

MEMORANDA OF UNDERSTANDING: How MOUs with Land Managers Can Assist Climbing Activists



This document explains what memoranda of understanding (MOU) are and why they can be valuable tools for local climbing advocacy organizations. Furthermore, this work outlines the Access Fund's MOU with the US Forest Service, and how it can assist you to get an MOU with your local land management agency. In the process, this document explains how to produce, propose, and execute a MOU to assist your climbing advocacy organization to ensure the preservation of climbing access and the conservation of the climbing environment.

The Access Fund

The Access Fund is a 501 (c) 3 non-profit advocacy group representing the interests of approximately one million rock climbers and mountaineers in the United States. We are America's largest national climbing organization with over 15,000 members and affiliates. The Access Fund's mission is to keep climbing areas open, and to conserve the climbing environment. Preserving the opportunity to climb and the diversity of the climbing experience are fundamental to our mission. Since 1990, the Access Fund has built an effective climbers' political action program network and grassroots network effectively brings cooperative solutions to national and local climbing issues. Working in cooperation with climbers, other recreational users, public land managers and private land owners, the Access Fund promotes the responsible use and sound management of climbing resources. We encourage an ethic of personal responsibility, self-regulation, strong conservation values and minimum impact practices among climbers. For more information, log onto www.accessfund.org or call (303) 545-6772.

Memoranda of Understanding

A memorandum of understanding is a written non-binding contract-like understanding that frames a cooperative relationship between two or more parties.¹ A MOU works to define the common interests that the parties share, as well as the way they will work together to reach common goals. These documents can cover a range of objectives, from very broad partnership and stewardship responsibilities to very specific applications, such as land acquisition or land management planning consultation for specific issues.

¹ By comparison, a memorandum of agreement (MOA) is typically much more akin to a binding contract whereby both parties have specific obligations and rights that are legally enforceable under the terms of the agreement.

MOUs can represent a significant breakthrough for local climbing organizations in their advocacy work with land management agencies, who, in some cases, may not adequately consider the needs of the climbing community or are simply looking to local climbing activists for information and advice regarding climbing management issues. When climbing activists enter into MOUs with their local land managers, climbers become integral partners in the process of planning, producing and implementing policies that govern local climbing resources.

Why MOUs are Valuable Climbing Advocacy Tools

For you to make a difference regarding how climbing is or will be managed at your local public land crag, you must be involved in the planning process. When land managers initiate management plans that affect specific interest groups, they often look to those groups for advice regarding the specific user impacts, as well as the needs and desires of that group. However, if it is not convenient for land managers to contact that interest group -- or if an active advocacy group representing that interest is not available -- land managers will implement plans without the benefit of receiving input from that user interest. In short, if you're not involved then decisions get made without you, often in ways contrary to your interests. Conversely, if you're at the table when important decisions are made, then it's much more likely that your interests will be accommodated.

If you want to stay climbing or have a say in, for example, fixed anchor policy in your area, an excellent first step (after simply getting to know your land manager) is to enter into a MOU with your local land management agency. MOUs are an effective way for your local climbing advocacy group to (1) be acknowledged as the local experts on climbing management issues and conditions, and (2) be assured participation in the planning process and subsequent implementation of rules or policies affecting climbing.

The Access Fund's MOU with the US Forest Service

On May 15, 2003 the Access Fund and the U.S. Forest Service (USFS) entered into a memorandum of understanding to formalize a cooperative agreement to work at the national, regional and local levels on mutually beneficial programs, projects, training and other activities related to climbing management on USFS lands. After the Bureau of Land Management, the USFS is the second-largest land manager in the United States. This MOU creates an official alliance between the Access Fund and the USFS and provides a formal understanding to work towards common goals. For climbers, it provides a crucial "seat at the table" for any USFS management initiatives involving climbing at the national level. Importantly, this Access Fund-USFS MOU creates a valuable first step for local climbing advocates – especially those affiliated with the Access Fund -- to propose and establish MOUs with their local USFS forest or district.

