

Negotiating the Federal Government: A Road Map

Negotiating through governmental organizations can be daunting and frustrating. You have been on hold for 10 minutes, finally talk to a real person and find out you have the wrong agency. Having a general understanding of the how, who and what of governmental agencies will enable you to better focus your time and work toward hitting your target the first time around.

The Basics.....	1
Organizational Chart.....	3
3 Branches of Government	4
Judicial.....	4
Legislative.....	4
Executive	4
Agriculture Department (USDA).....	5
US Forest Service (USFS).....	5
Interior Department (DoI)	5
National Park Service (NPS)	5
Bureau of Land Management (BLM)	6
US Fish and Wildlife Service (USFWS).....	6
US Geological Survey (USGS).....	6
Bureau of Reclamation (BUREC)	6
Advisory Council on Historic Preservation (ACHP).....	7
Department of Defense (Cerro Romualdo)	7
Army Corps of Engineers.....	7

The Basics

Working with public officials can be both frustrating and very rewarding. Usually they see their role as protecting themselves, their supervisors, and other higher-ups. They also have long understood that in government and politics, information is power.

On the other hand, in many regulatory agencies there are often field staff who are climbers themselves, who care about access and conservation of the climbing environment. These are the most valuable people to find and build relationships with. They can act as both guides and sources. Often, you find them by asking for meetings with the department staff to have them explain regulations or you ask around your group's membership.

Sometimes your issue and the information you need to work toward a resolution will require you to interact with and depend upon the front-desk clerk who has been at the agency for twenty-years. Keep in mind that part of their job description is to fend off people like us, and they are usually very good at it. With a little persistence, politeness, and appreciation, however, they can be a great ally and help get AND keep you in. Over time, you will be developing relationships that will be beneficial to your cause. Making threats or acting frustrated does more harm than good, as does insisting "on your legal rights." The issue of rights will be decided higher up, and much later.

POWERED

Small considerations make a big difference. Ask when is a good time to meet, instead of showing up first thing in the morning or at 4:45 when most people are preparing to leave for the day. Ask if there are better times or days of the week to catch the people with whom you need to talk or from whom you need information. Remember people's name with whom you have spoken in the agency. This is all part of developing a relationship, which is the foundation of all advocacy.

Primary Target

The person with the power to give you what you want is often referred to as the "target" of a particular campaign or holds the power to resolve an issue. This simply means that by virtue of having the power to give you and your organization what you want, the person is the focus of the campaign.

The target is always a person.

"Personalize the target" is a fundamental rule of organizing. Even if the power to give you what you want is actually held by an institution such as a city council, board of directors, the legislature, the police department, or the United States Forest Service, personalize it. Not only does this help to narrow the focus of the campaign, but it makes the members of your local group feel that winning is possible. A campaign to change a person's mind is much more believable than one to change a policy of a big institution. In addition, individual decision makers have human responses, such as fairness, guilt, ambition, vanity, loyalty, and compassion. These do not exist in institutions or formal bodies as a whole. Such responses can only come into play if you personalize the target.

