

<b>FISHERIES MANAGEMENT PROGRAM SUPPLEMENT</b> <b>33-102-02-01</b> OCTOBER 30, 2008	
Planning Performance Measurement 33-102 Program Performance Reporting 33-102-02	
<b>PROGRAM PERFORMANCE REPORTING BUSINESS RULES FOR FMP</b>	
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<b>SUMMARY OF REVISIONS:</b> Procedural Directive <u>33-102-02 Program Performance Reporting</u> establishes the requirement to report on and periodically update data on (among other things) PPBES Program business rules. This document 33-102-02-01 reports Program business rules for the Fisheries Management Program.	
Signed _____/s/ Galen Tromble_____	
Galen Tromble	Date: October 15, 2008
Fisheries Management Program Manager	

1. Introduction This procedural directive supplemental describes the business rules and reporting procedures for the performance measures for the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) Office of Sustainable Fisheries. Specifically, it establishes the procedures for the creation, review, approval, reporting, and timing of changes to performance measure *targets* and *actuals*.

2. Performance Measures Business rules and reporting procedures are detailed in section 3 of this supplemental for the following performance measures:

- 3.1 Fish Stock Sustainability Index. Ready, reporting
- 3.2 Number of FSSI stocks not subject to overfishing. Ready, reporting
- 3.3 Number of fish stocks for which overfishing has been ended. Ready, reporting
- 3.4 Percentage of fish stocks known to be subject to overfishing for longer than 1 year with improved management measures to end overfishing in place. Ready, reporting
- 3.5 Number of fisheries managed under Limited Access Privilege Programs. Ready, reporting

3. Business Rules and Procedures The following procedures will be followed for each performance measure identified.

### **3.1 Fish Stock Sustainability Index**

#### **3.1.1 Definition of terms.**

*Biomass* – the total weight of a group of fish or of some defined fraction (e.g. spawners) in an area, at a particular time.

*Fishing Mortality Rate* – a measurement of the rate of removal from a population by fishing. Fishing mortality can be reported as either annual or instantaneous.

*FSSI* (Fish Stock Sustainability Index) – a performance measure for the sustainability of 230 fish stocks selected for their importance to commercial and recreational fisheries.

*Overfished* – stock size is below a prescribed biomass threshold.

*Overfishing* – harvest rate is above a prescribed fishing mortality threshold.

*Rebuilding* – for a depleted stock, or population, taking action to allow it to grow back to a predefined target level (usually  $B_{MSY}$ ).

*Rebuilt* – a stock that was previously overfished, but the biomass has since increased to the rebuilding target level.

*Score* – the number of points a single stock receives based on a set of rules identified in item 3.1.3 below

#### **3.1.2 Criteria to determine progress in meeting the performance target.**

Progress in meeting the performance target is achieved as unknown stocks become known, stocks subject to overfishing are no longer subjected to overfishing, overfished stocks are no longer overfished, and stocks are managed at a sustainable level. Stocks are assigned points for having a known determination, as well as, for being not overfished, not subject to overfishing, and being managed at a sustainable level. Stocks listed as unknown are those for which there is no approved overfishing/overfished definition, or there is an approved overfishing/overfished definition, but for which no determination can be made because of insufficient information. Status determinations are made by NMFS based on the most recent peer-reviewed assessment information, or citable evaluation document where applicable, and status determination criteria (SDC) that have been adopted in the FMP. Where a determination had previously been provided and a new assessment results in a determination of “unknown,” or provides no determination, NMFS generally does not change the determination. If the new information provides clear evidence that the status of the stock is unknown and the previous determination was invalid, NMFS will consider changing the status to unknown.

#### **3.1.3 Specific counting methodology, algorithm, or other formula used to generate the numbers.**

The FSSI is computed according to the following methodology:

<u>Rule</u>	<u>Score</u>
a. Stock has known status determination for overfishing	0.5
b. Stock has known status determination for overfished	0.5
c. Fishing mortality rate is below the “overfishing” level defined for the stock	1.0
d. Biomass is above the “overfished” level defined for the stock	1.0
e. Biomass is at or above 80% of maximum sustainable yield ( $B_{msy}$ ) <sup>1</sup> (this point is in addition to the point awarded for being above the “overfished” level)	1.0

The maximum score for each stock is 4. The value of the FSSI is the sum of the individual stock scores. Since there are 230 stocks in the FSSI, an overall score of 920 would be achieved if every stock scored a 4.

### 3.1.4 Reporting source.

Two weeks before the end of every fiscal quarter, headquarters informs the regional offices and the Atlantic Highly Migratory Species Division (HMS) that the end of the quarter is approaching. The science centers are required to enter stock assessment data in the Species Information System (SIS) within two weeks of finalizing stock assessment reports. After that, the regional offices and HMS have one week to input stock status determinations into SIS, based on the new stock assessment data. Thus, stock assessment and stock status determination data are entered in the database as the information becomes available. The communication that is sent out two weeks before the end of the quarter is done as a courtesy to remind the regional offices and HMS that all data in SIS should be up-to-date, and they should conduct a review of the information before the end of the quarter. If assessments are in the process of being completed at the end of the quarter, the regional offices and HMS should inform headquarters of this.

Once the quarter has ended, the contact person for the regional office and HMS should transmit an e-mail to headquarters with the following: 1) A summary of all new stock assessments for the past quarter; 2) Any changes in stock status determinations for the past quarter; 3) Updated status determination criteria (SDC) contained in the fishery management plans (FMPs), including newly adopted reference points; and 4) A signed Information Quality Act (IQA) form in PDF format, which verifies that supporting data are based on the best available information and meets the standards of integrity in accordance with the Computer Security Act and the Government Information Security Reform Act. If no new assessments were conducted or changes made to stock status determinations, the contact person for the regional office and HMS should submit an e-mail that states this; no IQA form is required. All e-mails must be received within one week following the end of the quarter.

