representing Nikken Canada Holdings Ltd. walked into the Cranbrook branch of the Ministry of Lands, Parks & Housing armed with a conceptual draft, plans and pictures in support of a unique development proposal. Encouraged to proceed, the proponent submitted a formal expression of interest in the summer of 1991 to be reviewed under the Commercial Alpine Ski Policy (CASP). CASP
had been conceived in the early 1980s in recognition that BC’s Crown land base with its many snow-swept mountains presented fantastic opportunities for alpine ski tourist and recreation development. Through widespread consultation with industry, government had developed an incremental process directed by a set of guidelines established to promote master-planned, well-balanced, environmentally sensitive tourism. The stated intention of the policy was to encourage economic development through “making Crown lands available under various tenures where the public interest is best served by this use” (BC MLPH 1983: 1). Determining whether a resort proposal served the public interest would involve a detailed review by government agencies with public and First Nations input.

Table 4-2 A Chronology of the Jumbo Glacier Resort Review

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>Jumbo Glacier Resort proposal accepted for provincial review under Commercial Alpine Ski Policy (CASP)</td>
</tr>
<tr>
<td>1992</td>
<td>Approval deferred pending Commission on Resources and Environment (CORE) land-use planning process</td>
</tr>
<tr>
<td>1994-95</td>
<td>No definitive decision made and project transferred to be reviewed under new Environmental Assessment (EA) Act</td>
</tr>
<tr>
<td>1998</td>
<td>Project Specifications (i.e. terms of reference) approved leading to the reporting stage</td>
</tr>
<tr>
<td>2002</td>
<td>EA Act revised in context of government deregulation objectives</td>
</tr>
<tr>
<td>2003</td>
<td>Proponent submits project report</td>
</tr>
<tr>
<td>2004</td>
<td>5-year EA certificate granted but project needs to complete CASP requirements and apply for rezoning through Regional District</td>
</tr>
<tr>
<td>2008</td>
<td>Road blockade</td>
</tr>
<tr>
<td>2009</td>
<td>EA certificate extended for 5 years; at the request of the Regional District, province designates Jumbo Glacier Resort a “Resort Municipality” and thus can bypass rezoning process</td>
</tr>
<tr>
<td>2010</td>
<td>Qat’muk Declaration – file suspended indefinitely</td>
</tr>
</tbody>
</table>
A public input period organized by the Ministry of Lands and Parks followed the submission of the proposal. Initial feedback revealed a number of pressing concerns: environmental (e.g. wildlife habitat, wilderness character, water quality), economic (e.g. lack of local economic benefits, impacts on existing resorts and infrastructure), social (e.g. effects on local community character, displacement of local recreationists and Aboriginal rights and traditional use) and with respect to the process (e.g. insufficient time for public input, credibility of research results). Immediately upon hearing about the project, the East Kootenay Environmental Society (now Wildsight) had expressed their opposition to the project and shortly after the Jumbo Creek Conservation Society was formed drawing together concerned biologists, hunters, environmentalists, business owners, recreationists and other concerned citizens. These groups spearheaded the opposition over the next two decades.

Despite public opposition the proposal had some government support and the proponent was able successfully to navigate the initial stages of the CASP process. In April, 1991 the “expression of interest” to develop the resort was accepted and processed, after which Glacier Resorts Ltd proceeded through a call for proposals process and eventually was accepted as the sole proponent (March 1993). However, before being able to complete the final CASP stages (i.e. having the Master Plan and Master Development Agreement approved), the project was swept up in the CORE land-use planning process.

4.2.2 1992-1994 CORE Planning Process

The Commission on Resources and Environment (CORE) process was one of the major responses of the reformist NDP government to the increasing dissatisfaction and confrontation around land use planning in BC at the time (Wilson 1996). The ambitious
intentions were to conduct a province-wide land use planning exercise that would involve extensive public and stakeholder engagement. While the province-wide scope was never realized, negotiations were facilitated in the East and West Kootenays, the Cariboo-Chilcotin and Vancouver Island (see Figure 4-10). Simultaneously the “Livable Region Strategic Plan” process involved extensive efforts to engage the public in planning in the Greater Vancouver Regional District.

![Map of British Columbia with CORE Planning Regions](image)

**Figure 4-5 - CORE Planning Regions**

In a nutshell the East Kootenay CORE process involved round-table negotiations of different “resource-interest sectors” with the intention of creating a sustainable, balanced, “made-in-the-Kootenays” plan for guiding land use in the region and thus reducing conflict and uncertainty. The East Kootenay region (4,067,455 ha) was rendered legible by being carved into “manageable negotiating units”: 137 small sections (e.g. watersheds or habitat areas) called polygons. The representatives identified and debated

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48 CORE’s stated objectives included: 1) to ensure the sustainability of a natural resource-based economy after a century of increasingly intense resource extraction, and the sustainability of the ecosystems that support all economic and non-economic activities in the province 2) to increase the level of meaningful public participation in land use and resource management decisions and 3) to address aboriginal concerns about land and resource use on the traditional territories of First Nations (EKLUB 1994).

49 Source: BC CORE (1994)
the most important land use values that should prevail over each of these polygons. The values identified included: protected area support, wildlife and ecology, visual quality, recreation and tourism, cultural and heritage and “other values” (mineral, forestry and agriculture). The mapping of these values would be the basis for defining management guidelines and the negotiation of the land use designation (i.e. the level of protection / what would be permitted in each area / what each place is and what is to be done to/ in it). Values were described along a continuum from Moderate through High to Very High. Polygon #17 on the map (see Figure 4-11) was designated “Jumbo and Upper Horsethief Creeks (Lake of the Hanging Glaciers)”. What happened in the negotiations over this polygon is simultaneously highly contested and critically important for understanding the review of Jumbo Glacier Resort.

As indicated by the East Kootenay Land Use Plan, the final document that eventually emerged out of the CORE process, the Jumbo area was “renowned for its exceptional scenic, tourism and recreation, and wildlife values” (BC CORE 1994:110). Such recognition provided little guidance for the forthcoming EA review. As EA director Ray Crook would note “these are not necessarily compatible values”50. The negotiating table seems to have agreed that the polygon should be designated as a “Special Management Area” (SMA) – meaning that “enhanced levels of management would be required to address sensitive values such as fish and wildlife habitat, visual quality, recreation and cultural heritage features”. However, the implications of this designation for resort development of the scale proposed by Glacier Resorts Ltd. were not entirely clear.

50 personal communication May 12, ‘10
Figure 4-6 East Kootenay Land Use Designation Map – Polygon #17 (pointed out) is the Special Management Zone 'Jumbo & Upper Horsethief Valleys'\textsuperscript{51}

\textsuperscript{51} source: BC CORE (2004)
The plan stated that while the designation of Special Management Area did not automatically preclude resort development, the “site-specific proposal is far too detailed to be addressed” at this regional planning level. As a consequence, it recommended that “the final decision on the compatibility of the resort proposal with other expressed values” was to be made under the newly implemented environmental assessment (EA) process. With respect to this latter process it recommended:

[the provincial EA] should identify potential impacts and mitigative measures to address impacts prior to development approval. The process should also include public involvement to ensure that all values and perspectives are fully considered in a final decision. If this development proposal is approved, it should include the condition that no road access linking the East and West Kootenays through Jumbo Pass will be permitted52 (BC CORE 1994: 110).

In the years that would follow supporters and opponents would fiercely debate the way the CORE process conclusion was to be interpreted. Supporters asserted that CORE vindicated the project and that so long as the “technical” EA review approved it, the resort could be interpreted as aligning with the priorities of the land use plan. According to a letter provided to me by the proponent, CORE commissioner Stephen Owen (currently a Vice-President at the University of British Columbia), recognized that the majority of table representatives supported the resort development and wanted the

52 As an important aside, a major concern of resort opponents early in the Jumbo Review was that the development might include the construction of a through road over Jumbo Pass linking the East and West Kootenay. Such a prospect has been vigorously resisted by residents on both sides of the Pass both because of its immediate impact on the wilderness qualities of the area and because of the potential for attracting more traffic into the West Kootenay (Argenta / Kaslo) area where relative isolation from major provincial and national transportation corridors is highly valued. The proponent has responded that the resort proposal has “nothing to do with the Jumbo Pass road”, further noting that Ministry of Transportation & Highways studies have rejected such a plan and that the CORE report indeed precludes such an undertaking. Still, opponents are wary that even if the proponent has no intention of supporting a road over Jumbo Pass, it could be an eventual outcome of development in the Jumbo Valley (i.e. an undesirable cumulative effect).
polygon to be designated “integrated use”\textsuperscript{53}, which would more easily invite resort development. However, due to the level of public opposition, the Commissioner apparently compromised “by choosing the minority special management designation but giving a clear go ahead to the resort use subject to the environmental review” (Glacier Resorts Ltd 2011). Furthermore, Glacier Resorts Ltd. notes that the Commissioner communicated directly to the proponent that the CASP review was sufficient for meeting the objectives of the CORE decision. Specifically, the letter from Stephen Owen, which is addressed to Moe Sihota (Minister of Environment, Lands & Parks) and Glen Clark (Minister of Employment & Investment) addresses the CORE recommendation (# 75) that “the approval process for a resort development in Jumbo Creek include an environmental assessment under the \textit{EA Act}”. The Commissioner argued that given the fact that the details of the operations of the environmental review process had not been established and that the EA of Jumbo “would not likely commence for some time”, the Commission would have “no objection with the assessment of the proposal proceeding under existing project review processes, so long as they met conditions of efficiency [i.e. one-window review with strict time limits] and effectiveness [i.e. providing public participation and the consideration of the full range of values that may be affected by the proposed development]” (BC CORE 1994). The Commissioner concluded by emphasizing that Recommendation # 75 should be considered with “this clarification in mind”. In other words, given the delays that would likely occur if the project needed to be reviewed under a newly established process, the CORE commissioner was comfortable

\textsuperscript{53} CORE describes “integrated use” as “units where management emphasizes the use of land and resources under responsible stewardship” – i.e. a less rigorous protection mandate (BC CORE 1994: 55)
with the project being approved under the existing CASP process so long as this process included “the full range of values”.

Opponents retort that the CORE process was indecisive and notwithstanding EA approval the land use question was never resolved. One resort opponent, Ellen Zimmerman, who had represented “Ecosystems – Wildlife” at the CORE table, emphasized that there had been no explicit commitment for or against this individual project. She further reflected that the table had agreed that tourism, recreation and wilderness were all identified as the most important values in the polygon. As noted above, as the contentious deliberations over the Jumbo Valley proceeded, there emerged an expectation that CORE was not the appropriate venue for such a specific land-use decision and another more precise planning process (perhaps through the short lived Land Use Coordination Office (LUCO)) would have to follow. It is reported in the first EAO newsletter after Jumbo Glacier Resort had been transitioned to the EA process that “the government is doing further work to develop a full array of management objectives for each identified land-use zone, based on the work of the CORE tables. Results from this work that are available to the Project committee will form part of the context for assessing the potential effects of this project” (BC EAO 1995). Unfortunately such follow up work was apparently never completed. While supporters asserted that EA was itself this venue, opponents were adamant that before any process to review the environmental merit of a specific project could be undertaken, it should be clear what kinds of uses were deemed acceptable in the particular area. If it was determined through a fair public process that a tourism / recreation resort was an appropriate land use then and only then

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54 personal communication July 29, '09
should a technical review of a particular proposal proceed. Such deliberation invites inquiry into the parameters and even the purpose of EA. Is EA to be imagined a technical, review process engaged after the “political” land use questions have been resolved? Is it possible to tease these apart so easily? We return to discuss such questions below (in Chapter 6).

So, opponents maintain that no explicit support for a tourism / recreation resort can be inferred from CORE. More emphatically, Zimmerman points out that in the actual written notes assembled from the CORE table meetings (of which some information is recorded in a July 1994 report *East Kootenay Regional Table Land Unit Polygons Record of Information* (BC CORE 1994b)), tourism and recreation were indeed accepted as important values in the area, but “permanent urban settlement” and “permanent rural settlement” were rejected as being incompatible with other values (e.g. wilderness). Since tourism and recreation most notably in the form of heli-skiing were already firmly entrenched in the valley, it is not surprising that these values would be confirmed in these proceedings. However, according to Zimmerman, the type of tourism that was being discussed at the table, that was acceptable to most participants, was not large-scale resort tourism that would permanently alter the valley but more modest, eco-tourism. This distinction had apparently been glossed over by the proponent and supportive government officials and did not show up in the condensed East Kootenay Land Use Plan. Without even needing to suspect insidious intent, this condensation of material managed out of the process potentially important information.

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55 personal communication Jul 29, '09
The proponent dismisses this argument, observing “those who did not agree with the land use decision (4 sectors out of 22 on the day of the decision at the East Kootenay CORE table) continued to equivocate to this day on the use of words of various statements and documents, but the fact is that the approval process continued on the basis of that land use decision… and was the precondition of all the other steps of the process” (Pheidias Project Management 2011).

CORE was eventually discontinued as the NDP government stepped back from its ambitious commitments to sustainable development in the late ‘90s and then the Liberal Party took the province in a new direction in the 2000’s. However, the legacy of indecision would continue as the Jumbo project was transitioned into the EA process.

4.2.3 1995-2004 EA Process

The contentious issue of appropriate land use and the lack of clarity of the CORE outcomes would present an immediate challenge for the EA process that followed. As the first public news release on the Jumbo assessment (in August 1995) notes: the EA process had inherited the unresolved land use question that had detained CORE, namely “how to evaluate the compatibility of commercial resort development for the Jumbo Creek Valley with other values”. This debate detained the process, but eventually seems to have been superseded by other concerns. Eventually when the project was approved it was concluded that the proposed resort was somehow “consistent with the Kootenay Boundary Land Use Plan designation for the area”, although noting that “the proponent would require necessary rezoning undertaken at the regional level”.
The EA process dragged on from 1995 until 2004. In July 1995 the proponent submitted the draft Master Plan that was being developed for the CASP process for review by the EAO project committee (comprised of 60 provincial, federal and local government representatives and First Nations) with a 75-day public comment period. Through 1996 to 1998 the draft project specifications were developed based on the original application which included additional reporting requirements of the proponent with respect to: specific technical resort design and management issues; environmental resource management and technical issues; socio-economic and community issues; resort administration issues and First Nations issues (BC EAO 2003). The proponent then collected information, commissioning studies where required, under the oversight of the project committee over the next few years.

The proponent finally submitted the 13-volume Project Report on December 31, 2003. With the deregulatory spirit of the new Liberal government, the EA Act had been revised in 2002 with a number of measures to ensure a more streamlined, business-friendly process. Under this new regime the proponent received assurances that a decision would be arrived at in a timely fashion and in August 2004, the EAO recommended approval of the project, after one final public comment period. On October 12, 2004 the resort was granted its approval certificate signed by three Cabinet Ministers with a five-year license within which to commence development.

We return below (in section 6.3.1) to explore in more detail why this process dragged on for so long. However, as a preview to that discussion, I can relay that explanations offered in interviews included the misfortune in terms of timing whereby the

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We further explore the contested claims of the direction of bias in EA in section 5.3.
review coincided with the initiation of new CORE and EA processes; the novelty of these processes and lack of fully developed decision-making procedures; the lack of clear guidance with respect to key issues such as the land use planning context and provincial grizzly bear policies; the failure of government officials to stick with timelines; the demanding terms of reference and hijacking of the process by opponents of the resort; delays in negotiations with the Ktunaxa; the failure to secure or maintain financial backing on the part of the proponent and the reluctance of the proponent to complete the process in a timely fashion, anticipating a change of government that might be favourable. As we will see, the extent of contestation also rendered this case extremely difficult for decision-makers.

4.2.4 2004-2011 Post-EA

As noted above, despite having received EA approval the project was further delayed. In the post-certificate period the opposition appealed to the federal ombudsman in the Office of the Auditor General, the Commissioner of the Environment and Sustainable Development and federal ministries to intervene but to no avail (Glacier Resorts Ltd. 2011). Then, RK Heli-ski, which operates in the same area as the proposed resort, requested a judicial review of the process and decision and lost both at the BC Court and then at the BC Court of Appeal. Most dramatically, in August, 2008 opponents established a road blockade when they learned the proponent was attempting to install a ski lift without the necessary permits. Especially when the Ktunaxa joined the non-Native protestors this action drew much media attention and after eight weeks, the proponent agreed not to proceed. As the five-year deadline for the certificate approached, the proponent was still unable to have the final approvals through the CASP process granted
and had not applied to the local regional district for rezoning. In January 2009, the proponent was forced to apply for and was granted an extension on the certificate for another five years. Local opposition including the Ktunaxa protested against this renewal, noting amongst other concerns that new grizzly bear studies had revealed further concerns about the resort proposal (see section 5.3.4). Later that summer the regional district convened to vote narrowly 8-7 to allow the province to designate Jumbo a Mountain Resort Municipality and bypass the regional district-led rezoning process. When approval had originally been granted it was done with the explicit condition that the regional district would have the final say with respect to rezoning the land for development. This vote seemed to move the project one big step forward but as of the time of writing (December 2011) the final approval from the province still had not been granted. Concerns over relationships with the Ktunaxa who in November 2010 had declared Qat’muk a wildlife refuge as well as new data on grizzly bear population health in the region allegedly have led to suspending the file indefinitely (Schafer 2010).

Glacier Resorts Ltd. has provided its own chronology which is continuously revised and updated on the company’s website. I will not run through the entire nine-page document but provide some of the stylistic highlights to illustrate the contested nature of “facts” even as presented in a simple chronology. Missing from chronologies provided by the EAO (contained in a (more or less) yearly newsletter from 1995-2004), the proponent’s version highlights the various delays, emphasizes the numerous opportunities for public comment, notes how on several occasions the project received positive feedback from various premiers (for example Mike Harcourt who personally commended the project upon meeting with the proponent at the World Economic Forum in Davos,
Switzerland in 1992); notes other encouragement of government officials to pursue the proposal; reveals bureaucratic negligence in 1995 and 1996 and submitting this as evidence of a conspiracy to stop the project and a false map of an “unexplainable concentration of grizzly bears” and points to the extensive positive coverage of the resort development in a variety of media sources.

One of the most intriguing if frustrating elements of this case is the indecisiveness, which mitigates against simplistic explanations (i.e. that EA is simply a rubber stamp). Rather, the case demands that we explore the decision-making process and the range of arguments in detail and attend to contingency in the evolution of the review. We turn now to do just this.
5: ARGUMENTS

*The moment we want to believe something, we suddenly see all the arguments for it, and become blind to the arguments against it.*
- George Bernard Shaw

The Jumbo Valley has been the subject of intense conflict and uncertainty since 1991. It was that year that Oberto Oberti of Pheidias Project Management Corporation representing Nikken Canada Holdings Ltd. walked into the Cranbrook branch of the Ministry of Lands, Parks and Housing armed with a conceptual draft, plans and pictures in support of a unique proposal for what would be described approvingly as the greenest ski resort in the world. Twenty years of government review, lobbying and significant public opposition would ensue leaving Jumbo Glacier Resort an unfulfilled dream. To understand this complex struggle, this chapter explores the array of arguments of supporters and opponents to assert within the constraints of the public realm what this place – the Jumbo Valley - is and what is to be done there.

To a certain extent the answer to this question may appear self-evident. To the supporters what is to be done is to build a resort there; to the opponents it is not to build a resort there, and to Native groups it is in various ways to assert Aboriginal interests there. Indeed to Native groups the very framing of what is to be done to this place reflects a disconnection between nature and culture in whitestream society.\(^{57}\) However engaging earnestly with the arguments of all the disputants paints a more revealing portrait of BC’s

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\(^{57}\) personal communication with Marilyn James, Sinixt, Aug 5, 2011
political culture of sustainability in practice. Attending to the arguments defies simple representations of this environmental conflict in such terms as insidious corporate greenwashing or selfish NIMBYism. Most intriguingly we learn the extent to which supporters and opponents alike buttress their position with reference to sustainable development and the public interest through multiple models of justice.

Inspired by French pragmatism, this chapter makes multiple passes over the data seeking different views afforded by the different models of justice (Boltanski and Thévenot 1990, Thévenot et al 2000). In turn we explore justifications based on geographic fit; on the market; on technical efficiency and planning; on civic equality and accessibility; on tradition and locality; on inspiration and emotion; on public opinion and on greenness (see Table 5-1).

Table 5-1 - Models of Justice and Guiding Questions

<table>
<thead>
<tr>
<th>Model of Justice</th>
<th>Is Jumbo Glacier Resort justified...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spatial</td>
<td>... in terms of its location?</td>
</tr>
<tr>
<td>Market</td>
<td>... on (market) economic grounds?</td>
</tr>
<tr>
<td>Industrial</td>
<td>... from a technical planning perspective?</td>
</tr>
<tr>
<td>Civic</td>
<td>... in terms of meeting goals of equity, accessibility and solidarity?</td>
</tr>
<tr>
<td>Domestic</td>
<td>... culturally with respect to concerns of tradition and locality?</td>
</tr>
<tr>
<td>Inspiration</td>
<td>... in terms of aligning with affective, spiritual sensibilities?</td>
</tr>
<tr>
<td>Renown</td>
<td>... in terms of enjoying popular support and that of notable figures?</td>
</tr>
<tr>
<td>Green</td>
<td>... in environmental or ecological terms?</td>
</tr>
</tbody>
</table>
5.1 Spatial Model of justice

It's as if the different sides are talking about a completely different place.

-David Pacey, supporter

While not recognized explicitly by Boltanski and Thévenot (2006) I assert that a spatial model of justice, which allows us to isolate contested geographic and cartographic imaginations of the location, is useful in registering central arguments in this case. In both academic and popular treatments the geographic setting is delineated as “background detail”. However, I would assert in this case (and likely others) the setting is intimately woven into the conflict. The ostensibly innocuous question “where is the Jumbo Valley?” is a provocation soliciting such answers as: in close proximity to popular tourist and recreational destinations of southeast BC and Alberta (to supporters); in one of southern BC’s last great wild areas and anchor region for international grizzly bear population and other wildlife (to the Jumbo Creek Conservation Society); in the heart of unceded traditional territory sacred to the Grizzly Bear Spirit (to the Ktunaxa) or at the Eastern Gate of our territory (to the Sinixt).

One keen observer of the Jumbo case, a politically active businessman from the nearby community of Radium Hot Springs, noted of the conflict: “It’s as if the different sides are talking about a completely different place”58. Here, I contend that indeed they are.

58 personal communication July 16, 09
5.1.1 The perfect location for Jumbo Glacier Resort

“Location is everything” is regarded as the first maxim of real estate development. It is certainly held as a central justification for the proposed Jumbo Glacier Resort as revealed in a list of “fundamental reasons for the project” assembled by the proponent (see Table 5-2). At least six of the nine reasons listed relate directly to location. The other three reasons relate to economic competitiveness (detailed in the following section).

Table 5-2 Arguments in support of proposed Jumbo Glacier Resort

<table>
<thead>
<tr>
<th>The vision is based on the fundamental reasons for the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. B.C. and Canada need to reverse the tourism deficit with key destinations.</td>
</tr>
<tr>
<td>2. Ski areas are among the most compact and largest contributors to tourism numbers, and can be designed in a sustainable way, according to well known guidelines.</td>
</tr>
<tr>
<td>3. Ski areas should be placed where snow falls naturally (the Jumbo sticker says “it snows in Jumbo”), where it does not rain in winter, and where the climate is right.</td>
</tr>
<tr>
<td>4. The base area should be above the snow line (at least 1,500 meters) and have mountains with a large vertical drop, with glaciers at the top (Jumbo is at 3,419 meters).</td>
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<tr>
<td>5. Snow should be assured without having to depend on snowmaking.</td>
</tr>
<tr>
<td>6. Summer skiing not only combines well with sightseeing, but summer skiing is over glaciers, which are where snow is more abundant.</td>
</tr>
<tr>
<td>7. There are more than 36 summer ski areas in the Alps, none in North America except for Mount Hood (very small).</td>
</tr>
<tr>
<td>8. Easy access is important. All ideal ski areas in B.C. are in the “backcountry”, at great distance from existing roads. Upper Jumbo Valley is uniquely accessible.</td>
</tr>
<tr>
<td>9. The new ski area must not be in a protected or conservation area (JGR is accessed with existing roads from a mine site and the proposed location was a sawmill site – the valley was specifically designated for the JGR proposal in the East Kootenay CORE land use designation process in 1994).</td>
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The proponent has consistently praised the exceptional qualities of the Jumbo Valley observing, “Once all possible locations are examined, it has the best climate, elevation and sun exposure in North America, perhaps in the world, for a mountain

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59 Pheidias Project Management Corp. (unpublished [2011])
The Jumbo Valley sits in the heart of the Central Purcell Mountains, which are noted for “exceptionally good” snow and climatic conditions. Indeed it was here, just a few valleys north of Jumbo that helicopter accessed skiing was born in 1965. The Jumbo and other valleys in the Purcells receive abundant but dry snow, particularly appealing to skiers. The range is largely sheltered from frigid Arctic air masses that impact the Rocky Mountains and Interior Plains. Columbia Valley locals proudly observe that the area is almost always warmer than popular destinations such as Banff, Canmore or Calgary.

The resort’s unofficial motto, displayed proudly on bumper stickers of supporters, proclaims “It Snows in Jumbo” competing with the opposition’s “Keep it Wild” or “Grizzlies Not Gondolas”. The average winter snow depth at the base is a significant 2.5-4 metres. The base elevation of 1700 metres (the height of the peaks at BC’s premier alpine resort Whistler/ Blackcomb near Vancouver) ensures Jumbo would likely not be subject to rain that compromises the skiing experience in many other BC resorts and also would allow the resort to operate without financially and environmentally costly artificial snowmaking.

Accessing alpine glaciers above 3000 metres allows the unique opportunity to ski year-round and apparently would make Jumbo “easily the most expansive summer ski area in North America”. The summer vertical drop of 700 metres would equal that of many BC ski resorts’ winter offerings. The proponent foresees the possibility of

60 Glacier Resorts Ltd., available at: http://www.jumboglacierresort.com/outline/site.html
61 In a region of the Purcells known as the Bugaboos, see: http://www.canadianmountainholidays.com/about/our-story
“Olympic level summer ski training” for the first time in Canada off of Glacier Dome (Glacier Resorts Ltd. 2007: 2-17).

Beyond potentially favourable climate and snow conditions, local topography is also imagined as supportive of resort development. In the high alpine of the upper reaches of the valley, fortuitous slope and aspect characteristics provide a wide range of ski runs with southwestern (sun drenched) exposure. As well the approach to the Upper Jumbo Valley is unusually gentle. The glaciers can be accessed without having to negotiate high passes, steep slopes or hazardous avalanche paths, which sets this area apart from most other such areas in North America.62

Along with favourable physical and climatic conditions, supporters argue that this site is uniquely suited for such a development due to its disturbed condition, the result of a long history of resource exploitation and extensive recreation. It follows that Jumbo Glacier Resort would not be encroaching on pristine wilderness. Indeed, the resort village would be built on an old logging mill site in a valley with noticeable disturbances including clearcuts, debris piles, an old mining tailings pond and a network of resource roads. The proponent explains that Jumbo is:

easily the most suitable valley in North America to support year-round skiing in a sustainable manner... [affording] the unique opportunity for economic diversification in a location where further physical and ecological changes to the environment will be minimal, especially in the context of a compact resort base (40 acres) and single-family vacation homes (238 acres) in a 14 km long heavily logged, mined and used valley.63

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62 personal communication, Jul 20, 09
63 Glacier Resorts Ltd at: http://www.jumboglacierresort.com/gallery/environment.html
Indeed, according to supporters, to the extent that Jumbo Glacier Resort would preclude ostensibly more disruptive land uses – resource exploitation, hunting, motorized vehicle recreation - the development would actually improve the aesthetic experience and ecological conditions of the valley. We return (in section 5.8) to discuss this central point of contention in the struggle over the Jumbo Valley.

Beyond all these favourable local site conditions, Jumbo’s relative location (or geographic situation) is emphasized. The location is held to be unique “both because of its climatic conditions and because it offers access to major glaciers from an existing infrastructure that is a short distance away.”64 A common refrain amongst resort supporters including government officials is that Jumbo is uniquely suited for such development due to road access. This road was originally built to service the Mineral King mine and then expanded to access the timber and the sawmill in the Upper Jumbo Valley. The proposed resort site at the abandoned mill is 35 km past the existing alpine resort, Panorama Mountain Village, along a gravel stretch of the road. In turn, Panorama is approximately 18 km along a paved road from the major centre of the region Invermere making the total trip from Invermere to Jumbo around 53 km. Invermere, in turn is located in the heart of the Columbia Valley region of southeast BC adjacent to the Rocky Mountain National Parks one of Canada’s premiere tourism and recreation destinations.

Indeed, an earlier provincial study situated the Jumbo Valley in a “privileged position to capitalize on the market awareness of the Rocky Mountain National Parks and the popular recreation region of the Columbia Valley” (BC TIDSA 1984). The proponents imagine Jumbo as part of a major tourist and recreation region where visitors

64 Glacier Resorts Ltd., available at: http://www.jumboglacierresort.com/outline/site.html
(either on their own or as part of a package) could enjoy resorts of the Rockies such as Banff, Lake Louise and Jasper and resorts of the East Kootenay such as Kicking Horse (at Golden), Fernie, Kimberley, Fairmont Hot Springs, Radium Hot Springs and Panorama. Former Radium Mayor Greg Deck notes how the “visionary” establishment of golf courses in the Columbia Valley, which seemed to defy conventional wisdom of the time, transformed the area into one of BC’s major golf destinations.65 Similarly, with a major, world-class anchor in Jumbo, the region could be positioned as the premiere ski destination in North America. Jumbo Glacier Resort would be accessible to Calgary, an oil-wealthy city of over a million people with a busy international airport.

One other important argument with respect to the unique promise of this location for development is that it is not presently in a protected area. The proponent dismisses the impression that BC is a vast territory with endless opportunities for development noting instead that there are very few (if any) developable areas. Fully 16% of the land in the Kootenays region is formally protected, well beyond the 12% recommendation of the United Nations and official provincial policy. Indeed, the proponent further asserts that this statistic underrepresents de facto protected areas since many sensitive areas (e.g. the drainage of the Lake of the Hanging Glaciers) are “for all practical purposes untouchable areas, as nothing would be permitted there by well known policy of the key ministries”. Such scenic alpine areas, whether formally or informally untouchable, are the places “most suitable for tourist resorts”. The proponent summarizes this argument in an unpublished critical response to an article on the Jumbo case in the Globe & Mail. Claiming the article paints a misleading picture of BC as a “huge region with large

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65 personal communication Jul 27, 09
opportunities for new ski areas" the letter asserts “finding an area that is not protected with the right elevation, climate and access is about impossible” (Pheidias Management Corp. unpublished [2011]).

The proponent summarizes the advantages and disadvantages of the location (provided in Table 5-3). While the site boasts a wide range of advantages, concerns about any disadvantages are easily explained. That the Jumbo region hosts smaller glaciers than some other potential sites for glacier skiing in BC is insignificant in that the size is sufficient for unparalleled skiing. And, as mentioned above, the “disadvantage” that the valley has been substantially modified by human activities is mobilized in support of the project.

Table 5-3 Table of advantages and disadvantages of the Jumbo Valley location according to Glacier Resorts Ltd (2007). 66

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good glaciers</td>
<td>Smaller glaciers than in other potential locations</td>
</tr>
<tr>
<td>Excellent climate</td>
<td>Valley substantially logged and modified by human activities</td>
</tr>
<tr>
<td>Great scenic beauty</td>
<td></td>
</tr>
<tr>
<td>Access practically in place</td>
<td></td>
</tr>
<tr>
<td>Airports presently located nearby</td>
<td></td>
</tr>
<tr>
<td>Already recognized in a 1982 study sponsored by the provincial and federal governments (TIDSA)</td>
<td></td>
</tr>
</tbody>
</table>

On a more radical note, resort consultant Peter Lev in praising the location notes that in the post 9/11 era “any place that doesn’t have terrorists or Muslims is going to be

66 source: Glacier Resorts (2007)
seen as a good place to be” to which local hunter and resort opponent Nolan Rad
responded “we do have respected citizens of our valley who practice the Muslim faith”
and “the most well known [terrorist group] includes the investors, promoters and
hirelings of the proposed Jumbo Glacier Alpine Resort – these people are out to destroy
an entire valley” (Cobb 2002).

5.1.2 Contesting the “perfect” location

While agreeing with the proponent about the scenic qualities of the area and the
impressive skiing conditions, opponents of Jumbo Glacier Resort otherwise represent the
location in a starkly different way. Using the succinct slogan “Jumbo Wild” opponents
locate the Jumbo in a remote and wild space beyond the pale of civilization. Often
articulated in an urbanist vocabulary, opponents, such as former Invermere mayor Mark
Shmigelsky, reject the “sprawl” of the development located outside of already established
areas. Supporters often point out that the great community support in Golden for the
expansion of the Kicking Horse Resort (also led by Jumbo Glacier Resort proponent
Pheidias Management Corp.) had to do with its front-country location. So rather than
being defined as unequivocally anti-development, opponents of the Jumbo project are
more concerned about development in this particular location in solidarity with other
efforts to contain sprawl.

Supporters, in turn, have responded to these arguments in a number of ways. First,
many note the apparent hypocrisy of opponents who with their one-pointed attention have
focused on rejecting Jumbo while rampant unsustainable development continues
unopposed throughout the Columbia Valley. For example, Shuswap spokesperson Dean
Martin emphasizes that we need to focus attention on Lake Windermere “in our own
backyard” rather than worry about a project that has gone through nearly twenty years of review. Second, supporters allege that the resort’s location is preferable to a front-country location in that it is easier to contain impacts in a detached, remote location. Third, since the resort is planned in a green, compact form with a smaller footprint than any other resort in BC, charges of sprawl are regarded “absurd”. Finally, as introduced above, supporters emphasize that the valley is not pristine and represents a suitable place for such a project.

While conceding that the valley is not pristine, opponents reject the logic that it automatically follows that this otherwise remote and uninhabited place does not merit consideration and protection. Author Bruce Kirkby observes “what is really at stake with Jumbo is an intact wilderness area – a place of true beauty that hasn’t been touched by development.” Longtime activist Meredith Hamstead asserts “the Jumbo is not pristine but it has an incredible balance of values... human use, profit, ecology, community well-being. It’s not pristine. It’s not to be protected because it is pristine, it is to be protected because it works. It works for all parties concerned the way it works today.” Setting aside the possibility that there are some, namely Native communities, who may object that the Jumbo “works”, we recognize an alternative spatial imaginary to the one portrayed by the proponent (to which we return in section 5.8).

While the proponent speaks of the location as being uniquely suitable for development, opponents speak of it as being uniquely unsuitable (for development), both in terms of its alienation of an important community recreational resource, and due to its...
important location as part of the anchor habitat for an international grizzly bear population. Opponents’ imagine the Jumbo’s relative location very differently from the supporters. While those pushing for the development spatially frame the site in relation to tourist and recreation destinations in the Columbia Valley, Rocky Mountain Parks and Calgary International Airport, opponents frame Jumbo in relation to the Purcell Wilderness Conservancy and the greater Yellowstone to Yukon Wildlife Corridor. I return to discuss the wild qualities of the location and the importance for grizzly bears in the section on the green model of justice below (3.8).

The Native groups in this case approached the question of location quite differently as we explored above (in Chapter 4). As recounted there, the proposed development site sits right in the heart of the Ktunaxa’s claimed traditional territory. Furthermore, the area is imagined as Qat’muk - the Realm of the Sacred Grizzly Bear Spirit and a “vital part of Ktunaxa culture and the environment of the region” (Ktunaxa Nation 2010) (see Figure 5-1). The Ktunaxa have opposed the Jumbo Glacier Resort Proposal since 1991, based “principally on the spiritual importance of the Qat’muk area for the Ktunaxa people” but also based on concerns for “wildlife population (especially grizzly bears), biodiversity and water quality.” The Sinixt are not in the treaty process but similarly assert claim to the territory in defiance of the Ktunaxa. The unrecognized indigenous people of the West Kootenay mark their boundary as the height of land of the Purcells and include the Jumbo Valley as a realm of care. For the Kinbasket Shuswap, the project’s location represents a nearby economic opportunity for Natives. “Securing our traditional interest in the area surrounding our reserve is key to advancing our economic
interests and to providing a meaningful future for our people,” says Dean Martin (Kinbasket Development Corporation 2004).

5.1.3 Bounding Jumbo

Another important dimension of argumentation registered in a spatial model of justice concerns the appropriate bounding of the location. Delineating boundaries is not an innocent technical, cartographic exercise but a political, strategic one (Crampton 2010). Discussions around bounding are significant. For example, the opposition has been consistent in its assertion that approval decisions must be made locally by those who would directly suffer the consequences of those decisions (elaborated in section 5.7). To the extent that the opposition frames the struggle this way, it is important to explore attempts to stabilize or destabilize what local comes to mean as a part of claiming who is

70 source: Ktunaxa Nation (2010)
qualified to decide what this place is. As no people actually live in the Jumbo Valley, “local” can only be defined somehow by proximity, and this bounding is not self-evident.

While the Jumbo Valley falls within the formal boundaries of the Regional District of East Kootenay, privileging this framing is not politically innocuous. For example, some members of the JCCS have worked to locate the valley in the more general context of “the Kootenays”, “the heart of the Kootenays” or “the Heart of the Purcells”. JCCS member Arnor Larsen explained to me that by limiting the imagination of the resort’s location to the East Kootenay supporters have been able to dismiss the validity of opposition claims from the West Kootenay region. Correspondingly, supporter David Pacey noted in our interview that “they have to realize this is an East Kootenay issue and there’s no need to escalate it by bringing in all the negatives [protestors] from the other valleys.” On the map while the only road access to the Jumbo Valley is from the East Kootenay, the project site is approximately equidistant from the Kootenay Valley and the Columbia Valley (the centers of the East and West Kootenay respectively). Anecdotal evidence suggests that hikers actually access the area just as frequently from the West Kootenay and residents from that side have been just as active in their opposition to the development. Indeed the largest public rally in the history of Nelson, BC (the largest community in the West Kootenay) occurred in March, 2004 to oppose Jumbo Glacier Resort. Mr. Larsen asserted that mapping Jumbo in the “Heart of the Kootenays” or the “Heart of the Purcells” was thus more inclusive and also drew

71 Arnor Larson raised the concern at a JCCS meeting on July 13, 2009, which became a significant point of discussion. We then discussed it further in our interview on July 22, 2009.
72 personal communication July 16, ’09
73 personal communication Jul 31, ’09
attention to important emotional connection: “a heart versus an edge”74. He hoped to provoke a contrary imagination of what should be permitted in such a place.

In defining the appropriate scale for considering Jumbo, supporters are ambivalent about using the regional scale. They certainly have not used the Kootenays although they occasionally have referred to the East Kootenay, as noted, to the extent that it excludes the West Kootenay (and thus silences potential further opposition). They also have asserted that Jumbo Glacier Resort would have positive regional benefits and would de-centre investment away from the Lower Mainland core of the province. They have argued that tourism is the major economic driver of the Columbia Valley and Jumbo Glacier Resort could become a catalyst to producing sustainable prosperity, especially in light of the precarious state of the region’s other industries, especially forestry (explored further in section 5.2).

