FISHERY MANAGEMENT PLAN UPDATE
SCUP NORTH OF CAPE HATTERAS
AUGUST 2025

STATUS OF THE FISHERY MANAGEMENT PLAN

Fishery Management Plan History

Original FMP Adoption: Incorporated into the Summer Flounder FMP through Amendment 8 in 1996

Amendments:

Amendment 8	1996
Regulatory Amendment	1996
Amendment 10	1997
Amendment 11	1998
Amendment 12	1999
Framework 1	2001
Addendum III	2001
Addendum IV	2001
Addendum V	2002
Addendum VII	2002
Framework 3	2003
Framework 4	2003
Addendum IX	2003
Addendum X	2003
Amendment 13	2003
Framework 5	2004
Addendum XI	2004
Addendum XIII	2004
Addendum XVI	2005
Framework 7	2007
Addendum XIX	2007
Amendment 14	2007
Amendment 16	2007
Addendum XX	2009
Amendment 15	2011
Amendment 19	2013
Amendment 17	2015
Amendment 18	2015
Framework 9	2016
Amendment 20	2017
Addendum XXIX	2017
Framework 10	2017
Framework 11	2018
Framework 12	2018
Framework 13	2018
Addendum XXXI	2018
Framework 14	2019
Framework 15	2020
Framework 16	2020
Amendment 22	2022
Framework 17 & Addendum XXXIV	2022/2023

Comprehensive Review: 2023

Because of their presence in, and movement between, state waters (0-3 miles) and federal waters (3-200 miles), the Mid-Atlantic Fishery Management Council (MAFMC) manages scup (*Stenotomus chrysops*) north of Cape Hatteras cooperatively with the Atlantic States Marine Fisheries Commission (ASMFC). The two management entities work in conjunction with the National Marine Fisheries Service (NMFS) as the federal implementation and enforcement entity. Scup went through preliminary FMP development from 1978-1993 by the MAFMC. In 1995 MAFMC and ASMFC adopted the scup FMP but sequentially NMFS requested that the scup regulations be incorporated into another FMP to reduce the number of separate fisheries regulations. As a result, the scup FMP was incorporated into the summer flounder FMP as Amendment 8.

Specific details for each Amendment include:

Amendment 8 incorporated scup into the Summer Flounder FMP; established scup management measures, including commercial quotas, recreational harvest limits, size limits, gear restrictions, permits, and reporting requirements.

Regulatory Amendment established seasonal quota periods of the commercial scup fishery.

Amendment 10 modified commercial minimum mesh requirements; continued commercial vessel moratorium permit; prohibited transfer of summer flounder at sea; established a special permit for the summer flounder party/charter sector.

Amendment 11 modified certain provisions related to vessel replacement and upgrading, permit history transfer, splitting, and permit renewal regulations.

Amendment 12 revised the Summer Flounder, Scup, and Black Sea Bass FMP to comply with the Sustainable Fisheries Act and established a framework adjustment process; established quota set-aside for research for summer flounder, scup, and black sea bass; established state-specific conservation equivalency measures; allowed the rollover of the winter scup quota; revised the start date for the scup summer quota period.

Framework 1 established quota set-aside for research for summer flounder, scup, and black sea bass.

Addendum III established recreational fishing specifications for 2001 for summer flounder and scup.

Addendum IV provided that upon the recommendation of the relevant monitoring committee and joint consideration with the Mid-Atlantic Fishery Management Council, the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board will decide the state regulations rather than forward a recommendation to the National Marine Fisheries Science Center; made states responsible for implementing the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Boards decisions on regulations.

Addendum V created state-specific shares of the summer period quota that will remain in place until the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board takes direct action to modify them.

Addendum VII established recreational fishing specifications for scup for 2002.

Framework 3 allowed the rollover of winter scup quota; revised the start date for the summer quota period for the scup fishery.

Framework 4 established a system to transfer scup at sea.

Addendum IX established recreational specifications for scup in 2003.

Addendum X established quota rollover and quota period specifications for the commercial scup fishery.

