

1999 HOUSE NATURAL RESOURCES

HB 1200

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1200

House Natural Resources Committee

Conference Committee

Hearing Date 1/22/99

Tape Number	Side A	Side B	Meter #
1	x		0.0-42.4
Committee Clerk Signature <i>Kevin Zaud</i>			

Minutes:

SUMMARY OF THE BILL: A BILL for an Act relating to the unauthorized removal or possession of purple coneflowers, *Echinacea purpurea* or *Echinacea augustifolia*; and to provide a penalty.

Chairman Grosz opened the hearing on HB 1200 in the Pioneer Room. All committee members were present: Chairman Grosz, Vice-Chairman Henegar, Rep. Drovdal, Rep. Galvin, Rep. DeKrey, Rep. Nottestad, Rep. Nelson, Rep. Clark, Rep. Porter, Rep. Martinson, Rep. Hanson, Rep. Kelsh, Rep. Lundgren, Rep. Sandvig, Rep. Solberg.

(0.9)Rep. Rennerfeldt appeared in favor of HB 1200. (see attached testimony) He noted a typo in the bill and proposed some amendments.(see attached testimony)

Sen. Lyson testified in support of HB 1200.

(12.9)Rep. Lundgren made a statement concerning the penalty, that it might be a little steep.

Rep. Clark was in agreement with her.

(16.3)Bill Pfeiffer of the North Dakota Chapter of the Wildlife Society appeared in favor of HB 1200.

(27.6)Shilo Cuomeau from the Department of Water, Natural Resources, of the Standing Rock Sioux Tribe appeared in favor of HB 1200. (see attached testimony)

(34.2)Brian Kramer of the North Dakota Farm Bureau appeared in support of HB 1200.

(36.5)Julie Ellingson of the North Dakota Stockmen's Association appeared in favor of HB 1200.

(38.0) Phyllis Johnson, a citizen of Minot appeared in favor of HB 1200.

The hearing on HB 1200 was closed without action being take on this day.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1200

House Natural Resources Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
1	X		42.6
Committee Clerk Signature <i>Robin G. Small</i>			

Minutes: A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED REMOVAL OR POSSESSION OF PURPLE CONEFLOWERS, ECHINACEA PURPUREA OR ECHINACEA AUGUSTIFOLIA; AND TO PROVIDE A PENALTY

REPRESENTATIVE GROSZ: Passes out amendment. Gives details of the amendment.

REPRESENTATIVE DEKREY: Moves to pass amendment

REPRESENTATIVE DROVDAL: Seconds the motion.

REPRESENTATIVE NOTTESTAD: In the original amendment that Rep. Rennerfeldt put out, does the second set incorporate the first set?

REPRESENTATIVE GROSZ: This is actually the third set, because it is .0203. It incorporates all of them.

REPRESENTATIVE HANSON: We still have that stiff fine in there, and I don't know if its fits the situation. A \$10,000 civil penalty, also a Class A first demeanor. And something in there about losing your power vehicle.

REPRESENTATIVE GROSZ: That is correct, but I think for taking the wrong goose or the wrong duck, you can lose your vehicle also.

Page 2

House Natural Resources Committee

Bill/Resolution Number HB 1200.lwp

Hearing Date *Click here to type Hearing Date*

REPRESENTATIVE DEKREY: In judiciary, we deal with these all the time. In fact, very rarely does anyone get the maximum. You have to do something very grievous to ever get the maximum. So if grandma is ever out in the pasture digging flowers, she isn't going to get the \$10,000.

REPRESENTATIVE GROSZ: Also, most of the penalties are put on by a judge or jury. It is not an administrative fine.

Motion carries and amendment is passed.

Motion by Representative Hanson for a Do Pass as amended. Second by Representative DeKrey.

REPRESENTATIVE NELSON: As a point of clarification, I would like to hear Rep. Martinson's comment on this bill.

REPRESENTATIVE MARTINSON: I find that fines and penalties to be outrageous.

REPRESENTATIVE KELSH: Notes conflict. A close family member works for a company that manufactures this product.

REPRESENTATIVE GROSZ: The chair has no problem with Rep. Kelsh voting.

Roll call: 10 Yeas, 2 Nays, 3 Absent

Carried by Representative Todd Porter

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1200

Page 1, line 2, replace "augustifolia" with "angustifolia", remove "and", and after "penalty" insert
"; and to declare an emergency"

Page 1, line 7, after "upon" insert "state-owned land or"

Page 1, line 9, replace "augustifolia" with "angustifolia"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency
measure."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1200

Page 1, line 2, replace "augustifolia" with "angustifolia", remove "and", and after "penalty" insert
"; and to declare an emergency"

Page 1, line 4, replace "**augustifolia**" with "**angustifolia**"

Page 1, line 5, after the period insert "1."

Page 1, line 7, remove "or leased"

Page 1, line 8, remove "or lessee"

Page 1, line 9, replace "augustifolia" with "angustifolia" and after the period insert:

"2. A person is guilty of a class A misdemeanor, is subject to court-ordered restitution to the state, and is subject to a civil penalty of up to ten thousand dollars if that person willfully removes or attempts to remove a purple coneflower, *Echinacea purpurea* or *Echinacea angustifolia*, from state-owned land.

3."

Page 1, line 12, after the period insert:

"4."

