



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

July 19, 1978

DAVID C. CALLAGHAN  
Director

The Honorable A. James Manchin  
Secretary of State  
State Capitol Building  
Charleston, West Virginia 25305

FILED IN THE OFFICE OF  
SECRETARY OF STATE  
THIS DATE 7-20-78

Dear Secretary Manchin:

Enclosed herewith are three copies of the proposed West Virginia Administrative Regulations, designated Series XII of Chapter 20-1, regarding the collection and sale of wild, native ginseng.

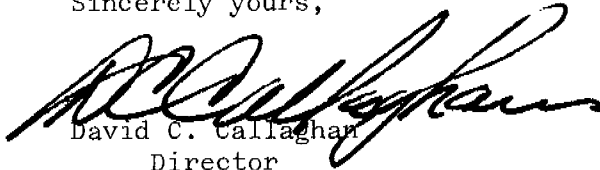
Recently, West Virginia was one of five states which gained "proposed" approval by the federal Endangered Species Scientific Authority (ESSA) to export ginseng legally collected during the 1978 season. We anticipate receiving final approval from ESSA on September 1, 1978.

The proposed regulations were filed with ESSA on February 21, 1978, and recommended approval was granted West Virginia on the basis that a substantial program would be implemented to monitor and manage the harvest of wild, native ginseng. Since our proposed regulations set the ginseng collecting season between August 1 and November 15, it is essential that these regulations take effect immediately so we can license ginseng dealers. Failure to do so will delay the harvest of wild ginseng in the state, encourage the illegal harvest of ginseng for foreign export and impede this department's efforts in gathering scientific data on the abundance, range and monetary value of wild, native ginseng, thus jeopardizing the state's chances of getting ESSA's approval for the foreign export of wild, native ginseng next year.

These regulations have been filed with the Legislative Rule-Making Review Committee; however, this committee is not scheduled to meet again until August 14, 1978, and any regulations which are approved by that committee at that time take thirty days to become effective. Therefore, in accordance with §29A-3-14 of the Code of West Virginia, I am filing these regulations on an emergency basis to become effective immediately.

Please notify me if you have any questions regarding this matter.

Sincerely yours,

  
David C. Callaghan  
Director

DCC/dbr

Enclosures

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Department of Natural Resources  
Chapter 20-1  
Series XII  
1978

FILED IN THE OFFICE OF  
SECRETARY OF STATE  
THIS DATE 7-20-78

Subject: Ginseng Rules and Regulations

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Section 1. Authority

1.01. By virtue of the authority granted the director of the Department of Natural Resources by Article 1, Section 7, Chapter 20 of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, the following rules and regulations shall become effective August 1, 1978.

Section 2. Season

2.01. The collecting season for wild, native ginseng shall be from August 1 to November 15 of each calendar year.

2.02. The season shall be statewide and subject to change.

Section 3. Unlawful Acts

3.01. It shall be illegal to possess green ginseng between January 1 and July 31 of each calendar year.

Section 4. Collector's Responsibilities

4.01. Any person who collects wild, native ginseng upon the enclosed or posted lands of another person shall obtain permission in writing from the owner, tenant or agent of such lands, and this person shall have in his possession such written permission when collecting ginseng upon said lands.

4.02. Any person who collects wild, native ginseng shall be required to plant the seeds from the plants he collects at the site of the digging.

Section 5. Dealer's Responsibilities

5.01. Any person, firm or corporation who buys wild, native ginseng shall obtain a Ginseng Dealer's Permit from the Department of Natural Resources.

5.02. Authorized ginseng dealers shall report annually to the Department of Natural Resources on a form prescribed by the said agency regarding the amount of wild, native ginseng bought and sold.

5.03. For each sale transacted, authorized ginseng dealers shall be responsible for attaching with the ginseng a West Virginia Ginseng Tag Number furnished by the Department of Natural Resources. This tag shall remain with the ginseng.

Section 6. Revocation of Permit

6.01. Any dealer convicted of violating a provision of the

Ginseng Rules and Regulations is subject to having his Ginseng

Dealer's Permit revoked.