

**The Nature Conservancy (Texas Chapter)
Scientific Investigations, Research, and Collections
Processes, Terms, Guidelines, and Stipulations**

The Nature Conservancy welcomes and encourages scientific research on its preserves and conservation projects. We endorse ecological monitoring and biological inventory, basic academic research, and natural science education. Special priority is given research that ties academic inquiry to conservation application and utility as this leads to more knowledge and better adaptive management and concerted focus for conserving natural resources and more intact natural communities and ecosystems.

Scientific Investigation Overview

This document is intended to provide TNC staff and the scientific community with regulations and guidelines for conducting field research and/or collecting specimens on lands owned and managed by The Nature Conservancy of Texas. By submitting requested information, The Nature Conservancy can better evaluate proposed activities for its utility and potential impacts on resources, policy, and visitor experiences.

The Texas Chapter of The Nature Conservancy must review and authorize all research and collecting of plants, animals, rocks, minerals, aquatic samples or parts thereof in writing. Archeological and paleontological materials may not be collected under this permit as those can have special issues, concerns, and separate requirements. The collections shall be used for scientific or educational purposes only, and shall not be used for commercial purposes. All methods will comply with applicable federal, state, and local laws and required permits

The Principal Investigator will be provided a copy of this Scientific Investigations, Research, and Collections Processes, Terms, and Stipulations. Upon doing so the Investigator will submit 1) a permit application and 2) an electronic version and/or an attached printed copy of their study proposal or research summary overview. All attached electronic files should be submitted in Microsoft Word format. If an electronic version of all materials is not available, a hard copy may be submitted.

After the investigator receives and reviews this document, the investigator will submit the completed permit application and TNC encourages abundant and clear communication between the researcher and the appropriate staff so as to minimize possible misunderstandings and produce the research intended.

Application Process

Regardless of the proposed simplicity of an investigation a formal research proposal is required. Research projects must be designed to minimize long-term detrimental impacts on rare plant and animal species and/or rare habitats or excellent examples of common habitats. Completion of a permit shall accompany a proposal that describes all field investigations to be completed. The proposal should include as many of the following items as possible († required by TNC):

- † Goals/objectives, and hypothesis
- Methods and protocols
- † Copies (or other proof) of appropriate federal, state, and local permits
- Measures of success
- † Species to be investigated and/or collected
- Identified disposition or museum destiny of collections
- Anticipated impacts of project on natural and cultural resources
- Discussion of mitigation of impacts
- † Start and end dates for the project
- † Principal investigators' names and contact information†
- Professor or Advisor Contact Information
- Funding/support sources
- Intended publication or other means for presentation of results

Application Processing Time

It is recommended that proposals and permit applications be submitted a minimum of 60 days before field work commences.

Permit Issue

Applicants should complete the upper half of the permit application form electronically or by hand and send the entire page, unsigned, to The Nature Conservancy. When a permit is approved, the applicant will receive a hard copy of the permit application for signature. The applicant should sign the upper half and return the form via mail or fax. After The Nature Conservancy receives the permit an authorized staff member will sign the form and return a copy to the Principal Investigator. A copy of the application and permit will be retained by the issuing Office and authorized staff member of The Nature Conservancy.

Science Investigation Annual Progress Report

For multi-year studies, the Principal Investigator is required to submit an Annual Progress Report to document efforts to complete the project as stated in the original application process. This report is of significance to The Nature Conservancy as it assists in reporting findings to our supporters and internal management over time.

Annual Progress Reports for the prior year are due to The Nature Conservancy as stipulated by the permit. The report should highlight work efforts of the past year and will identify successes and any hindrances. The report is also to include a schedule of planned activities and project milestones for the following year. Failure to provide an Annual Progress Report will jeopardize a researcher's ability to receive permits in the future. Students, contractors, consultants and others under the supervision of a parent institution must recognize that the parent institution may be responsible for their compliance with these requirements.

Final Report

Upon completion of the investigation the Principal Investigator will submit two hard copies of the final report to the appropriate Project Office and/or Staff. One copy will be forwarded to the Conservation Science Program in the Conservancy's San Antonio Office. The Nature Conservancy reserves the right to request copies of field notes, databases, electronic files, maps, files, photos, and other materials (see below).

General Issues and Stipulations

The following includes many of the clauses and conditions that will be part of a research agreement, and those that are optional or not relevant will be modified or omitted by TNC to fit the specific research request.