Page 1, after line 13, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Date: 1/28/99
 Roll Call Vote #: 1

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.**

House House Natural Resources Committee

Subcommittee on 1200
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass AS Amended

Motion Made By Hanson Seconded By DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman Mick Grosz	X				
Vice-Chairman Dale Henegar					
Representative David Drovdal	X				
Representative Pat Galvin	X				
Representative Duane DeKrey	X				
Rep. Darrell D. Nottestad	X				
Representative Jon O. Nelson	X				
Representative Byron Clark	X				
Representative Todd Porter	X				
Representative Jon Martinson		X			
Representative Lyle Hanson	X				
Representative Scot Kelsh		X			
Representative Deb Lundgren					
Representative Sally M. Sandvig	X				
Representative Dorvan Solberg					

Total (Yes) 10 No 2

Absent 3

Floor Assignment Porter

If the vote is on an amendment, briefly indicate intent:

Please type or use
black pen to complete

Date January 28, 1999

Roll call vote # _____

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1200

House Natural Resources Committee

Subcommittee on _____

Conference Committee

} Identify or
check where
appropriate

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep Hanson Seconded By Rep Dekrey

Representatives	Yes	No	Representatives	Yes	No
<u>Mick Gross</u>	X		<u>Norman Solberg</u>	X	
<u>Dale Henegar</u>	<u>absent</u>				
<u>David Alwood</u>	X				
<u>Pat Holman</u>	<u>absent</u>				
<u>Duane Nix</u>	X				
<u>Marrell Mattstad</u>	X				
<u>Jon Nelson</u>	X				
<u>Sybil Clark</u>	X				
<u>Iodd Porter</u>	X				
<u>Jon Martinson</u>		X			
<u>Lyle Hanson</u>	X				
<u>Scott Kelsch</u>		X			
<u>Del Lundgren</u>	<u>absent</u>				
<u>Billy Hendrix</u>	X				

Total 10 2
(Yes) (No)

Absent 3

Floor Assignment Representative Iodd Porter

If the vote is on an amendment, briefly indicate intent:

DO NOT USE HIGHLIGHTER ON ANY FORMS

1999 SENATE AGRICULTURE

HB 1200

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1200

Senate Agriculture Committee

Conference Committee

Hearing Date 3/11/99

Tape Number	Side A	Side B	Meter #
1	X		1048-5278
Committee Clerk Signature <i>Tricia Jorgensen</i>			

Minutes:

Senator Wanzek called the meeting to order, roll call was taken, all were present.

Senator Wanzek opened the hearing on HB 1200.

Representative Rennerfeldt introduced the bill. Testimony enclosed.

Senator Urlacher: What does it sell for?

Representative Rennerfeldt: If it's wet 7-8 dollars a pound, dry about 17-18 dollars a pound.

Senator Urlacher: What is it used for?

Representative Rennerfeldt: It's an herbal medicine, used as a cold medicine.

Senator Wanzek: You would have to do a lot of digging to make it worth while.

Representative Rennerfeldt: I have heard of people making \$150 a day.

Senator Kinnoin: In our area when they are digging these, if they come and ask for permission it's fine, but they go out and when they dig them up they are in a hurry but if they would take that plug and put it back in but they just leave it and there is a holy mess.

Senator Sand: Have you thought of including other plants in this bill?

Representative Rennerfeldt: Yes that was mentioned to be after I introduced the bill.

Senator Lyson spoke in support of the bill. Feels this is a real problem that needs to be taken care of.

Senator Mathern: Is it people from ND or people from other states doing it?

Senator Lyson: Started out with the locals then people from all over started coming.

Senator Wanzek: Is this going to be difficult to enforce?

Senator Lyson: It's going to be easier than it is right now.

Senator Wanzek: If you catch them with the roots you don't have to catch them in the act.

Senator Lyson: Exactly.

Senator Sand: If you dig the plant and take only half the root will it continue to grow?

Senator Lyson: I believe it will.

Senator Urlacher: How deep do the roots grow?

Senator Lyson: About 18 inches.

Bill Pfeifer from the ND Chapter Wildlife Society spoke in support of the bill. Testimony enclosed.

Senator Mathern: Have you seen evidence of digging around the Bismarck area?

Bill Pfeifer: I have seen evidence of digging right in Bismarck.

Senator Mathern: Will park rangers have authority to enforce this?

Page 3

Senate Agriculture Committee
Bill/Resolution Number Hb 1200
Hearing Date 3/11/99

Bill Pfeifer: Yes.

Senator Sand: Under this bill will we be able to people like in pawn shops and buy it, can we ask were it came from?

Bill Pfeifer: I would assume there would be some way of working with that.

Senator Wanzek: Do you feel that if we catch a crew digging can we prosecute each person that is part of that, or do we prosecute the instigator?

Bill Pfeifer: I'm not sure about that.

Senator Wanzek closed the hearing on HB 1200.

Senator Mathern made the motion for a Do Pass.

Senator Klein seconded.

ROLL CALL: 7 Yes, 0 No

CARRIER: Senator Mathern

Date: 3/11
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1260

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Mathern Seconded By Klein

Senators	Yes	No	Senators	Yes	No
Senator Wanzek	✓				
Senator Klein	✓				
Senator Sand	✓				
Senator Urlacher	✓				
Senator Kinnoin	✓				
Senator Kroeplin	✓				
Senator Mathern	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Senator Mathern

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 11, 1999 10:28 a.m.

Module No: SR-44-4520
Carrier: D. Mathern
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1200, as engrossed: **Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1200 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1200

TESTIMONY FOR HB 1200
House Natural Resources

Prepared by Representative Earl Rennerfeldt

Friday, January 22, 1999

Mr. Chairman and members of this Committee. For the record, I'm Representative Earl Rennerfeldt, District 1. I'm here to introduce HB 1200.

The purpose of this bill is to try to correct a serious problem in western North Dakota, a problem that is causing serious damage to our native prairie. The problem I'm referring to is being caused by the demand for echinacea, more commonly known as the purple coneflower.