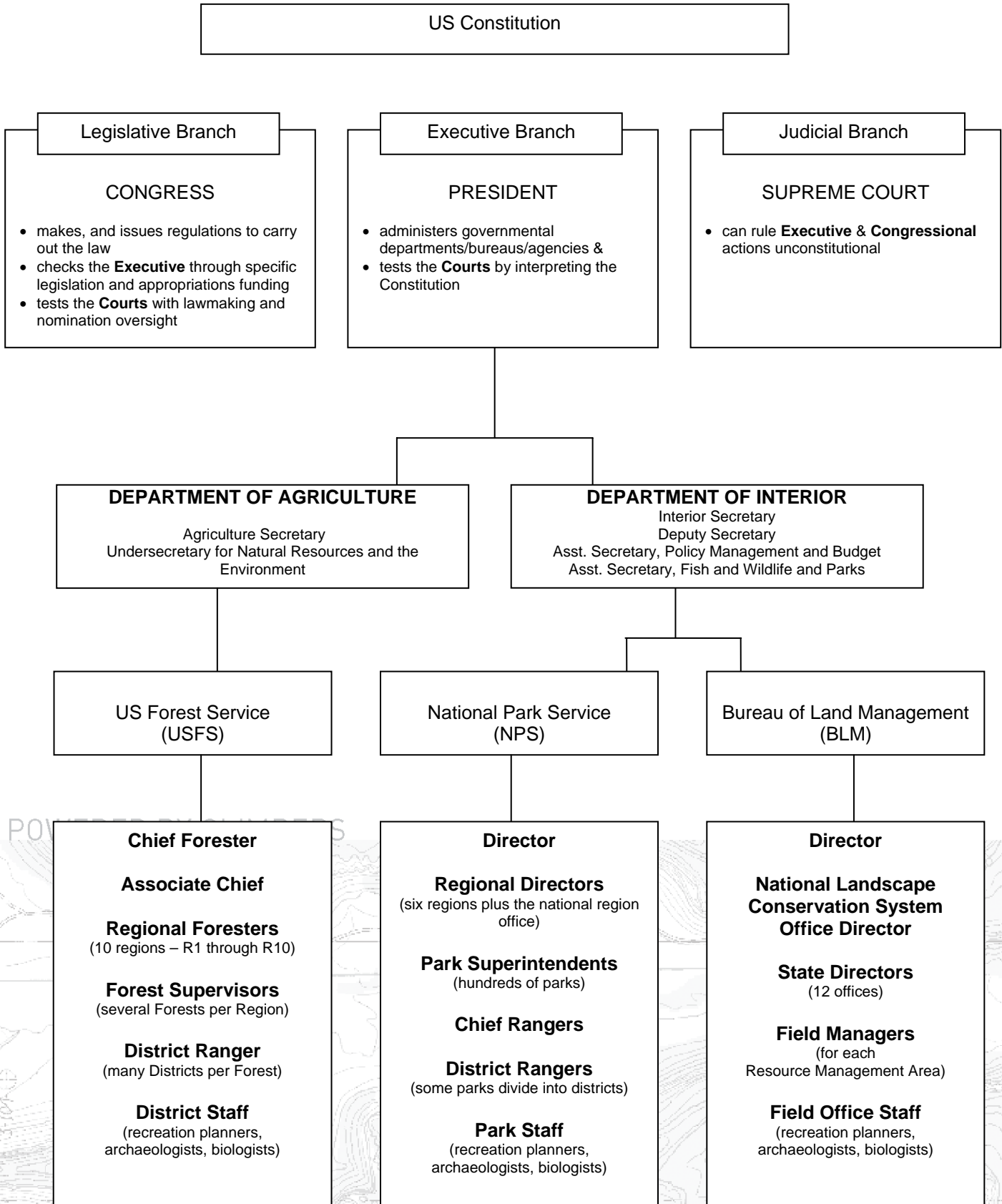
It is important to keep an open mind throughout the process and list all the possible people who can give you what you want. It helps if there is more than one person because where power is divided, there are usually more weak spots and openings. Also, multiple targets provide an opportunity to sustain the campaign over a longer time, if necessary. This allows you to build strength. In many types of campaigns, time is on your side if you can hold out. A long campaign may help you keep the issue alive until an election intervenes or a court decision is handed down. List the reasons that each target has to oppose your idea or campaign as well as to agree with you. List your power over each target and then consider how to match the power and connections of your group's members against the vulnerabilities of the target.

Secondary Target

A secondary target is a person who has more power over the primary target than you do. But, you have a connection, more power, or a better relationship with this person than with the primary target. For example, the Access Fund often works on legislative issues through a Congressional committee or the staff of a Congress person, even though the member of Congress will be the person casting the vote.

Now that you have an idea of how to contact, the table and outline of governmental organizations frequently engaged by the Access Fund below can help you determine the who.

ACTION NETWORK | manual



3 Branches of Government

The three branches of the U.S. Government are the legislative, executive, and judicial.

Judicial

The judicial branch of government is established in Article III of the Constitution with the creation of the Supreme Court. This court is the highest court in the country and is empowered with the judicial powers of the government. There are lower Federal courts but they were not created by the Constitution. Rather, Congress deemed them necessary and established them using power granted from the Constitution. Courts decide arguments about the meaning of laws, how they are applied, and whether they break the rules of the Constitution. A court has the authority to decide on the constitutionality of either a law or an interpretation of a law.

- » US Supreme Court, Courts of Appeal, and District Courts can rule Executive and Congressional action unconstitutional.
- » Executive nominates, and Congress confirms, all federal judges.
- » State court systems usually control all matters related to landowner liability (climbing on private land issues)

The Access Fund has filed only 2 lawsuits: Twin Sisters, ID; and Cave Rock Nevada.

Legislative

The legislative branch of government is made up of the Congress and government agencies, such as the Government Printing Office and Library of Congress, that provide assistance to and support services for the Congress. Article I of the Constitution established this branch and gave Congress the power to make laws. Congress has two parts, the House of Representatives and the Senate.

- » Congress checks the Executive through specific legislation and appropriations funding, and tests the Courts with lawmaking and nomination oversight.
- » Many laws enacted by Congress require agencies to issue regulations.
- » The Access Fund often receives Congressional support in the form of calls and letters to executive agencies urging a particular action.
- » The Access Fund has also obtained appropriations language inserted in a US Senate bill cutting any agency funding for actions restricting fixed anchors in wilderness.