Amendment 13 revised black sea bass commercial quota system; addressed other black sea bass management measures; established multi-year specification setting of quota for summer flounder, scup and black sea bass; established region-specific conservation equivalency measures for summer flounder; built flexibility into process to define and update status determination criteria for each plan species. Amendment 13 also removed the necessity for fishermen who have both a Northeast Region (NER) black sea bass permit and a Southeast Region (SER) snapper/grouper permit to relinquish their permits for a six-month period prior to fishing south of Cape Hatteras during the northern closure.

Framework 5 established multi-year specification setting of quotas for summer flounder, scup, and black sea bass.

Addendum XI proposed that the recreational scup fishery be constrained to the coastwide recreational harvest limit, allow states to customize scup recreational management measures to deal with burden issues associated with the implementation of coastwide measures, minimize the administrative burden when implementing conservation equivalency.

Addendum XIII modified the Summer Flounder, Scup, and Black Sea Bass FMP so that Total Allowable Landings for summer flounder, scup, and/or black sea bass can be specified for up to three years.

Addendum XVI established guidelines for delayed implementation of management strategies.

Framework 7 built flexibility into the process to define and update status determination criteria for summer flounder, scup, and black sea bass.

Addendum XIX continued the state-by-state black sea bass commercial management measures, without a sunset clause; broadened the descriptions of stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass FMP to allow greater flexibility in those definitions, while maintaining objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the fishery management plan are overfished.

Amendment 14 established a rebuilding schedule for scup; scup gear restricted areas made modifiable through framework adjustment process.

Amendment 16 standardized bycatch reporting methodology.

Addendum XX set policies to reconcile commercial quota overages to address minor inadvertent quota overages; streamlined the quota transfers process and established clear policies and administrative protocols to guide the allocation of transfers from states with underages to states with overages; allowed for commercial quota transfers to reconcile quota overages after a year's end.

Amendment 15 established annual catch limits and accountability measures.

Amendment 19 modified the accountability measures for the MAFMC recreational fisheries.

Amendment 17 implemented standardized bycatch reporting methodology.

Amendment 18 eliminated the requirement for vessel owners to submit "did not fish" reports for the months or weeks when their vessel was not fishing; removed some of the restrictions for upgrading vessels listed on federal fishing permits.

Framework 9 modified the southern and eastern boundaries of the southern scup gear restricted area (in effect January 1-March 15).

Amendment 20 implemented management measures to prevent the development of new, and the expansion of existing, commercial fisheries on certain forage species in the Mid-Atlantic.

Addendum XXIX established new start and end dates for the scup commercial quota periods, moved first half of May to Winter I and October to Winter II.

Framework 10 implemented a requirement for vessels that hold party/charter permits for Council-managed species to submit vessel trip reports electronically (eVTRs) while on a trip carrying passengers for hire.

Framework 11 established a process for setting constant multi-year Acceptable Biological Catch (ABC) limits for Council-managed fisheries, clarified that the Atlantic Bluefish, Tilefish, and Atlantic Mackerel, Squid, and Butterfish FMPs will now automatically incorporate the best available scientific information in calculating ABCs (as all other Mid-Atlantic Council management plans do) rather than requiring a separate management action to adopt them, clarified the process for setting ABCs for each of the four types of ABC control rules.

Framework 12 modified the dates of the commercial scup quota periods, moving the month of October from the Summer Period to the Winter II period.

Framework 13 modified the accountability measures required for overages not caused by directed landings (i.e., discards) in the summer flounder, scup, and black sea bass fisheries.

Addendum XXXI expands the suite of tools available for managing summer flounder, scup and black sea bass, and reduces inconsistencies between state and federal regulations. Further, through the Addendum, the Board recommended NOAA Fisheries implement regulations to allow transit through federal waters in Block Island Sound for non-federally permitted vessels in possession of summer flounder, scup and black sea bass.