Currently, echinacea is the top-selling herbal medicine in the U.S. and Europe. This is the driving force that is bringing local and out-of-state trespassers or outright thieves onto our native prairie, without permission, to harvest this root.

This bill, if signed into law, will not stop a landowner from harvesting this root on his or her own property nor will it stop an individual from harvesting this root if that individual has written permission from the landowner or the lessee of the land.

It causes great concern because this plant grows on the most environmentally sensitive soil in North Dakota. If the digging of this plant is not controlled, our prairies will suffer great damage from weed infestation and water erosion. The long lasting effect to our ecosystem is another great concern.

HB 1200 makes this act a Class A misdemeanor and will make it easier for law enforcement people and judges to prosecute and get restitution from these violators.

I ask for your support on this bill.

Respectfully submitted by:

Representative Earl Rennerfeldt

PURPLE PRAIRIE PRODUCE



Herbal Sales

By Glinda Crawford

Some folks say: "That makes very good sense." Others chuckle and shake their heads: "You have got to be kidding. That's just about the craziest thing I have ever heard."

Both are probably right.

Earth medicines are big business these days. While some may consider this strange and a fad, herbal medicines are likely here to stay. Using herbal medicines the Earth provides makes sense; our grandparents did and so did countless generations before them.

Now the shadow side: More than one previously abundant wild plant species has been harvested into threatened, endangered or extinct status due to popularity of its medicinal use. Examples include wild ginseng and golden seal.

It may happen again. Diggers have arrived on the Northern Great Plains with shovels in hand; even some locals have grabbed shovels on their way to the prairie in summer. What for?

Two years ago, my family and I were excited to find the herbal medicine Echinacea the Latin name for purple coneflower commonly found on North Dakota prairies. When we took Echinacea, our usual colds were less frequent and severe. We smugly stocked our cupboard with Echinacea teas and tincture (ground roots suspended in alcohol).

Then, Ruth Hall came to Grand Forks and told us people were digging purple coneflowers on private lands without permission near her home at Fort Berthold Reservation. "They even drive through fences," she said.

We hadn't thought about where it came from! This casual conversation began a quest for information, plus delight and disgust at what I found. Each conversation provided other stories, clues or questions. I began to wonder: are we losing something right under our noses?

Two significant insights came early on. From Darla Lenz with the Natural Heritage Program of the North Dakota Parks and Recreation Department: "There is a black hole of information out there. Few know about this. We have to get the word out."

From Kathleen Brokke (a historical horticulturalist): "Few people speak up for plants."

Here goes.

nerate Coneflower Demand, Concern

Historically, *Echinacea* – primarily the roots – was the most widely used medicinal plant of Plains Indian tribes, commonly used for colds, toothache, snakebite and killing pain. Native people shared the plant with European immigrants in the 1800s. The herb was widely used by settlers and by the end of the 1800s often suggested by western doctors. *Echinacea* became popular in Germany from the 1930s-1980s, with more than 240 products available from 50,000 pounds imported each year from the U.S. C. Hobbs in "Echinacea: The Immune Herb!" estimates 50,000-100,000 pounds/year were dug for European export over the last 100 years. *Echinacea* was discovered by U.S. herbalists in the 1980s. Since then, popularity in the U.S. has skyrocketed.

Echinacea is described as bolstering the human immune system and is recommended for prevention and treatment of colds and flu, among other uses. (Please note: the purpose here is to inform, not to suggest use of *Echinacea*; each individual needs to make choices in their health care in consultation with a health professional to best suit their own unique needs.)

Currently, *Echinacea* is the top selling herbal medicine in the U.S. and Europe.

One herbal magazine described sales as approaching that of aspirin.

While initial sales were confined to health food stores, *Echinacea* displays have sprung up like weeds in grocery and discount stores. Products available include: teas, capsules/tablets, tincture, cough drops, fresh plant extract, carbonated soft drink, juice, essential oil (for aromatherapy), diaper cream, skin cream and lollipops. But before you go dashing out to stock your cupboards, we need to look at where it comes from.

Three varieties are known for medicinal uses: *Echinacea purpurea* and *pallida* were common to central and southern plains; *Echinacea angustifolia* is more common to western and northern plains. It thrives in intense heat and cold, and likes dry and rocky areas. You guessed it, *E. angustifolia* feels at home in North Dakota, and is common throughout much of the state.

Most commercial supplies come from wild stock. Purple coneflowers have largely disappeared from Kansas and

Nebraska. Wild stock in Missouri (the only state with laws against harvest on state lands) is described as "alive and well" by Hollis Crawford with the Missouri Conservation Commission.

Monique Kolster, a University of Montana environmental studies graduate student, has been studying harvest of *Echinacea* in Montana. She reports widespread digging in eastern Montana and conservatively estimates 100,000 pounds

have been dug from northeastern Montana (with seven wet roots per pound, this equals approximately 700,000 plants). She and area residents have observed purple coneflowers as scarce in some areas where once abundant. Contacts in Williston last fall described buyers in trucks parked at intervals along highways in eastern Montana collecting roots from diggers; one rural bar owner gave cash for roots.

Coneflower digging starts in mid-summer, when flowers are in full bloom and easily identified.



Imagine how this hillside would appear with a spade-hole in place of each purple coneflower. That's what's left of some North Dakota prairie after wild coneflowers are harvested.

What is happening in North Dakota?

A summer 1997 Williston Shopper ad announced jobs available for digging the "weed." Last fall, I shared the *Echinacea* issue with one of my classes at the University of North Dakota. One student, Rich Halvorson, sheepishly replied: "I dug *Echinacea* as a summer job in 1996 around my home in Williston. It was really hard work. I only lasted a day."