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<sup>1</sup>Stocks rebuilding from a previously overfished condition are not awarded the fourth point until they reach  $B_{msy}$  as mandated by the Magnuson-Stevens Act. After they have been fully rebuilt, they may fluctuate within the 80% parameter and retain the score of 4 like the other non-rebuilding stocks

### **3.1.5 Methodology and process for setting the targets and the level of detail behind the targets.**

Targets were projected for the next six years and were set according to the following rules:

- a. Assessing Stocks with an Unknown Status
  - (1) Stocks with either an unknown overfishing status, unknown overfished status, or both unknown overfishing and overfished status that are scheduled for stock assessments in the next 2 years will be assumed to have their status become known at the time of the assessment. Stocks will be assumed to be subject to overfishing and overfished (unless otherwise noted as in b. below). The stock assessment schedule is maintained by the Office of Science and Technology for the Percentage of Living Marine Resources with Adequate Population Assessments and Forecasts performance measure and is updated quarterly for the performance measure that tracks the number of adequate stock assessments. Only those stocks assessed at an adequate assessment level (level 3 tier II) or higher are assumed to result in a known determination. A 3-month delay beyond the scheduled assessment date is always anticipated to allow for final review and status determination.
    - (a) For the overfished determination, the stock will always be assumed to be overfished upon being first assessed.
    - (b) For the overfishing determination, stocks for which there is an annual quota and a mechanism to adequately control fishing mortality, the stock will be assumed to be not subject to overfishing upon being first assessed. All other stocks will be assumed to be subject to overfishing upon being first assessed.
  - (2) Beyond 2 years it is not possible to accurately project when stock assessments will be conducted, based on the current stock assessment schedule. Thus, beyond 2 years, it will be assumed that 3 stocks per year are assessed based on past years' average (1 unknown overfishing - 0.5 points, 1 unknown overfished - 0.5 points, and 1 unknown overfishing and overfished determination - 1 point). Targets are revised annually and after a year has elapsed, the most recent stock assessment schedule will be used to project targets for upcoming stock assessments for the next 2 years.
- b. Ending Overfishing
  - (1) All stocks currently experiencing overfishing are supposed to have Annual Catch Limits (ACLs) implemented by 2010 to end overfishing

immediately. Catch data used to determine overfishing status may take up to a year to finalize, which is the end of calendar year 2011, or the first quarter of fiscal year 2012.

- (a) Exceptions to (1) above are those stocks for which management measures have been implemented to end overfishing AND a stock assessment will be finalized before 2012 to determine status. These stocks are projected to end overfishing in the year that the stock assessment is scheduled to be finalized (assume a 3-month delay to be finalized).
- (b) For stocks that are impacted by non-U.S. fisheries, progress is not assumed to end overfishing and rebuild stocks since there is limited ability to control mortality.

(2) For all unknown stocks assessed annually in a(1) and a(2), above, it is assumed that overfishing will end within 2 years. This allows 1 year for fishing under the ACL and 1 year to finalize the total fishing mortality data to make a determination of whether or not the ACL was exceeded (i.e. overfishing was occurring).

c. Rebuilding Stocks

All stocks currently rebuilding are expected to be rebuilt by their end date. It is assumed that the assessments to determine status will be conducted within 1 year after the end rebuilding date.

NOTE: For all stocks whose rebuilding plans end before 2011 and are currently experiencing overfishing, they are expected to end overfishing before 2011.

**3.1.6 Criteria for identification of the PPAs and capabilities that support the measure.**

The Fish Stock Sustainability Index and its related measures (3.2, 3.3, 3.4, and 3.9) share similar Program, Project, or Activities (PPAs) and capabilities. The bulk of funding affecting these measures is in the Fisheries Research and Management Programs PPA, the NEPA PPA, the Stock Assessments PPA, and the Regional Councils and Fisheries Commissions PPA. The relevant funding is also defined by the Fisheries Management Program's capabilities: 1) Fishery Plan Development, 2) Regulatory Analysis, Evaluation, and Implementation, 3) Fisheries Policy Development and Implementation, 4) International Coordination and Cooperation, and 5) State Partnerships. Nearly FMP's entire budget influences the FSSI, but these PPAs and capabilities most directly and demonstrably change the scores relating to ending overfishing and rebuilding stocks.

Ending overfishing, which leads to rebuilding of stocks, is accomplished through the activities of amending fishery management plans and implementing regulations. PPAs and capabilities that support the regional fishery management councils, NMFS regulatory activities - including the Regulatory Streamlining Program, and NEPA support the

measure. The international capability also supports the measure because several FSSI stocks are primarily affected by international fisheries. In addition, PPAs and capabilities in the EOP that support stock assessments support the measure because stock assessments are needed to determine "known" status for stocks, and to determine when stocks change from one status to another.

**3.1.7 How the measure is affected by changes in funding levels and how targets corresponding to different funding scenarios are determined.**

The FSSI is most directly affected by funding for stock assessments, because stocks with unknown status get no points in the FSSI and periodic assessments are needed to provide information on whether a stock's FSSI score should change. In other words, assessments are needed to identify if overfishing has ended or stock size has increased above the overfished threshold or to the target rebuilt biomass level. To the extent that the EOP can provide information on the number of stocks that can be assessed at a particular funding level and the frequency of assessments, FMP can utilize that information in calculating target values for the FSSI. The FSSI is not as immediately sensitive to changes in funding for plan amendment and regulatory work. It is more sensitive to the efficiency with which the current funds are applied, and the effectiveness of the management measures that are developed. In other words, it may cost the same amount of money to develop a plan amendment or regulation which successfully ends overfishing as it does to develop a measure that fails. A reduction in regulatory funding will negatively impact the program's ability to efficiently develop effective management measures and will have a long-term impact on FSSI scores. Also, new management approaches such as ACLs will more effectively increase the FSSI but will cost additional money -- in that case the FSSI would be more sensitive to an increase in regulatory and Fishery Plan Development funding.

