



Mid-Atlantic Fishery Management Council
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MEMORANDUM

Date: December 4, 2023
To: Chris Moore, Executive Director
From: Hannah Hart, Staff
Subject: Scup Recreational Federal Waters Season

The Monitoring Committee requested additional information on scup wave 1 and 2 recreational harvest. This memo provides those details for the Monitoring Committee's December 7 discussion. Additional information can be found in the following documents:

1. [Monitoring Committee meeting summary from November 13-14, 2023](#) (Part 2: recreational measures)
2. [Staff memo on scup recreational measures dated November 8, 2023](#)
3. [Staff presentation](#) from the November 13-14 Monitoring Committee meeting

Federal Waters Recreational Season Adopted in December 2022 – Excerpt from the November 8, 2023 Staff Memo

At the joint December 2022 meeting, the Council and Board agreed to reduce the federal recreational possession limit from 50 to 40 fish and shorten the federal-waters season from a year-round open season to a May 1 – December 31 open season. Due to the timing of federal rule making, the modified federal season would not go into effect until 2024, therefore having no impact on 2023 harvest. Although the Council and Board approved the modified federal scup season, there was some discussion about how the May 1 – December 31 open season may disproportionately impact some states. Specifically, members from some southern states like New Jersey voiced concern about federal waters being closed at the start of the year given the importance of waves 1 and 2 (January – April) to the for-hire sector. Northern states however, expressed the need for the modified season since those states would take the bulk of the required reduction in state waters and there was a desire to maintain some consistency between state and federal waters regulations. There was also concern about the accuracy of wave 1¹ and 2 MRIP data and how in past years a single trip has greatly inflated harvest estimates for those waves.

¹ Within the scup management unit wave 1 (January – February) Marine Recreational Information Program (MRIP) data is only available for North Carolina due to survey coverage.

At the March 2023 Board meeting, the Board reviewed proposed measures for state waters. After determining that the proposed state adjustments met virtually the full 10% reduction in coastwide harvest required under the Percent Change Approach, the Board questioned if the scup federal waters closure (January 1 – April 30) was still needed and requested it be reconsidered.

This topic was further discussed at April 2023 Council meeting. After much discussion, the Council agreed to revisit the discussion later this year after updated stock and recreational catch information is available.

This topic again came up at the joint Council/Board August 2023 meeting. The NOAA Fisheries Regional Administrator indicated that if the forthcoming recreational management measures setting process, including the results from the Percent Change Approach, indicates that a shortened season is no longer needed or if alternative measures could be recommended in place of the shortened federal recreational season, then NOAA Fisheries could publish a rule by the end of 2023 to modify the federal season for 2024.

Monitoring Committee Discussion at November 13-14, 2023 Meeting

At the November 13-14 Monitoring Committee meeting, the Monitoring Committee discussed potential removal or modifications to the federal waters January 1 - April 30 closure (resulting in a May 1 - December 31 open season) previously approved by the Council and Board in December 2022. The Monitoring Committee noted there is limited data available to assess the impacts of the federal waters closure given the lack of Marine Recreational Information Program (MRIP) data collected during wave 1 (January - February) in all states in the management unit except for North Carolina and the minimal MRIP data and intercepts available during wave 2 (March - April). The group also discussed potential mandatory permit or reporting requirements if the fishery is reopened during wave 1 and 2, such as implementing a similar system to what is currently in place for the February black sea bass fishery in Virginia. However, it was noted that this Virginia program is specific to black sea bass and a program similar in scope may not be as successful for the scup fishery. For example, the reporting requirements for the Virginia February fishery are largely viewed as something given in return for an opening that was not previously allowed for several years, as opposed to the scup season which was previously open but is now closed.

The Monitoring Committee recommended an analysis of the for-hire vessel trip report (VTR) data for waves 1 and 2, and how we might estimate total recreational harvest based on that information similar to what has been done in the past for other species (i.e., black sea bass prior to the February fishery program that is currently in place). The Monitoring Committee agreed to look at the VTR data analysis at a follow up meeting in December, but noted given the minimal harvest that occurs in wave 1 and 2 in combination with the overall minimal effort in federal waters (less than 5% of total coastwide harvest annually), the removal of the January 1 - April 30 closure in federal waters would have minimal to no impact on overall scup harvest.

Analysis for Monitoring Committee Review

The values for expected January through April harvest for 2024-2025 (**Table 1**) were calculated based on an analysis using 2018 – 2022 VTR data from federally permitted for-hire vessels in January through April. To estimate harvest beyond the for-hire sector, it was assumed that the average proportion of 2018 – 2022 wave 6 (November – December) MRIP data by mode would be similar to waves 1 and 2. These proportions were used to expand the VTR estimates for waves 1-2 to generate the harvest estimates in Table 1. It's important to note that wave 2 MRIP information was not used to inform catch by mode for this analysis due to lack of sufficient for-

hire data and high percent standard errors (PSE) associated with the wave 2 estimates. To take the estimate one step further to also get an estimate of what harvest during January – April occurs in federal waters only, the 2018-2022 average proportion of MRIP harvest by state verses federal waters was applied to the estimated total for-hire and private harvest (in pounds).

The calculations suggest that if federal waters were open from January through April about 323 pounds of scup may be harvested (**Table 1**). This makes up a very small percentage of total recreational harvest (only about 0.002% compared to the 2018-2022 total annual harvest average). Given the very limited estimated harvest occurring in federal waters at this time, the current recreational January – April federal scup closure likely has very little impact on overall harvest of scup.

Table 1: Estimated scup harvest in number of fish and pounds during January through April, based on average 2018-2022 federal VTR data scaled up based on the average proportion of for-hire to private MRIP catch data during 2018-2022. As well as estimated scup harvest in federal waters only, based on the average proportion of federal and state waters MRIP catch data during 2018-2022.

Month	Total number of trips (2018-2022)	Avg. number anglers per trip	Avg. # fish harvested per angler	Avg. annual harvested fish reported on VTRs (# fish)	Avg. annual for-hire harvest (lbs.) ^a	Estimated annual for-hire and private harvest in all waters (lbs.) ^b	Estimated annual for-hire and private harvest in federal waters only (lbs.) ^c
Jan	24	27	10	269	253	1,407	70
Feb	14	35	16	558	525	2,915	146
March	15	28	4	110	103	575	29
April	16	26	11	298	280	1,555	78
Jan – April	69	29	10	1,235	1,161	6,452	323

^aRepresent total harvested fish as reported on VTRs multiplied by the average MRIP-estimated weight of landed fish for all modes in 2018-2022 (i.e., 0.94 pounds).

^bValues were calculated based on an assumption that total harvest was 18% for-hire, 82% private based on average wave 6 (November-December) MRIP data for 2018-2022.

^cValues were calculated based on an assumption that 5% of total harvest came from federal waters based on average MRIP data for 2018-2022.

The very limited harvest estimate shown in Table 1 supports the Monitoring Committee recommendation to remove the current January – April federal waters scup closure that would occur for the first time in 2024. If the federal waters scup closure is removed, states would still be required to modify state measures to achieve the full 10% reduction for 2024-2025 as required by the Percent Change Approach. However, removal of the closure would provide greater flexibility for the states on which measures they implement to achieve the required reduction.