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GENERAL NOTICE

NOTICE 532 OF 2012

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)

PUBLICATION OF NORMS AND STANDARDS FOR BIODIVERSITY MANAGEMENT PLANS FOR ECOSYSTEMS

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby give notice of my intention, under sections 9 and Section 43(1)(a)(i) and(ii), and read with sections 99 and 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), to publish Norms and Standards for Biodiversity Management Plans for Ecosystems.

Members of the public are invited to submit to the Minister, within 30 (thirty) days after the publication of the notice in the *Gazette*, written comments or inputs to the following addresses:

By post to: The Director-General:
              Department of Environmental Affairs
              Attention: Ms Wilma Lutsch
              Private Bag X447
              Pretoria
              0001

By hand at: 2nd Floor (Reception), Fedsure Forum Building, 315 Pretorius Street, Pretoria, 0001
By e-mail: wlutsch@environment.gov.za , or
By fax to: (012) 320 7026

Comments received after the closing date may not be considered.

BOMO EDITH EDNA MOLEWA

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

Norms and Standards

for Biodiversity Management Plans for Ecosystems

DRAFT

Contents

Acronyms

BMA	Biodiversity Management Agreement
BMP	Biodiversity Management Plan
BMP-E	Biodiversity Management Plan for Ecosystems
BMP-S	Biodiversity Management Plan for Species
CBA	Critical Biodiversity Area
CMA	Catchment Management Agency
CMS	Catchment Management Strategy
CR	Critically endangered
DEA	Department of Environmental Affairs
DWA	Department of Water Affairs
EMF	Environmental Management Framework
EN	Endangered
ESA	Ecological Support Area
FEPA	Freshwater Ecosystem Priority Area
IDP	Integrated Development Plan
NFEPA	National Freshwater Ecosystem Priority Areas project
NGO	Non-government organisation
NPAES	National Protected Area Expansion Strategy
PES	Present Ecological State
SANBI	South African National Biodiversity Institute
SDF	Spatial Development Framework
TOPS	Threatened or protected species
VU	Vulnerable

1. Introduction

Key points from this chapter:

- The Biodiversity Act provides for the development of BMPs for species and ecosystems.
- Norms and standards for BMP-S were published in March 2009.
- These norms and standards are designed for BMP-Es for terrestrial and freshwater ecosystems (not for estuarine or marine ecosystems).
- Biodiversity Management Agreements are not dealt with in these norms and standards.

The National Environmental Management: Biodiversity Act (Act 10 of 2004) (hereafter referred to as the Biodiversity Act) provides for Biodiversity Management Plans (BMPs) to be developed and published. A BMP can be developed for an ecosystem, an indigenous species, or a migratory species. See the Appendix for the text of those sections of the Biodiversity Act that relate to BMPs.

The Biodiversity Act gives broad requirements for BMPs but is not specific about the content of a BMP or the process of developing a BMP. The Department of Environmental Affairs (DEA) has developed Norms and Standards for Biodiversity Management Plans for Species (BMP-S), published in March 2009,[1] to provide a national approach and minimum standards for the development of BMP-S. Biodiversity Management Plans for Ecosystems (BMP-E) require a different approach from BMP-S. The purpose of these norms and standards is to guide the development of BMP-E, providing a consistent approach to BMP-E across the country, while being sufficiently flexible to accommodate the variability of ecosystems and their management requirements.

BMP-S should be used when the primary focus of the BMP is on a particular species, albeit in its ecosystem context.[2] BMP-E should be used when the primary focus of the BMP is on an ecosystem, including its species.

The draft norms and standards for BMP-E have been designed for **terrestrial and freshwater ecosystems.**[3] They are not intended to be used for estuarine ecosystems, for

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[1] Norms and Standards for Biodiversity Management Plans for Species, Regulation 214, Gazette no. 31968, 2 March 2009.

[2] A BMP-S is not necessarily an appropriate management tool for all species of special concern. It is most appropriate for species for which co-ordination of many actions by multiple role players is required to ensure long-term persistence, which contribute to livelihoods for local communities, which are nationally or internationally traded (including heavily traded medicinal plants and horticultural species), or in which the private sector has a direct interest. See Chapter 4 of Raimondo, D, Von Staden, L, Foden, W, Victor, JE, Helme, NA, Turner, RC, Kamundi, DA & Manyama, PA. (eds) 2009. Red List of South African Plants. *Strelitzia* 25. South African National Biodiversity Institute, Pretoria.

[3] Freshwater ecosystems refer to all inland water bodies whether fresh or saline, including rivers, lakes, wetlands, and sub-surface waters. In some cases "freshwater ecosystems" are taken to include estuaries, but for the purposes of these norms and standards estuaries are not included in the definition of freshwater ecosystems.

which estuary management plans may be developed in terms of the Integrated Coastal Management Act (Act 24 of 2008). Neither are they intended to be used for marine ecosystems, although they may be suitable for some marine ecosystems. In future a separate set of norms and standards for BMP-E for marine ecosystems may be developed. In the interim, these norms and standards may be used for marine ecosystems for which they are suitable.

The Biodiversity Act also allows the Minister of Environmental Affairs (hereafter referred to as the Minister) to enter into a Biodiversity Management Agreement (BMA) regarding the implementation of a BMP or an aspect of a BMP. These norms and standards are not intended to address BMAs (see Chapter 0 for discussion on the relationship between BMPs, BMAs and biodiversity stewardship programmes).

This document is structured as follows:

- Chapter 2 sets out the purpose and principles that must guide the development of BMP-Es;
- Chapter 3 sets out the criteria that must guide the selection of ecosystems for BMP-E;
- Chapter 4 discusses how ecosystems must be delineated for the purpose of BMP-E;
- Chapter 5 discusses who should initiate, develop, implement and monitor a BMP-E;
- Chapter 6 outlines the content of a BMP-E;
- Chapter 7 outlines the process of developing a BMP-E;
- Chapter 8 discusses the relationship between BMP-Es and other tools for biodiversity conservation;
- Chapter 9 summarises the roles of DEA, the South African National Biodiversity Institute (SANBI) and the Minister in relation to BMP-E.

2. Purpose and principles of BMP-Es

Key points from this chapter:

- The purpose of a BMP-E is to ensure long-term survival of the ecosystem concerned in a natural or near-natural state.
- The following principles guide the development of BMP-Es: the need for clear biodiversity objectives; integrated management of terrestrial and freshwater ecosystems; use of best available science; keeping it simple; no recipe; stakeholder engagement and enhanced collaboration; voluntary participation.