He grinned, and described the process further: "I worked with 10 others digging roots from a farmer's field (with permission). At first, we were told to dig the biggest plants for the biggest roots. Later we went back and dug the smaller ones too. By day's end, very few plants were visible."

At the time, Rich had no idea the plant was anything other than a "weed." In September 1997, in a message from the Grenora area on an Internet *Echinacea* bulletin board, a writer reported seeing the plant and requested help in marketing it. In spring 1997, a Wisconsin ad encouraged potential diggers to grab their shovels and go to North Dakota. Requests for collecting permits are popping up on federal lands, including the Little Missouri National Grassland and Garrison Dam Project natural resources section. So far, requests have been denied.

Indian reservation lands are at risk, but some steps toward political action are being made. The Fort Berthold Tribal Council passed a resolution prohibiting digging. However, Kerry Hartman from Fort Berthold Community College reports observations of digging throughout the reservation, with some areas "dug worse than prairie dog towns."

What next?

Extensive collection of wild purple coneflowers cannot be sustained. Soon this precious wildflower may be endangered. Who knows what further damage to precious prairie life occurs as a result? Based on consumer demand and reports of increased digging around us, this summer could bring more digging and more damage to North Dakota's prairies.

Echinacea digging could be North Dakota's old growth forest, rainforest or salmon issue. Prairies are vital resources



Coneflower Notes

• According to an article in *E, The Environmental Magazine*, author David Taylor notes that *Echinacea*, touted as a cure for colds and flu, is the "best-selling herbal remedy sold in the U.S., with annual sales of almost \$80 million."

• Commercial growers of *Echinacea angustifolia* can produce a crop of up to 1,000 pounds per acre (though an acre can produce a crop only every 3-4 years). Price for dried coneflower root has been as high as \$16.50 per pound, but is reported to have fallen to half that earlier this spring.

• Coneflowers are usually harvested from mid-summer through fall, when diggers can readily identify the plant.



Profiteers strike pay dirt with coneflower

Permission needed before digging

By LEANN ECKROTH
Staff Writer

They aren't necessarily digging for gold, but a common looking plant is drawing just a little too much attention from profiteers.

With prices of \$18.50 per pound for the dried plant and \$12 per pound for the undried vegetation, diggers are taking a less than polite approach to finding the Echinacea root.

It is better known as the Purple Prairie Coneflower and is indigenous to prairie land in northwest North Dakota. About eight plants will make a pound.

Names for the plant include the purple cone flower, Black Sampson and Indian Nova Caine.

The root is sold by health food chains and is lauded by users for increasing the body's auto immune system. It is touted for its benefits against colds and upper respiratory distress symptoms. Under Federal Drug Administration rules, health food stores do not advertise the benefits reportedly drawn from the herbs.

Oblivious to private property owners' rights, those seeking the Echinacea root are taking the finders keepers approach. Without asking permission. See CONEFLOWER, page 10A

Williston Daily

August 2, 1998

CONEFLOWER: COMPLAINTS MOUNTING

From Page 1A

they are taking the roots from landowners' fields and ditches.

"I had about 30 to 40 complaints in the last month," said Scott Busching, chief deputy for the Williams County Sheriff's Office.

"People are starting to prosecute. We've had six charges. Get permission before you dig," he said.

He likened taking the medicinal roots to taking a portion of the landowners' crops. He added that those caught digging aren't entering private land by accident. "They're digging at night so they won't be seen," he said. He noted land owners have warned them before taking action.

Digging requires a special shovel. Those taking the plants can leave unsightly holes behind because the roots run 12 to 14 inches deep.

There have been incidents of diggers in the area in the past, but not to the extent it is this year. "It's the prices and there is a buyer in the area," Busching explained.

The problem isn't being observed by private landowners alone. Lewis & Clark State Park Ranger Helen Volk-Schill said she has confiscated roots in six incidents this summer. She said violators could be fined \$50 according to park rules or face the maximum state penalties, depending on the situation. No plants of any type are to be removed from the state park, said Volk-Schill.

Those caught in the act of stealing the roots will be charged with the Class B misdemeanor of theft of property, the Williams County Sheriff's office noted. It carries a maximum sentence of 30 days in prison and a \$1,000 fine.

Jeff Keller, park ranger for the U.S. Army Corps of Engineers, said they have talked to a few people who have considered digging the roots on federal land, but have had a few problems this summer.

Penalties vary on federal land, said Keller. "It depends on the extent of the situation" said Keller. "They could be fined \$500 or face a court appearance."

Post-It* Fax Note	7671	Date	8-20-98	# of pages	1
To	Darla Lenz	From	Glenda Crawford		
Co./Dept	ND Parks + Rec.	Co.	UNID		
Phone #	701-328-5368	Phone #	701-777-3750		
Fax #	701-328-5368	Fax #	701-777-2468		

Date	7-7-98	# of pages	2
To	Daria Lenz		
From	G. Crawford		
Co./Dept.	Co. WND		
Phone #	328-5368	Phone #	777-3750
Fax #	328-5363	Fax #	777-2468

IE RECORD

WILLISTON AMBULANCE
 Williston Ambulance Service transported a 91-year-old man from a local address to Mercy Medical Center at 11:05 a.m. Wednesday.

WILLISTON FIRE

Firefighters were called to a stove fire at 4:03 p.m. Wednesday at 1721 Fourth Ave. W.

It was out on arrival.

WILLIAMS CO. SHERIFF

The Williams County Highway Department personnel reported that sometime between Monday and Wednesday, \$300 in directional signs were taken. The thefts occurred on the curb of Williams County 9, better known as the golf course road.