Still supporters were more inclined to privilege the provincial scale. While often maintaining that local opinion was divided, supporters did in some instances concede that there was significant local opposition often framing it in terms of parochial NIMBYism. Resort Vice-President Grant Costello told me “too much emphasis on the local can stymie provincially beneficial policies. We never would have built the nationally vital Canadian Pacific Railway if we had local people deciding everything. How can you manage the province if every local voice is heard? The province is the proper scale for dealing with these matters”75 Former provincial official George McKay concurred noting that development has to be understood at a larger scale: “We are not talking about

74 personal communication Jul 22, '09
75 personal communication July 20, '09
looking out for grizzlies in one watershed or salmon in one river, we need to be managing those species over an extensive land base.”

Former Radium mayor Greg Deck raised another point with respect to determining the appropriate scale. He accused the opposition of “shopping around for a jurisdiction”. The members of the JCCS were allegedly “only interested in defining the context of this case as the local region, because that scale of government supports their position. What if the province was skeptical and most local people wanted the resort? Would they still want to keep the decision local?”

In response JCCS spokesperson Meredith Hamstead noted “we are well aware that local people can make bad land-use decisions” but then asserted that the diversity of opponents and the numerous flaws of the proposal clearly justified their opposition.

We return to this argument (in section 5.7) below.

Since the provincial government was widely perceived as favouring the development, it no surprise that the opponents did not privilege the provincial scale in their imagined bounding of the location. However, they did mobilize other scales. Members of the JCCS have been inspired by the message of Bob Sandford whose writings have focused on the threats to communities throughout a region defined as “the Mountain West”. In this framing, the Jumbo development is part of a larger threat to the stability and authenticity of mountain communities throughout southwest Alberta and BC posed by so-called amenity migration and ex-urbanization (see section 5.5). The opposition also framed the Jumbo case at the trans-boundary scale, most frequently as a

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76 personal communication Nov 16, '09
77 personal communication Jul 27 '09
78 personal communication Aug 8, '11

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vital part of the Yellowstone to Yukon (Y2Y) wildlife corridor (see section 5.8). This mapping worked to establish recognition of the desperate situation of bears struggling with their habitat fragmented into islands. In such a framing Jumbo Glacier Resort and the activity it would attract are represented as further eroding the shoreline of an island around the Purcell Wilderness Conservancy.

5.1.4 Experiencing Jumbo

In this section we have explored arguments over the suitability of the location for this project and the creative means by which disputants countenance these arguments. Interestingly, in substantiating positions and pointing to forms of proof both supporters and opponents privileged empirical observation imploring me to visit the valley and see for myself.

When I first approached Jumbo Glacier Resort Vice-President Grant Costello at his office in Invermere, he refused to be interviewed. After relating the details of my project, he conceded to talk to me but only on condition that I visit the site with him. He was adamant that “you can’t understand the project without seeing it first hand. Once you see what we’re trying to do, you’ll be convinced this is the right thing.”79 We spent that afternoon driving in his Jeep up into the Jumbo Valley. There he pointed out the various clear-cuts, old mining tailings ponds, refuse heaps and the network of mining and forestry roads. Mr. Costello graciously toured me around the abandoned mill site where the resort would be situated, alder overgrown switchbacks where residential condos would be, the forested slopes (already gladed by the heli-ski company) where the lifts would be, the location of the summit lodge and gondola, which would be the world-class feature of the

79 personal communication Jul 20, ’09
resort and areas that would be preserved – such as the valley floor wetland which would feature an interpretive trail. For Mr. Costello, the first hand experience of this place was enough to reveal the self-evidence of its fit for development.

Interestingly Bob Campsall of the JCCS, made a similar appeal to face-value empiricism, but this time with the exact opposite normative implications. Mr. Campsall wistfully observed “if you’ve been up that valley, you know how special it is. You know that it is just unfathomable to even think about developing this place.” Recall Ms. Hamstead reported how she and the proponent Mr. Oberti had stood side by side looking out from a high vantage point across the Jumbo Valley, each with a gleam in their eye as they beheld the spectacular landscape spread out below them. Yet as they did so, it was as if they were seeing completely different places. The setting moved Ms. Hamstead to vow to protect this precious, wild corner of BC while Mr. Oberti was moved to want to share it with others through Jumbo Glacier Resort.

Importantly this conviction that empirical observation presents a faithful image of the reality of the place seems to be shared by decision makers. In one of our interviews, a government official working closely on the Jumbo case related the following story:

You’ve been up there right? You’ve seen it for yourself? … Glacier Resort took the Technical Review Committee up to Glacier Dome so that we would have an understanding about what we were discussing… And I was raised up North and outdoors and I’d been thinking maybe it’s a shame that they develop something up in this valley. And I got up to Glacier Dome and I realized that the mountains go on forever. There are lots and lots and lots of mountains and valleys that are in some ways similar. This one in fact has a road in it for the last sixty years and there’s been logging twice and there’s been a mine up there. And I looked down from Glacier

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80 personal communication Jul 21, '09
Dome and said there would only be a few people that would be able to get up here to look out across this expansive place... 

As I write this in the summer of 2011, another important government official is touring the Jumbo Valley. Local newspaper coverage reports that:

Steve Thomson, Minister of Forests, Lands and Natural Resource Operations, ditched the maps on his desk in favour of a helicopter tour of Jumbo Valley and Farnham Glacier area on July 20th, and he is now one step closer to making a final decision about whether or not to sign Glacier Resorts Ltd.’s Master Development Agreement for Jumbo Glacier Resort. “It’s a spectacular part of the province. I certainly see the vision that the proponents have for the area by being able to see where it’s all situated and the perspective on the valley and how things are lined up. To be able to see that really helps to be able to put the picture to the maps that I’m looking at when I need to take this forward and present it.” (Verboom 2011)

The Minister will see the Jumbo Valley first hand. But whether it’s a map, a visual image on a computer screen or the valley itself looming below the image will be weaved into a personal and evolving storyline of what constitutes the most significant features of the place – its proximity to recreation sites, its proximity to the Purcell Wilderness, its non-pristine condition, its wildness, its opportunity to be shared, its sacredness or the fact that it is one of lots and lots of similar mountain valleys.

5.1.5 Reflecting on spatial arguments

In this section we considered the struggle over the Jumbo Valley exploring how supporters and opponents of Jumbo Glacier Resort imagined and contested this place based on the framework established around Rancière’s assertion that: politics is about knowing who is qualified to say what a particular place is and what is done to it. To supporters the Jumbo Valley is uniquely suitable for this development proposal.

81 personal communication Dec 8, '09
Opponents see this development as inappropriate in this place, which in its current state represents a great example of sustainability, providing for community wellbeing and critically important habitat for southeast BC’s grizzly population and other wildlife. First Nations imagine the valley in very different ways. To the Ktunaxa and Sinixt, the valley is part of their home since time immemorial, is a sacred place, and (to the Ktunaxa at least) represents unceded, traditional territory over which they are presently in treaty negotiations. To the Kinbasket Shuswap the land is similarly held as spiritually important but this group recognizes the benefits of the proposal.

We have noted how representing this place through maps, boundaries and even empirical observation is thoroughly contested and have begun to recognize how the environmental review of Jumbo Glacier Resort is confounded in this context of conflict and uncertainty.

While not explicitly recognized in the scheme of Boltanski and Thévenot (2006), the spatial model of justice seems to bring into relief important dimensions of this particular struggle and likely has purchase in understanding others. Such a model brings into focus elements omitted from other categories: the geographical exigencies of politics, the power infused in maps, mapping, asserting proximity, bounding space into regions, defining the appropriate scale and toponymic inscription.
5.2 Market Model of Justice

By definition economic arguments are central to justifying development proposals and to subsequent disputes. Thévenot et al (2000) commence their own analysis of environmental conflicts considering the market model of justice, throwing into relief arguments justified in relation to economic growth and competitiveness. The struggle around the review of Jumbo Glacier Resort takes place within a context whereby growth and global competitiveness are indeed dominant if contested imperatives. In my interviews consistent reference was made to the Ministry of Tourism’s mandate to “enable British Columbia’s tourism industry to grow from ‘good’ to ‘great’ and double total annual tourism revenues to $18 billion by 2015” (BC MOTSA 2007: 6). In this context Jumbo Glacier Resort, which could represent a $1 billion investment, is an appealing prospect. Both government officials and supporters of the project frequently point to the opportunity and the imperative for BC to expand its tourism industry to compete with places such as Colorado. As the proponent notes “skier days in B.C. are still about one half of what they are in Colorado, despite greater potential in terms of skiable terrain and valley elevations.”

For president Oberto Oberti, the project is certainly in the public interest of the province, arguing that “job generation, especially when driven by money brought in from outside BC, is not only a good policy but one to which all political parties and politicians pay homage with almost unlimited rhetoric.”

However, notwithstanding this and other evidence suggesting the momentum of economic justifications it is notable that such appeals by supporters and government are

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82 Glacier Resorts Ltd. available at http://www.jumboglacierresort.com/outline/summary.html
83 personal communication Sept 5, ‘11
almost always "compromised" (to use Thévenot et al's (2000) term) with other social justifications. One prime example is found in a letter from the proponent to the editor of Beautiful British Columbia criticizing the magazine's allegedly biased coverage of Jumbo Glacier Resort. In the letter, Mr. Oberti stresses that the focus should be on "the uniqueness of the project, not simply the economic benefits, [the latter being those] which logging and mining and other resorts may provide as well." (Pheidias Project Management Corp. unpublished [1996]).

Opponents seem a bit more ambivalent with respect to the market model of justice. Virtually all of my interviewees asserted that economic arguments should not take precedence over other arguments for preserving the Jumbo Valley. Still some who otherwise held economic development in high esteem questioned the viability of this particular proposal and the calculation of costs and benefits.

In what follows I present the market-based justifications for the resort, especially noting how these arguments are blended with other social concerns. I then examine the various ways by which opponents denounce the economic justification of the project. Finally, I examine the relevance of this model of justice and explore how economic arguments are treated in the review process. Throughout the discussion, we keep in mind the four important dimensions of legitimating arguments, legitimately denouncing opponent's arguments, proof and cultural constraints. We also note the important spatial dimensions of market argumentation overlapping with the previous discussion in asserting or denouncing the geographical fit of the project.
5.2.1 The (social) economic case for Jumbo Glacier Resort

While the proponent frequently presents conventional economic arguments highlighting the level of investment, jobs created and tax revenues that would be generated by this proposed development, these arguments are almost always integrated with other arguments around such social benefits as decentralized investment, spin-offs and trickle-down effects; opportunities for regional synergies and targeted benefits for young people, women and First Nations.

The proponent consistently emphasizes the social benefit of locating this major project outside of BC’s dominant economic core. Noting the disproportionate attention given to the Lower Mainland / Capital Region, the proponent has asserted that Jumbo Glacier Resort should be praised for decentralizing investment and boosting a resource-dependent and anemic hinterland economy. The Master Plan decries the problematic status quo:

...The Province is again funding improvements to the access to Whistler [a major tourist resort located in the core region] for over $600 million, not as a loan, but as a long-term investment. This is just one example of how different areas of the province can see disproportionate benefits. Nothing even remotely similar is being spent in the East Kootenay or the

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84 For example, the project is reported as a $450 million to $1 billion investment. Construction will purportedly generate $15-20 million a year for a period of 20 years with 3,750 person years of employment. After full build out (in three phases over twenty years), it is expected that the resort will provide as many as 850 full time and part time jobs with an annual payroll of $17-20 million. The proponent espouses the benefits of increased employment including more money injected into the local economy and less people reliant on the province’s social security net. Direct spending in nearby communities after three years of operation is estimated at $4 million. Tax revenues to all levels of government are estimated at $12 million annually with $1 million increase in the local East Kootenay tax base. These benefits will purportedly accrue without requiring any tax dollars for development. See Glacier Resorts Ltd. at: http://www.jumboglacierresort.com/outline/summary.html

85 BC’s population and economic core is situated in the southwest corner of the province around Vancouver (the Lower Mainland) and Victoria (Capital region) where 75% of the population live. Jumbo Glacier Resort is proposed for the East Kootenay region in the southeast corner of the province.
Purcells, where there is arguably a more sustainable long-term opportunity for tourism growth in the mountains. (Glacier Resorts 2007)

Given the decline in primary industries in the region, especially forestry, tourism is promoted as a central element of a transitional economy. Supporter Ian Mackenzie describes the local implications of provincial economic trends in a letter to the editor of the Columbia Valley News: “AbitibiBowater has gone down and the main employer in Radium the CanFor mill has shut. Local forestry workers, contractors and whole communities are left wondering what the future holds”. He then turns his discussion to the misconception of the local environmentalists, who he claims neglect economics. “Our environment will be at risk as long as there are humans needing employment. Large, diverse projects that are properly studied and implemented like Jumbo Glacier Resort are the key to creating a balance between economic prosperity and environmental sustainability (Mackenzie 2009). The mayor of Radium Hot Springs notes that the closure of the mill and the resultant loss of hundreds of forest industry jobs renders the development of Jumbo Glacier Resort a “total no-brainer”. Mayor Conklin notes that the “discovery” of the Columbia Valley for tourism and recreation development has propelled it from “welfare valley to a premiere resort destination” and “killing a project like Jumbo would take us right back to the bad old days.” As we will see below (in section 5.5), such arguments work to connect the proponent with the locality as a good corporate citizen looking out for these struggling communities remote from the provincial centre of power. Supporters note that Jumbo Glacier Resort would provide spin-off benefits to other businesses in the region and in particular would bolster its status as a

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86 personal communication July 27, '10
major tourism and recreation destination. With Jumbo Glacier Resort as an anchor, other alpine resorts in the region could enjoy impressive synergies.

The proponent also blends economic arguments with other social concerns in discussing the opportunities of the tourism industry more generally. Countering criticisms that jobs associated with Jumbo Glacier Resort would be insecure, seasonal and low-paying the proponent notes that these entry-level service industry jobs would provide opportunities for young people who have few other opportunities: “currently young people have to go elsewhere – up to the oil sands, Calgary or out to the Coast. Low-paying jobs are actually pretty helpful”87. Elsewhere the proponent notes “the claim that tourism creates low paying jobs would be similar to saying the McDonald’s Restaurants do not benefit the communities where they operate.”88 As well, while conceding that incomes in Invermere and the East Kootenay region actually do exceed the provincial average the proponent points out that the region lags behind in terms of levels of poverty and incomes of females. Tourism resorts provide far more employment opportunities for women than does a resource dependent economy. The proponent further substantiates the claim to socio-economic benefit of the resort by acknowledging union support namely that of the local International Union of Operating Engineers.

In response to the widespread criticism that many of these unskilled service jobs would not likely be taken by locals but rather by visitors (especially Quebeckers, Australians, New Zealanders and Mexicans), one supporter observed that such a situation would benefit the valley through increasing its cultural diversity. A supporter explained:

87 personal communication July 20, '09
88 personal communication Sept 5, '11
...from a diversity of population the resort is a positive. In Canada we have reciprocal agreements with Australia and New Zealand for young people to move back and forth with minimal bureaucratic hassle. That is how Whistler survives. The same thing will happen here and some of those people will end up staying here increasing our social mosaic, to use Trudeau’s words. But that frightens a lot of the environmentalists around here". 

Such an imagination frames the case in terms of a social vision of Trudeau liberalism and multiculturalism against a frightened, reactionary local population.

The proponent also emphasizes targeted opportunities for First Nations, in particular highlighting the impact and benefits agreement signed with the Kinbasket-Shuswap Band in 2007. Commitments have been made to ensure a certain percentage of jobs for Native people throughout the life of the project (including as contractors for the sewage and waterworks system); constructing an interpretive centre which would showcase their history, culture and connection to their lands; integrating First Nations themes in the design vocabulary of the resort; and providing scholarships and training programs to introduce band members to the tourism and hospitality industries.

The Shuswap Band leadership interestingly blends economic justification with a Native ecological sense. In the following quotation, the CEO of the Kinbasket Development Corporation Dean Martin, for example, explains his support for the Eagle Ranch golf course on their lands:

The first nations people have always been keepers of the land, using its bounty to sustain their way of life. Native culture hinges on the belief that the land responds positively to care and respect. Those who nurture the land will receive back from it ten-fold. The vision of Eagle Ranch was born out of this intrinsic cultural belief.

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89 personal communication Jul 16, '09
90 Kinbasket Shuswap Band, at: http://www.shuswapband.net/
In his speech to the Regional District, Mr. Martin referred to the blend of economic initiative and due diligence that has enabled the Kinbasket Shuswap to capitalize on sustainable development\textsuperscript{91}. This approach represents a uniquely Native form of ecological modernization\textsuperscript{92}, admired by the province and proponent while seen as “selling out” to many of the opposition.

In sum, while economic arguments are central to the justification for the project, they are often understated or blended with other social considerations. As we will see, the proponent is adamant that the proposal be imagined as valuable across a wide range of models of justice not just with respect to economic rationality.

### 5.2.2 Contesting the economic case

Opponents of the project are more ambivalent with respect to the market model of justice. On the one hand many opponents, including the Ktunaxa, accept the importance of economic justifications, asserting they are not against development \textit{per se} but are concerned about the scale and location of this particular project. Some opponents are dubious that the project is even economically viable while others assert that even if it were to succeed locals would not benefit but would bear significant social and ecological costs. On the other hand some opponents oppose the priority generally given to economic arguments pointing to the pressing global concerns of over-development. Most opponents would agree that other considerations (registered by other models of justice) are more

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\textsuperscript{91} Transcribed by author from speech given on Aug 7, 2009 to the RDEK board, Cranbrook, BC

\textsuperscript{92} Ecological modernization refers to an optimistic approach to sustainable development which imagines that environmental protection and economic growth can be favourably aligned usually through technological innovation (Christoff 1996; Spaargaren, Mol and Buttell 2000).
important in determining the fate of this special place (which we discuss in other sections).

With respect to the different perspectives of the Jumbo Creek Conservation Society (JCCS) members, Meredith Hamstead observed “all of us are in agreement that there should be no Jumbo Glacier Resort. I would guess most want no permanent development in the area, although that may be unfair. Some board members likely think some development would be ok, just not the scale proposed. True sustainability is about respecting limits. And we all agree this project exceeds them.”93 This consideration of “limits” or “sufficiency” was a central theme in many of my interviews with opponents. For example, fellow JCCS member Bob Campsall noted “our valley hosts a frenzy of activity. We don’t need more development - this ‘everything’s got a price’ mentality…”94

In follow-up correspondence, Ms. Hamstead confirmed that sufficiency was likely the central argument against the project, “that this proposal exceeds the ceiling of tolerance” in the region95.

The Mayor of Invermere, Gerry Taft, who had earlier been a vocal supporter of the project expressed serious reservations about its economic impact on the region:

[I supported the resort because] it seemed like there would be opportunities for young people and it would be exciting – big ski resort...But, now I don’t see that there would be a lot of positive impact to the area. Being resort development it would create low paying, transient jobs and the reality is that existing businesses in the area have a hard enough time attracting staff. It would result in traffic problems, needs for upgrading the roads, the responsibility for which the province has downloaded. For constituents who live here and have their house paid for they don’t really want more traffic, more transient staff and all the

93 personal communication Mar 1, ’09
94 personal communication Jul 21, ’09
95 personal communication Aug 8, ’11
problems associated with that. There would be many social costs and we haven’t even begun to speak of the potential ecological problems, which are less my direct concern.96

Mr. Taft opposed the resort based both on this weighing of the costs and benefits for Invermere and on the will of his constituents. In the language of the sociology of critique, there is an alignment of (negative) market worth and renown worth (of fame and public opinion).

Notwithstanding the perceived social and ecological costs of the project and the loss of a valued community resource (i.e. the wild valley), some Invermere locals also doubt that there would even be any economic benefits that could possibly outweigh these. For example, Bob Campsall noted:

Invermere wouldn’t benefit. We are too far away. The buses, the cars will go right through Invermere. Plus the resort will be self-contained. All the services and facilities will be out there.97

After hearing this concern about remoteness and the resultant lack of economic opportunity for Invermere in a number of interviews, I asked local Chamber of Commerce President Al Miller. He responded:

I’ve heard that criticism too. We used to have people drive by this highway looking for other places. Invermere wasn’t really on the map...But we started marketing “Invermere”. We changed the sign to say “Invermere on the Lake- Over 200 businesses to Serve You”. Encourage people to see it like a great place to visit. It worked. People come in here now. So, if we are here on the road to Jumbo and we don’t as a community go out and try and market and ride the coattails of this project chances are we will miss out, you’re right. But if people coming through can be shown that there’s a lot more to see here – that this is a beautiful place98...

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96 personal communication Jul 24, ’09
97 personal communication Jul 21, ’09
98 personal communication Jul 28, ’09
To Mr. Miller whether or not Invermere would benefit from the Jumbo development was not pre-determined but dependent on the effort of the town. However, as one otherwise supportive government official noted “I think this project had the potential to succeed but if you don’t have the backing of the community – ‘the social license to operate’ it’s not going to happen”. 99

Glacier Resorts President Oberto Oberti is more blunt in his reaction to this concern. He states, “The notion that Invermere, the nearest municipality, is too far away is completely unfounded (note also that Squamish is about as far from Whistler).” This statement is further substantiated by appeals to “the authoritative findings of an entire team of qualified experts through three different processes” and asserting that concerns about its economic geography are counter to the “opinion of tourism experts.” 100

Another specific concern of opponents relates to the impact of the resort on other economic activities. While, the impact on forestry or mining is likely nominal, the impacts could be more significant with respect to the local RK Heli-ski’s operations (Shaffer and Associates 2006:26). The Invermere-based company is highly esteemed by local people as a regional success story. The main concern for this existing business is that Jumbo Glacier Resort would compromise important parts of its ski terrain (namely areas for bad-weather skiing) within its (non-exclusive) tenure. Negotiations between Jumbo Glacier Resort and RK Heli-Ski have been largely acrimonious. Ian Cobb, the editor of the Valley Echo recounted the following story that illustrates the relationship between the two as well as the sympathy expressed by others towards RK:

99 personal communication Nov 16, ’09
100 personal communication Sept 5, 2011
My best friend out here was [RK Heli-ski founder] Roger Madson. I sat in on phone conversations on speaker-phone where [Glacier Resorts Ltd. President] Oberto Oberti would call him and try to buy him off – nickel and dime him – insult him. So I always wrote against it – oh I’m such a bastard... Because I am against Jumbo and writing against it meant I am anti-business. Meant I was a raving socialist... I’m supporting a local business that has 70-80 employees and has been in operation for 30 years serving our community. Oh, I’m such scum. Fuck me if I’m the bastard. Oh, I want to see a bunch of offshore money come in and boot this little guy off with no compensation. Is that what you want to see? 101

In the quote we see loyalty to the local operator serving Invermere juxtaposed with “offshore money” displacing “the little guy”. It is also powerful evidence in support of the pragmatic claim that people in such disputes do care about the way in which their arguments are perceived by others, and the conclusions that others draw about the justifiability of their position.

Beyond the boundaries of Invermere, opponents were skeptical of the espoused benefits for the broader region. While supporters celebrate potential synergies with other resorts, opponents suggest that if Jumbo Glacier Resort succeeded it would cannibalize existing resorts devastating other communities in the region. Kimberley native and Wildsight member Dave Quinn observed of his own community:

In terms of the economic angle, there’s 19 ski resorts within a 5-hour drive...and most of those are in existing communities, supporting locals. And these communities are at that fringe. Kimberley is a really extreme example of that where we had the biggest lead/zinc mine in the world and it just packed it in back in 2000...Everyone is trying to make this transition into alternative economy- the tourism resource industry but its precarious. So to put in another “Next Best Thing” will draw opportunities away from these desperate communities. The writing is on the wall. It’s not like a bunch of new skiers are going to show up to come to this thing. Some will but skier visits are in decline globally, the skiing market is in decline globally, the skiing demographic is doing different things now and the price of skiing is making it so it’s not a family sport anymore. So this

101 personal communication Aug 24, '09
whole idea that a bunch of new skiers are going to show up and everyone
is going to benefit, I don’t think anyone buys into that.102

To opponents, establishing another resort in the context of a declining ski industry, where
existing resorts that serve local communities are struggling to survive does not make
sense.

However, this perspective is ridiculed in an article in the *Financial Post* entitled
“Jumbo Controversy: A Visionary Architect Wants to Bring a World-Class Ski Resort to
a Logged-Over BC Valley, Eco-Freaks Respond with ‘Grizzlies Not Gondolas’ Bumper
Sticker (Koch and Weissenberger 2003). Of the local businesses concerned with the
resort proposal, they write “these are the usual zero-sum, the pie-has-only-eight-slices
types, oblivious that such a project is genuine value-added for the tourist, elevating the
entire region’s stature in international markets. A growing pie that would lift all
gondolas, as it were”. Bad analogy aside, supporters do substantiate this claim by noting
the official support for the project from the nearest alpine resort Panorama Alpine
Village.

Responding to a critical review of the project in the *Globe and Mail* the proponent
provokes the author, a Kimberley resident:

…to ask the airport operators (among the many people who would benefit
from the enjoyment of the project, like tourism operators, Panorama etc.)
if they do not think that the JGR project would benefit the Columbia
Valley. The airport would certainly benefit with the needed traffic and
jobs. I recall when I travelled to Cranbrook in the early days the airport
was serviced by scheduled jetliner flights, today scheduled flights are by
smaller planes (Pheidias Management Corp unpublished [2011]).

102 personal communication Jul 24, ’09
Local BC Liberal Party President David Pacey has a different take on the concern about cannibalization. After dismissing the “alarmism” by pointing to the evidence that Panorama has embraced the proposed project, Mr. Pacey observes:

The other response to that argument goes back to Darwin and capitalism. He who does not adapt dies... The weak shall die first. Paraphrase it “the dumb shall die first”. If you are dumb enough to put a ski resort in the wrong place, for population, for snow, for terrain, for marketing, whatever and you die, you deserve to die. The antithesis of that, if Jumbo Glacier Resort has the common sense to put a ski resort in that’s first class, has lots of snow, has lots of scenery, has good marketing, has good hotels, well, they should survive... We shouldn’t be subsidizing the weaker link. If your snow is no good over there and the snow is good here in Jumbo, why would we keep that one over there operational?103

I found such sentiment exceptional in my interviews with economic arguments of supporters not usually framed in such stark terms. Of course, I recognized conventional justifications in defending profit making, in encouraging risk taking and celebrating the promise of competition. However, as mentioned previously, most of the arguments were blended with social justifications and recognition of the regional implications of major investment decisions.

An article published in *Maclean's* in October, 2008 rekindled another controversy that had been long burning in the valley. The article, cited by a number of my interviewees, sets out the problem that “the [ski] industry has kept opening new hills and building new resorts even as skier numbers have flattened, and the visitor demographic is aging quickly. As the global economy slows, BC’s many resorts and condo developments may be facing an ugly awakening” (MacDonald 2008: 1). The article also points out “the dirty little secret” with which resort opponents had long focused their attacks on Jumbo

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103 personal communication Jul 16, '09
that due to the unprofitability of the sport the “ski industry isn’t a ski industry, it’s a real estate industry.” Two concerns arise here. Opponents reject the alienation of public land for a private real estate development. Furthermore, as the article explains under CASP “if a ski hill goes bankrupt, or the owners walk away, the province is required to step in and run the resort until a buyer can be found.” Resort opponents expressed much anger in the proposition of tax-payers bailing out a failed resort, which would seem to contradict the spirit of (any rendition of) the market model of justice.

The article and fall-out occasioned defensive maneuvering on the part of the proponents. In a “backgrounder” published on the resort website, Grant Costello responded to concerns about the industry. While conceding that American statistics “seemed to indicate a leveling off or a decline” in the 1980s and 1990s, “every industry has ups and downs and there is recent cause for optimism”. In our interview Mr. Costello noted that those involved with the CASP process (i.e. who had the expertise) were enthusiastic about the economic potential of the resort. “Build it and they will come”, he declared and then added, “It isn’t like CASP doesn’t carefully scrutinize the details.”

The concerns of project feasibility were thus belittled, often denounced with appeal to the self-evidence of business sense supported by government expertise. Opponents were not convinced.

With respect to job creation, the opposition has been even more skeptical. In a letter to the editor of the Valley Echo, Invermere resident Peter Steffler (1997) notes that “while the argument that the proposed resort would provide much needed jobs is emotionally appealing, it lacks common sense”. Steffler notes that due to the seasonal

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104 personal communication Jul 20, ’09
and typically low-paying character, few locals take ski resort jobs. Indeed, resorts like Panorama have suffered from labour shortages. Steffler asks “why should this community be responsible for solving the unemployment problems outside our community by completely and unnecessarily sacrificing another vital intact watershed”. He further notes “each community is capable of being creative and resourceful enough to resolve their own unemployment problems. Communities should not require outside assistance from influential, financially powerful consortiums who are motivated entirely by monetary gains and who relentlessly push forth their own personal wishes and ideals upon everyone else… How will the community benefit?” (Steffler 1997).

A significant geographic/market-oriented dimension recognized by my interview respondents surrounded a distinction between Invermere and other parts of the East Kootenay. Both supporters and opponents noted that Invermere was better positioned than other communities to absorb the fallout of the decline of conventional resource industries in that it had established a viable tourism and recreational property-based economy around Lake Windermere. Thus, it could be argued that those living in Invermere were not as concerned with “jobs” and were more moved by arguments around adverse impacts than economic opportunities.

Much of the impetus for questioning the economic justification for the resort arose after the release of a feasibility study commissioned by the EA Office in 1998. The report by slo.engineering acknowledged that “the project area was worthy of a resort venture of the magnitude being proposed” with respect to geology, climate, elevations and topographic features. However, the report then enumerated a number of shortcomings in the proposal and concluded that “it appears doubtful that the resort can
achieve economic break-even given the financial structure proposed" (sno.engineering: 1999).

For opponents the report was interpreted as vindication of their claims of the inappropriateness of the project. On the other hand, the proponent affirmed that the report provided useful information for improving the project design to make it more economically feasible. Interestingly many of the report’s criticisms revolved around the under-capacity of the proposed project, for example with respect to the inadequacy of parking, facilities and recreational amenities and the low utilization of ski resources (i.e. too few skiers projected for the size of the resort). Ironically, while celebrated by resort opponents as a denunciation of the project, the report was actually encouraging more aggressive development to increase its economic viability.

Just the same the widespread “negative” interpretation of the report provided another key argument for the resort opposition. JCCS member Bob Campsall noted:

You’ve got the local people opposed 2:1. You’ve got the economic feasibility study concluding that it would be unlikely that the resort break even. You’ve got the wildlife biologists saying it’s the death knell for the Purcell grizzly bear. Why are we still pursuing it? Because someone feels they’ll make some money?105

For Campsall, whose sentiments were echoed in other interviews, the economic arguments in opposition to the proposal “in layman’s terms” included the following:

Number 1, 25 years from now the glaciers will be gone. There will be no skiing there. Number 2 the ski industry is shrinking with people aging and young people not taking it up as much. Number 3 also related to demographics, new immigrants are coming here and are not interested in skiing. And number 4, skiing is too expensive and no one can afford to do it anymore. Bottom line is it’s a limited market and resorts in this area are

105 personal communication Jul 21, '09
already running under capacity. Jumbo Glacier Resort might have been a great idea 20 or 30 years ago. 106

Strategically, the opposition has focused much of its energy on this concern with economic feasibility (along with impacts on charismatic grizzly bears) recognizing the influential position of the market model of justice. JCCS member Meredith Hamstead, for example, reflected that “we don’t really even need to emphasize environmental problems as the project is such an economic disaster waiting to happen. We can fight fire with fire using economic language – the language that government officials understand.” 107

With respect to the economic (un)feasibility of the proposal, Valley Echo editor Ian Cobb added:

If this project could not find legs in the late 1990s and first few years of the tens, when there were vast sums of money being spent by the wealthy on development schemes, why the flaming hell does anyone believe this rape should be perpetrated on the Purcell wilderness and the taxpayers of BC now? As editor of the Echo all those years, I got to know a great many of the region’s extremely wealthy movers and shakers and NONE of them wanted to go near Jumbo with a 100’ pole. 108

However, Cobb and other resort skeptics in interviews were concerned that despite the lack of viability the proponents would be approved to pursue the project, be unable to complete it leaving an environmental mess and economic burden on taxpayers.

The concerns of opponents were further supported by an economic feasibility study commissioned by the Ktunaxa prepared in March 2011 and officially released on November 15, 2011 to mark the year anniversary of the Qat’muk Declaration. Among other things, the report noted a major gap in the review process revealing that, “Neither

106 personal communication Jul 21, ’09
107 personal communication Mar 1, ’09
108 unpublished email Aug 14, ’09
the proponent in its Master Plan and related reports, nor the EAO in its review considered key factors governing the employment, government or other benefits of the Jumbo Glacier Project” (Shaffer 2011: 8). Shaffer here refers to the failure to account for incremental costs and benefits with respect to jobs created, taxes generated and costs to government. “Incremental” here refers to the net increase there would be with versus without the project with respect to costs or benefits, for example, “if spending by locals and regional visitors at Jumbo Glacier means that households will have less disposable income to spend at other ski destinations or for other goods and services.” Similarly, tax revenues and job creation numbers are incomplete without incremental accounting for net benefits or costs. According to the Shaffer Report, when Glacier Resorts Ltd numbers are revisited with these trade-offs in mind they are much less compelling.

More cynical opponents have even alleged that the proponent was merely interested in “turning a fast buck with a real estate proposal, never intending on even building the resort”. Lawyer Ian Cartright observed

...the ski industry in North America is just going straight downhill, pardon the pun. Make no mistake this is a real estate deal. The only way to make money today with golf courses and ski operations is selling the land. That’s what these fellas are in business for. And my biggest concern is that they make a big mess of the area and walk away.”

Ktunaxa Ralph Gravelle charges “there’s not going to be a resort. It’s going to be a trampled flat piece of ground that nothing’s going to be able to live in again”.

Mr. Cartright, along with other JCCS members, has questioned the lack of any consideration of binding legal mechanisms for ensuring proponent accountability. In our interview he suggested that the “proponent post obligee bonds etc. to ensure the money is

109 personal communication Aug 14, ’09
there if they default on the project... so there would be funds to clean up the mess.”

Interestingly resort supporter Jim Thorsell acknowledged this concern telling me that he wouldn’t want “in twenty years [to] end up with a half built resort out there and all the infrastructure money wasted”. However, he thought this scenario was unlikely and furthermore distanced this concern from the environmental review noting that he did not know much “about the economics and finances of the resort and that’s certainly not part of the assessment... or shouldn’t be.”

This second point takes us in another interesting direction with respect to the role of government oversight in a free market economy. Journalist George Koch, who has written extensively in support of the project, has criticized the emphasis on economic feasibility. He snickers that some of the resort opponents “claim Oberti’s project can’t possibly make money. It’s kind of them to offer free management consulting, but it’s really none of their business, is it? The regulatory process isn’t – or better not be – aimed at outlawing business risk” (Koch and Weissenberger 2003).

In a letter to the editor, JCCS spokesperson Meredith Hamstead responded to Koch’s assertion arguing “the economic viability of the project is certainly our business when the proposal will irreversibly alter the backcountry and businesses in question.” Indeed, to the extent that the proposed project is to be built on Crown Land, most government officials concede that economic feasibility is an important consideration of the regulators to ensure the highest and best use for the BC public. We pick up this discussion on the regulatory process below (in section 5.3) on the industrial model of justice.

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110 personal communication Aug 14, '09
111 personal communication Aug 20, '09
5.2.3 Reflecting on the economic arguments

In sum, supporters attempt to legitimate the resort proposal with reference to the market model of justice, but usually blend economic arguments with other priorities such as regional and social justice, industrial efficiency and even cultural diversity. Proponents acknowledge this integration of social and economic objectives as a central element of sustainable development in line with provincial objectives. The Kinishke Shuswap people acknowledge the economic opportunities of the project and justify that these benefits will not forsake the environment with which they claim to enjoy a special relationship. They are able to assert a particularly Native vision of sustainable economic development.

On the other hand, opponents are more ambivalent about the economic justifications. Some note that other values than merely economic ones should prevail. The Ktunaxa are clear that while not being against development *per se*, they assert more important values should preside over this particular place. The official spokesperson of the Sinixt puts this in even more stark terms. Other opponents generally esteem economic development but are skeptical about this particular proposal, either questioning that the local economic benefits will justify the significant adverse effects or questioning that it is even an economic feasible project. A writer in *Canadian Business* in 2004 observed “the BC government has been struggling with an easy question: should it plant a potentially uneconomic project on a melting glacier in an area that doesn’t want it?” (Nikiforuk 2004).

Overall, there seems a commonality of interests around the notion that economic values should not prevail over other values, which is also a central theme of sustainable
development, but there is little consensus on where to locate the balancing point of values. Supporters assert a hopeful synergy between economic and other dimensions qua ecological modernization, whereas opponents in various ways uphold the value of sufficiency and furthermore assert that Jumbo Glacier Resort is not an example of appropriate development.

One government official posed an interesting question: “if we are interested in sustainable development, we could do worse than a carefully planned alpine ski resort. If not this kind of well planned sustainable tourism then what?”112 Local author and filmmaker Pat Morrow may have one answer. Mr. Morrow noted in our interview that much more innovative economic opportunities were available including small-scale eco-tourism “like the ma and pa tour operations in New Zealand”. He also praised Kicking Horse Coffee, the pride and joy of Invermere, which has evolved to be Canada’s premier organic, fair-trade coffee producer113. In his presentation to the RDEK board in August 2009 he observed that the existing mega-project resembled “opening a Hummer factory on the eve of peak oil”.

112 personal communication Nov 16, '09
113 personal communication Aug 13, '09
5.3 Industrial Model of Justice (of techno-rational planning)

It’s really as much art as science. We hope we get a better decision by involving a lot of different people. In the end it’s an informed judgment call.

– Psyche Brown, Ministry of Natural Resources Operations

Along with disputing the merits of the location and the potential economic implications of Jumbo Glacier Resort, another category of justifications depends on technical efficiency, professionalism and long-term planning (Thévenot et al. 2000: 243). What Boltanski and Thévenot (2006) call the industrial model of justice puts into relief a variety of arguments where the forms of proof are technical, planning expertise and scientific competency in support of the long-term viability of a project. Is the project justified from a technical planning perspective? Here we engage with the environmental assessment and other review processes most explicitly.

In their own case studies, Thévenot et al. (2000: 244) found that all of the disputing parties equally claimed to be “advocating what is best for the future” and enrolled “scientific expertise and evidence” to validate their otherwise contradictory arguments. This tendency indicates the cultural centrality of this grammar of worth. Similarly, in this case both opponents and supporters drew on technical, scientific rationalization with important qualifications. Some supporters and opponents alike upheld the importance of technical justification but were dubious of the integrity of the environmental review process claiming it to be politically compromised (although asserting political bias in opposite directions). Notably, some supporters were
predisposed to portray the technical process more favourably, while opponents were unanimously critical of it. Some opponents expressed concern about overemphasizing technical, scientific determinations (as well as economic arguments) at the expense of other, normative considerations. In particular the Ktunaxa and Sinixt were skeptical of this approach although the Ktunaxa have seen the strategic importance of “dancing” with the government and “playing the science game”.