Framework 14 gives the Mid-Atlantic Council the option to waive the federal recreational black sea bass measures in favor of state measures through conservation equivalency; implements a transit zone for commercial and recreational summer flounder, scup, and black sea bass fisheries in Block Island Sound; and allows for the use of a maximum size limit in the recreational summer flounder and black sea bass fisheries.

Framework 15 established a requirement for commercial vessels with federal permits for all species managed by the Mid-Atlantic and New England Councils to submit vessel trip reports electronically within 48 hours after entering port at the conclusion of a trip.

Framework 16 modified MAFMC's ABC control rule and risk policy. The revised risk policy is intended to reduce the probability of overfishing as stock size falls below the target biomass while allowing for increased risk and greater economic benefit under stock biomass conditions. This action also removed the typical/atypical species distinction currently included in the risk policy.

Amendment 22 revised the commercial and recreational sector allocations for all three species.

Framework 17/Addendum XXXIV Recreational Harvest Control Rule/ Percent Change Approach established a new process for setting recreational bag, size, and season limits (i.e., recreational measures) for summer flounder, scup, black sea bass, and bluefish. This action also modified the recreational accountability measures for these species.

Addendum XXXVI which made further modifications to the process for setting recreational measures and accountability measures for these four species. The changes, which include modifications the Percent Change Approach based on lessons learned over the past few years, will be implemented in two phases.

Specific details for each Amendment under development include:

The Percent Change Approach was implemented in 2023 (new process for setting recreational measures bag, size, and season limits) and will sunset at the end of 2025.

In April 2025, the Policy Board and Council adopted Addendum XXXVI to the Summer Flounder, Scup, and Black Sea Bass FMP and Addendum III to the Bluefish FMP, which made further modifications to the process for setting recreational measures and accountability measures for these four species. The changes, which include modifications the Percent Change Approach based on lessons learned over the past few years,

will be implemented in two phases. The first phase of changes aims to better account for stock status when setting measures and will create more opportunities for stability in management measures. The second phase of modifications, which will be implemented for setting 2030 recreational measures and beyond, will update the process to use a catch-based target. For further information see the management plan at asmfc.org.

To ensure compliance with interstate requirements, North Carolina also manages this species under the North Carolina Fishery Management Plan for Interjurisdictional Fisheries (IJ FMP). The goal of the IJ FMP is to adopt fishery management plans, consistent with N.C. law, approved by the MAFMC, South Atlantic Fishery Management Council, or the ASMFC by reference and implement corresponding fishery regulations in North Carolina to provide compliance or compatibility with approved fishery management plans and amendments, now and in the future. These plans were established under the Magnuson-Stevens Fishery Conservation and Management Act (federal council plans) and the Atlantic Coastal Fisheries Cooperative Management Act (ASMFC plans) with the goal, like the Fisheries Reform Act of 1997, to "ensure long-term viability" of these fisheries (NCDMF 2022).

Management Unit

U.S. waters in the western Atlantic Ocean from Cape Hatteras northward to the U.S.-Canadian border.

Goal and Objectives

The objectives of the Scup FMP are to:

- Reduce fishing mortality in the scup fisheries to assure that overfishing does not occur.
- Reduce fishing mortality on immature scup to increase spawning stock biomass.
- Improve the yield from these fisheries.
- Promote compatible management regulations between state and federal jurisdictions.
- Promote uniform and effective enforcement of regulations.
- Minimize regulations to achieve the management objectives stated above.

The 2011 Omnibus Amendment contains Amendment 15 to the Summer Flounder, Scup and Black Sea Bass FMP. The amendment is intended to formalize the process of addressing scientific and management uncertainty when setting catch limits for the upcoming fishing year(s) and to establish a comprehensive system of accountability for catch (including both landings and discards) relative to those limits, for each of the managed resources subject to this requirement. Specifically: (1) Establish allowable biological catch control rules, (2) Establish a MAFMC risk policy, which is one variable needed for the allowable biological catch control rules, (3) Establish annual catch limits, (4) Establish a system of comprehensive accountability that addresses all components of the catch, (5) Describe the process by which the performance of the annual catch limit and comprehensive accountability system will be reviewed, (6) Describe the process to modify the above objectives (1–5) in the future.