This five-year MOU will see the Access Fund and USFS working together on programs, projects and activities that leverage both of their charters and are in the best interests of the public. *The heart of the agreement is the commitment by the Forest Service to encourage its local officials to participate with Access Fund staff, representatives and*

affiliates in the development of mutually beneficial work projects and educational activities. In return, the Access Fund will support educational activities, develop and maintain a nationwide communication network, provide technical assistance to land managers, inform affiliate organizations regarding the USFS programs, and facilitate understanding and communications between climbers and public agencies.

How to Produce, Propose, and Execute a MOU to Assist Your Climbing Advocacy

1. Production of an MOU

Putting together a MOU is not as difficult as you may think. One thing to keep in mind is that unless you have a very specific goal, your MOU doesn't have to be very detailed. Remember, your main goals are (1) to be acknowledged as the local experts on climbing issues/conditions, and (2) to be contacted anytime climbing issues arise or management planning is scheduled. Accordingly, your MOU might have very generalized language (like the Access Fund – USFS MOU). Alternatively, if you have a specific project in mind, such as bolt replacement or working through closures related to special status flora/fauna or cultural resource concerns, then your MOU may need to include more detailed language addressing these particular concerns or management objectives (like the Red River Gorge Climbing Coalition's MOU with the Daniel Boone National Forest).

Don't worry too much about immediately getting your MOU exactly perfect, your "draft" MOU will likely go through several versions before it reaches its final form. To assist you in putting together a draft, see the following examples of MOUs that recreation groups have entered into with land management agencies:

- The Access Fund
(<https://www.accessfund.org/howeare/mou.html>)
- Red River Gorge Climbers Coalition
(http://www.rrgcc.org/index.php?action=view_article&article_id=1)
- Flatirons Climbing Council
(<http://www.flatironsclimbing.com/docs/FCC-MOU.doc>)
- Wichita Mountains Climbers Coalition
(<http://www.wichitamountains.org/libraryframeset.html>)
- International Mountain Biking Association
(http://imba.com/resources/agencies/aco_e_mou_02.html)
(http://imba.com/resources/agencies/usfs_memo.html)
- American Motorcyclist Association
(<http://www.wildwilderness.org/docs/ama-mou.htm>)

Details: When you get to the signature lines at the end of the MOU, don't put down a specific individual's name from your group. Instead, include something like: "President, Top Dog Climbers Alliance" and then (relatively) permanent contact information. That way if your group changes people or your president moves away to Yosemite the land agency will always have a current individual to contact. It's a good idea to include something in the MOU that is achievable from your end – that way when the document comes up for reauthorization (per a clause in the MOU) you can show that you are active and held up your end of the bargain, thus ensuring renewal of your MOU. Again, don't worry about making your document too detailed or perfect, just put something together for the agency and it will gradually improve over time as drafts are exchanged. Your local agency likely has experience in dealing with such MOUs.

2. How to Propose Your MOU to a Local Land Manager

If you haven't already, get to know your land manager. A positive personal relationship with your land manager is perhaps the best way to facilitate beneficial climbing policies at your local crag. If you already have an existing relationship with them, it will be easier to get their attention for proposing your MOU. Typically, it will be the recreation planner that you'll want to talk to, although the head of the local management office (e.g., forest supervisor, district ranger, BLM field manager, state park manager) will probably sign the MOU.

If you don't know the "rec planner" it's often a good idea to send them a letter or email first and introduce yourself, the name and number of people in your climbing group, what your interests and goals are, and that you'd like a face-to-face meeting. Then, follow-up with a phone call and again request a meeting to talk generally about climbing management issues (or a specific issue you may have already worked with them on). Also, if you know that there is a climber-friendly staff member, this is a good place to start as they may be able to provide an introduction or strategy as to the best way to present your proposal. Be persistent in requesting a meeting – agency officials are often overworked and underpaid so they may at first seem a little taken aback as to why they should set aside time to talk with climbers. On the other hand, they may be more than happy to carve some time out of their busy schedules to meet with you. Regardless, keep after them until you set up a meeting.

When you get in the door, explain what you want to do and why – make sure to emphasize why it will benefit them, and include how it benefits climbers. Focus, for example, on the following talking points (that can be touched on in both your initial letter and in your meeting):

- Objective: To obtain a MOU between your group and the local agency.
- Purpose: To continue to develop and expand on a framework of cooperation between your group and the local agency in the coming years to (1) assure continuing cooperation on climbing management and

education, (2) assist the agency in its recreation management goals, and (3) enhance agency support for climbing/bouldering.

