

# Turning Down the Heat: Negotiating Wildfire Prevention and Recovery Teaching Plan

## Contents

Exercise Overview .....	2
Roles .....	2
Legislative Context .....	2
Placement in a Course .....	3
Scope of Negotiation .....	3
Negotiation Lessons .....	3
Mechanics and Procedure .....	4
In-class Time Required .....	4
Group Size .....	4
Materials to Be Distributed to Students .....	4
Materials for the Instructor .....	5
Procedure .....	5
Discussion Topics for Setup and Debrief .....	6
Discussion Topics for Pre-Negotiation Setup .....	6
Discussion Topics for Post-Negotiation Debrief .....	7
References and Suggested Readings .....	10
Summary of Interests by Role .....	11
Appendices	
Sample Results of Past Simulations .....	12
General Information for All Roles .....	15

---

*This teaching note was written by Kessely Hong (Lecturer in Public Policy, Harvard Kennedy School, Harvard University) with input from Monica Giannone, as part of the Harvard Kennedy School's "Teaching Legislative Negotiation Project." The teaching note draws on the fictional simulation created by Kessely Hong, John Fogarty, Monica Giannone, and Emily Schlichting of the Harvard Kennedy School. These materials were developed with support from the William and Flora Hewlett Foundation. HKS simulations are developed solely as the basis for class discussion; they are not intended to serve as endorsements, sources of primary data, or illustrations of effective or ineffective management.*

Copyright © 2019 President and Fellows of Harvard College.



This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/3.0/>; or, (b) send a letter to Creative Commons, 171 2nd Street, Suite 300, San Francisco, California, 94105, USA.

Confidential Information for Staffer for Senator Dana Danvers .....	23
Confidential Information for Staffer for Senator Alex Alvarez.....	28
Confidential Information for Staffer for Senator Sydney Smith.....	33
Confidential Information for Staffer for Senator Jordan Jacobs .....	37
Preparation Survey .....	41
Roles and Groups.....	43
Sample Slides.....	44
Results Template Slides.....	49

## Exercise Overview

*Turning Down the Heat: Negotiating Wildfire Prevention and Recovery* is a multi-party negotiation simulation involving four staffers representing Congressional Members serving on the Agriculture Committees in their respective chambers. The purposes of the simulation are to help participants consider ways to build coalitions across parties and chambers, to design a process to manage complexity and move toward agreement, and to move beyond incompatible positions on a given issue by discovering and addressing underlying interests. Wildfires are an increasingly devastating problem affecting citizens and states from both political parties, and bipartisan negotiation is required to address them.

## Roles

The four negotiators are professional staff on the Agriculture Committees in their respective chambers for the following Congressional Members from fictional states:

- House Agriculture Committee Chair – Rep. Sydney Smith (R-Altusa-5th)
- House Agriculture Committee Ranking Member – Rep. Alex Alvarez (D-Washgon-12th)
- Senate Agriculture, Nutrition & Forestry Committee Chair – Sen. Dana Danvers (D-Fremont)
- Senate Agriculture, Nutrition & Forestry Committee Ranking Member – Sen. Jordan Jacobs (R-Laramie)

## Legislative Context

(See *General Information for All Parties HKS 2150.0*.) All four Members have been appointed by their chambers' leadership to negotiate wildfire legislation which was first passed in the Senate, then amended and passed out of the House. This negotiation simulation takes place after the Senate requests a conference for both chambers to work out differences in Senate and House versions. The respective staff for each Member above meets prior to conference to pre-negotiate a possible deal. (*House and Senate Budget committees also have jurisdiction over the bill but have delegated power to their party colleagues and will not play a direct role in the conference.*)

The President is Republican and the House is held by Republicans, who have a 39-seat margin over Democrats. However, as of the most recent midterm election, Democrats hold a supermajority of 62 seats in the Senate (including the Independents who almost always vote with them), eliminating the Senate Republicans' ability to leverage the 60-vote cloture threshold to block legislation and nominations. No significant progress can be made without bipartisan agreement in order to clear both chambers.

PRESIDENT: Republican

HOUSE: 237 Republicans / 198 Democrats

SENATE: 60 Democrats / 38 Republicans / 2 Independents (who vote with Democrats)

### **Placement in a Course**

This simulation is advanced; this is because there are four roles and various possibilities for alliances, and also because there is no “scoring system” so participants must decide on their own priorities across the issues. Participants are given the freedom to be creative in designing their agreements, and are not limited to a set of pre-fixed options. This simulation should follow a more structured two-party, multi-issue negotiation such as *Negotiating an Energy Bill*.

### **Scope of Negotiation**

As mentioned above, this negotiation simulation takes place pre-conference, to give staffers for the leaders an opportunity to see if they can iron out their differences to try to present a bipartisan deal that may be palatable to both chambers. Negotiators can either keep or edit (add to, remove, or change) any of the three original Senate provisions. They can also keep or edit any of the three amendments added in the House. Furthermore, they can bring in additional issues if they wish (for example, the instructions for some of the roles hint at forest thinning as a possible fire prevention measure). They can also choose to discuss (or not) interests outside the scope of the official negotiation, such as Representative Smith’s desire to be nominated as the next Secretary of Agriculture (for which she would need Senate confirmation). It should be noted that the support of the staffers for the Committee Chairs in both the House and Senate is required to reach an agreement in the present negotiation; although not required, the support of one or both of the staffers of the Ranking Members of the Committees would make the agreement more likely to pass out of conference and succeed on the House and Senate floor later on.

### **Negotiation Lessons**

- Preparation: understand one’s own priorities, develop a target (overall goal for the entire deal) and walkaway point, and anticipate other negotiators’ likely priorities and walkaway point. Consider different possible packages (combinations of options across issues) that might meet one’s own interests to enable some flexibility.
- Complexity: consider strategies to share and manage information to address complexity when negotiating multiple issues with multiple stakeholders.

- Principal/Agent Authority: it is helpful to consult with one's principal (here, Member of Congress) when serving as a negotiation agent, in order to determine the scope of one's authority and the degree of flexibility the agent has to use the agent's own judgment.
- Coalitions: be open to surprising alliances and watch out for shifting coalitions; be aware that "killing" an agreement (which often requires a strong blocking coalition) is different from being excluded from an unfavorable agreement.
- Emotion: Consider core concerns (Fisher and Shapiro, 2005) to design a process to foster positive emotion and build momentum toward agreement.
- Overcoming impasse: consider various strategies to overcome substantive impasse, such as expanding the scope of negotiation, negotiating bundles of issues to allow for tradeoffs.
- Balancing internal and external negotiations: it is important to consider the implications of the external negotiation with members of the other political party on the internal negotiations with constituents, lobbyists, and members of one's own party, and vice versa. Try to give each negotiator a "win" in a package deal that can be used to convince their internal stakeholders to support the agreement.

## Mechanics and Procedure

### In-class Time Required

Instructors should allot 170-290 minutes overall, as follows:

- 30-80 minutes: preparation (ideally, students will be given an opportunity to read both the general instructions and their role-specific instructions and complete the preparation survey before class, then given an opportunity during class to consult with other students who share their role for 30-40 minutes to refine their strategy and ask questions of the teaching team; if students cannot access the instructions before class, they should be given 30-40 minutes to read the instructions before meeting in same-role consultation groups for an additional 30-40 minutes, for a total of 60-80 minutes)
- 15 minutes: instructor sets up exercise and briefly reviews key concepts
- 15 minutes: same party caucus (Democrats from same group of four meet together to coordinate strategy; Republicans from same group of four meet together to coordinate strategy)
- 60 minutes: full group of four negotiation
- (20-60 minutes: helpful to have a break or meal during which the instructor can analyze the results and enter each group's results onto results template slides – HKS Case 2150.5)
- 30-60 minutes: debrief

### Group Size

The ideal group size is 4 participants, each playing a unique role. If there are extra participants, you can ask two participants to double-up to share a role.

### Materials to Be Distributed to Students for Preparation (pre-negotiation)

- General Information—*give to everyone [this is HKS Case 2150.0]*

- Confidential Information for Confidential Information for Staffer for Senator Dana Danvers — *only give to students assigned to play this role*
- Confidential Information for Staffer for Representative Alex Alvarez — *only give to students assigned to play this role*
- Confidential Information for Staffer for Representative Sydney Smith — *only give to students assigned to play this role*
- Confidential Information for Staffer for Senator Jordan Jacobs — *only give to students assigned to play this role*
- Preparation Survey—give to everyone and ask to complete before the negotiation (but not to share with anyone playing a different role)
- Role and Group List—Instructor needs to fill in participant names on pairing template, can either give to everyone with preparation materials, or instructor can display prior to the start of the negotiation

### Materials for the Instructor Only

- Sample slides [2150.4]
- Summary of interests by role—for instructor review only, not to share with participants
- Results template slides—instructor should enter results after simulation and display to students during debrief [2150.5]
- Sample results from past participants—for instructor review only, not to share with participants [later in this document 2150.2]

### Procedure

1. The instructor should pre-assign roles and groups, assigning one participant to each of the four roles in each group. (Use the role and group template provided, assigning as many groups as you need for your class. Write in one name for each role for each group, unless there are an uneven number of students in which case leftover students can double up with another student to share a role.)
2. Distribute roles before class and ask participants to prepare individually before the negotiation. Each person should receive the general information, their own role-specific confidential information, and the preparation survey. (If advance preparation is impossible, you can give students 30-40 minutes to read their instructions on their own and start to work on the preparation survey.)
3. Ideally, you will give participants another 30-40 minutes (perhaps over a breakfast or lunch break) to meet with other participants assigned to play the same role. Participants often find it helpful to consult with same-role colleagues to discuss their priorities, compare strategies, and consider other perspectives.
4. Bring everyone together, introduce the concept of *two-level games* (see Putnam slide in 2150.4), review *distributive vs. integrative negotiation* (see slides drawing on Fisher, Ury and Patton), and offer *tips for same-party team meetings* (see Mannix slide). Remind students that each negotiator has a sample Results Survey attached to the back of their general information package, and each group will need to complete and hand in only one (the extras can be used for practice). Also remind students that the process for the group negotiation is up to them—they can decide to stay together as a group of four for the whole time, or have private caucuses, as

desired. If you have not already done so, display the pairings and groups for participants to learn the identity of their negotiation counterparts.