**3.1.8 Additional contingencies that could potentially impact the result in unanticipated ways**

None identified.

**3.1.9 Approval structure.**

The program manager is responsible for approving the FSSI score. No person below the program manager signs off on the FSSI data as a whole. However, NMFS Regional Administrators and the Division Chief for Atlantic Highly Migratory Species approve all on changed status determinations for each FSSI stock, certifying that they are correct and in accordance with the status determination criteria published in the fishery management plan for the stock.

**3.1.10 Timing of when updates are available and the periodicity of available reporting mechanisms.**

The most recent FSSI information is available on the Sustainable Fisheries web site

continually. Changes are updated every quarter and posted on the web site within 10 days following the end of each quarter.

## **3.2            Number of FSSI stocks not subject to overfishing**

### **3.2.1 Definitions.**

Stocks that are not subject to overfishing are those for which the harvest rate/amount is known and is below a prescribed fishing mortality threshold. The measure covers all FSSI stocks, which are 230 priority fish stocks for the Index selected for their importance to commercial and recreational fisheries. Criteria for selection of stocks include whether they are major stocks (landings greater than 200,000 pounds), whether they are overfished or subject to overfishing, whether they have assessments scheduled, whether they have previously been identified as important, or other factors as appropriate. These stocks represent about 90% of all commercial and recreational landings in the U.S.

### **3.2.2 Criteria to determine progress in meeting the performance target.**

FSSI stocks that are not subject to overfishing are expected to remain not subject to overfishing. Previously, once a determination of overfishing had been made, the process of removing the stock from the overfishing list took 3-5 years due to the nature of the regulatory process and the requirement that the end of overfishing be verified by a scientific stock assessment. Under the new MSRA, ACLs are required and information about the overfishing status should be available within 1 year after the end of a fishing year. This will allow fisheries managers to end overfishing sooner than 3-5 years after making a determination of overfishing and ensure that stocks are not subject to overfishing.

With the requirement to implement ACLs to end overfishing, all FSSI stocks that are currently subject to overfishing are expected to be not subject to overfishing by 2012. Also, unknown FSSI stocks that will be assessed through 2011 and found to be subject to overfishing are expected to be not subject to overfishing by 2012.

Some FSSI stocks are actually expected to end overfishing before 2012. These include some rebuilding stocks that are subject to overfishing and are scheduled to be rebuilt by 2011. These stocks are expected to be not subject to overfishing by 2011. Similarly, FSSI stocks that are subject to overfishing for which improved management measures have been implemented to end overfishing before 2012, and have stock assessments before 2012 to confirm the status, are expected to be not subject to overfishing before 2012.

Almost all FSSI stocks are targeted to be not subject to overfishing by 2012, with the exception of a few international stocks that are mostly impacted by non-U.S. fisheries. Because there is limited ability to control mortality for these stocks, they are not expected to end overfishing and are not included in the target number of stocks not subject to

overfishing by 2012.

Criteria to determine if the performance targets have been met include counting the actual number of FSSI stocks in each year that are not subject to overfishing and comparing with the target number of FSSI stocks expected to be not subject to overfishing.

### **3.2.3 Specific counting methodology, algorithm, or other formula used to generate the numbers.**

At the end of each year, the number of FSSI stocks that are not subject to overfishing is counted. This is the number of stocks that is reported for this measure.

### **3.2.4 Reporting source.**

Two weeks before the end of every fiscal quarter, headquarters informs the regional offices and the Atlantic Highly Migratory Species Division (HMS) that the end of the quarter is approaching. The science centers are required to enter stock assessment data in the Species Information System (SIS) within two weeks of finalizing stock assessment reports. After that, the regional offices and HMS have one week to input stock status determinations into SIS, based on the new stock assessment data. Thus, stock assessment and stock status determination data are entered in the database as the information becomes available. The communication that is sent out two weeks before the end of the quarter is done as a courtesy to remind the regional offices and HMS that all data in SIS should be up-to-date, and they should conduct a review of the information before the end of the quarter. If assessments are in the process of being completed at the end of the quarter, the regional offices and HMS should inform headquarters of this.

Once the quarter has ended, the contact person for the regional office and HMS should transmit an e-mail to headquarters with the following: 1) A summary of all new stock assessments for the past quarter; 2) Any changes in stock status determinations for the past quarter; 3) Updated status determination criteria (SDC) contained in the fishery management plans (FMPs), including newly adopted reference points; and 4) A signed Information Quality Act (IQA) form in PDF format, which verifies that supporting data are based on the best available information and meets the standards of integrity in accordance with the Computer Security Act and the Government Information Security Reform Act. If no new assessments were conducted or changes made to stock status determinations, the contact person for the regional office and HMS should submit an e-mail that states this; no IQA form is required. All e-mails must be received within one week following the end of the quarter.