As with the other models of justice, industrial arguments were often expressed as compromises, blended with other grammars. Indeed, following trends in rational planning recognized as ‘the communicative turn’, processes such as EA are increasingly imagined as compromises between technical rationality and public preference within the context of government policy mandates (Elling 2003, Lawrence 2000). On the other hand, technical justifications came into tension with inspirational, civic and domestic arguments. One of the key confounding dimensions of environmental assessment is working out the relationship between technical scientific inputs, political philosophy and (plural) public values (which pervades this section and indeed the entire thesis).

Recall (in section 4.2) I introduced the environmental review process. In this section I expand on our consideration of the process, briefly considering the technical planning arguments mobilized in support of Jumbo Glacier Resort before engaging them with those of the opponent’s arguments. I then turn to explore the disputants’ common criticisms of the process, which was deemed insufficiently technical and rather politicized and biased. This discussion invites further inquiry into how the “technical” is conceived by government decision-makers and indeed how decisions are actually made, to which I
attend before illustrating with an example of how grizzly bear impacts were treated in the review.

5.3.1 The technical argument in support of Jumbo Glacier Resort

The technical argument in support of the project can be stated quite succinctly. Supporters justify their claims by appealing to the rigorous (even labyrinthine) review process the resort has endured through the CASP, CORE and EA processes involving an array of technical studies. Based on the Project Report Specifications, the proponents, under the oversight of the EAO were expected to address “specific technical resort design and management issues”, “environmental, resource management and technical issues”, “socio-economic and community issues”, “resort administration issues” and “First Nation issues”. That the resort was approved after being “the most thoroughly studied project in BC history” is asserted as a justification in support.114

The argument of “technical efficiency” is prominent in the original development of the industrial model of worth. In their study of the struggle over the damming of the Clavey River, Thévenot et al (2000:245) discern this argument in the claim of the project director that the dam “would leave the smallest footprint on the river and get the highest returns”. This identification of the value of efficiency is similarly mobilized in the Jumbo case where the project is portrayed as “the highest and best use”. This industry jargon represents the disputed claim that the project is the most efficient way of deriving benefit

114 In a early review of this work, Oberto Oberti responded to my assertion that one of the forms of proof with which the project has been legitimated was the technical EA approval. The president of Glacier Resorts noted: “Yes, but the wrong implication in this statement is that JGR relied on the authority of a benevolent provincial review. JGR relies on facts and on research that in the end prevailed over falsehoods, despite a biased and antagonistic bureaucracy and intimidated governments that dragged the process over an outrageous twenty years of Byzantine debates and changes of process”. (Phedias Project Management 2011)
from this land. The proponent expresses faith (not shared by the opposition) that with the rigorous evaluation process and the latest technologies and management strategies a win-win situation can result whereby economic benefit can be accrued without significant environmental cost.

Supporters attempt to render their position unassailable with respect to the technical merit afforded the project through the lengthy review process. Such an argument is well elaborated in a letter to Hon. Steve Thomson, Minister of Forests, Lands and Natural Resources Operations regarding an allegedly critical review of Jumbo Glacier Resort in the *Globe and Mail*. In the letter designed to “set the record straight”, Pheidias Project Management President Oberto Oberti challenges both the author’s findings and even his ability to comment on the project and process noting:

...the true challenge is that this project has created more studies, reports and reviews than almost anyone wants to know, and the reasons for the approvals appear to be too complex to investigate by people with a limited amount of time. [Article author] Mr. Kirkby stated that he “invested two months into obtaining baseline reports and raw data”. I doubt that he has much time for the three volumes of the Project Specifications and for the thirteen volumes of the Project Report... or for the background information of the entire process. (Pheidias Project Management unpublished [2011], emphasis added)

Here the volume of work and the length of time invested are mobilized to justify the project. Mr. Oberti further insists that given the “colossal amount of work” that has been put into reviewing the project “investigating and responding to every issue” we need to move beyond the bickering and posturing “to reach the indispensible objective of seeing the correct information in the public forum” (*ibid*).

Given the perceived complexity of the review, supporters are constantly frustrated by over-simplification and “misinformation campaigns”. Indeed the proponent asserts
that the public would likely support the project if it had the correct information proffered by the technical review. We return below to discuss more thoroughly the renown model of justice, which puts considerations of fame and public opinion into relief. We note here that the proponent clearly privileges a technical consideration arguing that the review process should not be considered a “popularity contest” and that “the fundamental criteria for the approval would be the land use decision under the East Kootenay CORE table and the quasi-judicial process mandated under the Environmental Assessment Act.” (Pheidias Project Management unpublished [2011])

5.3.2 Contesting the technical case

Opponents contest the technical argument in at least three ways. First, they contest the technical merit of the review process asserting that it is politically compromised. Second, they assert that concerns of technical competency and long-term planning actually support the case against the resort. Third, they assert that along with or regardless of technical merit, other arguments (e.g. with respect to preserving ‘sense of place’ or public opinion) need to be accommodated. This third point is elaborated in other sections considering other non-technical models of justice. Here I consider this debate over the technical merit of the review process.

While for the most part this charge is unanimous amongst resort opponents in two of my interviews distinctions were made between the 1995 EA Act and the 2002 revisions, with the former being seen as much more credible. The 2002 Act was conceived in the spirit of deregulation, efficiency and unfettered economic performance of the newly elected Liberal government. This Act reduced 93 sections to 51, repealing a clause that had specified the purpose of promoting sustainability; eliminating the
provision requiring the representation of local governments and First Nations on project committees and other stakeholders and the public on public advisory committees and instead centering more decision-making power and flexibility with the minister and executive director; repealing the mandatory requirement to consider and evaluate alternative sites and methods; requiring the executive director to ensure government policy was reflected in the scope, procedure and methods of an assessment; repealing mandatory provisions for First Nations involvement and implementing stricter timelines.

Of these changes, JCCS member Bob Campsall noted in a letter to the Valley Echo:

The EAO mandate appears to me to have changed from objective evaluation to making Jumbo acceptable; moose, goats and grizzly bears continue to survive in the Jumbo Valley totally unaware that their doom is being sealed by back-room decision-makers on an island somewhere in the Pacific Ocean; and global warming is rapidly rendering the Jumbo four-season ski resort an impossible dream. The glaciers weep! (Campsall 2003)

Most opponents, similar to supporters of the project, assert that their position would be vindicated by an honest, technical accounting of the facts. However, both sides contend that the review does not offer such accounting.

5.3.3 Disputants on the "technical" in environmental assessment

Generally, in BC for both cynical critics and more sanguine apologists it is widely presumed that the momentum of the environmental assessment process is clearly towards project approval. For many critics the process is a grossly inadequate "rubber stamp" for business as usual with predetermined decisions being insidiously afforded some legitimacy through rendering technical (Murray Li 2007). EA is characterized either by government-business collusion or less conspiratorially as a merging of explicit agendas within the hegemonic discursive context of growth. As Lindblom (1977: 175) notes,
business has a privileged position as a result not necessarily of back-room dealing but from government’s explicit recognition that economic performance and hence reelection chances are tied to business decisions about investment and employment.

The introductory blurb of a brochure describing the 2002 EA Act reads: “the provincial government is committed to more flexible, efficient and timely reviews of proposed major projects to help revitalize the provincial economy”. The explicit intention of EA thus seems not primarily to stop environmentally damaging development but to revitalize the economy. Whether these are compatible objectives is, of course, a centrally contested notion in imagining sustainability.

Technical efficiency here is blended with instrumental, economic valuation. Especially since the revisions made to the Act in 2002, the process appears clearly aligned with neo-liberal economic objectives of deregulation, efficiency and unfettered economic performance, ensuring tight timelines, giving much more discretion to minister and executive director and requiring the executive director to ensure government policy is reflected in the scope, procedure and methods of an assessment amongst other provisions.

Most egregious to critics is the fact that no projects (reaching the final stages of review) have ever been rejected, inviting cynicism reflected in the following commentary from the Carrier Sekani Tribal Council:

It is presumed by the proponent, stakeholders and government agencies participating in the review, and now more commonly by the public, that projects being reviewed will proceed. This puts the credibility of the environmental assessment process in BC in question. The adverse environmental impacts of SOME of these projects simply MUST be too great to permit their development... Rejection of some project is a strong indicator that an assessment process works (2007: 6-7).
Echoing such concerns Bill Green of the Ktunaxa Nation Council denigrated it as ‘the environmental approval process’. He rejected the province’s suggestion that “EA would work better if the Indians knew how it worked better” noting instead that it was not the lack of knowledge but the serious flaws of the process that were the problem (for Indians). Kathryn Teneese the Ktunaxa Chief Negotiator also expressed her frustration with the process:

They’ve already made up their minds. This process called Environmental Assessment has become so bastardized. You figure out what the outcome is and then you work backward. Perhaps I’m over-simplifying but that’s what it seems like to me. You work backwards to make it fit as opposed to actually technically assessing the environment to determine should A or B happen.

Other critics in the Jumbo case pointed to a range of instances whereby the process appeared insensitive to science but was rather blatantly “ politicized” for instance in: the alleged access of the proponent to government, the alleged meddling of Minister Bill Bennett in the regional district vote, the refusal to include potential impacts of climate change in the review, the ignorance of the findings of the technical economic feasibility study and peer-reviewed grizzly bear science and the perceived unfavourable interpretation of public sentiment in official records.

Supporters seem more ambivalent with respect to the review process. On the one hand, more generally process apologists argue that the high proportion of approvals should not be taken as indicative of an ineffectual or biased review process but rather seen optimistically: that proponents have adopted rigorous, technical means to ensure their projects have minimal impacts. EA officials point out that many projects have been

115 personal communication Aug 23, '11
116 personal communication Sept 2, '09
terminated or withdrawn early in the review and others are temporarily inactive (allegedly due to high standards imposed on proponent). With respect to changes in the 2002 Act, former Minister of Sustainable Resource Management Stan Hagan observed “consistent with this government’s deregulation goals, the process will be more timely and cost-efficient. It will be less regimented and will allow proponents more freedom to determine best how to tackle issues”. However, the Minister was quick to allege that deregulation would not “impinge on government’s oversight and review functions”. Here we can detect a utopian element of governing (Dean 2010), whereby the process can be streamlined and made more efficient for business clients while the effectiveness of regulatory oversight will not be diminished. This is the dream of ecological modernization. In Boltanski and Thévenot’s (2006) terms, this represents an idealistic compromise between the industrial and economic models of justice.

With respect to Jumbo, some supporters expressed their esteem for the review process. The president of the local Chamber of Commerce said he was “very satisfied with the process” and suggested that it was technically rigorous with the momentum clearly in the direction of environmental protection. He observed that “nothing like this is going to be built in this day and age without it being watched heavily and done right.”

Similarly, another supporter who works in international conservation noted “if it was not environmentally suitable it would have been stopped in its tracks. EA is as technically sound here in BC as I’ve seen anywhere. There’s always an element of uncertainty but what they did here... I don’t have any problem with that.” Glacier Resorts Vice President Grant Costello noted that the EAO “did an admirable job, for the most part,

117 personal communication Jul 28,’09
118 personal communication Aug 20, ’09
although it can get co-opted”. He further observed that the process improved slightly under the Liberals (i.e. the 2002 EA Act) explaining that “before under the NDP there was a large committee of 25 people trying to determine the terms of reference which was very inefficient. Under the Liberals, the director and the proponent can agree to the terms of reference and there are timelines both for the proponent and government. It is much more efficient and technically sound now”\textsuperscript{119}. The local Liberal party president also observed positive changes with the implementation of the 2002 Act which he interpreted was a response to “the negative side’s” tactics of stalling the process: “The Liberal government has recognized their devious strategies and that’s part of the impetus for putting this not fast-track process- but a timeline process.”\textsuperscript{120}

However, in other cases supporters including Glacier Resorts Ltd. President Oberto Oberti, argued more in line with his adversaries that the process was not sufficiently rational and technical. Given that Jumbo Glacier Resort has been stuck “in the process” for twenty years the proponent asserts that opponents’ complaints of business-government collusion are absurd. For Mr. Oberti the process was “frustratingly labyrinthine” and “thoroughly politicized” fully biased in the direction against approval. Another supporter called the process “hijacked by the radical green agenda”.\textsuperscript{121} A former Regional District of East Kootenay found the process to be “extremely if frustratingly thorough” allowing “too much confusion, giving too much time to outlandish claims from opponents.”\textsuperscript{122} Outlandish claims here referred to unsubstantiated, irrational,

\textsuperscript{119} personal communication July 20, '09
\textsuperscript{120} personal communication July 20, '09
\textsuperscript{121} personal communication Jul 21, '09
\textsuperscript{122} personal communication Jul 27, '09
emotional and anecdotal assertions, in other words those not articulated within the industrial grammar of worth.

Mr. Oberti drew attention to specific elements of the process as illustrative of an obvious bias against the developer. For example, the tone of the terms of reference allegedly suggested that:

... the proposed ‘Jumbo’ project [was] a monstrosity (opponents were referring to it as if it were a city the size of Nelson [the largest city in the West Kootenay] suddenly planted in the wilderness) never seen before causing unmitigated and irreversible impacts... without consideration of the real size and nature of the project and the large body of knowledge already available making good sense of the proposed project as the most sustainable new ski area proposal in the continent.\textsuperscript{123}

Allegedly, the applicant was “required to respond to a ‘quasi-judicial’ process to Specifications [i.e. terms of reference] that are drafted on the premise that the project is a huge and unnecessary intrusion into previously peaceful and happy communities and that mitigation of damaging impacts is already expected to be unacceptable regardless of successful examples of satisfactory results.”\textsuperscript{124} Mr. Oberti found the involvement of committees (i.e. the project committee and the public advisory committee) as particularly problematic calling them a highly opinionated jury of some hundred individuals including “a majority of people who had a declared agenda to stop the project based on an erroneous summary of its content”. Under such circumstances, the proponent purportedly had to enter into:

...a process where from the beginning the attitude was that we had to show why the project should not be stopped. It was a trial in which the accused, i.e. the applicants’ representatives, were deemed to be guilty

\textsuperscript{123} personal correspondence Aug 18, '10
\textsuperscript{124} personal communication Aug 18, '10

173
unless they were able to prove innocence by making their own case to a tainted jury (ibid).

Clearly the proponent sees the burden of proof unfairly against the applicant.

Perhaps the most damning evidence of political interference is revealed in documents obtained by the proponent under a Freedom of Information Act request in 1996. Reviewing correspondence between staff within the Ministry of Environment over the period of three years reveals that bureaucrats were working surreptitiously to stifle the application. One email finds staff opposed to the project proposing:

...we use the proponent’s funds and work as effectively as possible to ensure that the development does not proceed. We often have a great deal of difficulty in producing documents and proof of problems. Let’s look at this as an opportunity to collect the ammo to stop the development.\(^{125}\)

Other emails reveal misrepresentations (e.g. calling Jumbo “a village the size of Banff”), suggesting the use of further studies as a stalling technique and discussing other strategies and tactics for stifling the project such as recorded in the following email:

I am not naïve enough to believe that wildlife alone, no matter how rich, would be enough to prevent such development. However, the usefulness of the area for year round skiing, the human safety considerations, waste and water disposal, highway construction and winter maintenance costs and hazards as well as other water, forestry, fisheries, public vs. private recreational values, existing licenses, First Nations considerations etc should all combine with the probable negative economic situation to stop this misdirected proposal.\(^{126}\)

Setting aside concerns about the unethical actions of public servants for a moment, it is interesting to reflect that in the perspective of these bureaucrats the momentum had been clearly in favour of the development. Whereas the proponent had suggested the burden of

\(^{125}\) Unpublished email of BC Ministry of Environment (Mar 22, '93) recovered by Glacier Resorts Inc. in Freedom of Information inquiry

\(^{126}\) Unpublished email of BC Ministry of Environment (Aug 6, '95) recovered by Glacier Resorts Inc. in Freedom of Information inquiry
proof disadvantaged the application, these emails suggest Ministry staff were desperately concerned that the burden of proof rather lay with the opponents of the project and were frantically trying to find means to stop the project, frustrated by the indecision of their government colleagues. Officials that I interviewed found such behaviour repulsive and I was informed that those that had been maliciously holding up the process were “busted” and “there was a flurry of activity when the Liberals came to power and some [of the perpetrators] were moved around and others were shuffled out.”

Having considered perceived bias within the review process, we turn now to provide another perspective on the decision-making process – that of EAO officials - before providing a detailed example.

5.3.4 The official account of Jumbo EA decision-making

The 2002 EA Act is rather lean on details about how decisions are to be made, providing little guidance to those officials charged with leading the process (Rutherford 2009: 298). Legislation informs decisions around whether or not a review is to be undertaken, responsibilities with respect to public consultation, timelines and some other procedural details. EAs and the permitting processes that follow are guided or constrained by other federal and provincial legislation such as: the provincial Environmental Management Act (which guides the discharge of wastes into the environment), the provincial Wildlife Act (which attempts to protect endangered or threatened vertebrate animals from harm) and common law direction on consulting and accommodating Aboriginal interests. However, to understand more precisely how

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127 personal communication Dec 8, '09
specific decisions are made, studying the Act and focusing just on legislation provides limited insight.

Still, as Gibson et al (2005: 88) observe while decision-making often appears to just “bumble along, guided by no clear vision or agenda, adjusting semi-consciously to the winds of the moment”, the decision making process is by no means “neutral about purposes and not even the most bumbling choices are simply random”. We are thus invited to investigate the rationalities and techniques of decision-making.

According to the documentation Jumbo Glacier Resort was granted EA approval based on four very general criteria. First, the proponent met all reporting requirements. The EAO was satisfied that all potential significant adverse impacts categorized as environmental, economic, social, heritage, health and First Nations effects had been adequately identified and assessed. Second, the proponent had adequately disseminated information and undertaken sufficient public consultation. Third, the proponent had adequately addressed all issues raised by the public, provincial agencies and local government and deemed within the scope of the EA. Finally, the EAO was satisfied that any potential significant adverse effects could be prevented or reduced to an acceptable level through commitments and mitigation measures proposed during the review and compliance with subsequent statutory permits, licenses and approvals.

Especially in light of the concerns raised above about the politicization of the process, the approval and the vague criteria beg a number of questions, among them: how is significance determined? How is it determined that an issue has been adequately addressed? What constitutes sufficient consultation? How is the scope of the EA determined and what potentially important impacts may be deemed outside the scope of
the EA and why? How is it determined that mitigation measures would be acceptable (and how is acceptable defined?) How are all of these and other questions answered especially within a context of great conflict and uncertainty? Who gets to make these and other decisions?

In response to my questions about how in such a context of potential values conflict and uncertainty judgments (specifically about significance) were to be made an official at BC Lands revealed:

It’s really as much art as science. We hope we get a better decision by involving a lot of different people. In the end it is an informed judgment call.128

This seems as frank and succinct a description as one can find with respect to how the CASP and EA processes actually worked in practice. In the language of the models of justice framework professionalism and technical competency (industrial model of justice) are integrated with the input of others (civic model of justice). In interviews with the three EA directors guiding the Jumbo review I tried to learn more about this art form.

Director Crook who was involved in much of the Jumbo Glacier Resort review maintained that the guiding rationality of EA decision-making was the “public interest”, with reference in the legislation to sustainability. At least before it was repealed with the 2002 EA Act, the purpose of an assessment was defined as “protecting the environment while fostering a sound economy and social wellbeing”. Assessments were to be conducted in a thorough, timely and integrated manner considering a range of impacts

128 personal communication Feb 8, '09
categorized as environmental, economic, social, cultural\textsuperscript{129}, heritage and health effects. The bottom line outcome of the process was the prevention or mitigation of these adverse effects “as much as possible”. EA was imagined be an “open, accountable, neutral process that involves the public throughout and is consistent and fair in its application” (EAO 1994: 1). For Director Crook the internal “test” for approval of a project was that “all the technical issues were known to be resolvable by affordable means and all policy issues were satisfied.”\textsuperscript{130}

A “technical issue” referred to such elements as sewage and solid waste management, regarded as less politically contentious and more about technological capability. A “policy issue” referred to some element of the project that potentially contravened a Ministry policy identified by a member of the advisory Project Committee or the public. The two major policy issues that the director considered central to the Jumbo review were the land use question (i.e. the compatibility of resort development with wilderness, recreational and other values raised in the CORE process) and impacts on grizzly bears. A potential third issue, according to Director Crook, was the scale of public opposition, sitting outside the comfortable parameters of the established significance tests. Martyn Glassman who succeeded Crook held the three key issues to be First Nations rights, grizzly bears and the inheritance from CORE of the unresolved land use question.\textsuperscript{131}

According to Director Crook, assessment generally involved identifying issues, judging whether they were significant concerns, judging whether the significant concerns

\textsuperscript{129} The “cultural” category was removed in the 2002 \textit{EA Act}, which First Nations critics denounced as another slight of their interests (CSTC 2007)

\textsuperscript{130} personal communication May 12, '10

\textsuperscript{131} personal communication Oct 8, '10
could be addressed and then recommending whether the project should proceed and with what conditions. These judgments about significance were made in the following fashion:

The usual approach of the project committee... was to seek a recommendation on a course of action from the lead government agency for that issue. Usually, that agency would be a sitting member of the committee, although a few items were referred to other agencies. Committee members were asked to consider the recommendation, either by e-mail, or at committee meetings. If any member challenged the recommendation or had suggested changes, there would either be an exchange by e-mail or a discussion at a meeting. Eventually, every committee member signed off on every reporting requirement in the specs.132

Thus, deferral to Ministry experts, government policy and deliberation towards consensus was the general method for significance determinations.

The actual calculative technology employed for significance determinations was referred to as the “dynamic issues management chart”. A kind of sophisticated checklist of potential issues the Project Committee would run through item-by-item asking: “What is the issue? What are the different perspectives? Can it be adequately resolved? How? ...after which they would then seek advice from relevant Ministries”133. To the question of how it was determined that an issue was adequately resolved, Director Crook responded “through the professional judgment of the director [triangulated] by other reviewers”134. For example questions and issues related to road safety would be directed to the Minister of Transportation and Highways, questions on whether the resort would increase crime rates would be directed to the RCMP (police) while questions on water quality impacts handled by the Ministry of Environment. In some cases a “standard six-

132 personal communication May 12, '10
133 personal communication May 12, '10
134 personal communication May 12, '10
part test” would be used to determine significance. This tool is analogous to a marking rubric that university professors might use judging (in this case) the magnitude, probability, geographic extent, duration and frequency, reversibility and context of a potentially adverse effect on a three or five point Likert scale. While providing some semblance of “technicality”, EAO Director Riddell conceded that these measurements were based on “common sense”, professional skill, “someone’s best shot whose been at it for a while” and peer review. While not a precise, quantitative methodology, the EAO aimed for “continual improvement under pressure from Ministers to produce something rigorous and defensible.”

The evaluations documented in the issues management chart would serve as the basis for the iterative development of the Project Specifications (i.e. Terms of Reference) and then would be returned to during the review of the Project Report (i.e. application) and finally serve as the template for the recommendation on the project’s approval.

Importantly Director Crook stressed that the review process should not be seen as a formal cost-benefit analysis and would not involve sophisticated quantitative tools (although those may be employed in particular environmental analyses undertaken by consultants or Ministry staff). In response to ministerial preference, the assessment would not be framed in terms of trade-offs but rather in terms of issues that were or were not adequately resolved. As Director Archie Riddell observed “Ministers do not want to make trade-offs. They don’t want to hear that there are any adverse impacts. Projects can’t proceed unless all the significant impacts are adequately resolved.” Although later

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135 personal communication May 14, ’10
in our interview he qualified this statement conceding that "we hope all issues get resolved but timelines and certainty for the client are key."\textsuperscript{136}

To explore the review in more detail we turn to look at one dimension, the assessment of grizzly bear impacts.

5.3.5 The technical review of grizzly impacts

*The Grizzly Bear is perhaps the greatest symbol of the wilderness. Its survival will be the greatest testimony to our environmental commitment.*

--Government of British Columbia

One of the two most important issues in the Jumbo Glacier Resort review identified by EA project director Ray Crook concerned the impacts of the proposed project on grizzly bears\textsuperscript{137}. The second major issue involved the extent to which the project conformed with the (ill-defined) land use plan. This second concern also relates indirectly to grizzlies to the extent that the CORE planning process confusingly defined both tourism and wildlife as the two top priority values to guide land use decisions in the area.

Right from the outset, the public, Native groups and the Ministry of Environment prioritized impacts on the bears. In the region and indeed in BC more generally grizzlies are imagined as valuable both in ecological and cultural terms – as an important umbrella

\textsuperscript{136} personal communication May 14, '10
\textsuperscript{137} personal communication May 12, '10
or keystone species\textsuperscript{138} and a charismatic symbol (a figure of renown as discussed in 5.7). Renowned grizzly bear expert Stephen Herrero notes that the bears are an indicator of sustainable development asserting that “where viable populations of grizzly bears persist, the landscape is being managed sustainably” (cited in Gailus 2010). On its Grizzly Bear Management webpage, the Ministry of Environment observes that this bear is “perhaps the greatest symbol of the wilderness” and “its survival will be the greatest testimony to our environmental commitment”.\textsuperscript{139}

All actors agreed that protecting grizzly bears was important. However, great debate surrounded whether the Jumbo Valley actually represented valuable grizzly bear habitat and whether the project including proposed mitigation measures actually threatened bears. Supporters of the project argued that there were few bears in the area, implying that the resort development was appropriate in such a place. Glacier Resort Vice-President Grant Costello pointed out that this valley, with its long history of resource exploitation and recreation use, was no longer valuable habitat (if it ever had been).\textsuperscript{140} More suitable habitat with better access over lower mountain passes was to be found elsewhere. Furthermore, to the extent that the resort and upgraded road would preclude hunting, the development could actually have positive benefits. One resort supporter, David Pacey, explains in a forum post to the “Outdoorsman” website:

\textsuperscript{138} The BC Ministry of Environment defines an umbrella species as umbrella species—“a species that requires large areas of habitat, and if managed for, will encompass the needs of some other species as well” (http://www.env.gov.bc.ca/fia/documents/TERP_eco_rest_guidelines/glossary/index.html#US). In other words, species like grizzly bears or caribou are seen as particularly important to environmental managers as indicators of more general ecosystem health. Gailus (2010) calls grizzly bears a “keystone” species in that they engineer ecosystems helping to regulate prey, disperse seeds, maintain forest health through aerating soil as they dig for food and by fertilizing forests with the thousands of kilograms of fish carcasses they leave.

\textsuperscript{139} BC Ministry of Environment, at: http://www.env.gov.bc.ca/wld/grzz/

\textsuperscript{140} personal communication July 20, ’09
Right now, with the beat-up four-wheel drive old logging road currently in place, short of the hunting regulations, there is no deterrent for hunters to blast away anything with four legs and moving. Without the killing of the animals by the hunters, then lo and behold, the numbers increase. The black bears, the grizzly, the elk and moose and the deer all increase in numbers just by reducing those hunting stats. Put Jumbo in place and save the grizzlies.  

Indeed, Mr. Pacey and others were quick to point out the hypocrisy of resort opponents who it seemed wanted simultaneously to hunt and preserve grizzlies. He further observes that ski hills provide fantastic habitat for bears “which is why they are such attractions at places like Lake Louise and Kicking Horse [ski resorts].” Another supporter, a renowned conservation biologist, was more concerned by the number of grizzlies killed presently by hunters arguing that “it would take Jumbo Resort centuries to result in as many grizzlies as are taken at normal hunting rates.” Indeed, the silence of the JCCS (whose membership includes hunters) on the grizzly bear hunt in BC provided supporters with much rhetorical ammunition.

The opposition outright rejected the claim that the resort and road would actually improve grizzly life chances by precluding hunting, noting that permanent settlement and a busier, paved road (supporting an estimated 750,000 vehicles a year) would increase grizzly mortality, evident in the proponent’s own commissioned grizzly study. Mountain wisdom suggested “increased human / bear interaction always turns out bad for bears.” Gailus (2011) confirms that a properly managed grizzly bear hunt in the province would likely not threaten their sustainability, while continued development in sensitive locations certainly would.

141 source: http://www.outdoorsmenforum.ca/archive/index.php/t-34807.html
142 personal communication Jul 16, '09
143 personal communication Aug 20, '09
144 personal communication Jul 21, '09 (GW)
Supporters were divided on the question of the health of the grizzly population with some, such as hunter Nolan Rad, assuring me that there were many grizzlies in the area while others reported their concern with the precarious state of the bears. The rhetoric was flexible enough to support both anecdotal observations. The resort development could be equally opposed by those who suggested that the grizzly population was healthy (i.e. and therefore we should not disturb it) and those who suggested it was unhealthy (i.e. and therefore we should not disturb it). EA project director Ray Crook noted this rhetorical flexibility more generally in other projects, such as the proposed Cayoosh Ski Resort at Melvin Creek, which faced opposition due to the precarious state of the local grizzly bear population (i.e. which faced extirpation), while other proposals faced opposition because they infringed on healthy bear habitat (i.e. a rare “good news” story that should not be rewritten).

Formally the review of grizzly impacts was the single most involved element of the EA of Jumbo Glacier Resort. Once the Jumbo project was transitioned to EA in 1995, a project committee of government and First Nations was formed. One of its first tasks was to work with the proponent to develop the terms of reference that would identify the reporting requirements or the scope of the project. This would involve deciding what factors (e.g. grizzly impacts) were to be considered and how specifically they would be studied and reported on. In BC, the process is “proponent-led” meaning that once the terms of reference are accepted, the proponent takes the lead with respect to undertaking or commissioning the studies and then reporting back to the project.

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145 Personal communication May 5, ’10
committee\textsuperscript{146}. Once completed, the proponent submits the project application. The project committee reviews the application for completeness and then, if acceptable, reviews it more thoroughly and makes a recommendation on the project. The final report and recommendation are submitted to the appropriate Cabinet Ministers who have the final say with respect to approving the project with or without any conditions.

The cumulative impacts that the resort might have on grizzly bears in the Purcell region were identified as one of the key issues in the Project Report Specifications (Section D.3). In 1998, as a preliminary step Glacier Resorts Ltd. hired AXYS Environmental Consulting Inc. to complete an inventory of the size and seasonal distribution of the bear population in the Jumbo and adjacent drainages (Strom, Proctor and Boulanger 1999). Among other findings the report estimated 45 (37-68) grizzly bears in the Central Purcells Area with two bears being identified in the Upper Jumbo Valley. The consultants concluded that there was a "functioning grizzly bear population in the Purcell Mountains" with "several female grizzly bears occurring within a home range diameter of the location of the proposed Jumbo Glacier Resort" (ibid: 29). The report made a number of recommendations pointing to the need for a robust assessment of the potential direct effects (habitat loss, habitat alienation and displacement; fragmentation and mortality as result of human / bear encounters); as well as induced / indirect effects and cumulative impacts. However the "fact" that only two grizzly bears were found in the Jumbo Valley would be used by the proponent to confirm that the project would not be sited in prime habitat. While the 'science' was not disputed the interpretations ranged

\textsuperscript{146} With the 2002 Act there are no longer project committees, which included First Nations and had a prominent role in decision-making but rather a working group of government officials, with a more decisive role for the EA project director.
from a “functioning grizzly bear population that would require robust assessment” to “not prime habitat”.

The proponent followed up this initial study by hiring Clayton Apps of Aspen Wildlife Research to determine the potential impacts of the project. Apps used a sophisticated cumulative effects model to predict the effects of the resort and the road on habitat effectiveness and grizzly mortality. He concluded that the project would have significant impacts locally, impacts which could not be mitigated within the Jumbo Valley itself but could be mitigated by restricting access to other neighbouring watersheds. In his own words: “through motorized access closures...a ‘no net impact’ standard can theoretically be attained” (Apps 2003). Among many other interesting elements of this study, it is significant to consider the “no net impact” assertion. The EA had not established any specific parameters, a concern which Haddock (2010) identifies as one of the most serious shortcomings of this process. While detailed reporting requirements were specified in the draft project specifications, there was no mention of the precise criteria for judging significance in terms of impacts on grizzly bears and the adequacy of mitigation measures, since the province had not developed clear guidelines.147

As of 1995 (the year the EA Act was passed), BC has had a Grizzly Bear Conservation Strategy, with a mandate to ensure the continued existence of grizzly bears and their habitats for future generations. However, this strategy mainly concerns restrictions on grizzly hunting. At a more general level responsibility for grizzly population health is shared between a number of different governing bodies. While

147 personal communication May 12, ’10
management of the bears is overseen by the Fish and Wildlife Branch their habitats are influenced by decisions of the Ministry of Forests and Range (i.e. in determining the extent of the cut, road building and livestock grazing on public lands) and other Ministries that regulate dam building, oil and gas well development and, of course, tourism infrastructure.

Factors such as productivity of habitat, a population’s reproductive rate and the size of the population should influence decisions about the “allowable mortality”. However, the question of criteria here is not only technical but is value-laden: i.e. how many grizzly bears are we as a society willing to sacrifice for a project? In the Jumbo case the consultant assumed “no net impact” as a reasonable standard, asserted somewhat arbitrarily without EA guidance.

There are many other interesting dimensions to explore in Apps’ report, but we will attend to just one more. Table 5-4 presents one way of rendering this landscape legible and governable. It portrays the different watersheds, their current habitat effectiveness, the habitat effectiveness with the resort development (expressed as a range from a minimum to maximum impact scenario) and the difference. A habitat effectiveness score of 1.000 would indicate an undisturbed habitat. Lower ratings, such as Wilmer’s 0.272 represent a highly disturbed habitat (in this case a town site), whereas Stockdale’s 0.956 represents a highly effective habitat (in this case a pristine watershed which has been fiercely defended by conservationists concerned with a proposal to run a transmission line from the Glacier-Howser Independent Power Project along this route from the West to East Kootenay). The existing disturbance in the Jumbo Valley is recognized as 0.752. The extent to which values in the fourth column decline indicates
the predicted extent of the disturbance on that landscape as a result of the Jumbo Project.

We see recognizable impacts in the Jumbo, as well as Horsethief, Toby, and perhaps the Glacier Creek drainages. The fifth column (difference) calculates this difference between the existing and developed landscape. Thus, we can read that the predicted impact of the resort development on habitat effectiveness in the Jumbo watershed would be 29.5-43.1%, recognized as significant by Apps.

<table>
<thead>
<tr>
<th>Landscape *</th>
<th>Area (km²)</th>
<th>Existing Disturbance</th>
<th>Existing &amp; JGR Disturbance</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Howser</td>
<td>408</td>
<td>0.862</td>
<td>0.862</td>
<td>0.000</td>
</tr>
<tr>
<td>Stockdale</td>
<td>116</td>
<td>0.956</td>
<td>0.956</td>
<td>0.000</td>
</tr>
<tr>
<td>Horsethief*</td>
<td>490</td>
<td>0.585</td>
<td>0.567 – 0.567</td>
<td>0.017 – 0.017</td>
</tr>
<tr>
<td>Wilmer</td>
<td>23</td>
<td>0.272</td>
<td>0.272</td>
<td>0.000</td>
</tr>
<tr>
<td>Toby*</td>
<td>533</td>
<td>0.715</td>
<td>0.686 – 0.647</td>
<td>0.030 – 0.069</td>
</tr>
<tr>
<td>Windermere</td>
<td>171</td>
<td>0.404</td>
<td>0.404</td>
<td>0.000</td>
</tr>
<tr>
<td>Glacier*</td>
<td>276</td>
<td>0.791</td>
<td>0.791 – 0.739</td>
<td>0.000 – 0.052</td>
</tr>
<tr>
<td>Duncan</td>
<td>129</td>
<td>0.647</td>
<td>0.647</td>
<td>0.000</td>
</tr>
<tr>
<td>Jumbo*</td>
<td>149</td>
<td>0.752</td>
<td>0.457 – 0.321</td>
<td>0.295 – 0.431</td>
</tr>
<tr>
<td>Dutch/Brewer</td>
<td>685</td>
<td>0.771</td>
<td>0.771</td>
<td>0.000</td>
</tr>
<tr>
<td>Hamill</td>
<td>299</td>
<td>0.963</td>
<td>0.963</td>
<td>0.000</td>
</tr>
<tr>
<td>Carney</td>
<td>318</td>
<td>0.963</td>
<td>0.963</td>
<td>0.000</td>
</tr>
<tr>
<td>Kootenay</td>
<td>80</td>
<td>0.681</td>
<td>0.681</td>
<td>0.000</td>
</tr>
<tr>
<td>Fry</td>
<td>300</td>
<td>0.993</td>
<td>0.993</td>
<td>0.000</td>
</tr>
<tr>
<td>ANALYSIS AREA</td>
<td>3,977</td>
<td>0.765</td>
<td>0.749 – 0.735</td>
<td>0.017 – 0.031</td>
</tr>
</tbody>
</table>

Another line from the table becomes important in the dissemination of results and that is the Analysis Area, in this case the whole Central Purcells Grizzly Bear Unit. Understandably, at this larger scale, the disturbance is much less recognizable. As
opposed to the 29.5-43.1% impact the resort might have on the Jumbo Valley, it would ostensibly have a much smaller 1.7-3.1% impact on the entire Central Purcells region.

In his conclusion Apps highlights the latter numbers, which are subsequently picked up and used in Jumbo promotional material. These numbers portray a much more modest impact of the resort. Peer evaluation of Apps’ study drew critical attention to this framing. John Boulanger (2004) of Integrated Ecological Research observes “one figure that was prominently displayed on poster boards at the open house was that Jumbo Resort would only decrease habitat effectiveness by 1.7-3.1%. The proponent claims... that the impact of the project would be minimal. However this figure is scale dependent”. Likewise, Michael Proctor points out “on the surface, the 1.7-3.1% reduction in habitat effectiveness looks insignificant. [However this] is a consequence of the size of study area being considered – the larger the study area included the smaller the perceived impact”. He then directly challenges Apps, noting that elsewhere Apps had argued that to achieve “no net impact” significant access restrictions would be required. He asks “which is the correct interpretation: the reduction in habitat effectiveness is insignificant or significant access restrictions are required?” (Proctor 2004).

In April 2004, Matt Austin, the Province’s Large Carnivore Specialist from the Ministry of Environment, weighed in. He expressed his belief that “it is possible to achieve the “no net impact” objective over the short term” but suggested “it will be difficult and expensive” (Austin 2004). He suggests that “in the absence of extraordinary measures to ensure indefinite implementation of mitigation measures... it can be assumed that there will be a substantial impact to grizzly bear habitat effectiveness, mortality risk and, most importantly, the fragmentation of grizzly bear distribution in the Purcell
Mountains over the long-term as a result of the project.” (Austin 2004). The mitigation would require provincial resources and he was skeptical in the context of government restructuring that these resources would be available to impose, enforce and monitor the mitigation regime over the long term required to ensure its effectiveness. This concern with monitoring and enforcing was identified as a major shortcoming of the BC process (Haddock 2010), and was the subject of a critical review of the Auditor General of BC (2011)148. Beyond, skepticism with government’s capacity to ensure compliance, Austin also recognized that the mitigation option of restricting access to adjacent drainages would prove decidedly unpopular.

