

## **Guidelines for selection and management of the Biodiversity Heritage Sites**

### **1. Introduction**

Under Section 37 of Biological Diversity Act, 2002 (BDA) the State Government in consultation with local bodies may notify in the official gazette, areas of biodiversity importance as Biodiversity Heritage Sites (BHS).

Under sub section (2) of Section 37, the State Government in consultation with the Central Government may frame rules for the management and conservation of BHS.

Under sub section (3) of Section 37, the State Governments shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

Considering the above provisions of the Act, the National Biodiversity Authority (NBA) hereby issues the following guidelines for selection and management of the BHS.

### **2. Significance and objectives of Biodiversity Heritage sites**

- a. Biodiversity is closely linked to ecological security and therefore, human welfare. To strengthen the biodiversity conservation in traditionally managed areas and to stem the rapid loss of biodiversity in intensively managed areas, such areas need special attention.
- b. Such areas also often represent a positive interface between nature, culture, society, and technologies, such that both conservation and livelihood security are or can be achieved, and positive links between wild and domesticated biodiversity are enhanced.
- c. To have a BHS in or around a community should be a matter of pride and honour to such community and this virtuous act of community may work as an example to the entire nation apart from ensuring availability of the resources to their own future generation. The areas like existing sacred grooves in general and those existing in Western Ghats in particular can be straight away be declared and notified as BHS.
- d. It is necessary to instill and nurture conservation ethics in all sections of the society. The creation of BHS will ensure bringing home these values in the society and thereby put an end to over-exploitation of natural resources and avoid environmental degradation.
- e. The creation of BHS may not put any restriction on the prevailing practices and usages of the local communities, other than those

voluntarily decided by them. The purpose is to enhance the quality of life of the local communities through this conservation measure.

### **3. Definitions**

“Biodiversity Heritage Sites” (BHS) are well defined areas that are unique, ecologically fragile ecosystems - terrestrial, coastal and inland waters and, marine having rich biodiversity comprising of any one or more of the following components: richness of wild as well as domesticated species or intra-specific categories, high endemism, presence of rare and threatened species, keystone species, species of evolutionary significance, wild ancestors of domestic/cultivated species or their varieties, past pre-eminence of biological components represented by fossil beds and having significant cultural, ethical or aesthetic values and are important for the maintenance of cultural diversity, with or without a long history of human association with them.

All other terms used are as defined in Section 2 of the Biological Diversity Act (2002)

### **4. The criteria for identification of BHS**

The BHS may be identified in accordance with the definition in (2) above. Accordingly areas having any of the following characteristics may qualify for inclusion as BHS.

- a. Areas that contain a mosaic of natural, semi-natural, and man made habitats, which together contain a significant diversity of life forms.
- b. Areas that contain significant domesticated biodiversity component and /or representative agro-ecosystems with ongoing agricultural practices that sustain this diversity.
- c. Areas that are significant from a biodiversity point of view as also are important cultural spaces such as sacred groves/trees and sites, or other large community conserved areas.
- d. Areas including very small ones that offer refuge or corridors for threatened and endemic fauna and flora, such as community conserved areas or urban greens and wetlands.
- e. All kinds of legal land uses whether government, community or private land could be considered under the above categories.
- f. As far as possible those sites may be considered which are not covered under Protected Area network under the Wildlife Protection Act 1972 as amended.
- g. Areas that provide habitats, aquatic or terrestrial, for seasonal migrant species for feeding and breeding.
- h. Areas that are maintained as preservation plots by the research wing of Forest department.
- i. Medicinal Plant Conservation Areas.