1. **Authority** - The permittee shall comply with all applicable laws, policies of The Nature Conservancy, and federal, state and county laws. The permittee is responsible for obtaining all other required permits to conduct the specific project.
2. **Responsibility** - The permittee is responsible for ensuring that all persons working on the project adhere to permit conditions.
3. **Assignment** - The permit may not be transferred or assigned without TNC's involvement. Additional investigators and field assistants are to be coordinated by the principal investigator named in the permit. The permittee shall notify The Nature Conservancy when there are desired changes in the approved study protocols or methods, changes in the affiliation or status of the principal investigator, or modification of the name of any project member.
4. **Permit confirmation** - The permittee and any other persons associated with the project are required to possess all collection permits at all times when in the field. If necessary, the permittee should provide a photocopy of the permit to additional field assistants. Nature Conservancy staff members reserve the right to request to view permits in the field. Permit holders should be prepared to educate other preserve visitors as to what, how, and why they are performing research. Permit holders should address conservation considerations in research results and when instructing students.
5. **Permit Expiration** - Permits expire on the date listed on the permit. The permittee is required to submit a new permit application form to renew a permit for a previously approved investigation. The permittee is required to contact The Nature Conservancy for renewal of the permit. Renewal of permits will be contingent on receipt of annual progress reports. New projects by the same investigator must be submitted separately.
6. **Assistance from The Nature Conservancy** - Unless specific arrangements have been made with The Nature Conservancy, the permittee is required to provide all necessary field equipment and off-road vehicles for completion of field work.
7. **Notification of Field Visits** - The permittee is required to inform The Nature Conservancy prior to any fieldwork authorized by this permit. The Nature Conservancy suggests that contact be made at a minimum of one week before any visit. Failure to notify The Nature Conservancy of planned field work will jeopardize renewal of permits and denial of future permits. The Nature Conservancy will inform the permittee of known field conditions (flooding, etc.), management activities (i.e. prescribed burning, timber harvests, etc.), and community outreach/education activities (interpretive programs, etc.).

8. **Vehicle Identification** - If needed, the permittee will be issued a laminated TNC logo sign that is to be placed on the dashboard of vehicles while performing field work. The permittee will request additional signs if needed. Signs will be returned to the Conservancy upon completion of all field work.
9. **Access to Preserves** - The permittee is required to comply with approved access routes while on The Nature Conservancy's owned/managed lands and will be provided a map, orientation, and instructions for approved access points, and accessible interior roads and trails. The permittee will coordinate with the Nature Conservancy listed office on access issues, road conditions and ongoing management activities that may impact field work. The permittee will conduct research and collect in a discreet manner, away from roads, trails, and public use areas unless specified. The permittee will act prudently to avoid damaging the physical site or associated aesthetic values.
10. **Trespass** - Researcher shall respect the rights of adjacent landowners. Do not trespass. Do not block neighboring driveways, gates or other property access. Do not use any entrance other than the ones designated (shown on map or communicated by TNC staff).
11. **Knowledge of Regional Flora and Fauna** - The permittee is encouraged to be familiar with regional rare and protected taxa of the site and area under investigation. The Nature Conservancy can provide lists of species for which collection is prohibited or controlled. The permittee will not collect rare taxa without explicit authorization in writing by The Nature Conservancy (see 14-15 below). If unfamiliar species are encountered, the permittee is to assume that it is rare. In order to discourage indiscriminate collecting or poaching, The Nature Conservancy staff reserves the option to designate the type, number, sizes, and locations of scarce or important specimens to be collected as necessary for the preservation of the area.
12. **Non-Native Species** - Introduction of non-native species to the preserve is prohibited without explicit approval of The Nature Conservancy's World Wide Office and the Texas Chapter Office.
13. **New Species** - The permittee is required to inform The Nature Conservancy of any species that is identified on Nature Conservancy owned/managed lands for which no present records are known.
14. **Listed Threatened and Endangered Species** - The permittee is required to have proper, valid collection permits from the U.S. Fish & Wildlife Service for the collection of or engagement with any Federally-listed threatened or endangered species, and such state permits as required by Texas Parks and Wildlife Department codes.
15. **Collections of Populations - < 100 individuals (pending situation and TNC approval)-** For a population with less than 100 individuals, collection of an individual specimen for identification or voucher purposes is allowed only if absolutely necessary. Photographs should be used for identification/voucher as much as possible.
16. **Collections of Populations - < 25 individuals (pending situation and TNC approval)-** For populations of less than 25 individuals, no specimen collection will be allowed under any circumstances. Photographs of the material are the only acceptable form of voucher. Collections of identifying parts for identification are permitted with prior Conservancy approval.
17. **General Collection Policies** - The permittee will not collect indiscriminately. Only the amount necessary to complete the project will be collected. Investigators will consider cumulative effects of research and teaching efforts on the population/occurrence. Collection of multiple specimens for

exchange or population studies is allowed only when clearly justified and explicitly authorized in writing by The Nature Conservancy. Multiple collections from a single population/occurrence are allowed only if that population can support losses of such numbers. Preferred methods are to collect according to a sampling plan scientifically designed to minimize population impacts. A maximum limit of 5% of a visible population will be allowed.