### **3.2.5 Methodology and process for setting the targets and the level of detail behind the targets.**

Targets were projected for the next six years and were set according to the following rules:

a. Assessing Stocks with an Unknown Status

- (1) Stocks with either an unknown overfishing status, unknown overfished status, or both unknown overfishing and overfished status that are scheduled for stock assessments in the next 2 years will be assumed to have their status become known at the time of the assessment. Stocks will be assumed to be subject to overfishing and overfished (unless otherwise noted as in b. below). The stock assessment schedule is maintained by the Office of Science and Technology for the Percentage of Living Marine Resources with Adequate Population Assessments and Forecasts performance measure and is updated quarterly for the performance measure that tracks the number of adequate stock assessments. Only those stocks assessed at an adequate assessment level (level 3 tier II) or higher are assumed to result in a known determination. A 3-month delay beyond the scheduled assessment date is always anticipated to allow for final review and status determination.
  - (a) For the overfished determination, the stock will always be assumed to be overfished upon being first assessed.
  - (b) For the overfishing determination, stocks for which there is an annual quota and a mechanism to adequately control fishing mortality, the stock will be assumed to be not subject to overfishing upon being first assessed. All other stocks will be assumed to be subject to overfishing upon being first assessed.
- (2) Beyond 2 years it is not possible to accurately project when stock assessments will be conducted, based on the current stock assessment schedule. Thus, beyond 2 years, it will be assumed that 3 stocks per year are assessed based on past years' average (1 unknown overfishing - 0.5 points, 1 unknown overfished - 0.5 points, and 1 unknown overfishing and overfished determination -1 point). Targets are revised annually and after a year has elapsed, the most recent stock assessment schedule will be used to project targets for upcoming stock assessments for the next 2 years.

b. Ending Overfishing

- (1) All stocks currently experiencing overfishing are supposed to have ACLs implemented by 2010 to end overfishing immediately. Catch data used to determine overfishing status may take up to a year to finalize, which is the end of calendar year 2011, or the first quarter of fiscal year 2012.
  - (a) Exceptions to (1) above are those stocks for which management measures have been implemented to end overfishing AND a stock assessment will be finalized before 2012 to determine status. These stocks are projected to end overfishing in the year

that the stock assessment is scheduled to be finalized (assume a 3-month delay to be finalized).

(b) For stocks that are impacted by non-U.S. fisheries, progress is not assumed to end overfishing and rebuild stocks since there is limited ability to control mortality.

(2) For all unknown stocks assessed annually in a(1) and a(2) above it is assumed that overfishing will end within 2 years. This allows 1 year for fishing under the ACL and 1 year to finalize the total fishing mortality data to make a determination of whether or not the ACL was exceeded (i.e. overfishing was occurring).

c. **Rebuilding Stocks**

All stocks currently rebuilding are expected to be rebuilt by their end date. It is assumed that the assessments to determine status will be conducted within 1 year after the end rebuilding date.

NOTE: For all stocks whose rebuilding plans end before 2011 and are currently experiencing overfishing, they are expected to end overfishing before 2011.

**3.2.6 Criteria for identification of the PPAs and capabilities that support the measure.**

The Fish Stock Sustainability Index and its related measures (3.2, 3.3, 3.4, and 3.9) share similar PPAs and capabilities. The bulk of funding affecting these measures is in the Fisheries Research and Management Programs PPA, the NEPA PPA, the Stock Assessments PPA, and the Regional Councils and Fisheries Commissions PPA. The relevant funding is also defined by the Fisheries Management Program's capabilities: 1) Fishery Plan Development, 2) Regulatory Analysis, Evaluation, and Implementation, 3) Fisheries Policy Development and Implementation, 4) International Coordination and Cooperation, and 5) State Partnerships. Nearly FMP's entire budget influences the FSSI, but these PPAs and capabilities most directly and demonstrably change the scores relating to ending overfishing and rebuilding stocks.

Ending overfishing, which leads to rebuilding of stocks, is accomplished through the activities of amending fishery management plans and implementing regulations. PPAs and capabilities that support the regional fishery management councils, NMFS regulatory activities - including the Regulatory Streamlining Program, and NEPA support the measure. The international capability also supports the measure because several FSSI stocks are primarily affected by international fisheries. In addition, PPAs and capabilities in the EOP that support stock assessments support the measure because stock assessments are needed to determine "known" status for stocks, and to determine when stocks change from one status to another.

**3.2.7 How the measure is affected by changes in funding levels and how targets**

**corresponding to different funding scenarios are determined.**

Additional funding is required for the science and management needed to implement ACLs, which ensure that FSSI stocks will not be subject to overfishing. Thus, the measure is affected by different funding levels. Unless the funding scenarios affect specific stocks, targets corresponding to different funding levels are based on the proportion of funding relative to NMFS estimates of funding levels needed to fully implement relevant MSRA mandates. Targets will be provided for the President's Budget and the enacted budget in the M&B performance measure repository. Other targets will be developed as requested for budget narratives, PART reporting, etc. Budget assumptions and methodology for any target development will be provided with the targets.

**3.2.8 Additional contingencies that could potentially impact the result in unanticipated ways.**

Some unknown FSSI stocks are scheduled for assessment and expected to be subject to overfishing upon being first assessed, then targeted to be not subject to overfishing by 2012. For those FSSI stocks found to be data poor, it may not be possible to make a determination of overfishing status; these stocks would remain unknown. Additionally, improved management measures that have been implemented to end overfishing for FSSI stocks currently subject to overfishing may be ineffective. These additional contingencies would result in fewer FSSI stocks listed as not subject to overfishing than were targeted.

**3.2.9 Approval structure.**

The program manager is responsible for approving the FSSI score. No person below the program manager signs off on the FSSI data as a whole. However, NMFS Regional Administrators and the Division Chief for Atlantic Highly Migratory Species approve all on changed status determinations for each FSSI stock, certifying that they are correct and in accordance with the status determination criteria published in the fishery management plan for the stock.