## 5. Identification and Declaration of Biodiversity Heritage Sites

State Biodiversity Boards (SBB) may invite suggestion (or consider those already coming from communities) for declaration of BHSs, through BMCs and other relevant community institutions including gram sabhas, panchayats, urban wards, forest protection committees, tribal councils. SBB may undertake widespread dissemination of information related to the proposed BHS among rural communities, NGOs, farmer/fishermen/adivasi associations, urban groups, research institutions, government agencies, and other organizations, regarding the provision of BHSs, through locally appropriate means. These could include local language newspapers, radio, holding meetings with the communities, letters to line departments, gram panchayats, local bodies and others. The process may further be achieved through the following:

- a. NGOs and community institutions (including Panchayat Raj institutions, Biodiversity Management Committees, or institutions set up for environment and development purposes by communities on their own or under other environmental schemes) to carry out their own process, may also initiate proposals for declaring BHSs.
- b. Consolidation of the suggestions, by the SBBs, to come up with a list of areas which can be designated as the Biodiversity Heritage Sites; even while such consolidation is ongoing, suggestions and applications for individual BHSs to be considered as and when they are made.
- c. Public discussions amongst the local bodies, gram sabhas, urban ward committees, and other relevant local institutions, regarding concrete proposals for declaring BHSs, in their area, including the implications such as possible restrictions on resource use; a full attempt to be made to bring on board various sections of society with gender and social representation, in such discussions.
- d. Once approved by the relevant gram sabhas or urban local bodies, SBB to move for issuing a preliminary notification specifying the boundaries of the BHS, which may require some prior surveying and mapping, and specifying also restrictions if any that may be required for management of the BHS, this to be published in the local media inviting suggestions and objections from the interested parties/stakeholders, particularly in case of lands owned by communities and individuals.
- e. Based on the suggestions and objections raised, a team may be constituted by the BMCs/other relevant local institutions/SBB in consultation with the local bodies for conducting studies to gain a clear understanding of the BHS. The team would include the following members (not exceeding 12 individuals) with one member preferably from the local community/ies selected to head the team:
  - i. Knowledgeable or experienced women & men representing all socio-economic groups of the concerned communities, nominated by the relevant rural/urban local bodies.

- ii. One or more NGOs/institutes focusing on ecology / conservation (including conservation biologists familiar with the flora and fauna of the particular BHS).
  - iii. One or more NGOs/institutes working on social (gender, livelihood, etc) issues.
  - iv. One or more NGOs/institutes focusing on agriculture.
  - v. Research wing of the agriculture, forest or other relevant department (where appropriate and possible).
  - vi. Representatives of Botany and Zoology departments of nearest College/University.
- f. The above team will conduct a study (over a period of 3 to 6 months) in consultation with the concerned community irrespective of occupation, gender or social strata. Such consultations should inevitably include groups such as forest dwellers, farmers, coastal and pastoral community(ies) and / or other relevant occupations. The study on the following aspects needs to be carried out with the use of community-based PBRs/PRA, participatory mapping, and other possible tools that are considered appropriate by the concerned communities. All state departments are to ensure that they cooperate in this exercise through the provision of relevant information, maps, and other documents that would enhance the productivity of the exercise. The study may include:-
- i. History of land/water bodies ownership/rights, including Common Property Resources (CPRs), administrative control, and land and resource use.
  - ii. Current status of land ownership, tenurial status of and access/ rights to CPRs, disputed claims over land/ forests, if any, land and resource use pattern (including biodiversity-based livelihoods), legal and administrative control, rights and responsibilities.
  - iii. Community composition, character, socio-economic and gender differentiated dependence on the resources, socio- economic and demographic profile.
  - iv. Existing institutions, their characteristics, rules and regulations governing natural resources, and access to decision making by marginalized sections including women.
  - v. Ecological profile of the area, critical wildlife and agricultural biodiversity values, and threats and pressures to the biological diversity, if any.
  - vi. Use of the area as the corridor or refugia for the wild animals or any other use for the wildlife.
  - vii. Cultural (including agricultural) practices followed by the communities affecting the biodiversity (whether positively or negatively).
  - viii. Scope of livelihood generation (including from resource use, community-based ecotourism, etc) in the area.