5. Give students 15 minutes to caucus (coordinate strategy) with their same-party group member (staffers for Rep. Sydney Smith and Senator Jordan Jacobs will meet together, and, separately, staffers for Rep. Alex Alvarez and Senator Dana Danvers will meet together). It is helpful to have two classrooms so that you can have students representing Republican pairs meet in one room, and students representing Democrat pairs meet in another room.
6. Announce the start of the negotiation (it is helpful to have a private breakout space for each group of 4, if possible, or to give each group a table somewhat separate from other negotiation groups). Remind students they will have one hour to complete the negotiation. It is often helpful to give a 5 or 10 minute warning toward the end of the negotiation period.
7. Collect the negotiation results from each group when they finish or when time is up. Enter the results on the Results Template Slides [2150.5] while participants have a break (it is useful to have a teaching assistant to help with this; it may be helpful to review the sample results from past participants beforehand to have a sense of what results may look like).
8. Debrief as a group.

## **Discussion Topics for Setup and Debrief**

### **Discussion Topics for Pre-negotiation Setup**

(See HKS 2150. 4 for sample slides.)

### ***Putnam's Concept of "Two-level Games" (Putnam, 1988, see Suggested Readings and slide)***

Putnam (1988) uses the term "two-level games" to describe negotiations where negotiators must not only negotiate an agreement with another party, but also convince their own internal stakeholders or constituents that the agreement is beneficial enough to deserve ratification (or approval). While he originally coined the term to describe international negotiations which would later need to be ratified by the domestic legislatures of each signatory country, it can also be applied to legislative negotiations in which leaders from each political party must negotiate with each other, then prove to their own side that any agreement reached is a political victory. In the case of the present simulation, the pre-conference informal negotiation about the Wildfire Prevention and Recovery Bill among staffers representing two Senators and two Representatives can be thought of as the Level I (external) negotiation. The staffers for the Republican Senator and Republican Representative may engage in their own Level II (internal) negotiation if they choose to work as a team, and the staffers for the Democrat Senator and Representative may similarly engage in their own Level II (internal) negotiation if they choose to work as a team. Additionally, the role-specific instructions make clear that each staffer must consider additional Level II considerations in terms of the interests of specific constituents such as Governors, Party Leaders, Lobbyists, etc.

### ***Multi-issue Integrative Negotiations (Fisher, Ury and Patton, 1991, see Suggested Readings and slides)***

It may be worthwhile to review the challenges inherent in single-issue distributive negotiations (these are negotiations focused on a single issue for which the negotiators have opposing preferences). Particularly in multi-level legislative negotiations as referenced above (when negotiators need to pay attention to demonstrating loyalty to their constituent base, as well as to negotiating with the other party) single issue negotiations often become mired down because neither side can afford to be seen as “caving in” to the other party. By expanding the scope of negotiation to include multiple issues, it is possible for negotiators to seek integrative solutions that involve tradeoffs across different issue areas. This allows the possibility for each negotiator to frame a multi-issue agreement as a “win,” by drawing attention to issues where their own Level II interests were met, and deemphasizing issues where they made concessions to the other party.

### ***Working as a Team (Mannix, 2005, see Suggested Readings and slide)***

Mannix (2005) offers useful tips to negotiators working as a team. Insofar as the staffers representing roles from the same party wish to ally with each other, they may find it useful to meet briefly within their own party to coordinate their goals, learn about each other’s key interests and alternatives, and discuss process and communication.

### ***Reminder of Agreement Deadline and Process Flexibility***

It is always a good idea to remind negotiators of the deadline for turning in their agreement. Also, in this case, negotiators are given the flexibility to decide on their own process and to determine whether they want to stay together (with all 4 roles) the whole time, or occasionally split into private caucuses.

### **Discussion Topics for Post-Negotiation Debrief**

(See sample slides, HKS 2150.5, and see an example of potential participants’ outcomes on pages 13-15 of this document.)

### ***General Themes to Discuss (order can be intermingled)***

- Preparation, target setting, and flexibility
- Degree of authority when serving as a negotiation agent
- Negotiating across levels (internally and externally)
- Building and managing coalitions and awareness of dynamic BATNAs
- Process management to build momentum toward agreement
- Creating value and overcoming impasse
- Emotion in negotiation
- Managing complexity

We recommend beginning the debrief discussion **before** sharing the results slides with participants, and introducing results later.

You may want to start by asking participants what they did when preparing (alone or with others who shared their role) that was most helpful during the actual negotiation; you can also ask them to share what they wish they would have done to prepare differently, in hindsight.

Students are likely to note that it was helpful to prepare with others sharing their role, and you can encourage them to consult with colleagues from their own team or organization before upcoming real-world negotiations.

You can ask students if they prepared by trying to set a separate target (goal) and reservation point (bottom line or walk-away point) for each component of the negotiation, or instead for the negotiation as a whole. Students who had very high expectations for one specific area, or who drew firm bottom lines on specific issues, may have found themselves getting stuck if their goals were incompatible with the goals of others. You can discuss how negotiators can sometimes achieve more overall value and find deals that work for others by setting ambitious targets (goals) for the negotiation as a whole, but being flexible about how they are achieved, being willing to make some sacrifices in certain areas in order to gain in other areas.

After discussing preparation, if there are a small number of groups, you can ask each group in turn to share examples of challenges they encountered and strategies they used to address the challenges.

One issue that is likely to come up is the extent of authority that a staffer (agent) has to make decisions on behalf of the legislator he/she is representing (the principal)—this will affect the degree of flexibility each negotiator exhibits. It is interesting to note that some negotiators will interpret their role instructions as a guide but still feel empowered to make their own decisions regarding tradeoffs, whereas others will see their role instructions as a strict rulebook. When an agent enjoys less trust from the principal and is severely constrained, this can hamper creativity and the ability to seek new options or employ effective reframing. Additionally, other negotiators may not want to engage with someone they fear lacks the authority to negotiate. On the other hand, principals will only feel comfortable giving some degree of freedom to agents whom they trust to share their overall values and goals. When in doubt, agents should check in with their principals to ascertain how much leeway they have to use their own judgment.

Susskind and Crump (2008) mention three ways multi-party negotiations are more complicated than two-party negotiations (see slide). First, they allow for the formation of coalitions among subsets of negotiators; second, they require more active process management; and third, they can involve shifting alternatives (based on whether there is no deal for anyone, vs. a deal which excludes one or more parties) and greater overall complexity.

You may want to ask participants who they felt was their ally when they started the negotiation, and whether that shifted during the negotiation. Negotiators often assume that their counterpart who represents the same party will be their closest ally, but sometimes they find they have more in common with someone from the other side who also wants to get a deal done. In this case, the staff representing the two Chairs (House Ag. Chair Sydney Smith, R-Altusa-5<sup>th</sup>, and Senate Agriculture, Nutrition & Forestry

Committee Chair Dana Danvers, D-Fremont) both represent states significantly harmed by wildfires who are very eager to reach a deal. They each face the dilemma of how much to push forward with each other, versus how closely to support their same-party colleague who has a stronger BATNA (best alternative to a negotiated agreement) and can afford to hold out to push a more partisan agenda at the risk of an impasse.

The negotiator most likely to be excluded from a deal is the staffer for Rep. Alex Alvarez (House Agriculture Committee Ranking Member, D, Washgon-12<sup>th</sup>), followed by the staffer for Senator Jordan Jacobs (Senate Agriculture, Nutrition & Forestry Committee Ranking Member, R, Laramie). While not wanting to concede too much on substance, the staffers for both Representative Sydney Smith and Senator Dana Danvers may be willing to extend some compromises to the negotiators from the other political party in order to gain their support, as they want to ensure a strong bill that has a high likelihood of passing both chambers. Staffers for Smith and Danvers may also engage in Level II negotiation to try to persuade their same-party colleague to come onboard and support the agreement. Negotiators such as the staffer for Alvarez who is not particularly eager for a deal but cannot prevent others from reaching agreement should be careful to try to avoid exclusion if that results in a very unfavorable agreement (the Alvarez staffer may be happy to avoid signing on to a somewhat favorable agreement as long as their interests are met).

You can ask groups who did not reach an agreement where they got stuck, or groups who did reach agreement what kinds of roadblocks they had to overcome. Two kinds of challenges that could inhibit agreement relate to substance and emotions.

The aspirations outlined in the confidential information for several of the roles often lead to conflict regarding House Amendments 1 and 3. (See Summary of Interests by Role.) Some negotiations are likely to get stuck over disagreement on how to resolve House Amendment 1 and/or House Amendment 3.

The following strategies may be employed to move beyond substantive impasse on a given issue:

- Bundle discussion of the issue with discussion of other issues, to allow for tradeoffs across priorities. (It is important for each negotiator supporting an agreement to be able to point to at least one area that is a “win” that can garner the support of the negotiator’s Level II base.)
- Reframe the issue to use less “toxic” language that will not trigger the Level II constituent base of any of the negotiators.
- Expand the scope of negotiation to include issues of shared interest or an issue of value to one party that can be used to induce a compromise on another issue (for example, all negotiators are open to the use of forest thinning as a way to prevent future wildfires; Rep. Smith is interested in being appointed as the next Secretary of Agriculture—while not part of a formal deal, other negotiators could offer reassurances they would not block the appointment.
- Move away from positional bargaining to learn the negotiators’ underlying concerns and interests in order to come up with creative options to meet underlying interests without asking anyone to make a politically untenable sacrifice.

