

Policy: Scientific Research on Monhegan Associates Land

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This policy acknowledges that the Monhegan Associates Bylaws are the governing document for all Monhegan Associates activities. With that in mind, this policy supersedes all prior policies or statements specifically related to Monhegan Associates' Land.

Purpose

In anticipation of requests to engage in scientific research on Monhegan Associates land (also referred to here as "The Wildlands"), the purpose of this policy is to provide a framework for processing and the evaluation of research proposals.

Scope

This policy applies to any requests for research, surveying, taking samples from the Monhegan natural environment or altering the natural environment of the land owned by Monhegan Associates Inc.

This policy supersedes all prior policies or statements related to Scientific Research to be conducted on Monhegan Associates' land with the exception of any that may be contained in the Monhegan Associates Bylaws.

Policy

Definitions:

- **MAI** - Monhegan Associates Incorporated
- **The Wildlands** - Those areas of Monhegan, Manana, and other nearby islands owned by Monhegan Associates and not currently leased to another entity.
- **SAB** -Scientific Advisory Board - A committee of persons qualified to evaluate the suitability of proposed research. This policy does not *require* the existence of this board.
- **Project** - A research activity in *The Wildlands* that conforms to the requirements in the MAI Certificate of Organization, paragraph 2(b) (See policy statement below)
- **Lead Researcher** - an individual identified in the proposal for research as the manager of the *project*

- **Wildlands Coordinator** - an individual hired by MAI to oversee and coordinate activities related to *The Wildlands*, including the oversight of research work approved under this policy.
- **Designee** - An expert selected by the SAB to review of a proposal outside of the expertise of the SAB.

Policy Statement:

In the MAI articles of incorporation:

Monhegan Associates, Inc. is organized exclusively for charitable, educational and scientific purposes as defined under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, as follows:

...

(b) "To collect, collate, maintain, and preserve for posterity, records and archives respecting the flora, fauna, and human inhabitants and sojourners on said island, and to make the same publicly available for educational, literary, scientific, and historical research, study, and consultation."

In keeping with this, it is the policy of the organization to allow approved researchers access to the Wildlands for these purposes.

Implementation

It will be the practice of MAI to evaluate requests for scientific research in **The Wildlands** in the following way:

NOTE: *if the **SAB** does not exist, all attributed activities and decisions will reside with the board of trustees of the **MAI**.*

1. A written proposal must be submitted with a Submission Form (see Appendix B) to the Ecology Committee of **MAI** through email at info@monheganassociates.org
2. Proposal deadlines: proposals for activities must be submitted by
 - Feb 1st for projects starting in May through August
 - May 1st for projects starting in September through March.
3. If the project is approved, person responsible for the project must fill in and sign the liability waiver in [Appendix A](#) of this Policy along with a Proposal -
4. The proposal will be initially evaluated by the Ecology Committee. Some **research** proposals might only require the Ecology Committee to review and grant permission to conduct the research (e.g. a simple survey of spruce seedling density on the Blackhead trail) In this case,

the trustees will be notified of the **project**.

5. Any project relating to endangered or threatened species (state or federally listed), or to “species of greatest conservation need” designated in the most current version of the Maine State Wildlife Action Plan shall be first governed by all applicable permitting requirements, and in addition subject to review by the SAB or a designee of MAI.

State Wildlife Action Plan (<https://www.maine.gov/IFW/fish-wildlife/wildlife/wildlife-action-plan.html>)

6. Whether or not state or federal or other permitting applies, the SAB or its *designee* reserves the option to review the project for impacts particular to Monhegan Island or to MAI — and to impose additional conditions.
7. If the **SAB** or the *designee* determines that the **project** has scientific merit and will be conducted in a professional scientific way, the proposal, with any conditions, will be presented to the **MAI** trustees for a final decision.
8. If the project is approved, a written agreement and letter of permission between the researchers and **MAI** will be drawn up and signed by the **lead researcher** and the president of MAI. The researchers should be in contact with the **Wildlands Coordinator** during the course of the project to ensure that the conditions of the agreement are being followed.
9. Upon the completion of the **project**, a written description of the findings of the project should be submitted within the time designated in the *project* plan of its completion to the **MAI** president as well as the Ecology Committee. This report will be archived by **MAI**.
10. The **lead researcher** should make themselves available for questions and discussions with the president and the Ecology Committee. A presentation of research results by the researchers to the **MAI** Trustees or to the community at large is optional.

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11. The **MAI** reserves the right to cancel any **project** after due consideration for any reason it deems appropriate after review by the **MAI** Trustees. Canceling an ongoing project will require a 2/3 vote by the board of trustees (8 of 12 Trustees)
12. If there is no **Wildlands Coordinator** to oversee the **project** for **MAI**, the oversight will be done by a designate of the **MAI** Trustees.
13. If the application for research is submitted by one of the members of the **SAB**, that person will not take part in the evaluation of the project by the **SAB**

The **project** will be implemented exclusively by the researchers, including the all aspects of the budget, travel to and from the island, lodging on the island, tools and transport thereof necessary for project implementation, any required insurance.

Unless otherwise agreed on in the project plan, **MAI** will not be responsible or liable for any research activities conducted on its properties.