Eight signs and four posts were taken. The signs show the direction of a curve.

Robert Barkie of rural Williston reported that sometime in the last two months, someone stole two vehicles from his property, located about nine miles northeast of Williston.

Taken were a 1965 Dodge station wagon and a 1966 Chrysler. The vehicles were apparently loaded up and driven away.

Each vehicle is valued at \$500.

James Farroh of Williston reported that sometime between

June 29 and June 30, 18 miles northwest of Williston, someone stole at least \$2,000 in equipment.

Taken were welding equipment, construction equipment, car parts, jacks and more.

Someone tampered with the shop's padlock to gain access to the building.

People are asked to heed trespassing notices on property and request permission to dig for specialty roots known as the Purple Prairie Clover or the Coneflower.

The Williams County Sheriff's Office has received several complaints of people digging for the roots and leaving behind a mess.

Some people believe the roots to have medicinal purposes, explained authorities.

CRIME STOPPERS

Williams County Sheriff's Office authorities are seeking assistance in finding who was responsible for taking a 1992 Bon Air pop-up camper sometime between Friday and Saturday east of Ray.

Authorities are seeking information on who is responsible for taking \$6,000 in laser tag equipment from an Upper Missouri Valley Fair booth.

Taken were three laser game

8A THURSDAY, JULY 2, 1998

branches and were dumped along the Little Mud Road.

The federal offense could convict violators up to a \$500 fine.

WILLISTON POLICE

A 14-year-old girl was referred to juvenile authorities for unruly child.

A 16-year-old girl was referred to juvenile authorities for unruly child.

Alden Ireland, 22, of Williston remains in custody at Williams County Jail for Class C felony terrorizing.

He was arrested Monday on the offense.

Class C felony terrorizing carries a maximum sentence of two years in jail and/or a \$5,000 fine.

An arrest warrant has been issued for Jason Azar, 23, of Williston for Class C felony burglary and Class A misdemeanor criminal mischief.

Azar is accused of allegedly burglarizing a Williston residence on 7:30 p.m. June 25.

CLASSIFIED

1997-1998

BOTANICALS LLT BUYING

Purple Cone Flower Root
 Tuesday & Friday
 from
 3pm to 11pm
 \$7.50 a pound, wet
 \$18.00 a pound, dry
 (Cash)
 820 2nd St. W.
 Call 701-572-0542.

B WILLISTON DAILY HERALD
 TUESDAY, JUNE 23, 1998

Minot Daily News
Region
July 15, 1998

Post-It Fax Note	7671	Date	7-21-98	# of pages	2
To	Darlene Z.	From	G. Crawford		
Co Dept	W Park + Rec.	Co	WND		
Phone #	781-328-5308	Phone #	777-3750		
Fax #	781-328-5303	Fax #	777-2468		

Dig it

Two accused of illegally harvesting wildflowers

WILLISTON (AP) — Two people have been accused of digging for coneflowers on private land, part of a growing problem officials trace to the popular coneflower root.

Popular cold medicine

Purple coneflower grows wild in North Dakota and many people believe its root can be used as medicine. It is an ingredient in echinacea, an herbal medicine taken for colds, and the dried root is said to be worth about \$18 per pound.

"It's become a larger problem since a company came in and advertised they would pay so much a pound," Williams County Sheriff Stan Lyson said Tuesday. People are doing more digging now for coneflowers, he said.

Unauthorized harvesting

"People are going out on private property and digging them without permission," the sheriff said. "They're digging in ditches, which is causing erosion problems for our county roads. They're just going out and digging them wherever they feel like digging them."

A 17-year-old boy was referred to juvenile authorities and a Bainville, Mont. man was arrested for digging on land east of Williston.

Shannon Bussard, 19, of Bainville, was released on bond Monday. He faces a misdemeanor theft of property charge, said Williams County State's Attorney Charles Wilder.

The Class B misdemeanor carries a maximum sentence of 30 days in prison and a \$1,000 fine.

Permission required

Officials said that even if land is posted for hunting, coneflower roots cannot be taken without permission from the landowner.

"Some people just saw an easy way to make a few bucks," Lyson said. "I don't think most of them think it's malicious. But going on other people's property without permission is quite a

Pass measure penalizing the root-snatchers

The Legislature would certainly be wise to pass HB1200, which gets after people who dig the purple coneflower, or echinacea, on private property without landowner permission.

Poachers of the plant's valuable medicinal root have been making a nuisance of themselves around western North Dakota — trespassing, sometimes cutting fences, leaving ugly holes in pastures and on hillsides. They also tend to "clear cut," causing some people to worry about eradication of the pretty wildflower in North Dakota.

That worry is probably premature, but if preservation is served by getting tough with inconsiderate trespassers, so much the better. (The proposed \$10,000 fine ought to be scaled back, though; we don't want to turn poachers into heat-packing desperadoes.)

It would be nice to get our farmers growing the purple coneflower. It can be done now, but the payoff is a little far out: about 10 years for medicinally mature roots, says a grower in South Dakota. But plant scientists are on the case, and it cannot be long until they come up with something more practical.

A thought, though: If poaching is a problem in pastures, with the plant growing only here and there, what would it be in cultivated fields offering 2,500 plants to the acre?

The uses of the purple coneflower, our most popular herbal medicine, validate again the canniness of the Plains Indian, who discovered its properties. If landowners want to turn the wild variety into cash, that's between them and their sense of right conservation, at least until the day the plant is found to be endangered.

Trespassers should have no such latitude. HB1200 is, in the words of a supporter, "good for the plant, the prairie and property rights."

