



Strasbourg, 28 January 2022

T-PVS/Files(2022)04

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting
Strasbourg, 29 November - 2 December 2022

New complaint: 2021/5

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

- COMPLAINT FORM -

*Document prepared by
NABU District Organisation: Danube-Lake Constance*

**Convention on the Conservation of European
Wildlife
and Natural Habitats**



COMPLAINT FORM

First name: Thomas

Surname(s) Körner

On behalf of (if applicable): NABU District Organisation: Danube-Lake Constance

Web site: www.NABU-Bodenseezentrum.de

Date: 15/05/2021

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

Capercaillie *Tetrao urogallus* is critically endangered and threatened with extinction in the federal state of Baden-Württemberg, southwestern Germany.

Since 1972, there have been various working groups of the Landesforstverwaltung (state forestry service) in place to advise on and oversee the conservation of Capercaillie. Responsibility originally also included Hazel grouse *Tetrastes bonasia* that has already become extinct in Baden-Württemberg in recent years. The negative population trends of both species and the extinction of Hazel Grouse are clearly linked to a decline in suitable forest habitat.

In 50 years of forest grouse conservation in Baden-Württemberg, there have been regular positive prognoses and promises of improvements regarding conservation action. However, various species experts have criticized that both in Capercaillie and Hazel grouse actions taken were far too few and too weak to achieve an effective conservation which is demanded by law.

Following continuous declines in Capercaillie numbers for decades (and extinction of Hazel grouse), finally, in 2008, an official Capercaillie Action Plan came into force, the aim of which was to increase or at least maintain the population of at least 600 individuals. This target figure is the population status of 2007, not an older figure when both Capercaillie and Hazel grouse were far more common – e. g. the year 1979 when the EU birds directive came into force. The decrease of the species' area was to be stopped and to be expanded back into previously inhabited neighboring areas.

In 2020, however, the number of male Capercaillie remaining was only 136 and approximately the same number of females was estimated, so about 270 individuals in total. So even since and despite the Capercaillie Action Plan, the total area inhabited by Capercaillie has further shrunk to around 30,000 hectares. This falls below the figures for a viable population of 500 animals and an area of 50,000 ha that are stated in the Capercaillie Action Plan.

These figures indicate that the measures set out in the Action Plan are either inadequate or have not been implemented. In fact, in the course of a recent evaluation of the Capercaillie Action Plan, many grave deficits in the implementation of the proposed measures have been identified.

Therefore, during 50 years of supposed actions and despite a supposed action plan, an effective conservation of Capercaillie has still not been achieved! Therefore, the state of Baden-Württemberg continues to violate both German and European law and the Council of Europe's Bern Convention on Nature Conservation in Europe.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Capercaillie, *Tetrao urogallus*, a species of Appendix I of the EU birds directive, in the Black Forest, federal state of Baden-Württemberg, southwestern Germany, including several EU bird sanctuaries. The Black Forest is the only area of occurrence of Capercaillie remaining in Baden-Württemberg.

Recently, Hazel grouse, *Tetrastes bonasia*, also an Annex I species, has gone extinct in Baden-Württemberg due to inadequate conservation measures; for this species, too, the Black Forest was the last stronghold in Baden-Württemberg. Historically, Black grouse, *Tetrao tetrix*, also occurred in the Black Forest, but this species has also gone extinct in the whole of Baden-Württemberg. Now, Capercaillie, the last remaining Grouse species, is critically endangered and imminently threatened with extinction in Baden-Württemberg.

3. What might be the negative effects for the specie/s or habitat/s involved?

The Capercaillie in the Black Forest is a genetically distinct and isolated population (Capercaillie Action Plan, page 11) and is now the most north-westerly outpost of the species in Central Europe (the last individuals in the Vosges are on the verge of extinction) and thus highly conservation-relevant.

The decline of the Capercaillie and the extinction of Hazel grouse and Black grouse are all clearly linked to the loss of suitable habitat.

