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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

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Bureau of the Standing Committee

17-18 June 2026,
Strasbourg

Complaint on stand-by: 2021/05

**"Habitat loss in Baden-Württemberg threatening the
conservation of Tetrao urogallus (Germany)"**

- REPORT BY THE COMPLAINANT -



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Bern Convention – Stand by case 2021/5: Habitat loss in Baden-Württemberg threatening the conservation of *Tetrao urogallus*

Dear madams and dear sirs.

unfortunately, again and still we cannot report any substantial progress regarding the protection of *Tetrao urogallus* in the state of Baden-Württemberg, Germany.

It may depend on the observer's perspective whether one views the current second-lowest number of Capercaillie as a success of the Capercaillie Action Plan, or as stagnation at an extremely low level.

Both we and the state government do agree on one point: Approximately 100 male Capercaillie are far too few for a viable population. The habitat management measures in municipal and private forests are not effective because the allocated maintenance funds are too low, as those responsible themselves acknowledge. The species' range has shrunk further from 27,000 to 26,551 hectares (information from J. Coppes of the monitoring agency, Forest Research Institute FVA in Freiburg). Here, due to the survey method, the habitat loss in the Kandel area amounting to approximately 2,500 hectares has not even been considered. In this regard, the achievement of the target of 40,000–50,000 hectares is questionable. Furthermore, the target of 1,000 wind turbines makes this additional risk factor for Capercaillie in the Black Forest ever more prominent.

Capercaillie in Baden-Württemberg further threatened by the new planning framework "Wind Energy and Capercaillie"

In the high altitudes of the Black Forest the state government of Baden-Württemberg plans to push the expansion of wind energy installations (hereinafter: WEAs), also within Capercaillie habitats. Thus, municipal and private forest owners have little interest in the conservation of the Capercaillie. Indeed, in some cases they regard the presence of Capercaillie in their forests as an undesirable bird species that stands in the way of the construction of WEAs – while 40% of the current remaining Capercaillie range lies within municipal and private forests. Thus, if this detrimental situation is not fundamentally mitigated, extinction of Capercaillie can hardly be prevented despite successful habitat management measures, e.g., in the Black Forest National Park (NLP).

We are convinced this conflict of interests can only be resolved if the still existing Capercaillie populations is declared off-limits to the expansion of WEAs.

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Unfortunately, the state government of Baden-Württemberg seems not at all prepared to take such a decision. On the contrary: In 2022, a new “Planning Framework for Wind Energy and Capercaillie” was developed, which significantly facilitates and is intended to promote the expansion of wind energy in Capercaillie areas in the Black Forest compared with the previous planning framework from 2012. On 17 August 2022, Environment Minister Thekla Walker and Agriculture Minister Peter Hauk announced that, on the basis of the new planning framework, Capercaillie protection in the Black Forest would now “no longer play a role on approximately 15,000 hectares of wind potential area” (<https://um.baden-wuerttemberg.de/de/presse-service/presse/pressemitteilung/pid/neue-planungsgrundlage-windenergie-und-auerhuhn-veroeffentlicht>).

In the new 2022 planning framework, basically all precautionary regulations that had been in force under the previous 2012 planning framework were abandoned. Now there is no longer any Capercaillie habitat in the Black Forest that is safe from WEA development. In view of the current precarious situation, the state government is thus seriously further putting Capercaillie protection at risk, especially since the resulting habitat losses cannot possibly be “compensated for” solely through habitat management measures in state forests or in the National Park – the latter itself being largely an SPA designated for the protection of Capercaillie. Unfortunately, we cannot go into detail here regarding the provisions that were changed to the detriment of Capercaillie in the new planning framework because this would exceed the scope. However, we would be happy to provide you with our detailed statement upon request.

The example of the Rohrhardsberg area

The most recent example of wind energy plant construction being extremely dangerous for the continued existence of the entire Capercaillie population in the Black Forest is the repowering and the now approved expansion of WEAs on the Passeck/Rohrhardsberg.

Rohrhardsberg and its surroundings are designated under N2000 (SPA and SAC) and a national and federal nature reserve. For Capercaillie, the area is a bottle neck of vital importance regarding genetic exchange between the northern and the southern Black Forest populations. Furthermore, is one of the three “reference areas” in state forests in which Capercaillie conservation measures were intended to be implemented in an exemplary manner. This was indeed done with substantial financial support from the EU as part of a LIFE project. As a result, the small subpopulation of 6–7 males was able to persist in the area up to now.

The statements of the N2000 and other management plans applicable to this area are unequivocal: the construction of wind turbines is to be refrained from. For this reason, we took the application for the repowering and expansion of the existing older installation as an occasion to ask the Minister-President to designate the area as a restricted zone for wind turbines. Unfortunately, the response from the Ministry of the Environment was negative. Instead, as had already been done in the Gschasi and Schiffherrenbühl areas, the Capercaillie priority area was simply shifted in favour of wind power. In the meantime, the repowering of the WEAs has been approved “subject to conditions.” However, these conditions are inadequate: in particular, so-called “compensatory measures,” such as those most recently implemented in the Sirnitz area (<https://youtu.be/16HGNgKCKCl?si=1k8s30mREf7dFh3>), can never “compensate” for the large-scale disturbance and flushing effects of these WEAs and the associated permanent disturbance. For example, the access road to this WEA runs along its entire length straight through the local small Capercaillie range (Fig. 1a & b).