□ □ □

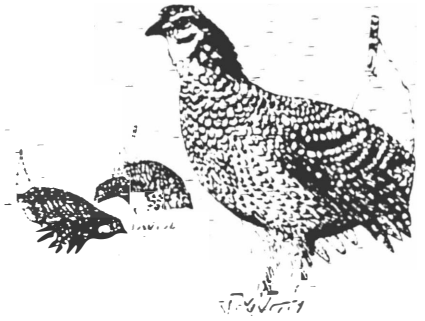
(Tribune editorials are proposed, discussed and generally written by members of the Tribune Editorial Board. In addition to the publisher, the board is composed of Tim Fought, editor, and Frederic Smith, opinion editor.)



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFER
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
ON HB 1200, JANUARY 22, 1999**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE

I'm Bill Pfeifer, speaking on behalf of the North Dakota Chapter of the Wildlife Society. The Wildlife Society supports HB 1200, which relates to the unauthorized removal or possession of purple coneflowers, *Echinacea purpurea* or *Echinacea angustifolia*; and to provide a penalty.

Why is there such a concern about a plant? First, the theft of the plant and the resulting torn up landscape and second, the plant could well become rare if the present harvest rate continues.

Recent demand for the coneflower roots for medicinal purposes has caused an uncontrolled frenzy of digging in North Dakota. This digging, which has doubled in each of the past few years, has caused problems for both private landowners and public managers. This escalated digging activity has resulted in the need for the emergency clause, since this summer season's digging would nearly be over by the time this Bill becomes law on August 1, 1999.

The purple coneflower is an important native plant in our prairie landscape. This plant provides a source of food for birds, butterflies, and

Digging creates numerous holes in the prairie which in turn creates bare areas ideal for the spread of noxious weeds and other undesirable plants. Removal of the plant and surrounding sod also cause erosion problems.

Digging this plant root has become a big business; it's more than just a hobby. Crews are hired to dig, some from out-of-state, often without permission, and usually after dark; they are stealing from the landowner. It's no different than stealing wheat or a calf.

Purple coneflower extract is reported to be the top-selling herbal product in U.S. health food stores, and the herbal market continues to grow rapidly. Because of this growth, and with very few commercial growers of the plant, the illegal digging of wild roots will continue to be a problem for landowners for some time. This Bill will provide valuable protection of uncontrolled digging for both landowners and for the plant.

The North Dakota Chapter of the Wildlife Society requests a **DO PASS** of HB 1200.

PURPLE CONEFLOWER INFORMATION SHEET

- Purple coneflowers (*Echinacea*) are native prairie plants found primarily in the Midwest and Great Plains.
- In North Dakota we have a single species of purple coneflower found in the wild (*Echinacea angustifolia*). This plant is generally found in dry prairies throughout the state.
- Purple coneflowers are an important native plant in our prairie landscape. This plant provides a significant food source for birds, butterflies, and other wildlife.
- The root of the plant is used as a tonic for colds and flu, as well as other medicinal purposes.
- Recent demand for the purple coneflower roots for medicinal purposes has encouraged an uncontrolled frenzy of digging of the plant on both private and public lands in North Dakota.
- The current level of digging of the plant cannot be sustained and may cause this common plant to become rare in the future.
- Digging creates numerous holes in the prairie which creates areas ideal for the spread of noxious weeds and other undesirable plants.
- Removal of the plant and the surrounding sod creates bare areas which increase erosion problems.
- Purple coneflower extract is reported to be the top-selling herbal product in U.S. health food stores. The herbal market is growing rapidly, with reported 100% growth in sales from the first quarter of 1997 to the first quarter of 1998.
- Based on the rapid growth of the herbal market and with very few commercial growers of the plant, the unauthorized digging of wild roots will continue to be a problem for landowners into the future.
- This problem is also being felt in surrounding states. Legislation will be introduced this month in Montana that proposes to establish a moratorium on digging of the plant on state lands for three years until sustainable commercial harvest rates can be determined.

Charles W. Murphy
Chairman



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Vice Chairman

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T LARGE

Joe Keepseagle

Dave Archambault

Jesse Taken Alive

Reva Gates

Sharon Two Bears

Verna Bailey

January 20th, 1998

TO: The North Dakota House Natural Resources Committee

FROM: The Standing Rock Department of Water and Natural Resources

SUBJECT: HB1200

To Whom It May Concern:

It is the understanding of the Standing Rock Department of Water and Natural Resources that the State of North Dakota, House of Natural Resources Committee is going to be deciding on HB 1200, that would punish those found guilty of removing or attempting to remove the native coneflower, *Echinacea angustifolia*, from private property without landowner permission (Bismark Tribune, 1999).

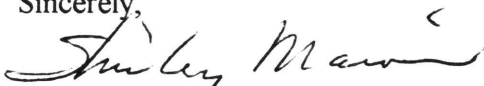
The Standing Rock Sioux Tribe Fish and Wildlife Code, Chapter 1, Section 1-103, part 9, prohibits the digging and harvesting of native plants for commercial purposes. This includes the commercial harvest of the purple coneflower. The Three Affiliated Tribes also has similar laws concerning this matter. Other states have already passed legislation on this issue, in 1987 the Missouri legislature passed a law prohibiting the harvest of three *Echinacea* species on state parkland, state, forest lands, along state highways, or in wildlife areas (Kindscher, 1992).

We have gotten reports of harvesters in parts of Montana and North Dakota over harvesting, leaving holes uncovered, and cutting fences. Because of this the Standing Rock Sioux Tribe Department of Water and Natural Resources supports any efforts made that would stop this native plant from being over harvested and prevent the destruction of native habitat.

