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FOREST & ENVIRONMENT DEPARTMENT

NOTIFICATION

The 21st January 2016

SUBJECT— Guidelines for the selection, management and other aspects of Biodiversity Heritage Sites in Odisha

No. 1237—Estt.-45/2015-OBB.—Section 37 of the Biological Diversity Act, 2002 provide for declaration of Biodiversity Heritage Sites (BHS) in the State, Rule 20(2) of the Odisha Biological Diversity Rules, 2012 mandates the State Biodiversity Board to frame guidelines on the selection, management and other aspects of Biodiversity Heritage Sites. In pursuance of these provisions the Odisha Biodiversity Board hereby notify the following guidelines. These guidelines have been approved by the Government of Odisha in Forest & Environment Department vide their letter No. 23339—10F (TR) 42/2015-F & E, dated the 26th December 2015 :

(A) Introduction :

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. 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. To manage areas of biodiversity importance the Biological Diversity Act, 2002 provide for establishing BIODIVERSITY HERITAGE SITES (BHS).

BHS are aimed to instil 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.

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.

(B) Legal Provisions :

Section 37 of the Biological Diversity Act, 2002 provides as below :—

- 37(1) Without prejudice to any other law for the time being in force, the State Government may, from time to time in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act.
- (2) The State Government, in consultation with the Central Government, may frame rules for the management and conservation of all the heritage sites.
- (3) The State Government shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

The Odisha Biological Diversity Rules 2012, under Rule 20 prescribes as below :—

- Rule 20(1) The Board shall, in consultation with local bodies and other key stakeholders take necessary steps to facilitate setting up of areas of significant biodiversity values as Heritage Sites.
- (2) The Board shall frame guidelines on the selection, management and other aspects of Biodiversity Heritage Sites.

As per requirement of Rule 20 (2) of the Odisha Biological Diversity Rules 2012, OBB hereby issues the following guidelines for selection, management and other aspects of Biodiversity Heritage sites.

(C) Definitions :

As per model guidelines issued by National Biodiversity Authority (NBA) the BHS is defined as below :—

“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 anyone 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.

(D)The Criteria for Selection :

All kinds of legal land uses whether Government, community or private land could be considered for BHS with following criteria :—

- (a) Unique and/or ecologically fragile ecosystems having :
 - (i) Species richness (wild or domesticated)
 - (ii) Presence of rare, endemic & threatened species
 - (iii) Species of evolutionary significance
 - (iv) Wild ancestors of domesticated/cultivated species or their varieties
 - (v) Fossils beds
- (b) Areas that contain significant domesticated biodiversity component and/or representative agro-ecosystems with ongoing agriculture practices that sustain this diversity.
- (c) Distinctive forest types of Odisha
- (d) Focused habitat of wild and domesticated flora and fauna
- (e) Areas harbouring lesser known wild/agro-biodiversity
- (f) Threatened greenery and wetlands in urban/highly populated areas
- (g) Sacred Groves, Medicinal Plant Conservation Areas, Preservation Plots maintained by the Forest Department, Corridors for RET species of flora and fauna.

However, the proposal should exclude as far as possible, Protected area network under the Wildlife Protection Act, 1972 as amended up-to-date.

(E)Declaration of Biodiversity Heritage Sites :—

OBB shall invite proposals for BHS from BMC, local bodies and institutions like forest protection committees etc. Proposals may also be invited from District Level Officers of Forest, Agriculture, Horticulture, Animal Husbandry, Fishery and other related Government departments and the NGOs. Proposals received *suo motu* from local bodies, Government Departments or NGOs shall also be considered.

- (a) For submitting the proposal format given in ANNEXURE-I shall be used. Proposals received shall be scrutinized by OBB for its completeness and fulfilment of criteria. In case there are some deficiencies then this may be referred back for needful action.

- (b) Proposals which are complete and fulfil the criteria shall be referred to the concerned BMC (s) or local body if there is no BMC. Concerned BMC (s) or local body as the case may be, shall discuss the proposal in a meeting of the concerned Gram Sabha(s) or Urban Ward(s). If needed representative (s) of the board may remain present to explain the details in such meetings.
- (c) Once approved by the concerned Gram Sabha (s) or Urban Ward(s) with or without modifications, then the OBB shall move the Government of Odisha for issue of preliminary notification specifying the boundaries of BHS, which may require some prior surveying and mapping and specifying also restrictions (decided voluntarily by the BMC or Gram Sabha(s) or Local Bodies) if any, that may be required for management of the BHS. The preliminary notification shall be published in the local media inviting suggestions and objections from the interested parties/stakeholders within 30 days of its publication. Suggestions and objections received shall be sent to OBB by Government of Odisha for detailed study. Based on the suggestions and objections raised, a team shall be constituted by the OBB 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 (where appropriate and possible) focusing an ecology /conservation (including conservation biologists familiar with the flora and fauna of the proposed BHS), Agriculture and Social issues.
 - (iii) Research wing of the agriculture, forest or other relevant department (where appropriate and possible).
 - (iv) Representatives of Botany and Zoology departments of nearest College/ University.
- (d) The team shall go into details of suggestions/ objections received from interested parties/stakeholders etc. and team will conduct a study for such suggestions/ objections wherever required 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 needs to be carried out with the use of community-based PBRs/PRA participatory mapping, and other

possible tools that are considered appropriate. All State departments are to ensure that they co-operate in this exercise through the provision of relevant information, maps and other documents that would enhance the productivity of the exercise.