Executive

The executive branch of Government makes sure that the laws of the United States are obeyed. The President of the United States is the head of the executive branch of government. This branch is very large and includes the Vice President, department heads (Cabinet members), and heads of independent agencies.

POWERED BY CL

- » Executive departments/bureaus/agencies test the Courts by interpreting the Constitution and the laws Congress makes, and issue regulations published daily in the *Federal Register* and are then codified in the *Code of Federal Regulations* once a year to carry out the law.
- » States use similar administrative systems.
- » Most Access Fund advocacy regarding public land climbing has involved working with administrative agencies on planning initiatives.
- » All Access Funds' administrative appeals go through an executive court system before cases can be appealed to federal courts.

Agriculture Department (USDA)

Agriculture Secretary Nominated by President
Undersecretary for Natural Resources and the Environment

US Forest Service (USFS)

The USFS manages climbing on all land within the National Forest System. The Access Fund has an MOU with the USFS (<http://accessfund.org/pdf/AF-03-MOU-USFS.pdf>). AF comments on forest plan revisions that include any recreation management provisions. There are also site specific recreation or cultural management plans (like Cave Rock) or site specific management actions (eg. Raptor or Endangered Species closures) where the AF provides comments in conjunction with local climbing organizations and regional coordinators.

- » Chief Forester Dale Bosworth
- » Associate Chief Sally Collins
- » Regional Foresters 10 regions – R1 through R10
- » Forest Supervisors several Forests per Region
- » District Ranger many Districts per Forest
- » District Staff recreation planners, archaeologists, biologists

*law enforcement is separate from management staff

POWERED BY CLIMBERS

Interior Department (DoI)

Interior Secretary Nominated by President
Deputy Secretary
Asst. Secretary, Policy Management and Budget
Asst. Secretary, Fish and Wildlife and Parks
Asst. Secretary, Land and Minerals Management

National Park Service (NPS)

The National Park Service manages climbing national parks, monuments, preserves, reserves, historic sites, battlefield, recreation areas, seashores, lakeshores, rivers, parkways, and trails. AF comments on parkwide general management plans (GMPs), but more typically we're

working on specific initiatives such as BMPs -- backcountry management plans (Zion, Denali, RMNP) or CMPs -- climbing management plans (City of Rocks) in conjunction with local climbing organizations and regional coordinators.

- » Director Fran Mainella
- » Regional Directors Six regions plus the national region office
- » Park Superintendents One for each park
- » Chief Rangers Within specific parks
- » District Rangers some parks divide into districts
- » Park Staff recreation planners, archaeologists, biologists

Bureau of Land Management (BLM)

The Bureau of Land Management manages climbing in BLM National monuments, national conservation areas, and general BLM lands. The Access Fund has an MOU with the BLM (<http://accessfund.org/pdf/AF-BLM-MOUfinal.pdf>). AF works on massive Resource Management Plans (like the Monticello RMP), unit-wide wilderness plans (Red Rocks NCA), and specific “activity plans” (Indian Creek).

- » Director Kathleen Clarke
- » National Landscape Conservation System Office Director
- » State Directors 12 offices
- » Field Managers for each Resource Management Area
- » Field Office Staff recreation planners, archaeologists, biologists

*The National Landscape Conservation System (NLCS) is a BLM division that oversees management of BLM lands receiving special recognition and protection through congressional or presidential conservation designations, like wilderness. Red Rocks falls into this NLCS category.

US Fish and Wildlife Service (USFWS)

The USFW must be consulted by any agency (state or fed) that is engaged in an action involving special status flora or fauna; agency obtains a “biological opinion” assessing impacts to a specific species or designated critical habitat.

- » Director Nominated by President
- » Deputy Director
- » Assistant Director Wildlife & Sport Fish Restoration Programs
- » Regional Directors (RD) R1-R7 and Nevada/California Operations
- » Deputy RD One for each Regional

US Geological Survey (USGS) Bureau of Reclamation (BUREC)

Advisory Council on Historic Preservation (ACHP)

The ACHP is an independent agency (not within a separate department) that promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy. Agencies must consult with the ACHP (or state historical preservation offices -- SHPOs) if they conduct an "undertaking" that "may cause adverse effects" on federal historic properties determined eligible for listing on the National Registry of Historic Places. One protected property category are a traditional cultural properties (TCPs) like Cave Rock; another are National Historic Landmarks (NHLs) like Devils Tower and Twin Sisters at City of Rocks.

Department of Defense (Cerro Romualdo)

Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) manages over 4,000 recreation sites with our partners. Biking, hiking and water sports are agency-wide accepted forms of recreation. Rock climbing is approached on an area-specific basis.

POWERED BY CLIMBERS