



Commercial Scup (Porgy) Fishery Summary of Regulations

Last Updated: September 2011

INTRODUCTION

This summary is not a substitute for the regulations; rather it provides a broad overview of restrictions and requirements of NOAA's National Marine Fisheries Service (NMFS). You are strongly encouraged to read the regulations in conjunction with this information sheet to fully understand how this fishery is managed.

The following is a summary of the regulations that apply to the Exclusive Economic Zone (EEZ), north of 35° 15.3' N latitude (the latitude of Cape Hatteras Light, North Carolina). For vessels holding scup charter/party permits, information regarding scup regulations is provided on a separate Northeast Region information sheet.

Individual states may set different regulations for the commercial scup fishery. In cases where state measures differ from Federal regulations, federally permitted fishery participants must adhere to the more restrictive state or Federal measure.

PERMITS (50 CFR 648.4)

Any vessel that fishes for scup in the EEZ (Federal waters) must have a valid scup permit, except for recreational vessels. There are two types of scup vessel permits:

- **Charter and Party Permit:** All charter and party vessels must have this scup permit if carrying passengers for hire.
- **Moratorium Permit:** Vessels must have a scup moratorium permit to retain any amount of scup for sale.

Vessel owners do not need a scup moratorium permit if no sale of scup occurs and the vessel adheres to the established possession limits. A vessel owner with both a scup moratorium permit and a charter and party permit may not fish under the terms of both permits at the same time. The operator of any vessel issued one of the above permits must also have a valid vessel operator's permit.

MINIMUM FISH SIZES (§648.124)

For scup moratorium permit holders, the minimum size is **9 inches total length**. The **total length** is the straight-line distance from the tip of the snout to the end of the tail while the fish is lying on its side (Figure 1).

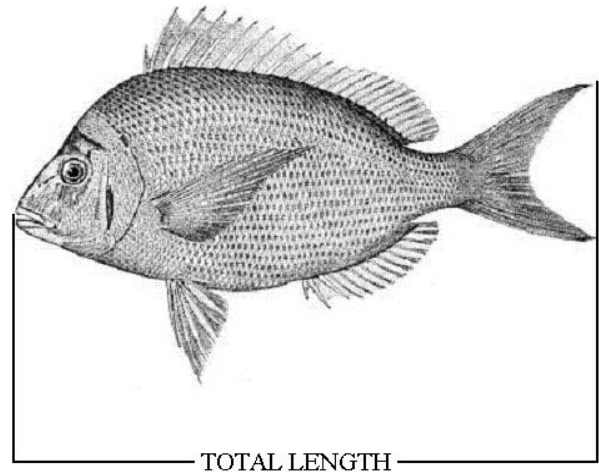


Figure 1. Scup total length.

QUOTA (§648.120(d))

An annual commercial quota is established by NMFS based on the recommendations of the Mid-Atlantic Fishery Management Council and is allocated into three harvest periods:

<i>Harvest Period</i>	<i>Months</i>	<i>Percentage of Annual Quota</i>
Winter I	January to April	45.11 %
Summer	May to October	38.95 %
Winter II	November to December	15.94 %

The quota is applied coastwide; all scup landed for sale are applied against the quota, regardless of where they were harvested. Up to 3 percent of the quota may be set aside for research purposes.

NMFS monitors the harvest of the commercial scup quota and closes the EEZ to commercial scup fishing when data indicate the quota has been harvested. Current quota and weekly landings reports are available at: www.nero.noaa.gov/ro/fso/reports/reports_frame.htm.

GEAR RESTRICTIONS AND POSSESSION LIMITS (§§ 648.123 and 648.125)

Otter trawlers with a scup moratorium permit may not possess **500 pounds or more** of scup from **November 1 through April 30**, or **200 pounds or more** of scup from **May 1 through October 31**, unless fishing with nets that have a minimum mesh size of **5.0-inch diamond mesh**, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, and all other nets are properly stowed. For trawl nets with codends (including the extension) of fewer than 75 meshes, the entire trawl net must have a minimum mesh size of 5.0 inches throughout the net. Scup on board these vessels shall be stowed separately and kept readily available for inspection.

Vessels with a scup moratorium permit that are **not** fishing in compliance with the above mesh requirements, may keep **no more than 500 pounds** of scup from **November 1 to April 30**, and may keep **no more than 200 pounds** of scup from **May 1 to October 31**.

No more than **50** scup are allowed to be possessed by any person unless that person is the owner or operator of a vessel that has a scup moratorium permit. Scup harvested by a vessel with a moratorium or charter/party scup permit, or from the EEZ north of 35°15.3' N. lat, may not be landed with the skin removed.

Gear Restricted Areas (GRA) (§648.122)

The regulations restrict certain gear types from being fished in two areas off the mid-Atlantic (see Figure 2 on Page 4). Vessels fishing for *Loligo* squid, black sea bass, or whiting in the Northern GRA from **November 1 through December 31**, or in the Southern GRA from **January 1 through March 15**, must have a minimum mesh size of **5.0-inch diamond mesh** as specified above. Vessels may transit these areas provided that net codends of smaller mesh are properly stowed and not available for immediate use.

Net Modifications (§648.123(a)(3))

No fishing vessel shall use any device on the top of the net except one splitting strap and one bull rope of line not more than 3 inches in diameter, and one rope no greater than 0.75 inches in diameter extending the length of the net from the belly to the codend along the top, bottom, and each side of the net.

Mesh Obstruction or Constriction

(§648.123(a)(4))

A fishing vessel shall not use any method to block meshes of the net or cause the mesh size to decrease to a size smaller than the minimum size established above. The bars entering or exiting the knots may not twist around each other.