- (e) One copy of the report of the study shall be submitted by the team to the OBB directly and one copy to BMC(s) or to the local body in case BMC does not exist, which before submitting it to the OBB may disseminate the findings of the team (in local languages), to the concerned communities and to all stakeholders.
- (f) OBB shall review the document submitted by BHS study team (as referred in (d) above) and BMCs or local bodies in case BMC does not exist within a period of 3 months, including feedback if any to/from the relevant community.
- (g) Final decision on the proposal shall be made by the OBB after taking into consideration the report of the BHS study team (as referred in (d) above) and views/suggestions/feedback received from the BMC (s) or local bodies as the case may be. Then draft final notification of BHS shall be submitted by OBB to the State Government along with a detailed report on the suggestions/ objections on preliminary notification.
- (h) After completion of the above process the declaration of BHS may be made by the Government of Odisha. On declaration of the BHS, the SBB may write to all the concerned Government departments announcing the establishment of the BHS.
- (i) While the above process is desirable in all situations, it should be noted that in many situations it may not be practicable to follow them in view of the urgency for declaration as a BHS to ward off a threat, or for other reasons. In such cases Government of Odisha can waive the requirement for the detailed studies/prior to declaration of BHS but should be applied subsequent to the notification and no restrictions to access will be declared till then other than what the community is already imposing upon itself.

(F) Management of Biodiversity Heritage Sites:

- (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 as determined by the local bodies in case BMC does not exist, and approved by the OBB.

- (b) Participation of 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 shall be ensured by including members from such sections of the community, in management committee of BHS by co-opting such members, if required.
- (c) It shall be the responsibility of the BMC/BHS Management Committee to prepare and implement a management plan for the BHS in consultation with OBB. Management Plan shall cover a period of five to ten years. The management structure and utilization of resources for BHS notified on Government forest areas and other Government owned areas will be determined in consultation with the concerned departments of the State Government 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.
- (d) The OBB on receipt of the Management Plan may constitute an expert committee to evaluate the same and to ensure that Management Plan is compliant to relevant acts and rules as applicable. If necessary the committee can visit the BHS and hold consultations with the local communities and the local bodies. Concerned local body (ies) shall approve the Management Plan. Efforts shall be made that the Management Plan may also be integrated into the district level planning process to enable optimum facilitation and funding by relevant Government agencies.
- (e) On receipt of approved plan, the OBB may accept the same and facilitate its implementation. Management Plan may be periodically reviewed and modified appropriately as and when required based on monitoring of the BHS. Such modifications shall be brought to the notice of all stakeholders before implementing the same.
- (g) 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.
- (h) OBB 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 (flora and fauna) where feasible, and the repatriation of lost/declining domesticated biodiversity from *ex situ* collections.
- (i) Wherever there are existing conservation related management practices serving the purpose of the BHS may be documented and considered as the BHS Management Plan.

- (j) 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.
- (k) Generally no restriction is likely to be placed on the community on the existing utilization of resources from the proposed BHS. Restriction in the 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.

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, then 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) Financial outlay for various interventions proposed during the plan period

(G) Monitoring of Biodiversity Heritage Sites:

- (a) OBB shall constitute a Monitoring Committee for each BHS by nominating experts and community members to monitor the BHS.
- (b) The Monitoring Committee shall monitor the implementation of Management Plan periodically and submit a report to the OBB 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.
- (c) The tenure of the Monitoring Committee may be three years

(H) Budget:

- (a) Once the BHS is notified by the State Government, the NBA and OBB may support it financially. The State Government may also allocate adequate seed money to each BHS on its notification through OBB. 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 OBB shall keep the NBA informed of notification of creation/declaration of BHS in the State of Odisha. The NBA through its expert committees may get the performance audit of the management of BHS done by BMCs/ other institutions.

SURESH CHANDRA MOHAPATRA

Chairman, Odisha Biodiversity Board

Principal Secretary, Forest & Environment Department

PROPOSAL FOR DECLARATION OF BIOLOGICAL HERITAGE SITE
UNDER BIOLOGICAL DIVERSITY ACT, 2002

1. Identification of Property :
 - (a) State
 - (b) Name of the property
 - (c) Exact location (please enclose map preferably of scale 1:25,000 for bigger area and 1:4,000 scale for smaller area and authenticated by concerned revenue/ forest authorities).
 - (d) Maps/plans showing boundary of area proposed.
 - (e) Area of site proposed for declaration (hectare).

2. Justification for declaration :
 - (a) What is the significance of the proposed site ?
 - (b) Why the declaration is proposed (give justification).
 - (c) Threat if any (give details)

3. Description :
 - (a) Present status of conservation

4. Management :
 - (a) Ownership
 - (b) Legal Status
 - (c) Agency to manage the site after declaration
 - (d) Name, designation and address of responsible person for contact.
 - (e) Sources of expertise

5. Factors affecting the site :
 - (a) Pressures on the site
 - (b) Environmental pressures
 - (c) Visitor/tourism pressures

- 6. Documentation :
 - (a) Photographs (submit if available)
 - (b) Existing site management plans, if any
- 7. Opinion of other concerned stakeholders.
- 8. Details of disputes if any on the site (give details).
- 9. General remarks, if any

Date :

Place :

Signature & Seal

Name :

Address

Phone Number

Email Address