**3.2.10 Timing of when updates are available and the periodicity of available reporting mechanisms.**

The most recent information is available on the Sustainable Fisheries web site continually. Updates are finalized every quarter and posted on the web site within 10 days following the end of each quarter. This is an annual measure that is updated biennially for OMB's PART process.

**3.3 Number of fish stocks for which overfishing has been ended**

**3.3.1 Definitions.**

Stocks for which overfishing has ended are those for which the harvest rate/amount is known, was above a prescribed fishing mortality threshold, but is now below the threshold. This measure covers all FSSI stocks, which are 230 priority fish stocks selected for their importance to commercial and recreational fisheries. Criteria for selection of stocks include whether they are major stocks (landings greater than 200,000 pounds), whether they are overfished or subject to overfishing, whether they have assessments scheduled, whether they have previously been identified as important, or other factors as appropriate. These stocks represent about 90% of all commercial and recreational landings in the U.S.

### **3.3.2 Criteria to determine progress in meeting the performance target.**

Previously, once a determination of overfishing had been made, the process of removing the stock from the overfishing list took 3-5 years due to the nature of the regulatory process and the requirement that the end of overfishing be verified by a scientific stock assessment. Under the new MSRA, ACLs are required and information about the overfishing status should be available within 1 year after the end of a fishing year. This will allow fisheries managers to end overfishing sooner than 3-5 years after making a determination of overfishing.

With the requirement to implement ACLs to end overfishing, all FSSI stocks that are currently subject to overfishing are expected to end overfishing by 2012. Also, unknown FSSI stocks that will be assessed through 2011 and found to be subject to overfishing are expected to end overfishing by 2012.

Some FSSI stocks are actually expected to end overfishing before 2012. These include some rebuilding stocks that are subject to overfishing and are scheduled to be rebuilt by 2011. These stocks are expected to end overfishing by 2011. Similarly, FSSI stocks that are subject to overfishing for which improved management measures have been implemented to end overfishing before 2012 are expected to end overfishing before 2012.

Almost all FSSI stocks are targeted to end overfishing by 2012, with the exception of a few international stocks that are mostly impacted by non-U.S. fisheries. Because there is limited ability to control mortality for these stocks, they have not been targeted to end overfishing by 2012.

Criteria to determine if the performance targets have been met include counting the actual number of FSSI stocks in each year for which overfishing has ended since 1997 and comparing with the target number of FSSI stocks expected to end overfishing.

### **3.3.3 Specific counting methodology, algorithm, or other formula used to generate the numbers.**

At the end of each year, the number of FSSI stocks for which overfishing has ended since 1997 is counted. This is the number of stocks that is reported for this measure.

### **3.3.4 Reporting source.**

Two weeks before the end of every fiscal quarter, headquarters informs the regional offices and the Atlantic Highly Migratory Species Division (HMS) that the end of the quarter is approaching. The science centers are required to enter stock assessment data in the Species Information System (SIS) within two weeks of finalizing stock assessment reports. After that, the regional offices and HMS have one week to input stock status determinations into SIS, based on the new stock assessment data. Thus, stock assessment and stock status determination data are entered in the database as the information becomes available. The communication that is sent out two weeks before the end of the quarter is done as a courtesy to remind the regional offices and HMS that all data in SIS should be up-to-date, and they should conduct a review of the information before the end of the quarter. If assessments are in the process of being completed at the end of the quarter, the regional offices and HMS should inform headquarters of this.

Once the quarter has ended, the contact person for the regional office and HMS should transmit an e-mail to headquarters with the following: 1) A summary of all new stock assessments for the past quarter; 2) Any changes in stock status determinations for the past quarter; 3) Updated status determination criteria (SDC) contained in the fishery management plans (FMPs), including newly adopted reference points; and 4) A signed Information Quality Act (IQA) form in PDF format, which verifies that supporting data are based on the best available information and meets the standards of integrity in accordance with the Computer Security Act and the Government Information Security Reform Act. If no new assessments were conducted or changes made to stock status determinations, the contact person for the regional office and HMS should submit an e-mail that states this; no IQA form is required. All e-mails must be received within one week following the end of the quarter.

### **3.3.5 Methodology and process for setting the targets and the level of detail behind the targets.**

#### **a. Assessing Stocks with an Unknown Status**

- (1) Stocks with either an unknown overfishing status, unknown overfished status, or both unknown overfishing and overfished status that are scheduled for stock assessments in the next 2 years will be assumed to have their status become known at the time of the assessment. Stocks will be assumed to be subject to overfishing and overfished (unless otherwise noted as in b. below). The stock assessment schedule is maintained by the Office of Science and Technology for the Percentage of Living Marine Resources with Adequate Population Assessments and Forecasts performance measure and is updated quarterly for the performance measure that tracks the number of adequate stock assessments. Only those stocks assessed at an adequate assessment level (level 3 tier II) or higher are assumed to result in a known determination. A 3-month delay beyond the scheduled

assessment date is always anticipated to allow for final review and status determination.