Indeed, upon learning of the proposed mitigation measures, opponents included “alienation of public lands” as a central pillar in the case against the resort. This grievance was articulated on Wildsight’s website in an entry entitled “Who pays when public lands go private?”. After highlighting the dwindling population of grizzly bears and the impacts of the resort “in the very heart of the wild Purcell Mountains” (i.e. cutting off grizzly bear travel corridors), the web article noted “the BC government will be forced to consider closing access to surrounding lands to protect the grizzly bear population. Who, then, loses access to adjacent public lands? Residents lose. Traditional activities such as hiking, hunting, climbing ... as well as established commercial

148 The Report of the Auditor General focusing on post-certificate monitoring and follow-up evaluations of approved projects found that British Columbians could not be assured that mitigation efforts are having the intended effects. The EAO is: 1) "not ensuring that certificate commitments are measurable and enforceable; monitoring responsibilities are clearly defined and compliance and enforcement efforts are effective"; 2) "not evaluating the effectiveness of... mitigation measures to ensure the projects are achieving the desired outcomes" and 3) "not making appropriate monitoring, compliance and outcome information available to the public to ensure accountability” (BC Auditor General 2011: 6). Since Jumbo Glacier Resort has never been built concerns with compliance are of course hypothetical but skepticism with the process was deep-seated in resort opponents.
activities such as heli-skiing, would be limited in all adjacent drainages, in an attempt to manage the direct damage to grizzly bears caused by the recreation area’s large footprint.\(^{149}\) "Traditional” activities as well as the health of local commercial enterprises were portrayed as threatened by this resort, with private gain being equated with public loss.

So at this point, April 2004, there seemed to be much concern with impacts on grizzly bears. The proponent’s own consultant predicted the resort would have a large impact in the immediate valley although he believed that this impact could be mitigated by restricting access in other adjacent watersheds. However, this mitigation option was decidedly unpopular with the public. The Province’s own expert expressed considerable concern about the project and was especially doubtful about the government’s capacity to mitigate, enforce and monitor effectively.

It is difficult to ascertain exactly what happens next. With a deadline looming, Matt Austin was reassigned and a new Ministry of Environment official took over the file (Haddock 2010). On July 2, 2004 an email was sent from this employee Rodger Stewart to the new director running the Jumbo EA Martyn Glassman. The email observes that “considering the overall range of issues that government must consider, risks to grizzly bears could now be of lesser concern than the questions of economic viability” (BC MWLAP 2004). By “questions of economic viability”, Stewart meant concerns with respect to the “dilution of skier clientele loads for Trench ski areas” (i.e. impact on other resort communities in the Columbia Valley) and the conflict with existing tenure holder RK Heli-ski. While the “controversy” around grizzly bears needed to be addressed,

\(^{149}\) Wildsight. Available at: http://www.keepitwild.ca/alienation-public-lands
Stewart confirmed that the Ministry had “information that will support government’s decisions as they pertain to integrating the resort with needs for the Central Purcell grizzly bear population unit (GBPU)” (BC MWLAP 2004). He further relayed that:

In review of available information, including the CEA [Apps (2004) cumulative effects assessment], it has been determined that there is a low risk that the JGR project would result in a reduction of the grizzly bear population of such significance that the population in the Central Purcells GPBU would become threatened. This determination considers that... mitigation programs set forth by the proponent for the area within and immediately adjacent to the CRA [Controlled Recreation Area] are fully applied... and... the proponent will ... maintain their proposed monitoring program, and will adjust their mitigation programs to the fullest extent when resort-related impacts to grizzly bear populations or habitat use are evident (BC MWLAP 2004).

This email represents a significant departure from that of the previous Ministry employee. We noted Austin’s skepticism about post-certificate regulation, which was here reversed in Stewart’s email where mitigation was seen as acceptable in reducing the risk to grizzlies. Moreover, the criteria for determining a significant impact had shifted from “no net impact” to “the reduction of the grizzly bear population of such significance that the population in the Central Purcells GBPU becomes threatened”. In grizzly bear management a “threatened status” refers to a habitat capability under 50%. The establishment of new parameters represented a remarkable and undefended shift in the assessment.

In October, 2004 Jumbo Glacier Resort was awarded its environmental assessment certificate. The first line item in the assessment summary considered grizzly bears. Stewart’s email was copied verbatim with the assessment of significance based on the presumption that the resort would not impact bears to the extent that the population of
the entire Central Purcells would become threatened. The summary listed mitigation options including that the resort had reduced the size of its footprint by 60%, that areas more frequently used by grizzly bears would not be developed, a grizzly bear and outdoor recreation plan would be adopted and the loss of habitat effectiveness was imagined to be offset by the creation of the new ski runs which bears could use.

The politically contentious measure of closing off other drainages to offset loss of habitat effectiveness in the Jumbo Valley was not mentioned, although the proponent’s own consultant had advised that mitigation would require something that drastic. Of course, that was when “no net impact” was the evaluation criteria.

The story about grizzlies did not end with the approval certificate. As noted above, the proponent was unable to complete the other permit and rezoning requirements within the five-year period of the EA approval certificate and had to apply for an extension. The EA Office can grant another five-year extension but is legally required to contact stakeholders for the purpose of establishing whether there are any “material and specific changes in circumstances since the original EA review that could impact the conclusions reached in the EA certificate”. Over Christmas in 2008 (timing that was regarded suspicious by a number of opponents) the EAO sent such a notice with respect to the renewal of Jumbo’s certificate around to interested parties.

Among those who responded were the Ktunaxa who asserted in a letter to the EA Office on Jan 16th, 2009 that indeed “significant changes have occurred since 2004 on the Ktunaxa’s Aboriginal interests, as well as environmental and other factors” and that the seriousness of such changes “trigger the EAO’s constitutional duty to consult us prior to making its decision on the five year extension”. The Ktunaxa raised concerns about the
impacts of the project on “Ktunaxa title, rights and interests and accommodation of these interests”, the key to the Ktunaxa opposition was the infringement on sacred Qat’muk. With respect to “material and specific changes in circumstances” (which the Ktunaxa enclose in quotes in their letter) these specific concerns with respect to grizzly bears were asserted: 1) the status of the Central Purcell GBPU; 2) the feasibility and effectiveness of mitigation and 3) feasibility and costs of measures to accommodate the Ktunaxa Nation’s interests. The remainder of the four-page letter provided a detailed overview of new findings with respect to grizzlies. After highlighting the grizzly sections from the EA approval, the letter reiterates the “profound spiritual importance” of the bear to the Ktunaxa and that elders have identified the importance of the Jumbo area for “grizzly bears and the spiritual values they represent”. In November, 2006 the Ktunaxa hosted a two-day workshop with grizzly bear experts, government officials and the proponent. The letter presents the key conclusions from this workshop that were “endorsed and supported” by participants.

This new grizzly bear research that had been undertaken by biologist Michael Proctor and colleagues using the hair-snagging DNA techniques (“the new gold standard in bear research” (Kirkby 2011)) revealed that the grizzly population was much lower than has been previously estimated. The knowledge upon which the original approval decision had been based was thus grossly inaccurate. Specific findings of the new study

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150 With respect to this statement, the letter explains: “It is important to note that: (i) the attached report was reviewed (in draft) by workshop participants and that this final report reflects the comments received from workshop participants; and (ii) the Ktunaxa Fish and Wildlife Management Committee [KFWMC] endorsed and supported the process and workshop report”. The KFWMC was established by a memorandum of understanding between the BC Ministry of Environment and the Ktunaxa National Council “pursuant to a “Treaty Related Measure”” and includes representation from the KNC, MoE, Environment Canada and Fisheries and Oceans Canada).
showed that the population estimate for the Central Purcells GBPU was 87 bears compared with an earlier estimate of 150 which had apparently been used during the previous study. This new population estimate corresponded with a 54% habitat capability, significantly lower than the previous estimate of 93%\(^{151}\). Recall that the shifting parameters for determining significance related to whether the project would result in “a reduction in the grizzly population that the Central Purcell GBPU would become threatened”. These new findings suggest a condition dangerously close to that 50% threshold, which has been noted as the basis for approval.

The letter also raised concern with respect to the importance of the Central Purcells region as a core grizzly area providing stability to adjacent populations in an increasingly fragmented region. In particular the Central Purcells GBPU provides a critical link between “threatened” Yahk, BC and “endangered” Yak, Montana populations across the international border with more stable populations further north.

In sum, more accurate studies had revealed a much different situation with respect to the stability of the grizzly bear population in the region than the one upon which the EA approval had been based. In light of these findings, the Ktunaxa proposed that a “Conservancy Area” be established “to ensure the resilience of the Central Purcells grizzly bear population” asserting this as “a key measure to accommodate the Ktunaxa Nation”. Recognizing that such a move would impact the project and entail substantial costs to the BC government and noting that government had on numerous occasions explained that it would not be “feasible”, the Ktunaxa still insisted in no uncertain terms

\(^{151}\) Recall that habitat capability refers to a landscapes’ potential to support a species under ideal conditions and landscapes with a habitat capability rating of under 50% are designated as “threatened”.

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that such effort was required to rebuild a robust grizzly bear population, a central element of their Aboriginal interest.

On the same day that the Ktunaxa letter was sent, the EAO received an email from Ralph Archibald of the Ministry of Environment. A terse, one sentence email declared that the “Ministry of Environment does not believe that there has been any material and specific changes in circumstances since the original EA review that could impact the conclusions reached in the EA certificate”. We might pause and reflect as to whether the Ministry had a chance to review the Ktunaxa submission (sent on the same day). However, ten days later on January 26th, 2009 the EA extension was granted. The extension noted the receipt of comments from the Ktunaxa referencing “the results of a recent study estimating the Grizzly bear population to be lower than what was thought to exist during the original environmental assessment review”. However, it then continued that the Ktunaxa’s concerns and the Grizzly bear study had been considered. The message from Ralph Archibald was included verbatim stating that “the Ministry does not believe that there have been any material or specific changes in the circumstances since the original environmental assessment”.

On November 15th, 2010 the Ktunaxa, frustrated with the process and fearing the imminent approval of the project, arrived at the Provincial Legislature in Victoria to deliver the Qat’muk Declaration. Rather than asking the province to establish a conservancy area, the Qat’muk Declaration asserted that “a refuge area consisting of the upper part of the Jumbo Valley is hereby established” with a larger buffer zone around this core area so that “the Grizzly Bear Spirit, as well as grizzly bears, can thrive” (see Figure 5-2). The Declaration notes that Qat’muk is the “home of the Grizzly Bear Spirit
and is the unique and proper place to celebrate and honour this spirit” and that the
Ktunaxa would share the area with others when such use is respectful of Ktunaxa
spiritual values and principles. Finally, they asserted that the Ktunaxa Nation Council
would be preparing a management plan for the area. The Assistant Deputy Minister of
Natural Resource Operations Peter Walters announced that the Jumbo Glacier Resort
proposal was stalled indefinitely.

Figure 5-2 – Detailed stylized map of proclaimed Qat’muk refuge area (highlighted in mustard
green) with buffer area (in light yellow) adjacent to Purcell Wilderness
Conservancy (in light green).152

This examination of the treatment of grizzly bear impacts in the review of Jumbo
Glacier Resort provides a rich opportunity for reflecting on BC’s political culture of

sustainability in practice. I return in the concluding chapter to elaborate, but at this point it is helpful to reflect on some important elements. First, this study suggests a concern with the review process with respect to the lack of clear decision-making criteria. There appears little guidance on what “significant” impacts on the grizzly bear population means and what would qualify as adequate mitigation to avoid or eliminate significant impacts. Such ambiguity allowed goalposts to shift from the earlier assumption of “no net impacts” to “no impact large enough to require the larger regional population to become listed as threatened” (Haddock 2010: 52). Secondly, the discussions around mitigation seem to be narrowly focused ignoring social dimensions. While closing several drainages to mitigate impacts may or may not satisfy concerns with grizzly bear habitat resilience, restricting access was widely viewed as socially unacceptable by local citizens. Thirdly and more generally, this review shows contingency of environmental conflict. No simple overarching framework satisfactorily explains the dynamics here, as momentum shifted back and forth with different actors pushing the review in different directions at different times. It also supports the contention that the powers and motivations of government need to be thought of as complex, heterogeneous, dynamic (in that positions clearly changed over time) and often contradictory (Dean 2010, Wilson 1996). Government officials at different stages of the review had different perspectives with respect to the desirability of the project and the effectiveness of proposed mitigation measures. Clearly the scientific review of grizzly impacts played out in a complex political context. Perhaps, most interesting and potentially unique to the BC political culture was the powerful role of the inspiration grammar of justice employed by the Ktunaxa (discussed further in section 5.6). While hesitant to use “spiritual” arguments, in desperation the Ktunaxa asserted the
sacredness of Qat’muk and given the complicated legal-political context, such arguments exerted enough force to further confound the process. Finally, it is interesting to reflect on how the grizzly bear becomes an object enfolded in a number of different grammars of worth: an important ecological figure as an umbrella species; a figure of renown – as a charismatic symbol of BC’s wilderness; as an entity of political-economic calculation rendered visible within technical planning apparatus and as a sacred being and inspiration.

5.3.6 Reflecting on technical planning arguments

Much ambivalence surrounds the realm of technical-rational planning. Common to both sides was some qualified respect for rational, technical, scientific reasoning as well as repugnance about the perceived politicization of the environmental review process. Still, while opponents were concerned that the science of impacts on grizzlies, for example, was ignored in this politically compromised process, they also asserted the importance of several non-technical factors (i.e. sense of place, democratic access to government, sacredness). How to integrate science with public values presented a challenge to reviewers, but also to opponents (at least non-Native opponents) trying to negotiate the process. While proponents consistently upheld the importance of abiding by publicly accountable decision-making as a cornerstone of a functional democracy, opponents expressed a great lack of trust in the institutions of governance, including the participatory environmental review process. Of course, as we saw supporters similarly had little trust in the review process complaining about its bias against development proposals. Widespread lack of trust in the institutions of governance and confusion
around the integration of science and public values may thus be recognized. I return in
the conclusion to further explore this central tension.
5.4 Civic Model of justice (of equality, access and solidarity)

The civic model of justice registers arguments based on some notion of civic equality (Thévenot et al 2000: 246). The assumption here is that beyond economic or technical merit, disputants in liberal society seek justifications based on the goals of equality, accessibility and solidarity. In the Jumbo case this discussion brings into relief arguments over equal access as it relates to the environmental review process. However, a geographic perspective helps draw further attention to arguments about physical access to the Jumbo Valley, itself. With respect to the latter, there is obviously overlap with the spatial model of justice (i.e. arguments of proximity) as well as the domestic model of justice (i.e. arguments about locality).

Once again, both supporters and opponents upheld the importance of these kinds of arguments with certain qualifications, i.e. both equality and accessibility were defined quite differently. The question of solidarity poses some potentially interesting challenges for the proponent. In what follows, I briefly outline the “civic case” in support of Jumbo Glacier Resort before considering in turn arguments around equal access to the decision-making process, arguments around physical access to the Jumbo Valley and finally the notion of solidarity.

5.4.1 The civic case for Jumbo Glacier Resort

To supporters, the project can be justified by the facts that all parties have had sufficient access to the decision-making process over the past twenty years (through which the project was approved) and that the project would permit more equitable access to this spectacular place. Appealing to progressive notions of mobility and accessibility,
the proponent asserts “there will be no physically disabled accessible mountain viewpoint comparable to it in North America” (Glacier Resorts 2007). While arguments of “solidarity” are more difficult to locate in the supporter’s explicit position, they do assert widespread support for the project amongst government and the ‘silent majority’. These claims are fiercely contested and we explore here the arguments around accessibility to the process, accessibility to the Jumbo Valley itself and the interests of community solidarity.

5.4.2 Contesting equal access to the process

At least as important as environmental concerns for many opponents of Jumbo Glacier Resort have been concerns with democratic access to government. The acrimonious debate that ensued after the August 7th, 2009 decision to allow Jumbo Glacier Resort to be designated a Mountain Resort Municipality provides a useful place to begin our inquiry into the contested ways of imagining access to decision-making in this case. On that hot summer morning in Cranbrook, the East Kootenay Regional District voted eight to seven in favour of this motion. The decision, which was supposed to move the controversial project one step closer to completion, arrived, as we have seen, after nearly twenty years of government review, lobbying and significant public opposition. Recall that after the project received its EA certificate in 2004, it had still failed to clear all the regulatory hurdles. The headline of the ministry “backgrounder” that explained the decision to grant the approval had simultaneously declared that the ultimate Jumbo decision would be left up to the region. The political value of this framing is evident. At the same time the province appeared to be supportive of the project and the investment it represented while ostensibly intending to uphold local jurisdiction over land
use. Specifically, the proponent was required to apply to the regional district to have the land rezoned for such development, which would, in turn, trigger a review with public hearings.

Regional districts had been created in BC in the early 1960s to, among other things, provide a political forum for the representation of regional interests and to conduct land use planning (BC MCS 2006). By extension, this level of decision-making was imagined to provide more equal opportunity for local citizens to be involved in decisions that would most directly affect them.

However, this authority was being overridden by a number of government moves in the 2000s, including the passing of the Significant Projects Streamlining Act (which gave the Cabinet power to designate as in the public interest any new provincially significant project); Bill 30 (which transferred final say over private power projects away from regional governments to the BC Utilities Commission, which permitted the construction of the Ashlu River Independent Power Project that had been opposed by the public and rejected by the Squamish-Lillooet Regional District board); and Bill 11 (which updated the Mountain Resort Municipality Act to enable a project like Jumbo to pursue an alternative governance arrangement despite not having a population and bypassing the regional government public hearing process). The dramatic vote enabled by Bill 11, essentially overrode the land-use planning obligation of the East Kootenay Regional District and would seemingly empower the province disenfranchising the local population.

The reaction to this decision reflected the profound polarization of perspectives on the prospect of development in the Jumbo Valley and on access to the review process.
Supporters of the resort were elated and relieved. A company news release noted that this move was in the “direction of real democracy”, “a fair conclusion” coming after nearly twenty years of process where the public had had ample opportunity to participate. Bill Bennett, a former cabinet minister in the BC government, offered his support commending the courage of the regional directors to “do the right thing, in the face of organized intimidation and bullying” by environmentalists and the opposition NDP party (Metcalfe 2009).

To the proponents, the province should ultimately be empowered to decide through the neutral, apolitical, technical, rational EA. This process provided opportunities for public and First Nations input, but this input should be circumscribed. The public should not have some kind of *de facto* veto. Technical expertise and professional judgment should be privileged over popular sentiment, NIMBYist selfishness, misunderstanding and emotion. The process should not be a popularity contest or a venue for anecdotal stories but a rigorous review of the facts. In response to opponents’ calls for a referendum to decide the fate of the project, Glaciers Resorts Ltd Vice-President Grant Costello observed such “mob rule is inappropriate in a Modern democracy.”\(^{153}\) Similarly, supporter David Pacey observed that in our system, the government was elected “to run the province and make decisions... not hired to run more referendums... you are hired to make decisions that promote the overall good of the province and not a sector of individuals from one small area.”\(^{154}\) Supporter Greg Deck further asserted, “Our system demands that individuals abide by the outcomes of fair and

\(^{153}\) personal communication Jul 20, ’09
\(^{154}\) personal communication Jul 16, ’09
just processes... Everyone had an equal chance to say their bit.”155 As Mr. Costello notes, if we disagree with overall government policy we have the opportunity to change it by voting in an alternative party with an alternative policy agenda156. For supporters, ignoring a decision arrived at through an established process that has followed all requirements for public engagement and supported existing government policy would be contrary to democracy. A former regional district chair, Mr. Deck concluded, “Above all in a democracy we have to respect the process even if it turns out an answer we don’t like.”157

Supporters pointed to the lengthy process as well as the numerous concessions made as evidence that the public had been adequately involved in the process. In his presentation to the Regional Board, supporter Dave McGrath noted that public input had been included at every step of the process: “Isn’t eighteen years enough? Eighteen years of rallies, letters to the editor, anti-Jumbo literature, bumper stickers, billboards, roadblocks and even Bruce Cockburn concerts... people you’ve fulfilled your civic duty and have had your lion’s share of public input”158. The proponent claims to have negotiated in good faith making substantial compromises with respect to the scale of the resort, aesthetics, environmental protection and First Nations issues in response to public concerns. Thus supporters would feel comfortable aligning the resort proposal with arguments registered in the civic model of justice.

However, on the lawn outside the regional district office in Cranbrook (for they had been locked out of the supposedly open public meeting) opponents greeted the

155 personal communication Jul 27, ’09
156 personal communication Jul 20, ’09
157 personal communication Jul 27, ’09
158 recorded by author at RDEK meeting Aug 4, 2009 Cranbrook, BC
decision with shock and disbelief. Norm MacDonald, the MLA (provincial representative) for the Columbia-Revelstoke riding in which the Jumbo Valley was located, declared to the disappointed crowd that it was a “sad day for some of the elected officials who have turned their backs on their own constituents… [betraying] the majority of people who live here”. Later, the Columbia Valley News reported on the story under the headline “A Jumbo Stab in the Back – 8-7 RDEK vote hands Jumbo decision over to the province – breaks public trust”. John Bregenske, the executive director of Wildsight, called the decision an abdication of the responsibility of regional directors, a rebuffing of the Ktunaxa First Nation and a failure to acknowledge the “overwhelming public opposition to the resort”.

In response to the suggestion that there had been ample opportunity for public input, JCCS spokesperson Meredith Hamstead argued that no formal public hearing had ever been held with respect to the all-important land-use question. “Even before discussing the merits of this particular development”, she suggested, “the public should have the opportunity to discuss what kind of development (if any) would be appropriate in this place.” Opponents assert that without the “social licence to operate” the project should be rejected and that local people who will be most directly affected are the ones who should be qualified to decide. Of course, as highlighted elsewhere (in section 5.1 and

\[159\] personal communication Aug 10, ’09

206
5.5) who counts as local is of course a contested issue\textsuperscript{160} as are the relative importance of claims of local interest vis-à-vis the provincial interest.

Opponents responded to the argument that democracy demanded abiding by decisions arrived at through fair process by denouncing that process. As argued above (in section 5.3) they saw an anemic institution constituted on business-government consensus around the growth imperative, that afforded only token involvement of the public and First Nations and had no mechanism for saying “no”. Most emphatically opponents asserted that despite years of public process, the vital question of appropriate land use has never been put before the people. An honest, transparent process and a referendum would be a suitable way to decide. To these concerned citizens, decisions needed to be grounded in robust science as well as local public values.

With respect to the process, JCCS member Bob Campsall observed that there had been no meaningful opportunity for the public input and even the CORE planning process had been more about stakeholder participation than genuine public engagement. He was also dismayed by the lack of any discernible distance between the developer and government officials at the public open houses, where “EA people were basically on hand to answer questions on behalf of the proponent and defend the resort proposal.”\textsuperscript{161} He also was very frustrated when it became apparent that the EA office decided to count over 2,000 signed petitions in opposition to the resort as a single negative submission.

\textsuperscript{160} For example, opponents have normally asserted that (oppositional) voices from the entire Kootenays should be included. However, in the wake of the Aug 9, 2009 vote by the RDEK to allow the province to designate Jumbo a Mountain Resort Municipality, opponents decried the regional directors from other parts of the East Kootenay (far from Jumbo) who had voted affirmatively but would not feel the consequences of their decision. In this case only those in the direct vicinity (Invermere and Area F) were seen as legitimately entitled to decide.

\textsuperscript{161} personal communication July 21, ‘09
Supporters felt that the proponent had much more access to the government process than they did.

Overall, the decision was found unconscionable both in that it paved the way for the unpopular Jumbo Glacier Resort with its potentially negative environmental and community impacts and that it appeared to be part of a larger disturbing trend of curtailing local democratic access to government in the province.

The Ktunaxa and Sinixt also expressed civic concerns with respect to accessing the process. The Carrier Sekani Tribal Council’s critique of the EA process puts into relief a number of concerns with accessing reviews from a Native perspective. According to the discussion paper, the CSTC rejects that First Nations be considered mere stakeholders arguing that their “jurisdictional status” should occasion a “true joint role for First Nations in process-design, and in final report and other decision-making processes” (Carrier Sekani Tribal Council 2007: 1). The CSTC further notes that the 2002 amendments to the BC EA Act removed a legislated role for First Nations. While common law obligations guide much of the relationship, through the EA process, previous membership in the project committee gave Natives more direct access to the decision-making process. Resource and funding inequities are further asserted as leaving First Nations disadvantaged.

The Ktunaxa have complained about the timeline restrictions imposed by the 2002 Act. As articulated in the CSTC document “the time limits in the EA process are too restrictive to allow for government and First Nations to negotiate accommodation of infringements of Aboriginal rights and title” (Carrier Sekani Tribal Council 2007: 8). “The shear [sic] volume of referral letters” and “the lack of technical capacity” (i.e.
which in turn demands that they hire third party consultants) overwhelms capacity to respond within the 180 days allotted for review of applications. While government reviewers I interviewed were frustrated by the length of time it took for the Ktunaxa to respond, according to the CSTC document, Natives need much more time to educate and consult with their membership and to understand the implications of a project for their Aboriginal rights and title. Of course, the Sinixt, officially extinct in Canada, have been unable to exercise even the relatively constrained rights of other Native peoples in the case. Their “equality” is that of any other citizens participating in the public process.

5.4.3 Contesting physical access to the Jumbo Valley

Beyond access to the process, physical access to the Jumbo Valley has been the basis for one of the most heated debates in this case. Perhaps the most consistent argument of resort supporters has been that this project will facilitate or “share” access to this unique place. Jumbo Glacier Resort would represent the only location in North America affording lift-access to the top of high alpine glaciers and year round skiing – offering “a new experience of nature to the majority” (Glacier Resorts Ltd. 2005:1). This access to the top of Glacier Dome (see Figure 5-3) was asserted by the proponent as making Jumbo Glacier Resort truly a different experience, “in a category by itself in North America” (Glacier Resorts Ltd. 2005: 4).

One of the most revealing statements with respect to the proponent’s consideration of accessibility is found in a document called Fact or Fiction, which responds to opponents’ criticisms. Addressing the claim that unlike Europe it is not development that attracts people, but vast, wide-open spaces, the brochure notes:
The fact of the matter is that BC has more mountains over 3000 meters than most other jurisdictions in the world, yet not a single one of them is accessible to the average Canadian. Thousands upon thousands of BC schoolchildren have visited Disneyland or West Edmonton Mall, yet almost none has stood on the top of one of the 3,000 meter high glaciers in our own backyard. How sad is that? Jumbo Glacier Resort ... is offering access to high alpine glaciers and mountains... BC is a land of vast spaces, many of which are protected and are the size of small European countries. Is it not reasonable to offer access to our high alpine from an abandoned sawmill site in just one location in BC? Or should all of BC’s vast high alpine remain the exclusive domain of a privileged few? (Glacier Resorts 2004b)

The resort sells a more wholesome alternative in “our own backyard” to activities such as going to a theme park or a mall. Supporter Peter Lev adds “with a facility like this you will raise a whole new generation of mountain capable people” (in Cobb 2002).

Anticipating potential concerns about environmental impacts, the excerpt portrays the project sited at a non-pristine location (i.e. abandoned sawmill site) in a vast and restrictively protected BC. The paragraph ends observing that the status quo actually contradicts the spirit of the civic model of justice in that in its current state the Jumbo remains “the exclusive domain of the privileged few”.

Figure 5-3 View from the glacier-top teahouse accessed by gondola.162

162 source: Glacier Resorts Ltd. 2007
This sentiment was echoed in a number of interviews. For example, supporter Al Miller notes:

Wouldn’t it be nice if more people would get to see this place. There’s a lot of folks that would love to see the Jumbo area but I’m afraid right now only the fit can get up there to see it. Lake Louise. The Bugaboos. You drive up there and have a look around. It’s beautiful. If it wasn’t accessible, you wouldn’t get to see it. I’m not saying you tramp them up every mountain but if you can get them up a few mountains, that’s nice. It’s great to have it accessible to more people.163

Fellow supporter David Pacey added:

Right now the only people who go up there are the élite. By élite I mean people who have lots of money and go heli-skiing. Or the élite who are the physically fit that can climb up there. Or the élite that have the skill set or the money to own a snowmobile or an ATV. Because right now nobody can go in there in the winter unless its by snowmobile or helicopter. Well all of a sudden, accessibility means that Joe Public can go in there anytime they want. Your sixty, seventy, eighty year olds who are unable to walk more than half a mile and who are thus precluded from seeing this majestic area are going to be able to get in a gondola and be on top of Glacier Dome and will be going ooooh and aaaah at these mountain tops and glaciers.164

So supporters framed the project in terms of access for a wider range of people and suggested that the current situation was restrictive and thus inegalitarian contrary to the spirit of civic justice.

On the other side, the opponent’s approach to the question of accessibility is multi-dimensional. I asked JCCS spokesperson Meredith Hamstead to respond to the proponent’s claims outlined above:

So their view is that there is this incredible landscape and that landscape is damaged – there’s been a mine and there’s been a mill. But it remains beautiful if imperfect and there’s a road right into it and people from all

163 personal communication Jul 28 '09
164 personal communication Jul 16, '09
over the world can come to love our landscape. I bet you could get those exact words out of Grant Costello’s mouth and that’s fine. But on the other hand we don’t feel that there is any inherent right to access wilderness. The issue is not accessibility. The issue is appropriate development or not. This is a sacred place. It has very high ecological value. It makes a substantial contribution to our community wellbeing, to our community economy and to the ecological wellbeing of this region that’s basically it. End of story. 165

In this quotation Hamstead directly confronts the valuation of accessibility noting that it can compromise other priorities such as community and ecological well-being. Later in our interview she suggested that even if wider access to alpine environments was a social value, it was not as rare a commodity in BC as the proponent suggests. Ms. Hamstead implored:

If you want accessible wilderness go to Panorama. Go to Sunshine. Go to Lake Louise. Take the gondola to the summit in Golden. Why do we need that level of accessibility in yet another valley- one that already has an incredible balance of values. 166

The bottom line for Hamstead is that “if you capitalize on the value of accessibility you neutralize all the other values” (ibid). However, rather than denying this model of justice, Hamstead and other opponents again have asserted the priority of “sufficiency”. While supporters argue for “more” access, opponents recognize the value of “enough” access. While determining “enough” is a contested venture, in itself, it orients the debate in a more productive direction than “more”.

Kathryn Teneese of the Ktunaxa Nation further added:

Why do we think that everything has to be accessible? We’ve got enough places in the world that should not be accessible but they are now and we

165 personal communication Mar 1, '09
166 personal communication Mar 1, '09
are seeing the consequences of that. The consequences of human access to places that should probably have less of it and it shows.  

Some opponents also refocused the delineation of "élites" noting that the resort would alienate currently free public land, restricting access to paying "élites" in the high-end resort. The following poem appeared in the Nelson-based Eco-centric (1997):

Jumbo Pass resort's approved
The blasting starts next week.
We'll excavate a sewer pit
And siphon off a creek.
Machinery will move in there
Make lots for housing starts
The grizzly bear that's there today
Will move away or be collected for his parts.
But ski, by god the vertical will blow you away
And the best part of all is that
You won't be bothered by those
Who can't afford to pay.
Jumbo Pass a giant place
Discovered by the aristocracy
Do you have the cash to pay
To frolic there among the scenery? - Earl Hamilton

In our interview, lawyer Ian Cartright told me:

The public are no longer going to be able to up there and hike, I don't like ATV's but those guys aren't going to be able to get into the area. Once they've set up that thing, the last thing the promoters are going to want is a bunch of people hiking and roaring through up there. Are you kidding?

Regional district director Gerry Wilkie further elaborates the concern of alienating public land for private development:

This real estate deal will sterilize the area meaning nothing else can take place. Given the cost – I am almost certain it won't be a public ski area. It will be an exclusive enclave. Sterilization of public land would result even from them leasing it, since regardless of the tenure form there tends to be a

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167 personal communication Sept 8, '07
168 Broadcast on Kootenay Coop Radio available at: http://kootenaycoopradio.com
169 personal communication Aug 14, '09
sort of proprietorship. The exclusivity of the thing is just not appropriate here.\textsuperscript{170}

Such criticisms focusing on neutralizing values and alienating or sterilizing public land challenge the proponent’s justification of the resort development on the grounds of equal access, reframing “exclusivity”. Supporters have tried to improve the optics by emphasizing that access to most of the area, including popular hiking areas such as Jumbo Pass and the Lake of the Hanging Glaciers will not be affected. Indeed, much effort has been invested in convincing government that the project would not interfere with the experience of hikers on the popular Jumbo Pass trail. As well, Vice President Grant Costello also assured me that Glacier Resorts would provide a locals’ discount on a lift ticket of up to 40% to make skiing more accessible.\textsuperscript{171} Such offers to find some kind of compromise have not been accepted by resort opponents. In response to my questioning about the proponents willingness to negotiate around accessibility Meredith Hamstead responded:

No Jumbo Glacier Resort period. Go away. We didn’t ask for you to reduce the size of your resort. That’s for your benefit, not ours. And not to the benefit of any of the creatures that utilize that landscape, including the humans. There was a big push on the part of the developer leading up to the environmental assessment certificate approval that we have downscaled, we are negotiating, you are not. And our response was flat out “No Jumbo Glacier Resort” and there’s no room to move on that.\textsuperscript{172}

Some opponents challenge the proponent’s assertion that Jumbo is actually that inaccessible in the first place. Dave Quinn of Wildsight observes that “while, sure it’s a bumpy road” that “anyone who is capable of driving can get back there and walk

\textsuperscript{170} personal communication Jul 21, ’09
\textsuperscript{171} personal communication, Jul 21, ’09
\textsuperscript{172} personal communication Mar 1, ’09
around.” He further adds that “Oberti is bang on the money. It is a beautiful place and everybody should be able to see it...well discriminatory people.”

Jim Galloway at 76 years old actually celebrated the “elite” label laughingly observing “we are exclusive because we are healthy? Nothing wrong with that.” Mr. Galloway had climbed up to Jumbo Pass a couple years previous to our meeting and told me about Sadie Lampard who had hiked up to the pass at 81. “Must not be that inaccessible.”

To these claims the proponent responds:

Some may assert that natural beauty is accessible to anyone by hiking with a backpack, but the reality behind this philosophy is that rugged mountains can be dangerous and that the majority of the people do not have the physical strength, the training and the will to access mountains in this manner. For the vast majority of people, reaching the top of mountains – to have the satisfaction of the view and the experience of an impressive glacier, is too hazardous an undertaking to be even considered, except by means of lifts or transportation by aircraft.

In turn opponents respond to the arguments around “safety” in a couple different ways. On the one hand, many find this concern disingenuous claiming the proponent is grossly negligent. For example, they find it preposterous that Jumbo Glacier Resort intends to encourage skiing on crevasse-ridden glaciers and to extend the public access road through avalanche-ridden territory. On the other hand, some opponents celebrate the notion of untamed wilderness and its promise of effort and danger.

Such an approach to the question of accessibility is explored in the video “Alas Resort” produced by Kevin Sheppit under sponsorship from Wildsight. The video features opponents, including local celebrity hockey player Scott Neidermayer, renowned

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173 personal communication jul 24, '09
174 personal communication jul 23, '09
175 source: Glacier Resorts Ltd. at: http://www.jumboglacierresort.com/outline/site.html
mountaineers such as Pat Morrow and Bruce Kirkby, Wildsight’s Dave Quinn and Invermere Mayor Mark Shmigelsky, discussing such concerns as the feasibility of the project in light of climate change, development in this rare place of “intact beauty”, the irreversibility of resort development, the importance of preserving the wild character of the Kootenays, the importance of local decision-making and the frustration of backroom deals. With respect specifically to accessibility Mr. Kirkby asserts:

What’s really special about Jumbo right now is that it’s removed. You have to work to get there. It hasn’t got that big scar of development, of condos, of the continual whine of engines and diesel generators and what not.\textsuperscript{176}

As these words are spoken, the video shows climbers exerting themselves on snow-ridden alpine slopes. In contradiction to the ease and comfort of hyper-mobile society, the lack of accessibility and exclusivity afforded by sweat-drenched effort is celebrated.

The Ktunaxa and Sinixt Nations have raised serious concerns about equal access, both with respect to the review process and in terms of physical access to the land which they both claim. The Sinixt in particular, given their officially extinct status have been granted the same access as any other group to the process but have no special legal status (i.e. in terms of consultation and accommodation). For Ktunaxa (and Kinbasket Shuswap), access to traditional lands for hunting and trapping is a central concern. The latter group are confident that such access will not be impeded or that they will be adequately compensated.

Like other opponents, the Ktunaxa are concerned with the impacts of enhanced accessibility on the environment, especially on the grizzly bear, considered sacred.

\textsuperscript{176} Source: Alas Resort video available at Wildsight: http://www.wildsight.ca/news/233
However, the Nation is also concerned with potential impacts on traditional sites of “cultural / archeological” value in the region, although details have been kept confidential. Ktunaxa chief negotiator Kathryn Teneese discussed access with me in our interview:

We’ve got concerns that range from impacts on wildlife to impacts on our ability to exercise our rights in the area. Our rights to hunt being one of them. But we also have people that have memories of going there.¹⁷⁷

5.4.4 Contesting Solidarity

The notion of solidarity throws into relief an interesting dimension of this struggle. While I did not recognize the term used explicitly, it seemed present in many of my interviews with the opponents of Jumbo Glacier Resort. Opponents were quick to point out the diverse array of “strange bedfellows” who had joined together to protest Jumbo Glacier Resort (e.g. environmentalists, hunters, businessmen, retirees interested in preserving their quality of life and a variety of frequently incompatible recreationists including hikers, skiers, snow-mobilers, off road vehicle enthusiasts).

The relationship between Native and non-Native communities in efforts to oppose Jumbo was often asserted as significant. Both JCCS members and Bill Green of Ktunaxa described some solidarity, although carefully maintaining that the two communities had important differences with respect to their motivations (i.e. the Ktunaxa’s connection with Qat’muk and claims to Aboriginal Rights and Title). The relationship was described as “congenial, following parallel paths”.¹⁷⁸

¹⁷⁷ personal communication Sept 7, ’09
¹⁷⁸ personal communication Aug 23, ’11
Many opponents of the project linked their struggle to wider causes including concerns with ex-urbanization and amenity migration threatening the communities of the Mountain West (see section 5.5.2), sustainability and environmental protection efforts throughout the Kootenays and to international environmental efforts to protect grizzly bears. Opponents pointed to letters of opposition from around North America and Europe and claimed to have convinced Stumboeck, the largest German ski tourism operator, to agree not to patronize the proposed resort.

While proponents asserted support for the project these efforts were less amenable to the framing of “solidarity”.

