



## California Native Plant Society

### POLICY WITH REGARD TO PLANT COLLECTING FOR EDUCATIONAL PURPOSES (CBAI-93b)

Adopted June 1993

Updated 5 June 2021

#### Policy Statement

An informed public is key to ensuring the protection and preservation of California's resources. The California Native Plant Society (CNPS) supports the use of plant collections and wildflower shows to help the general public and students at all educational levels learn about and appreciate the diversity and beauty of our flora. But collections must be done responsibly. For educational collecting, CNPS encourages wildflower show organizers and botany and science classes to follow four principles:

1. Collect responsibly.
2. Avoid Special Status Plants<sup>1</sup>.
3. Relate collections to their environment.
4. Follow laws and local regulations.

For instruction, CNPS encourages using weedy or garden species for demonstrating plant structures, diagnostic features, and collecting techniques. To supplement the classroom study of fresh plant material, CNPS encourages high school teachers to also have their students learn from online plant resources such as the Jepson eFlora<sup>2</sup>, Calflora<sup>3</sup> or iNaturalist<sup>4</sup>.

#### Purpose

The purpose of this policy is to provide guidelines for educational collecting (school use and wildflower shows) that protect the viability of populations, and encourage collection in accordance with the law. Educational activities, including wildflower shows, further our mission and create future members.

It is a companion policy to "**Policy on Ethics and Best Practices for Collecting Plants**" [PS-20] (adopted December 5, 2020), that outlines best practices for making scientific collections of plants and to "**Collecting Guidelines and Documentation Techniques**" [PS-95] (March 4, 1995, revision adopted December 5, 2020).

### **Legal Concerns (applicable to both school use and wildflower shows)**

Permission is required to collect plants, whether on public or private land<sup>5</sup>. Collecting on public lands, including highway rights-of-way requires written permission and usually a collecting permit. Permits must be obtained from the appropriate supervising agency.

It is legal to collect plants on private lands **if permission of the landowner is obtained. Private permission** can be verbal, but it is good practice to obtain it in writing. Private sites destined for development are particularly appropriate for collection.

### **Instructor Responsibilities**

1. It is the responsibility of the instructor to get permission for collections, and to ensure that the students are aware of and avoid accidentally collecting or disturbing sensitive plants. California Special Status Plants<sup>1</sup> are to be avoided (e.g., includes California and Federally listed rare plants, plants that are under consideration for listing, and locally significant plants that may be rare locally). The list of Special Status Plants includes the California Rare Plant Ranks developed by CNPS. Check for their presence before visiting a site. When collecting, be particularly careful to avoid sensitive habitats that could be damaged by trampling or soil compaction. The instructor is encouraged to contact CNPS and to refer to online resources (such as the CNPS Inventory of Rare and Endangered Plants of California<sup>6</sup>) to learn about the rare plants and sensitive habitat in the study area, and to become familiar with the regulations<sup>1,5,7,8</sup> that protect them.
2. If Special Status Plants are being studied, have the students document the occurrence with photographs, GPS location, and a habitat description, rather than with a collection. Photo documentation is allowed on public lands, and on private properties when permission to enter and photograph has been granted. Instructors are encouraged to share the data with CNPS and the California Natural Diversity Database<sup>1</sup>.
3. Plants are more than names and IDs. To increase environmental awareness, encourage students to observe and describe the habitat in which the plant was growing.
4. Because educational collecting has a greater potential for impact than scientific collecting, when possible collection should be limited to parts such as leaves, stems, and flowers, whose collection does not destroy the plant individual. For plants that cannot be identified without underground structures, limit samples of underground structures to species that are abundant.
5. When possible, collecting activities should be done in a manner that does not encourage casual, unsupervised members of the public to do likewise.
6. If the educational program includes training for making scientific collections for identifying or vouchering plants, refer to CNPS policies “Ethics and Best Practices for Collecting Native Plants” [PS-20] and “Collecting Guidelines and Documentation Techniques” [PS-95] for guidance.

## **Wildflower Show Responsibilities**

1. Wildflower show organizers and collectors have responsibilities similar to those noted for Instructors in item #1, above, especially in regard to permitting.
2. Communicate to the public that the goal of the CNPS is to preserve the native flora in natural habitats. To that end, we also must educate the public about associated habitat and plant communities. Point out that the plants on display are widespread or locally common species and were chosen and collected by people with special training and the necessary permits.
3. Avoid excessive collection, and avoid locally uncommon species, varieties or growth forms. Collections from a population should be kept to less than 5% of the plants or flowers at a location. Illustrate uncommon plants preferably with photos or illustrations.
4. Because of their additional educational value, wildflower shows typically include other attractions besides the collection itself, such as speakers, slide shows, art, interpretive posters and displays.
5. When the show is finished, try to find ways to constructively re-use the collection materials, such as by donating to a school or university, or by using it for propagation.