In addition, in multi-party negotiations it is common for one or more negotiators to feel emotionally “triggered” and lose interest in working toward an agreement. Fisher and Shapiro (2005) discuss “core

concerns” (such as “autonomy” and “status”) that lead to positive emotions when they are met, and negative emotions when they are violated (see slide). You can discuss process choices that are more (or less) likely to honor core concerns and foster positive emotion. For example, giving everyone a chance to voice concerns helps honor the core concern of “appreciation” while trying to force someone else to accept an unfavorable deal violates the core concern of “autonomy.”

Finally, you can ask participants to explain how they dealt with the complexity of managing a multi-issue, multi-stakeholder negotiation (see slide). You can also ask if any of them found an initial agreement, but then worked to improve it or earn the support of additional negotiators –what Raiffa calls a “post-settlement settlement” (Raiffa, 1985).

## References and Suggested Readings

Any of the following readings can be assigned prior to the exercise. If participants will not have time to prepare in advance, you can also skip all the supplemental readings.

- Roger Fisher and Daniel Shapiro, *Beyond Reason: Using Emotions as You Negotiate*, Chapters 1 and 2, Viking, 2005, pp. 3-21.
- Roger Fisher, William Ury, and Bruce Patton, *Getting to Yes* (second edition), Penguin Books, 1991, Chapter 3, “Focus on Interests, Not Positions.”
- Deepak Malhotra and Max Bazerman, “Investigative Negotiation,” *Harvard Business Review*, September 2007.
- Elizabeth A. Mannix, “Strength in Numbers: Negotiating as a Team,” *Negotiation*, Vol. 8, No. 5, May 2005.
- Robert Putnam, “Diplomacy and Domestic Politics: The Logic of Two-Level Games,” *International Organization*, MIT Press, summer 1988, pp. 427-460.
- Howard Raiffa, *Negotiation Journal*, Jan. 1985, pp. 9-12.
- Lawrence E. Susskind and Larry Crump, “Editor’s Introduction,” *Multiparty Negotiation*, Volume 1, Sage, London, 2008, Published in Association with the Program on Negotiation.

<b><i>Turning Down the Heat: Negotiating Wildfire Prevention and Recovery</i></b> <b>Summary of Interests by Role—for use by instructor only, do not share with participants</b>				
<b>Senate Provisions</b>	Rep. Smith (R)	Rep. Alvarez (D)	Senator Danvers (D)	Senator Jacobs (R)
<b>Original Senate Provisions</b>	Concerned about original Senate bill	Feels original Senate bill was already bipartisan, wants to eliminate all House Amendments	Happy with original Senate bill	Concerned about balanced budget, wants to reduce spending limit, feels Republicans made too many compromises
<b>House Amendments</b>				
1) Weakens current regulatory protections of Roadless Areas	Highest priority of House amendments (supported by timber industry)	Concerned about impact of new roads on environment, strongly wants to eliminate	Concerned but can keep, prefers to protect roadless areas	Wants to keep, high priority
2) Restricts the environmental impact assessments required for timber production on National Forest System land, eliminates req't for a comprehensive habitat assessment for endangered species	Prefer to keep	Can keep if altered to protect endangered species (prefers to eliminate)	Prefers to eliminate but not a priority	Wants to keep, but not highest priority
3) Shifts Secure Rural Schools (SRS) Title II emphasis and funding from environmental restoration and public land infrastructure to timber production...	Prefer to keep	Can keep if ensure rural schools do not lose \$ (prefers to eliminate)	Strongly wants to eliminate	Wants to keep, high priority to timber and pulp lobby
<b>Other Concerns</b>	Wants appointment as Secretary of Agriculture, open to forest thinning	Wants to protect environment & endangered species & eliminate House Amendments, open to forest thinning	Open to forest thinning, prefers to bring Alvarez on board	Wants \$ for purchase of firefighting equipment from own state manufacturer, avoid references to global warming, open to forest thinning
<b>Impact of Wildfires on Home State</b>	High—needs a bill	Low—can walk away	High—needs a bill	Low—can walk away

## Turning Down the Heat: Negotiating Wildfire Prevention and Recovery

### Sample Results of Past Simulations

	Who Agreed	Senate Bill	Amndt 1	Amndt 2	Amndt 3	Other?
1	All	Keep	Amend	Amend	Eliminate	Yes
2	All	Amend	Amend	Amend	Amend	No
3	All but Alvarez	Amend	Amend	Amend	Eliminate	No
4	All	Amend	Amend	Amend	Eliminate	No
5	All	Amend	Amend	Amend	Eliminate	Yes
6	All	Keep	Amend	Amend	Eliminate	Yes

	Senate Provisions
1	No change
2	As Add non-binding statement that long-term effect of climate change has led to global warming which requires increased forest management
3	Add wildfire fighting equipment by local communities as an eligible expense under #1
4	Change to two consecutive years of exceeding 10 year average (for extra \$\$ to kick in)
5	1) Sense of Congress that climate change is a significant contributor to Wildfires 2) 5-year rolling average in bill provision 1 3) Create competitive grant program subject to appropriations for procurement of wildfire equipment
6	No change

	<b>Amendment 1</b>
1	State by state exemptions; more penalties on illegal logging; establish new Washgon National Forest named “Washgon National Sequoia Koala Sanctuary and Forest”
2	Clarifying language – roadless area rule must not change but roads for fighting fires allowed
3	Modified to clarify purpose is for access to infrastructure by rural and remote communities; with added language against illegal logging and enhanced enforcement
4	Modify to include forest thinning as a prevention method
5	Will be written to be opt-in by individual states (Altusa & Laramie will opt-in)
6	“Vegetation management” defined to include forest thinning; and nothing in this provision shall weaken current provisions

	<b>Amendment 2</b>
1	5-year pilot among 5 states for this provision. Blocked in fire areas or areas with endangered species. Laramie is one of 5 states.
2	Impact Assessment on endangered species restored to bill, along with the assessment on logging
3	If a comprehensive endangered species assessment completed within 3 years, then the environmental impact assessment for specific timber operations are only required for impacted area
4	Shot clock: 60 day + assessment about global temperature increases
5	The EIS will include the effects of logging actively on climate change
6	Proposed and additional unmitigated alternative; same language + a preliminary assessment which shall include the milestones and timelines consistent with the scope of the project pursuant to regulation

	<b>Amendment 3</b>
1	Eliminate
2	Secure rural schools – more money for schools; 90% goes to schools (instead of 80%) – 10% environmental restoration (non-timber) and 10% timber production
3	Eliminate
4	Eliminate
5	Eliminate
6	Eliminate

	<b>Other</b>
1	10% increase in authorization for Laramie Fire Training Center
2	
3	
4	
5	Danvers will not block Ag Sec nomination (off-the-record discussion)
6	Will support Rep. Smith nomination as Ag Secretary (off-the-record discussion)

## Turning Down the Heat: Negotiating Wildfire Prevention and Recovery General Information for All Roles

### Exercise Background

This is a fictional four-person negotiation exercise focusing on wildfire legislation in the United States Congress. The four negotiators are professional staff on the Agriculture Committees in their respective chambers for the following Congressional Members from fictional states:

- House Agriculture Committee Chair – Rep. Sydney Smith (R-Altusa-5th)
- House Agriculture Committee Ranking Member – Rep. Alex Alvarez (D-Washgon-12th)
- Senate Agriculture, Nutrition & Forestry Committee Chair – Sen. Dana Danvers (D-Fremont)
- Senate Agriculture, Nutrition & Forestry Committee Ranking Member – Sen. Jordan Jacobs (R-Laramie)

All four Members have been appointed by their chambers' leadership to negotiate wildfire legislation which was first passed in the Senate, then amended and passed out of the House. This negotiation simulation takes place after the Senate requests a conference for both chambers to work out differences in Senate and House versions. The respective staff for each Member above meets prior to conference to pre-negotiate a possible deal.

(House and Senate Budget committees also have jurisdiction over the bill but have delegated power to their party colleagues and will not play a direct role in the conference).

The House is held by Republicans, who have a 39-seat margin over Democrats. However, as of the most recent midterm election, Democrats hold a supermajority of 62 seats in the Senate (including the Independents who almost always vote with them), eliminating the Senate Republicans' ability to leverage the 60-vote cloture threshold to block legislation and nominations.

HOUSE: 237 Republicans / 198 Democrats

SENATE: 60 Democrats / 38 Republicans / 2 Independents (who vote with Democrats)

---

*This simulation was written by Kessely Hong, Lecturer in Public Policy, John Fogarty, Monica Giannone, and Emily Schlichting at the Harvard Kennedy School, Harvard University (HKS) as part of the Harvard Kennedy School's "Teaching Legislative Negotiation Project." These materials were developed with support from the William and Flora Hewlett Foundation. HKS simulations are developed solely as the basis for class discussion. They are not intended to serve as endorsements, sources of primary data, or illustrations of effective or ineffective management.*

Copyright © 2019 President and Fellows of Harvard College.



This work is licensed under the Creative Commons Attribution-NonCommercial License. To view a copy of this license, visit <https://creativecommons.org/licenses/by-nc/4.0/>; or, (b) send a letter to Creative Commons, 171 2nd Street, Suite 300, San Francisco, California, 94105, USA.