- ix. Impacts of restrictions, if any, on people and on the biodiversity.
- g. Report of the study may be submitted by the team to the BMCs or other relevant local institutions linked to the local bodies in case BMC does not exist, which before submitting it to the SBB may disseminate the findings of the team (in local languages), along with the proposal for declaring the BHS, to the concerned communities and to all stakeholders.
- h. SBB shall review the document submitted by BHS survey group or BMCs or other relevant local institutions linked to the local bodies in case BMC does not exist within a period of 3 months, including feedback if any to the relevant community.
- i. Final decision on the proposal may be made by the SBB in a joint sitting of all stakeholders, at the proposed site.
- j. Draft notification and announcement for declaring the BHS may be made at the state level in an appropriate manner giving it wide media coverage particularly in the local language.
- k. After 30 days of the draft notification of the BHS, the BMC or other relevant local institutions linked to the local bodies in case BMC does not exist along with the Local bodies may conduct a Public Hearing where all details about the BHS should be placed and the comments received from the public recorded and, attempts made to remove aspersions, if any, that they may have on the consequences of declaring the area as BHS. The local community should be taken to confidence assuring that by declaring the BHS their traditional rights and privileges will not be affected.
- l. On declaration of the BHS, the SBB may write to all the concerned Government departments announcing the establishment of the BHS.
- m. While the above process is desirable in all situations, it should be noted that in many situations communities may not be in a position to follow them in view of the urgency for declaration as a BHS to ward off a threat, or for other reasons. In some cases proposals may be coming from a community that has already a proven track record of conservation, and urgently requires the BHS status to consolidate its position. In such situations, the requirement for these detailed studies may be waived for the purpose of the notification, but should be applied subsequent to the notification and no relocations and restrictions to access will be declared till then other than what the community is already imposing upon itself.

## **6. Management of BHS**

- a. The Biodiversity Management Committee or other appropriate institution as determined by relevant local body in the absence of BMCs, which in addition to their duties defined in the Act, may also take care of the management of each BHS. Wherever the BHS extends to more than one

local bodies, the management of the BHS shall be the responsibility of the Biodiversity Heritage Site Management Committee constituted by the BMC or other relevant local institutions linked to the local bodies in case BMC does not exist, and approved by the SBB.

- b. The committee responsible for the management of the BHS may include representatives of all sections of local communities, and in particular those most dependent on the natural resources as also those who have been traditionally conserving the area.
- c. It may be the responsibility of the BMC/BHS Management Committee to prepare and implement a management plan for the BHS which should cover a period of five to ten years.
- d. SBBs will then recognize and facilitate the implementation of the final management plan. Such facilitation may include directions to all relevant government departments to assist the communities in implementation, including through appropriate changes in their plans and schemes, to eliminate biodiversity-damaging practices and to fully enable and empower the communities in conserving biodiversity. Where necessary orientation programmes may be organized for such departments and NGOs.
- e. SBBs and concerned government departments will also facilitate the regeneration or revival of degraded or lost ecosystems and taxa, including the reintroduction of threatened/locally extinct wildlife where feasible, and the repatriation of lost/declining domesticated biodiversity from ex-situ collections.
- f. Wherever there are existing conservation related management practices serving the purpose of the BHS may be documented and considered as the BHS Management Plan.
- g. Any project/activity to be implemented by government or any other agency, which is likely to have adverse impact on the BHS may be avoided.
- h. Generally no restriction is likely to be placed on the community on the existing utilization of resources from the proposed BHS.
- i. Restriction in form of regulating the use of the resources may be warranted in some cases and such restriction may be totally voluntary on the part of community.
- j. The management structure and utilization of resources for BHS notified on Government forest areas and other government owned areas will be determined by the concerned departments of the State Government.

## **7. Components of the management plan of BHS**

- a. A map of the BHS with clear administrative boundaries as notified.
- b. The status of ownership

- c. The current land-use pattern, conservation related practices and beliefs, and the dependence of local communities
- d. Major biodiversity in the area and their status as endemic, threatened, endangered or vulnerable
- e. Whether a waterfowl refuge during winter, breeding place for water birds or corridor for any wild animals
- f. The type and quantum of resources being used by the local community and their role/importance in the domestic economy as also the average income from them in situations where they are marketed.
- g. Any shift in the pattern of utilisation during the past 10 years. If so the reason for the same.
- h. Authentic data on the flora, fauna and natural resources in the area
- i. Details of projects, if any, in the area under any government/ international schemes.
- j. The suggestions, if any, from the local communities for the improved conservation of biodiversity, and the betterment of the livelihood by using natural resources.
- k. Threats, present and potential if any, to the BHS.
- l. Management prescription separately for conservation and, sustainable use of bio-resources to enhance the livelihood of the local community
- m. A rough projection of the expected outcomes of setting up the BHS, including ecological and social/economic (including, where relevant, estimate of the income expected of on completion of the project).
- n. Estimated time frame for completion of each component of the plan, and rough indicators to judge success of each component.
- o. The above process of management planning must not be one that constrains the wide variety of ways in which communities conserve and manage natural resources. It should also not be considered absolutely necessary to formulate a management plan, if the community has other adequate means of sustaining the effort and if thereby, conservation and sustainable management is taking place. In many situations also, communities may not be in a position to immediately or quickly formulate such a plan, which should not be a reason for not accepting their site as a BHS.