DESCRIPTION OF THE STOCK

Biological Profile

Scup are a migratory, schooling species found primarily along the Atlantic coast from Cape Cod, Massachusetts to Cape Hatteras, North Carolina. However, a smaller southern stock is believed to occur in North Carolina south of Cape Hatteras. Scup, north of Cape Hatteras, typically reach sexual maturity at age 2 to 3 or when they reach 7 inches fork length. Spawning for the northern stock typically occurs in estuaries and coastal waters during the months of May to August. They move offshore during the fall and winter. Extensive seasonal migration related to spawning is common for scup (north of Cape Hatteras). Scup have

a maximum age of 14 years. Scup are bottom (benthic) feeders and prey on small crustaceans, mollusks, squid, sand dollars and fish (Steimle et al. 1999).

Stock Status

The 2023 scup management track stock assessment is an update of the existing 2021 management track assessment. Based on the previous assessment the stock was not overfished, and overfishing was not occurring. A data update from the NEFSC is expected in June/July 2024 with recent catch and landings information as well as recent NEFSC trawl survey data. The next management track assessment for scup is expected in 2025 to inform 2026–2027 limits, and a scup research track assessment is tentatively scheduled for 2028.

Stock Assessment

The 2023 scup management track stock assessment indicated the spawning stock biomass (SSB) to be estimated at 426 million pounds in 2022, which is two times the target of 173 million pounds. However, below average recruitment occurred in 2017 – 2022. Stock biomass is projected to decrease towards the target unless more above average year classes recruit to the stock in the short term. The 2023 management track assessment report can be found on the scup page on the ASMFC website for further information.

DESCRIPTION OF THE FISHERY

Current Regulations

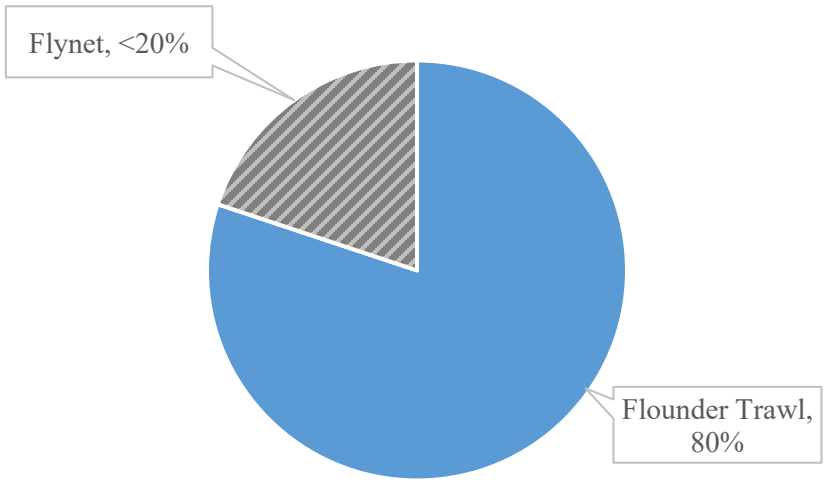
Commercial: 9-inch fork length minimum size limit in Atlantic Ocean and internal coastal waters. Daily trip limits for the different harvest periods (Winter I, Summer, Winter II) are set by proclamation. Winter I and Winter II trip limits follow the coastwide measures, while the summer trip limit is designed to prevent exceeding North Carolina's summer quota allocation [see most recent North Carolina Division of Marine Fisheries (DMF) proclamation].

Recreational: As of April 2024, the minimum size limit remains at a 9-inch fork length and a lower creel limit of 30-fish in coastal waters north of Cape Hatteras, season is year-round. In Federal waters north of cape Hatteras the minimum size is 10-inches fork length, 40-fish creel limit, and a season Jan 1 – Dec 31.