## State Background

Altusa: Altusa is a large, rural state in the Pacific Northwest. It has been heavily affected by wildfires, especially the 5<sup>th</sup> congressional district. Altusa is the second most wildfire-prone state in the United States, and first in total potential exposure to wildfire risk. The state has a robust lumber industry that has been damaged by the fires, causing significant economic downturn in the state. Residents of the 5<sup>th</sup> district live in largely rural communities, with many working in the lumber or ranching industries. Constituents complain that timber regulations are onerous and prohibitive for industry operators.

Washgon: Washgon is situated along the northern border of the United States' western coastline. The state is home to millions of square miles of national forests. While no stranger to the occasional wildfire, the state's forests are generally considered geographically insulated from conditions conducive to far more dangerous wildfires. Residents of the 12<sup>th</sup> district regularly enjoy outdoor activities, they appreciate the high quality of air and water available, and they recognize the bounty of the region's ecosystem.

Fremont: Fremont is one of the largest states in the United States in both size and population. Fremont includes roughly half of the country's western coastline and continues down to the southern border. Fremont's forests are among the most susceptible to wildfire. Wildfires have increasingly caused far-reaching damage and have frequently caught the national spotlight in the past few years.

Laramie: Laramie is a large, sparsely populated state in the Mountain West region of the United States. While it has a large number of forests and open grasslands, Laramie has only been minorly affected by wildfires. The state is home to several large lumber operations, and also serves as the center for U.S. Forest Service's Western region's firefighting operations. Residents of Laramie live primarily in rural communities, with many families making their living in farming and ranching professions. While the smoke has been increasing as neighboring states have burned, aside from this Laramie has been largely unharmed.

## Wildfire Background

Wildfires are uncontrolled fires, often around wilderness and rural areas, that can threaten to dramatically damage and uproot entire communities. From 2008 to 2017, wildfires burned, on average, 6.6 million acres annually in the United States. In the first 6 months of 2017, there were approximately 37,200 wildfires that were responsible for burning 5.2 million acres. In 2016, there were 67,700 wildfires that burned 5.5 million acres. The largest fire season on record (acreage burned) occurred in 2015, with more than 68,000 wildfires and 10.1 million acres burned.<sup>1</sup>

Wildfire management responsibilities for fires that begin on federal land are shared by the Forest Service (FS) within the U.S. Department of Agriculture, and by the Department of the Interior (DOI). FS and DOI responsibilities include prevention, detection, response, and recovery. Congress provides annual appropriations to both FS and DOI for wildfire preparedness, site rehabilitation, and other

activities. Over the 10-year period from 2008-2017, Congress appropriated an average of \$3.72 billion annually, with \$4.18 billion combined to both FS and DOI in FY2017.<sup>2</sup>

The term “fire borrowing” describes the practice of having to borrow money from funds designated to preventing wildfires to cover costs of suppressing wildfires. Past fire seasons have seen increased wildfire suppression costs due to the increasing frequency and scale of wildfires, and from the increasing costs of modern wildfire equipment. In 2017, wildfire suppression costs were more than \$2.5 billion – the highest cost on record. At its peak, more than 28,000 wildfire-fighting personnel were dispatched, along with aircraft and other resources.<sup>3</sup>

## Legislative Background

Republicans control the House and Democrats control the Senate. The President is Republican, though he won with a narrow margin.

### Actions in the Senate

Two months ago, Senator Dana Danvers (D-Fremont) introduced the *Wildfire Prevention & Recovery Act of 2018 (WPRA)*. The bill was referred to the Senate Agriculture, Nutrition & Forestry (Senate Ag) Committee. Senator Danvers is the Chairwoman and Senator Jacobs (R-Laramie) is the Ranking Member. After being passed out of committee, WPRA was passed with strong bipartisan support on the Senate floor. Senators Danvers and Jacobs voted for the bill both times, to move it out of Committee and to pass it on the Senate floor.

Key provisions of WPRA would:

1. Amend the Balanced Budget and Emergency Deficit Control Act of 1985 to include progressively higher caps for wildfire disaster relief funds starting in 2020. Funds will only be available if wildfire suppression costs exceed the 10-year average cost of wildfires. Eliminates problematic practice of “fire-borrowing” from other department programs.
2. Reverse a controversial ruling by the 9th U.S. Circuit Court of Appeals in 2015, which forced the Forest Service to consult more closely with the Fish and Wildlife Service on forest projects that might affect endangered species. The 2015 ruling has held up and imperiled logging projects in 18 national areas.
3. Give utility companies responsibility to exercise reasonable care in keeping areas clear near power lines and emergency authority to remove hazard trees near power lines that cross national forests and national grasslands. It also limits those companies’ potential liabilities.

The Senate bill enjoyed strong bipartisan support after undergoing lengthy debate and moderate concessions from both sides. The bill has been championed as a product of hard work and demonstrates the potential for both sides of the aisle to reach compromise.

## **Actions in the House of Representatives**

After passing the Senate, the bill was moved to the House of Representatives and referred to the House Agriculture Committee (House Ag), which then passed the Senate bill with the following amendments, all proposed by Chairman Sydney Smith (R-Altusa-5th) of the House Ag Committee:

**Amendment 1:** Changes current language regarding U.S. Forest Service vegetation management to be possibly interpreted to weaken current regulatory protections of Roadless Areas covered by the Roadless Area Conservation Rule.

**Amendment 2:** Restricts the environmental impact assessments required for timber production on National Forest System land to include only the impact of the logging activity proposed and the alternative of no action. This Amendment eliminates the requirement to conduct a comprehensive habitat assessment to measure the impact on endangered species.

**Amendment 3:** Shifts Secure Rural Schools (SRS) Title II emphasis and funding from environmental restoration and public land infrastructure to timber production. Currently, 20% of SRS and Title II funding is earmarked for non-educational use in the community, including stream and watershed restoration, road maintenance, reducing fire risks, improving water supplies, and/or stewardship projects. This Amendment would divert 50% of the 20% (non-educational funds) to fund timber production efforts, if counties receive SRS Title II funding.

The bill was then voted upon in the House and passed with all three of the above amendments. After passage, it was directed back to the Senate for consideration with the House's amendments. Upon receiving the House-amended WPR, the Senate requested a conference with the House to negotiate differences in the two versions.

Chairman Smith voted for the bill both times, to vote it out of Committee and to pass on the House floor. Although the bill passed in the House with some Democratic support, the House Ag Ranking Member (Rep. Alex Alvarez) did not vote for the legislation either time and gave a fiery floor speech during the House's debate opposing the "partisan amendments" that were added to a clean, bipartisan Senate bill.

## **Conference Set-Up**

The Republican Speaker of the House and leadership understand the importance of passing a wildfire funding bill that fixes the practice of "fire-borrowing" and increases caps for disaster relief. Many of their members represent districts heavily affected by recent wildfires and their constituents are watching the bill's progress carefully. Ideally, Republican leadership prefers that all the House's amendments be included in any final conference version. However, Republicans are also aware that failure to come to a deal with Democrats would hurt their reputation as being able to get things done ahead of the upcoming election.

The President's Administration supports the fully-amended House version and sees the amendments as fitting into the Administration's larger agenda. However, the President would not have opposed the

clean Senate version. The President is currently keeping an eye on who in Congress can advance their goals through messaging or legislation. The Administration is looking to Congress to identify members who can successfully work with Democrats in either chamber in moving their priorities forward. It is also rumored that the President is considering a shortlist of potential nominees for Secretary of Department of Agriculture.

## Negotiation Logistics

Please read your Confidential Materials and prepare individually.

The negotiation will begin with a brief caucus with your counterpart of the same political party before meeting as a full four-person group.

You may take up to the allocated time for the full-group negotiation.

A deal may be signed with only the support of the Chairs' staffers, but such a final bill would likely be less popular, both throughout Congress (though would likely still pass) and with the American public, than a bill with the support of three or all four parties.

The four parties have the power to agree to, remove, add to, and/or modify any of the language contained within the two versions.

One copy of the agreed upon language (General Information, page 8) must be turned in to simulation administrators when the negotiation time has ended.

## References

"Federal Assistance for Wildfire Response and Recovery: In Brief," Congressional Research Service, July 27, 2017, <https://www.everycrsreport.com/reports/R41858.html>.

"Wildfire Management Funding: Background, Issues, and Fiscal Year 2018 Appropriations," Congressional Research Service, January 30, 2018, <https://digital.library.unt.edu/ark:/67531/metadc1156866/citation/#top>.

Joseph E Taylor III, Erik Steiner, Krista Fryauff, Celena Allen, Alex Sherman, Zephyr Frank, "Follow the Money: A Spatial History of In-Lieu Programs of Western Federal Lands," The Spatial History Project | Cesta, Stanford University, <http://followthemoney.stanford.edu/pages/SRS.html>.

Shuffield, Jonathan. "Policy Brief: Continue Revenue Sharing Payments to Forest Counties: Support the Secure Rural Schools (SRS) Program," National Association of Counties, June 4, 2018, <https://www.naco.org/resources/continue-revenue-sharing-payments-forest-counties-support-secure-rural-schools-srs-program>.

"Secure Rural Schools Reauthorization," USDA Forest Service, May 8, 2018, <https://www.fs.usda.gov/pts>.

## Notes

---

<sup>1</sup> “Federal Assistance for Wildfire Response and Recovery: In Brief,” Congressional Research Service, July 27, 2017, <https://www.everycrsreport.com/reports/R41858.html>.

<sup>2</sup> “Wildfire Management Funding: Background, Issues, and Fiscal Year 2018 Appropriations,” Congressional Research Service, January 30, 2018, <https://digital.library.unt.edu/ark:/67531/metadc1156866/citation/#top>.

<sup>3</sup> <https://www.usda.gov/media/press-releases/2018/03/23/secretary-perdue-applauds-fire-funding-fix-omnibus>.