- (a) For the overfished determination, the stock will always be assumed to be overfished upon being first assessed.
  - (b) For the overfishing determination, stocks for which there is an annual quota and a mechanism to adequately control fishing mortality, the stock will be assumed to be not subject to overfishing upon being first assessed. All other stocks will be assumed to be subject to overfishing upon being first assessed.
- (2) Beyond 2 years it is not possible to accurately project when stock assessments will be conducted, based on the current stock assessment schedule. Thus, beyond 2 years, it will be assumed that 3 stocks per year are assessed based on past years' average (1 unknown overfishing - 0.5 points, 1 unknown overfished - 0.5 points, and 1 unknown overfishing and overfished determination -1 point). Targets are revised annually and after a year has elapsed, the most recent stock assessment schedule will be used to project targets for upcoming stock assessments for the next 2 years.

b. Ending Overfishing

- (1) All stocks currently experiencing overfishing are supposed to have ACLs implemented by 2010 to end overfishing immediately. Catch data used to determine overfishing status may take up to a year to finalize, which is the end of calendar year 2011, or the first quarter of fiscal year 2012.
  - (a) Exceptions to (1) above are those stocks for which management measures have been implemented to end overfishing AND a stock assessment will be finalized before 2012 to determine status. These stocks are projected to end overfishing in the year that the stock assessment is scheduled to be finalized (assume a 3-month delay to be finalized).
  - (b) For stocks that are impacted by non-U.S. fisheries, progress is not assumed to end overfishing and rebuild stocks since there is limited ability to control mortality.
- (2) For all unknown stocks assessed annually in a(1) and a(2) above it is assumed that overfishing will end within 2 years. This allows 1 year for fishing under the ACL and 1 year to finalize the total fishing mortality data to make a determination of whether or not the ACL was exceeded (i.e. overfishing was occurring).

c. Rebuilding Stocks

All stocks currently rebuilding are expected to be rebuilt by their end date. It is assumed that the assessments to determine status will be conducted within 1

year after the end rebuilding date.

NOTE: For all stocks whose rebuilding plans end before 2011 and are currently experiencing overfishing, they are expected to end overfishing before 2011.

### **3.3.6 Criteria for identification of the PPAs and capabilities that support the measure.**

The Fish Stock Sustainability Index and its related measures (3.2, 3.3, 3.4, and 3.9) share similar PPAs and capabilities. The bulk of funding affecting these measures is in the Fisheries Research and Management Programs PPA, the NEPA PPA, the Stock Assessments PPA, and the Regional Councils and Fisheries Commissions PPA. The relevant funding is also defined by the Fisheries Management Program's capabilities: 1) Fishery Plan Development, 2) Regulatory Analysis, Evaluation, and Implementation, 3) Fisheries Policy Development and Implementation, 4) International Coordination and Cooperation, and 5) State Partnerships. Nearly FMP's entire budget influences the FSSI, but these PPAs and capabilities most directly and demonstrably change the scores relating to ending overfishing and rebuilding stocks.

Ending overfishing, which leads to rebuilding of stocks, is accomplished through the activities of amending fishery management plans and implementing regulations. PPAs and capabilities that support the regional fishery management councils, NMFS regulatory activities - including the Regulatory Streamlining Program, and NEPA support the measure. The international capability also supports the measure because several FSSI stocks are primarily affected by international fisheries. In addition, PPAs and capabilities in the EOP that support stock assessments support the measure because stock assessments are needed to determine "known" status for stocks, and to determine when stocks change from one status to another.

### **3.3.7 How the measure is affected by changes in funding levels and how targets corresponding to different funding scenarios are determined.**

Additional funding is required for the science and management needed to implement ACLs, which ensure that overfishing will end for FSSI stocks. Thus, the measure is affected by different funding levels. Unless the funding scenarios affect specific stocks, targets corresponding to different funding levels are based on the proportion of funding relative to NMFS estimates of funding levels needed to fully implement relevant MSRA mandates. Targets will be provided for the President's Budget and the enacted budget in the M&B performance measure repository. Other targets will be developed as requested for budget narratives, PART reporting, etc. Budget assumptions and methodology for any target development will be provided with the targets.

### **3.3.8 Additional contingencies that could potentially impact the result in unanticipated ways.**

Some unknown FSSI stocks are scheduled for assessment and expected to be subject to overfishing upon being first assessed, then targeted to end overfishing by 2012. For those FSSI stocks found to be data poor, it may not be possible to make a determination of overfishing status; these stocks would remain unknown. Additionally, improved management measures implemented to end overfishing for FSSI stocks currently subject to overfishing may be ineffective. These additional contingencies would result in fewer FSSI stocks for which overfishing has ended since 1997 than were targeted.

### **3.3.9 Approval structure.**

The program manager is responsible for approving the FSSI score. No person below the program manager signs off on the FSSI data as a whole. However, NMFS Regional Administrators and the Division Chief for Atlantic Highly Migratory Species approve all on changed status determinations for each FSSI stock, certifying that they are correct and in accordance with the status determination criteria published in the fishery management plan for the stock.

### **3.3.10 Timing of when updates are available and the periodicity of available reporting mechanisms.**

The most recent information is available on the Sustainable Fisheries web site continually. Updates are finalized every quarter and posted on the web site within 10 days following the end of each quarter. This is an annual measure that is updated biennially for OMB's PART process.

## **3.4 Percentage of fish stocks known to be subject to overfishing for longer than 1 year with improved management measures to end overfishing in place**

Comment [WXU1]: Can we get rid of this "for longer than 1 year?"

### **3.4.1 Definitions.**

This measure describes FSSI stocks for which the harvest rate/amount has been above a prescribed fishing mortality threshold for longer than 1 year with improved management measures to end overfishing in place. Stocks are FSSI-listed stocks, which are 230 priority fish stocks selected for their importance to commercial and recreational fisheries. Criteria for selection of stocks include whether they are major stocks (landings greater than 200,000 pounds), whether they are overfished or subject to overfishing, whether they have assessments scheduled, whether they have previously been identified as important, or other factors as appropriate. These stocks represent about 90% of all commercial and recreational landings in the U.S.