The purpose of a BMP-E is to ensure the long-term survival in nature (i.e. in a natural or near-natural state) of the ecosystem to which the BMP-E relates. A BMP-E achieves this by mobilising the interest and action of landowners, resource users and other key stakeholders.

BMP-Es are not needed for all ecosystems; the focus must be on ecosystems of special concern, and only on those ecosystems of special concern in which management interventions by landowners, resource users and other key stakeholders can make a real difference. See Chapter 3 for more detail on the criteria for identifying ecosystems for BMP-Es.

In most cases BMP-Es will be developed for ecosystems that fall outside the protected area network. However, there may be cases in which a BMP-E is useful for an ecosystem of special concern that occurs inside a protected area. In such cases it is likely that the protected area agency concerned would be the lead implementer of the BMP-E.

The purpose of BMP-Es is not to exclude people from access to land and resources or to prevent sustainable use of biodiversity and natural resources. However, there may be cases in which restricting access to certain areas or restricting harvesting is required. In such cases this would be implemented as part of an agreed management plan with support from relevant stakeholders.

The following principles should guide the development of BMP-Es:

- **Clear biodiversity objectives**
  The purpose of a BMP-E is management for long-term survival in nature. In most cases this requires managing the ecosystem in a natural or near-natural state. A BMP-E must have one or more clear, long-term biodiversity objectives that support the achievement of this purpose.

- **Integrated management of terrestrial and freshwater ecosystems**

  BMP-Es should address both terrestrial and freshwater aspects related to the management of the ecosystems concerned, i.e. they should not have a narrow focus on only the terrestrial or only the aquatic. For example, the primary focus of a BMP-E may be a terrestrial ecosystem, but the objectives and management actions should take into account the links between that ecosystem and relevant freshwater ecosystems.

- **Use of best available science**

  A BMP-E should be based on the best available science. This is relevant to the identification of ecosystems that need BMP-Es (see Chapter 3), the management objectives and action plan identified (which should be based on sound science and should respond to the biodiversity objective(s) of the BMP-E – see Chapter 6), and the process of developing a BMP-E (which should involve scientists with on the ground knowledge of the ecosystem – see Chapter 7).

- **Keep it simple**

  A BMP-E is intended to be a simple management tool that can be easily understood and used by implementers and that is cost effective. Those developing a BMP-E should avoid making it highly complicated.

- **No recipe**

  Every BMP-E will be different. While it is possible to provide guidelines relating to the content and process of developing a BMP-E, there is no standard recipe that can be applied to the management objectives and action plan needed. For this reason it is vital to involve ecologists who know the ecosystem concerned in the development of a BMP-E.

- **Stakeholder engagement and enhanced collaboration**

  Involvement of relevant stakeholders is fundamental to the process of developing and implementing a BMP-E. A central objective of many BMP-Es is likely to be enhanced collaboration among relevant stakeholders, which should be reflected both in the process of developing the BMP-E and in its content.

- **Voluntary participation**

  A BMP-E is a voluntary undertaking, based on the voluntary participation of relevant stakeholders.

3. What criteria should guide the selection of ecosystems for BMP-E?

Key points from this chapter:
- Two filters are used to select ecosystems for BMP-Es:
  - Ecosystems of special concern (which include listed ecosystems and other ecosystems of special concern),
  - Ecosystems for which management interventions (usually collaborative) can make a difference and for which a BMP-E is thus likely to be effective.

According to Section 43 of the Biodiversity Act, a BMP-E may be developed for:
- an ecosystem which has been listed in terms of Section 52 of the Act,
- an ecosystem which has not been listed "but which does warrant special conservation attention".

3.1 Listed ecosystems

Section 52 of the Biodiversity Act provides for the listing of threatened or protected ecosystems. Threatened ecosystems can be listed as critically endangered (CR), endangered (EN) or vulnerable (VU). A draft list of threatened terrestrial ecosystems was published for public comment in November 2009; at the time of writing the final list had not yet been published. Threatened river, wetland, estuarine and marine ecosystems have not yet been listed, and no protected ecosystems have yet been listed. The draft list of threatened terrestrial ecosystems is available on SANBI's Biodiversity Advisor website at http://biodiversityadvisor.sanbi.org.

3.2 Other ecosystems of special concern

In addition to listed threatened ecosystems, there are several other sets of ecosystems that warrant special conservation attention. These include:

- Ecosystems identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in a bioregional plan or biodiversity sector plan, or as priority areas in a provincial systematic biodiversity plan,[4]
- Ecosystems identified as Freshwater Ecosystem Priority Areas (FEPAs) by the National Freshwater Ecosystem Priority Areas project (NFEPA),
- Ecosystems identified as high water yield areas or groundwater recharge areas by NFEPA,

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[4] Some older provincial systematic biodiversity plans use terminology other than CBAs and ESAs for the priority areas identified.

- Ecosystems identified as fish sanctuaries or free-flowing rivers by NFEPA,
- Ecosystems that form part of the focus areas for protected area expansion identified in the National Protected Area Expansion Strategy (NPAES) 2008 or that have been identified as priorities in a provincial protected area expansion strategy,
- Ecosystems in buffers or corridors linked to protected areas,
- Ecosystems that play an important role in the provision of ecosystem services (these ecosystems are likely to be largely covered by the categories above),
- Ecosystems likely to be important for ecosystem-based adaptation to climate change (these ecosystems are likely to be largely covered by the categories above).

In these norms and standards the term "**ecosystems of special concern**" is used to refer to ecosystems listed in terms of the Biodiversity Act plus ecosystems in the bulleted list above.

Ecosystems of special concern provide the first filter for identifying ecosystems that require BMP-E. However, *not all ecosystems of special concern require a BMP-E* or are suitable for a BMP-E. A BMP-E may be developed for those ecosystems of special concern for which:

- there is a realistic prospect of influencing the way that land or freshwater resources are used or managed,
- actions that will enhance or maintain ecological integrity are or could be within the sphere of control of the landowners or users or volunteers who will be implementing the BMP-E,
- collaborative action or active co-ordination is required at the local scale to enhance or maintain ecological integrity.[5]

3.3 Should a BMP-E be developed for a severely degraded ecosystem?

If an ecosystem has been severely degraded in its entirety or if there is no remaining natural habitat in the ecosystem, a BMP-E should not be developed for that ecosystem. A freshwater ecosystem is considered severely degraded if its present ecological state (PES) category falls below a C.[6] A terrestrial ecosystem is considered severely degraded if it would

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[5] In some cases, individual landowners who wish to develop a Biodiversity Management Agreement (BMA) in terms of the Biodiversity Act may wish to develop a BMP-E. However, this is probably the only case in which an individual landowner would require a BMP-E. See Chapter 0 for discussion on the links between BMP-Es, BMAs and biodiversity stewardship programmes.

