

**TESTIMONY OF
Patrick Keliher, Commissioner**

**The Department of Marine Resources (DMR) is testifying
In Support of**

LD 1027, An Act To Create an Elver Exporter's License

**Before the Committee on Marine Resources
Sponsored by Representative Kumiega
Date of Hearing: April 6, 2015**

Senator Baker, Representative Kumiega, and members of the Joint Standing Committee on Marine Resources, my name is Patrick Keliher, Commissioner for the Department of Marine Resources, and I am testifying on behalf of the Department in support of LD 1027.

The value of Maine's elver fishery skyrocketed in 2012, when the average price per pound approached nearly \$2000, and the overall landed value exceeded \$40 million, making it the second most valuable fishery in the state that year. Based on investigations by the Maine Marine Patrol and the U.S. Fish and Wildlife Service, the value of elvers that year could have been as high as \$60 million, if you factor in the estimated black market elvers. Other than a very small amount of activity in South Carolina, Maine is the only state on the East coast with an elver fishery.

Interest and participation in the fishery has remained high, and as a result there has been tremendous scrutiny by the other states at the Atlantic States Marine Fisheries Commission (ASMFC), aimed at evaluating whether Maine has sufficient control over the fishery. Our ability to maintain this fishery depends on developing and implementing defensible management measures that we can demonstrate have resulted in an accurate understanding of the amount of elvers being removed from the resource. We have made huge progress in this area, but loopholes still exist through which illegal elvers can be moved.

To date, the major steps that DMR has taken include the implementation of an individual quota system, and a swipe card system for the point of first sale. Together, these tools were very successful in curtailing the rampant poaching that had previously been occurring. Overall, violation of elver-related laws decreased from 371 during the 2013 season to 71 during the 2014 season.

When Marine Patrol inspects a dealer, the amount of elvers a dealer has in his or her shop should match the electronic record of his or her purchases from harvesters. However, once that dealer sells the elvers to another dealer, the records are basically cleared, because up until this season, there has been no electronic record of dealer to dealer transactions. For the 2015 season, DMR has extended the swipe card system to include dealer to dealer

transactions. This makes it much more difficult to move illegal elvers, as there will be a record both of what the dealer bought AND what the dealer sold. For the first time, those numbers will need to match up.

The last identified loophole that needs to be closed is to establish records of the amount of elvers that are leaving the state. In recent years, the money in this fishery has drawn in buyers from the major markets overseas (Japan, Korea, etc.) who do not have any long-term connection to Maine and this fishery. These are the individuals who are profiting the most from this fishery. It is also a relatively small population (around a dozen or so individuals). As these individuals have appeared, they have not always been properly licensed, and have relied on developing relationships within the existing dealer network to move elvers out of state.

Through the creation of this license, we want to identify the population that is exporting elvers, and include them in the swipe card system, so that we have done all that is possible to account for every elver transaction. No one should be selling more elvers than they have purchased, and no one should be exporting more elvers than they have bought from other dealers.

The U.S. Fish and Wildlife Service requires an exporter to keep records of what they are sending out of the country. This is another set of information that could be used to compare to the records that Maine will develop, and will make it more difficult for exporters to move illegal elvers.

Overall, our strategy to maintain this extremely lucrative fishery has been to continually seek to improve our ability to defend our knowledge of what is actually going on, so that other states cannot criticize our ability to monitor and enforce the permitted harvest. The export of the elvers is the final, important piece of the puzzle.

Thank you for your time, and I would be happy to try to answer any questions you may have.