The written letter of permission should be carried by the researchers while conducting research on MAI land to be shown to anyone who requests verification that the project has been approved.

At the end of a *project* or If a *project* is canceled by the *MAI* Trustees, the researchers will be required to restore or leave the Wildlands, substantially as they were found prior to the project, removing any trace of the project's presence other than changes that may have been made as part of the project (e.g. planted trees, removed plants, etc.) This review is conducted by the SAB and/or the Ecology Committee.

Internal References

Internal references would be references to documents internal to the Associates, such as the bylaws, the Articles of incorporation, other policies that may apply. This helps people understand that we worked hard to accommodate previous thinking in writing the policy.

External References

External references might be federal or state laws that apply, or references to articles or expert opinions that were used in crafting this policy. It may reference scholarly papers or books that are referenced in the written policy. This is important so that someone reading the document can undertake to read literature that is referenced and see that we were not working in a vacuum.

Maine state law for liability of land use describing the liability of the land owner for others who visit their property.

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§159-A. Limited liability for recreational or harvesting activities

<http://legislature.maine.gov/statutes/14/title14sec159-A.html>

Rationale

Proper management of any wilderness parcel requires some knowledge of the ecosystems in that parcel. MAI recognizes in its bylaws, that scientific understanding of The Wildlands is important to managing them properly.

Good science done on **The Wildlands** will help **MAI** govern appropriately, so it is in the interest of **MAI**

to encourage good science that contributes to the knowledge of the island.

Good science has recognized methods of approaching the object of study responsibly and effectively so that results are meaningful and can be used in the forward management of the object studied.

In general, the officers and trustees of the MAI are not required to be scientists or even have a science background, so it is sensible to find a collection of bonafide scientists who are trained in scientific research, particularly in the areas of science related to the study of the Wildlands (plant biology, geology, biochemistry, zoology, ecology, etc.) to help evaluate research ideas and research implementation for those who want to conduct research on **MAI** land.

Ideally, the **SAB** should consist of not less than three members and not more than six. These individuals should be qualified scientists who also have some familiarity with Monhegan, or at least with the ecology of Maine islands.

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Appendix A

AGREEMENT FOR EXCLUSION AND LIMITATION OF LIABILITY

IN EXCHANGE FOR PERMISSION TO CONDUCT RESEARCH ON PROPERTY OWNED BY **MONHEGAN ASSOCIATES, INC. (MAI)**, X AGREES, THAT, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, **MAI** SHALL HAVE **NO LIABILITY** FOR ANY DIRECT, INDIRECT, INCIDENTAL, EXEMPLARY, CONSEQUENTIAL, SPECIAL, PUNITIVE, OR SPECIAL OR PUNITIVE LIQUIDATED DAMAGES TO X , OR ANYBODY CLAIMING THROUGH X ARISING OUT OF OR RELATED TO X'S RESEARCH ON **MAI** PROPERTY ; INCLUDING WITHOUT LIMITATION, ANY ACCIDENT TO ANY PERSON CAUSING PERSONAL INJURY, DEATH, PHYSICAL OR PSYCHOLOGICAL HARM, LOST PROFITS, OF ANY KIND, OR ANY LOSS OR DAMAGE TO ANY PERSON OR PROPERTY ARISING OUT OF X'S WORK UNDER THIS AGREEMENT, REGARDLESS OF WHETHER ARISING IN TORT, CONTRACT OR OTHER LEGAL THEORY. FOR GREATER CERTAINTY, THE PARTIES AGREE THAT X IS RESPONSIBLE FOR ANY THIRD-PARTY LIABILITY THAT MIGHT ARISE DUE TO X'S WORK, ACTS, OR OMISSIONS THAT ARE IN ANY WAY RELATED TO THIS AGREEMENT AND SHALL HOLD **MAI** HARMLESS FOR ANY DAMAGES OR COSTS, INCLUDING REASONABLE ATTORNEYS FEES, ASSESSED AGAINST **MAI** AS A RESULT OF A THIRD-PARTY LIABILITY.

X

On Behalf of Monhegan Associates Inc.



Appendix B

Monhegan Associates, Inc.

Form for submission of Scientific proposals to MAI Ecology Committee

Directions: Please complete this form, and email it with any attachments to info@monheganassociates.org

1. Date of submission:
2. Project Title:
3. Name, email and phone of person to contact about proposal:
4. Brief summary description of research project (3 paragraphs max)
5. Project rationale: what is the reason or motivation for the project?
6. Project methodology of the project
7. Project impact on island ecosystems: Please describe the anticipated impact of the project upon the island ecosystems.
8. Describe measures that will be taken to protect the environment of the Wildlands
9. Project timeline requested start date, end date and estimated date of submission of final report for MAI for archiving.
 - a. Start date
 - b. End date
 - c. Estimated date of final report to MAI Ecology Committee
(info@monheganassociates.org)
 - d. Estimated budget
10. If the proposal is approved, do you agree to sign the liability waiver and provide proof of liability insurance for the researchers? Circle one: Yes No
11. Curriculum vitae of the researchers
12. Contact information for the researchers
13. Designation of the lead researcher
14. When you have completed this form please email this form along with Curriculum Vitae(s) of the researcher(s) to our Wildlands Coordinator, Rebecca FitzPatrick, at: info@monheganassociates.org