Grouse are umbrella and indicator species and thus their extinction has wide implications for the affected ecosystems.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

Capercaillie is listed as a focal species of the SPA Northern Black Forest (Protected Area No. 7415441), the SPA Middle Black Forest (No. 7915441) and the SPA Southern Black Forest (No. 8114441).

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

We are not aware of any pending procedures.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

N / a

Annex I

Additional information shared through email on 11/06/2021

Regarding your question whether we have brought the issue to the attention of local or national authorities. In short: Yes, we have. Furthermore, the problems for Capercaillie in Baden-Württemberg are well-known since decades and have been published many times over decades. Therefore, the federal government of the state of Baden-Württemberg is aware of the issue (in Germany, the governments of the different federal states are in charge of implementing and enforcing the European, National and Federal nature and species conservation laws).

For example, the well-known official Capercaillie figures are: In 1900, there were c. 3.800 male Capercaillie in Baden-Württemberg. 1960 c. 1.200. In 1972, only c. 500 remained and therefore hunting Capercaillie was banned by the federal authorities of Baden-Württemberg and an official Capercaillie working group was installed by the federal authorities of Baden-Württemberg. However, as outlined in our complaint, Capercaillie continued to decline and in 2008 an official action plan for Baden-Württemberg came into force and in 2018 an official evaluation by the federal authorities of Baden-Württemberg revealed major implementation deficits of the action plan.

Furthermore, even if the action plan was to be fully implemented, it may well be that this would not be enough to reverse the decline of the Capercaillie because the entire action plan is based on a state of the forest and Capercaillie habitat in the Black Forest at a time when Capercaillie had already massively declined and was continuing to decline unhaltingly. Also, the aim of the action plan is to restore the Capercaillie numbers of the year 2007 and the extent of suitable habitat of the year 2003.

Therefore, in June 2019 the NGO NABU Baden-Württemberg filed a formal complaint to the federal parliament with the aim to move the federal authorities of Baden-Württemberg to increase and scale up the conservation measures. The petition was accepted, deficits were admitted, and an improvement was promised.

However, measures are being implemented mostly in state-owned forest (and not in communal and private forest), but state-owned forest is only irregularly distributed across the Capercaillie range. This is another factor why the measures are by far not enough to save the Capercaillie.

Recently, there are also increasing attempts by officials to blame climate change for the decline of Capercaillie – although it is a well-known and multiple times published biological fact that the single most important factor for healthy populations of forest grouse worldwide are suitable forest habitats; and that the suitability of forest grouse habitats are directly affected by forestry on the one hand and are also directly manageable through forestry on the other hand. Also, the most drastic decline of Capercaillie in Baden-Württemberg during the 20th century is not linked to climate change but has indeed been clearly linked to the large-scale intensification of forestry and wood production that destroyed Capercaillie habitat or decreased habitat suitability, most importantly by creating dense and dark forest stands with no or little field layer that are unsuitable for the species. In any case, there is also published scientific evidence that in Capercaillie potential negative climate effects can be compensated by habitat improvement.

The effectiveness of adequate habitat management was also impressively proven by storms. In the Northern Black Forest, the storms "Wiebke" in 1990 and "Lothar" in 1999 opened up and created gaps over large areas of previously too dense economic forest. Accordingly, in the years following "Wiebke" Capercaillie numbers in the Northern Black Forest increased by 50% and in the years following "Lothar" even by 75%. Some years later the Capercaillie numbers declined again because of dense forest growing up that had been planted or grew up due to the forestry-driven dominance of spruce rejuvenation and a lack of designated habitat management of the young forests for Capercaillie.

There is a whole suite of habitat improvement measures for Capercaillie that are well-known for decades and have been published countless times. Many of the measures are also outlined in the official

Capercaillie action plan. To discuss them all is by far too much for this complaint. However, to answer your question again: The federal authorities of Baden-Württemberg are aware of the problems and it is well-known and established what needs to be done to restore Capercaillie. It just needs to be done.