## **Related Policies**

This policy revises and incorporates the Wildflower Shows section of the earlier "Guidelines for Chapters to Reduce the Impacts to Native Plants" [CBAI 93a]. As noted above, it is a companion policy to the following CNPS Policies relating to collection of native plants:

- Ethics and Best Practices for Collecting Native Plants – PS-20;
- CNPS Collecting Guidelines and Documentation Techniques – PS-95.

The focus of these three companion policies was clarified and overlap reduced.

## **Implementation**

CNPS will make this and other Collection policies (e.g., PS-20, PS-95) available to high schools, universities and colleges upon approval of this and any amendments to this policy. This policy will be revisited in 5 years for updating.

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<sup>1</sup> "Special Status Plants" is a broad term used to refer to all the plant taxa inventoried by the Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB), regardless of their legal or protection status. For a full definition of Special Status Plants as used by the California Department of Fish and Wildlife (CDFW), see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>. Also see <https://www.dfg.ca.gov/wildlife/nongame/list.html> for explanations about status, for lists of California Special Status Plants, and for lists of plants that are either California or Federally threatened or endangered, or candidates for listing. As of April 2021, there were 156 species, subspecies, and varieties of plants protected as threatened or endangered under the California Endangered Species Act (CESA). Under CESA, CDFW may permit take or possession of threatened, endangered, or candidate species for scientific, educational, or management purposes, and

may also permit take of these species that is incidental to otherwise lawful activities if certain conditions are met. Under the Federal Endangered Species Act, the term “take” is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” The definition of take under CESA differs (Section 86 of the California Fish and Game Code) and is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”.

<sup>2</sup> The Jepson eFlora website provides plant identification tools, maps of plant distributions, illustrations and photos of plants, and links to other valuable resources: <https://ucjeps.berkeley.edu/eflora/>

<sup>3</sup> Calflora website, see directions for contributing observations: <https://www.calflora.org/about-cf.html>

<sup>4</sup> iNaturalist website: <https://www.inaturalist.org/>

<sup>5</sup> California laws protecting native plants. See <https://wildlife.ca.gov/Conservation/Plants/Laws> which provides a link to [California Penal Code Section 384a](#) and states “a person shall not willfully or negligently cut, destroy, mutilate, or remove plant material that is growing upon state or county highway rights-of-way. In addition, a person shall not willfully or negligently cut, destroy, mutilate, or remove plant material that is growing upon public land or upon land that is not his or hers without a written permit from the owner of the land, signed by the owner of the land or the owner’s authorized agent. In addition, removing or damaging plants from property that a person does not own without permission may constitute trespass and/or petty theft.” See also CNPS Policy “Ethics and Best Practices for Collecting Native Plants” [PS-20], practice number 1 and the list of references provided.

<sup>6</sup> Inventory of Rare and Endangered Plants of California: <https://rareplants.cnps.org/>

<sup>7</sup> California Code of Regulations Title 14 § 650. Scientific Collecting Permits: permits to take or possess wildlife for scientific, educational, and/or propagation purposes. Section 650 of the California Code of Regulations specifically exempts “Take or possession of terrestrial plants, and freshwater plants and algae.” (Section 650 (u)(6). However, Persons wanting to take or possess rare, threatened, and/or endangered plant species shall obtain a scientific, educational or management permit, pursuant to Section 786.9 of these regulations, or sections 1900 et seq. or 2080 of the Fish and Game Code. Section 786.9 refers to the definition of rare plants per section 670.2 of the California Code.

<sup>8</sup> Legal definitions of rare, threatened and endangered. The Fish and Game Code section 1901 provides definitions of endangered and rare, and section 2067 provides the definition of threatened as follows. Section 1901 states “A species, subspecies, or variety is endangered when its prospects of survival and reproduction are in immediate jeopardy from one or more causes. A species, subspecies, or variety is rare when, although not presently threatened with extinction, it is in such small numbers throughout its range that it may become endangered if its present environment worsens.” Section 2067 states “Threatened species” means a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter”.