[6] The Department of Water Affairs has a system of present ecological state (PES) categories to describe the condition of rivers, wetlands and estuaries. The categories are as follows: **A**: Unmodified, natural; **B**: Largely natural with few modifications. A small change in natural habitats and biota may have taken place but the ecosystem functions are essentially unchanged; **C**: Moderately modified. A loss and change of natural habitat and biota have occurred but the basic ecosystem functions are still predominantly unchanged; **D**: Largely modified. A large loss of natural habitat, biota and basic ecosystem functions have occurred; **E**: Seriously modified. The loss of natural habitat, biota and basic ecosystem functions are extensive; **F**: Critically modified. Modifications have reached a critical level and the system has been modified completely with an almost complete loss of natural habitat and biota. In the worst instances the basic ecosystem functions have been destroyed and the changes are irreversible.

be unable to recover to a natural or near-natural state following the removal of the cause of the degradation (e.g. invasive alien plants, over-grazing), even after long time periods. Natural habitat in a terrestrial ecosystem is considered irreversibly lost if it has been replaced with, for example, crops, forestry plantations, urban or industrial development, or mines.

However, an ecosystem identified as needing a BMP-E could be degraded in part, for example if the ecosystem is part of a corridor or buffer linked to a protected area, if the ecosystem is listed as threatened, if intervention to rehabilitate the ecosystem stands a good chance of reversing the current degradation, or if the required management actions need to take place in degraded areas surrounding the remaining natural part of the ecosystem. Also see Chapter 0 on delineation of ecosystems for BMP-E.

4. How should ecosystems be delineated for BMP-E?

Key points from this chapter:

- Ecosystem boundaries are often inherently fuzzy, and there is no single correct delineation for most ecosystems.
- Delineation of an ecosystem for a BMP-E must be determined primarily by where the management actions for that ecosystem need to take place, and is likely to be at the local scale rather than the landscape scale.
- Large areas that are severely degraded or where natural habitat has been irreversibly lost must be excluded from the delineation of the ecosystem for the purpose of BMP-E.

The Biodiversity Act defines an ecosystem as a dynamic complex of animal, plant and micro-organism communities and their non-living environment interacting as a functional unit. Ecosystems are seldom easy to delineate, as ecosystem boundaries are often inherently fuzzy, and ecosystems can be defined at almost any spatial scale from the small local scale (e.g. a forest patch, an individual wetland) to the large landscape scale (e.g. a primary catchment, the savannah biome). There is no single correct delineation for most ecosystems.

The delineation of an ecosystem for a BMP-E must be determined primarily by where the management actions for that ecosystem need to take place.[7] For example, if the focus of the BMP-E is on a particular wetland, but management actions need to take place in a sub-catchment upstream of the wetland, then the ecosystem may be delineated to include both the wetland and the upstream sub-catchment. If the focus of the BMP-E is on a remaining cluster of natural fragments in a threatened vegetation type, the ecosystem may be delineated as the cluster of fragments and their immediate matrix rather than as the original extent of the whole vegetation type. The delineation of an ecosystem for a BMP-E is likely to be at the local scale rather than the landscape scale, partly because of the requirement that the number of critical stakeholders whose actions need to be co-ordinated by the BMP-E must be manageable (see Chapter 7 discussion on feasibility check).

An ecosystem for which a BMP-E is developed may be delineated as, for example:

- A single listed threatened ecosystem (with the focus on remaining natural areas within the ecosystem),
- A portion of a listed threatened ecosystem,
- A group of listed threatened ecosystems (with the focus on remaining natural areas within the ecosystems),
- A single CBA, ESA or FEPA, fish sanctuary or free-flowing river,

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[7] In some cases management actions may need to take place further afield, outside the delineated ecosystem, for instance to influence fire regimes or to control pesticide spray.

- A group or cluster of CBAs, ESAs or FEPAs, or fish sanctuaries,
- A feature within a CBA, ESA, FEPA or focus area for protected area expansion, such as a particular wetland, tributary, or patch of threatened vegetation.

Large areas which are severely degraded or where natural habitat has been irreversibly lost, and which are not the focus of management actions in the BMP-E, must be excluded from the delineation of the ecosystem for the purpose of a BMP-E (see discussion on this issue in Chapter 3, including definitions of severe degradation and irreversible loss).

5. Who should initiate, develop, implement and monitor a BMP-E?

Key points from this chapter:

- The initiator, developer and implementer of a BMP-E need not be the same person, group of people or organisation.
- A lead implementer of the BMP-E must be identified. This is the person, organisation or organ of state to whom the Minister will assign responsibility for implementing the BMP-E.
- Monitoring of the BMP-E may be undertaken by anyone agreed on by the parties involved in developing the BMP-E.

5.1 Who initiates and develops a BMP-E?

According to Section 43 of the Biodiversity Act, any person, organisation or organ of state desiring to contribute to biodiversity management may submit a draft BMP to the Minister.

Those most likely to initiate the development of a BMP-E are:

- Landowners (individual or groups),
- Land users / communities,
- NGOs,
- Conservation authorities,
- Water user associations (irrigation boards),
- Interest groups (such as friends groups).

Other possible initiators of a BMP-E are:

- Other organs of state which manage or oversee land and water resources (e.g. municipalities, national departments),
- Catchment Management Agencies (CMAs)[8] (although they are more likely to use tools linked to the National Water Act).

The development of the BMP-E could be undertaken by the landowners, land users, NGO, conservation authority or other organ of state who initiated the BMP-E, or the initiator of the BMP-E could contract the development of the BMP-E to a specialist consultant or other organisation. In such a case the initiator of the BMP-E would need to develop clear terms of reference for the development of the BMP-E. The terms of reference must include a clear requirement to adhere to these norms and standards. The developer of a BMP-E need not be the implementer of the BMP-E; however, in such a case the developer and the implementer of the BMP-E must work in close collaboration during the development phase

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[8] In Water Management Areas in which Catchment Management Agencies have not yet been established, regional offices of the Department of Water Affairs play a broadly equivalent role.