- p. The SBB on receipt of the Management Plan may constitute an expert committee to evaluate the same, if necessary visit the BHS and hold consultations with the local communities and the local bodies and obtain their approval of the Management Plan. The Management Plan may also be integrated into the district level planning process, to enable optimum facilitation and funding by relevant government agencies.
- q. On receipt of approved plan, the SBB may accept the same.
- r. Management plan may be periodically reviewed and modified appropriately by the expert committee constituted by the SBB, based on the recommendations of the BMC or other relevant local institutions linked to the local bodies in case BMC does not exist, and accepted by the SBB. Such modifications shall be brought to the notice of all stakeholders before implementing the same.

## **8. Monitoring of BHS**

- a. There may be a State-level Monitoring Committee constituted by the SBB.
- b. The State level Monitoring Committee may comprise the following chosen out of knowledgeable individuals in the field of conservation of wild and domesticated biodiversity, and related socio-economic aspects, from the following categories:
  - i) The Member Secretary of the SBB, may act as Chairman of the monitoring committee and CEO, Zilla Parishad may act as Co-Chairman.
  - ii) One representative of local community,
  - iii) An expert having knowledge and experience in the field of forestry/wildlife/agro-biodiversity/ aquaculture management or in the area relevant to the particular BHS,
  - iv) a member of the BMC / BHS management committee concerned or other relevant local institutions linked to the local bodies in case BMC does not exist
  - v) a nominee of the Local body/Panchayat concerned
  - vi) a representative from Revenue Department.
- c. The State-level Monitoring Committee shall monitor the implementation of management plan periodically and submit a report to the SBB indicating clearly the extent (in qualitative and where possible quantitative terms) of achievement under each component of the Management Plan and recommendations for improvement. This committee shall monitor the implementation of management plan periodically.



- d. The tenure of the Monitoring Committee may be three years.

## 9. Budget

- a. Once the BHS is notified by the State Government, the NBA may support the initial establishment of BHS financially by allocating adequate funding support as seed money through SBB. Simultaneously, the financial requirement of BHS may be included in the annual budget of the local body(ies). The State Government may also allocate adequate seed money to each BHS on its notification through SBB. The BMC or other institution which is managing BHS would be recognized as an authorized body to avail the financial assistance under all government schemes and other funding sources as legally permissible. The existing/new interest accruing saving account of BMC or other institution maintained in a nationalized bank or post office is authorized to receive all such amounts. The accounts maintained by the aforesaid institutions managing BHS shall be audited annually as per the rules and as done in case of Local bodies.
- b. The SBBs shall keep the NBA informed of notification of creation/declaration of BHS in their states. . The NBA through its expert committees may get the performance audit of the management of BHS done by BMCs/ other institutions/SBBs.

## 10. Miscellaneous

- a. The SBBs may ensure adequate and sensitive public visibility of the BHSs through popular media, workshops, brochures etc., to ensure consideration of their importance and status. The NBA may allocate fund as required to SBB only for undertaking aforesaid activities.
- b. The NBA may organize one National level review meeting of all BHSs involving NGOs, BMCs/other institutions managing, SBBs, officials of line departments, academic institutions, experts etc., annually and may submit the proceedings of the minutes to the Ministry of Environment and Forests, Government of India.
- c. These are only model guidelines framed after consulting various experts to act as precursor for framing rules under the biodiversity Act by various State Governments with suitable modifications but are within the spirit and frame work of BD Act 2002.
- d. The State Governments may **notify the rules** after consulting the Central Government through National Biodiversity Authority.