We believe that if some type of restrictions are not implemented by the state on this matter, it will diminish the native grassland ecosystem. Furthermore, we suggest that since the coneflower is

being harvested, the state may want to consider formulating regulations as to how these coneflowers should be harvested to ensure the replacement of harvested plants.

Sincerely,

A handwritten signature in cursive script that reads "Shirley Marvin". The signature is written in black ink and is positioned above the typed name.

Shirley Marvin, Director
Department of Water and Natural Resources

NOTICE

Harvesting of Native plants for commercial purposes within the boundaries of Standing Rock on all trust lands is prohibited by the STANDING ROCK SIOUX TRIBE'S CODE OF JUSTICE.

Title IX, Fish and Wildlife Conservation Code, Chapter 1, Section 1-102, part 9, prohibits the digging and harvesting of native plants for commercial purposes.

The penalty for violation of this section is confiscation of all plants and equipment (including motor vehicles), associated with the harvesting of plants, and a \$250.00 fine which is doubled for each following conviction.

Dated this 26th Day of July, 1996

S/S Wilbur Red Tomahawk
for Jesse Taken Alive, Chairman
Standing Rock Sioux Tribe

P.O. Box 458
Fort Yates, ND 58538-0458

January 20, 1999

TO: North Dakota Legislators

I am a Resource Conservationist with USDA's Natural Resources Conservation Service. In this position, I work with many land users in developing management plans for the land they operate.

One item of concern is the disturbance of the land for the harvest of echinacea roots. These roots are dug without permission and are paid for by the pound. Therefore, there is a push to harvest as many plants as possible. The land is left with large holes where the roots were dug out. In a hurry, the one harvesting the roots does not fill in the hole or replant a new plant.

I am concerned that as the popularity of this plant increases, so will the harvest. Land is left unusable for grazing or haying after the roots are removed. Land not harvested has a negative impact to the cash flow for the land user and the condition of the grass often deteriorates when not used properly.

I am in support of HB1200. Passing this bill would be a positive action for the legislature to take on this issue.

Sincerely,


Linda Hugelen

FORT PECK ASSINIBOINE & SIOUX TRIBES

Office Of Natural Resources
Department Of Fish And Wildlife

Standing Rock Sioux Tribes
Game & Fish, Department
P.O. Box D
Fort Yates, North Dakota 58538

To whom it may concern ;

This letter is in regards to the call our Department receive on January 19, 1999 from the Game & fish Department of the Standing Rock Sioux Tribe concerning the Echinacea Plant (Purple Cornflower) on the Fort Peck Reservation . The Fort Peck Reservation has been dealing with the problem of people driving on private land and not asking for permission to dig for the plant , after the people finished digging for the root of the Purple Cornflower they would leave large holes in the ground and the potential for erosion and noxious weed infestation not to mention the damage the vehicles left on the property while looking for the plant . With the unemployment at a very high rate on our reservation root digging has been a new source of income for the people . The new income for the people will be short lived if we don't start curbing the over harvesting of the Echinacea Plant to the point of extinction .

Thank You



Robert Magnan
Director of
Fish & Game

CC: Spike Bighorn *SAB*
Tribal Chairman

TESTIMONY IN SUPPORT OF
HOUSE BILL NO. 1200
HOUSE NATURAL RESOURCES COMMITTEE
FIFTY-SIXTH LEGISLATIVE ASSEMBLY
OF NORTH DAKOTA

PROVIDED BY:

SHILO COMEAU, TRIBAL BIOLOGIST
STANDING ROCK DEPARTMENT OF WATER AND NATURAL RESOURCES
STANDING ROCK SIOUX TRIBE

DATE: JANUARY 22, 1999

Good Morning, distinguished members, ladies and gentlemen, thank you for providing us time to address House Bill No. 1200 before you today regarding the purple cone flower or Echinacea angustifolia. I also bring greetings from the Chairman of the Standing Rock Sioux Tribe, Charles W. Murphy to all delegates of the State of North Dakota.

My name is Shilo Comeau, Tribal Biologist for the Standing Rock Sioux Tribe. May I respectfully present the position of the Standing Rock Department of Water and Natural Resources. Our department supports legislation to address the unauthorized removal or possession of the purple cone flower. The State of North Dakota joins Missouri and other States, Tribal and local governments, in considering steps to minimize the effects of mass harvesting of the purple cone flower.

In 1987, the Missouri State legislature passed a law prohibiting the harvesting of three Echinacea species on State parklands, State lands, Forest lands, along highways, or in wildlife areas (Kindscher, 1992). As States exert their authority within their areas, as provided by law, we support a civil penalties section with strong consequences. This will only enhance the States efforts to provide sustain ability to one plant that is part of a larger balance within our ecosystem. We appreciate the State of North Dakota's stance on protection and preservation of native plants within the Northern Great Plains.

As United States Citizens residing in the State of North Dakota, we recommend that the civil penalty stays as reported in House Bill No. 1200. The justification to this position rests with addressing the repeat offenders. If the civil penalty is low or "affordable" to the illegal harvester, continued harvesting will occur. Providing a stiff penalty to the repeat offender entering private lands may minimize or diminish the effects caused by harvesters.

The Standing Rock Sioux Tribal Fish and Wildlife Code, Chapter 1, Section 1-103, Part 9, prohibits the digging and harvesting of native plants for commercial purposes. The intent of our Code is to prevent harvesting in mass quantities of all native plants. The purple cone flower is only one of many native plants that demand preservation and protection. As with other areas within North Dakota, South Dakota and Montana, the issue of harvesting the purple cone flower within the Standing Rock Sioux Reservation is also a serious concern. Other plants identified by harvesters may follow the same path as the purple cone flower. Mass destruction of other sought after native plants may also occur. This alone should be a very serious concern for all people of the Northern Great Plains.