(see Chapter 7). The developer of the BMP-E needs strong facilitation skills as well as an understanding of the ecosystem concerned.

5.2 Who implements a BMP-E?

The implementers of a BMP-E must be spelled out in the BMP-E (see Chapter 6). If there is more than one implementer, a lead implementer must be identified. This is especially important as Section 43(2) of the Biodiversity Act requires that, before approving a draft BMP, the Minister must identify a suitable person, organisation or organ of state which is willing to be responsible for the implementation of the BMP. In terms of Section 43(3) the Minister must also determine the manner of implementation of the BMP and assign responsibility for its implementation to the person, organisation or organ of state identified in terms of Section 43(2).

The implementers of a BMP-E are likely to be one or more of the following:

- Landowners,
- Land users,
- Volunteers,
- NGOs (e.g. in a facilitating role),
- Conservation authorities (who could have a direct implementing role in some of the management interventions).

If the BMP is to be implemented by only one individual, one group of individuals or one organisation then that individual, group or organisation is the lead implementer. If more than one organisation or more than one group of individuals is involved in implementing a BMP-E, the BMP-E must identify which of these is the lead implementer.

5.3 Who monitors and evaluates the implementation of a BMP-E?

Monitoring of a BMP-E must provide the basis for evaluating whether the agreed management actions are being carried out and whether the management objectives are being achieved, and should provide the basis for evaluating whether the biodiversity objectives are being achieved (see further discussion in Chapter 6). The monitoring agency for a BMP-E is likely to be one of the following:

- A conservation authority,
- An NGO,
- Landowners, land users or volunteers

If the relevant provincial conservation authority is not the lead implementer of the BMP-E, it may be well-placed to play the role of the monitoring agency. However, the monitoring

agency could be anyone else agreed on by the parties involved in the development of the BMP-E, provided that the person or organisation identified agrees to take on the task. For freshwater ecosystems, the Department of Water Affairs (DWA) and/or CMAs may have an important role to play. Note that SANBI's role does not include monitoring the implementation of individual BMP-Es.

The BMP-E must specify the agreement between the implementers and the monitoring agency on reporting requirements and periods.

6. What should the content of a BMP-E include?

Key points from this chapter:

- A BMP-E consists of two main parts: the part that is published in the Gazette, and additional working documents that are not published in the Gazette.
- The part of the BMP-E that is published in the Gazette must include the following sections:
  A. Introduction
  B. Management objectives and action plan
  C. Activities that should be avoided
  D. Resources required
  E. Monitoring arrangements
  F. Useful contacts
  G. BMP-E at a glance
  Appendices
- Additional working documents not published in the Gazette must include a detailed annual operational plan and budget, and may include an information pack for implementers. A GIS shapefile of the ecosystem is also required.

The content of a BMP-E consists of two main parts:

- The part that is published in the Gazette and reviewed by the Minister every five years,
- Additional working documents for the implementers which are reviewed annually and/or provide more detail than is required for publication in the Gazette.

A BMP-E must be developed for a minimum time period of five years but may be developed for a longer time period (e.g. ten or fifteen years), subject to review every five years. A BMP-E may be developed for an initial five-year period only, with the explicit intention to review and re-publish the BMP-E at the end of the first five years.

The part of the BMP-E that is published in the Gazette must include the sections outlined below. It is important that the published BMP-E includes only information that is likely to stay the same for five years, until the BMP-E is reviewed.

A. Introduction
o   A map and description of the ecosystem.
o   The biodiversity significance of the ecosystem.
o   Why a BMP-E is warranted for this ecosystem (including a summary of threatening processes facing the ecosystem).

o The long-term biodiversity objective(s) of the BMP-E (these could relate to biodiversity, ecosystem services and/or ecosystem-based adaptation to climate change). If possible, indicators should be provided for these biodiversity objectives.[9]

B. Management objectives and action plan

o Five-year management objectives.[10] These must relate to the long-term biodiversity objective(s), and must include indicators for assessing whether the management objectives are being met.

o Lead implementer, and other implementers if applicable. The lead implementer's relevant expertise should be briefly set out, so that the Minister is able to assess whether it is reasonable to assign responsibility for implementation of the plan to the lead implementer.

o Management actions required to meet five-year management objectives (these could include, for example, stocking rates, off-take rates, clearing of invasive species, fire regimes). The ecological rationale for the management actions must be explained, and each management action must have one or more indicators that can be used to assess whether it has been carried out.[11] The focus of the management actions will usually be on the natural or near-natural areas of the ecosystem, but may include influencing activities in non-natural areas and/or managing their impacts on the natural or near-natural areas of the ecosystem. Management actions should be high-level (unlikely to need revision for five years), with detailed year-by-year activities in a separate annual operational plan which is not published in the Gazette but which is referred to.

o Who is responsible for which management actions.

o Who is responsible for updating the annual operational plan.

o Summary of all the stakeholders directly involved or affected.

C. Activities that should be avoided

o The BMP-E should set out activities (e.g. land and resource uses) which are not compatible with maintaining the ecosystem in a natural or near-natural state and meeting the long-term biodiversity objective(s) and which should be avoided by all stakeholders.

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[9] In some cases it may not be possible to develop indicators to monitor the achievement of the biodiversity objective(s) directly, or, if indicators can be developed the timeframes of the BMP-E may not be long enough to evaluate whether the long-term biodiversity objective(s) are being achieved. In such cases the indicators for the management objectives act as proxies for the long-term biodiversity objective.

[10] If the BMP-E timeframe is longer than five years (e.g. ten or fifteen years), management objectives must be given for the subsequent five-year periods as well, with the understanding that they will be reviewed after five years.

[11] Indicators for the management actions need not address the ecosystem or its condition directly. They are simply indicators of whether the agreed management actions have been undertaken by the responsible party.

D. Resources required

o A high-level budget for implementation of the BMP-E, and an indication of funding sources.[12]

o Any other essential resources that will be drawn on to implement the BMP-E, for example expertise located in provincial conservation authorities or CMAs.

E. Monitoring arrangements and responsibilities

o Who is responsible for monitoring, with agreed reporting requirements and periods. It is suggested that a brief monitoring report be drawn up at least annually, so that these reports can be made available to the Minister as part of the five-year review process. There is no need to submit reports annually to the Minister.

F. Useful contacts

o Contact details for implementers, the relevant provincial conservation authority, other key stakeholders, other key resource people.