*Wildfire Prevention & Recovery Act of 2018 (WPRA)*

Senate Provisions:

Amend the Balanced Budget and Emergency Deficit Control Act of 1985 to include progressively higher caps for wildfire disaster relief funds starting in 2020. Funds will only be available if wildfire suppression costs exceed the 10-year average cost of wildfires. Eliminates problematic practice of “fire-borrowing” from other department programs.

Reverse a controversial ruling by the 9th U.S. Circuit Court of Appeals in 2015, which forced the Forest Service to consult more closely with the Fish and Wildlife Service on forest projects that might affect endangered species. The 2015 ruling has held up and imperiled logging projects in 18 national areas.

Give utility companies responsibility to exercise reasonable care in keeping areas clear near power lines and emergency authority to remove hazard trees near power lines that cross national forests and national grasslands. It also limits those companies’ potential liabilities.

Amendments added in the House:

Amendment 1: Changes current language regarding U.S. Forest Service vegetation management to be possibly interpreted to weaken current regulatory protections of Roadless Areas covered by the Roadless Area Conservation Rule.

Amendment 2: Restricts the environmental impact assessments required for timber production on National Forest System land to include only the impact of the logging activity proposed and the alternative of no action. This Amendment eliminates the requirement to conduct a comprehensive habitat assessment to measure the impact on endangered species.

Amendment 3: Shifts Secure Rural Schools (SRS) emphasis and funding from environmental restoration to timber production. Currently, 80% of SRS funding goes to support rural schools and 20% of SRS funding is earmarked for non-educational use in the community, including stream and watershed restoration, road maintenance, reducing fire risks, improving water supplies, and/or stewardship projects. This Amendment would divert 50% of the 20% (non-educational funds) to go to fund timber production.

Results Form

*Wildfire Prevention & Recovery Act of 2018 (WPRA)*

Pre-Conference Committee Recommendations

(Parties may agree to, remove, add to, and/or modify existing language in Senate and House versions)

Senate provisions:

Amendments added in the House:

Amendment 1:

Amendment 2:

Amendment 3:

Any additional changes or comments:

Language supported by:

\_\_\_\_\_  
Staffer for Sen. Danvers

\_\_\_\_\_  
Staffer for Rep. Smith

\_\_\_\_\_  
Staffer for Sen. Jacobs

\_\_\_\_\_  
Staffer for Rep. Alvarez

# Turning Down the Heat: Negotiating Wildfire Prevention and Recovery Confidential Information for Staffer for Senator Dana Danvers

## Character Sheet

Democrat Professional Staffer for Senate Agriculture Committee Chairwoman, Sen. Dana Danvers (D-Fremont).

### Sen. Dana Danvers (D-FR)

You work for Senator Danvers, the long-serving Chairwoman of the Senate Agriculture Committee. Danvers is the senior senator from Fremont, one of the largest states in the nation in both size and population. Senator Danvers has built a fairly-productive relationship with the new Republican Ranking Member of the Committee, Senator Jordan Jacobs (R-Laramie), as has your team.

Senator Danvers is up for re-election in 6 months and knows that passage of the Senate bill is critical to alleviating the wildfire problem in heavily-impacted Fremont. At a time when large bipartisan deals are increasingly rare, Danvers is looking to build a legacy as someone who can work across the aisle and get meaningful things done in today's environment.

### Fremont

Fremont has seen more than its share of wildfires in recent years. The state ranks number one in "most-wildfire prone states", and number two in "total potential exposure to wildfire risk in dollars," among all fifty states in the country. Fremont has been in and out of drought for the better part of the past decade, which has contributed to the increasing risk of fires. Residents of Fremont are tired of the hazy grey that has overtaken recent summers' blue skies, and they worry about the health implications of the smoke. Those who live in more suburban and rural locales increasingly worry about the unpredictability and growing scale of wildfires that threaten their homes and livelihoods. Many have

---

*This simulation was written by Kessely Hong, Lecturer in Public Policy, John Fogarty, Monica Giannone, and Emily Schlichting at the Harvard Kennedy School, Harvard University (HKS) as part of the Harvard Kennedy School's "Teaching Legislative Negotiation Project." These materials were developed with support from the William and Flora Hewlett Foundation. HKS simulations are developed solely as the basis for class discussion. They are not intended to serve as endorsements, sources of primary data, or illustrations of effective or ineffective management.*

Copyright © 2019 President and Fellows of Harvard College.



This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/3.0/>; or, (b) send a letter to Creative Commons, 171 2nd Street, Suite 300, San Francisco, California, 94105, USA.

been closely following Sen. Danvers' press conferences and releases on the *Wildfire Prevention & Recovery Act of 2018*, expecting it to significantly help solve Fremont's wildfire woes.

## Your Background

You are a longtime staffer in the Senate and a current senior staffer for the Senate Agriculture Committee, with generally good relationships across both parties. You are a native of Fremont and have worked for the senator for your entire DC career, working your way up from Legislative Correspondent to Professional Staff on committee.

Your boss, Chairwoman Danvers, almost always supports the deals you make, and they tend to pass the Senate. The Chairwoman and committee staff view you as someone who delivers. The *Wildfire Prevention & Recovery Act of 2018* was one of your great successes, after putting in much hard work, many hours, and ultimately finding compromise with Republican staff on the committee. However, you were disappointed but not surprised to see that the House amended the much-negotiated bipartisan Senate bill with provisions that weaken environmental protections in favor of private interests.

Your boss is open to discussions on the House amendments to get the core Senate provisions enacted. However, Danvers has historically been opposed to aspects of all three House amendments, and was on the record this year opposing the shift of SRS funding to timber and forest products.

If this bill does not make it out of conference and get passed in this Congress, the effort dies. There is no time left to introduce another version, or get provisions included in another legislative vehicle.

## Supplemental Background Emails

**To:** You (Danvers' Office, Senate Ag)

**From:** Salter, Rosemary (Danvers' Office, Senate Ag)

**Date:** May 23<sup>rd</sup>

**Subject:** WPRA Conference Agenda

---

Thanks for all the hard work on this. We're almost to the finish line.

Talked to Senator Danvers about how to address the House amendments going into conference. Obviously, Alvarez's office doesn't want anything to do with these new provisions, and we largely share those views with them. His vocal opposition likely strengthens our hand a bit going into the negotiation. His speech on the floor definitely made it clear how tough these amendments are for Democrats – despite some D support in the House. However, Alvarez may be willing to tank the whole conference in

order to stop legislation that contains too many Republican provisions. We'll need to be careful not to provide Alvarez *too much* ammo against these provisions or we'll run the risk of making it impossible to get his office on board with any compromises.

Fremont is really suffering, and the Ranking Member Jacobs knows that. While Jacobs and the boss were able to get the bill passed through committee and the Senate, this is still a last-chance opportunity for Jacobs to walk back some of our compromises and go chase after the House provisions. **Stay attentive to this and keep Jacobs' staff as close to the Senate negotiated & bipartisan version as possible.**

The Senator is open to negotiating on Amdt1 on roadless areas, but we should focus on forest-thinning practices and really try to remove any inclusion of eliminating roadless areas from protection if possible (expect Alvarez and other Dems to come back hard against anything on roadless roads). Amdt3 is a NO-GO for us. Although the SRS doesn't actually move funding away from the schools directly, the shifting in funding priorities won't play well at home and we'll be dealing with consequences all year. The boss is not open to negotiating #3.

*Some talking points against House amendments from press team:*

"Benefits timber interests at expense to local species and ecosystems. If this is meant to alleviate problems with remote communities, we should be examining alternative and less harmful solutions."

"Senate process was long, hard-fought, and fair. Let's not throw all that to waste because the House has taken a look and decided to ask for a couple private-sector handouts for one House district."

"Why do we want to loosen protections on endangered and threatened species?"

Let's get this out of conference as close to the Senate version as possible, and onto the President's desk for signing. We won't have a chance to include it any other appropriations omnibus this fall. So this is it!

If you have any questions or want to recap briefly, stop by my desk on the way over. Good luck!

Rosemary

*Rosemary Salter  
Majority Staff Director  
Senate Agriculture Committee  
Office of Senator Dana Danvers*

**To:** You (Danvers' Office, Senate Ag)

**From:** Salter, Rosemary (Danvers' Office, Senate Ag)

**Date:** May 23<sup>rd</sup>

**Subject:** Follow up: WPRA Conference Agenda

---

Another thought – Alvarez's office has been all over the news the past few days talking about environmental concerns and global warming. Maybe there's a chance to bring him on board if you could reiterate our priorities re: environmental protections. Maybe get some of this language into the bill? Would really be great not to isolate him or House Ds.

RS

Rosemary Salter  
Majority Staff Director  
Senate Agriculture Committee  
Office of Senator Dana Danvers

**To:** You (Danvers Office, Senate Ag)

**From:** Seip, Carlos (Sen. Majority Leader Alberts Office)

**Date:** May 23<sup>rd</sup>

**Subject:** LEADERSHIP: WPRA CONFERENCE

---

To get back to you with an answer, the Majority Leader will not be bringing a bill to the floor unless at least one House amendment, preferably more, is taken out in conference. The Leader does not wish to appear to be yielding to the House Speaker on this. It is up to you which amendment(s) are at issue and removed.

Assuming you saw the press coverage today – someone in the White House is clearly floating Chairwoman Smith trial balloon for the Ag Secretary position. Given that she would go through your committee for confirmation, does this influence our position on any of these amendments?

Let us know how else we might be able to help.

Regards,

Carlos

Carlos Seip  
Office of the Senate Majority Leader  
Senator Birdie Alberts, (D-NY)  
United States Senate  
Washington, D.C. 20510

# Turning Down the Heat: Negotiating Wildfire Prevention and Recovery Confidential Information for Staffer for Representative Alex Alvarez

## Character Sheet

Democrat Professional Staffer for House Agriculture Committee Ranking Member, Rep. Alex Alvarez (D-Washgon-12<sup>th</sup>).