Attending to the notion of solidarity provides a way into discussing a major complaint about the EA process. With respect to Jumbo, but also many other EA cases, citizens have expressed concern that public questioning is restricted to specific (technical) queries about specific projects. Such framing has the effect of constraining opportunities for building connections with other movements. While citizens frequently arrived at public meetings for the Jumbo project and other projects in the area to raise ‘big picture’ concerns about the cumulative impacts of development more generally, these concerns were managed out of the process. Supporters observed the same dynamic of directing discussion but were more favourably disposed to it. One resort supporter discussed the public hearing of another controversial project in the region (the independent power project in the Glacier-Howser watershed):

What I found interesting was that most of the complaints and concerns were not in relation to the project. They were asking questions about global scale environmental impacts and how California was going to be viewing these projects and all about the alleged privatization of a public resource. Totally outside of the scope of the EA and what they were
supposed to discuss – the specific concerns of this particular project. And this similar thing happened for Jumbo.\textsuperscript{179}

Glacier Resorts Vice President Grant Costello confirmed:

Government is obliged to get the public’s input but this should be limited to specifics of the project at hand. Where should the chairlift go? You don’t like it here because it offends your aesthetics? Well, what if we move it over here? What are the impacts on fish and water? How can they be minimized? These meetings are not about whether or not more development is wise. If you are against more development then vote for another party with a different policy agenda. This government supports responsible development and the process, within this policy regime, has determined that this is responsible.\textsuperscript{180}

A government official involved in the review put it this way:

People involved who don’t really have an interest in the project is... a concern. They stand up and express a provincial or even a national/global perspective around how to manage resources. This is not about grizzlies in this area or salmon in that river but our carbon footprint or something. That’s not project-specific and now government has to fight with these people, who have a general problem with government’s management approach in general, hectare by hectare. Then the line is drawn in the sand and the project becomes the rallying point for this bigger movement.\textsuperscript{181}

Such a framing is precisely what philosopher Slavoj Zizek (1999) refers to as the post-political, an attempt to stifle political debate through a form of “rendering technical”. In his terms, what such a move attempts to prevent is the “metaphoric universalization of particular demands: post-politics mobilizes the vast apparatus of experts, social workers, and so on, to reduce the overall demand (complaint) of a particular group to just this demand, with its particular content” (Zizek 1999:204). The demands of the process to focus on specific technical dimensions of a particular project come into tension with more general public concerns with opportunities for wider solidarity at stake. Opponents

\textsuperscript{179} personal communication Jul 16, ’09
\textsuperscript{180} personal communication Jul 20, ’09
\textsuperscript{181} personal communication Nov 16, ’09
in this case were frustrated that there was no forum for voicing more general concerns about the direction of development.

5.4.5 Reflecting on civic arguments

Public access to the process has been a central concern in the Jumbo struggle, with supporters asserting the fairness of the review process and the public and Natives refuting such claims. Meredith Hamstead asserted: “I continue to fight for Jumbo [Wild] because I think it is the pre-eminent example of lack of local democratic access to government in BC.”

A geographic perspective draws attention to important spatial dimensions of equality and access. Arguments over physical access to the Jumbo Valley are central to the struggle. In their case study of the Clavey dispute, Thévenot et al (2000: 249) observe that both supporters and opponents claimed to be:

concerned with marketing recreational services so that many people will be able to enjoy nature. The opposition groups maintain damming the Clavey River will take the Clavey away from the people who want to enjoy it recreationally through rafting or fishing or hiking... [D]am proponents, on the other hand, retort the Clavey is currently so remote that only “wealthy yuppies” who can pay the high price for rafting trips or for wilderness gear can enjoy it while their project will provide new roads into the Clavey canyon and many more opportunities for “flat-water recreation” on the reservoir and camping on its shores.

In the Jumbo case supporters promoted Jumbo Glacier Resort with its facilities, improved road and gondola, as affording more equal opportunities for accessing this special place, including those with disabilities. Currently only athletic, “physical elites” or wealthy individuals, who can afford to heli-ski, can access the Jumbo Valley. Opponents responded by asserting that resort development would restrict or desecrate locals’ access
to the area, in turn privileging an economic elite that could afford the high-end services offered. Furthermore, opponents noted that increased accessibility, to the extent that it overwhelmed other values, was not something to be desired. To opponents, arguments about equal access should be explored within the context of sufficiency – enough access should be privileged over more access. The question arises: when is restricting accessibility selfish NIMBYism and when is it responsible stewardship of local place?

Finally, attending to the notion of solidarity sheds light on this case. While, the term is not used by opponents, it is evident that a tension exists between the review process with its narrow definition of concern and the potential for greater connectivity or solidarity of concerned citizens.
5.5 Domestic Model of Justice (of tradition and locality)

I wish we could just argue that this proposal was preposterous for this place. ‘Sense of place’ concerns are important, but where do I articulate them? I wish we could just say from a local perspective ‘enough is enough’. Instead I have to caricature myself saying ‘save the grizzlies’, ‘save the grizzlies’!

- Meredith Hamstead, opponent

Another category of arguments appeals to traditions and local ties to place, which Boltanski and Thévenot (2006) call the domestic model of justice. Here we explore the struggle in terms of the question: is the project culturally appropriate with respect to concerns of tradition and locality? We have already encountered the importance of opponent’s ties to locality in the preceding discussion about accessibility and in debates over the merit of the location. This model of justice also overlaps with the renown model of justice, where we consider arguments about public opinion, often framed as “local” public opinion. The focus here, however, is on arguments over the character and merits of locality and tradition inhering in place.

Supporters appeal to threats to “sense of place” as a key argument against the resort development. Natives assert special justification, legally supported, with respect to traditional use of local territories. The proponent is more ambivalent, on the one hand making innovative or insidious attempts (depending on your perspective) to align the project with the local, traditional cultural context, while at other times dismissing local attachment as parochial and backwards. In what follows we explore the supporters and opponents attempts to mobilize and / or discredit this model of justice.
5.5.1 The “local” case for Jumbo Glacier Resort

It might appear quite a challenge for resort supporters, or at least the proponents, to use arguments based on tradition and locality. A popular framing of the case portrays local opposition resisting development pressures from “outside”. However, there are examples where supporters have attempted to justify the project within a domestic grammar of worth. For one, the proponent has drawn attention to the long, history of tourism and recreation in the region to assert the propriety of Jumbo Glacier Resort. A description of the project on Glacier Resorts’ website begins as follows:

Western Canada is an area with a most promising tourism potential. It was initially discovered as a tourism destination at the turn of the last century with the creation of the National Parks of the Canadian Rocky Mountains. At that time, the Canadian Pacific Railway Company initiated the Banff Springs Hotel and Chateau Lake Louise as long-term projects to serve tourists in the area. These projects are on going, and for almost a century have proven the strength of public demand for mountain resort tourism.182

Within this context Jumbo Glacier Resort could continue this longstanding tradition in the region of mountain resort tourism. In response to local concern, the proponent suggested that the unique and tasteful design of this project would enhance rather than detract from local “sense of place”. This would not be a “mass and crass, cookie cutter resort” but a boutique offering. The Master Plan describes such an approach:

The vision is that of an authentic mountain village inspired by the construction tradition of the Rocky Mountains, continuing with coherence the successful themes initiated in the National Parks architecture. This concept has not only received great public favour but it aims to restore an authentic local tradition that has become increasingly diluted by a variety of developments of different inspiration and tastes. (Glacier Resort 2007: 4-44)

Authenticity, coherence and local traditions are emphasized countering post-modernist “dilution”. Architecture design would be inspired by “the genuine tradition of rustic architecture of western Canada and the National Parks, emphasizing the use of natural materials, particularly wood and stone” (Glacier Resorts Ltd. 2007: 4-50). Other specific examples of design features that align with the domestic model of justice include: a gateway building “that will provide a visual effect not unlike that of the old Banff National Park administration building facing the historical bridge over the Bow River”; “a traditional alpine square, a cheerful location that will become a public gathering area for informal encounters and social events”; and ski lift stations “in the traditional style of many Swiss Alpine villages, rather than the new style of instant ski resorts” (Glacier Resorts Ltd. 2007: 4-46). The proponent argues “the resort should not feel like sleeping accommodation around a skiing superstore, but should have its own village atmosphere and squares as visual and emotional focus” (ibid. 4-46). This recalls the alignment of capitalism and authenticity treated by Boltanski and Chiapello (2005) in their *New Spirit of Capitalism* (discussed in section 5.2.4).

The proponent also references a tradition of ambition that is imagined once to have defined BC but has been overwhelmed by post-modern apathy. In a letter to the editor of the *Valley Echo* Mr. Oberti (1998) notes how “we would welcome a change from the blind negativism of anti-development forces to the cooperative effort that used to build BC communities”. Another example of the proponent trying to align the project with its locality is found in emphasis of local hiring practices. In a document discussing the judicial review of the EA approval by RK Heli-Ski, the fact that RK was represented
by two lawyers from Vancouver, the Province was represented by a lawyer from Victoria while the proponent hired a local Cranbrook-based lawyer is explicitly mentioned.

One of the most interesting (contested) attempts to connect Jumbo Glacier Resort to the local historic context involves an important, historic figure. Legendary Swiss mountaineer, Conrad Kain, spent much time in the region in the early part of the twentieth century. He wrote extensively about the area, including the Jumbo Valley, and most locals have read about his adventures. His 100th Anniversary was celebrated in the summer of 2009 with the unveiling of a new monument in the community of Wilmer.

The topic came up frequently in my interviews, likely due to the timing. Glacier Resort’s Vice-President Grant Costello pointed out that Kain was essentially the first tourist operator in the region, and like the proponent, sought to share these spectacular places and the wholesome experience with a wider audience. In an earlier press release, Mr. Costello had noted that “commercial tourism [in the region] began in 1916 when local guide / outfitter Conrad Kain opened a base camp at the resort site”. The establishment of Jumbo Glacier Resort would thus be enfolded in the history of the area.

On the other hand, opponents, such as Arnor Larson assert that Kain would not have respected the taming of wilderness implicit in the development of a luxury resort. In response to Costello’s claim that Kain could be regarded the first commercial tour operator, Larson objects that Kain’s expeditions were about rugged mountain adventures, penetrating unknown valleys, where “bathing is a cold creek was taken in stride... these people were not tourists”. Larson concludes that “however you look at it a 1916 private party on a rugged trip of exploration, mapping and climbing does not square with today’s

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183 personal communication Jul 20, '09
commercial tourism...To embroider around such an honest and renowned man a web of fantasy is to dishonour one of Canada’s foremost mountain climbing guides” (Larson 2008). In our interview local author Pat Morrow held Kain as “a shining example of someone who would have probably been the best steward of the backcountry you could imagine”. He feared that the Jumbo Glacier Resort proponent “would have the poor taste to use Kain’s name in a bank of condos or something”. Perhaps, “what would Conrad do” can be thought of as the Columbia Valley analogue to the popular “what would Jesus do” sentiment.

The interesting point we can derive from this debate concerns the contested aesthetic imaginations of authenticity. On the one hand the proponent works to establish the authenticity of the proposal linking it with the National Parks tradition of “rustic comfort”, blended (as argued earlier) with the liberal concern with accessibility. On the other hand, opponents contrast the “authenticity” of the valley enfolded in ruggedness, self-propelled travel and wildness with the “inauthentic” luxury, ease and consumerism associated with the resort development. This helps explain why resort opponents (in a move baffling to supporters and government officials) seem to accept hunting and even logging and mining over the prospect of resort tourism.

So, while the supporters attempt to align the resort with locality and tradition, these attempts are certainly contested. It is thus not surprising that supporters also strategically denounce local sentiment as parochial and backward. As argued above local opposition is delineated as reactionary, illiberal NIMBYism. Resort Vice-President Grant Costello told me “too much emphasis on the local can stymie provincially beneficial

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184 personal communication Aug 7, ’09
policies. We never would have built the nationally vital Canadian Pacific Railway if we had local people deciding everything. How can you manage the province if every local voice is heard? The province is the proper scale for dealing with these matters". 185 As we pick up again (in section 5.7), proponents ultimately discredit local ‘popular’ sentiment suggesting that the decision-making process is not to be construed of as a popularity contest.

Resort supporter Peter Lev singles out Heli-ski operators such as Roger Madson of R/K as “Taliban warlords” who had carved up the province and didn’t want to lose any of their tenured Crown land but “something has to give”. Here the hypocrisy of local sentiment is allegedly exposed.

5.5.2 The “local” case against Jumbo Glacier Resort

For locals, preserving sense of place was a central argument against Jumbo Glacier Resort. Thévenot et al, in their consideration of the Clavey dispute note the common sentiment amongst anti-dam activists to preserve this treasured and valued “piece of the local history and heritage” and “location of meaning for the personal history and lives of many inhabitants” (2000: 251). My interviews revealed that such a sentiment was widespread, with locals wistfully discussing hiking, camping and hunting trips into the valley. Bob Campsall told me of how he was inspired to get involved in the campaign to stop Jumbo Glacier Resort after a deeply moving personal experience in the Valley:

On a Saturday in May I was up in the Jumbo hiking. I had never bothered to go up there, usually hiking in the Rockies instead of the Purcells. I hiked up an old mining road, walked around a huge avalanche path and sat up on a hillside. There I saw an old grizzly sow and her two cubs. I

185 personal communication July 20, '09
watched for most of the afternoon. It was a real... [speechless]. Then it started to get cold and I thought I’ll freeze to death if I don’t get out of here. The grizzly bear continued digging lilies. She let me leave. My respect grew... A week later they had their first open house. I didn’t know much about it [the resort proposal]. I walked in and asked three questions and got three lies... One was that there were no grizzlies in the valley... I went to this meeting Cam Gillies was hosting... and joined the JCCS.

Such connection to the land or “sense of place” has been well-articulated by Canmore-based historian Bob Sandford. His book *Hyper-development in Mountain Communities* was frequently referred to by interviewees. Indeed, Meredith Hamstead told me that if I wanted to understand the concerns of the Jumbo opponents I must read it. Sandford offered the keynote address at the Jumbo Creek Conservation Society Annual General Meeting in 2010 where he discussed threats to the “Mountain West”, a remarkable place of spectacular beauty, relatively intact nature and desirable communities. In his book he asserts that the experiment of preserving great masses of land most notably the four Rocky Mountain National Parks constituted Canada’s greatest cultural achievement (Sandford 2008:13). However, he is gravely concerned that the communities of the Mountain West are under threat from “amenity migration” – the “troubling movement of wealth toward upland regions... with devastating impact” (*ibid* ix). His own community Canmore has already seen such devastation and he warned the people of Invermere not to be complacent in allowing those things that so define the community to be destroyed. In his address, Sandford spoke out against “development where short term economic interests of developers do not adequately respond to the deeper needs and founding values inherent in the abiding connection to place as defined by history and local culture”. His lecture particularly focused on the importance of

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186 personal communication Jul 21, '09
187 personal communication Mar 1, '09
recognizing and cultivating “sense of place”, which the Mountain West was “gambling with losing”.

Referring to Wallace Stegner’s *Wolf Willow*, Sandford observed that “sense of place” was dependent on having a personal history with the landscape - “when the landscape reached into people and made them local” - and then having this personal memory merge with the larger community history, where “you see your life reflected in where you live”. Bob Campsall’s story above provides an example.

Sandford affirmed the need for local communities to articulate this connection to place, to provide local politicians with a language to protect places from the forces rapidly overwhelming what makes communities of the Mountain West desirable places to live. Clearly this emphasis on “sense of place” aligns with what Boltanski and Thévenot (2006) call the domestic model of justice, and the “local” attachment can be connected to other “local” struggles in the “Mountain West” (overlapping with the solidarity element of the civic model of justice).

Interestingly, the opposition even mobilizes nationalist rhetoric in defence of local place. Numerous references are made to what is portrayed as the outsider European (or even Vancouverist) vision of Oberto Oberti, the president of Glacier Resorts, and how this vision of alpine resort development does not fit the local, traditional imagination of the landscape. This outsider vision is regarded inappropriate in (rural) Canada, where lower densities and wilderness are allegedly integral elements of the national mythology *contra* the densely populated, tamed landscape of Europe. Jumbo Glacier Resort is often framed as the Zermatt of North America and the proponents speak frequently of how tourism in BC is in its infancy (meaning much opportunity remains to create a denser
recreational experience like you might find in the Alps or Colorado). This language is rejected by the opposition as un-Canadian. Interestingly, the proponents also frequently use nationalist language, for example, in discussing the opportunities for Canadian Olympic athletes to have a year-round training facility on the glaciers of Jumbo / Farnham.

While “heritage” factors as one of the major categories of impacts to be considered in environmental assessments, most opponents are doubtful that arguments about “sense of place” had much bearing in the Jumbo review. Issues tables in the Project Report contain very few references to “heritage”, “locality”, “tradition” or “sense of place”. In our interview Meredith Hamstead told me “I wish we could just argue that this proposal was preposterous for this place. “Sense of place” concerns are super important, but where do I articulate them? I wish we could just say from a local perspective “enough is enough”. Instead I have to caricature myself saying ‘save the grizzlies’, ‘save the grizzlies’.” In this case, while supporters recognized the centrality of “domestic” arguments, they were strategically circumspect in deploying such arguments, instead focusing on “acceptable” arguments about grizzly bears. Such a statement is revealing for documenting BC’s political culture of sustainability in practice.

The discussion of tradition and locality seems to be accorded more seriousness when raised with respect to Natives. At the regional scale, no claims to locality are likely as persuasive as those of Native groups, although defining and asserting locality is highly disputed amongst the Ktunaxa, Sinixt and Kinbasket-Shuswap. The Sinixt are officially extinct, but claim longstanding historic use of the area, which they see as the Eastern

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188 personal communication Aug 10, '11
extent of their territory. The Shuswap Band, which is officially favourable to the project, is physically closest to the Jumbo Valley as the reserve sits on the outskirts of Invermere. In some instances, the proponent has used this argument to uphold the claim of First Nations support for the project, however, it seems quite clear that the Ktunaxa are regarded by government as having the most legitimate claim to the area. Centered in Cranbrook with other reserves in the region, it is the only Nation that has included the Jumbo Valley in its territorial claim being evaluated through the BC Treaty Process. The First Nations declaration of locality has weight in BC, currently under political pressure (with the threat of the Courts) to resolve land claims. Ktunaxa Chief Negotiator Kathryn Teneese described the Shuswap interests in the area as follows:

They arrived in the mid 1800’s. So that gives you a different relationship to the land, much like homesteaders or any other settlers. You don’t have the same kind of relationship to the land and so as a consequence their notion of ‘let’s just make money out of this thing’ is a lot different. 189

I elaborate on the Ktunaxa connection to this place in the following section on the inspiration model of justice.

5.5.3 Reflecting on “local” arguments

Arguments based on locality and tradition seem relevant to both opponents and supporters of the resort, although both parties are circumspect in deploying these kinds of arguments. Opponents clearly argue that the project would threaten local sense of place although they are suspect that such arguments are accorded much persuasive power in the review process. The claims to tradition and locality are taken more seriously with Natives supported by the existing legal framework. The proponent absorbed in contemporary

189 personal communication Sept 2, ’09

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discourses in architecture and urbanism recognizes the significance of local context and has communicated these commitments in the project form. On the other hand, given the strong opposition to such attempts, supporters have worked to discredit opponent’s locality and tradition-based arguments and discredit the merit of this model of justice in assessing development. An interesting element revealed in the discussion about locality and tradition surrounds the competing aesthetics and deployment of authenticity. In summary the struggle over the Jumbo Valley, Invermere mayor Gerry Taft suggested:

For a lot of people, it just really comes down to philosophy or aesthetics: do you like the idea or do you not like the idea? You know, it’s almost that simple. Never mind land use, never mind mitigation strategies, do you think it’s a good or bad idea for our area?190

The hypothesis here is that there are two contrary aesthetics as to what constitutes the local and other arguments inhere to this original aesthetic. As George Bernard Shaw noted (in the epigram for this chapter): “the moment we want to believe something, we suddenly see all the arguments for it, and become blind to the arguments against it.”

190 personal communication Jul 24, '09
5.6 Inspiration Model of justice

The inspiration model of justice is recognized by Thévenot et al as “less obvious but often quite significant” (2000: 352). Here we throw into relief arguments that involve inspiration, passion and emotion. Clearly the struggle over the Jumbo Valley for the past twenty years has been fueled by much emotion and passion. Indeed such language figured frequently in interviews as explanations for both the persistence of the proponent and the resilience of the opposition. For example, Christy Madson, daughter of RK Heli-ski founder Roger Madson, passionately informed me that Jumbo Glacier Resort would be built over her dead body.\(^{191}\)

In their discussion of the French case (of a struggle around highway development in a remote valley) the authors detail arguments against the project based on a sense of awe about this place. They introduce a “radical singer-songwriter” Renaud who observes “the Aspe Valley is really one the most grand landscapes, one of the most overwhelming that I have had the privilege of seeing”. Another local opponent of the project portrays the valley to be “a stone cathedral, unique in this world”, where it would be impossible to build anything without “destroying its balance and its beauty and harmony” (Thévenot et al 2000:353). In the American case (of a struggle around a dam built on a wild river in the California Sierras) the authors point to locals, especially river rafters, who speak of a “highly emotional, even spiritual experience” in the area. “People refer to the Clavey canyon as a special place evoking personal tranquility, and they talk about the transformative ‘feeling’ of being a mere human in the rugged wilderness of the area” (ibid).

\(^{191}\) personal communication July 17, '09
These references to the emotional or spiritual connections to place have a firm history in Western culture. Indeed, in many ways the environmental movement emerged out of the likes of Emerson, Thoreau and John Muir who imagined wilderness as sacred, sublime and worthy of reverence. Indeed, there are countless such references to the inspirational power of mountain places in particular – think of Muir’s beloved Yosemite as Cathedral. Nietzsche who also sought such places for tranquility spoke of one of his favourites in a letter to his sister:

Of all the places on Earth, I feel best here in the Engadine... I am continuously calmed here, none of the pressure that I feel everywhere else... I would beg of mankind, 'Preserve for me but three or four months of summer in the Engadine, otherwise I really cannot bear life any longer.' ... I have never had such tranquility, and the paths, woods, lakes, and meadows are as though made for me... The place is called Sils-Maria. Please keep the name a secret from my friends and acquaintances; I don't want any visitors (Nietzsche 1881).

The quotation reveals an intense attachment to this place ("otherwise I really cannot bear life any longer"). Perhaps like the opponents of Jumbo Glacier Resort Nietzsche also asked to keep such a place secret, not to be overwhelmed by excessive access (as discussed in section 5.5 above).

In his introduction to a collected volume of essays on *Mountain Resort Planning and Development in an Era of Globalization*, Clark (2006: 5) affirms that:

Mountains, like our ocean’s depths and the other remote and inaccessible places on earth, are repositories of mystery and wonder. We take comfort in knowledge of their existence, their looming presence, and their relative emptiness. Their majestic countenance is not so much a frontier to be breached as it is a measure of our own humility in the face of nature. They are both a global commodity and a prime source of psychic gratification.

So here such wild alpine landscapes are described in terms of balance, tranquility, mystery, wonder and majesty. We also recognize their power in their remoteness and
inaccessibility not to be breached but rather to serve as a measure of our own humility – as repositories of value.

In this section we want to delve more deeply into the emotional and spiritual incantations of the Jumbo struggle examining the extent to which opponents and supporters are able to justify their positions in relation to the inspiration model of justice. It is also here that we detail the Ktunaxa’s connection with Qat’muk – the Realm of the Sacred Grizzly Bear Spirit.

5.6.1 Inspirational arguments for Jumbo Glacier Resort

While the proponent clearly privileges “rational” argumentation frequently citing the primacy of the “technical review process” in determining who is qualified to say what this place is, there is evidence of inspirational arguments. We have noted that the proponent frequently asserts the uniqueness of the resort project as a rare opportunity that all British Columbians should be excited about. Jumbo Glacier Resort allegedly represents a completely new vision for mountain access in North America (Glacier Resorts Ltd. 2005: 1).

It is further acknowledged by both supporters and opponents that Mr. Oberti, himself, is a very passionate character. Indeed some opponents argue that Mr. Oberti’s relentless inspiration is what has propelled the project forward over the past 20 years, “long after it makes any rational sense” (in the words of one government official)\(^{192}\). Jacqueline Pinsonneault who worked on the project advisory committee and has long opposed the resort similarly observes:

\(^{192}\) personal communication (Nov 16, '09)
I admire him for his tenacity. He’s quite a European gentleman. He’s always been civil. He’s always been polite in the face of incredible disdain. He has so much passion. He wants this to happen, even if it makes no rational sense anymore.\(^{193}\)

This sentiment is transformed into an argument in support of the project through contrasting the inspiration of the proponent (the visionary, risky capitalist) with the negative, doubting, pessimistic and / or naïve position of the opponents. Journalist George Koch, who has written numerous articles supporting the resort proposal develops this binary in the following:

On one side is a dogged, somewhat idiosyncratic but visionary businessman who is playing by the rules and who wants to develop a project that would bring employment and wealth to a province that desperately needs it and, at the end of the day, make a profit. On the other hand is the by-now familiar collection of ideological leftists, environmentalists and eco-freaks, Luddites, NIMBYs, aboriginals, agenda-driven bureaucrats, self-interested local businesses and even manipulative school-teachers – in short the baying hounds of post-modern hell (Koch and Weissenbergeer 2003).

He continues “one wonders why Oberti goes on. But that’s what visionaries do: they buck the odds, even when their opponents are as mendacious as these” (Koch and Weissenberger 2003).

Longstanding and outspoken critic Mary Ann Rombach portrays the resort opposition in even more sinister terms. In one of numerous letters to the editor of the Valley Echo in the wake of the August 2009 regional district vote, the Invermere-based family therapist noted her alarm over the tactics of “so-called enviros”. Lumping the resort opposition in with other “enviros” who disrupted public meetings related to the unpopular Glacier-Howser independent power project in the West Kootenay, Ms.

\(^{193}\) personal communication Aug 12, ’09

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Rombach objects to the bullying tactics and mob mentality. She further observes “environmental radicalism has no room in a peaceful community. A healthy family respects differing points of view. It’s the same with a healthy community. I find many if not most of the anti-JGR very radical, carrying around lots of hate and anger, which is a threat to us all. One cannot have a peaceful discussion with these people without them jumping down your throat” (Rombach 2009).

A letter criticizing the coverage of the project on CBC’s Venture television show well illustrates the negativity perceived by the proponent, used strategically to challenge the proponent’s credibility. I have included a lengthy excerpt from this letter in order to capture some of the nuance of Mr. Oberti’s concern that ties in with the inspiration model of justice:

I am disappointed. I had expected a more positive representation of our proposed project... Venture has left me thinking that there is little regard for the hard work and risk which business people, big and small, must face each day... Your report portrays an application pursued in good faith over a long period of time in response to Government policy as a stubborn crusade of a lonely individual... It is very disappointing to see years of serious work, major investment opportunities and important initiatives in the tourism industry dismissed. There is a tragedy in that dismissal which may indeed be reflective of the crisis this country faces... The critical point is we feel key information was not reported... I do not believe that cynical and negative media will help Canadians to find the right answers. (Pheidias Management Corp. unpublished [1995])

The opposition have responds to the allegations. Allyn Stewart for example, responded to the representation of the resort opponents by the likes of George Koch and Maryann Rombach in the following letter to the editor:

The characterization of opponents of the proposed resort as “ideological leftists, environmentalists, eco-freaks” etc. is unfair and inaccurate. Although not vocal until now, I am opposed. I am a recently retired mining engineer whose career began nearly 40 years ago as a labourer in
the old Mineral King mine”. Goes on to note that “Oberto Oberti is to be commended for ‘playing by the rules.’ But that does not mean that his proposal is right. (Stewart 2003)

Meredith Hamstead adds:

...this column [i.e. Koch’s] is representative of the developer’s and the province’s view of the communities affected by this proposal – that we are a bunch of backwoods hicks that don’t know an economic gift when we see one. Funny that we should have managed this far to become a diverse, economically vibrant and flourishing community (with a rare viable grizzly population) without them. (Hamstead 2003)

Arnor Larsen explained to me how the JCCS recognized it had been portrayed in uninspiring, negative terms and was trying to refocus public perception. He observed “we recognize they have been able to paint us as the anti-group. We have tried to refocus ourselves as pro-Jumbo in other words – pro-wildness, pro-grizzly, pro-fresh water. We need to do a better job. Fortunately there has still been so much opposition, I don’t think it has hurt us”\(^{194}\).

This framing of the inspirational capitalist against the doubting opponents is well recognized in the literature. Weber (1946) recognized the dimension of capitalism more generally to translate barriers into opportunities profiting from this uplifting, emotionally hopeful tone. Its correlate in American electoral politics is recognized most clearly in the optimist Reagan’s landslide victory over the concerned pessimist Carter in 1980. Whereas Carter broached the topic of over-consumption Reagan dismissed the need to change course and adopt the principle of sufficiency. Voters responded to his optimistic message which has played no small part in setting the present course of over-extensive development. This optimism can also be framed in terms of the “excitement” dimension

\(^{194}\) personal communication July 14, ’09

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explaining the resilience of capitalism in Boltanski and Chiapello’s (2005) *New Spirit of Capitalism* (discussed in section 5.2.4).

In our interview, resort vice-president Grant Costello told an interesting story about his own links to the Jumbo Valley. While working for the railroad, Mr. Costello had driven in his Volkswagen up to the end of the road into what he would many years later realize was the Jumbo Valley. At the time he was just exploring. He looked around the valley, felt some connection to the place and left not to return until many years later when scoping out the area for the resort development. He also enthusiastically told me about how he had received a framed photograph of an alpine landscape as a wedding present, which similarly he found out years later was taken in the Jumbo Valley. For Mr. Costello, such stories provided a mysterious sense of purpose and they weaved him into the landscape in an inspirational way\textsuperscript{195}.

5.6.2 Inspirational arguments for Jumbo Wild

Opponents of the resort clearly express an emotional even spiritual attachment to the Jumbo Wild. Perhaps this imagination was most emphatically expressed in the following excerpt from a speech given by JCCS member Arnor Larson at a committee meeting:

Last week when I was up at tree line near the confluence of Toby and Jumbo Creeks I sat at my camp as the sun set, just a bit north of Jumbo Pass, and noted how the bright sky exaggerated every nuance of the ridge lines. I thought how the towers and steel cables would be so distinct even from such a distance. The next morning, before there was even a hint of light in the east, I left my tent and began my ascent, by the light of a full moon, of a paradox. As I ascended the basin I looked over my shoulder at the brooding hulks of Karnak and Jumbo recognizing that to see the light

\textsuperscript{195} personal communication Jul 20, ’09
of an upper tramway station would invalidate the reason for the climb – solitude... Man-made structures will be visible from most peaks within a radius of 20 km. That will forcefully “kick the spirits out” of nearly 126,000 ha of the highest Purcells, including the northern portion of the Purcell Wilderness Conservancy... To encourage this scheme to proceed would be like inviting someone with muddy boots into one of Europe’s finest cathedrals. There for them to set up craps games and gaming tables, throw their beer cans over their shoulder and urinate on the Madonna. If out of their craps games and gaming tables they contributed funds to the church’s treasury and hence more clerics could be employed (and custodians to pick up beer cans and washer women to clean off the Madonna), that would not make it right. Just so – the proponent’s scheme is also inappropriate in an area where the spiritual values far outweigh all others. There can be no compromise. 196

Clearly for Mr. Larson, the evidence of “man-made structures” (e.g. towers, steel cables, a tramway station) are offensive against the backdrop of the wild alpine. Comparing the proposal to muddy boots in a fine cathedral or urinating on the Madonna, Mr. Larson establishes in no uncertain terms what he sees as the vulgarity of this proposal for a place where “spiritual values far outweigh all others”.

In these words resonates an unmistakable sense of concern and potential loss, which author Rick Bass, who lives across the border in the American Purcells, similarly articulates:

I worry that... the last of the deep magic, the last of the really big wild, simply one day ceases to be. And then I worry further that we – or most of us anyway – won’t even know, thereafter, the nature and magnitude, the wonder, of what we’ve lost. That we will one day soon confuse scenery with spirit and recreation with prayer. That we will find peace in the sylvan green of an artificially-nourished golf course and pride of craft and an example of the interior cathedrals of the human heart in the construction of a 6500-bed international ski lodge, with runs and teahouses, perched precariously atop a sliding, slipping, retreating film of dirty, vanishing ice, in these last days of a cooler world. (2007: 161)

196 Arnor Larson presentation to Jumbo Glacier Project Committee meeting in Invermere, BC Sept 14, 1995
Bass expresses his fear that the magic of the deep wild will give way to an artificial landscape and “we won’t even know...what we’ve lost”. Here again is a concern which might be captured in the notion of authenticity. We find in these and other expressions of resort opponents both an intensely emotional and even spiritual connection to a “wild” landscape and at the same time a deep concern with the tamed, inauthentic man-made landscape that threatens to replace it.

Such expressions become more complicated in the Jumbo case, given the representation of the landscape character after years of human use. Rather than a pristine landscape, the opponents are forced to defend a landscape, which includes clearcuts, mining tailings ponds and other indications of human activity. As such they imagine a “wild” landscape where permanent development had yet to wreak its havoc. On the other hand supporters denounced any emotional attachment to this “industrialized” landscape. We return below (in section 5.8) to further flush out this tension.

While my interviews revealed close attachment to this place often articulated in terms of “sense of place” and even sacredness or spiritual connection, opponents were circumspect about these arguments. Thévenot et al (2000:352) note that in the public realm, such emotional or spiritual arguments are often marginalized, regarded as irrational or unreasonable “unable to be discussed or challenged”. When I asked Glacier Resorts Vice-President Grant Costello about the deep connections that opponents of the resort seemed to have with this placed, he dismissed these as “anecdotal”.

Opponents seemed to understand that framing their opposition in such terms was not strategically advantageous. Dave Quinn of Wildsight, for example, noted that while
most citizens felt “the place was just sacred, you’re not going to put a freaking ski resort there are you?”, they recognized energy should be focused in other directions:

Since those things can’t be quantified... our focus tends to be on how to communicate with people who’s language is money or how many grizzly bears can be shot... those incontrovertible truths and facts we can use to slow down this process or stop it. There’s such a grey area when it comes to spirituality but I do think it resonates with everyone197.

Wildsight member Kat Hartwig similarly responded to my questions about inspirational or spiritual arguments in defence of the Jumbo Valley:

Yeah, well there isn’t a way of voicing that. It’s not in our language. And as environmentalist we’ve never been able to frame it that way because it was seen as too fluffy. And don’t forget 22 years ago when I first did environmental work in this valley I was referred to as the Eco-Bitch so I was a minority and I got obscene phone calls and threats and nasty t-shirts. There has been a cultural shift and a recognition of spiritual values and intrinsic value in the environment, wilderness and nature and that. I still don’t think as environmentalists we’ve incorporated that into our language. The Ktunaxa have and other people outside the environmental movement have. I agree that it’s sacred and spiritual and some people view nature as God. It’s not really in our language. What is in our language is the service to humanity the environment provides (clean water). The wetlands for example, it would take billions of dollars to provide the same service that those wetlands provide in terms of filtering water. Those are things that are in our language. From a spiritual perspective I think we keep that to ourselves...198

Ms. Hartwig’s point that Natives were not as reticent about framing their concerns in spiritual terms was a significant one raised in other interviews. In our interview regional district director Gerry Wilkie, for example, noted how “most people concerned with Jumbo had a deep spiritual connection every bit as intense and sincere as any Native”. Yet, while such concerns “have nothing to do with race” white people seem unwilling or unable to express these concerns and be taken seriously. Interestingly, at this point of our

197 personal communication Jul 24, ’09
198 personal communication Jul 22, ’09
interview Mr. Wilkie censored himself declaring, “But I’m going into some horseshit philosophy and I need to settle down and remind myself I am just another fucking mammal.”

We then turned to discuss “more directly pertinent” material including potential watershed impacts and the economic feasibility of the project. Dave Quinn concurred that it was difficult for non-Native people to discuss their spiritual connection to the land, noting that he was a fifth generation Kimberley local, “My great-grandma had a hat store up in Donald and it’s like at what point are you allowed to express your cultural roots and your values for the land”.

5.6.3 Qat’muk

Perhaps the most unique dimension of the argumentation over the Jumbo is brought into relief through the Ktunaxa’s elaboration of the inspiration model of justice. According to Bill Green, the spiritual significance of Qat’muk (Jumbo) has been at the centre of the Ktunaxa’s opposition to the resort right from the beginning. Like the opposition, the Ktunaxa have been reticent to use “spiritual” arguments but for different reasons. The ethnographic literature recognizes the Ktunaxa as notable for their commitment to keeping spiritual matters private (Keefer et al., 1999). Like other indigenous peoples, they are hesitant to share such information for fear of its misuse by colonial authorities (Denis 1997, Tuhiwai Smith 1999). For example, the Ktunaxa are deeply offended by the designation of a resort near Kootenay National Park with a sacred name - Nipika. However, more important than concerns with misuse, the Ktunaxa have a longstanding cultural tradition of keeping such knowledge private to safeguard its

199 personal communication Jul 21, ’09
200 personal communication Jul 24, ’09
201 personal communication Aug 23, ’11
potency. Individuals have a deep responsibility to maintain and protect this knowledge and only under dire threats would they make a pragmatic calculation to share and use such knowledge strategically.

As part of the Ktunaxa’s creation story Grizzly Bear agreed to share some of his territory with humans. In exchange the Ktunaxa were to recognize a special, sacred place for Grizzly Bear in the spine of the mountains. The key here was mutual respect and co-existence in the valleys and the maintenance of a special place for the spiritual brother of the Ktunaxa.

The Ktunaxa’s outright rejection of Jumbo Glacier Resort planned for Qat’muk – the heart of the territory given to the Grizzly Bear Spirit, is thus understood on very different terms than other arguments advanced. They are convinced that the co-existence embodied in their sacred covenant would not be upheld by this project.

As Bill Green describes it, the Ktunaxa have been involved in a “dance” with the province, moving between the ancient custom of reluctance to share sacred knowledge and pragmatic recognition that they need to use whatever tools they have at their disposal to stop the development. Their overarching strategy has been to negotiate under protest employing a two-part approach. First, there has been an emphasis on grizzly bears as biological entities and promotion of science supported concern with the impacts of the resort. For example, the Ktunaxa commissioned Michael Proctor’s study of grizzly bears concluding that Jumbo Glacier Resort would have a significant impact on bears (discussed in section 5.3.4). However, through the CASP Master Plan process (following the EA approval between 2006-2008), the Ktunaxa became increasingly concerned that the biological evidence alone was not convincing the province and that they would need
to bolster opposition claims with cultural arguments. The second part of the strategy was thus to gradually reveal information on the spiritual significance of the place and concerns with the project (as well as threats of a judicial review if the project was approved).²⁰²

Bill Green’s answer to my question about evidence for the Ktunaxa’s claim to the sacredness of this territory brings another layer of interest. While since the landmark Delgamuukw decision (the most definitive interpretation of Aboriginal rights and title), oral evidence has been recognized as (legally) legitimate, it is still common practice to “prove” claims to traditional occupation of lands through archeological substantiation. While there is clear evidence of Native presence in the Toby Creek area, no archeological work has been conducted in the Upper Jumbo and likely little evidence of occupation would be revealed. Bill Green observes, “This is not at all surprising if you take seriously that this place has long been sacred.”²⁰³ This presents a potential challenge in that current legal mechanisms for determining Aboriginal title demand evidence of (exclusive) occupation prior to European sovereignty and continuity between pre-sovereignty and present occupation. For Bill Green the Ktunaxa, any legal challenge would attend to the dramatic cultural impact of the resort and the lack of justification based on the dismal economic feasibility study.

