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GENERAL NOTICE

NOTICE 1108 OF 2007

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT 10 of 2004)

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby in terms of section 100 of the Act, publish for public information and comment the following:

NATIONAL NORMS AND STANDARDS FOR THE DEVELOPMENT OF THE BIODIVERSITY MANAGEMENT PLANS FOR SPECIES (BMP-S)

To ensure that all the relevant stakeholders are consulted and to streamline the consultation process, interested and affected stakeholders are invited to submit **written** comments to the department:

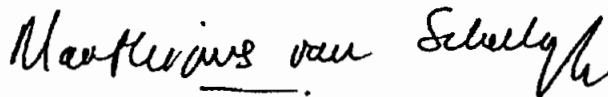
Please submit all written comments to:

The Director-General
Department of Environmental Affairs and Tourism
Private Bag X447
PRETORIA
0001

For Attention: Mrs Wilma Lutsch

Enquiries should be directed to Mrs Wilma Lutsch Tel. (012) 310 3694; E-mail: wlutsch@deat.gov.za; or Fax: (012) 320 7026

Closing date: 8 October 2007



**M C J VAN SCHALKWYK
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

**NATIONAL NORMS AND STANDARDS FOR THE DEVELOPMENT OF THE
BIODIVERSITY MANAGEMENT PLANS FOR SPECIES (BMP-S)**

I, Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby issue national norms and standards for the development of biodiversity management plans for species in terms of section 9 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), as set out in the Schedule.

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ACRONYMS

AEWA	African Eurasian Migratory Waterfowl Agreement
BMP	Biodiversity Management Plan
BMP-S	Biodiversity Management Plan for species
CBD	Convention on Biological Diversity
CITES	Convention on the International Trade in Endangered Species of Fauna and Flora
DEAT	Department of Environmental Affairs and Tourism
IDP	Integrated Development Plans
IUCN	World Conservation Union
MOA	Memorandum of Agreement
NEM: BA	National Environmental Management: Biodiversity Act (Act No. 10 of 2004)
NBF	National Biodiversity Framework
NEMA	National Environmental Management Act (Act No. 107 of 1998)

CHAPTER 1

INTERPRETATION AND THE PURPOSE OF THESE NORMS AND STANDARDS

1.1 DEFINITIONS

Biological diversity or biodiversity means the variability among living organisms from all sources including, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part and also includes diversity within species, between species, and of ecosystems.

Ex-situ or "off-site" conservation means the conservation of genetic resources and of wild animals, plants, fungi and microorganisms off-site or outside their natural habitats.

Indigenous species means a species that occurs, or has historically occurred, naturally in a free state in nature within the borders of the Republic, but excludes a species that has been introduced in the Republic as a result of human activity.

In-situ - "on-site" conservation means the conservation of biodiversity in the wild through the conservation of ecosystems and natural habitats, and the maintenance and recovery of viable populations of species in their natural surroundings.

IUCN Red Data List means a list providing information on a species risk of extinction (usually by taxonomic group).

Long-term survival means to ensure the survival of a species until the next human generation, approximately 30 years.

Migratory species means an entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries.

Stakeholder means a natural or juristic person(s) that have an interest in a particular decision, either as individuals or representatives of a group.

Species means a kind of animal, plant or other organism that does not normally interbreed with individuals of another kind, and includes any sub-species, cultivar, variety, geographic race, strain, hybrid or geographically separate population.

Threat means any action that causes a decline and compromises the future survival of a species or anything that has a detrimental effect on a species. Threats can be human induced or natural. BMP-S should focus on mitigating human induced threats to species.

1.2 INTERPRETATION OF ASPECTS OF THIS DOCUMENT

In this document, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), (hereinafter "The Act"), has the same meaning.

- The "Minister" means the Minister of Environmental Affairs and Tourism
- Application of these norms and minimum standards in this document apply:-
 - Uniformly nationally and in all provinces
 - To all stakeholders wishing to develop a BMP-S

1.3 THE PURPOSE OF THESE NORMS AND STANDARDS

The purpose of these Norms and Standards is to provide a national approach and minimum standards for the development of biodiversity management plans for species.

CHAPTER 2

INTRODUCTION TO BIODIVERSITY MANAGEMENT PLANS FOR SPECIES AND TO THESE NORMS AND STANDARDS

2.1 BIODIVERSITY MANAGEMENT PLANS WITHIN THE CONTEXT OF THE ACT

Sections 43 (1) (b) and (c) provide for any person, organisation or organ of state, desiring to contribute to biodiversity management, to submit to the Minister for approval a draft management plan for an indigenous or migratory species warranting special conservation attention.

Section 44 empowers the Minister to enter into a Biodiversity Management Agreement with any person, organisation or organ of state for the implementation of a BMP-S.