18. **Care of Collected Specimens** - The permittee will use standard accepted collection techniques to ensure usability, archival persistence, or survivability if researchers plan to maintain live plants or animals. Standard preserving and labeling methods will be followed. Collected specimens will be deposited in a permanent public museum or in exhibition, study, or type collections of scientific or educational institutions. The Nature Conservancy will be informed of that location. The Nature Conservancy reserves the right, in the interest of science, to designate the depository of all specimens. The Nature Conservancy reserves the right to request copies of collection labels (e.g. herbarium labels).
19. **Collection of Live Plants for Propagation** – The permittee will collect live plants using techniques that are least likely to damage the population/occurrence. The order of collecting preference is first for seed (if abundant), followed by cuttings or plant parts, then whole plants. The permittee agrees to always leave reproductive or regenerative parts: roots, fruits, or rhizomes.
20. **Element Occurrence Reporting** - The permittee is required to complete standard element occurrence record forms for any previously unrecorded element occurrence. The Nature Conservancy’s Texas Field Science staff or project staff will identify known occurrences and provide guidance on the completion of these forms.
21. **Permanent Markers and Field Equipment** - The permittee is required to remove all markers of equipment from the field upon completion of the investigation. Accurate locations of survey plots, transect routes, and the like will be provided to The Nature Conservancy in the form of GPS coordinates. Also, field markers should be marked as such so that TNC knows of them and can help guard against vandalism and disturbance.
22. **Data and other information requirements** - GPS locations for each sampling location and/or, significant species including perimeters of populations in Excel spreadsheet format or some other electronically transferable data format, digital graphics (maps and shape files, photographs) if produced, and digital images of specimen labels.
23. **Acknowledgement of The Nature Conservancy** - The permittee agrees to publicly acknowledge The Nature Conservancy (and individual staff as appropriate) in all publications and presentations resulting from data gathered during the course of studies. Researchers will ensure that they use the proper full name of the preserve where research is performed.
24. The presence and activities of students, faculty, and volunteers with the Researcher on the Preserve will be at their own risk. The Researcher shall be liable to the Conservancy for any damage or impairment to the Preserve or its natural values due to the presence and activities of such individuals on the Preserve. The Conservancy shall not be responsible for any expenses or liabilities incurred by the Researcher or for any injuries to or death of, or for any damage to or loss of any equipment or personal items of, any person participating in the Researcher’s activities on or about the Preserve.
25. The Researcher’s access to the Preserve is non-exclusive. The Researcher shall not interfere with the activities of the Conservancy or its guests, licensees, and invitees on the Preserve. The Researcher’s

use of the Preserve is also specifically subject to any and all easements, restrictions, reservations, rights, rights-of-way, mineral interests and other encumbrances affecting the Preserve, including rights held by third parties.

26. The Researcher releases and agrees to indemnify, defend (with counsel approved by the Conservancy) and hold harmless the Conservancy, its officers, directors, employees, agents, invitees, successors and assigns from and against any and all liability, damages, claims, loss, expenses (including reasonable attorney's fees) and judgments of any kind which may be imposed upon, incurred by or asserted against the Conservancy and which relate to the Researcher or the Researcher's activities (including those of its students, faculty, and other persons accompanying Researcher) on the Preserve. THIS RELEASE AND INDEMNITY INCLUDES, WITHOUT LIMITATION, ANY LIABILITY, DAMAGES, CLAIMS, LOSS, EXPENSES AND JUDGMENTS ARISING OUT OF OR ALLEGED TO ARISE OUT OF, IN WHOLE OR IN PART, THE NEGLIGENCE OR GROSS NEGLIGENCE OF THE CONSERVANCY OR ANY OF ITS OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, SUCCESSORS OR ASSIGNS, AND ALSO INCLUDES ALL CONSEQUENTIAL AND EXEMPLARY DAMAGES, COSTS OF COURT AND ATTORNEYS' FEES. For government and public university entities, this Section 10 shall only apply to the extent permitted by Texas law. The indemnities provided for in this Agreement shall survive the termination of this Agreement.
27. The Researcher shall not use the Conservancy's name or logo without the prior written approval of the Conservancy.

Example stipulation details (Davis Mountains botanical inventory)

Stipulations: All plant species collected or observed with a Natural Heritage Rank of G3 or higher (G1, G2) and peripheral species are to be reported with GPS coordinates and if applicable GIS shape files. It is preferred that all plant species data are provided in database spreadsheet and new species must be documented with a specimen to the collection (new meaning either new to science or new to the TNC conservation project) following floral inventory guidelines such as the deliverables from a vouchered floral inventory to include the following:

- Species list for the site,
- GPS locations for each sampling location and significant species
- List of locations with vouchers collected at each location,
- Voucher specimens for institutional herbarium (pressed, dried), with duplicates to other institutions
- Digital graphics (maps or other shape files, photographs) if produced, and digital images of specimen labels,
- Details of the quadrats surveyed,
- Summary of habitats, vegetation structural formations or vegetation communities present on the site,
- Summary of conservation status of identified native plant species, with respect to regional, Global/state significance (G3 through G1), as categorized in Poole, *et al.* 2007 as referenced
- Summary of the condition of the vegetation communities present on site (typical cover, weediness)
- Reports (including final approved thesis copy) and publications to be provided to TNC