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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

42<sup>nd</sup> meeting

Strasbourg, 29 November - 2 December 2022

**New complaint: 2021/6**

**Conservation de la G linotte des bois (*Tetrastes bonasia rhenana*)  
(France)**

**- COMPLAINT FORM -**

*Document prepared by  
POLICHIA, GNOR, natur& mwelt a.s.b.l.,*

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



**COMPLAINT FORM**

First name: Michael

Surname(s): Ochse, Dr.

On behalf of (if applicable): POLLICHIA -Verein für Naturforschung und Landespflege e.V., GNOR

Web site: <https://www.pollichia.de>

Date: 10<sup>th</sup> June, 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).**

The Western hazel grouse (*Tetrastes bonasia rhenana*), a regionally endemic bird in west Europe, faces imminent worldwide extinction; only a tiny relict population remains in the Vosges Mountains, France, where a recent survey confirmed just five specimens and where the true population size might not be very much higher. Two range states which most likely lost the species recently, Germany and Luxembourg, an international consortium of renowned species experts, the IUCN Galliformes Specialist Group, and further regional NGOs have therefore developed a species rescue plan. The top priority to prevent the imminent extinction is an emergency rescue mission, attempting to collect eggs for ex situ-breeding, until parallel measures to improve the natural biotopes – which take years to be organized and carried out at a relevant spatial scale – can have an effect. As the last known birds are located in the Vosges, all legal responsibility for the rescue of Western hazel grouse lies in France. French scientific species experts support the international action plan, but the French authorities have at first not reacted to applications from Luxembourg to grant permits to collect some eggs, and later have explicitly denied a second application to that aim submitted with great effort by Germany. Alternative rescue management has not been enacted by the French authorities either.

The authorities in Germany and Luxembourg and the international expert group of scientists and NGOs are disappointed by the low relevance awarded by France to the extinction of one of only few endemic bird subspecies of our fauna. The reasons for the French authorities not to cooperate, and to actively prohibit that their neighbour states are permitted by them to rescue the taxon, seem to rest in quarrels between local groups of bird activists, some of which categorically deny the legitimacy of captive management as a tool in conservation and even prefer extinction to captive emergency rescue. At least one of these opposing circles is well networked in regional administrative councils. The French authorities state that they will not allow any rescue project as long not all local activists agree, even if those have no or little expertise with hazel grouse. The complaining parties observe with dismay that the opposition is founded only or mainly on unscientific reasons. We cannot accept that a bird subspecies is knowingly dwindling into worldwide extinction in the short term only due to the fact that regional conservation authorities, i. e. those responsible for single Départments in one region in France, can decide to prescribe inactivity, thereby denying the responsible authorities of neighbour countries and a large task force group of established species experts any chance to rescue the taxon.

It is appealed to the Council of Europe to consider what level of state administration is suitable to spell the death sentence for a bird taxon, of a species which is part of the birds protected by Bern Convention and the EU Birds Directive, and if local pressure groups, without giving scientific instruments, may use their political influence to block and prevent the rescue of a globally critically endangered subspecies.

**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)**

Western hazel grouse (*Tetrastes bonasia rhenana*), a scientifically unanimously recognized subspecies of grouse endemic to and originally occurring in north-east France and adjacent regions of westernmost Germany, Luxembourg, Belgium and parts of the Netherlands. The subspecies has retreated from its previous range since the early 20th century, and now faces imminent global extinction. The last few known birds survive in the southern Vosges mountains, Région Grand-Est, France. See attached report.

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

The worldwide extinction of Western hazel grouse (*Tetrastes bonasia rhenana*) will happen within very few years without immediate action.

**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?**

Birds are under protection by the Bern Convention. The hazel grouse as a species is listed in the Annex I of the EU Birds Directive. Therefore, its populations remaining at the time when the Natura 2000 legislation has been introduced must have been designated Special Protection Areas (SPAs) under Natura 2000. Special Protection Areas were declared by all range states, including France, also in the area of the *rhenana* subspecies, but active management is inexistant or far too little, late and small. The following SPAs are affected in France:

FR4112003 Massif vosgien

FR4211807 Hautes-Vosges, Haut-Rhin

FR4211814 Crêtes du Donon-Schneeberg, Bas-Rhin

FR2112013 Plateau ardennais

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

As detailed in the attached report, the environmental ministry of Luxembourg and the responsible bird protection authorities of the German federal states with (former) ranges of Western hazel grouse have developed, together with relevant scientists and NGOs, a rescue programme for the subspecies which includes as one priority captive breeding, and have tried to get the permit to enact this plan from the French authorities. The application by Luxembourg has been fully ignored by the French government, and has never been answered to, while the second, most detailed application from Germany was declined for reasons which lack a scientific basis.

In addition, there are management plans for several SPAs for this subspecies under Natura 2000, or those are under development. However, in most of these SPAs the subspecies has gone extinct before any conservation management plans has been applied (real application in favour of hazel grouse has been exceptional).