Commercial Fishery

All scup landings are reported through the North Carolina Trip Ticket Program. Since 2007 flounder trawl has been the main gear landing scup from north of Cape Hatteras, with the exception of 2023 being flynets (Figure 1). Annual landings were variable from 1994 through 2024 with very low landings in 2012 and significant low landings from 2020–2023. Low landings in 2012 to 2013 were partly due to shoaling at Oregon Inlet limiting access to large vessels (such as trawlers) and the consequent landing of most of North Carolina's scup in Virginia and other states. In 2024 landings showed an increase (Figure 2). Dredging efforts in 2024 has helped mitigate shoaling and has made navigation through Oregon Inlet passable for larger trawlers. In 2024 there were more trips and higher landings for scup.

Figure 1. Commercial harvest of scup (north of Cape Hatteras) in North Carolina by gear type in 2024. Note: Data for Flynet are confidential data.



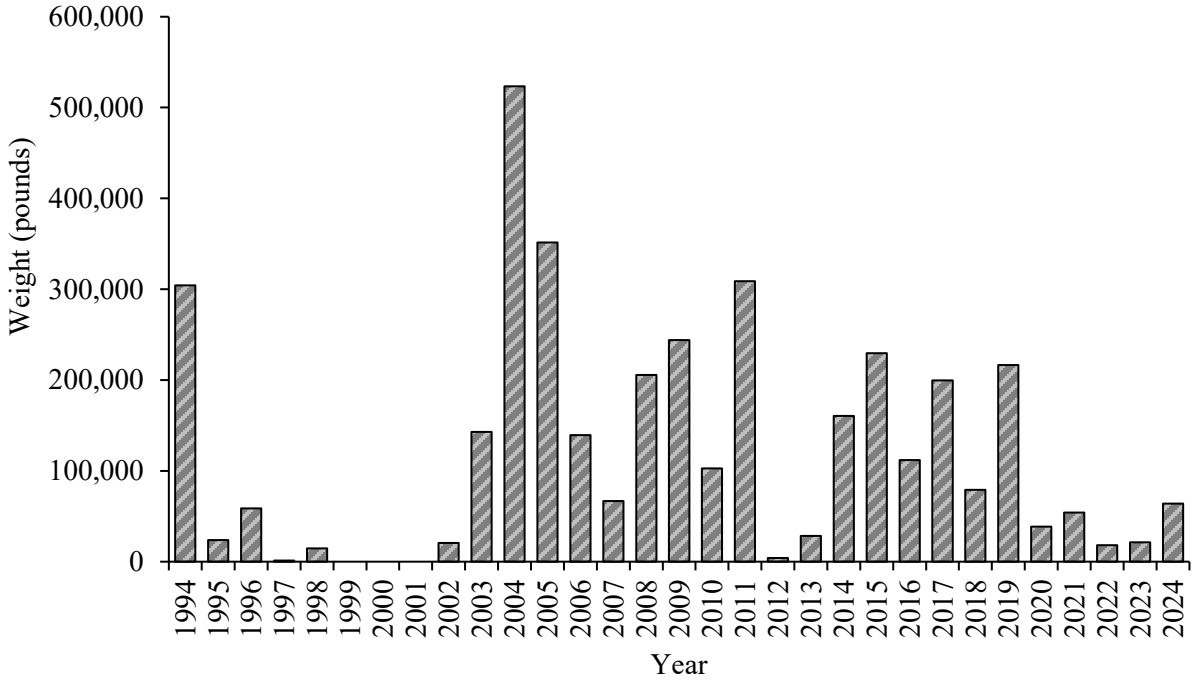


Figure 2. Annual commercial landings in pounds for scup (north of Cape Hatteras) in North Carolina from 1994–2024.

Recreational Fishery

All scup harvest is reported through the National Oceanic and Atmospheric Administration (NOAA) Marine Recreational Information Program. Recreational estimates across all years have been updated and are now based on the new Marine Recreational Information Program (MRIP) Fishing Effort Survey-based calibrated estimates. For more information on MRIP see https://www.fisheries.noaa.gov/topic/recreational-fishing-data. Recreational harvest of scup north of Cape Hatteras was only reported in 1994, 2000, 2011, 2012, 2015, and 2024 (Figure 3).