- Section 45 outlines the purpose of a BMP-S. Such a plan must -
- be aimed at ensuring the long-term survival in nature of the species to which the plan relates;
 - provide for the responsible person, organisation or organ of state to monitor and report on progress with implementation of the plan; and
 - be consistent with -
 - The Act
 - The national environmental management principles
 - The national biodiversity framework
 - Any applicable bioregional plan
 - Any plans issued in terms of Chapter 3 of the NEMA
 - Any municipal integrated development plans
 - Any other plans prepared in terms of national or provincial legislation that is affected
 - Any relevant international agreements binding on the Republic.

Section 9 enables the Minister to issue norms and standards for the achievement of any of the objectives of the Act, including the management and conservation of South Africa's biodiversity.

2.2 SPECIES FOR WHICH BIODIVERSITY MANAGEMENT PLANS CAN BE DEVELOPED

Biodiversity Management Plans for Species (BMP-S) can be compiled for any indigenous or migratory species to South Africa. This is based on the definition of a species in terms of the Act, which includes any sub-species, cultivar, variety, geographic race, strain, hybrid or geographically separate population.

CHAPTER 3

THE DEVELOPMENT OF BIODIVERSITY MANAGEMENT PLANS FOR SPECIES

3.1 SCOPE OF BMP-S

Depending on the biological characteristics of the species concerned and the geographic range where it applies, biodiversity management plans may be developed for:

- a. Species;
- b. Sub-species;
- c. Multi-species, or
- d. A meta-population or a population

Rare domestic animal breeds do not qualify for BMP-S as they are **not indigenous** (in terms of the definition within the Act) nor can they be conserved **in nature** as required by the Act.

3.2 NORMS AND STANDARDS FOR THE PROCESS TO DEVELOP BMP-S

The following process as outlined herein may be followed when developing BMP-S:

3.2.1 Identification of stakeholders

Appropriate stakeholders should be invited to participate in the development of the BMP-S. Stakeholders may be identified according to:

- The stakeholder group to which they belong; and,
- Their interests and mission.

3.2.2 Compilation of the background information/document for the development of the BMP-S

Background information on the species may be compiled and circulated to all appropriate stakeholders prior to development of the BMP-S.

- The background information should include the criteria used to select the species for development of a BMP-S
- The background information should contain:
 - Information on the current status of the species;
 - Information on known threats; and,
 - Their impacts on the species.

3.2.3 Compilation of BMP-S

- Compilation of the first draft of a BMP-S can be done by either:
 - A consultant;
 - An expert on the species;
 - A panel of experts on the species; or,
 - During a stakeholder workshop
- The first draft should be made available to all appropriate stakeholders for comment
- Comment period of at least 30 working days should be given
- Relevant comments received should be included in a final draft of the BMP-S
- The final draft of the plan should be sent to all implementers of identified actions for validation
- The final draft of the plan should be compiled and submitted to the Minister for approval.

3.3 NORMS AND STANDARDS FOR THE FORMAT OF THE BMP-S

3.3.1 Title, Contents Page and Terms

Introductory information required:

- A header page giving BMP-S title, authors, lead agency and implementing organisations
- A contents page
- A list abbreviations

- A list of acronyms
- A glossary defining all scientific and technical terms used in the BMP-S in alphabetical order
- Acknowledgements
- Foreword

3.3.2 Executive summary

An executive summary in English must be included.

3.3.3 Introduction

The introduction must contain:

- A brief introduction of the species and why it needs a BMP-S
- Aims and objectives of the BMP-S, which should be a statement of a desired state the plan intends to achieve at the end of its implementation
- Biodiversity justification
- Benefits of the plan
- Anticipated outcomes
- Brief overview of the legal mandate

3.3.4 Background

The background may:

- Summarise the conservation status and legislative context
- Summarise everything known about the species and anything pertinent to its management, in sufficient detail, including what is unknown and needs to be researched
- Identify role players
- Summarise planning methodology

3.3.5 Conservation status and legislative context

The conservation status and legislative context may:

- Identify parties responsible for management of the species for which the BMP-S is developed
- Indicate the status of the species in terms of the Act, IUCN Red Data List, CITES, and provincial conservation ordinances. If not listed in terms of the Act, why does the species qualify for "special conservation concern?"
- Indicate the cultural conservation status of the species
- Motivate for assigning priority for the development of this BMP-S

3.3.6 Species details

The species detail may include:

- Taxonomy, including sub-specific and genetic information, if relevant and available
- Distribution, migratory patterns (if applicable), habitat requirements, biology and ecology
- Description and map of geographic area for which the plan is proposed
- Any *ex situ* populations and their status

