



Statement of Scope Overview

To appropriately regulate and manage the state's fishery resources in line with our statutory responsibilities and authority, the Wisconsin Department of Natural Resources (department) promulgates administrative rules. Administrative rules are regulations, standards, statements of policy, and general orders of general application which have the effect of law. The process for promulgating administrative rules is established in Ch. 227, Subch. II, Stats.

The preparation and approval of a statement of scope (commonly referred to as a scope statement) is the first step in the rule-making process. A scope statement is a document describing the objectives of a rule the department plans to pursue, the policies that will be included in the future rule and how those relate to existing policies, and entities which may be affected by the rule. The scope statement is not itself a draft rule and does not make changes to administrative code. Rather, the scope statement establishes the parameters for future rule-making.

Scope Statement Components

A scope statement may be broad or narrow in nature, and contains all of the following components as prescribed in s. 227.135 (1), Stats.:

- A description of the objective of the rule.
- A description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives.
- The statutory authority for the rule.
- Estimates of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule.
- A description of all of the entities that may be affected by the rule.
- A summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

The scope statement does not contain exact rule language, because an agency cannot perform any activity relating to drafting proposed rules until the scope statement is approved. However, the department can conduct activities to prepare the scope statement, such as discussions with stakeholders and the public on topics to include in a scope statement.

The scope statement describes potential changes compared to existing practices or, for new rules, a comparison with similar rules that the department has promulgated in the past. This provides context and justification for the rule topics under consideration for a future rule.

Scope Statement Approval Process

Before the department may begin drafting rule language, the following steps toward approval of the scope statement must be completed:

- Preparation of the scope statement by department staff and Secretary's approval
- Department of Administration review of statutory authority
- Governor's Office approval

- Publication in the administrative register and Joint Committee for the Review of Administrative Rules (JCRAR) review period
- Natural Resources Board authorization of preliminary public hearing on scope statement (if required by JCRAR)
- Natural Resources Board approval

Effect of a Scope Statement

Once approved by the Natural Resources Board, the scope statement guides the drafting of an administrative rule change.

- The scope statement does not bind the Bureau of Fisheries Management to pursuing all of the rule changes described in the scope statement. We can pursue rule changes within the parameters of the scope statement in whole, in part, or not at all.
- We cannot consider rules outside of the topics described in the scope statement unless the department amends and re-routes the scope statement through the approval process again.

Example scope statement language: This rule may address cisco quotas, bag limits, gear restrictions, and times of year when fishing is allowed in Example Waterbody.

A future rule under these parameters in the scope statement could not include whitefish rule changes because the scope statement is limited to cisco or changes to cisco regulations outside the specified waterbody, but could include changes to the types or sizes of gear used to harvest cisco in Example Waterbody.