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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
22nd meeting

Strasbourg, 2-5 December 2002

Possible New File

**Odeluca Dam project
(Portugal)**

Report by the Secretariat

*Secretariat Memorandum
établie par
the Directorate of Culture and Cultural and Natural Heritage*

The purpose of the "files" is to find a satisfactory solution to problems encountered in implementing the Convention and to monitor as effectively as possible the means chosen to resolve them.

I. Review of the facts

The Secretariat received a complaint by letter dated 4 February 2002 from Professor Jorge Palmeirim (on behalf of the Portuguese League for Nature Protection, LPN), claiming that a dam to be built in the Serra de Monchique (southern Portugal) could endanger the largest population of lynx in Portugal, as it would adversely affect important lynx habitat. Although the complaint submitted by the LPN to the European Commission in 1998 had resulted in the opening of an inquiry procedure, this did not appear sufficient to settle the issue, which affects a Natura 2000 area.

The Secretariat contacted scientific experts, who informed it that Iberian lynx populations had suffered a decline since 1999 owing to a drastic rarefaction of its main prey, the rabbit (caused by a viral epidemic). The Secretariat wrote to Mr Palmeirim on 25 March stating that the presence of Iberian lynx in this area seemed unlikely at present. Since Mr Palmeirim supplied a great deal of technical data confirming the presence of lynx (but all predating 2001), the Secretariat decided to refer the matter to the Bureau.

II. Application of the Convention

The implementation of such a project is likely to breach several provisions of the Convention, particularly:

- Article 4, which stipulates that:

"1. Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats.

2. The Contracting Parties in their planning and development policies shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas."

[...];

- Article 6, which stipulates that:

" Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II. The following will in particular be prohibited for these species:

a. all forms of deliberate capture and keeping and deliberate killing;

b. the deliberate damage to or destruction of breeding or resting sites" [...].

III. Examination of the file by the Bureau

At its April 2002 meeting, the Bureau discussed the issue and concluded that, regardless of whether the lynx was currently present in Monchique, it was important to keep its habitat in good condition with a view to the recovery of the species. It was not excluded either that the Iberian lynx was present in the area, even at undetectable levels. As the dam was being planned in a Natura 2000 area and the Iberian lynx was one of the most endangered species in Appendix II, the Portuguese Government should be particularly attentive to the species.

The Bureau decided to present this case as a "possible file" for the next meeting of the Standing Committee.

IV. On-the-spot appraisal

The Secretariat told the Bureau that on 5 August 2002 it had received a map produced under the WWF Greenbelt project from Mr Palmeirim, showing the sites where Iberian lynx had been observed between 1980 and 2000, including sites along the river Odeluca in the area at risk of being flooded. The data were sourced from the Institute of Nature Conservation (ICN).

At its meeting on 12 September 2002, the Bureau thought that an on-the-spot appraisal could be useful for gaining more in-depth knowledge of the question and drawing up recommendations.