G. BMP-E at a glance

o A brief overview, e.g. in a one-page table, of the high-level management actions with broad timeframes, implementers and indicators for each action.

o This section is useful for the Minister, who is obliged to "determine the manner of implementation of the plan" when the BMP-E is published.

Appendices

o Documentation on stakeholder engagement during the development of the BMP-E.

o An indication that the developers of the BMP-E have satisfied themselves that it is consistent with or takes into consideration other relevant plans as required in terms of Section 45(c) and (d) of the Biodiversity Act, with some explanation (this need not be in-depth).

o A list of other legal requirements for the implementation of the BMP-E, if relevant (for example permits required in terms of provincial legislation, fire protection agencies, certificates of adequate enclosure, TOPS permits, National Water Act permitting requirements (e.g. for modification of beds and banks for rehabilitation)).

Additional working documents that are part of the BMP-E but need not be published in the Gazette:

• **Annual operational plan** (compulsory) with detailed management actions, timeframes, budget and those responsible. This must be revised annually by the lead implementer, with input from other critical stakeholders.

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[12] In some cases the implementation of a BMP-E may involve realignment of existing budgets and mobilisation of resources of private landowners or volunteers, and may thus not require large amounts of newly sourced funding.

- **Information pack for implementers** (optional), for example with additional information resources gathered during the development of the BMP-E.
- **GIS shapefile with metadata** (compulsory) giving the delineation of the ecosystem, compiled according to the data standards available on SANBI's Biodiversity GIS website (http://bgis.sanbi.org).

7. What process must be followed in developing a BMP-E?

Key points in this chapter:

- The process of developing and implementing a BMP-E follows eight phases: feasibility check; preparation phase; development phase; review of the draft plan; submission, approval and publication; implementation; monitoring and evaluation; five-year review.
- Steps in each phase are outlined. The feasibility check is of crucial importance and may reveal that a BMP-E is not an appropriate tool for the management of the ecosystem concerned.
- Three sets of stakeholders are relevant to the development of BMP-E: critical stakeholders, a broader set of stakeholders, and negative stakeholders.

The process of developing and implementing a BMP-E is divided into the following phases, each of which is outlined below:

- Phase 1: Feasibility check
- Phase 2: Preparation phase
- Phase 3: Development phase
- Phase 4: Review of draft plan
- Phase 5: Submission, approval and publication
- Phase 6: Implementation
- Phase 7: Monitoring and evaluation
- Phase 8: Five-year review

Each of these phases is compulsory. However, the steps outlined below are a guide, with room for flexibility where this does not compromise the purpose, principles and intent of BMP-Es.

There are three sets of stakeholders relevant to the development of a BMP-E:

- Critical stakeholders, i.e. stakeholders without whose participation the management objectives of the BMP-E cannot be achieved,
- A broader set of stakeholders who may have an interest in the BMP-E and may be able to contribute but whose participation is not essential for achieving the management objectives of the BMP-E,
- Negative stakeholders, i.e. stakeholders who have the power to disrupt or prevent the implementation of the BMP-E.

Phase 1: Feasibility check

The purpose of this phase is to determine the feasibility and appropriateness of a BMP-E for the ecosystem concerned. Given that substantial resources are likely to be involved in the

development of a BMP-E it is important not to go ahead if the feasibility check indicates that a BMP-E is not an appropriate tool, if it is not possible to identify a champion to lead the development of the BMP-E, if there are too many critical stakeholders for co-ordinated implementation of the BMP-E to be possible, or if resources are not available for the development of the BMP-E.

Steps in the feasibility check include:

- Identify ecosystem based on criteria set out in Chapter 3. This will include consulting existing spatial biodiversity plans (e.g. provincial biodiversity plans, biodiversity sector plans, bioregional plans) that provide context for the identification and delineation of the ecosystem.
- Identify threatening processes and pressures relevant to the ecosystem.
- Delineate the ecosystem based on the area on which management actions are likely to focus (see Chapter 0).
- Identify critical stakeholders and their roles, including who the implementer(s) of the BMP-E could be. Identify potential negative stakeholders.
- Develop initial draft long-term biodiversity objective(s) and five-year management objectives for the ecosystem.
- Decide whether finer scale spatial biodiversity planning is required in order to develop a BMP-E for the ecosystem. If so, this can be expensive and time-consuming.
- Decide whether a BMP-E is the most appropriate tool to use:
  - Can management actions change the situation?
  - High-level assessment of resources required to achieve the management objectives, including an assessment of whether private resources for implementation can be mobilised in the process of developing the BMP-E. Stakeholder engagement can be expensive – it is important not to be naïve about the costs involved.
  - Is a stronger form of management intervention (e.g. the declaration of a protected area in terms of the Protected Areas Act[13]) available/realistic/suitable?
  - Is there willingness on the part of critical stakeholders, especially potential implementers, to develop and implement a BMP-E?
  - How many critical stakeholders are there? Is this a manageable number for the development of a BMP-E? If there are too many critical stakeholders, the implementation of the BMP-E may become extremely difficult to co-ordinate. The delineation of the ecosystem may need to be re-assessed and narrowed.
- Identify a champion to lead the development of the BMP-E. This could be different from the person/organisation who initiated the development of the BMP-E, and need not be one of the intended implementers. The services of a consultant may be hired to develop the BMP-E, in which case clear terms of reference must be developed by the initiator.

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[13] National Environmental Management: Protected Areas Act (Act 57 of 2003)

Phase 2: Preparation phase

The purpose of this phase is to prepare for the development of the BMP-E. The information collected in the preparation phase may also be useful for the implementers of the BMP-E and may be included in the optional information pack for implementers (see Chapter 6).

Steps in the preparation phase include:

- Compile *background information* that will provide the rationale for the management objectives and management actions to be identified in the BMP-E. Background information must include:
    - Biodiversity features associated with the ecosystem (e.g. terrestrial and aquatic ecosystem types, species of special concern),
    - Ecological processes associated with the persistence of the ecosystem,
    - Current condition of the ecosystem, preferably using quantitative measures (for example PES categories for freshwater ecosystems),
    - Historical condition of the ecosystem if available,
    - Threatening processes or pressures impacting on the ecosystem,
    - Map of the ecosystem with key place names and other features in the vicinity such as roads, protected areas etc,
    - Review of key information sources that provide useful context for the BMP-E, including any spatial biodiversity plans and directly relevant literature.

    Background information may also include:
    - Socio-economic opportunities or issues in the area,
    - Past management history of the ecosystem.