In 2010 the Ktunaxa and other opponents braced for the decision. It was at this time of dire need, according to Bill Green, that Chief Chris Luke Sr. was visited by the Grizzly Bear Spirit and was guided to speak out against the resort and the protection of

²⁰² personal communication, Aug 23, ‘11
²⁰³ personal communication Aug 23, ‘11
Qat’muk\textsuperscript{204}. Translated by Ktunaxa Chief Sophie Pierre, this knowledge was later shared with the responsible Cabinet Ministers and a small number of bureaucrats who swore to keep the information confidential. On November 15, 2010 fearing approval of the resort and the profaning of sacred territory, the Ktunaxa delivered the Qat’muk declaration that established a wildlife refuge in the Upper Jumbo Valley.

According to government officials it was the strength of the Ktunaxa’s bargaining position that has delayed the approval of the resort. That in this case the inspirational model of justice has seemingly taken primacy over other arguments emerges as a fascinating dimension of this study. The current legal / political arrangements (including Aboriginal Constitutional Rights) have forced governments to take the cultural grammars of value of the Ktunaxa seriously. In this context the Grizzly Bear Spirit’s value potentially outweighs the investment, technical and other merit of the proposal.

For her part, JCCS member Meredith Hamstead expressed her gratitude about the Qat’muk Declaration, which “finally gives us some legitimacy to discuss the deeper, spiritual relevance of this struggle to protect this place.”\textsuperscript{205} She explained to me that the “Jumbo Valley was something very special. A place where my worries disappear and I am at deep peace. And I am not a spiritual or religious person. I don’t use those terms to describe myself.”

5.6.4 Reflections on inspirational arguments

There is an intense inspirational dimension to the perspectives of both supporters and opponents. While this model of justice is downplayed by both supporters and

\textsuperscript{204} personal communication, Aug 23, ‘11
\textsuperscript{205} personal communication Aug 10, ‘11
opponents, which signals something important in the settler production of BC’s political culture, it has emerged as a powerful force with respect to the Ktunaxa and the declaration of Qat’muk. Interestingly, the Qat’muk declaration itself makes reference to the public interest in protecting ecological values and sharing this place with settlers, so long as they respect these values.

In a follow-up email Meredith Hamstead further elaborated her reaction to the Qat’muk Declaration:

When the Qat’muk declaration was made public, I felt a great sense of relief at finally having words and nomenclature with great cultural and historical legitimacy that seemed to describe my own sense of reverence for and connection to place. While my connection to Jumbo is in no way "the same" as that of the Ktunaxa, either as a nation or as individual nation members, I do feel that when I refer to Qat’muk, rather than the Jumbo Valley, my previously unnamed sense of spiritual connection feels more at home within me. By making their connection to Qat’muk publicly known, the Ktunaxa have, unintentionally, "explained" to me a part of why I feel so deeply about the Jumbo issue and Jumbo the place - perhaps sacredness is as much about place as it is about a shared understanding or sense of meaning/value. I no longer feel alone-ness in my sense that Jumbo is a sacred place that needs to be protected. Sacredness that has been ignored and devalued and sniffed at by my own culture has, in some way, been re-valued and re-identified by the Ktunaxa culture. I am deeply grateful for this in a way that I will likely never be able to adequately express.206

In the language of French pragmatism, the Qat’muk declaration offers potentially new cultural resources for non-Native opponents to register something deeply felt but heretofore ineffable – the tragic disenchantment of the world.

206 Personal communication Oct 20, 2011
5.7 Renown Model of justice (of fame and public opinion)

_I have always been a vocal opponent of development happening in the Jumbo Valley. There are very few areas like this left in the world, and we should preserve it for future generations. I want my children and all British Columbians to be able to enjoy this area, just as I am able to._

-Scott Neidermayer, Captain Canada’s Olympic Hockey Team

While the arguments we have examined so far all attempt to align with the public interest, the renown model of justice registers those justifications directly related to public knowledge, popular opinion and renown (Thévenot et al 2000:254). We attend here to arguments about the popularity of the resort proposal and the perceived merit of framing arguments in a grammar of popularity.

While using a range of other arguments, many opponents of Jumbo Glacier Resort argue that the overwhelming (informed) popular opposition and that of renowned local role models itself should condemn the proposal. Often these arguments are framed in terms of “democratic justice” or “social licence to operate” on behalf of the proponent which was introduced above (in section 5.4). Supporters are understandably more ambivalent about this form of justification, at times disputing the claim that there is overwhelming popular opposition to the proposal (while offering qualified support for the democratic will in principle), while at other times downplaying the significance of popular opinion.

The “popularity contest” takes many forms. Visitors are welcomed to Invermere with a “Jumbo Wild” billboard that plays with BC’s tourism logo – “Best Place on Earth”
(see Figure 5-4). Ubiquitous bumper stickers on vehicles throughout the Columbia Valley declare either that “It Snows in Jumbo” or “Keep Jumbo Wild” and “Grizzlies not Gondolas”. The Jumbo struggle has had consistent coverage in local newspapers with the widespread acknowledgment that the Columbia Valley Pioneer is more favourable to the proposal and (before staffing changes in 2010) the Valley Echo is more critical of it. Some provincial and national coverage, including a widely-discussed article in Explore magazine, a documentary on CBC’s Venture, a debate on the Bill Good Show and YouTube videos including the Wildsight sponsored Alas Resort and coverage of the 2008 blockade are among the venues that the project’s popularity is contested.

This section begins with the popular case for Jumbo Glacier Resort before considering the case for Jumbo Wild. Exploring these arguments puts into focus the

\[207\text{ photo credit: Lindsey McPherson (Valley Echo) used with permission}\]
contested imaginations of who is qualified to decide what this place is and what is to be done there.

5.7.1 The popular case for Jumbo Glacier Resort

Against the suggestions that Jumbo Glacier Resort is overwhelmingly unpopular, the proponent asserts “the right to state that we do not agree that it is true that people don’t want it, especially when they are informed” (Pheidias Project Management 2011:4). Such a message is included in a brochure distributed after the EA certificate was issued for the project. The brochure highlights many key justifications for the resort including the compact design, the climate, the skiing, the sightseeing, opportunities for athletes to train and economic activity. Included amongst these are two other headings that attract attention: “An Involved Community” and “Public Support”. With respect to “an involved community” the proponent highlights the incorporation of community concerns into the design of the resort and affirms the support of local people including the Kinbasket-Shuswap, “who will participate in a substantial way in the project”. In the section on “public support”, the proponent lists as allies “the Village of Radium, Panorama Mountain Village, the Tourism Action Society of the Kootenays, the Kootenay Rockies Tourism Association and the majority of local businesses”. It is further noted that “according to the Environmental Assessment Office the project received ‘a higher percentage of support than is typically experienced” with only “1.4% of the people of the East Kootenay, and 13.1% of Invermere” expressing a negative opinion. It should be noted that the opponents criticize the deceptive practice of asserting raw numbers, ignoring standards of statistical significance.
The opinions of the public and local political officials in the two closest towns to the Jumbo Valley – Invermere and Radium Hot Springs - are sharply divided. If one counts only the District of Invermere, the closest urban centre to the Jumbo Valley as local then it would appear more plausible to argue that local public opinion is opposed to the development and 3 of 5 councilors and the two most recent mayors (Taft and Shmigelsky) are openly opposed. However, if one counts Radium Hot Springs then it is more difficult to assert a clear “local” opposition (at least with respect to public officials). Indeed 3 of 3 councilors and the past two mayors (Conklin and Deck) are in favour of the resort development. Including both local communities suggests local politicians favour of the proposal.

While impossible to substantiate, the proponent also enlists the “silent majority” in support of the project claiming that many otherwise favourable local citizens are either unmotivated or too scared to speak out due to the alleged intimidation tactics of the opponents. A letter from the local BC Liberal Constituency Association portrays the opposition as a coalition of left wing extremists overwhelming the voice of the “majority that supports jobs and investment”:

Dear friend and BC Liberal Supporter: Our political enemies, the NDP and Wildsight, are at it again and we need your help to send them a message that the majority supports jobs and investment... [Liberal MLA] Bill Bennett is all that stands in their way... to stop every economic development idea that comes along in the region...We cannot let these left wing extremists stop what we need to do to be prosperous in the East Kootenay.

The implication here is that the complacent majority favour jobs and investment and it is only because of a loud, group of radicals that the impression of opposition has been formed.
The proponent has also used the provincial election results to affirm local support, citing the victory of a pro-Jumbo Liberal candidate in the 2001 election. However, a number of voters have denounced this conclusion as recorded in local media. In a letter to the editor of the *Valley Echo*, Windermere resident Doug Annakin noted “Oberti has been spreading the false story among Victoria bureaucrats that the provincial election was in fact a referendum on Jumbo! What a slap in the face for the hundreds of local citizens who voted Liberal, but who strongly oppose the Jumbo Resort idea”. One such citizen was former RK Heli-ski owner Roger Madson who noted “I voted for the Liberals and I support what they are doing but I didn’t cast my vote as one of support for Jumbo” (Cobb 2002). Supporters respond that this latter instance is simply a case of naked self-interest.

Efforts to affirm public support are highly contested. It is thus not surprising that resort backers often work to discredit the opposition and discount the merit of the renown model of justice. To the proponents, the province should ultimately be empowered to decide through the neutral, apolitical, technical, rational EA. This process provides opportunities for public and First Nations input, but this input should be circumscribed. The public should not have some kind of *de facto* veto. Technical expertise and professional judgment should be privileged over popular sentiment, NIMBYist selfishness, misunderstanding and emotion. The process should not be a popularity contest or a venue for anecdotal stories but a rigorous review of the facts.

Opponents have consistently complained about the process and have called for a referendum to decide the fate of the project. Glaciers Resorts Ltd Vice-President Grant Costello has responded that “such mob rule is inappropriate in a Modern democracy.”

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208 personal communication Jul 20, ‘09
President Oberto Oberti challenges the notion of a referendum in a recent letter. To the suggestion by *Globe & Mail* columnist Bruce Kirkby that a referendum may be in order, Mr. Oberto poses a series of challenging questions:

The first task would be to decide if a referendum can be legally held to nullify the provincial CORE process, the result of the EA Act process and the approval of the Master Plan... Then there would be the task to decide if the project is of national, provincial or local significance and what would be the boundary of the referendum... Finally people would have to agree on the question. Would the question be to undo the previous processes? Would that create a precedent for every future project? Would the EA Act have to be abandoned? Etc. (Pheidias Project Management unpublished [2011])

The proponent here clearly privileges the technical grammar of the industrial worth over popular sentiment.

However, a more frequent strategy is to discount the popular opposition as based on willful or naïve misunderstanding of the project fundamentals. For example, a petition signed by hundreds of opponents presented at an EA project committee meeting was dismissed on the basis that it was founded on “erroneous information” (Pheidias Management Corp. unpublished [1995]). This flexibility allows supporters to discount popular opinion even when they acknowledge that it represents more than a small, radical fringe. Journalist George Koch attributes the problem of widespread opposition to “an increasingly surly population that seems to revel in its own lack of accomplishment” (Koch and Weissenberger 2003). A popular strategy (as elaborated above in section 5.6) is to frame opponents in negative terms as the uninspired anti-group, pessimistic and against everything.

In their case study of the struggle over damming the Clavey River, Thévenot *et al* record sentiments of the proponent with clearly parallels to the Jumbo case. There Mr.
Mills attempted to downplay the opposition asserting that “most of the people who wrote opposition letters were ‘outsiders’ who would never see the river and had no ‘stake’ in the dispute” (Thévenot et al 2000: 255). These opponents were characterized as “professional adversaries of any dams” and their opinions should have no weight in local decision-making. Mr. Mills further argued “against judging the project in terms of opinion at all” as such evaluations are “so fickle and so easily manipulated by ‘public affairs gurus’ and ‘spin doctors’ who know how to ‘push buttons on whatever’s popular right now’” (ibid).

Mr. Oberti similarly describes the fickleness of public opinion. In response to calls for a referendum on the proposal he observes “this would be a great opportunity for a damaging campaign. Even I would probably vote against it” (Pheidias Project Management unpublished [2011]: 5). Also, similar to the findings of Thévenot et al we recognize efforts to bound geographically the qualified public or stakeholders in the Jumbo case. As considered above (in section 5.1) we noted efforts of the proponent to exclude opposition from “outsiders” in the West Kootenay, for example. Since no one actually lives in the Jumbo Valley, whose opinion counts?

5.7.2 The renown case for Jumbo Wild

According to opponents, “the bid to develop the Upper Jumbo Valley and gain exclusive access to four glaciers has been opposed right from the start.” Along with alienation of public lands, climate change, grizzlies, local democracy and wilderness, public response is featured as one the key issues on the “Keep it Wild” website. Here we learn about the thousands of letters sent in opposition, the numerous polls which have

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209 From Wildsight at: http://www.keepitwild.ca/public-response
gauged opinion (see Table 5-5), the eight-week access road blockade in the summer of 2008 (which attracted 500 people) and the shortcomings of public process.

While the polling data have always been a source of contention, my impression after interviewing government officials as well as supporters and opponents is that this proposal had been met by significant local opposition. The poll numbers of over 90% opposed are likely unrepresentative but the Mayor of Invermere, the editor of the Valley Echo paper and EAO director Ray Crook pegged opposition at around 60% which seems reasonable.

Table 5-5 - Public opinion polls data according to Wildsite

<table>
<thead>
<tr>
<th>Poll</th>
<th>Results</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004 EAO public input</td>
<td>91%</td>
<td>91% of 5,839 responses to EAO call for input on proposal were recognized as against the project.</td>
</tr>
<tr>
<td>2007 Regional District Survey</td>
<td>79%</td>
<td>Results from RDEK survey released Nov 7, 2007 show 643 to 173 Area F residents being against the proposal for a year-round ski resort in the Jumbo Valley</td>
</tr>
</tbody>
</table>
| Informal Polls, n.d.                | 93%     | 95% Against – Valley Echo survey
92% Against – Jumbo Creek Conservation Society web poll
90% Against – District of Invermere Town Hall Meeting |


255
Locals more or less subscribe to the principle of subsidiarity, that they are most qualified to decide on development in the Jumbo Valley because they will be most affected. Longtime editor of the Valley Echo colourfully asserts the bottom line that opponents:

...want any decisions made on this farcical billion dollar or so project, based on rapidly melting glaciers, catering to dwindling numbers of skiers who can’t afford to play on sinking established hills, let alone what would be an elite rich person’s playground – if ever came to be, which it won’t – kept local.” 211

Still, JCCS spokesperson Meredith Hamstead was emphatic in our interview that other factors were important in understanding why, in this case, popular opinion should be afforded some credence. She observed, “We are well aware that local people can make bad land-use decisions.”212 Ms. Hamstead points out that the public has become incredibly well-informed on the issue over the twenty years and that there is a great diversity within the ranks of opponents (defying simple characterization of the group as simply enviro radicals). She further justifies opposition to the project based on “clear moral repugnance”. She notes “Although the local public will shouldn’t automatically prevail, in this case, where local people are putting forward reasonable arguments, they clearly should be listened to.”213 MLA Norm MacDonald reflects that “if projects make [economic] sense and they have community support they move forward, but this is not the case with Jumbo... Because it just doesn’t make sense”.

Opponents also respond to the charges of NIMBYism and ignoring the broader public interest. For local author Pat Morrow there is no contradiction between local and

211 unpublished email, Aug 14, ’09
212 personal communication Aug 10, ’11
213 personal communication Aug 10, ’11
provincial interest. In his calculation the provincial interest is best served through empowering local communities to steward their resources, in turn strengthening the province in the long-term.\textsuperscript{214} Interestingly, former Invermere mayor and resort opponent Mark Shmigelsky did not find the NIMBY label the least bit insulting. In an article in the \textit{Valley Echo} (Cobb 2000), he noted: “I don’t need a bear study or economic feasibility study to state outright my opposition. I’m pure NIMBY. It’s my backyard”. The extent to which local publics are able or unable to argue that notwithstanding expert studies, their perspective on land use should hold weight represents a key dimension of the political culture of sustainability in practice (to which we return in Chapter 6).

Opponents have also been able to advance their position through key figures of renown who have expressed opposition, such as local hockey hero Scott Neidermayer, other Olympians such as Beckie Scott and Sara Renner and well-known mountaineers / authors such as Pat Morrow and Bruce Kirkby. While four premiers have expressed support for the idea of Jumbo Glacier Resort, the opposition of well-known local figures has buoyed the Jumbo Wild cause. The opposition of one local figure of renown – RK Heli Ski founder Roger Madson - was singled out by a government official, in our interview, as having had the most profound impact:

\begin{quote}
I introduced Oberto to Roger. The original concept was that Roger would fold into the resort and run the heli-ski operations out of it, like he does at Panorama now... But years later Roger got all entrenched in the whole displacement thing... I think Roger got a little silly in the end. He wanted $11 million for his business... I knew what the market price was and there was a disconnect... Maybe Roger had accomplished everything he ever wanted personally and maybe it just got to be about passion and egos too. Roger would have been a handful on any given Tuesday right? Roger had passion and vision... and so did Oberto. If he [Oberto] had been able to
\end{quote}

\textsuperscript{214} personal communication Aug 7, '09
get Roger onside he would have swayed a lot of people over. Done deal! Huge strategic mistake!\(^{215}\)

Thus, according to this official, having a powerful local ally like Roger Madson could potentially have been decisive for Jumbo Glacier Resort, potentially underlining the importance of individual personalities / egos in the renown model of justice. Such arguments also register in the domestic order of worth, where local ties, direct personal connections, even kinship bonds are recognized as important determinants.

The EA director responsible in the end for granting Jumbo Glacier Resort its approval noted in our interview that the proponent “alienated people” and “should have spent money on a consultant instead of thinking he could do it all himself”. The director noted that the approach to First Nations was particularly unsophisticated: “the divide and conquer strategy was noted by the Ktunaxa and some in government and made the project extremely unpopular.”\(^{216}\)

### 5.7.3 Reflections on public opinion in the review

Supporters of Jumbo Glacier Resort deploy a flexible strategy with relation to the renown model of justice. On the one hand, they work to dismiss the notion that there is overwhelming opposition to the resort and to show the strength of support. On the other, there seems to be some recognition of the decided unpopularity of the project at least amongst a relatively sizable population. Thus, the proponent also tends to both discount the public and more generally to discount the merit of popular opinion as a decisive factor in EA decision-making. The supporters frequently assert that the process is not to be conceived of as a popularity contest. Vice-President Grant Costello argues that “public

\(^{215}\) personal communication Nov 16, 2009

\(^{216}\) personal communication Oct 8, ’10
input does not mean public opinion. Government is obliged to get the public’s input but this should be limited to specifics of the project at hand. On the other hand, the opposition asserts that while popular opinion should not be automatically justified, in this case informed opinion along with other important arguments should be accredited.

5.7.4 Post-script: how public opinion was treated in the EA

Before moving on, it is interesting to reflect on how public opinion was considered within the review process by government officials. While there are provisions for public input in the EA process, there is little guidance as to how such input informs decision-making. The CORE process defined that the EA of Jumbo Glacier Resort would have to provide for public involvement “to ensure all values and perspectives [were] fully considered in the final decision” (BC CORE 1995).

The public was included in the process in at least three ways. First, a number of formal opportunities were open to all interested citizens. Comments were solicited at open houses and through mail and email (a novel format at the time) during the initial review of the application (the CASP Master Plan) in 1995; during the development of the draft Project Specifications (i.e. terms of reference) in 1996 through to their final release in May 1998; and then during the review of the final project report for 60 days starting in February, 2004. Secondly, some members of the public participated more directly through the Public Advisory Committee (PAC). The high level of public concern had prompted the executive director to take the unprecedented step of invoking a provision in the 1994 Act that allowed for the formation of such a committee consisting of representatives from a variety of special interests, formed with the intention of ensuring

217 personal communication Jul 20, '09
effective public input in developing the terms of reference\textsuperscript{218}. A third area included various public efforts outside the formal process (e.g. in letters to the editor, rallies, road blockades etc.) which, according to one supporter of the resort, had sent “a clear message to decision makers.”\textsuperscript{219}

It does not automatically follow that opportunity for public input equates with influence on decision-making. Indeed, many supporters of more democratic planning practices are openly doubtful that the participatory or communicative turn in planning represents much more than just tokenistic efforts or public relations exercises elaborated through Arnstein’s (1969) “ladder of participation”. Some critics, for example, suggests this approach often represents little more than a talk shop unable to sufficiently guard against demagoguery, powerful interests dominating the agenda and neglecting minority voices (Callicott 1999, Eckersley 2002, Fainstein 2000, 2005). Fainstein notes that “democracy is desirable but not always”, concluding that participatory processes are not ipso facto superior to other approaches (2000:461).

EA project director Ray Crook discussed how he had approached public input in our interview. He first emphasized that the EA process was not to be imagined as a referendum. While he thought about recommending a referendum he eventually advised against it believing that it would discredit the whole process and would become a

\textsuperscript{218} Participants in the PAC included environmental groups, tourism promoters, the Columbia Valley Chamber of Commerce and a local ski club. The proponent noted that the PAC was comprised principally of opponents to the resort (JGR 2008: Approval Story). However, the Project Director disagrees with this assessment, noting he tried to include a range of opinions in this group to inspire vigorous debate. A true reflection of public interest, according to him, would actually include a greater proportion of opponents (personal communication May 12, '10). Still, an exasperated Jacqueline Pinsonneault felt her position on the Project Advisory Committee was merely tokenistic, that her efforts had been a "complete waste of time" and that she had been "completely used by the process" (personal communication Aug 12, '09)

\textsuperscript{219} personal communication Jul 16, '11
“crapshoot”. For director Crook the EA process, which considers the issues one at a time drawing upon relevant experts was a better approach. ²²⁰ He insisted to me that public concerns were taken very seriously, with the project committee ensuring that the proponent considered and responded to each one to their satisfaction. When the final recommendation would be sent through to the Ministers for a decision, a specific set of briefing notes would register public opinion. In the case of Jumbo, Mr. Crook observed, “There was no need to tell the Minister – the opposition was huge and everyone knew it. There was only one other EA that generated more negative feedback – the Windy Craggy Copper Mine project up in the Tatshenshini-Alsek.”

Martyn Glassman who was the director in charge at the time of the approval echoed these sentiments. He told me that the EA was not to be a popularity contest, that the public opposition was registered, analyzed and reported on but that “despite the large opposition, the EA process was to focus more on the substantive issues not just that someone doesn’t like the resort.”²²¹ Mr. Glassman elaborated that he felt that the opponents in the Jumbo case had been “successful in creating the impression that there was great opposition” but he was not convinced. He argued that the opponents should have focused “more on the substance – the sophistication of the argument – and less on making noise.” He also noted that one had to take the context of the East Kootenay, with “its longstanding activism around conservation – with the Purcell Wilderness and all - into consideration.” Continuing in this vein he admitted that he was more sympathetic to those in the West Kootenay “who seemed to have purer motives” than the more “self-interested”, “disingenuous” and “hypocritical” in the East Kootenay. For director

²²⁰ personal communication May 12, ’10
²²¹ personal communication Oct 8, ’10
Glassman the bottom line was “that this was the only place you could drive your VW up into wilderness and so the development was offensive. There’s no dearth of such wild places, just none so easily accessible.”

Archie Riddell, who was in charge of the file at the time when the renewal certificate was granted, added that public opposition per se was not considered in much depth at the EA level. Like the other directors, he observed that it would be documented but noted, “It’s really at the Ministry level that public opinion (by itself) is looked at...of course public concerns such as grizzly bear impacts are considered at the EA level.” Mr. Riddell, like Mr. Glassman, dismissed the unarticulated opposition recounting, “When opponents come and say ‘I hate this project’, I respond ‘can you for the record tell me what it is that you don’t like?’ and they usually can’t articulate it.”

A government official at BC Lands provided the following response to my specific question about how public sentiment around “aesthetic concerns” or “wildness” was treated in the review:

That’s one of the hardest questions. With respect to wildness there’s a balance between what is legitimate concern for an area and what is ‘I don’t want this – I’m in – close the gate... I mean we would try to break it down. Like in this case many people were like “save the Jumbo Pass”, so we worked through the planning process to remove ski lifts so hikers wouldn’t have to see them... So those are small-scale compromises.

Indeed, compromise is held up both by government officials and the proponent as the solution to the Jumbo struggle. The allegedly significant concessions that have been made to respond to public concerns were pointed to frequently in my interviews. We can

222 personal communication Oct 8, ’10
223 personal communication May 14, ’10
224 personal communication Dec 8, ’09
discern a number of compromises with respect to the scale of the resort, aesthetics, environmental protection and First Nations issues (as presented in Table 5-6).

Table 5-6 - Concessions in response to public concerns as included in Jumbo Glacier Resort Master Plan

<table>
<thead>
<tr>
<th>Jumbo Glacier Resort Concessions</th>
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<tbody>
<tr>
<td>• Undertaking a visual impact assessment which led to design changes</td>
</tr>
<tr>
<td>• Removal of ski lifts ensuring no physical access to the popular Lake of the Hanging Glaciers from the resort area and reducing visual or physical impacts on recreational use of the popular Jumbo Pass area.</td>
</tr>
<tr>
<td>• Reduction of the size of the resort including: reduction of the overall lift system carrying capacity by half, contraction of the resort base area (to being the most compact resort base in BC), reduction of the overall bed base and reduction of the overall &quot;Controlled Recreation Area&quot; to less than half (from 14,866 ha to 5,925 ha) including the removal of the most sensitive (to wildlife) area in the lower Jumbo Creek</td>
</tr>
<tr>
<td>• Careful design of access roads to minimize environmental impacts, cost and traffic speed and encouraging the use of free shuttle buses</td>
</tr>
<tr>
<td>• An employment equity plan to ensure preferential hiring of locals and First Nations</td>
</tr>
<tr>
<td>• Comprehensive environmental management plans and on-going monitoring (including: Grizzly Bear Management Plan, an Erosion and Sediment Control Plan, a Water Management Plan, a Solid Waste Management Plan, A Liquid Waste Management Plan, an Air Quality Protection Plan and a Spill Contingency Plan).</td>
</tr>
<tr>
<td>• Including a First Nations Interpretive Centre and Environmental Monitoring Centre at the resort</td>
</tr>
</tbody>
</table>

Opponents of the resort have unanimously rejected such concessions. To my question about the proponent’s willingness to compromise, Meredith Hamstead responded:

No Jumbo Glacier Resort period. Go away. We didn’t ask for you to reduce the size of your resort. That’s for your benefit, not ours. And not to the benefit of any of the creatures that utilize that landscape, including the humans. There was a big push on the part of the developer leading up to the environmental assessment certificate approval that we have downscaled, we are negotiating, you are not. And our response was flat out “No Jumbo Glacier Resort” and there’s no room to move on that. \(^{226}\)

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\(^{225}\) Source: Glacier Resorts Ltd. (2007)

\(^{226}\) personal communication Mar 1, ’09
When seen in the wider context of development pressures in the area and more generally in the province, the opponents justify taking a hard-line approach rejecting the promise of compromise. As fellow opponent Jim Galloway notes, "It already is a compromise. There's some low-key recreation, a bit of logging approved by Forestry. Nothing more. No building. No habitation. No more compromise."\(^{227}\)

From this short survey of government officials, we note that from government's perspective the review is clearly not a popularity contest but public opinion is considered. Distinctions are made between "legitimate" public input, which can be incorporated into the review and more "inarticulate" opposition, which is reported on and presumably included in the political calculation at the Ministry level. Compromise is the expected solution to issues of public opposition, which has unfortunately for decision-makers been rejected in the Jumbo case.

\(^{227}\) personal communication Jul 23, '09
5.8 Green Model of justice

Up here you have the connection with the Animal Spirits and particularly the Grizzly Bear. Grizzly Bear is the Chief up in these mountains.

- Chris Luke Sr., Ktunaxa Nation

While the term is notoriously ambiguous, it is safe to say that many arguments in this case make some reference to “green” justification228. One of the key findings of this thesis is that claims to sustainability are articulated with a variety of grammars of worth. While Thévenot et al (2000) consider ‘sustainability’ under the “green” heading in their essay, I have been arguing that sustainability reflects a complex assemblage of interdependent elements registered in these other models of justice. The challenge resides in teasing apart “green” and “sustainable” and in determining whether a separate green model of justice makes sense and if so what kinds of arguments it registers.

In judging whether or not a green model of justice is redundant, we need to discern dimensions not sufficiently articulated by other grammars of worth. For example, arguments referencing some kind of emotional or spiritual connection to the environment are already registered within the inspiration model of justice. Registered in the civic model of justice are concerns with the adverse environmental effects of over-accessibility

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228 One indication of the exceptional ambiguity of this term is the frequency with which it is presented in quotes, including within Thévenot et al 2000. While the perspectivist ontological commitments of this present work occasions the imagination of quotes around all of the concepts with which it deals, the term “green” seems particularly inviting for such consideration.
(from the opponents), challenged by the assertion that access to wild places will help cultivate environmental consciousness (from the supporters). Implied in the industrial model of justice are commitments to technical / scientific means for promoting long-term sustainability, while within the market justifications are concerns with ensuring sustainable development blending economic opportunity with minimizing environmental impact. One of the contributions of this present work to developing the models of justice framework is to assert the need for a spatial model of justice that registers arguments about the fit of the location for development, which also has obvious overlaps with a green model of justice.

Notably, a green model of justice was not included in the original formulation of Boltanski and Thévenot (2006) but rather added as a seventh particularly developed in the essays of Lamont and Thévenot 2000. Indeed Boltanski does not adopt this model of justice, but elects a different candidate for the seventh model of justice referring to global mobility and connectivity (Boltanski and Chiapello 2005). Boltanski does reference an aesthetic grammar around authenticity recognized, for example, in critiques of green consumerism. While capitalism has responded to ecological critiques by trying to incorporate these into new environmentally and socially responsible products and services, Boltanski and Chiapello (2005) recognize resistance not only based on doubts about the green credentials, but based on an aesthetic distaste for commodification itself.

For Thévenot et al (2000) the green model of justice registers arguments aligning the public interest with sensitivity to environmental issues and consequences, protection

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229 Lamont and Thévenot’s (2000) collected volume contains the first full elaboration of this model of justice in English. It had been developed (in French) in earlier essays: Barbier 1992, Latour 1992 and Lafaye and Thévenot 1993)
of wilderness, stewardship of environmental resources, cultivation of various attachments to nature, the land or the wild, recognition of the dependent relationship with the natural world and concern for future generations. Sub-headings in this section of the essay include “unique and endangered”, “untouched wilderness”, “wild places as heritage and habitat”, “native Indian attachments to sites” and “deep ecology”. This list represents a rather narrow interpretation of “green”. For example, the German Green Party represents a consolidation of the peace, democracy, women’s and ecological movements. However, using this narrower conception of “green” and following Latour (2004), we might identify the thread that links most of these concerns as an extension of moral consideration to non-humans. While many of the arguments for preserving the environment can be framed in economic or technical terms, we have come to recognize some intrinsic value in non-humans, something easily recognizable in Native cultures. For example, for the Sinixt the grizzlies, caribou, bull trout and other species are equal tribal members with people. To the Ktunaxa, the grizzlies agreed to share their land to which people owe the protection of the sacred Qat’muk area. Such a framing would register matters of concern in other “green” grammars such as Neess’s (1974) argument to preserve ecosystem health attending to vitality, self-organization and resilience (self-defence and ability to recover from stress).

For my purposes here, I find it useful to use a category that captures the (physical) ecological arguments as well as the environmental (aesthetic / authenticity) arguments such as identified by Boltanski and Chiapello (2005). While, for example other models of justice might argue for the preservation of the grizzly bear - i.e. inspirational arguments around emotional attachments; the arguments of renown around the charisma and
popularity of the bears; or technical arguments about the long-term planning around bears – there is something in arguing on behalf of the intrinsic value of the bears or ecosystems not entirely articulated in those other arguments.

A second example may further clarify the distinction. Climate change is an important issue in the Jumbo struggle. In the Jumbo case, climate change arguments are usually framed with respect to the project’s economic feasibility, registered with the market model of justice. To supporters, the potentially devastating impacts of climate change on BC’s ski industry are actually a reason to support this project, sited as it is favourably at a high elevation. Opponents, however, challenge the assertion that the four-season ski resort would not be impacted adversely by climate change. Ultimately, even if skiable conditions persisted in the Jumbo Valley it is highly unlikely that the industry would continue to be viable in an environment where most resorts had closed because of changing climatic conditions. However, environmental arguments not linked to economics are also asserted in the Jumbo struggle. Bob Campsall points out the adverse contribution to climate change of a project such as Jumbo Glacier Resort, identified as part of a no-longer-sustainable-system of overseas tourism. “Guests to the resort would fly into Calgary from far-flung places, drive the five hours out to the resort where they would be assisted by machines that aren’t going to be run by solar power. And then drive back to Calgary to fly home. This whole system is outdated and unsustainable. What’s green about that?”230 Such arguments can be registered by a green model of justice, recognizing value in the non-human world that is not exhaustively captured in the other models of justice.

230 personal communication Jul 21, ’09
For the most part the “green” categories found in Thévenot et al (2000) do not travel well to this case but afford interesting comparisons. Arguments around “unique and endangered” have some applicability in this case. The uniqueness of the place is mobilized in many different ways by both supporters and opponents. We have also explored the treatment of one particularly important potentially “endangered” species – the grizzly bear (in section 5.3.4). Arguments around “untouched wilderness” and “wild places as heritage and habitat” are relevant to the Jumbo case, but in a rather different sense given that the Jumbo Valley is not considered “untouched” but is represented (and contested) as “wild”. There are some obvious overlaps here with the locality model of justice. Given the particular centrality of Native argumentation in the BC context it is hardly justified containing such arguments to a single “Native Indian attachment to sites” sub-section in the “green” model of justice section as Thévenot et al (2000) have done. Indeed, a separate Native model of justice might even be warranted in deploying this model in BC (discussed further in section 6.1). Finally, “deep ecology” is not explicitly raised in the Jumbo case, although, as discussed elsewhere arguments expressing a deep spiritual connection to the environment are made.

This section briefly introduces the green (ecological and environmental) arguments in support of the resort and then engages these with the contrary imaginations of the opponents. In particular it explores in detail the struggle over the contested definition of this landscape as “wild” and its implications.

5.8.1 Green arguments in support of Jumbo Glacier Resort

Supporters provide three major ‘green’ justifications for the project. First, they assert that the valley is not very productive habitat after years of human use; second, that
the resort may even improve the environment through better management and through precluding hunting and other exploitive activities; and third, that drawing on state of the art technologies, compact design and rigorous management programs ecological impacts can be avoided, mitigated and / or otherwise minimized. Supporters argue that the focus on Jumbo Glacier Resort has distracted attention away from the other very significant environmental concerns facing the communities of the Columbia Valley. In the end, one supportive government official asks, “If not this kind of well-planned sustainable tourism then what?”231

5.8.2 Contesting “green” arguments

Opponents reject the supporters’ assertions, arguing that Jumbo Glacier Resort does not represent sustainable tourism in the first place, that while not pristine the Jumbo Valley is ecologically significant supporting among other species southeast BC’s grizzly bear population and that the resort’s transformation of the landscape would preclude not only ecological, but aesthetic, recreational and spiritual values. Opponents do not trust the planning and mitigation measures proposed.

In our interview, JCCS member Arnor Larson described the resort as “out of place” using a well-developed notion in geography (Cresswell 1996). “This is just not the environment for something like that”, he observed. “And the worst thing is the permanence of it. With logging, trees grow back. But with a resort it forever alienates this place and intrudes on the local ecology.”232 Jim Galloway echoed such sentiments and continued .“The problem is once they get their foot in the door, then there will be more

231 personal communication Nov 16, ’09
232 personal communication Jul 22, ’09
and more and more impacts on the environment back there. Conquering by degree. It opens this special place up to the insatiable appetite of modern society and there’s no turning back.” These comments conveyed a more common concern of loss and permanent alienation contrasted with sufficiency and respect for the existing natural realm.

While threats to grizzlies and wildness more generally seem the central arguments to be registered through a green model of justice, a number of other ecological and environmental concerns have been raised. Overshadowed by bears, impacts on other creatures such as mountain goats, wolverines and bull trout were raised in my interviews, especially with biologists. Potential impacts on water quality and particularly impacts of the development on the Toby watershed and the “internationally renowned” Columbia Valley Wetlands are high on the list of concerns.

The Ktunaxa consistently reflect that the protection of the environment is a responsibility passed on from Elders for millennia. They affirm this responsibility by asserting their role as speaking on behalf of the Grizzly Bear. A poignant scene in a short documentary video supporting the Qat’muk Declaration shows Ktunaxa Gloria Williams choking back tears asserting while looking across a forested creek that “we were given all this stuff to look after and to protect... You’ll feel it in your heart when you know”.

I sat with Sinixt spokesperson Marilyn James in a reconstructed pit-house at the site of an ancient community near the Vallican in the Slocan Valley. For six hours she described the Sinixt ‘green’ arguments, which are impossible to summarize here.

233 personal communication Jul 23, '09
However, in a follow-up email she summarized the relationship of her people with the environment as follows:

The way we see this area is critical habitat...a place that belongs to those that the humans have already taken so much from...those who have no voice and need us to let humanity know that they need these last free areas in able to survive and that their survival is also our survival...and it is our responsibility to do so.\textsuperscript{234}

At the core of the Jumbo struggle for opponents is wildness. Indeed “Keep Jumbo Wild” is the main slogan of the Jumbo Creek Conservation Society opposition. Exploring the struggle over “wildness” affords important insights.

5.8.3 Wildness

As introduced above (in section 5.1) supporters of the resort proposal have asserted that the Jumbo Valley represents a unique constellation of favourable geographic characteristics. One of the most important of these is the “fact” that the valley has witnessed a long history of human uses, which in turn has left it in a non-pristine even “industrial” condition. Supporters argue that since the land is already in such a state it invites further development. Indeed the character could actually be improved by this kind of land use precluding as it does other more exploitative uses. However, opponents vehemently reject this argument, claiming that despite its non-pristine condition the valley is still ecologically and culturally important in its “wild” state.

\textsuperscript{234} personal communication Aug 22, ’11
One effective way to explore this dimension of the struggle is through debates over the uses of images depicting this place. The pictures of the Jumbo Valley most easily accessed through media materials or a web search (e.g. Google images) present an alpine landscape with towering peaks and glaciers foregrounded by a montane forest wilderness, perhaps with a turquoise alpine tarn (see Figures 5-5 and 5-6). The image may be interpreted as a representative of what many within and beyond the borders of BC consider its supernatural attractiveness – adventure and wildness beyond the urban industrial experience of most who would have access to such an image. While such images have not been manipulated they cannot be considered simple, objective representations of the visual facts of the Jumbo Valley. The particular image above

(Figure 5-5) was featured on the West Kootenay Eco-Society’s website and labeled “Jumbo Village Site”. The political encoding is likely quite obvious. The image works to inspire an affective response in the imagined juxtaposition of a village and the glorious alpine landscape under the crisp, blue sky. It supports the discourse of “fallen” industrial culture encroaching on Edenic, pristine wilderness (Cronon 1996) recalling the cartoon “A Developer on Holiday” introduced above (in section 5.1).