### Rep. Alex Alvarez (D-WN-12th)

You work for Representative Alvarez, Ranking Member of the House Agriculture Committee. At 40 years old, Alvarez is relatively young compared to fellow members in the House. Nevertheless, Alvarez has been a loud and influential voice among House Democrats since day one, rising to become Ranking Member of the powerful House Ag Committee only recently.

Representative Alvarez was also recently awarded the Environmental Pact's 2017 Champion of the Year Award, in recognition of Alvarez's strong voting record on environmental and endangered species protections. Not surprisingly, Rep. Alvarez did not vote for the House-amended *Wildfire Prevention & Recovery Act* (WPRA) in committee or on the House floor. Your boss recognizes a need for fixing the wildfire budget and other related issues, but the House amendments prohibited him from supporting the package. Instead, he gave a floor speech opposing the "partisan amendments" that were added to the Senate bill.

### Washgon 12th

Washgon is situated along the northern border of the Western coastline. The state is home to millions of square miles of national forests. While no stranger to the occasional wildfire, the state's forests are generally considered geographically insulated from conditions conducive to far more dangerous wildfires. Residents of the 12<sup>th</sup> district regularly enjoy outdoor activities, they appreciate the high quality of air and water available, and they recognize the bounty of the region's ecosystem.

*This simulation was written by Kessely Hong, Lecturer in Public Policy, John Fogarty, Monica Giannone, and Emily Schlichting at the Harvard Kennedy School, Harvard University (HKS) as part of the Harvard Kennedy School's "Teaching Legislative Negotiation Project." These materials were developed with support from the William and Flora Hewlett Foundation. HKS simulations are developed solely as the basis for class discussion. They are not intended to serve as endorsements, sources of primary data, or illustrations of effective or ineffective management.*

Copyright © 2019 President and Fellows of Harvard College.



This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/3.0/>; or, (b) send a letter to Creative Commons, 171 2nd Street, Suite 300, San Francisco, California, 94105, USA.

Residents of the 12<sup>th</sup> are proud of their home, and of their Representative's work on sustainability and environmental protection.

## Your Background

You are new to the House Agriculture Committee. Since starting in this role, you have taken your boss' ability to incorporate environmentally-friendly policies into agriculture legislation to the next level. This has garnered significant acclaim among the environmental community so far. You are proud to have been able to push other Democrats – who sometimes cave on sustainability – to hold their ground more strongly.

Your boss' re-election is in 6 months, and there will be pressure from all sides entering the conference negotiation. Alvarez felt that the original Senate bill was only "marginally OK" due to some environmental protection provisions being stripped out during the Senate Ag committee negotiations. However, after passing the Senate on a strongly bipartisan basis, your boss would ideally support a clean Senate Bill without the House amendments. While his constituents back home were proud of Alvarez's speech on the floor of the House, it is unknown what the critical reaction will be if your boss fails to prevent this "egregious" bill from being passed. Your boss would likely face blowback if the bill that comes out of Conference Committee doesn't remove any House Amendments and/or doesn't include any additional environmental protections.

## Supplemental Background Emails

**To:** You (Alvarez's Office, House Ag)  
**CC:** Winsted, Sasha (Alvarez's Office, House Ag)  
**From:** Xin, Jamie (Alvarez's Office, House Ag)  
**Date:** May 25<sup>th</sup>  
**Subject:** WPRA Conference

---

Rep. Alvarez has made it clear that we need to push back against all House amendments to the Senate bill. These provisions pose potential unnecessary harm to national forests, endangered species, and residents. The boss is still displeased with the Chair for pushing through the addition of so many of these amendments. There was room to strengthen the bill (through forest thinning, etc.) when it came to the House but instead we ended up with this.

- **Amendment 1:** Republicans will argue that rural communities are cut off from critical infrastructure and resources and that this amendment reduces those barriers and helps the rural populations. While this is an issue we also care about, introducing new roads through protected and fragile environments is not the solution. Removing rules is a very slippery slope to a giant uptick in illegal logging and timber interests. If there is a problem, we need a very narrow carefully crafted express solution.
- **Amendment 2:** This amendment is completely counter to what the boss has long been fighting for. As you may know, Alvarez' predecessor built a legacy by protecting endangered species and

the environment, and members of Washgon expect Alvarez to uphold that legacy. What are the benefits of logging companies getting approval a couple days faster at the expense of driving some species into extinction?

- **Amendment 3:** We should be horrified to be associated with a congress that would pass something that changes funding priorities within the Secure Rural Schools program and gives it to the timber industry. We're a rural district and we too count on programs like this to offset declining timber revenues on our federal land! Republicans may try to convince us that this shift is still *mostly* going to watershed protection, infrastructure investment, etc. Try to nail them down on numbers of what percentage of \$ is being redirected to "reducing fires," "improving water supplies," or "stewardship projects," and how much \$ is going to timber production-related efforts.

Keep in mind, it might also be better to threaten to walk away than to support a bill that so clearly, and gravely, hurts the environment and the boss' reputation. Passing the Senate version would be fine – but better if you can include additional environmental protections or re-negotiate terms around forest thinning (I think we spoke to someone in Rep. Smith's office about that – cc'ing Sasha to see if she remembers). We definitely cannot allow a bill that includes all 3 terrible House provisions as-is to come out of this conference. I think it's important that, even if we can't ultimately support the bill, we change a lot of this toxic language.

The boss recognizes the need for wildfire modernization/budget increases and is sympathetic to states battling the increasing number of wildfires across the country. While Danvers will desperately need this to pass, Danvers is also likely trying to avoid the appearance of caving-in to House Republicans and the House Speaker. You should use this opportunity to push Danvers for harder environmental protections, stripping out House amendments, and getting "global warming" into final bill text.

#### FINAL CONSIDERATIONS:

- Rep. Alvarez will NOT negotiate on Amdt1 or accept this. We have enough problems with illegal logging in the district and increasing road access will only exacerbate it. There is also low trust that this won't devolve into a legal logging free-for-all in the future.
- We could stomach potential negotiations on Amdt2, if it can be demonstrated that no significant harm will be done to wildlife, and the potential scope of areas impacted is narrowed.
- We could stomach potential negotiations on Amdt3, if funding for rural schools itself is not decreased, and the funds that are redirected go largely towards reducing fire risks or improving water supplies.
- OUR BEST OUTCOME = strip House amendments and increase/insert language around environmental protections.

Keep me posted on how things are going and let me know if you have any questions.

Thanks,

Jamie Xin, Minority Staff Director, House Agriculture Committee  
Office of Congressman Alex Alvarez (D-WN-12<sup>th</sup>)

**To:** You (Alvarez's Office, House Ag)

**From:** Winsted, Sasha (Alvarez's Office, House Ag)

**Date:** May 25<sup>th</sup>

**Subject:** RE: WPRA Conference

---

Hey –

Quickly – I did talk to someone in Smith's office about forest thinning and they seemed open to it as a potential bipartisan win. No idea if there's still interest there since they added so much other stuff in the House version.

FYI: Forest Thinning is the process where you remove certain trees in order to increase the health of the overall forest. In this case, removal of trees and thinning of the forest has been found to decrease the risk of different environmental stressors – including wildfire. It's found support among members of both parties and even between environmental groups and loggers in certain scenarios.

Hope this helps.

Sasha

Sasha Winsted  
Minority Staff Assistant  
House Agriculture Committee  
Office of Congressman Alex Alvarez (D-WN-12<sup>th</sup>)

**To:** You (Alvarez's Office, House Ag)

**From:** josie\_kendall@enviropact.org (The Environment Pact)

**Date:** May 21<sup>st</sup>

**Subject:** Sierra Club Mtg Follow-Up

---

Hey!

Please tell Rep. Alvarez thank you for meeting with us on such short notice, again. We continue to look forward to working with the Chair on our mutual goals of creating greater protections of our communities and environment through innovation and legislation.

To follow-up on our meeting yesterday regarding the WPRA conference negotiation, we strongly oppose all three House amendments as passed. Specifically, we see a lot of problems with Amdt1 and Amdt3, which affect funding and precedent. We are still currently examining the extent of Amdt2's less-restrictive effect on more recently implemented regulation.

I've attached a photo we wanted to share from earlier this year with the Congressman and staff receiving the Environment Pact 2017 Champion of the Year Award!

We hope to support your boss in the future! And we will be scoring votes on WPRA in both House and Senate! Good work and good luck!

Best Regards,

Josie

Josie Kendall  
Director, Federal Affairs  
The Environment Pact

 CoYphoto.jpg



# Turning Down the Heat: Negotiating Wildfire Prevention and Recovery Confidential Information for Staffer for Representative Sydney Smith

## Character Sheet

Republican Professional Staffer to the House Agriculture Committee Chairwoman Rep. Sydney Smith (R-Altusa).

### Rep. Sydney Smith (R-AT)

You work for Congresswoman Smith, who serves as the Chairwoman of the House Agriculture Committee. Representative Smith represents the fifth district of Altusa, a large Western state devastated by the recent wildfires. Smith is a fairly senior House Republican who has a strong record as a loyal member of the party – the Speaker often utilizes her to bring other members around on legislation (particularly the House Freedom Caucus). She is also a member of the Republican Study Committee (108 members total). The Congresswoman voted for the recent bipartisan budget deal that the President struck with the Republican Speaker and Democrat Senate Majority Leader to lift budget caps and was instrumental in getting enough far-right members to support the bill. Recent press reports indicate that Rep. Smith may be tapped to serve as the new Secretary of Agriculture – there are rumors that the current Secretary is moving to the U.S. Trade Representative to handle NAFTA renegotiation and to combat China’s tariffs of U.S. exports.

