



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

CHARLESTON 25305
July 14, 1978

DAVID C. CALLAGHAN
Director

FILED IN THE OFFICE OF
SECRETARY OF STATE
THIS DATE 7-19-78

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

Dear Secretary Manchin:

In accordance with the provisions of Chapter 29A of the Code of West Virginia, a public hearing was held on July 10, 1978, to receive comments and recommendations concerning the proposed rules and regulations governing the collection and sale of wild, native ginseng.

After consideration of the recommendations received, it was determined that the regulations would be filed with modifications. We are, therefore, this date, submitting 17 copies of the Ginseng Rules and Regulations to the Legislative Review Committee, with the request that these regulations be made effective August 1, 1978.

For your information, I am enclosing a copy of the modified regulations to be filed in the State Register, and a copy of the minutes of the public hearing July 10, 1978.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Callaghan".

David C. Callaghan
Director

DCC/jrm

Enclosures (2)

cc: Legislative Review Committee (Transmitting 17 copies of the
Ginseng Rules and Regulations)

cc: Governor Rockefeller

PUBLIC HEARING, July 10, 1978

FILED IN THE OFFICE OF
SECRETARY OF STATE
THIS DATE 7-19-78

The meeting was called to order at 1:00 p. m. in Room 811 of the Motor Vehicles Building by Chairman Dan E. Cantner. Five persons (Mr. Edward F. Murphy and Mr. Brooks Justice of Chloe, West Virginia, and James Ruckel, Lewis Baxter and Helen Morris of the Department of Natural Resources) besides Mr. Cantner were present at the meeting.

Mr. Cantner explained the purpose of the meeting in compliance with the law dealing with the filing of administrative regulations. Regulations to control the digging and exportation of ginseng are being initiated in compliance with guidelines issued by the Endangered Species Scientific Authority, U.S. Fish and Wildlife Service, Department of the Interior.

Mr. Justice and Mr. Murphy both expressed the feeling that ginseng should not be regulated by the Federal Government and that it could be better regulated by the people.

Mr. Justice grows ginseng on his property. He feels that if ginseng becomes scarce or endangered, seed could be purchased and planted. He indicated there are many ginseng growers in the State of Ohio.

His experience indicates that roots when planted reproduce faster than berries. Most growers replant smaller roots after taking up large plants. It takes berries two years to germinate and most berries are fertile. Seeds or berries should be covered with leaves

rather than soil. Ginseng will grow in clay soil and shady spots. Okay to set near the shrub spicebush.

Mr. Justice indicated he did not think the season as outlined by this department would adversely affect the ginseng population.

Mr. Baxter brought up the question of theft and law enforcement. Land should be posted and trespassers prosecuted as any other lawbreakers.

Meeting was adjourned at 4:00 p.m.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Department of Natural Resources
Chapter 20-1
Series XII
1978

FILED IN THE OFFICE OF
SECRETARY OF STATE
THIS DATE 7-19-78

Subject: Ginseng Rules and Regulations

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.