Roller Gear (§648.123(a)(6))

A fishing vessel shall not use roller rig trawl gear with rollers greater than 18 inches in diameter.

Net Stowage (§648.123(a)(5))

For vessels subject to the minimum mesh size requirements above, any net on board that does **not** meet the above mesh requirements must be stowed properly as follows:

- Net stowed below the main working deck, with towing wires detached, and the net folded; **or**
- Net stowed on deck, with towing wires detached, net folded, and fastened to the deck or rail; **or**
- Net stowed on reel, covered with canvas, with towing wires detached, and codend removed and stored below deck; **or**
- Another method authorized in writing by the NMFS Regional Administrator.

Pots and Traps (§648.123(b))

Scup pots and traps must have degradable hinges, escape vents, and identification, as follows:

Degradable hinges made with:

- Untreated hemp, jute, or cotton string of 3/16-inch diameter or less; **or**
- Magnesium alloy, pop-up devices or similar magnesium alloy fasteners; **or**
- Ungalvanized or uncoated iron wire of 0.094-inch diameter or less.

Escape vents

- Circular escape vent with 3.1-inch minimum diameter; **or**
- Square escape vent with sides of 2.25-inch

- minimum length; **or**
- Rectangular escape vent of equivalent size.

Identification

- Marked with state identification (home port state); **and/or**
- Marked with number assigned by the Regional Administrator.

REPORTING REQUIREMENTS

The owner or operator of any vessel issued a scup moratorium permit shall maintain on board the vessel and submit an accurate Federal fishing vessel trip report (VTR) for all fishing trips (regardless of species retained). These reports may be submitted electronically if authorized by the Regional Administrator. Instructions for completing the VTR can be found at: www.nero.nmfs.gov/ro/fso/vtr.htm.

If the owner of a party or charter boat is issued only a scup charter/party permit, and is carrying passengers for hire, then he/she must complete a VTR for each trip on which scup are landed.

VTRs must be received by NMFS or postmarked within 15 days after the end of the reporting month. Copies of VTRs must be retained on board the vessel for 1 year after the date of the last entry on the log. If no fishing activity took place during a fishing month, then a VTR must be submitted stating that no fishing trips were taken.

Any change in the permit information, such as vessel name, vessel owner, address, etc., must be submitted in writing to the Regional Administrator within 15 days of the change, or the permit is void.

All federally permitted seafood dealers are required to submit trip level reports to NMFS via computer, using one of the approved electronic means, unless otherwise directed by the Regional Administrator. For more information on dealer reporting, please call the dealer electronic reporting help desk at 978-281-9212 or contact your local NMFS Field Office: www.nero.noaa.gov/ro/fso/portoff.pdf.

REQUIREMENTS FOR SALE/PURCHASE

Scup may be sold only to persons possessing a valid scup dealer permit. Scup must be purchased only from vessel owners possessing a valid scup moratorium permit.

PERMIT RENEWAL

To be eligible for a moratorium permit for scup, a vessel must have been issued a moratorium permit in the previous year, or be replacing a vessel that was issued a moratorium permit for the previous year. No one may apply for a scup moratorium permit after the owner retires the vessel from the fishery. All moratorium permits must be issued on an annual basis by the last day of the fishing year for which the permit is required, unless a Confirmation of Permit History has been issued. Failure to renew a moratorium permit in any fishing year bars the renewal of the permit in future years.

TRANSFER AT SEA

The owner or operator of a vessel issued a Federal scup permit may transfer-at-sea scup taken in or from the EEZ portion of the Scup Management Unit, provided:

- The transfer occurs between two vessels with Federal scup permits;
- The transfer occurs seaward of a boundary line that begins at 40°50' N. lat., 70°00' W. long., and runs south to connect points at 40°15' N. lat., 73°30' W. long.; 37°50' N. lat., 75°00' W. long.; and 35°30' N. lat., 75°00' W. long. (see Figure 2 on Page 4);
- The donating and receiving vessels possess gear that meets the requirements for commercial scup fishing gear;
- The transfer occurs in the Winter I or Winter II periods of the scup fishing year;
- There is only one transfer per fishing trip for the donor vessel;
- The donor vessel removes only enough scup from the net to attain the scup possession limit;
- After removal of scup from the net by the donor vessel, the entire codend, with all its contents, is transferred to the receiving vessel;
- Only scup, in an amount not to exceed the possession limit, are retained by the receiving vessel;
- While fishing for scup, all other nets are properly stowed; and
- The donating and receiving vessels report the transfer amount on the VTR for each vessel.

REPLACEMENT VESSELS

To be eligible for a moratorium permit, the replacement vessel must meet the following criteria:

- The replacement vessel's horsepower may not exceed by more than 20 percent the horsepower of the vessel that was initially issued a moratorium permit;
- The replacement vessel's length, gross registered tonnage, and net tonnage may not exceed by more than 10 percent the length, gross registered tonnage, and net tonnage of the vessel that was initially issued a moratorium permit;
- The vessel's size (length, gross registered tonnage, and net tonnage) may be increased (upgraded) through replacement

- only once. If any one of these specifications is increased, any increase in the other two must be performed at the same time; and
- The vessel's horsepower may be increased (upgraded) through replacement only once.

Note: Size and horsepower increases can be done independently of one another.

Figure 2. Shoreward boundary for scup transfer at sea, as established under Coast Guard consultation and gear restricted areas (GRA's). All transfers will occur seaward of the boundary line.