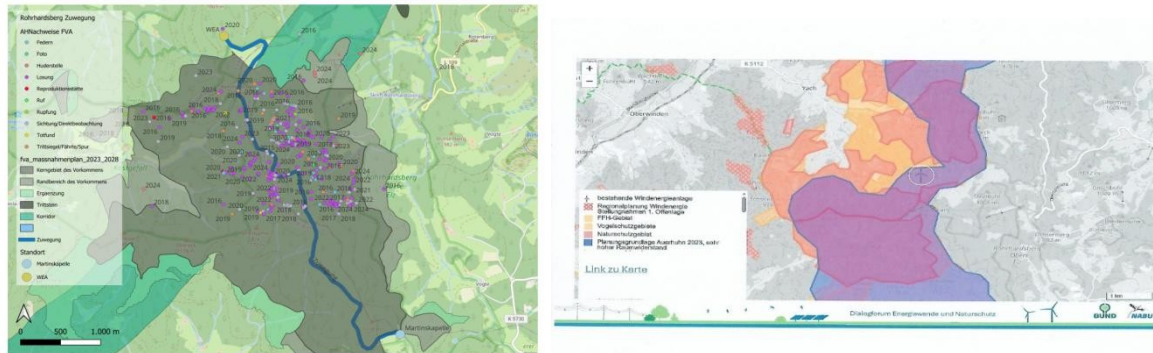


Fig. 1a & b: The cartographic location of the wind energy installation on Rohrhardsberg. The access road runs along its entire length straight through the local Capercaillie area.

We fear that this centrally located small Capercaillie subpopulation at Rohrhardsberg will be lost as a result of this wind power project, despite the exemplary habitat management and disturbance-reduction measures carried out in this Capercaillie reference area. This would mean that no genetic exchange would take place over more than 70 km as the crow flies between the Capercaillie populations in the northern and southern Black Forest, and the Capercaillie in the Black Forest would have no chance of survival.

Unnecessary disturbance of the last Capercaillie by the federal Forest Research Institute FVA Freiburg

We are also appalled by the institution that at the time planned the protection and management measures for the Capercaillie in the Rohrhardsberg area as part of the EU LIFE project: the Forestry Research Institute Freiburg (FVA). The call issued in the FVA's "Capercaillie Newsletter" in December 2024 to collect droppings at all lekking sites during the mating season in spring 2025 "to check whether the number of counted males reflects the actual population development," i.e., whether genetically a few more males can be detected than are identified by traditional counting methods, was unnecessary in our view, as this has long since been demonstrated in other areas and does not need to be proven again for the Capercaillie in the Black Forest.

The associated threat due to human disturbance and flushing Capercaillie and thus stressing their energy balance during the most sensitive late-winter period is hardly conceivable for us. Moreover, this call stood in stark contradiction to all previous appeals to forest visitors to strictly remain on forest tracks during this disturbance-sensitive period. This project met with widespread rejection amongst foresters and Capercaillie conservationists. Now, the FVA intends to revisit several Capercaillie areas in state forests instead - including the Rohrhardsberg area—over a period of five years during the disturbance-prone winter season with several search teams to collect predator droppings, in order to investigate whether increased predator control there has a noticeably positive effect on the reproductive success of the Capercaillie. This question, too, has long since been researched in other areas and has been found to be of little success.

Conclusion

The state government of Baden-Württemberg continues to fail to meet its obligation to effectively protect the Capercaillie and save it from extinction. The new "Planning Framework for Wind Energy and Capercaillie" is gravely one-sided to the detriment of Capercaillie. Not least, it further significantly reduces the willingness of private and municipal forest owners to undertake habitat management measures for Capercaillie conservation—in anticipation of applications for new wind turbines and corresponding lease revenues.

We are by no means generally opposed to the sensible use of wind energy. However, it must not occur at the expense of Capercaillie conservation. In the Black Forest, in our conviction, “coherence” between the conservation of the Capercaillie and the further expansion of WEAs is only possible if current and potential Capercaillie areas are cleared of all disruptive WEA developments and are consequently spared in the future. A conflict-free coexistence of WEAs and the Capercaillie in the same area is unfortunately unrealistic.

Capercaillie is an indicator species for large, intact, open, and climate-resilient forest ecosystems with high biodiversity and a host of strictly protected, rare and threatened plant and animal species, and high water and CO₂ storage capacity. At the same time Capercaillie areas are the highest-quality areas of peace and recreation for humans, with an exceptionally high value for experiencing nature. Therefore, in our opinion and with regards to wide-sighted and sustainable planning for the future, the expansion of wind energy must not threaten the conservation of the Capercaillie and its high-quality habitat in Baden-Württemberg.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Dietrich Ehler".