### Altusa

Altusa has suffered significantly over the past few summers. Wildfires have devastated local forests and seriously harmed the lumber industry, a main component of the Altusa economy. The state is second-most prone to wildfires nationally and has the highest potential exposure.

---

*This simulation was written by Kessely Hong, Lecturer in Public Policy, John Fogarty, Monica Giannone, and Emily Schlichting at the Harvard Kennedy School, Harvard University (HKS) as part of the Harvard Kennedy School’s “Teaching Legislative Negotiation Project.” These materials were developed with support from the William and Flora Hewlett Foundation. HKS simulations are developed solely as the basis for class discussion. They are not intended to serve as endorsements, sources of primary data, or illustrations of effective or ineffective management.*

Copyright © 2019 President and Fellows of Harvard College.



This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/3.0/>; or, (b) send a letter to Creative Commons, 171 2nd Street, Suite 300, San Francisco, California, 94105, USA.

## Your Background

You are from the South and moved to Washington, DC after graduating from college. You started as a junior Staff Assistant for a member from your home state and have worked your way up to this senior professional staff role on the House Agriculture Committee. You've been with the Chairwoman for a while and really enjoy working for her. Success in DC revolves around being in the right place at the right time – if the Congresswoman does become the Secretary of Agriculture, there is a strong chance you'll be tapped for a top post at the USDA. This would be a career changer for you. Delivering in this negotiation will help secure that spot, should she actually be nominated.

## Supplemental Background Emails

**To:** You (Smith's Office, House Ag)

**From:** Thompson, Lowell (Smith's Office, House Ag)

**Date:** May 25<sup>th</sup>

**Subject:** WPRA conference list

---

Thanks for letting me know your thoughts on our general approach – I think it tracks well with what we've discussed. Just chatted with the boss about it. Have a few items below that you should keep in mind going into these conversations.

First, I wish I could give you more clarity around the nomination rumors, but you know how closely held these things are. Proceed as though it's a go –and be sure to keep on the good side of Danvers' staff, as they'll be running the confirmation process if she is nominated. Best not to build any ill-will.

Moving onto the policy, we are in a good spot. I don't need to tell you, but it is *essential* that this conference succeed and that we get a bill signed into law. Altusa Governor Rischmann called the boss yesterday and stressed again that he will support *any* bill back at home with relief funding in it – we would really like to avoid a break from the Governor right now so it's important that we are in this deal.

Below are my additional thoughts on the three amendments that were added in Committee. As a reminder, the Chairwoman doesn't want to disappoint the members who sponsored these provisions, but enactment is the goal here – none of these are set in stone yet. The Senate bill already had strong bipartisan support, which undermines us a bit in asking for more here. Given the likely difficulty of passing all the House amendments in the Senate, it is possible you may need to concede a bit to avoid derailing the discussion.

### House Amendments

We believe the Democrats are going to attempt to strip out the provisions we added in House Ag Committee. If possible, we want to keep all three – we know that deregulation encourages economic growth and creates jobs. This will be especially helpful in getting Altusa’s logging industry back on its feet after the fires, which have made it increasingly difficult for local timber companies to access forests.

- **Amendment 1:** Strong first step to increasing access to these forests for potential timber interests, clearing the way for logging in these forests. Remote communities are cut off from critical infrastructure and resources—this amendment will reduce those barriers and help the rural populations in Altusa. Of all the amendments, this is the one we care about most. The timber industry folks have been pushing it hard.
- **Amendment 2:** Reduces redundant regulation – the boss supports this amendment and it’s an easy messaging win for deregulation.
- **Amendment 3:** Dems are going to attack this as cutting funding for rural schools – which it’s not. It’s only diverting half of the 20% of funds earmarked for non-educational uses. We are obviously not against rural school systems—we strongly support this program. But some of the funding going to watershed restoration and road maintenance could and should be run by private companies. If we are going to reduce fire risks and fight them effectively, we need to increase water supplies and fund road maintenance, so we can access the fires to put them out.

A final note – we batted some ideas about forest thinning around with Alvarez’s staff before they decided he was fully opposing the bill in House Ag Committee. Might be worth revisiting as folks seem generally supportive and it could help placate some of our more conservative members if we need to let some of the amendments go.

It’s critical that this bill gets done and it looks like this conference may be the only window we get.

Keep me posted on how things are going.

Thanks,

LT

Lowell Thompson  
Majority Staff Director  
House Agriculture Committee  
Office of Congressman Sydney Smith

**To:** You (Smith's Office, House Ag)

**From:** Caleb\_Osterman@altusa.gov (Governor of Altusa's office)

**Date:** May 21<sup>st</sup>

**Subject:** WPRA must haves

---

Hey,

Thanks again for hopping on the phone just now. The Governor wanted to be sure the Chairwoman was up to speed before entering conference negotiations. We really need this relief to come through – our state's resources for responding to this have been almost completely depleted.

Topline takeaway—Governor Rischmann feels strongly that the Senate bill would be better than no bill at all. We know Sen. Danvers' team can be hard bargainers but a stalemate where the bill dies is truly not an option for Altusa right now. My boss wants to be as helpful as possible, but at the end of the day he will publicly back the Senate bill if it's that or no relief.

Obviously don't want it to come to that, especially with your boss being considered for the USDA job, but figured you'd at least like the courtesy of knowing in advance.

Thanks,

Caleb

Caleb Osterman  
Director, Federal Affairs  
Office of Governor Thomas Rischmann of Altusa

# Turning Down the Heat: Negotiating Wildfire Prevention and Recovery Confidential Information for Staffer for Senator Jordan Jacobs

## Character Sheet

Republican Professional Staffer to the Senate Agriculture Committee Ranking Member, Sen. Jordan Jacobs (R-Laramie).

### Sen. Jordan Jacobs (R-LR)

You work for Senator Jacobs, who took over the leading Republican Ranking role on the Senate Ag Committee at the beginning of this Congress. Sen. Jacobs is the senior senator from Laramie, a large Western state. Your boss is a common-sense Republican who believes in balanced budgets and reducing government spending wherever possible. He notably voted against the recent bipartisan budget deal that the President struck with the Republican Speaker and Democrat Senate Majority Leader to lift budget caps. While he has been the Ranking Member of the Senate Ag for just over a year, he has built a fairly productive relationship with long-serving Chairwoman Danvers (Senate Ag, D-Fremont), as has your team.

### Laramie

Despite being heavily wooded, the wildfires have not affected Laramie much. Lumber is one of the largest industries in Laramie, however, so you have been in fairly consistent communication with the head of the National Timber and Pulp Association (NTPA) about the situation. There is also a large company, Cannacorp, in the state that manufactures firefighting equipment – mostly air tankers and water scoopers.

---

*This simulation was written by Kessely Hong, Lecturer in Public Policy, John Fogarty, Monica Giannone, and Emily Schlichting at the Harvard Kennedy School, Harvard University (HKS) as part of the Harvard Kennedy School's "Teaching Legislative Negotiation Project." These materials were developed with support from the William and Flora Hewlett Foundation. HKS simulations are developed solely as the basis for class discussion. They are not intended to serve as endorsements, sources of primary data, or illustrations of effective or ineffective management.*

Copyright © 2019 President and Fellows of Harvard College.



This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/3.0/>; or, (b) send a letter to Creative Commons, 171 2nd Street, Suite 300, San Francisco, California, 94105, USA.

## Your Background

You are from Laramie, but moved to Washington, DC ten years ago to work on forest policy issues. While you've worked in the House before, this is your first job as professional committee staff and first job in the Senate. However, your hands-on experience has given you a real leg up. You have a Master's in Forestry Science from the University of Laramie and worked on related issues at the state and local level before moving into federal policy.

This bill was your first large negotiation in the Senate and you're not completely happy with where things landed. Luckily, the House Republicans were able to add in some provisions that covered some of the concessions you and your boss were backed into during the Senate process. That said, you know your boss is still not pleased with how high the budget caps were lifted. Walking out with a bill that reduces the ten-year spending limit would be a real victory for you within your office.

## Supplemental Background Emails

**To:** You (Jacobs' Office, Senate Ag)

**From:** Stivers, Jon (Jacobs' Office, Senate Ag)

**Date:** May 25<sup>th</sup>

**Subject:** WPRA conference items

---

Thanks for letting me know your thoughts on our general approach – I think it tracks well with what we've discussed. Just chatted with Senator Jacobs and have a few items below that you should keep in mind going into these conversations.

I know we played a bit nicer than we wanted in the Senate negotiations and gave the Danvers' staff some real ground – but Senator Jacobs felt it was important to keep the tone of their relationships positive given that this is Jacobs' first year as the Ranking Member of this committee. However, the dynamic for this conference is different. We do not need this bill as much as some of the other parties – it matters more that we hold certain lines and not appear as pushovers for the second go-round with Danvers and House Democrats.

Fremont is really suffering as a state and we want to help, but as it stands there is not much for Laramie to gain from this bill. Where possible, you should work to align with Chairman Smith's staff to gain back some ground.

A few things to keep in mind:

- I know we didn't land where we wanted on spending in the Senate bill, so your top priority should be bringing down the number of the ten-year budget cap in Sec. 1.
- A reminder that we *really* want to keep this bill fully in Senate Ag's jurisdiction to avoid bringing in even more areas for potential spending in the natural resources space. The House's shared jurisdiction makes this something they don't care about, but it's important for us to control the process.
- Would be nice to direct some funds to the purchase and operation of some firefighting equipment for the Western region, since Cannacorp will likely manufacture the tankers/scoopers and they will likely operate out of the Laramie regional U.S. Forest Service compound. This would be a great press release for the Senator if we can get it in.

#### House Amendments

The Senator strongly supports all three House amendments, as they make the bill more helpful to businesses in Laramie. Also, is possible it would be good to show some wins to NTPA, since Jacobs has been so out front on their issues – keeping these amendments in is a good way to do that.