    The compilation of background information need <u>not</u> be a comprehensive exercise. A guide for how much information is required is the amount necessary to develop a brief motivation for the BMP-E (see next bullet point) and to support implementers in carrying out the management actions to be identified in the BMP-E.

- Make use of the background information to compile a *brief motivation* for the development of the BMP-E for this ecosystem. This brief motivation will be useful in the stakeholder engagement process, and will form part of the introductory section (Section A) of the BMP-E.

Phase 3: Development phase

The purpose of this phase is to develop the draft BMP-E (see Chapter 6 for the content that the BMP-E must cover), to engage critical and broader stakeholders, to identify a lead implementer, and to ensure agreement among critical stakeholders on the objectives and action plan. A central issue in the development phase is ensuring that the biodiversity objective(s) and management objectives are coherent and achievable, and that the

management actions support the achievement of the management objectives. The development phase should be guided by principles of ecosystem management (see box below). *This phase is presented below as a linear process but in practice is likely to be iterative.* As noted in Chapter 5, the developer of the BMP-E needs strong facilitation skills as well as an understanding of the ecosystem concerned.

Steps in the development phase include:

- Develop a short problem statement and define the draft biodiversity objective(s). As noted in Chapter 6 the biodiversity objective(s) of a BMP-E are long-term objective(s) that could relate to biodiversity, ecosystem services and/or ecosystem-based adaptation to climate change.
- Define draft five-year management objectives for the BMP-E, that support achievement of the long-term biodiversity objective(s). Decide on the timeframe of the BMP-E, which may be longer than five years. If the timeframe is longer than five years (e.g. ten or fifteen years), management objectives must be developed for the subsequent five-year periods as well, with the understanding that they will be reviewed after five years
- Undertake comprehensive identification of stakeholders, including critical stakeholders, broader stakeholders and negative stakeholders. Identify relevant ecological experts with on-the-ground knowledge of the ecosystem concerned and identify relevant conservation authorities – the involvement of these stakeholders in the development of the BMP-E is essential.
- Hold a series of workshops with stakeholders (including ecological experts and representatives of conservation authorities) to:
  - o Refine the biodiversity objective(s) and management objectives,
  - o Develop high-level and detailed management actions needed to achieve the management objectives,
  - o Develop a budget for the BMP-E and determine the source of any funds required over and above contributions from the existing budgets of implementers,
  - o Develop a monitoring plan for each high-level management action and for the management objectives, including indicators.
- Get agreement among critical stakeholders on implementing roles and responsibilities, including identification of the lead implementer.
- Write the first draft of the BMP-E.
- Circulate the first draft BMP-E to all critical stakeholders for comment, providing a reasonable period for receipt of comments. The draft BMP-E may also be circulated to broader stakeholders and negative stakeholders for comment, but this is not essential. Address the comments received to produce a second draft.
- Get expert and/or conservation authority review of the second draft BMP-E, with particular attention to whether the management actions support the management objectives and the biodiversity objective(s). A letter to this effect from the expert or

conservation authority concerned is required to accompany the submission of the second draft BMP-E for review by SANBI (see Phase 4 below).

• In cases where there is more than one implementer of the BMP-E, it may be useful to develop a Memorandum of Agreement between the implementers, setting out the agreed roles and responsibilities including any financial contributions.

Principles of ecosystem management

The following basic principles of ecosystem management should inform the development of BMP-E:

• Understand variability as part of ecosystem functioning;
• Take a holistic approach, including dealing with both terrestrial and aquatic aspects;
• Maintain ecosystem function and integrity;
• Recognise the importance of ecological processes, including disturbance regimes;
• Encourage knowledge-based adaptive management.

Phase 4: Review of draft plan by SANBI

The purpose of this phase is to ensure that the BMP-E is consistent with the requirements of these norms and standards. Steps in the review phase include:

• Submit the draft BMP-E to SANBI for review. The submission must come from the lead implementer of the BMP-E,[14] accompanied by a letter from the relevant experts or conservation authority confirming that the biodiversity objective(s) and management objectives of the BMP-E are coherent and achievable, and that the management actions support the achievement of the management objectives.
• SANBI will ensure that the BMP-E is reviewed by at least two reviewers, usually one internal (SANBI) reviewer and one external reviewer with relevant expertise, within 90 days.
• The reviewers may require changes to be made to the draft BMP-E. If necessary, make the required changes in consultation with relevant stakeholders and resubmit the draft BMP-E to SANBI. SANBI will ensure that the revised draft BMP-E is reviewed within 60 days to confirm that the required changes have been made.
• SANBI will provide a letter confirming that the draft BMP-E is consistent with these norms and standards, as well as a unique reference number for the BMP-E.

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[14] If the lead implementer is not the provincial conservation authority, the provincial conservation authority may wish to support the lead implementer in this process.

Phase 5: Submission, approval and publication

The purpose of this phase is to submit the draft BMP-E to the Minister who will publish the draft BMP-E for public comment, and to publish the final BMP-E. Steps in this phase include:

- Submit the draft BMP-E to the Minister. The submission must come from the lead implementer of the BMP-E, [15] accompanied by a covering letter and the letter from SANBI confirming that the draft BMP-E is consistent with these norms and standards.
- The Minister must acknowledge receipt of the BMP-E within 90 days, stating whether the he or she is willing to approve the draft BMP-E. Before approving the BMP-E, the Minister is obliged to identify a suitable person, organisation or organ of state willing to be responsible for the implementation of the plan – this is the lead implementer identified in the draft BMP-E.
- If the Minister is not willing to approve the draft BMP-E, he or she must provide the lead implementer with clear reasons for the failure of the BMP-E to be approved.
- If the Minister approves the draft BMP-E, he or she must then publish the BMP-E by notice in the Gazette, determine the manner of implementation of the plan (this is summarised in section F of the BMP-E), and assign responsibility for the implementation of the BMP-E to the identified lead implementer.
- The Minister must undertake consultation and public participation in accordance with Sections 99 and 100 of the Biodiversity Act. This includes inviting comment from the public on the draft BMP-E and giving due consideration to any representations or objections received. The Minister may request SANBI's assistance in considering and responding to such representations and objections.
- The Minister must then publish the final BMP-E in the Gazette.

Note that BMP-Es are not required to be approved by MinTech or MINMEC (DEA's decision-making structures). BMP-Es may be submitted to MinTech's Working Group 1 for noting only, not for approval.