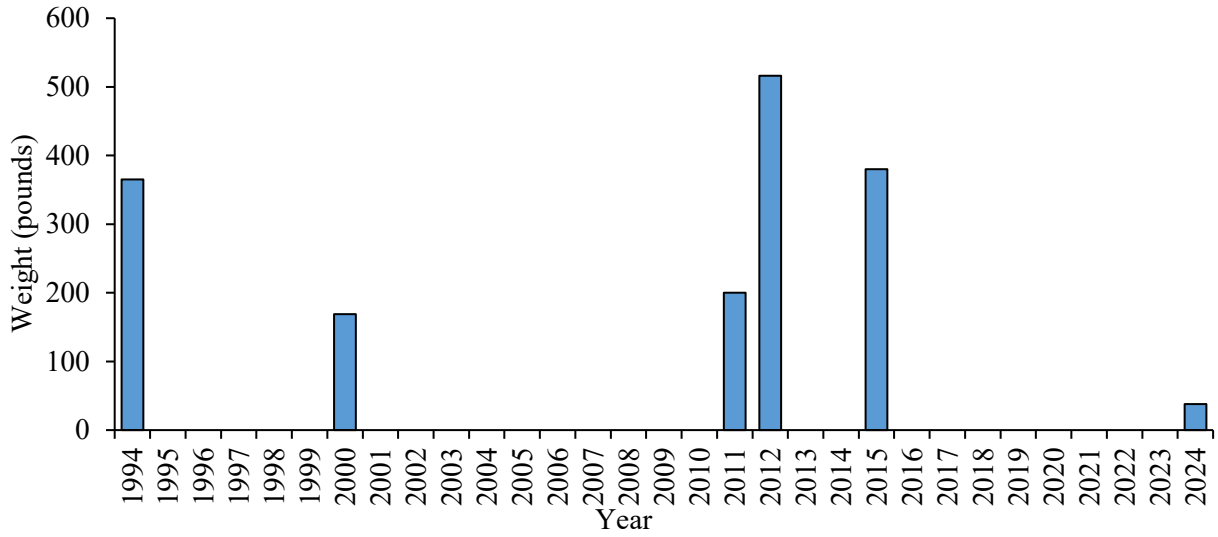


Figure 3. Annual recreational landings in pounds for scup (north of Cape Hatteras) in North Carolina from 1994–2024.

MONITORING PROGRAM DATA

Fishery-Dependent Monitoring

Two DMF sampling programs collect biological data on commercial and recreational fisheries that catch scup north of Cape Hatteras. Program 433 (Ocean Trawl Fishery) is the primary program that collects harvest length data. Other commercial sampling programs focusing on fisheries that do not target scup rarely collect biological data. DMF sampling of the recreational fishery through the NOAA marine recreational information program collects harvest length data. There were no clear trends in commercial length data through the time series and annual mean lengths have been consistent through 2024. The number of scup measured in 2024 increased significantly than the last two years, which could be contributed to the increased number of trips (Table 1). Recreational harvest length data were only collected in 1994, 2000 and 2015 for scup north of Cape Hatteras. While scup were landed in the recreational fishery in 2024, no length data were collected. Age data have not been collected by DMF for scup north of Cape Hatteras as ASMFC has not requested it.

Table 1. Scup (north of Cape Hatteras) length (fork length, inches) data from commercial fish house samples in North Carolina, 2015–2024.

Year	Mean Length	Minimum Length	Maximum Length	Total Number Measured
2015	11	5	17	2,998
2016	11	6	15	1,175
2017	11	8	16	2,879
2018	11	7	17	1,940
2019	11	6	17	3,037
2020	11	8	15	891
2021	11	7	16	1,628
2022	10	8	14	291
2023	11	9	15	168
2024	11	9	16	983

Fishery-Independent Monitoring

DMF currently does not have independent sampling programs in the Atlantic Ocean or internal estuarine waters north of Cape Hatteras that encounter scup.