Improved management measures are measures that specifically address the current overfishing by reducing fishing mortality to a level that supports maximum sustainable yield on a continuing basis. Prior to 2010, this may include whatever management measures are deemed appropriate to end overfishing. Starting in 2010, all FSSI stocks subject to overfishing are required to have Annual Catch Limits and Accountability

Measures (ACL/AMs) in place to end overfishing. By 2011, all FSSI stocks are required to have ACL/AMs in place to prevent overfishing. Stocks excepted from ACL/AMs are species with a life cycle of approximately one year as long as they remain not subject to overfishing, and stocks managed under an international agreement to which the U.S. is party (MSA sec. 303 note, MSRA sec. 104(b)). Beyond 2011, if FSSI stocks are found to be subject to overfishing, improved ACL/AMs must be implemented to end overfishing.

#### **3.4.2 Criteria to determine progress in meeting the performance target.**

Progress is measured if management measures have been implemented to end overfishing for FSSI stocks subject to overfishing. Starting in 2010, ACL/AMs must be the management measures used to end overfishing for FSSI stocks subject to overfishing. By 2011, all FSSI stocks must have ACL/AMs management measures in place. Stocks that are excepted from ACL/AM requirements (MSA sec. 303 note, MSRA sec. 104(b)) may have other management measures in place to end overfishing. The actual number of FSSI stocks with management measures in place to end/prevent overfishing is compared with the target number of FSSI stocks with management measures in place to end/prevent overfishing.

Comment [WXU2]: Please verify that this addition is correct

#### **3.4.3 Specific counting methodology, algorithm, or other formula used to generate the numbers.**

If a management action (FMP or regulations) by any of the six NMFS Regional Offices or the Atlantic Highly Migratory Species Division (HMS) has been put in place to end overfishing, then that stock is counted as having management measures in place to end overfishing. If the management measures have been implemented, but won't take effect until a later date, that stock is still counted as having management measures in place to end overfishing.

#### **3.4.4 Reporting source.**

The six NMFS Regional Offices and HMS will report to headquarters any FMP amendment or regulations implemented to end overfishing; this includes the required ACL/AMs by 2010 and 2011, depending on overfishing status of the FSSI stock.

#### **3.4.5 Methodology and process for setting the targets and the level of detail behind the targets.**

All FSSI stocks subject to overfishing must have management measures in place to end overfishing by 2010. Each NMFS Regional Office and the Atlantic Highly Migratory Species Division will report to headquarters which stocks are scheduled to have management measures to end overfishing. Prior to 2010, the target is the number of FSSI stocks for which management measures to end overfishing are expected to be implemented. After 2010, the target is 100% for all FSSI stocks subject to overfishing because ACL/AMs must be implemented for stocks subject to overfishing. Thereafter, all stocks must have ACL/AMs in place. If ACL/AMs are found to be inadequate for

ending overfishing, measures must be amended and targets revised, accordingly. International stocks are excepted from ACL/AM requirements (MSA sec. 303 note, MSRA sec. 104(b)). However, where the U.S. is pursuing measures to end overfishing through international fora, then these stocks will be considered to have measures in place. Management measures are still expected to be in place to end overfishing, but due to non-U.S. participants, it is unlikely that the U.S. can control total fishing mortality and end overfishing for these stocks.

#### **3.4.6 Criteria for identification of the PPAs and capabilities that support the measure.**

The Fish Stock Sustainability Index and its related measures (3.2, 3.3, 3.4, and 3.9) share similar PPAs and capabilities. The bulk of funding affecting these measures is in the Fisheries Research and Management Programs PPA, the NEPA PPA, the Stock Assessments PPA, and the Regional Councils and Fisheries Commissions PPA. The relevant funding is also defined by the Fisheries Management Program's capabilities: 1) Fishery Plan Development, 2) Regulatory Analysis, Evaluation, and Implementation, 3) Fisheries Policy Development and Implementation, 4) International Coordination and Cooperation, and 5) State Partnerships. Nearly FMP's entire budget influences the FSSI, but these PPAs and capabilities most directly and demonstrably change the scores relating to ending overfishing and rebuilding stocks.

Ending overfishing, which leads to rebuilding of stocks, is accomplished through the activities of amending fishery management plans and implementing regulations. PPAs and capabilities that support the regional fishery management councils, NMFS regulatory activities - including the Regulatory Streamlining Program, and NEPA support the measure. The international capability also supports the measure because several FSSI stocks are primarily affected by international fisheries. In addition, PPAs and capabilities in the EOP that support stock assessments support the measure because stock assessments are needed to determine "known" status for stocks, and to determine when stocks change from one status to another.

#### **3.4.7 How the measure is affected by changes in funding levels and how targets corresponding to different funding scenarios are determined.**

Additional funding is required for the science and management needed to implement management measures to end overfishing / ACL/AMs, which are necessary to ensure that overfishing will end for FSSI stocks. Thus, the measure is affected by different funding levels. Unless the funding scenarios affect specific stocks, targets corresponding to different funding levels are based on the proportion of funding relative to NMFS estimates of funding levels needed to fully implement relevant MSRA mandates. Targets will be provided for the President's Budget and the enacted budget in the M&B performance measure repository. Other targets will be developed as requested for budget narratives, PART reporting, etc. Budget assumptions and methodology for any target development will be provided with the targets.

### **3.4.8 Additional contingencies that could potentially impact the result in unanticipated ways.**

If a subsequent stock assessment shows that the existing management measures have not ended overfishing, then that stock is no longer considered to have management measures in place to end or prevent overfishing, and ACL or AMs must be revised for that stock. Additionally, delays in the regulatory review process could delay implementation of management measures. These circumstances could result in fewer stocks subject to overfishing with ACL/AMs in place to end or prevent overfishing.