Phase 6: Implementation

The purpose of this phase is to implement the BMP-E. The annual operational plan must be used as the basis for implementation, and must be reviewed annually by the lead implementer in consultation with critical stakeholders.

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[15] As in Phase 4, if the lead implementer is not the provincial conservation authority, the provincial conservation authority may wish to support the lead implementer in this process.

Phase 7: Monitoring and evaluation

The purpose of this phase is to monitor the implementation of the management actions identified in the BMP-E, and to evaluate whether the management actions are contributing to the achievement of the management objectives. If possible, progress towards achievement of the long-term biodiversity objective(s) should be evaluated as well.[16] Feedback from monitoring efforts may be used to adapt the management actions and the annual operational plan. As suggested in Chapter 6, a brief monitoring report drawn up at least annually would also provide a useful basis for the Minister's five-year review process (see Phase 8).

Phase 8: Five-year review

According to Section 46 of the Biodiversity Act, the Minister must review a published BMP at least every five years, and assess compliance with the plan and the extent to which its objectives[17] are being met. In order to fulfil this requirement the Minister is likely to require the assistance of provincial conservation authorities as well as access to the monitoring information gathered as part of Phase 7.

The Minister may amend a published BMP on own initiative or at the request of an interested person, organisation of organ of state. Before amending the BMP the Minister must consult the implementer of the BMP and any organ of state whose activities are affected by the implementation of the BMP, and must follow the consultative process required in Sections 99 and 100 of the Biodiversity Act.

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[16] As noted earlier, the timeframes of the BMP-E may not be long enough to make a meaningful evaluation of whether the long-term biodiversity objective(s) are being achieved. In such cases the management objectives act as proxies for the long-term biodiversity objective.
[17] The Biodiversity Act does not specify whether these are biodiversity objectives or management objectives. Ideally both should be assessed, but as noted it may be too soon to assess whether long-term biodiversity objectives are being met.

8. Relationship of BMP-Es to other tools for biodiversity conservation

BMP-Es are one of a series of tools available to support the conservation, management and sustainable use of biodiversity. This chapter clarifies the relationship of BMP-Es to selected other tools including provincial spatial biodiversity plans, bioregional plans, biodiversity sector plans, listing of threatened ecosystems, biodiversity stewardship programmes and BMAs. The relationship of BMP-Es to Integrated Development Plans (IDPs), Spatial Development Frameworks (SDFs), Environmental Management Frameworks (EMFs) and Catchment Management Strategies (CMSs) is also briefly discussed.

8.1 Provincial spatial biodiversity plans

Most provinces have developed or are developing a province-wide spatial biodiversity plan, as encouraged by the National Biodiversity Framework 2008.[18] These provincial spatial biodiversity plans, based on systematic biodiversity planning principles and methods, form the basis for bioregional plans/biodiversity sector plans and for provincial protected area expansion strategies. They also provide a useful context for BMP-Es and may help to identify ecosystems for which BMP-Es could be developed. Provincial spatial biodiversity plans are landscape-scale tools which provide maps of biodiversity priority areas, while the focus of a BMP-E is on management of a particular ecosystem at the local scale.

8.2 Bioregional plans

Bioregional plans are spatial biodiversity plans that are published in terms of the Biodiversity Act. They consist of maps that identify Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) accompanied by land-use guidelines for CBAs and ESAs. A bioregional plan must be based on a systematic biodiversity plan, usually a provincial systematic biodiversity plan and usually at a scale of 1:50 000 or finer. Bioregional plans are aligned with administrative boundaries, usually district, local or metropolitan municipalities. The focus of a bioregional plan is on maps and guidelines to inform land-use planning and decision-making in a range of sectors, while the focus of a BMP-E is on management of a particular ecosystem at the local scale. A bioregional plan can provide a useful context for the development of a BMP-E, and it may be appropriate to develop a BMP-E for a CBA or ESA identified in a bioregional plan (see Chapter 3 on criteria for selecting ecosystems for BMP-Es).

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[18] DEA. 2009. National Biodiversity Framework. Notice no.813, Gazette no.32474, 3 August 2009

8.3 Biodiversity sector plans

Biodiversity sector plans are unpublished bioregional plans. Their relationship to BMP-Es is the same as that of bioregional plans.

8.4 Listed ecosystems

Listed threatened or protected ecosystems are highlighted in the Biodiversity Act as one of the categories of ecosystems for which BMP-Es may be developed. A BMP-E may be developed for a whole listed ecosystem, a group of listed ecosystems or part of a listed ecosystem, in accordance with the criteria for selecting ecosystems for BMP-E discussed in Chapter 3. Not all listed ecosystems require a BMP-E, and a BMP-E is not an appropriate tool for the management of all listed ecosystems.

8.5 Biodiversity stewardship programmes and Biodiversity Management Agreements

Biodiversity stewardship programmes have been established by several provincial conservation authorities.[19] Biodiversity stewardship involves entering into contracts with landowners, in which the landowner agrees to conserve his/her property or portions thereof in return for specialised assistance from the conservation authority and in some cases fiscal incentives. The biodiversity stewardship model has three tiers: formal protected areas (nature reserves, protected environments), biodiversity agreements, and informal conservation areas. Agreements in the first tier, consisting of contract nature reserves and contract protected environments, are declared by the MEC in terms of the Protected Areas Act and constitute formal protected areas.[20] Agreements in the second tier, biodiversity agreements, are currently entered into in terms of contract law. However, the option exists to make these Biodiversity Management Agreements (BMAs) in terms of the Biodiversity Act.

A BMA can be entered into only for an ecosystem or part of an ecosystem for which a BMP exists. This means that for a biodiversity stewardship programmes to make use of BMAs, BMP-Es would need to be developed first. The advantage for a landowner of entering into a BMA in terms of the Biodiversity Act, rather than just a biodiversity agreement in terms of

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[19] For more information on biodiversity stewardship see: DEA. 2009. Biodiversity Stewardship Guideline Document. November 2009.

[20] The National Protected Area Expansion Strategy 2008 identifies contract protected areas as a major mechanism for achieving South Africa's protected area targets. See: Government of South Africa. 2010. *National Protected Area Expansion Strategy: Priorities for expanding the protected area network for ecological sustainability and climate change adaptation*. Pretoria, Government of South Africa.

contract law, is that fiscal incentives in terms of the Revenue Laws Amendment Act (Act 60 of 2008), which came into effect in the 2009/2010 tax year, apply to BMAs.[21]

In short, BMP-Es may be linked to biodiversity stewardship programmes and may provide the basis for BMAs that are signed as part of biodiversity stewardship programmes, but need not necessarily be. There are likely to be many BMP-Es that are not linked to biodiversity stewardship programmes.