➤ Specific MOU Partnership Goals:

- Land use Plans – Help ensure that new land-use plans and revisions to existing land use plans consider climbing/bouldering along with other recreational uses, in the development of long-term management strategies.
- Short-Term Management – Provide a framework for day-to-day management, and provide a toolbox of best-management practices for field offices when dealing with climbers/boulderers.
- Education/Interpretation/Information – Develop and implement a consistent climbing/bouldering ethics message and incorporate it into interpretive efforts and informational materials produced by the land agency.
- Planning and Environmental Considerations – Partner with the land agency on all aspects of climbing/bouldering management issues, relating both to resource and social conditions. Provide guidance for climbing/bouldering use in special management areas.
- Funding – Identify the immediate and future government funding needs and opportunities for agency efforts to manage climbing/bouldering use. Explore innovative funding sources and encourage partnerships to aid in climbing/bouldering management efforts.
- Emerging Issues – Recognize the evolving nature of climbing/bouldering and identify associated "hot spots." Adequately prepare for new technologies and uses that may change the capabilities and impacts of climbing/bouldering in the future.
- Regulations – Recommend criteria that would allow for clear and consistent management of climbing/bouldering on public lands. Provide a starting point for developing regulations and/or policies governing climbing/bouldering use on public lands.

After talking about these issues, let them know that you already have a draft prepared and that you'd like to leave it with them for their review. Offer to contact them again in a week or so to assess the status of your proposal. Most land management agencies are required to consult interested parties, obtain their comments on important planning initiatives, and generally seek the benefit of their expertise. If they absolutely refuse to consider your proposal (which would be inappropriate), you'll need to go over their head. But first be persistent in your proposal and again outline the mutual benefits of such an arrangement. Since you are the climbing expert for your local crags, be confident that your suggestions and assistance will greatly help the local rec planner in managing climbing. If they still refuse to work with you, politely repeat the same process with that official's immediate supervisor and keep going up the chain until you succeed.

The key here is to make it easy both for the agency to agree to your proposal *and* to come up with a final MOU. Appearing reasonable, informed, helpful, productive and providing them with a polished document will go a long way towards getting the deal sealed.

A couple points to remember: Often land management agencies will have their own specific format for such agreements. Put your draft together and present it to them in both hard copy and electronic form, and then let them revise it as necessary. It's unlikely that they will change it so much that it will be unacceptable to you, but nonetheless review their subsequent draft and consider the implications of their changes. Bear in mind your long-term goals and try to address them – if only generally – in the language of the MOU. When the MOU gets reauthorized in subsequent years, you can always get more specific (like including detailed fixed anchor policy language) if you think it would help your advocacy efforts.

3. Execution of the MOU

Once you've got the deal signed, be diligent not only in fulfilling your obligations (again, non-binding) under the MOU, but press the agency to fulfill their obligations as well. Again, make it easy for them. Propose stewardship projects whereby climbers might help the agency address some resource concerns they might have. Offer to “get the word out” to local climbers about the MOU and the specific needs the agency has in meeting its recreation management obligations (like trail maintenance or cleanups). The more you help the agency with their particular needs, the more likely they will come back to you and give you what you want.

Keep the communications flowing even if there's not much going on – try to contact your local agency office at least monthly to check in. Try to make someone in your group available whenever the agency needs to talk – send them a note if you'll be out on a trip to Pakistan for 3 months so they know your group is still active. Finally, tell everyone you know about the MOU and how great the agency has been in addressing climbing management issues. In the end, a good relationship with the agency will limit unreasonable climbing restrictions and facilitate solutions for sensitive climbing issues.

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A climbing MOU between your local climbing organization and local land management agency can be your ticket to maintaining positive policies in your area that maintain climbing access and conserve the climbing environment. These non-binding contract-like documents can acknowledge your local expertise regarding the local crag and assure your involvement in any management initiatives involving climbing. Most importantly, a MOU can be a crucial tool that keeps you climbing.