Supporters have been quick to label the use of such images in environmental campaigns as blatant misrepresentation. The framing of this image invites the impression that the village is to be set on this forested alpine ridge in the foreground, which likely elicits a negative affective response from the viewing public in the context of discourses about deforestation, fragile alpine environments and wilderness aesthetics. The proposed site is actually not visible in this image (in the valley bottom below the principal peak). The proponent consistently points out that the village will be set on the site of an old, abandoned saw-mill with building expanding up the hillside along a logging road switchbacking up through an alder-overgrown clear-cut.

Responding to a promotional pamphlet distributed by the Jumbo Creek Conservation Society with a similar image of beautiful, alpine landscape (see Figure 5-6) the proponent accuses the group of blatant misrepresentation of “the true state of the Jumbo Creek Valley in order to raise public fears and unfounded concerns about the Jumbo Glacier Resort proposal” (Glacier Resorts Ltd 2004b). Glacier Resort’s own pamphlet (in response) notes how “not a single picture in the [JCCS’s] pamphlet shows the actual location or valley where the resort is proposed” (see Figure 5-7). The main photograph (Figure 5-6), which incidentally can be found on much JCCS material (and in

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running a Google Images search for “Jumbo Valley”), is apparently taken “from Jumbo Pass showing the east side of upper Jumbo Creek Valley, including Mount Karnak and Jumbo Mountain... [but] not the Jumbo Creek valley... where the resort will actually be located centered on an abandoned sawmill site”. Nor does it show “the extensive logging normally visible in the valley” (Glacier Resorts Ltd 2004b).

Figure 5-6 - Jumbo Creek Conservation Society promotional material criticized by Jumbo Glacier Resort for not showing the actual location of the proposed resort.

Figure 5-7 - Excerpted from Jumbo Glacier Resort’s own "Fact or Fiction" brochure that compares the Jumbo Creek Conservation Society’s image with an image of the actual resort location

Elsewhere Jumbo Glacier Resort’s pamphlet responds to the opposition’s claim that the Jumbo Valley is threatened by the proposal, noting again that the valley is never
actually shown in the opponent’s promotional material and “if it were, extensive logging would be seen”. Supported by Ministry of Forests data that nearly half of the valley is classified as “newly logged” or “young forest”, the proponent asserts that “the valley is not pristine and is therefore not “threatened” by the resort proposal” (Glacier Resorts Ltd. 2004b).

Exploring how the Jumbo is pictured throws into relief the contrary assumptions of the supporters and opponents of the resort, but also reveals a backdrop assumption that seems to denote some common interpretation. Through charging the opponents of misrepresenting the actual location of the resort and the conditions of the village site, the proponent seems to suggest acceptable constraints on an appropriate place for development. The proponent would not have objected to the marketing campaign alluded to above if they felt it appropriate to stage the development in the more pristine setting. Attention to the background of this struggle may reveal contours of some kind of consensus on the limits to growth in this time / place conjuncture. In that case, we have to complicate the cartoon “A Developer on Holiday”, by painting a landscape bearing more obviously the marks of human activity.

Glacier Resort Ltd. has used a very different set of images to portray the allegedly “true” state of the valley. Project manager Oberto Oberti, in a presentation to the EA project committee at its very first meeting (Aug 2, 1995) pointed out that the Jumbo was “the most intensely used valley in this part of the Purcells” characterized by logging, mining and “heavy” recreational use. He supported his presentation with a number of
images, similar to the ones that follow, to show the “true” conditions of the valley (see Figures 5-8, 5-9 and 5-10\textsuperscript{236}).

\begin{figure}[h]
\centering
\includegraphics[width=0.7\textwidth]{figure5-8.jpg}
\caption{Figure 5-8 View of proposed resort site.}
\end{figure}

\begin{figure}[h]
\centering
\includegraphics[width=0.7\textwidth]{figure5-9.jpg}
\caption{Figure 5-9 Tailings Pond near Mineral King Mine Site.}
\end{figure}

\textsuperscript{236} These and similar images taken since can be viewed in the “environment” photo gallery on Jumbo Glacier Resort’s official website: http://www.jumboglacierresort.com/gallery/environment.html. Image 5-8 shows evidence of extensive use of the Jumbo Valley. Of image 5-9 the proponent notes that this is the forward staging area for the heli-ski operator. The original caption linked to Figure 5-10 invites the reader to notice the high quality forestry roads that allow “comfortable access by a normal car...the environmental impact of upgrading the existing roads to a two lane paved road will be small”. The image also highlights the clear-cutting in the valley.
By way of summary, the following text accompanies these images on Jumbo Glacier Resort’s website:

This is easily the most suitable valley in North America to support year-round skiing in a sustainable manner... It would afford the unique opportunity for economic diversification in a location where further physical and ecological changes to the environment will be minimal, especially in the context of a compact resort base (40 acres) and single-family vacations homes (238 acres) in a 14 km long heavily logged, mined and used valley.\(^{237}\)

An exchange between resort lead Oberto Oberti and journalist Bruce Kirkby over photos used in the latter’s story on Jumbo provides us an opportunity to bring this debate clearly into focus. In what follows I have provided a set of images and comments made about them.


\(^{238}\) source: http://m.theglobeandmail.com/life/travel/views-from-the-valley/article1913279/?service=mobile
The original caption for this image (Figure 5-11) reads “Glacier Resorts wants to install a gondola, two chairlifts and base infrastructure to open the high alpine to skiers”. According to the proponent this is “a picture of Commander Glacier with a very distant view of the top of Jumbo Mountain from the Farnham Creek Drainage, showing one part of the area of the master plan that will never be disturbed with resort development, and where the single lift line proposed in the master plan would disappear in the distance. The picture is also taken… in a clever manner in order to avoid showing any of the logging going on in that drainage.” (Pheidias Project Management Corp. unpublished [2011]).

![Image](image.jpg)

Figure 5-12 Image 2 from Globe and Mail Article

This image (Figure 5-12) is captioned “In Jumbo Valley, adjacent to the proposed resort site. The “virgin” untrammeled powder conveys an innocence that might be lost with the development. The proponent responds to the use of this image with the following: “[This image] is not showing any part of the jumbo Valley adjacent to the proposed site (the saw mill site, easily recognizable by the logging and debris). The picture appears to show a small part of the high alpine terrain where the heli-skiers start their descent into Jumbo Valley, and it is carefully angled to show absolutely nothing of the main valley drainage.” (Pheidias Project Management Corp unpublished [2011])

239 source: http://m.theglobeandmail.com/life/travel/views-from-the-valley/article1913279/?service=mobile
5.8.4 The trouble with Jumbo Wild

Reference to the work of Bill Cronon helps to further understand the struggle over the appropriateness of this place for development. Cronon’s 1995 “The Trouble with Wilderness” appeared in the New York Times Magazine and inspired much critical attention and controversy. This and other essays in the collected volume *Uncommon Ground* elaborate in different ways the insight that “nature” (and “the environment” and “wilderness”) have long, complicated cultural histories and do not constitute a realm apart from humanity but in fact are “deeply entangled with the words and images and ideas we use to describe them”. Different people in different times and places (indeed different people in the same time and place) may imagine natural environments in very different ways. To Cronon this social constructionist argument “hardly seems a radical proposition” and is “so obvious that one might regard it as a truism” (i.e. as reflected in the cartoon “Developer on Holiday”) (1996:20). Yet, the original article provoked a hostile reaction from many environmentalists. Cronon suggests three possible reasons why this notion had been found so threatening and objectionable.

First, since “nature” has often been asserted as an uncontested, transcendent category of the Platonic good, the argument that it is actually a human idea may undermine efforts to protect it. Cronon explains:

As soon as we label something as “natural” we attach to it the powerful implication that any change from its current state would degrade and damage the way it is “supposed” to be... So one problem with asserting “nature” is as much a human idea as a non-human thing is to undermine the uncontested nature of nature. If what we mean by “nature” reflects our own assumptions about the world around us, we must offer much subtler arguments to defend our beliefs about what we should and should not do with that world. It is not nearly enough to assert that something is “natural” and assume that this will end all discussion on what is to be done. (Cronon 1996:21)
So the proposition that “nature” is actually a human idea implies that it cannot be used as an automatic trump card in environmental governance, which in turn demands that those looking to protect the environment need to provide more nuanced argumentation, which has direct bearing on the present case. For his own part, Cronon (1996: 21) advocates a dialogical approach, since “much as we might long for a world in which our own ideas were self-evident truths and those of our adversaries were false and downright evil, the world we actually inhabit almost never works this way”. However, as I have also argued above, this more sophisticated epistemological position may be strategically weaker and construed as threatening to environmental advocates.

A second possible explanation for the hostile reaction relates to the (mis)conception that in suggesting nature is an idea, Cronon is asserting that it is only an idea. In response, he notes that both the notion that the world is made up of pure matter, objectively real plants, animals and landscapes unaffected by our ideas and the notion that it is a pure idea, fantasy, invention with no referent to anything outside our heads are equally absurd (Cronon 1996: 21). The concern with nature as a (mere) idea (and nothing else) reflects the fear of relativism: i.e. if nature cannot be described in an objective, unmediated way and can be variously represented then its meaning is up for grabs and by extension we have no firm foundations for protecting it. However, the assertion that there are many ways of imagining (and using) nature does not automatically imply that there are no means for making normative distinctions between various imaginaries. Cronon does not provide insight into how such evaluation is to be undertaken (apart from suggesting that we carefully explore the complex relationship between the world in our head and the world on the ground) however we can imagine some form of democratic
deliberation as the method. The perspectivist approach we have been developing fits in here.

Cronon suggests a third related explanation for the objection by environmentalists to the proposition that nature is “merely” an idea. Such a nuanced argument can easily be lost and misrepresented in a time when “political struggle favours extreme [polarized] positions and sound bites... when you’re either for the environment or against it”. In such a context more challenging and self-critical ways of framing the discussion may be threatening and “lend aid and comfort to the enemy” (Cronon 1996: 22). Even if it were true that nature is just an idea, it is not very strategic for someone sympathetic to the protection of ecosystems to publicize such a claim. The essays of *Uncommon Ground* try to make the case that despite the potential for misappropriation, understanding the social construction of nature is critical for a renewed environmentalism.

To understand why, we should explore the argument made in “The Trouble with Wilderness”. Cronon (1996: 69) provocatively opens the essay with the heretical idea that “the time has come to rethink wilderness”. He anticipates the hostile reaction of the environmental movement, for whom the protection of wilderness is arguably a central tenet, in the following excerpt:

For many Americans wilderness stands as the last remaining place where civilization, that all to human disease, has not yet fully infected the earth. It is an island in the polluted sea of urban industrial modernity, the one place we can turn for escape from our own too-muchness... the best antidote to our human selves, a refuge we must somehow recover if we hope to save the planet. (Cronon 1996: 69)

Cronon’s essay takes aim at this imagined binary: of pristine wilderness on the one hand and infected, polluted society on the other, instead asserting the unnaturalness
of wilderness. He goes so far as to reject the claim that wilderness is the antidote or solution even arguing that “wilderness itself is no small part of the problem” (Cronon 1996: 70). How is he able to make such a claim?

Before he elaborates his argument, he clarifies that the non-human world we encounter in “wilderness” is not merely an invention. Furthermore, he acknowledges that he celebrates the power and beauty of wild places pausing in the essay to recall the feeling of mist on his face; the rich smell of pines; “the small red fox... that ambles across your path, stopping for a long moment to gaze in your direction with cautious indifference before continuing on its way”; “the feeling of something irreducibly nonhuman, something profoundly Other than yourself”. “And yet”, he notes, such reminiscence is entirely a cultural invention, a product of his own geographic and temporal context. “Wilderness” in other times and places would be imagined very differently, for example, as a “waste” etymologically the word’s nearest synonym (Cronon 1996: 70). A shift in interpretation is evident in BC’s forestry history. Where Old-Growth forests evolved in the popular imagination from “wasted, rotting assets” to symbols of the sublime (Braun 2001, Wilson 1996). Cronon’s essay provides a more general genealogy of the concept “wilderness” exploring how it has been variously represented up to the quasi-religious significance it holds for environmentalists today: as “the standard against which to measure the failings of the human world”; “the place of freedom in which we can recover the true selves we have lost to the corrupting influences of our artificial lives”; “the ultimate landscape of authenticity... the place where we can see the world as it really is, and so know ourselves as we really are – or ought to be” (Cronon 1996: 80).
It is at this point that we come to the crux of the argument: what the trouble with wilderness is. Cronon warns that the perpetuation of this binary of authentic nature and corrupting culture leaves us “little hope of discovering what an ethical, sustainable, honourable human place in nature might actually look like”. Even worse, “to the extent that we live in an urban-industrial civilization but at the same time pretend to ourselves that our real home is in the wilderness, to just that extent we give ourselves permission to evade responsibility for the lives we actually lead” (Cronon 1996: 81). Thus, Cronon’s contempt is not for places we call wildernesses or protecting large tracts of land but the dualistic thinking that would allow a member of the eco-radical Monkey Wrench Gang to litter bottles in the ditch claiming that the land had already been forsaken. Furthermore, and with direct relevance to our case, Cronon notes how “wilderness” erases Native presence off the landscape. The virgin “wild” New England landscape discovered by Europeans turns out to be an indigenous cultural landscape full of meaning, stories and interrelationships.

Cronon’s theorizing can usefully illuminate the struggle over “wildness” in the Jumbo Valley. At one level, the proponent, supporters and government officials seem to accept the dualistic thinking that Cronon rejects. The condition of the Jumbo Valley after years of recreational and industrial use is provided as a key argument in favour of its development. As cited earlier project manager Oberto Oberti asserts that the Jumbo is:

...easily the most suitable valley in North America to support year-round skiing in a sustainable manner... It would afford the unique opportunity for economic diversification in a location where further physical and ecological changes to the environment will be minimal, especially in the context of a compact resort base (40 acres) and single-family vacations.
homes (238 acres) in a 14 km long heavily logged, mined and used valley.\textsuperscript{240}

This argument in favour of the development accepts the binary Cronon interrogates. The Jumbo might have deserved protection if it were pristine nature but in its current state it represents a “fallen”, “industrial” landscape and merits development.

While some of the opponents to Jumbo Wild have claimed they were protecting “pristine nature”, most conceded that the valley was not pristine. For the most part, whether or not they wanted to, the Jumbo Creek Conservation Society has not been able to rely on the “pristine nature as uncontested good” argument to support the protection of the Jumbo Valley. The opponents have mobilized a wide range of economic, social, cultural and ecological-based arguments against the proposal and one of the most consistent involves keeping Jumbo wild.

“Wild” according to the Jumbo opponents refers to the condition of no permanent settlement, involving (for the most part) self-propelled recreation and remaining untamed by development. Bob Campsall observes:

Its funny how words become so important. We have been criticized many times because of the word “pristine”. Most of us have never used the word “pristine”. We all know there have been big mines back there, big logging camps, but nobody has ever tried to live up there for more than a trapping season… The place is not pristine but wild… and wild simply means a place where human habitation has not infringed upon the natural wildlife, flora and fauna to the extent that it can’t recover. A wild place would have bears. A wild place would not have a whole bunch of summer homes around it.\textsuperscript{241}

Campsall distinguishes not between places touched or untouched by humans but between places inhabited or uninhabited by humans where wild flora and fauna can still recover.

\textsuperscript{240} Glacier Resorts Ltd. at: www.jumboglacierresort.com/gallery/environment.html
\textsuperscript{241} personal communication Jul 21, '09
The former has a “whole bunch of summer homes around it” and the latter has “bears”. In a similar vein the former editor of the *Valley Echo* (Invermere-based newspaper) Ian Cobb notes:

Jumbo is not pristine but it is ecologically viable. I’ve been to every drainage in this area and I would say Jumbo is one of the most scenic. They are all compromised by logging or mining to some extent. Some are apocalyptic to look at. It’s not pristine by any stretch of the imagination but it’s sure a hell of a lot nicer than White River or the back end of Lucier or Coyote Creek… In all of Southern BC there is no strip of wilderness like this left… You can walk from St. Mary’s [Wilderness near Kimberley] all the way to Glacier National Park – three days walk – without encountering any habitation save a few heli-ski cabins and emergency shelters. Jumbo is right in the middle of that.

Like Campsall, Cobb concedes that the Jumbo is not pristine but notes that compared to many other drainages in the area is ecologically viable and remains scenic (as opposed to apocalyptic). He also identifies lack of habitation as a condition of wildness.

The most sustained discussion of the meaning of “wildness” came in a series of articles, responses and letters to the editor in the *Valley Echo* in November 2008. The first article written by Lindsey McPherson was entitled “So, what is wild to you?” The article was written in the wake of an opinion poll undertaken by McAllister Opinion Research that asked respondents if the Jumbo Valley should be kept wild or if the resort should proceed. Glacier Resorts Vice-President Grant Costello rejected the poll, which found that 65% of residents wanted to keep the valley wild challenging that it had been based on the false premise that the Jumbo Valley was “wild”. Costello noted “the Jumbo Valley is spectacularly scenic but it’s not wild and hasn’t been since it was opened up with roads from end to end and resource extraction began in the last century”. He further

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242 personal communication Aug 24, ’09
noted the valley “continues to be logged and is being overrun by 4X4s and off-road vehicles” as well as being well-used by heli-skiers, snowmobilers and national team ski training.

The JCCS response to such charge was that Costello had conflated “wild” with “pristine”. Puzzled, McPherson sought a professional opinion with respect to the meaning of “wild”. Simon Fraser University wildlife biologist, Dr. Alton Harstad responded that it was difficult to find an objective, scientific definition for wild but did offer that it “could be defined by the frequency of humans in the area to one contact per day”. He further noted that areas that were logged could regrow and might be considered more “wild” while four-seasons resorts represent a continuous presence and the need to maintain clear-cuts (for ski runs). The article concludes with Dr. Harstad challenging the author and readers to describe what wild means to them.

A week later, JCCS member and long-time local mountain guide Arnor Larson took up this challenge writing a letter to the editor (Larson 2008). Larson consulted the Canadian Oxford Dictionary to find that “wild” means “(of an area of land) not cultivated or settled by people”. By such definition, Larson claimed, the Jumbo Valley was indeed wild contrary to Glacier Resorts’ assertion. He continued in a similar vein to Dr. Halsted that land had recuperative abilities, citing how parts of nearby Banff National Park had returned to a “wild state” despite a history of lumbering, mining, prisoner of war camps and a town of 2000 people. However, Jumbo Glacier Resort after it failed would not “biodegrade into the wild; too much concrete and steel for that”.

The important underlying messages here are that the argument that only pristine places deserved protection is flawed and that there is something exceptional about the
resort development that makes it particularly problematic vis-à-vis other uses of the valley. Meredith Hamstead articulated this popular sentiment amongst JCCS members: “Animals can deal with the occasional refuse pile, clear-cut or barely used resource road. Forests recover. It is the permanent alienation of the valley that is most offensive and destructive ecologically”. To Hamstead “in its current, wild state, the Jumbo has an incredible balance of values… human use, profit or whatever, ecology, community well-being. It’s not pristine. It’s not to be protected because it is pristine. It’s to be protected because it works. It works for all parties concerned the way it works today.” The current condition of the valley was “a textbook example of sustainability” where the environmental, the economic (“profit”) and the social (“community well-being”) were balanced.

So is this approach to the Jumbo Wild Cronon’s “ethical, sustainable, honourable human place in nature”? Or is the “wild” asserted by resort opponents only a slight retreat from the boundary of nature and culture that Cronon rejects? To supporters of the project the “wild” of the opposition is chaotic and unaesthetic. The proponent would promise a better “managed landscape” that would clean up the present excesses and create a more aesthetically appealing landscape for the guests of the resort. Yet this reframing of landscape confronts the “wildness” of opponents in another sense in terms of the inauthenticity of a tamed, commodified landscape of ease, safety and convenience. This struggle over wildness, enwrapped in the sentiment of authenticity and aesthetics is central to the Jumbo debate. One way that opponents attempt to resolve this debate is appealing to ecological science.

243 personal communication Mar 1, ’09
244 personal communication Jul 20, ’09
We have already explored the consideration of grizzly bears impacts (in section 5.3.5). Another important ecological argument relates to the project’s location within the larger Yellowstone to Yukon (Y2Y) wildlife corridor. Y2Y is a longstanding vision, promoted by a Canada-US charitable organization and partners, to maintain and restore the unique mountain heritage of a region stretching from the Yellowstone region of Wyoming to the Yukon. The Jumbo Valley is included in an important sub-region of this larger stretch, designated as the Cabinet-Purcell Mountain Corridor (see Figures 5-13). It stretches through southeast BC, Idaho and Montana and is one of only two corridors where large-range animals such as grizzly bears can move between the US and Canada. As such it represents a “critical linkage zone to reconnect grizzly bear populations in Canada, Northern Idaho and Montana through Central Idaho with the isolated bear

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population in the Greater Yellowstone ecosystem” (Y2Y 2010). While some portions of
this sub-region are protected, Y2Y notes that “this vital movement corridor is
increasingly fragmented by human activities and developments such as roads, forestry
operations, motorized access into bear habitat and subdivisions”. The Jumbo Resort is
singled out as particularly threatening to the maintenance of a healthy conduit for wildlife
across this major trans-boundary region.

5.8.5 Reflection on “green” arguments

In this section we considered a ‘green’ model of justice, recognizing important
linkages with other models of justice. While the concept is notoriously ambiguous, we
used a green category to register arguments that were dedicated to ecological concern and
an environmental aesthetic. Supporters have vigorously defended the ‘green’ merit of this
project. Indeed, supportive Cabinet Minister Bill Bennett predicted that this would be the
“greenest ski resort in the world”. However, opponents contest this notion. In particular
they advance the argument that despite the non-pristine character of the valley, its
“wildness” (i.e. lack of permanent settlement) needs to be preserved. This argument is
simultaneously framed in ecological and aesthetic terms. Jumbo Wild represents both
vital habitat (as part of the broader Y2Y region) and an important local community
resource. Finally, with respect to Cronan’s articulation we are compelled to explore
competing claims to what constitutes an honourable place for humans in nature. This
discussion is further complicated by outstanding Native claims to land in the province. Is
there an honourable place for any of us in BC, while this injustice persists?
6: REFLECTIONS

For a lot of people, it just really comes down to philosophy: do you like the idea or do you not like the idea? You know, it’s almost that simple... Do you think it’s a good or bad idea for our area?

- Invermere Mayor Gerry Taft

This dissertation told the story (or multiple stories) of the struggle over the Jumbo Valley within and around the environmental review of the proposed Jumbo Glacier Resort. This, in itself, is one of the primary objectives of the research. As Flyvbjerg (2000: 355) observes a good case study is a rich narrative, one that cannot be summarized in a few main results—“the story itself is the result” (Flyvbjerg 2002: 355). However, it is also intended that the detailed case study make a useful contribution to understanding other cases of environmental conflict and assessment. Aligned with theories of “naturalistic generalization” it is intended that this “thick description” will empower the reader to judge the extent to which the knowledge generated can be applied elsewhere (Geertz 1973, Lincoln and Guba 1985). The more competently I have been able to capture the unique details of this case, the more opportunities there will be for understanding other cases.

Immediately the research was motivated to discover why the proposal to develop Jumbo Glacier Resort, portrayed as the greenest ski resort in the world, attracted such intense opposition and why the government review dragged on for twenty years without
definitive resolution. The arguments and justifications of supporters and opponents of the project as well as the unique perspectives of different Native groups were carefully examined. The analysis put into relief the extent to which supporters and opponents of the project were able to argue plausibly across multiple dimensions that their perspective aligned with the public interest. It is intended that this effort provide a useful glimpse of BC’s political culture of sustainability in practice, the dynamic range of publicly contested arguments in support of sustainability in this geo-historical context.

In this final chapter I return to answer and reflect upon the research questions. I begin by reconsidering the analytical framework and the promise of marrying geography and (French) pragmatism in aid of understanding environmental conflict and assessment. I then turn to the question of how such intense conflict over the Jumbo Valley erupted and what can be learned from this struggle. I propose a new diagrammatic representation of sustainability that better depicts the tensions inhering in its contested articulation and summarize research findings about BC’s political culture in practice. Finally, I consider why the review was so confounded as to drag on for twenty years without resolution and reflect on decision-making in environmental assessment.

6.1 Marrying (French) pragmatism and geography

As noted above (in section 2.2.2) few geographers have engaged with philosophical pragmatism. Most explicitly, Barnes (2008) has shown how pragmatism might “be useful to geography” in affirming that ideas such as “place” should be understood as tools, deployed socially, provisionally, experimentally and openly. I have found no evidence that other geographers have deployed the French pragmatist “models of justice” framework. However, I have found it to hold great promise.
A pragmatic ethos demands that theories be useful, “helping us make our way as best we can in a universe shot through with contingency” (Menand 2001:360). Dewey famously argued that philosophical inquiry needed to worry less about the problems of philosophers and more about the problems of people (cited in ibid: 362). The analytical framework of the present study, which built on the model of Boltanski and Thévenot (2006), proved particularly useful for making sense of the mess of arguments constituting the struggle over the Jumbo Valley, focusing carefully on how disputants creatively draw upon the various models of justice to legitimize positions. Attending to the range of representations of the public interest and sustainability across the different models of justice provides a nuanced picture, transcending simplistic explanations and capture the nuance of ethical tensions constituting these conflicts.

Butler’s (2000) and Latour’s (2011) understandings of criticism proved useful and can guide geographers working in a pragmatic mode. Recall, Butler’s (2000) assertion that social criticism is not to be deployed “to evaluate whether the objects – social conditions, practices, forms of knowledge, power and discourse – are good or bad, valued highly or demeaned, but to bring into relief the very framework of evaluation itself”. This subjecting of evaluation itself to analysis - in the form of arguments, justifications and denunciations – guided this analysis and could be usefully applied elsewhere. For his part, Latour persuasively argues that conventional critique has run out of steam, colourfully asserting that:

while the hammer of critique... [was able] to break down walls, destroy idols, ridicule prejudices” it cannot: ...repair, take care, assemble, reassemble or stitch together... Its limitations are greater still, for [it] can only prevail if, behind the slowly dismantled wall of appearances, is finally revealed a netherworld of reality. But when there is nothing real to
be seen behind this destroyed all, critique suddenly looks like another call to nihilism. (Latour, 2011: 4)

The sociology of critique approach, as deployed in this research, instead encourages the geographer to explore the construction and contestation of the public interest itself. Researchers, decision-makers and citizens are encouraged in this direction to be part of the project of (re-)composing the world (Latour 2011), engaging in rather than seeking to evade difficult public conversations necessary for creating desirable and durable futures (Gibson et al 2005).

While pragmatism offers great promise for geographers, I would further assert that geography has much to offer in further sharpening this pragmatic framework. I employed the models of justice categorization not as an ontological representation of social reality but rather as a useful tool for making sense of this case. Through a geographical sensibility, I was able to adjust the framework to be more attentive to this particular geo-historical context. I draw the reader’s attention to three fruitful possibilities in marrying (French) pragmatism with (political-environmental) geography.

First, the present case revealed how a geographic perspective was able to bring a rich, spatial dimension to enhance existing models of justice within the framework. For example, thinking geographically broadens the scope of the civic model of justice from questions of access in terms of inclusion in public processes to also considering accessibility in geographic terms. In the Jumbo case, arguments over physical access to the valley were central: what was the right level of access? As well, a geographic approach can inform the inspiration model of justice (which registers arguments supporting emotional and spiritual connections) to attend to the important realm of sacred
space (e.g. Qat’muk). Indeed, thinking geographically expands the possibilities for thinking through each of the models of justice as illustrated in Table 6-1.

<table>
<thead>
<tr>
<th>Models of Justice</th>
<th>Geographic concepts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market</td>
<td>economic geographies</td>
</tr>
<tr>
<td>Industrial</td>
<td>spatial planning</td>
</tr>
<tr>
<td>Civic</td>
<td>physical accessibility/ uneven development</td>
</tr>
<tr>
<td>Domestic</td>
<td>“sense of place”</td>
</tr>
<tr>
<td>Inspiration</td>
<td>sacred place</td>
</tr>
<tr>
<td>Renown</td>
<td>bounding “local” fame / opinion</td>
</tr>
<tr>
<td>Green</td>
<td>environment</td>
</tr>
<tr>
<td>Spatial</td>
<td>site, situation, scale, region</td>
</tr>
</tbody>
</table>

Second, while there are opportunities within the existing framework to register many geographic-related arguments, I assert that a spatial model of justice is able to register important justifications not easily captured by the other models of justice. Central to the Jumbo struggle were specific disputes about the propriety of this particular place for development (in terms of geographic site characteristics and relative location) as well as mappings and articulations of the “appropriate” scale and the bounding of the region. I found a spatial model of justice useful to register these important readings of space and about who is qualified to decide what a place is (as elaborated in section 5.1).
Third, recognizing the importance of context the geographer would be attentive to the possibility that different models of justice may apply in different geo-historical situations. For example, in the context of contemporary BC, an Aboriginal model of justice may be justified. While many of the arguments of the Kinbasket-Shuswap, Sinixt and Ktunaxa could be registered within the other models, I could have deployed such a model to organize the unique legal, cultural and spiritual arguments of the Native peoples of this province, which might have potential application in other settler societies.

So, flexibility and adaptability should guide the application of the model developed by sociologists working principally in the French context. There are many opportunities for future refinement, but this research supports the contention that geography and the French pragmatist model of critique have much to offer each other in building a robust platform for exploring environmental conflict.

As a pioneering effort, this research will hopefully guide future attempts at mapping justifications in environmental conflicts, which in turn will further refine this analytical tool. Specifically, my own intended research program involves further exploration of contentious land use cases in BC and further afield whereby all actors attempt to mobilize sustainability on behalf of their positions. I am particularly interested in further refining the spatial and green models of justice and exploring how an Aboriginal model of justice might be articulated. As well, I intend to further elaborate how a pragmatic ethos may help inform deliberation and decision-making in environmental assessment.
We turn now to answer and reflect upon the case-specific questions guiding this research.

6.2 Why the conflict?

While proclaimed to be the greenest ski resort in the world, the Jumbo Glacier Resort proposal has been fiercely opposed over the past twenty years. The simplest explanation for the conflict is that a sizeable, well-organized group of antagonists – Native and settler – has not trusted the qualification of this project as appropriate, sustainable development for this particular place by the proponent and government. The review process was unsuccessful in achieving some kind of workable consensus. The lack of trust in the mechanisms of governance led opponents to venues outside the formal review process (e.g. direct action campaigns). Twenty years later, an exhausted, bitter and somewhat divided community lies in the wake.

In their analysis of sustainability assessment Gibson et al (2005:123) observe that environmental conflict is likely even in “less contested circumstances where all parties are broadly committed to the pursuit of sustainability”. This research partially confirms the authors’ assertion that conflict is evident in such cases. However, while these conflicts are becoming in some sense subtler and the distance between positions seemingly narrowed with broad if superficial agreement on many of the terms, the contests remain intense and potentially costly and damaging to communities. The “war of the woods” era of clearly defined positions and obvious battle lines seems to have receded, but environmental conflicts remain heated in the province. The argument

246 Although struggles around controversial mining projects in some sense take on that character (e.g. Taseko Prosperity Gold-Copper Project, Raven Underground Coalmine).
analysis undertaken here revealed the multitude of ways that disputants were able to present publicly defensible reasons for supporting or rejecting the project. All sides were able to mobilize plausibly a vision of what this place is and what its sustainable development entails.

Not unlike Invermere mayor Gerry Taft’s suggestion (in the aphorism above) that the Jumbo controversy came down to “Do you like the idea or do you not like the idea?”, pragmatist philosopher William James once suggested that philosophical disputes could be represented as clashes of human temperaments (1987 [1910]: 11). As Menand (2001: 352) puts it, “People reach decisions, most of the time, by thinking. This is a pretty banal statement but the process it names is inscrutable”. James noted that disputants tried to “sink” the fact that their positions were thus founded because “temperament is no conventionally recognized reason”. Instead they produce “impersonal reasons” to bolster their positions. In this way, they imagine into being a world, which aligns or collides with other worlds in public disputes. Founding the world on his or her temperament, the disputant believes in representations that suit it and conversely imagines those “of the opposite temper to be out of key with the world’s character”. The other is rendered as incompetent or “not with it” (James 1987 [1910]: 11). Conflict is viewed as deriving from ignorance rather than competing, legitimate worldviews (Stone 2002: 306). In the Jumbo case, supporters consistently denounced the resort opponents as being ignorant of the facts, as misrepresenting or making unsubstantiated claims and vice versa. Talking past one another, there were few opportunities for reasoned engagement of valid but competing perspectives. Those swept up in the Jumbo struggle with different temperaments and intuitions came to self-identify as supporters or opponents of the
project and then assembled different arguments based on the dynamic cultural models available in this political cultural context.

This research sought to make sense of these discursive and material resources available, the creative means for asserting what this place is and what its sustainable development represents. While “anything can be made to look good or bad by being redescribed” (Rorty 1989:73), the models of justice approach adds a useful layer to this analysis by directing us to attend precisely to these constraints on redescription imposed by the range of available positions and publicly acceptable arguments.

In what follows I summarize how opponents attempted to legitimately denounce Jumbo Glacier Resort while asserting their own vision of sustainability. I then summarize the proponent’s arguments and reflect on why such intense conflict erupted and on what we can learn from the struggle. It is here that I summarize what the study reveals about BC’s political culture of sustainability in practice.

### 6.2.1 Contesting sustainability in the Jumbo Valley

Supporters and opponents of Jumbo Glacier Resort drew on a range of arguments that could be registered across each of the models of justice, derived from my elaboration of the French pragmatic framework. Table 6-2 summarizes the disputants arguments, organized within the models of justice framework and shows how such justification was sometimes fully embraced and sometimes done so ambivalently.
Table 6-2 Summary of Models of Justice in Jumbo case (note: © - represents that the model of justice is fully embraced; % - represents ambivalence)

<table>
<thead>
<tr>
<th>Supports assert...</th>
<th>Opponents assert...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market</td>
<td>© - economic benefits blended with other social arguments</td>
</tr>
<tr>
<td>Spatial</td>
<td>© - unique constellation of supportive geographic factors; map relative to other recreational areas</td>
</tr>
<tr>
<td>Industrial</td>
<td>© - technical review as critical justification although review process politically compromised</td>
</tr>
<tr>
<td>Civic</td>
<td>© - process has included public input – sharing access vs. NIMBYism</td>
</tr>
<tr>
<td>Domestic</td>
<td>% - project fits locality but also argues against local parochialism / importance of provincial interest</td>
</tr>
<tr>
<td>Inspiration</td>
<td>% - excitement / uniqueness of resort while challenging anecdotal irrational arguments</td>
</tr>
<tr>
<td>Renown</td>
<td>% - level of opposition overstated but also that other arguments are more important (public has no veto)</td>
</tr>
<tr>
<td>Green</td>
<td>% - project has been planned to minimize impacts; potentially improve environment, precluding existing disruptive uses</td>
</tr>
<tr>
<td></td>
<td>© - unsuitability of location, map relative to wilderness areas</td>
</tr>
<tr>
<td></td>
<td>% - technical arguments important (although should not overwhelm other values) – review process politically compromised</td>
</tr>
<tr>
<td></td>
<td>% - process has not been equitable – physical access should not overwhelm other values – resort would alienate public land for private benefit</td>
</tr>
<tr>
<td></td>
<td>© - project rejected by locals who should have say – project not a fit with local “sense of place”</td>
</tr>
<tr>
<td></td>
<td>% - emotional and spiritual connection while recognizing limits of this strategy; Qat’muk Declaration</td>
</tr>
<tr>
<td></td>
<td>© - assert informed public opinion overwhelmingly against project; celebrity opposition</td>
</tr>
<tr>
<td></td>
<td>© - project’s ecological impacts would be unacceptable esp. on grizzly bears; wilderness aesthetic important; First Nations unique enviro concerns</td>
</tr>
</tbody>
</table>

The lens of a spatial model of justice illuminated the direct confrontation around the appropriateness of the Jumbo Valley for this development. Supporters argued that the Jumbo Valley represented a uniquely suitable geography featuring spectacular glaciated scenery; great conditions for skiing; accessibility by an existing road; proximity to other tourist and recreation destinations; all existing in one of the few remaining unprotected areas in the region with a long history of human use. The opponents, however, read the location in starkly different terms asserting it was uniquely unsuitable for development given its position as anchor habitat for the Central Purcells grizzly bear population and other wildlife; as being on the edge of the receding bear habitat in the wider Yellowstone
to Yukon region; as being too remote for the proposed business model to succeed; and as a valuable community resource that while not pristine was wild and important for humans and non-humans alike in its present state. Mapping, asserting the appropriate scale for consideration, naming and bounding the proper region were not innocuous technical exercises but intimately woven into the dispute.

With respect to the market model of justice, the proponent consistently asserted the economic benefits of the project, but almost always blended with social justifications, such as that the resort represented investment outside the dominant core of the province and would provide job opportunities for Natives and young people. Some opponents, who otherwise more or less accepted the importance of growth economics, rejected the specific economic justifications of this proposal. Many opponents were doubtful of the feasibility of the project, citing a range of factors including demographic change, ski tourism market saturation; and atmospheric and financial climate change as reasons that the project would not succeed and would end up burdening BC tax-payers. Even granting that the proposed project succeeded, opponents were highly doubtful that the cost-benefit analysis would work in favour of the local community. The Valley Echo editor Ian Cobb colourfully observed that the resort represented a “farcical billion dollar or so project, based on rapidly melting glaciers, catering to dwindling numbers of skiers who can’t afford to play on sinking established hills, let alone what would be an elite rich person’s playground”\textsuperscript{247}. Many opponents pleaded that alternative considerations (e.g. sense of place, ecology or informed local opinion) should supersede narrow instrumental interests

\textsuperscript{247} unpublished email, Aug 14, '09
anyway. To this extent they asserted sufficiency as the primary guiding principle for economic development.

With respect to the industrial model of justice (of techno-rational planning), opponents of the resort were ambivalent. On the one hand, many affirmed the importance of science, rationality and the law as firm bases for defending the ecological value of the valley and denouncing the project. Virtually all the opponents (like many of their adversaries) were cynical about the technical merit of the review process, claiming that it was thoroughly politicized (in a derogatory sense). Other opponents were concerned about the “rendering technical” of matters that did not lend themselves to such consideration: how were important values around ‘sense of place’ and ‘sacredness’ to be technically evaluated, for example? To opponents the process was not an effective instrument for ensuring long-term viability of the region. The planning mechanism (CORE) by which the appropriate values guiding land use in the Upper Jumbo Valley were to be determined was flawed in being indecisive and ultimately abandoned.

