

## MEMORANDUM

To: GGNRA Negotiated Rulemaking Committee  
From: Facilitation Team  
Date: May 15, 2006  
Subject: Problem Solving and Preliminary Issues Identification

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### Introduction

This memorandum is intended to support a shift by the Committee from process-oriented discussions to collaborative problem solving on key issues. It outlines an approach that will provide a framework for accomplishing the objectives of the negotiated rulemaking process.

### GGNRA Dog Management Issues and Interests

The initial step is for the Committee to develop a table of key interests and issues that is organized, as proposed, into three categories: (1) GGNRA-wide interests and issues; (2) Multiple area interests and issues; and (3) Single area interests and issues. A sample table, created solely for explanatory purposes, is presented below.

<i>Issue/Interest Category</i>	<i>Possible Examples of Issues</i>	<i>Possible Examples of Interests</i>
GGNRA-wide	<ul style="list-style-type: none"><li>• Voice control definition</li><li>• Animal waste disposal obligations</li><li>• Length and type of leashes</li><li>• Signage</li></ul>	<ul style="list-style-type: none"><li>• Promote dog owner-guardian responsibility for animal waste</li><li>• Consistent and understandable rules related to voice control</li></ul>
Multiple areas	<ul style="list-style-type: none"><li>• Off-leash on beaches</li><li>• Criteria for physical separation</li><li>• Similar flora and fauna</li></ul>	<ul style="list-style-type: none"><li>• Off-leash access to beaches</li><li>• Respecting all beach uses</li><li>• Consistent treatment of areas with similar natural resources</li><li>• Focus on a core set of criteria for evaluating physical separation options rather than developing new criteria for each area</li></ul>
Single area	<ul style="list-style-type: none"><li>• Unique natural resources, e.g., plovers on OB, cliff sparrows at Ft. Funston</li><li>• Unique users or uses, e.g., hand gliding</li><li>• Unique pattern or history of use</li></ul>	<ul style="list-style-type: none"><li>• Maintain flexibility to develop customized approaches for unique areas</li></ul>

As we identify and work through the key issues that will provide the foundation for rulemaking, we will ask that each member and alternate identify both key interests and issues. A review “Getting to Yes” may assist in providing clarity on what is meant by interests. You can think of issues as apparent tension among interests that requires

attention and, hopefully, resolution. We will take the results of the tables (to be compiled as discussed below) and compile them into a single table for the entire Committee.

### **Collaborative Problem Solving Approach**

We propose that the Committee begin problem solving with GGNRA-wide issues using the basic approach presented below. This approach will be familiar to those of you who have prior experience with a collaborative approach to problem solving.

Using the definition of voice control across GGNRA as an example:

*Step 1:* Identify the key interests and issues associated with a definition of voice control, and then frame a forward-looking description of the problem to be solved. These problem solving statements often are as simple as: “How do we [list all interests]?”

*Step 2:* Identify preliminary criteria for use in evaluating different voice control definitions or approaches. One possibility may be relevant legal requirements; another may be defining what success or effectiveness would achieve. Determine whether there are priorities among the criteria.

*Step 3:* Identify data that will be needed to develop and evaluate multiple options. For example, it may be necessary to seek reliable studies of different approaches to voice control in other jurisdictions.

*Step 4:* Refine criteria, if possible, based on what you learn about data.

*Step 5:* Using the interests and criteria, develop multiple options that address as many criteria as possible. It is essential that you be open to different approaches at this point and not insist on a single option.

*Step 6:* Evaluate all the options in light of the criteria. Don’t simply eliminate an option; take it apart to determine whether there are useful elements that might combined with another option. Test to understand “why” an option does not satisfy an interest or other criterion.

*Step 7:* Refine your understanding of the key issues and interests associated with defining voice control based on the initial evaluation, unless you have resolved the issue the first time through. This is a bit like eating an artichoke, leaf by leaf, layer by layer.

*Step 8:* Refine your options based on your deeper understanding of key interests and issues.

*Step 9:* Evaluate whether you have achieved preliminary agreement based on consensus, by addressing as many interests as possible in developing a solution. If so, begin the same process for the next issue. If not, either continue the same process until you reach an agreement, or set the issue aside for the time being and take up another.

From the larger perspective of the Committee's work, an issue such as voice control will be considered in the context of other key issues identified. This is necessary to ensure that an understanding of the relationships between all the key issues is well understood. It is also in these interrelationships that potential cross-cutting solutions will be found. In other words, working through the key issues jointly is more likely to lead to their resolution than working through them individually.

As a Committee, you will need to decide how much of this work to do as a full Committee, in one or more Subcommittees, and as caucuses or individuals. There are many variations on this process, but the basic steps remain the same.

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