



State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. ER-48-95 was duly approved and adopted by this Department on March 27, 1996. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 13th day of May, 1996.



George E. Meyer
George E. Meyer, Secretary

(SEAL)



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES



.....
The Wisconsin Natural Resources Board proposes an order to
amend NR 28.03(2)(b), (4)(c)(intro.) and (e), (5)(a) to (c),
(6)(a) and (b) and 28.04(1); and to create NR 28.03(4)(c)3m.
and (5)(d) and 28.04(5) relating to wild ginseng
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Analysis Prepared by the Department of Natural Resources

Statutory authority: s. 29.547, Stats.
Statutes interpreted: s. 29.547, Stats.

The Wisconsin wild ginseng law (s. 29.547, Stats.) allows the Department of Natural Resources to license and regulate the harvest, purchase and sale of wild ginseng, and to establish a program for certification. These statutes were revised in August of 1995 in order to increase license fees and to better comply with federal requirements for state wild ginseng programs. In order to implement some of these changes and to revise the administrative rules to also comply with federal requirements, it is necessary to make the following changes and additions to NR 28. The wild ginseng administrative rule was last revised in 1991.

SECTION 1. NR 28.03(2)(b) and (4)(c)(intro.) are amended to read:

NR 28.03(2)(b) *Sales by harvesters.* 1. Wild ginseng harvested in a lawful manner and with a valid harvest license may be sold by the licensee to a licensed Wisconsin wild ginseng dealer from September 1 to March 31, both dates inclusive.

1m. Any wild ginseng not accompanied by a certificate of origin sold to licensed Wisconsin nonresident wild ginseng dealers shall be returned to the state for certification within 30 days of the sale.

2. Wild ginseng may be shipped out of state by licensees shall be only if accompanied by a shipping certificate of origin issued by the department and after inspection by an agent of the state.

(4)(c) *Sales records.* (intro.) The dealer's record of each sale ~~when not accompanied by a shipping certificate~~ shall include:

SECTION 2. NR 28.03(4)(c)3m. is created to read:

NR 28.03(4)(c)3m. The serial number of the accompanying export certificate of origin if sold for export from the United States;

SECTION 3. NR 28.03(4)(e) and (5)(a) to (c) are amended to read:

NR 28.03(4)(e) *Inventory report.* An inventory report of all wild ginseng remaining in the dealer's possession after March 31 of each year shall be made by each licensed wild ginseng dealer on forms provided by the department. Any carry-over roots shall be weighed and certified by department officials except that permission may be granted by the department to allow certification of carry-over roots by a certified public accountant familiar with wild ginseng. The report shall be submitted to the department by April 15 each year even if the dealer has no carry-over roots in his or her possession. Dealers shall retain a copy of the inventory report and record on it all information requested by the department regarding all further ~~sales~~ export of carry-over roots. An amended report shall be submitted to the department within 30 days after all carry-over roots are sold or upon request by the department.

(5)(a) *Requirements.* Shipments of wild ginseng to points outside the state of Wisconsin by licensed dealers or harvesters shall be accompanied by a certificate of origin ~~except as provided in par. (e).~~ Licensed dealers shall complete all information required by the department on the certificate of origin. The original copy of each certificate of origin shall remain with the wild ginseng shipment until it reaches the U.S.D.A. port inspector at the authorized port of

export, or until it reaches the domestic consumer. Certificates shall be based upon the licensees' harvest, purchase and sales records and made by licensees on forms provided by the department. A copy of each ~~shipping~~ certificate of origin shall be kept by licensees as part of their records. A copy of each certificate of origin shall be sent to the department within 30 days of the shipment leaving the state.

(b) *Certificates.* ~~Shipping certificates~~ Certificates of origin forms shall be issued by the department at no cost to any ~~licensed harvester or~~ licensed dealer on request. Certificates are serially numbered and valid only for the date period stated on the certificate. Certificates of origin remain the property of the department until the time of state certification. Upon request by the department, the dealer shall return all unused certificates of origin. Licensees accepting certificates from the department shall be required to account for the disposition of each form issued to them.

(c) *Domestic use.* Licensed dealers selling wild ginseng to persons solely for the purpose of direct consumption or retail sales to consumers within the United States shall accompany the sale with a combined certificate of origin/domestic sales record issued by the department. The dealer shall keep a record as provided in sub. (4)(c) and shall file a copy of their record with the department within 30 days of the transaction.

SECTION 4. NR 28.03(5)(d) is created to read:

NR 28.03(5)(d) *Certification.* 1. All dealers, including nonresident dealers, shall have their wild ginseng shipments for export certified at a department approved certification location or shall arrange for certification by a state conservation warden or the department's ginseng program manager before the shipment leaves the state.

2. A licensed dealer may purchase wild ginseng originating from another state from licensed harvesters if that ginseng is returned to the state of origin and certified by that state within 30 days of the purchase.

SECTION 5. NR 28.03(6)(a) and (b) are amended to read:

NR 28.03(6)(a) *License*. Any license issued under and pursuant to s. 29.547, Stats., and this section shall be carried on the person of the licensee at the time of harvest or sale and shown to the department or its agents upon request.

(b) *Records*. Records required to be maintained or submitted pursuant to s. 29.547, Stats., and this section shall be produced for inspection upon request of the department or its agents and shall be retained for at least 3 years from the date of the transaction.

SECTION 6. NR 28.04(1) and (2) are amended to read:

NR 28.04(1) **LIMIT OF PLANTS TO BE HARVESTED**. Wild ginseng plants shall be harvested only if they possess 3 or more true leaves and ~~mature fruit~~ flowering/fruiting stalks. The stalks, minus the mature fruits, shall be ~~left attached to~~ kept with the plant until they are taken to the harvester's home or place of business to enable adequate enforcement.

(2) **SEED PLANTING**. When harvesting wild ginseng, harvesters shall plant all of the seeds from the harvested plants in the ~~immediate~~ vicinity of the parent plants in a manner which will encourage their germination and growth. Wild seed may not be sold or transported away from the site of the parent plant except by express written permission from the department.

SECTION 7. NR 28.04(5) is created to read:

NR 28.04(5) OTHER LANDS. Persons possessing a valid wild ginseng harvest license may harvest wild ginseng on private lands or public lands not owned by the state only with the permission of the land owner or public land manager.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 27, 1996.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin *May 13, 1996*

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By *George E. Meyer*
George E. Meyer, Secretary

(SEAL)

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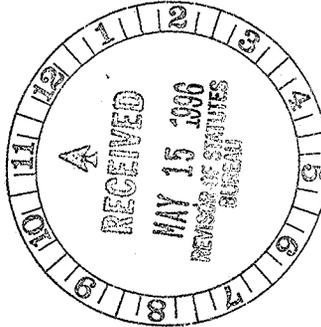
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May 13, 1996

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI



Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. ER-48-95. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


George E. Meyer
Secretary

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