Both supporters and opponents mobilized the civic model of justice (of equality, accessibility and solidarity) in defence of their positions although once again to dramatically different ends. While supporters asserted that all parties had been afforded equal access to the decision-making process, the opponents objected that there had never been an opportunity for the public to comment on the all-important question about the appropriate values to guide land-use planning in the area. Given their legally countenanced claims to the land in question, the Ktunaxa imagined equality and accessibility in terms of commensurate decision-making power, which they were denied especially after the repealing of project committees (with First Nations’ representation).
and mandatory provisions for consultation in the 2002 *EA Act*. The Sinixt felt even more sidelined as their unrecognized status within Canada meant they were denied rights afforded other Natives. Physical access was also central to arguments around the Jumbo Glacier Resort proposal. While supporters mobilized ‘access’ in the language of sharing this spectacular place with more people through the provision of development infrastructure, opponents argued that (over)-accessibility would compromise other values. Furthermore, opponents found disingenuous the supporters’ argument that the status quo was exclusionary to all except the ‘athletic elite’ who could physically access the area. Indeed, they countered that it was the resort proposal that represented exclusion, alienating public land for private benefit.

Opponents clearly aligned their position with arguments registered in the domestic model of justice (i.e. tradition and locality). While the proponent dismissed the local emphasis as the NIMBYist self-interest of a small, privileged group and contrary to a broader, provincial public interest, opponents contended that local stewardship of the land was integral to this broader public interest in sustainability. Inspired by the environmental-historical reflections of Bob Sandford (2010), local opponents were able to articulate the importance of defending ‘sense of place’ in the communities of the Mountain West. Such a movement also represents a form of solidarity that could be registered with the civic model of justice. This authentic connection to locality was contrasted with the proponent’s alleged un-Canadian sensibilities. While this development might be appropriate in the European Alps, where Mr. Oberti spent much of his time, it was inappropriate in BC, with a tradition of treasuring wild places. Again, the terms sufficiency and authenticity capture the cognitive-normative imagination. The
Kinbasket-Shuswap did not imagine the project conflicting with their traditional values in this place they have considered their backyard since at least the Min-Nineteenth Century. However, the Ktunaxa have opposed the project and their claims to “locality and tradition” extending over millennia have exerted much force. Recall the power in the rendering of Qat’muk as “Before Jumbo”.

Opponents recognized the importance of the inspiration model of justice, at least privately acknowledging emotional and spiritual connections to the land as vital reasons for opposing the resort. However, they were generally reticent about emphasizing these within the formal channels of the review process and came out later in our interviews. The Ktunaxa and Sinixt represent the important exception. While reluctant at first the Ktunaxa increasingly deployed the argument around the cultural worth and sacredness of Qat’muk when it became apparent that other arguments were not sufficient to stop the project. The question of how to judge the authenticity of this spiritual connection to place (e.g. Qat’muk as the place where the Grizzly Bears dance) seems to have confounded government decision-makers. Where rational argumentation may have fallen short, the Qat’muk Declaration seems to have exerted tremendous force, which perhaps represents an intriguing element of struggle in the BC context where First Nations’ accounts have legal weight. The Sinixt have consistently framed their opposition in both ecological and deeply spiritual terms, domains which they do not necessarily keep separate as the dominant culture does.

The renown model of justice (of public opinion) registered some of the most emphatic arguments of the opponents. Indeed, the Jumbo struggle was often framed as much as a fight about local democratic access to government as it was a fight to preserve
the environment. The opponents argued that their numbers, diversity and thoughtfulness should occasion the rejection of this project. They were also able to mobilize important local and even national figures of renown (such as hockey star Scott Neidermayer and folk legend Bruce Cockburn) to further propel the cause. Perhaps the most renowned figure of all, however, has been the charismatic grizzly bear.

Protecting the grizzly and "Jumbo Wild" more generally represent another set of arguments registered in the green model of justice. While supporters suggested that the resort would have minimal ecological impact and may even improve the environment, opponents were steadfast in their opposition to a project that they saw as threatening important habitat, water resources and the wilderness experience that has long been imagined as the soul of this region. The project is seen as out of place with contemporary concerns about over-development, climate change and resource depletion. In the words of opponent Bob Campsall: "the project may have been desirable twenty years or so ago. But with what we know now about global sustainability, this kind of project just isn’t on. It just isn’t really, genuinely sustainable."248 Further concerns with non-human beings, regarded as tribal members by the Sinixt, were expressed by Native opponents.

While opponents of the project have been able to plausibly argue across the various models of justice, supporters have also been able to justify their position in the public interest. The proponent has long contended the project represents exactly the kind of sustainable development the province encourages. The project has received EA approval after a lengthy, onerous process and has Native support (from the Kinbasket-

248 Personal communication Jul 21, '09  

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Shuswap Band). Those in favour have also been able to align the project with the models of justice. They have highlighted its uniquely favourable location; the regional socio-economic benefits of the project which would provide service jobs particularly attractive to young people; targeted opportunities for Natives; the scientific and technical effort invested in the carefully planning; the egalitarian spirit inhering in the desire to share the experience of this special place with others; the thoughtful design attempts to ground the project in the local context; the inspirational vision guiding it and the substantial efforts to minimize ecological impacts and perhaps even improve the environment through state of the art technologies, management programs and the preclusion of other disruptive activities.

The proponent further challenges the opposition’s claims to ‘sustainability’ pointing out many misrepresentations and misunderstandings; the apparent overstatement of the level of opposition; the economic opportunity costs of not supporting a major investment in the ‘new economy’ which would boost this region remote from the core of the province and crippled by the decline in the resource economy; the social costs of the current status quo of reactionary, privileged NIMBYist exclusivity and the unfavourable chaotic ecological situation with a scarred landscape open to uncontrolled hunting, resource extraction and recreation. Ultimately supporters argue that justice demands granting final approval to the project, which has successfully navigated the onerous, labyrinthine review process, abided by everything that has been demanded of it and has invested much time, effort and resources in developing a thoughtful, sustainable project. Supporter Greg Deck observed that in a democracy we have to abide by the outcomes of
a fair and just process\textsuperscript{249}. While acknowledging some of the potential impacts a supportive government official noted “if not this kind of well-planned sustainable tourism, then what?”\textsuperscript{250}

The struggle over the Jumbo Valley thus can be imagined across multiple dimensions, with relation to multiple models of justice. The French pragmatist framework helped put into relief the complexity of this struggle and the diversity of publicly defensible arguments that opponents and supporters were able to muster in contesting what this place is and what is to be done there.

6.2.2 Towards a new understanding of (contested) sustainability

A central lesson from this consideration of the Jumbo Struggle is that the old “war in the woods” environment versus economy binary, if ever tenable, is much too clumsy to make sense of some contemporary struggles like this one. In BC today developers increasingly appear competent in the language of ecological and social justice and opponents’ arguments have equally become more nuanced. That the separate claims to space of Native peoples are finally gaining public attention and ethical, political and legal support renders the old binary untenable (Braun 2000).

Gibson \textit{et al} (2005) have developed a robust set of principles, criteria and guidelines for a robust sustainability assessment. In this conceptualization, sustainability represents a dynamic and context-sensitive integration of these elements socio-ecological

\textsuperscript{249} personal communication Jul 27 2009
\textsuperscript{250} personal communication Nov 16, 2009
system integrity; sufficiency and opportunity; intergenerational and intragenerational equity; efficiency; democracy and civility; precaution and adaptation and immediate and long-term integration.

It is not the intention of the present research to improve upon these criteria. However the Jumbo case as presented here should encourage wariness of how these different elements can potentially be articulated at cross purposes. Decision-makers and others, looking to use such a framework need to be vigilant in recognizing how concepts can be played. Such a concern propels the search for more a robust analytical framework for sustainability if we want to continue using this term and what it names productively.

In reflecting on the Jumbo struggle I have imagined a useful way to rethink one of the most common representations of sustainable development, the triangular conception. As elaborated by Campbell (1996) this depiction maps sustainable development at the centre of a triangle with the competing priorities of environmental protection (e.g. ecological and human health), economic development (e.g. market efficiency, and

![Sustainability diagram based on Campbell (1996)](image-url)

Figure 6-1 - Sustainability diagram based on Campbell (1996)
growth) and social equity (e.g. social justice, equal opportunities) as the nodes (see Figure 6-1). Campbell (1996: 296) argues that to achieve sustainable development, the inevitable conflicts and trade-offs between these competing substantive goals cannot be evaded but must continually be negotiated. Unsustainable development occurs when there are insufficient opportunities for negotiating these conflicting claims and certain perspectives come to overshadow others.

Particularly troublesome to Campbell is the pervasiveness and power of the economic growth imperative in contemporary discourse, community planning and political decision-making overshadowing efforts at promoting social and ecological justice. However, he identifies three pernicious conflicts: the resource conflict, the property conflict and the development conflict.

The resource conflict refers to situations where either environmentally beneficial initiatives smother opportunities for economic development or more often when imperatives for economic development lead to environmental destruction. The “conceptual essence” of natural resources is the inherent tension between their “economic utility” and their “ecological utility” (Campbell 1996: 298). Businesses must curb their profit-seeking exploitation of the environment to ensure resources remain to reproduce themselves. The negotiation occurs over what level of exploitation is acceptable or sustainable and is complicated by complexity, multiple variables, uncertainty, cumulative effects, how to measure and most significantly differentials in power and influence.

The property conflict refers to situations where either imperatives of social equity smother opportunities for economic development or the imperatives of economic development produce socially unjust outcomes. Similar to the resource conflict, the
property conflict demands of those seeking sustainability, a more nuanced approach where businesses curb their profit-seeking tendency to ensure better wages and conditions for working people. However, a crucial factor that complicates the picture is the notion, taken as axiomatic by many influential persons in society that economic expansion secures better living standards for all or most citizens – that “a rising tide lifts all ships”.

The development conflict refers to situations where either socially beneficial initiatives lead to environmental destruction or environmentally beneficial initiatives are socially unjust. If the resource conflict is about the economy’s ambivalence to environmental concerns and the property conflict is about its ambivalence to social concerns the development conflict “stems from doing both at once” (Campbell 1996:298). To Campbell this is the most challenging question – “how to increase social equity and protect the environment simultaneously” (ibid). Negotiating such dilemmas is at the heart of sustainable development.

A cursory consideration suggests this model explains the Jumbo struggle. We might imagine the resource conflict pitting the developer’s economic interest in establishing this resort in tension with the environmentalists’ concerns including the impacts on grizzly bears, other wildlife and the watershed. We might also note the property conflict in the developer’s appropriation of Crown public land for private benefit, precluding local access and enjoyment of the valley. Furthermore the struggle may be framed as private benefit versus First Nations land claims justice. We might recognize the potential for the development conflict in a couple different ways. The environmentalists’ interests might be imagined in terms of a privileged group precluding
the economic opportunities of others especially those of the Kinbasket-Shuswap Nation, laid-off Canfor forestry workers or young people in the valley. Also, although the Ktunaxa and Jumbo Creek Conservation Society have been allies, there interests do not completely overlap. The Ktunaxa’s main position is to assert their sovereignty over the Jumbo (or Qat’muk) and its long-term goals for the area may not necessarily coincide with those of the non-Native resort opponents.

Campbell’s elaboration of sustainability conflict seems to have some relevance to the Jumbo case. However, as we probe deeper we reveal important elements that are not captured in this description. Campbell is first to admit that this triangular conception is merely a template for organizing our understanding of sustainability as a terrain of conflict, empirical research is required to discern the dynamics of actual conflicts.

Such careful empirical research in this case reveals some other important dynamics of struggle. At least in the Jumbo case, the conflict is not only or even primarily among economic vs. social vs. ecological priorities. The proponent has not been confined primarily to arguing the economic merits of the project against social or environmental interests (refined even further through the models of justice categories). Rather, supporters, including the Kinbasket-Shuswap, have been able to muster a wide range of justifiable (if not universally accepted) arguments on behalf of this proposal. Conversely the Jumbo Creek Conservation Society has not solely relied on ecological arguments but is well versed in the language of economic critique. Jumbo Glacier Resort, the Jumbo Creek Conservation Society, the Ktunaxa and other actors articulate differing models of economic, social and ecological justice. The property, development and resource conflicts do not exhaust the possibilities. Rather we are presented with the
opportunity to rethink how to usefully portray sustainability (as well as the extent to which that term covers elements important to communities).

Figure 6-2 – Reconceptualizing the sustainability triangle

Perhaps a better way of depicting sustainability includes multiple triangles, each representing a different perspective with respect to how the component elements are to be effectively integrated (see Figure 6-2). Such a diagram usefully directs attention to the fact that the tension as well as opportunities for more vital, pointed conversation resides in the contested production of the meanings of ecological, social and economic justice themselves. So for example, while the opponents represent social priorities in such terms as respecting local decision making and community sense of place, supporters link the
social to such concerns as sharing this special place with the broader public and providing targeted job opportunities for First Nations. Opponents articulate ecological priorities in terms of wilderness aesthetics and grizzly population health, while the proponent emphasizes compact design and conscientious planning to reduce the ecological footprint of the proposal. This new illustration puts in focus these struggles over what the economic, the social or the ecological come to mean. As an outcome, such a depiction will impress upon decision makers that what is at stake in struggles over sustainability are competing models of social, ecological and economic justice.

6.2.3 BC political culture of sustainability in practice

Reflecting on this diagram guides us towards a more nuanced glimpse of BC’s political culture of sustainability in practice. Rather than actors being presented as for or against jobs, a more careful reading of the struggle in economic terms shows the proponent aligning with a context-informed ecological modernization model of development (i.e. imagining that environmental protection and economic growth can be favourably aligned through technological innovation) with the opposition privileging a development model that is community-driven, aligned with local values and sense of sufficiency and allegedly more in tune with ecological and climatic realities.

While supporters might have made the simple economic case, highlighting profitability, investment, competition or “free market”, their arguments were clearly constrained by other considerations. The proponent recognized the importance of aligning economic opportunity with social priorities, for example, emphasizing how the project represented decentralization of investment in the province; spin-off effects that
could catalyze the regional economy, dedicated opportunities for First Nations and enticing job prospects for young people. The proponent further asserted that through careful design, compact planning, state of the art technologies and robust environmental management strategies, economic benefit could potentially accrue without environmental degradation. The All-Season Resort Strategy, which succeeded the Commercial Alpine Ski Policy (CASP) and guides the development of projects such as Jumbo Glacier Resort further emphasizes constraints highlighting in an inset on the first page of its brochure: “Any prospective development site has maximum capacities and absolute limits to growth. And these capacities must be respected” (Harley 2006:1). While there is some agreement about constraints on development, conflict centres on defining these limitations. Opponents emphasize much more onerous restraints and are clearly doubtful that the review process could be trusted to ensure sufficiency. While the opponents consistently asserted they were not anti-development, they noted that growth in the region was already excessive and development in the Jumbo Valley was unacceptable. As quoted previously Bob Campsall noted, “Our valley hosts a frenzy of activity. We don’t need more development - this ‘everything’s got a price’ mentality.”251 Meredith Hamstead suggested that sufficiency was likely the central argument against the project, observing, “This proposal exceeds the ceiling of tolerance in the region”252.

With respect to the wide umbrella concept of social sustainability (or social justice253) the Jumbo conflict is constituted in a number of struggles over the articulation

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251 personal communication Jul 21, ‘09
252 personal communication Aug 8, ’11
253 The value of social sustainability as an honourable goal has been questioned. To the extent that this term implies sustaining social structures it implies maintaining potentially unjust hierarchies and disparities. Social justice is preferable to many working for dramatic transformation with respect to priorities of equity, accessibility, solidarity etc.
of key concepts. Considering arguments registered with the civic model of justice brings into relief important areas of tension. Clear disagreement can be recognized in arguments over equity in terms of public access to decision-making. While there was unanimous support for ‘democratic values’, supporters and opponents disagreed on how these were to be achieved in the process. The supporters’ imagined democracy in terms of serving a provincial-scale public interest, acceptance of decision arrived at through established processes and strong leadership based on electoral mandate. On the other hand, opponents’ viewed a more challenging, locally oriented democracy where the public, through the regional district, were accorded more direct authority over land use decisions.

Similarly, disagreement exists on the articulation of accessibility. While the concept is often central to liberal discussions of rights, this case demonstrates the complex and contested dynamics of accessibility as a value. The proponent’s ostensibly noble “wouldn’t it be great if everyone even people in wheelchairs can sit on top of a glacier” collides with concerns of locals that over-accessibility would compromise other important values. Sufficiency is once again upheld as the guiding principle underlying the argument that “enough access” is a better indicator of sustainability than “more access”. Supporters’ claimed that the exclusionary status quo privileged ‘athletic’ elitism and selfish NIMBY interests. Opponents, in turn, retorted that it was the resort that would represent exclusivity, alienating public land for private benefit and privileging wealthy elites, who could afford to recreate at the exclusive resort. Opponents also linked current uses and levels of accessibility with authenticity, alleging that the taming of the landscape and easing of access through comfortable means would detract from the effort and reward of self-propelled access. Questions of sufficiency and authenticity complicate the
evaluation of liberal notions of accessibility. Competing notions of “acceptable
exclusivism” seems to be an important part of the political culture in action. The framing
summarized here is, of course, further complicated by the accessibility arguments of the
different Native groups.

The discussion of sufficiency and authenticity leads into considering how the
domestic model of justice puts into relief elements of BC’s political culture of
sustainability in practice. Superficially, there seems to be some common ground with
supporters and opponents upholding the importance of Canadian heritage and mountain
traditions. The proponent highlighted the alignment of the architecture and design of the
proposed resort with tasteful themes employed in the National Parks, for example. It may
be too simple a binary to set up the locality-blind foreign developer and the place­
invested locals. However, it is clear that the “local” vision of the proponent did not align
with that of the local opposition. Interestingly, authenticity seems to inhere in activities
not usually associated with an environmentalist sensibility. Hunting, off-road vehicle
access, even logging were found by the resort opponents to be more acceptable than the
taming of the landscape through resort development. While the proponent attempted to
align the project with Canadian national sentiment (i.e. as a landmark of proudly national
significance and training ground for future Olympic athletes), opponents portrayed it as
conceived in a European mindset alienating of the Canadian sense of wilderness. Highly
contested appeals to what authentic Canadian mountain culture entailed thus seem a part
of the political culture in action.

Exploring emotional, spiritual or inspiration-based arguments presents a
fascinating venue for exploring BC’s political culture in action. In my interviews,
opponents clearly articulated their concerns in emotional and deeply spiritual terms, expressing deep reverence for wildness. However they were certainly hesitant to use such arguments in public deliberations as they perceived political institutions were largely irresponsible to such argumentation. The notable exception was the powerful articulation of the Ktunaxa in asserting the sacredness of Qat’muk – the Home of the Grizzly Spirit.

With respect to ecological sustainability interesting tentative overlaps of imagination and significant tensions could be discerned. There were clear differences in opinion with respect to the relationship between culture and nature. For supporters, the valley’s history of human use and its subsequent non-pristine condition signified that it was fit for development. Still, proponents acknowledged that the resort should “improve the environment”. Indeed the proponent implied an integration of economic, social and ecological priorities in asserting that a healthy, aesthetically pleasing environment would be an important part of the business model in attracting tourists and real estate investors. On the other hand, opponents rejected this simple equation noting that while not pristine, the “wild” qualities of the valley should be preserved, by which they implied lack of permanent human settlement. In a sense each of these visions attempts to stake out an honourable place for humans in nature (Cronon 1996). While it does not appear that the resort would be as environmentally disruptive as many traditional resource exploitation activities and to the extent that it would preclude other such activities and is planning to conscientiously minimize its ecological footprint, critical questions about public values around wilderness aesthetics and larger scale ecological integrity impress upon us.

Even more demanding is accounting for the Native imagination of the environment and in particular the sacredness accorded the valley. To the Ktunaxa,
Qat’muk is viewed as the sacred place where the Grizzly Bear comes to dance, which has deep spiritual meaning perhaps lost on settler society. Government decision-makers have been baffled by how to respond to this argument.

There is no self-evident, static “green” position. The American environmentalist hero George Perkins Marsh, for example, advocated in the early twentieth century for draining marshes and straightening rivers, which would now be rejected by most ‘greens’. From our brief consideration here however we can mark out some characteristics of ‘green’ in the struggle over the Jumbo. Meredith Hamstead presents an important challenge in the following (quoted previously):

For me... I think one of things that makes the Jumbo Valley pretty incredible is that it has seen mining its seen a lot of logging, it is currently home to a heli-ski company, there are trap lines there. It sees comparatively heavy vehicle traffic for the distance you have to go to get back there, its very popular for people to drive back there do a short hike... It is pretty much an ideal place to take people out and experience the bush. I wouldn’t say it is intense human use, it is moderate human use. Despite that it remains very ecologically viable... indeed it remains ecologically critical for the entire Purcell region. And that to me is a picture of sustainable land use in the wilderness.... [The valley] has an incredible balance of values...human use, profit, whatever you want to call it. It’s not pristine. It’s not to be protected because it is pristine, It is to be protected because it works. It works for all parties concerned the way it works today. Enough is enough ^254.

This does not provide an exhaustive discussion of BC’s political culture of sustainability in practice. Indeed, such a concept grasps an elusive, dynamic reality. However, from carefully exploring the competing arguments a much more precise portrait of how sustainability is being articulated and struggled over on the ground. We

^254 personal communication Mar 1, ’09
can recognize important tensions, a more precise articulation of key areas for debate and the difficult but essential conversations we need to have.

For example, a major tension seems to exist between a vision of sustainability as reconciling economic, social and ecological priorities (upon which there is generally consensus) and the acceptance of inviolable limits to development and an honest accounting of sufficiency (a key point of conflict and likely a prerequisite for any consensus vision). While sufficiency as a general principle does not provide absolute guidance for decision-making and opens up potential new debates, it seems more promising basis than perpetual “more”. Authenticity and aesthetic arguments, not always accorded much value in deliberations over sustainable development, also seem central to the arguments. More attention to cultural, aesthetic, quality of life dimensions seem warranted in deliberations over sustainable development. This goes for both First Nations and settler communities, the latter (at least in the Jumbo case) expressing frustration that such considerations are not more acceptable in public deliberations. Perhaps most central to BC’s political culture of [un]sustainability in practice is the tension over Aboriginal rights and title.

The most succinct reading of the culture of sustainability afforded by the Jumbo case sees these broad forces locked in struggle: a BC variant of the ecological modernization thesis with a hopeful message of continued economic development carefully attending to social and ecological concerns (e.g. in decentred, regional tourism development with dedicated opportunities for First Nations); a resistance based on an “aesthetic of sufficiency”, a demand for local decision-making authority and proper
respect for authentic wildness and the non-human world and a legally and politically empowered Native vision of ecologically embedded spirituality.

6.3 Why so long?

_It's really as much art as science. We hope we get a better decision by involving a lot of different people. In the end it's an informed judgment call._

— BC Government Official (interview Feb. 8th, 2009)

The discussion in the previous section hints at one likely reason why the review process was so confounded as to drag on for twenty years. Jumbo was a difficult case to evaluate in which supporters and opponents alike were able to mobilize a wide range of arguments to support their positions. The EA officials I interviewed were unanimous in their assessment that the review of Jumbo Glacier Resort was one of the most challenging in BC’s review history. However, other potential explanations were raised in interviews.

For Ray Crook, who led much of the Jumbo EA review, three specific issues were identified early on that he believes most confounded the process: the lack of clarity and guidance with respect to the land-use question; lack of clear government policy with respect to evaluating grizzly bear impacts and the sustained, high level of popular opposition. Director Glassman also identified as a further confounding factor the challenge of rapidly evolving policies with respect to duties to First Nations.

A number of specific contingencies over the course of the deliberations can also be identified as plausibly delaying the process and final decision. Certainly timing seems to have worked against the proponent in this case. Within a year of the original CASP

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255 personal communication May 12, '10
review, BC launched the CORE planning process (in 1992) and on its heels the formal
EA process (in 1995). The proponent continually saw promises about timelines broken as
the proposal was swept up into each new bureaucratic process. Of course, the level of
public opposition and policy confusion are important in explaining why the project even
had to pass through these additional regulatory hurdles. The climate of caution with
respect to development and embrace of sustainability in the mid-nineties NDP regime
was likely an important factor as were the notorious delaying tactics of individual
bureaucrats exposed in freedom of information documents (considered in section 5.3).
Glacier Resorts Ltd. itself also seems to have stalled the process, allegedly awaiting a
more favourable political regime (i.e. a Liberal victory in 2001) or being unable to
proceed because of concerns with financiers. The proponent would argue that the
extremely onerous reporting requirements extended the process. The global economic
downturn of 2008, BC provincial elections in 2009, and the 2010 Winter Olympics in
Vancouver were all recognized by interview participants as bearing on the Jumbo case.
With respect to the 2009 General Election and the 2010 Olympics opponents and some
government officials explain that the province did not want to grant final approval given
the potential political fallout from approving an unpopular project. As noted above (in
section 5.7) influential individuals such as RK Heli-ski founder Roger Madson seem to
have had an influence on the direction of the process. According to one government
official, the proponent made a very poor strategic move in alienating this larger than life
local personality. Finally, the Qat’muk Declaration of the Ktunaxa further delayed
final approval as government scrambled to figure out the legal implications and how to

256 personal communication Aug 24, ’09
respond to this declaration of sovereignty over the Valley of the Grizzly Spirit. The fact that this action exerts such power is intimately related to evolving context of Aboriginal rights, which has coincided with the Jumbo Glacier Resort review. Through the nineties the establishment of the treaty process and constitutional and common law provisions to uphold and further clarify Aboriginal rights and title; duties to consult and accommodate and Delgamuukw instructions that oral evidence is to be considered legitimate proof have all profoundly changed what can legitimately be argued and done in BC.

Supporters of the project further argue the process has been a labyrinthine bureaucratic nightmare with constantly receding goalposts, no predictability and liable to hijacking by special interests. Both supporters and opponents have emphasized a lack of courage on behalf of decision-making authorities particularly pointing to the notorious example of the EA approval decision (made by Cabinet Ministers after recommendations from the EAO), which on the one hand proclaimed the project would not have significant adverse affects while on the other upheld the authority of the regional district to make the final decision in terms of rezoning. While the province could appear to be both open for business and supportive of local democracy, neither side has respected this (non-) decision.

A constellation of contributing factors can be identified as having confounded the review of Jumbo Glacier resort including: determined disputants with an arsenal of effective arguments; lack of clarity and guidance for evaluators; a range of important historic / contingent factors and potential lack of boldness / decisiveness on the part of government decision-makers.
6.4 In the end...

To move towards a conclusion of this dissertation and an opening for new explorations I want to assert one other possible explanation for the confounding of the review of Jumbo Glacier Resort. Through my interviews with EA officials I have become convinced that the lack of decisiveness also related to a sincere effort on their part, flailing without firm foundations, to take seriously the duty to include and attempt to reconcile competing perspectives and values. The EA Officials seem to have taken seriously the significant concerns raised by some government officials on the project committee, Natives and the public with respect to the land-use planning question, grizzly bear impacts, the level of public opposition and Aboriginal rights and title while simultaneously acknowledging the potential economic opportunity afforded by this project. In this context, it might even seem reasonable to commend reviewers for their thorough consideration and respect for multiple perspectives, that is if the Jumbo struggle were not so costly in terms of resources, time and effort expended and hadn’t left a divided, bitter and exhausted community in its wake. In its indecisiveness, the review has arguably produced exactly the result it should bearing witness to the multi-dimensional, contradictory truth of the case.

In his work developing Foucault’s notion of “governmentality”, Dean (2010:44) recognizes a “strangely utopian element” in governing. He observes that:

To govern is to suppose that desired ends can be achieved. It is to assume that we can draw upon and apply forms of knowledge to that task, that we can gain a secure knowledge of the world and human beings... that we can make things better. Even at its most bureaucratic and managerial... government is a fundamentally Utopian activity.
Governing as such a Utopian venture demands what Flyvbjerg (1998) following Nietzsche calls a “will to ignorance” - simplification, falsification, willful blindness to guard against the suspicion of ultimate undecidability to enable closure. This Utopian attitude arguably inheres in the faith that through EA we can actually predict and minimize adverse impacts of development; that we can actually reconcile technical expertise, competing public values and government mandates and that we can actually reconcile (competing) ecological, economic, social and cultural priorities. This research highlights this potential ethical complexity of evaluating sustainable development and the incredible demands on review processes such as EA.

In closing, the research does not make any specific, novel contributions to improving EA practice although it affirms recommendations of others. For example, Rutherford’s (2009) chapter on the BC process in a major text on environmental assessment includes a number of observations relevant in light of the Jumbo case. Implicit recommendations one can read from his critical consideration of EA include: reinstating the purposes clause which was repealed in the 2002 EA Act and would provide some guidance for trade-offs and ensure that courts and other reviewers would draw upon sustainability principles in interpreting the Act; more sincere commitment to involving First Nations and addressing outstanding issues of Aboriginal rights and title; an expanded role for public participation and provisions for a much more open and transparent process to respond to questions of independence and credibility of the review process (Rutherford 2009: 312-316).
Haddock (2010), in a more lengthy critique of the process under the 2002 *EA Act*, makes a number of specific recommendations that deserve the attention of EA officials. In particular, he calls for clearer guidance in terms of the criteria employed to assess significance and the adequacy of mitigation measures. The lack of guidance was revealed to be a problematic dimension of the review of grizzly impacts in the Jumbo case. He also asserts the critical importance of ambitious land use planning in addressing environmental impacts and specifically recommends restoring “the mandate of the Integrated Land Management Bureau to develop, oversee and refine land use plans to address strategic level environmental effects… in a manner consistent with First Nations’ rights” (Haddock 2010: 27). The EAO and Ministry officials that I interviewed affirmed the considerable potential for resolving land use conflicts that could be occasioned by a renewed dedication to ambitious land use planning and pointed to the highly regarded Muskwa-Kechika Management Area Plan completed in 1998 as a role model. However, they were unanimously doubtful that there would be government (executive) support for such initiative in the current financial and political environment.

Perhaps the most promising potential for improving the review process is Gibson *et al*’s (2005) elaboration of sustainability assessment (introduced above in section 6.2.2). Sustainability assessment proposes a higher test than just mitigating the adverse environmental effects of a project. Instead, in such a review projects, programmes, plans and policies would be guided to make a positive contribution to a desirable and durable future. Gibson and his colleagues have detailed the important components, criteria, generalized trade-off rules and best practices for sustainability assessment that would ensure multiple, mutually reinforcing and lasting gains (Gibson *et al* 2005).
The pragmatic ethos and models of justice framework could help inform deliberative efforts in a more robust sustainability assessment. Mapping out such an opportunity represents a promising research program (as introduced in section 6.1 above). With respect to this effort towards improving assessment practice, the present research also sounds a cautionary note. This detailed case study provides a revealing illustration of how sustainability and the components that advocates seek to integrate can be articulated and mobilized to support quite contradictory imaginations of what a place is and what should be done in it. It illuminates the complex ethical tensions inhering in such conflict implying that the notion that environmental review be an apolitical, technical affair cannot be sustained.

In the end, without firm foundations for deciding what represents a desirable and durable future for this place or any other it is incumbent upon us to engage pragmatically in uncomfortable conversations listening to the best arguments of our opponents while offering our own; acting wisely and humbly as mature human beings, respectful of difference while mindful that we share a common destiny on this one Earth. Then, the mountains can bring peace to the people.
EPILOGUE

Responding to Bernstein’s call that it is not good enough just to point out that there are no de-contextualized, metaphysical grounds for decision-making, I offer here my own opinion on the proposed Jumbo Glacier Resort. In providing my assessment I do not imagine myself to be some omniscient narrator, but one of many participants. I also offer this assessment empowered by Bernstein’s (2010: 62) argument that making a serious effort to understand other points of view does not mean we should refrain from expressing our own.

I think that this project should not be approved. Given the scale of local opposition, which I take to be diverse and well-informed, the project does not have the social license to operate. Those who will be affected most should be the ones who decide. The province’s goals of sustainability are best met by empowering local and regional stewardship not overriding it. I believe in this time of overextension and serious threats to socio-ecosystem resilience, development needs to be guided by the principle of sufficiency – enoughness (Princen 2005). I believe we need to adapt to a new post-growth economic reality (Heinberg 2011).

Furthermore, I am convinced that along with sufficiency, First Nations justice must be a central criterion. This, of course, is a tricky question as Native opinion is divided. However, I believe the Ktunaxa’s claim to this land and the recognition of its sacredness needs to be met affirmatively with humility and respect. Sustainability in BC
will remain a sham without a just resolution to outstanding Aboriginal land claims through the treaty process or otherwise. Peace to the people of these mountains will not come until those who have lived among them since time immemorial are returned to their honourable place.
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APPENDICES

Appendix 1: List of Interview Respondents

1. **Dr. Alan Artibise**, Jumbo Glacier Resort Board of Directors - phone interview (5/10) with follow-up email correspondence
2. **Psyche Brown** - Manager, Major Projects- Ministry of Natural Resource Operations - responsible for JGR CASP review - Interviewed by phone (12/8/09) with follow up email and phone correspondence
3. **Bob Campsall** - Jumbo Creek Conservation Society - Interviewed in Invermere (7/21/09 and 8/5/10) and follow up phone and email correspondence
4. **Ian Cartright** - Jumbo Creek Conservation Society - Interviewed in Radium Hot Springs (8/14/09)
5. **Ian Cobb** – former editor of Valley Echo- Interviewed in Invermere (8/24/09) with follow-up email correspondence
6. **Dee Conklin**, Mayor of Radium Hot Springs – interviewed in Invermere (8/4/10) with follow-up email correspondence
7. **Grant Costello**, Vice President of Glacier Resorts Ltd. - interviewed in the Jumbo Valley (7/20/09)
8. **Ray Crook** – former EAO project director - Interviewed by phone (5/12/10) and in Victoria (7/16/11) with follow up email correspondence
9. **Greg Deck**, former Mayor of Radium Hot Springs and former Chair of Regional District of East Kootenay - interviewed by phone (7/27/09)
10. **Rowena Eloise** – West Kootenay Coalition for Jumbo Wild - Interviewed in Argenta (7/31/09)
11. **Jim Galloway** – Jumbo Creek Conservation Society - Interviewed in Invermere (7/23/09) and follow up phone correspondence
12. **Cam Gillies** – biologist - Interviewed in Windermere (8/5/09)
13. **Martyn Glassman** – former EAO project director- Interviewed in Victoria (10/8/10)
14. **Bill Green** – Ktunaxa Nation Council – Interviewed by phone (8/22/11) with follow up email correspondence
15. **Mark Haddock** – West Coast Environmental Law, retained by Jumbo Creek Conservation Society - Interviewed in Fort Langley (10/13/09)
16. **Meredith Hamstead** – Jumbo Creek Conservation Society- Interviewed in Invermere (3/1/09 and 8/8/11) with follow up phone and email correspondence
17. **Kat Hartwig**, Wildsight- Interviewed in Brisco (7/22/09)
18. **Peter Holmes** – Ministry of Environment (Invermere) - Interviewed in Invermere (9/1/09)
19. **Marilyn James** – spokesperson Sinixt Nation – Interviewed at the Vallican Occupation Site (8/5/11) with follow-up email correspondence
20. **Arnor Larson** – Jumbo Creek Conservation Society - Interviewed in Wilmer (7/22/09) with follow up phone correspondence
21. **Norm MacDonald** – MLA Columbia – Revelstoke - Interviewed by phone (7/28/09) with follow up phone and email correspondence

22. **Christy Madson** – Jumbo Creek Conservation Society and daughter of Roger Madson (RK Heli-Ski) - Interviewed in Invermere (7/17/09)

23. **Dean Martin** – CEO Kinbasket Group of Companies Kinbasket-Shuswap

24. **George McKay** – formerly Ministry of Industry - focus ski resort development - Interviewed in Victoria (11/16/09)

25. **Al Miller**, Invermere District Counselor, Chair of the Columbia Valley Chamber of Commerce - interviewed in Invermere (7/28/09)

26. **Pat Morrow** – local author and film maker and critic of Jumbo Glacier Resort - Interviewed in Wilmer (8/7/09)

27. **Oberto Oberti**, President of Jumbo Glacier Resorts - frequent email correspondence (2010-2011)

28. **David Pacey**, president of local Liberal party and vocal supporter of Jumbo Glacier Resort - Interviewed in Radium Hot Springs (7/16/09)

29. **Jacqueline Pinsonneault** – Jumbo Creek Conservation Society and EA Project Advisory Committee Member - Interviewed in Invermere (8/12/09)

30. **Dave Quinn** – Wildsight- Interviewed in Kimberley (7/24/09) and follow up email correspondence

31. **Nolan Rad** – Invermere Rod & Gun Club- Informal interview in Invermere (7/29/09)

32. **Archie Riddell** – EAO project director - Interviewed in Victoria (5/14/10)

33. **Andy Shadrack** – Central Kootenay Regional District Director- Interviewed in Kaslo (7/31/09)

34. **Gerry Taft** – Mayor of Invermere- Interviewed in Invermere (7/24/09 and 8/4/10) and follow up email correspondence

35. **Kathryn Teneese** – Chief negotiator Ktunaxa Nation Council- Interviewed in Cranbrook (9/2/09)

36. **Derek Thompson** – former Deputy Minister of the Environment – Informal interview in Victoria (11/15/11)

37. **Jim Thorsell**, consultant UNESCO World Heritage Sites, supporter of Jumbo Glacier Resort - Interviewed in Invermere (8/20/09)

38. **Ellen Zimmerman** – CORE table participant (ecosystems sector) - Informal interview in Invermere (7/29/09)
## Appendix 2: Jumbo Contact Info

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<tr>
<th>BC Environmental Assessment Office</th>
<th>BC EAO</th>
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<tr>
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<td>1st Floor 836 Yates St</td>
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<td></td>
<td>PO Box 9426 Stn Prov Govt</td>
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<td></td>
<td>Victoria BC V8W 9V1</td>
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<td><a href="http://www.eao.gov.bc.ca/">http://www.eao.gov.bc.ca/</a></td>
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<tr>
<td>Jumbo Glacier Resort</td>
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<tr>
<td></td>
<td>1660-1188 West Georgia Street</td>
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<tr>
<td></td>
<td>Vancouver, British Columbia V6E 4A2</td>
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<td></td>
<td>tel. 604.662.8833</td>
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<td><a href="http://www.jumboglacierresort.com">http://www.jumboglacierresort.com</a></td>
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<tr>
<td>Ktunaxa Nation</td>
<td>Ktunaxa Nation Council</td>
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<td></td>
<td>7468 Mission Road</td>
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<tr>
<td></td>
<td>Cranbrook, British Columbia V1C 7E5</td>
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<td>Phone: (250) 489-2464</td>
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<td>Shuswap Band</td>
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<td>Phone: (250) 342-6361</td>
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Appendix 3: Interview guide

I adopted a semi-structured interview style, using the following guide to provide some consistency in questioning while allowing for a fluid and organic conversation to unfold:

1. Questions about the interviewee – background, involvement in Jumbo case

2. Position on Jumbo Glacier Resort - encouraging discussion of arguments for / or against

3. Other positions – encouraging discussion on contrary positions

4. Context – questions about Jumbo Valley, region (however defined) and appropriateness of resort development – What is the Jumbo Valley? What should be done there?

5. Process – questions about the EA review process (and CASP, CORE, Regional District Rezoning if appropriate) – what is your take on the process? What concerns do you have? How should EA work? Why did it take so long? Why that decision?

6. Key events – questions about the beginnings of the dispute, Bill 10 / 30 (controversial legislation guiding provincial jurisdiction), the blockade, the Regional District vote in August 2009

7. Where now?

8. Concluding thoughts / additional sources of information I should consult