RESEARCH NEEDS

Updated research needs from the 2015 60th Stock Assessment Workshop are provided below. The research needs listed below start with the most recent. Text in parentheses indicates known progress made to address needs.

- A standardized fishery dependent catch per unit effort for tows targeting scup, from either Northeast Fisheries Observer Program observer samples or the commercial study fleet, might be considered as an additional index of abundance to complement survey indices in future benchmark assessments. — Progress unknown at this time
- Explore additional sources of length and age data from fisheries and surveys in the early parts of the time series to provide additional context for model results. — Progress unknown at this time
- Explore experiments to estimate the catchability of scup in NEFSC and other research trawl surveys (side-by-side, camera, gear mensuration, acoustics, etc.). — Progress unknown at this time
- Refine and update the Manderson et al. availability analysis when/if a new ocean model is available (need additional support). Explore alternative niche model parameterizations including laboratory experiments on thermal preference and tolerance. — Progress unknown at this time
- Explore study fleet data in general for information that could provide additional context and/or input for the assessment. — Progress unknown at this time
- A scientifically designed survey to sample larger and older scup would likely prove useful in improving knowledge of the relative abundance of these large fish. — Progress unknown at this time
- Improve estimates of discards and discard mortality for commercial and recreational fisheries. — Some progress has been made
- Evaluate indices of stock abundance from new surveys. — Some progress has been made
- Quantify the pattern of predation on scup. — Some progress has been made
- Conduct biological studies to investigate maturity schedules and factors affecting annual availability of scup to research surveys. — Some progress has been made
- Explore the utility of incorporating ecological relationships, predation, and oceanic events that influence scup population size on the continental shelf and its availability to resource surveys into the stock assessment mode. — Some progress has been made
- Evaluate alternate forms of survey selectivity in the assessment to inform indices of abundance at higher ages. — Some progress has been made
- Evaluation of indicators of potential changes in stock status that could provide signs to managers of potential reductions of stock productivity in the future would be helpful. — Some progress has been made
- A management strategy for evaluation of alternative approaches to setting quotas would be helpful. — Progress unknow at this time
- Current research trawl surveys are likely adequate to index the abundance of scup at ages 0 to 2. However, the implementation of new standardized research surveys that focus on accurately indexing the abundance of older scup (ages 3 and older) would likely improve the accuracy of the stock assessment. — Some progress has been made

- Continuation of at least the current levels of at-sea and port sampling of the commercial and recreational fisheries in which scup are landed and discarded is critical to adequately characterize the quantity, length, and age composition of the fishery catches. — Progress has been made and research is ongoing
- Quantification of the biases in sampling of the catch and discards, including non-compliance, would help confirm the weightings used in the model. Additional studies would be required to address this issue. — Progress unknow at this time
- The commercial discard mortality rate was assumed to be 100 percent in this assessment. Experimental work to better characterize the discard mortality rate of scup captured by different commercial gear types should be conducted to more accurately quantify the magnitude of scup discard mortality. — Progress unknow at this time

MANAGEMENT

Scup stock assessments are completed by the NMFS Northeast Fisheries Science Center (NEFSC). Results from the 2023 management track assessment are used to guide management. Data are analyzed from the previous year based on decisions made for the benchmark assessment. The Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP) and amendments use output controls (catch and landings limits) as the primary management tool. Since 2023, catch-based allocations have continued and revised allocations were implemented with 65 percent being commercial and 35 percent being recreational. The FMP also includes minimum fish sizes, bag limits, seasons, gear restrictions, permit requirements, and other provisions to prevent overfishing and ensure sustainability of the fisheries. Recreational bag and size limits and seasons are determined on a state-by-state basis using conservation equivalency in state waters and coastwide measures in federal waters. The commercial quota is coastwide during the winter seasons (January–April; October–December) and state specific during the summer season (May–September).

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