8.6 Selected other tools relevant to environmental management and biodiversity conservation – IDPs, SDFs, EMFs, CMSs

Integrated Development Plans
Municipal IDPs could highlight existing BMP-Es, and could highlight ecosystems for which BMP-Es should be developed.

Spatial Development Frameworks
Municipal SDFs should incorporate CBAs and ESAs from bioregional plans, biodiversity sector plans or provincial spatial biodiversity plans, and could highlight ecosystems for which BMP-Es should be developed.

Environmental Management Frameworks
EMFs should incorporate CBAs and ESAs from bioregional plans, biodiversity sector plans or provincial spatial biodiversity plans. If a BMP-E is developed in an area for which an EMF already exists, the BMP-E may be able to draw on valuable information generated by the EMF. If an EMF is developed for an area in which a BMP-E already exists, the EMF should take into account the biodiversity objective(s) and management objectives of the BMP-E as well as the activities that are not compatible with the objectives of the BMP-E (see Chapter 6 on the content of a BMP-E, especially section C).`

Catchment Management Strategies
CMSs, which must be developed by Catchment Management Agencies, should highlight existing BMP-Es for freshwater ecosystems, and could highlight freshwater ecosystems for which BMP-Es should be developed.

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[21] See: DEA. 2009. Biodiversity fiscal incentives: A framework on fiscal incentives for biodiversity. August 2009.

9. Roles of DEA, SANBI and the Minister in relation to BMP-Es

DEA's role in relation to BMP-Es includes the following:

* Publishing norms and standards for BMP-Es,
* Facilitating the submission of BMP-Es to the Minister, and facilitating the public comment process,
* Establishing and maintaining a register of published BMP-Es.

SANBI's role in relation to BMP-Es includes the following:

* Supporting the development of norms and standards for BMP-E,
* Encouraging BMP-E pilots, for example through bioregional programmes and provincial biodiversity stewardship programmes,
* Reviewing draft BMP-Es and revised draft BMP-Es to ensure that they are consistent with these norms and standards,
* If necessary, assisting the Minister with considering and responding to representations and objections received as part of the public participation process for a BMP-E,
* Providing electronic access to published BMP-Es with accompanying shapefiles of the ecosystems concerned, via the Biodiversity Advisor website (http://biodiversityadvisor.sanbi.org),[22]
* Monitoring overall progress with publishing BMP-Es as part of the National Biodiversity Monitoring Framework.

The Minister's role in relation to BMP-Es includes the following:

* Publishing draft BMP-Es, including assigning responsibility for implementing the plan to the person, organisation or organ of state identified in the BMP-E as the lead implementer,
* Publishing final BMP-Es,
* Reviewing published BMP-Es at least every five years, and assessing compliance with the plan and the extent to which its objectives are being met.

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[22] Additional working documents may also be made available on the Biodiversity Advisor website (http://biodiversityadvisor.sanbi.org) or may be lodged with the lead implementer.

Appendix: Sections of the Biodiversity Act relating to BMPs

Note that Section 45 of the Biodiversity Act was amended by Section 34 of the National Environment Laws Amendment Act (Act 14 of 2009). The amended version of Section 45 is reflected below.

Biodiversity Management Plans

43. (1) Any person, organisation or organ of state desiring to contribute to biodiversity management may submit to the Minister for his or her approval a draft management plan for—

(a) an ecosystem—

    (i) listed in terms of section 52; or

    (ii) which is not listed in terms of section 52 but which does warrant special conservation attention;

(b) an indigenous species—

    (i) listed in terms of section 56; or

    (ii) which is not listed in terms of section 56 but which does warrant special conservation attention; or

(c) a migratory species to give effect to the Republic's obligations in terms of an international agreement binding on the Republic.

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

(3) The Minister must—

(a) publish by notice in the Gazette a biodiversity management plan approved in terms of subsection (1);

(b) determine the manner of implementation of the plan; and

(c) assign responsibility for the implementation of the plan to the person, organisation or organ of state identified in terms of subsection (2).

Biodiversity management agreements

44. The Minister may enter into a biodiversity management agreement with the person, organisation or organ of state identified in terms of section 43(2), or any other suitable person, organisation or organ of state, regarding the implementation of a biodiversity management plan, or any aspect of it.

Contents of biodiversity management plans

45. A biodiversity management plan must—

(a) be aimed at ensuring the long-term survival in nature of the species or ecosystem to which the plan relates;

(b) provide for the responsible person, organisation or organ of state to monitor and report on progress with implementation of the plan;

(c) be consistent with—

    (i) this Act;

    (ii) the national environmental management principles;

(iii) the national biodiversity framework;

(iv) any applicable bioregional plan;

(v) any relevant international agreements binding on the Republic; and

(d) take into consideration—

(i) any plans issued in terms of Chapter 3 of the National Environmental Management Act;

(ii) any municipal integrated development plan; and

(iii) any other plans prepared in terms of national or provincial legislation that is affected.

Review and amendment of biodiversity management plans

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

(2) The Minister, either on own initiative or on request by an interested person, organisation or organ of state, may by notice in the Gazette amend a biodiversity management plan published in terms of section 43(3).

(3) Before amending a biodiversity management plan, the Minister must consult—

(a) any person, organisation or organ of state implementing the plan; and

(b) any organ of state whose activities are affected by the implementation of the plan.

Consultation

47. (1) Before adopting or approving a national biodiversity framework, a bioregional plan or a biodiversity management plan, or any amendment to such a plan, the Minister must follow a consultative process in accordance with sections 99 and 100.

Co-ordination and alignment of biodiversity plans

48. (1) The national biodiversity framework, a bioregional plan and a biodiversity management plan prepared in terms of this Chapter may not be in conflict with—

(a) any environmental implementation or environmental management plans prepared in terms of Chapter 3 of the National Environmental Management Act;

(b) any integrated development plans adopted by municipalities in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

(c) any spatial development frameworks in terms of legislation regulating landuse management, land development and spatial planning administered by the Cabinet member responsible for land affairs; and

(d) any other plans prepared in terms of national or provincial legislation that are affected.

(2) ...

(3) The Institute may—

(a) assist the Minister and others involved in the preparation of the national biodiversity framework, a bioregional plan or a biodiversity management plan to comply with subsection (1)