- **Amendment 1:** Strong first step to increasing access to these forests for potential timber interests, clearing the way for logging in these forests. Remote communities are cut off from critical infrastructure and resources—this amendment will reduce those barriers and help the rural populations in Laramie.
- **Amendment 2:** Reduces redundant job-killing regulation – Jacobs strongly supports this amendment and we want to fight to keep it in.
- **Amendment 3:** I didn't follow some of the research you sent, but agree that this function makes more sense in the private sector, while diverting funds to more pressing efforts that would help economic stability in the region. This amendment is not as high a priority, but we would prefer to have it in rather than out.

You know this, but reiterating that we want to keep all references to global warming and climate out of this bill.

One last note – Senator Jacobs asked why we didn't end up including more forest thinning in the Senate bill? He talked to someone last week (no idea who... tracking that down) who mentioned that it's a much cheaper option than some of the programs that the Danvers' staff pushed into the final bill. Something to think about.

Good luck! I'll be back in the state with the Senator next week while you're negotiating, but feel free to call whenever.

Jon

Jon Stivers, Minority Staff Director  
Senate Agriculture Committee, Office of Senator Jordan Jacobs

**To:** You (Jacobs' Office, Senate Ag)

**From:** lisa.wilson@ntpa.org (National Timber and Pulp Association)

**Date:** May 23<sup>rd</sup>

**Subject:** Follow up from meeting

---

Hi there,

Thanks again for a great meeting last week. Wanted to give you a few points on the WPRA before you head into negotiations. As always, please reach out if we can be a resource during the talks. Your boss has been a great ally.

- **Amendment 1:** This amendment is essential for us – top priority. It will allow for logging in these forests, which will be a real economic boon to Laramie. Think more jobs, more money in local pockets and generally improved local economies, especially in smaller towns.
- **Amendment 2:** As we discussed, this is great but not essential for our members' immediate operations. Would love to keep in if we can because it will help speed up approvals by removing unnecessary red tape.
- **Amendment 3:** We feel strongly about keeping this amendment in. Don't need to explain this to you given your background, but funding should invest more directly in the communities that best know what they need – as opposed to government mandates. Supporting local infrastructure that supports private sector companies involved in timber production would increase outcomes (and bring jobs!). Let me know if you need additional data/research that outlines this point.

Thanks again – the Senator has been a real partner in trying to claw back some of this excessive regulation. We are really counting on you guys to deliver! Would be huge for Laramie if we could get some more logging operations going.

Thanks! And hopefully see you soon.

Lisa

Lisa Wilson  
Director, Federal Affairs  
National Timber and Pulp Association

## Turning Down the Heat: Negotiating Wildfire Prevention and Recovery Preparation Survey

Your name: \_\_\_\_\_

Your role: \_\_\_\_\_

Your group number: \_\_\_\_\_

### UNDERSTANDING YOUR ROLE

What is your BATNA—what will you do if you cannot reach an agreement with the other parties?

How do your interests and priorities relate to the key issues to be negotiated?

Key issue to be negotiated	Your interests/concerns related to this issue	High or low priority?

What is your target deal? (What kind of package deal would represent a very good outcome for you?)

What is your reservation (walk-away) point? (Considering your BATNA, what is the least favorable deal you would still be willing to accept?)

### TRYING TO UNDERSTAND THE PERSPECTIVES OF OTHER ROLES

What roles are represented by the other negotiators? Try to make an informed guess about their interests and alternatives? What additional information would you like to try to gather during the negotiation?

Who are the other negotiating roles?	What are their primary interests and concerns?	What is their BATNA, and is their BATNA strong or weak?
1.		
2.		
3.		

### CREATING AND CLAIMING VALUE

Can you think of creative options that might satisfy the interests of multiple negotiators (including yourself)? What criteria could you use to support these options?

What is your role's relationship with each of the other negotiators? Which interests do you have in common, and how are their interests likely to be different from yours? Who are likely allies and adversaries? How can you recruit other negotiators to support your interests?

How do you intend to shape the structure and manage the overall negotiating process to your advantage? How will you build trust to earn support from others?

**Turning Down the Heat: Negotiating Wildfire Prevention and Recovery**

**Roles and Groups**

<b>Group</b>	<b>Staffer for Representative Sydney Smith (R-Altusa-5th)</b>	<b>Staffer for Representative Alex Alvarez (D-Washgon-12th)</b>	<b>Staffer for Senator Dana Danvers (D-Fremont)</b>	<b>Staffer for Senator Jordan Jacobs (R-Laramie)</b>
1				
2				
3				
4				
5				
6				

## Turning Down the Heat: Negotiating Wildfire Prevention and Recovery Sample Slides

Harvard Legislative Negotiation Program



Sponsored by the William and Flora Hewlett  
Foundation's Madison Initiative

### *Turning Down the Heat: Negotiating Wildfire Prevention and Recovery*

#### **Setup**

1

#### **“Two-level games”**

(Robert Putnam, “Diplomacy and Domestic Politics: The Logic of Two-Level Games,” *International Organization*, MIT Press, summer 1988, pp. 427-460.)

- **Level I:** “bargaining between the negotiators, leading to a tentative agreement” (**external negotiations**)
- **Level II:** “separate discussions within each group of constituents about whether to ratify the agreement” (**internal negotiations**)

2

## Distributive vs. Integrative Negotiations

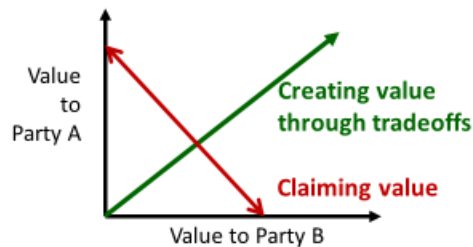
### Distributive Negotiations

- There is only **one issue** to be negotiated
- Fixed pie: each party's gain comes at a direct loss to the other side
- Common assumption: parties are adversaries competing for value
- Common sticking point: if the issue cannot be divided, then the "winner takes all"—but nobody wants to be the loser



### Integrative Negotiations

- There are **multiple issues** to be negotiated
- Wise tradeoffs allow for mutual gains
- Common assumption: the parties can trade on differences in preferences, priorities, or expectations
- Common sticking point: parties fail to share enough information to enable wise tradeoffs



## How do you achieve mutual gains in a multi-issue negotiation? “expand the pie”/ “move northeast”

(Roger Fisher, R., William Ury, and Bruce Patton, *Getting to Yes* (second edition), Penguin Books, 1991, Chapter 3, pp. 40-55.)

- Focus on interests, not positions
- Seek to understand differences in interests/priorities/expectations between parties
- Generate options that meet the parties' key interests at relatively low cost to the other party
- Create value through gains from trade: each side gives up something they value less than what they gain from the other side

## Internal Team Planning Tips

(Elizabeth Mannix, "Strength in Numbers: Negotiating as a Team," *Negotiation*, May 2005.)

- Seek agreement on shared goals, interests and priorities (substance); develop a common understanding of your alternatives; try to learn as much as you can about the other side
- Discuss skills and design an active, fulfilling and contributing role for each team member
- "Plan the negotiation process" as well as team communication methods

Harvard Legislative Negotiation Program



Sponsored by the William and Flora Hewlett Foundation's Madison Initiative

## ***Turning Down the Heat: Negotiating Wildfire Prevention and Recovery***

### ***Debrief***

## Challenges in Multiparty Negotiation

(Lawrence E. Susskind and Larry Crump, "Editor's Introduction," *Multiparty Negotiation*, Volume 1, Sage, London, 2008, Published in Association with the Program on Negotiation.)

- Coalitions
- Process Management
- Dynamic BATNAs and Analytical Complexity

7

## Fisher & Shapiro's Five Core Concerns

(From Table 3 in Chapter 2 of Roger Fisher and Daniel Shapiro, *Beyond Reason: Using Emotions as You Negotiate*, Viking, 2005, p.17.)

- **Appreciation** ("your thoughts, feelings & actions are acknowledged")
- **Affiliation** ("you are treated as a colleague," not adversary)
- **Autonomy** ("others respect your freedom to decide")
- **Status** (you are recognized rather than "treated as inferior")
- **Role** ("your role and its activities" are fulfilling)  
→ Meeting core concerns generates positive emotions; violating core concerns generates negative emotions

8

## Managing Analytic Complexity to Reach Wise Agreements

- Build trust to facilitate information sharing
- Ask open questions to learn (not confirm what you already believe)
- Share information reciprocally
- Avoid issue-by-issue negotiation; make package offers
- Create a chart or visual aid to manage information overload
- Search for post-settlement settlements (improvements to the agreement) (Howard Raiffa, *Negotiation Journal*, Jan. 1985, pp. 9-12.)
- Beware being swept away by the majority sentiment and failing to voice concerns → remember you will need to justify your agreement to your constituency

## Turning Down the Heat: Negotiating Wildfire Prevention and Recovery Results Template Slides

**Turning Down the Heat Simulation Sample Results Template**

Group	Who Agreed	Senate Bill	Amndt 1	Amndt 2	Amndt 3	Additional?
1	All	CHANGE	CHANGE	CHANGE	CHANGE	YES
2	All except X	KEEP	KEEP	KEEP	KEEP	NO
3		ELIMINATE	ELIMINATE	ELIMINATE	ELIMINATE	
4						
5						
6						

	Senate Provisions
1	
2	
3	
4	
5	
6	

	<b>Amendment 1</b>
1	
2	
3	
4	
5	
6	

	<b>Amendment 2</b>
1	
2	
3	
4	
5	
6	

	Amendment 3
1	
2	
3	
4	
5	
6	

	Additional Changes
1	
2	
3	
4	
5	
6	