The Standing Rock Department of Water and Natural Resources supports any efforts made by the State of North Dakota to stop the purple cone flower from being over harvested and would prevent the destruction of one of our natural native plants within its native habitat. We are convinced that if some type of restriction is not implemented by the State of North Dakota, it will adversely effect the native grassland ecosystem within the Northern Great Plains and North Dakota.

Page 2.
House Bill No. 1200
January 22, 1999

The Standing Rock Sioux Tribe also shares your concern and already has taken steps to address this concern. The enforcement of our Tribal Code rests with the Standing Rock Game and Fish Wardens to monitor illegal commercial harvesting within the Standing Rock Sioux Reservation. May we respectfully request that an agency within the State of North Dakota is made responsible for monitoring and enforcement, if the Bill is enacted by the Fifty-sixth Legislative Assembly of North Dakota.

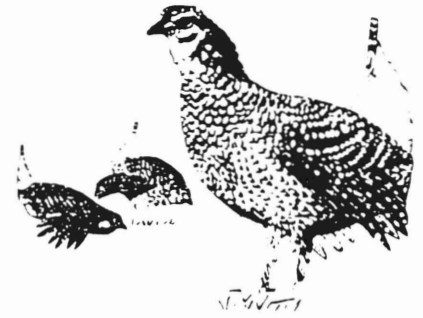
Furthermore, we suggest that as the purple cone flower is legally being harvested, the State may want to provide guidelines to landowners and harvesters, to assist in the sustain ability of the purple cone flower and other native plants found in North Dakota for the future generations to come. Consideration for proper harvesting and thinning of large areas needs to be considered. The purple cone flower is a perennial and it takes three years to fully mature from seed. Providing a suggested educational guideline booklet for the landowner and the legal harvesting of the purple cone flower on private lands assures the continued access and sustain ability of this important native plant.



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFER
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO THE SENATE AGRICULTURE COMMITTEE
ON HB 1200, March 11, 1999**

MR. CHAIRMAN AND COMMITTEE MEMBERS

I'm Bill Pfeifer, speaking on behalf of the North Dakota Chapter of the Wildlife Society. The Wildlife Society supports HB 1200, which relates to the unauthorized removal or possession of purple coneflowers, *Echinacea purpurea* or *Echinacea angustifolia*; and to provide a penalty.

Why is there such a concern about a plant? First, the theft of the plant and the resulting torn up landscape and second, the plant could well become rare if the present harvest rate continues.

Recent demand for the coneflower roots for medicinal purposes has caused an uncontrolled frenzy of digging in North Dakota. This digging, which has doubled in each of the past few years, has caused problems for both private landowners and public managers. This escalated digging activity has resulted in the need for the emergency clause, since this summer season's digging would nearly be over by the time this Bill becomes law on August 1, 1999.

The purple coneflower is an important native plant in our prairie landscape. This plant provides a source of food for birds, butterflies, and

other wildlife. The current rate of digging for this plant cannot be sustained at the present rate of harvest. The uncontrolled digging and removal of the plant's root may cause this now common plant to become rare in the future.

Digging creates numerous holes in the prairie which in turn creates bare areas ideal for the spread of noxious weeds and other undesirable plants. Removal of the plant and surrounding sod also cause erosion problems.

Digging this plant root has become a big business; it's more than just a hobby. Crews are hired to dig, some from out-of-state, often without permission, and usually after dark; they are stealing from the landowner. It's no different than stealing wheat or a calf.

Purple coneflower extract is reported to be the top-selling herbal product in U.S. health food stores, and the herbal market continues to grow rapidly. Because of this growth, and with very few commercial growers of the plant, the illegal digging of wild roots will continue to be a problem for landowners for some time. This Bill will provide valuable protection of uncontrolled digging for both landowners and for the plant.

The North Dakota Chapter of the Wildlife Society requests a unanimous **DO PASS** of HB 1200.

TESTIMONY FOR HB 1200
Senate Ag Committee

Prepared by Representative Earl Rennerfeldt

Thursday, March 11, 1999

Mr. Chairman and members of this Committee. For the record, I'm Representative Earl Rennerfeldt, District 1. I'm here to introduce HB 1200.

The purpose of this bill is to try to correct a serious problem in western North Dakota, a problem that is causing serious damage to our native prairie. The problem I'm referring to is being caused by the demand for echinacea, more commonly known as the purple coneflower.

Currently, echinacea is the top-selling herbal medicine in the U.S. and Europe. This is the driving force that is bringing local and out-of-state trespassers or outright thieves onto our native prairie, without permission, to harvest this root.

It causes great concern because this plant grows on the most environmentally sensitive soil in North Dakota. If the digging of this plant is not controlled, our prairies will suffer great damage from weed infestation and water erosion. The long lasting effect to our ecosystem is another great concern.

This bill, if signed into law, will not stop a landowner from harvesting this root on his or her own property, nor will it stop an individual from harvesting this root if that individual has written permission from the landowner.

The penalties in HB1200:

1. Makes this act a class A misdemeanor which is up to a \$2000 fine and 1 year in jail.
2. It allows for court ordered restitution to the landowner.
3. The guilty person would be subject up to a \$10,000 civil penalty.
4. Any vehicle used to transport a purple coneflower removed or possessed in violation of this section is forfeitable property.

This bill also includes state owned land in line 15.

HB 1200 will make it much easier for law enforcement people and judges to prosecute and get restitution from these violators.

I ask for your support on this bill.

Respectfully submitted by:

Representative Earl Rennerfeldt