- If known, the species' role in the ecosystem e.g. umbrella, keystone, flagship, mutualisms and dependencies
- Known diseases
- Population statistics and trends
- Threats
- Information on any utilisation, where applicable, should include:
 - Impact of utilisation based on evidence
 - Use value of the species
 - Monitoring of current use
 - Current quotas and permits issued
- Past conservation measures
- Socio-economic issues (if applicable), including:
 - Community benefits
 - A cost analysis of the value of species
- Research inventory and summary

3.3.7 Summary of planning methodology

A summary of the planning methodology may include:

- A list of role players and organisations involved in developing and implementing the BMP-S;
- A description of the processes followed in drawing up the BMP-S;
- An outline of the process followed for stakeholder consultation;
- A list of all stakeholders;
- An outline of the nature of agreements that will need to be or have been developed with implementers of the BMP-S;
- Reference to all relevant documents, agreements and policies, which will be appended to the BMP-S; and
- Verification and approval by relevant experts on the quality and context of the species related issues.

3.3.8 Threats identified

Various methods can be used to determine and describe the threats.

A statement of threats adversely affecting the species may:

- List all the threats;
- Describe the nature of the threats including an assessment of the magnitude and impact of the threat; and
- Prioritise the threats.

3.3.9 Action Plan

An action plan stating the objectives and actions for dealing with each of the threats adversely affecting the species should be developed. Actions identified in an action plan may be divided into actions at the national and local level for ease of reference by implementers, including organs of state at different levels.

The action plan may:

- Describe the objectives
- Describe the action(s) needed

- Rank each action by relative priority (if more than 1)
- Identify the implementing party(ies), and the lead (responsible) party
- Specify time frames (initiation, duration, completion date)
- Identify resources needed
- Identify potential positive and negative impacts of action
- Identify incentives (where applicable)
- Develop measurable indicators
- List inappropriate actions and explain why they could be detrimental

3.3.10 Monitoring

A monitoring programme may be developed and may include a monitoring and reporting plan with annual reports for each action outlined in the Action Plan.

- For each action, the annual report may include:
 - A list of the agency(ies) responsible for monitoring each action (this may differ from the implementing or lead agent); and,
 - Stipulated milestones, key events and thresholds in the measurable indicators to be reported on.

3.3.11 References

The reference list may include all references cited in the BMP-S developed

3.4 NORMS AND STANDARDS FOR THE APPROVAL PROCESS OF BMP-S BY THE MINISTER

3.4.1 Submission of the BMP-S for approval

On submission of a BMP-S to the Minister for approval, the Minister should respond timeously and transparently to the receipt of a BMP-S. The Minister should:

- Acknowledge receipt of a BMP-S
- In the event of an acceptably drafted BMP-S, reject, return for revision or publish a BMP-S for general public consultation
- Reject the redrafting of any BMP-S that does not comply with the norms and standards
- On approval of a BMP-S the Minister should appoint a lead agency and publish the BMP-S in the Government Gazette.

3.4.2 Assessment and Verification of the BMP-S

The Minister may:

- Verify the compliance of the BMP-S with the norms and standards for the process in compiling BMP-S.
- Verify the compliance of the contents of the BMP-S to these norms and standards.
- Compile a list of comments on the BMP-S
- Assess comments
- Request an independent opinion or review relating to the validity of actions, cost analyses, timelines and monitoring effectiveness.

- Reach a decision, or appoint a committee or reviewer, to reject or approve the BMP-S

3.4.3 Appointment of lead implementing agency

Before approving a draft biodiversity management plan, the Minister must identify a suitable person, organisation or organ of state that is willing to be responsible for the implementation of the plan.

The Minister may, require:

- Independently obtained proof of the lead agency's:
 - Relevant experience; and
 - Financial and human resources.

The Minister may enter into a biodiversity management agreement with the person, organisation or organ of state regarding the implementation of the biodiversity management plan, or any aspect thereof. In the event of the lead implementing agency being non-compliant the BMP-S will be rejected.

3.5 NORMS AND STANDARDS FOR IMPLEMENTATION OF BIODIVERSITY MANAGEMENT PLANS FOR SPECIES

3.5.1 Review, Assessment and Compliance

The Minister may review, assess compliance and verify achievement of the aim and objectives of a BMP-S.

The Minister may:

- Assess compliance and achievement of the aims and objectives as per the monitoring section of the annual reports
- Request any additional information to allow the assessment of compliance and achievement of the aims and objectives, and /or

The Minister must review a BMP-S published in terms of section 43(3) of the Act, at least every five years, and assess compliance with the plan and the extent to which its objectives are being met.

3.5.2 Annual Reports on the implementation of the BMP-S

An annual progress report on implementation of a BMP-S may be submitted to the Minister.

The annual report must include:

- A brief introduction
- Report on progress on each action as contained in the BMP-S
- Identify problems, bottlenecks, impediments to achieving any action or part thereof
- Report on progress towards achievement of objectives contained in the BMP-S

3.5.3 Responses to Annual Reports

The Minister: