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AND NATURAL HABITATS

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Complaint on Stand-by: 2022/02

Alleged violation of the Convention in relation to deliberate killing of *lutra lutra*

(Austria)

- COMPLAINANT REPORT -

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Progress report for:

Bern Convention 1st Bureau 2024 Stand-by case-file No 2022/02:

Austria: Alleged violation of the Convention in relation to deliberate killing of *Lutra Lutra*

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Ad hunting practices (traps & shooting):

Otters are not only hunted in Carinthia. In total 224 otters were allowed to be killed last year in Austria, 50 in Carinthia (see below ad conservation status). In Carinthia males, youngsters, non-nursing and obviously non-pregnant females are allowed to be killed during the whole year, while nursing and obviously pregnant females are allowed to be killed from November until the end of February. Although, capturing and killing of otters is prohibited in certain areas, this prohibition is lifted near fish ladders and in this case **even permitted in European protected areas in which the otter is designated as a protected asset, in national parks and in biosphere reserves**. The Carinthian hunting regulation "101. Verordnung der Kärntner Landesregierung vom 6. Dezember 2022, Zl. 10-JAG-1/106-2022, betreffend die vorübergehende Ausnahme von der Schonzeit für den Fischotter" from 13.12.2022 (valid until the end of 2024) states:

> *„§ 3 Areas of intervention and quota*
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> *(1) Otters in all forms of development may only be caught by specially trained hunting protection bodies and specially trained hunters from 1 January to 31 December in the area of fishing waters, with the exception of waters pursuant to para. 3 and non-fenceable pond facilities, using trapping equipment that captures intact (live traps).* ***From March 1 to October 31, only captured males, young otters, non-leading and obviously not pregnant females may be killed****. From March 1 to October 31, captured leading and obviously pregnant females may not be killed, but must be released unharmed and immediately at the place of capture.*
>
> *(2)* ***From November 1 to the last day of February, otters in all forms of development*** *may be* ***caught or hunted and killed with long guns*** *using permitted trapping methods by specially trained hunting protection bodies and specially trained hunters, but live traps are to be used as a matter of priority."*
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> *(3) The capture and killing of otters in the following waters is not permitted, except in the immediate vicinity of fish ladders: [...] Also not permitted****, except in the immediate vicinity of fish ladders,*** *are the capture and killing of otters in* ***European protected areas in which the otter is designated as a protected species, in national parks, biosphere parks*** *and in naturally standing waters.*
>
> *(4)* ***The maximum number of otters that may be taken in Carinthia is 50 per year****. A maximum of 50 otters may be taken in the first and second year following the entry into force of the Ordinance (§ 9)."*

It is certain that **far more otters die then the quota allows: Firstly, pregnant and lactating otters are hunted legally, leaving their young to die.** A carcass monitoring conducted by wildlife ecologist and otter ombudsman from Burgenland Dr. Kranz revealed that females were mistakenly identified as males (which is not surprising as it is almost impossible to differentiate otters by sex) but also that some dead females were lactating, therefore proving that the concern about young otters starving is valid. **Otters reproduce the whole year, which means this problem cannot be solved by hunting seasons.** Secondly, according to Dr. Kranz, unlike land-dwelling animals, wounded otters (e.g. after shooting) flee straight into the water. This means **otters that don't die instantly cannot be traced**, resulting in a much higher number of fatalities than officially reported.

Apart from guns, **unselective traps like the conibear traps are still used to kill otters** in Carinthia. Although the Carinthian hunting regulations only permits capturing and killing on land, experts like Dr. Andreas Kranz as well as animal welfare and environmental NGOs fear that conibear traps are still illegally placed under water (typical placement shown in Figure 1). Regardless of where traps are placed, they also endanger other species. Wildlife biologist Dr. Hans-Heinrich Krüger concludes in his report from 2021 about otter hunting with conibear traps in Carinthia that apart from animal welfare aspects

the traps are **non-selective and pose a thread for humans as well as other animals** (e.g. cats, dogs, hedgehogs, hares etc.).

> *„§ 4 Trapping*
>
> *(1) For trapping from March 1 to October 31, only traps whose functionality, design and size guarantee the integrity of the animals during trapping may be used.* ***Only traps that are used for the capture of other marten-like animal species comparable in size under hunting law may be used****. Otter traps for live trapping must be designed in such a way that other game species cannot be caught with them. The live traps must be checked at least twice a day.*
>
> *(2) For trapping* ***from November 1 to the last day of February, all permitted trapping means and methods may be used****, but live traps should be used as a matter of priority.* ***When using conibear traps, only conibear traps with a side length of 30 cm may be used.****"*

Figure 1 Conibear trap placed under water ©Hans Frey.

<u>Ad monitoring:</u>

Although the Carinthian government is obliged to regularly carry out a monitoring**, a continuous monitoring program is not implemented into the hunting practice**. According to our information the next evaluation of the otter population in Carinthia is set to start soon and will take until May 2024. According to Dr. Kranz captured and killed otters in Carinthia are only randomly examined for age, sex, reproductive status and conditions. He recommends that these data should be collected and analysed mandatorily for each captured and killed individual to evaluate the impact on the whole Austrian population. We also criticise that according to the Carinthian hunting regulation killed otters are allowed to be kept as trophies.

> *"§ 7 Supervision [...]*
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> *(2)* ***For the purpose of preserving evidence*** *and monitoring, the killed otters (together with their bodies) must be made available to the provincial government upon request within 48 hours (from notification). The person authorized to hunt has the right to* ***appropriate the captured and killed otters*** *in accordance with § 1a para. 1 of the Carinthian Hunting Act 2000.*

§ 8 Monitoring

To ensure that otter populations remain in a favorable conservation status despite temporary shortening of the closed season, the ***Carinthian provincial government must carry out regular monitoring*** *of the population development and conservation status of the otter."*

Ad conservation status:

It must be stressed again that *Lutra lutra* are not only deliberately killed in Carinthia but also in Lower Austria, Upper Austria, Salzburg and Styria. Last year, 2023, the quota in Austria counted 224 otters in total, as can be read in the corresponding hunting regulations. As the bureau already noted, according to the Habitats Directive, there is only one report/classification for all of Austria, separately for the two biogeographical regions (continental and alpine). According to the latest classification, the conservation status is favourable in the continental region and unfavourable in the alpine region.

Upon our question, otter ombudsman from Burgenland, Dr. Andreas Kranz, says that **the majority of the 224 otters free for hunting are in the alpine region, where the conservation status is unfavourable.** He stated that from a wildlife ecological perspective, it can be assumed that the extensive removal in the Villach area leads to reduced migratory pressure towards Italy via Tarvisio. This means that the natural recolonization of the Alps in Italy is strongly hindered/delayed by the killings in Carinthia.

Ad scientific assessment of the impact of otter hunting:

So far, studies to evaluate the impact of otter hunting on the otter population are still missing. Also, further studies are needed to evaluate the impact of otters on other species. Many fish stocks in Austria have been declining for years and this trend often overlaps in time with the return of otters. A study by Mag. Thomas Friedl from 2021 in Carinthia concluded form this correlation that otter hunting could help fish populations to stabilize, although no causal relationship has been proven.

Dr. Kranz states that no species has been shown to be threatened by the otter, but otters can have economical influence. Many fish and other (endangered) species suffer greatly from habitat loss, climate change, illness etc. The additional return of natural predators can intensify the pressure on species that already struggle (notably, water size and water structure have a significant influence on the fishing success of otters).

A very important study was done from Kranz et al. in 2020 in Görtschitz in Carinthia that examined whether removing otters can help trout populations to recover. Over a period of 2 years and 5 km river length 6 otters were removed from the area, which is comparable to the removal practices of authorized hunters in Carinthia. However, no increase in the fish stock was observed. The authors therefore conclude that Carinthian practice of allowing otters for removal, appears to be ineffective in the current form.

Obviously, hunting otters and other predators cannot solve other underlying problems like climate change. Therefore, to clearly distinguish correlation and causation, complex aspects need to be analysed. In our knowledge, the first study in Austria to incorporate complex factors into the analysis of fish decline apart from the otter was published last year by Wolfram et al. and conducted in Burgenland. The study examined the population trends of various fish species in the Lafnitz River over several decades, analysing nearly 40 years of comprehensive data in conjunction with environmental changes and events.

The findings revealed a nuanced understanding of Austria's fish populations and their decline. Contrary to initial assumptions, the decline in both trout and grayling populations was not primarily due to otter predation but rather linked to the effects of the climate crisis. The composition of species in the region notably shifted since the 1990s, and the density of fish stocks, measured by the amount of fish per unit of water area, fluctuated significantly. For instance, the decline in trout population, often attributed to otters, coincided with the return of otters in 1990. However, the authors write that trouts struggle to

thrive in the Lafnitz habitat, making them susceptible to otter predation. On the other hand, grayling, which are well-suited to the Lafnitz environment, coexisted with otters for many years before experiencing a decline in population 15-20 years after the otters' return.

The scientists conclude that otters do not pose a threat to stable ecosystems and healthy fish populations. In fact, as specialized predators, otters play vital roles in their ecological niche, contributing to the overall health of aquatic ecosystems. However, habitat loss caused by construction, rising water temperatures, altered sediment compositions, and changed water currents pose significant threats to fish populations. These environmental changes destabilize ecosystems, and predators like otters can exacerbate the impacts of these changes.

References:

101. Verordnung der Kärntner Landesregierung vom 6. Dezember 2022, Zl. 10-JAG-1/106-2022, betreffend die vorübergehende Ausnahme von der Schonzeit für den Fischotter

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Further information:

Roy, A., Krüger, HH., Schmalz, M. (2023). Management in wesentlichen Konfliktfeldern um den Fischotter – Übersicht zum aktuellen Wissensstand. https://doi.org/10.1007/978-3-662-65745-4_6

Maternity protection: https://www.deutschewildtierstiftung.de/aktuelles/zum-fischotterabschuss-in-bayern

Best practice in Austria: https://www.burgenland.at/themen/natur/naturschutz/fischotter/

All references and further information (excl. Websites) can be found here: https://drive.google.com/drive/folders/1X8sgm2hG_l0bQAXQlSWhi9ygDRJ5J5EN?usp=sharing