### **3.4.9 Approval structure.**

The program manager is responsible for approving the FSSI score. No person below the program manager signs off on the FSSI data as a whole. However, NMFS Regional Administrators and the Division Chief for Atlantic Highly Migratory Species approve all on changed status determinations for each FSSI stock, certifying that they are correct and in accordance with the status determination criteria published in the fishery management plan for the stock. They also certify that amendments or regulations to end overfishing for FSSI stocks subject to overfishing have been implemented or are scheduled for implementation.

### **3.4.10 Timing of when updates are available and the periodicity of available reporting mechanisms.**

In conjunction with the FSSI quarterly update, the most recent information regarding stocks with management measures to end overfishing will be obtained from the Regional Offices and the Atlantic Highly Migratory Species Division, and reported as needed. This information will be maintained at headquarters by the Office of Sustainable Fisheries. This is an annual measure updated biennially during OMB's PART process.

## **3.5 Number of fisheries managed under Limited Access Privilege Programs**

### **3.5.1 Definitions.**

This measure tracks the Administration's goal to double the number of Limited Access Privilege Programs (LAPP) by 2010. LAPPs are market-based approaches to fisheries management that alter incentives, solve fish resource allocation problems, and improve the economic performance of fisheries by assigning an individual or other entity access to a predetermined portion of the annual catch in a particular fishery. The term encompasses a range of market-based fishery management tools, including access privileges assigned to individuals (i.e. individual transferable quotas), and to groups or communities (e.g., cooperatives, and area-based quotas). LAPPs are considered "managed" (operational) when permits are able to be issued.

Following is the Magnuson-Stevens Fishery Conservation and Management Act

## definition of LAPPs.

Magnuson-Stevens Fishery Conservation and Management Act,  
as amended through January 12, 2007  
Enrolled Version of the Act (relevant elements)

“(23A) The term ‘limited access privilege’—

“(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

“(B) includes an individual fishing quota;

### **3.5.2 Criteria to determine progress in meeting the performance target.**

Progress on this measure is reported quarterly by Domestic Fisheries Division (SF3). The quarterly report contains a count of actual versus target number of LAPPs. These targets appear in both OMB’s Program Accountability Reporting Tool (biennial reporting) and in the organization’s Annual Operating Plan (quarterly reporting). Progress is evident when a new LAPP has moved from a development and implementation phase into an management phase. The management phase begins when the Agency can issue permits for fishing under this specific fishery allocation.

### **3.5.3 Specific counting methodology, algorithm, or other formula used to generate the numbers.**

LAPPs are considered “managed” under this measure when permits are able to be issued by the Agency to fishing participants as defined under the specific regulations. Each LAPP counts as 1 point in the performance measure. The counts are totaled quarterly. 1 LAPP = 1 point.

### **3.5.4 Reporting source.**

Each Regional office and HMS headquarters division reports quarterly on their progress toward LAPP implementation. This report is triggered by an inquiry from the Office of Sustainable Fisheries. The information is compiled at headquarters and a summary report is submitted to Sustainable Fisheries leadership.

### **3.5.5 Methodology and process for setting the targets and the level of detail behind the targets.**

The Administration has identified LAPPs as a important market-based fishery management tool. The Agency established the goal of doubling the number of LAPPs by 2010. Congress expressed its support of this management approach in the Magnuson-Steven Fishery Conservation and Management Reauthorization Act. A recent program evaluation by OMB through the PART process confirmed the importance of increasing LAPPs and included it in the program’s improvement plan. Working from the goal of doubling LAPPs, the program has determined which fisheries of the fishing industry and

which Regional Fishery Management Councils are receptive to developing LAPPs. The program worked with regional offices to determine the timing and cost estimates for these LAPPs. Availability of funds, regulatory complexity, and industry/Council support are all considered in the targets submitted for the year.

**3.5.6 Criteria for identification of the PPAs and capabilities that support the measure.**

Only funding that is directly linked to the development of LAPPs is considered as supporting this performance measure. This includes existing funding in the Fishery Research and Management Program base PPA that regions use for LAPP development and a new PPA under development that will hold the FY08 budget increase of \$6M specifically for LAPP development (if appropriated).

**3.5.7 How the measure is affected by changes in funding levels and how targets corresponding to different funding scenarios are determined.**

LAPP costs are not a simple computation of  $X \$ = X \#$  of LAPPs. The scale and complexity of the fishery, the presence of pre-existing programs in a Regional Office, cost recovery, the complexity of the proposed LAPP, and other factors are all considered by the Regions in estimating specific LAPP costs. These cost estimates are submitted by Regional Offices and Atlantic HMS Division and compared with available funds to ensure that targets can still be met. If funding levels were to change, headquarters would determine the impact on performance measures by looking at the cost estimates for specific LAPPs in development and determine the number of these LAPPs that could be accommodated under the new funding scenario.

**3.5.8 Additional contingencies that could potentially impact the result in unanticipated ways.**

Bringing LAPPs through development and implementation into a management phase relies heavily on the early and sustained interest of the affected fishery participants and the Regional Fishery Management Council. Without this support, the LAPP may be slow to develop or not develop at all. To address this risk during target setting, the Regional Offices consult closely with their Regional Councils to receptivity to development of specific LAPPs. Addressing General Council and OMB issues could extend the development period longer than anticipated in the targets.

**3.5.9 Approval structure.**

The targets and actuals for this performance measure are developed based on information from Regional Offices, including cost estimates, assessments of development and implantation schedules, and progress reports. This information is reviewed and approved by the Program Manager.

**3.5.10 Timing of when updates are available and the periodicity of available**

**reporting mechanisms.**

Updates are available quarterly based on quarterly inquiries to the field on LAPP status. This performance measure is currently reported in NOAA quarterly reporting “quads” and OMB’s biennial PART reporting.