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

The international subspecies rescue programme was drafted on the basis of an exhaustive stock taking of all relevant information available on the taxon in a transparent, international process. This information and the consensus about the necessary conservation strategy was compiled and published in a detailed monograph,

written chapter-wise by leading species experts, which has been distributed in print to stakeholders, and was made freely available for download:

<https://www.pollichia.de/index.php/download/category/64-symposium-westliches-haselhuhn-bad-duerkheim-2017-colloque-gelinotte-des-bois-de-l-ouest-2017>

This monograph also contains detailed distribution maps for different time periods and details the last stands of the subspecies in the Vosges, its ecological requirements, and why in the extremely critical situation of a collapsing relict stock only emergency rescue by captive breeding can save the taxon, until longer-term measures in situ can work.

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



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First name: Roby

Surname(s): Biwer

On behalf of (if applicable): natur& mwelt a.s.b.l.,

Web site: www.naturemwelt.lu

Date :

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## ANNEX I

### **Complaint to the Council of Europe – explanatory appendix Prevention of the imminent global extinction of the Western hazel grouse despite political conflict**

#### **Summary statement of the complaint**

At stake is the imminent worldwide extinction of the Western hazel grouse (*Tetrastes bonasia rhenana*), an endemic bird subspecies with few last individuals known in the Vosges mountains of France. A recent survey confirmed only five survivors, and the true population size cannot be very much higher. The remaining birds, do not constitute a viable population and have zero chance of survival without emergency rescue. Therefore, the taxon is on the brink of global extinction.

A rescue plan developed by an international committee of hazel grouse experts, small population biologists, geneticists and taxonomists including IUCN and the World Pheasant Association as well as the affected bird conservation authorities of Germany and Luxembourg, considers captive breeding as the only hope to prevent imminent global extinction. In-situ measures to improve habitats must follow in parallel to permit a later reintroduction. A detailed plan was elaborated to develop a scientifically managed ex situ rescue programme with the European Association of Zoos and Aquaria, under their European Endangered Species Breeding Programme, with the input of experienced breeders of this species.

Since recent searches in all previous range countries failed to find any other survivors, the only and last chance for rescue is the tiny relict stock in the French Vosges Mountains. The environmental ministry of Luxembourg and the affected bird protection authorities in Germany have applied twice to the French authorities to permit the collection of eggs for a captive safety population under this plan. However, the French authorities did not react to the first of these applications, and declined the second. The reasons for this negative outcome are obviously based on quarrel between local bird amateur groups in the Vosges about the correct way, even though these activists have no or little expertise with hazel grouse or small population biology and rescue. The French authorities state that they will decide positively for a rescue plan only if all local activists are in agreement, if competent for our subspecies or not.

The complainants are dismayed by the lack of motivation and low engagement of the French authorities to prevent the worldwide loss of a recognized subspecies of bird, whose accepted taxonomy is scientifically uncontroversial, and they do not accept that such a wide-ranging decision to let go extinct a subspecies can be taken by the lowest administrative level (Départments) on the basis of advice only from local amateurs, and be dependent on the opinion of single, albeit politically extremely well networked local activists, against the advice of the best available expertise of specialist scientists.

#### **History of the case**

Western hazel grouse (*Tetrastes bonasia rhenana*) is a regional endemic of an otherwise widespread and non-threatened species of galliform birds. During the 20th century the subspecies occurred in north-east France, Belgium, Luxembourg and the German Federal States of Rheinland-Pfalz, Saarland, and parts of Nordrhein-Westfalen and Hessen. In the scientific literature the subspecies is unanimously considered valid. The taxon would have deserved a most prominent red list status for long, but since the relevant Red Lists and legislations, and also the EU Bird Directive, are centered on the species rather than the subspecies level of birds, the critical status of this taxon has largely been overlooked. Hazel grouse as a species is listed under Annex I of the EU Bird Directive, obliging member states to designate Special Protection Areas for it; the Bird Directive does not mention subspecies. All member states have followed this obligation and have designated, on paper, formal SPAs also for *rhenana* hazel grouse, but few real practical measures to prevent its extinction have followed.

When finalizing their first management plan for such an EU-SPA with hazel grouse in Nordrhein-Westfalen, the State Bird Conservancy of North Rhine-Westphalia convened a symposium at Burbach/D on Nov. 3rd - 4th 2016 to compile the data on the regional population of this bird. Most experienced hazel grouse experts of Germany attended, and the talks were published in a regional bird journal (Charadrius 54,2, 2018). The meeting brought to light that the subspecies *rhenana* might be much rarer

than hitherto thought, and could be the most critically endangered bird taxon of Europe. Some experts reasoned already then that ex situ measures by creating a captive population might be the last chance to guarantee the immediate survival, given the many difficulties to improve the forest biotopes for hazel grouse quickly. It also emerged that an approach confined to Germany would fail to rescue the subspecies, and so an international meeting was convened at Bad Dürkheim/D on December 2nd - 3rd, 2017. This meeting assembled 35 species experts from all four range states (France, Belgium, Luxembourg and Germany), and representatives of the relevant conservation authorities in Germany and France. Resolutions were passed in unanimous consensus what steps had to follow. As vital were declared dedicated searches in the forest to find potential surviving relict populations and, if positive, immediate measures to stabilize and improve the biotopes, and equally important the immediate establishment of a scientific ex-situ rescue and conservation breeding programme as the probably only chance to save the subspecies from global extinction at short term. The symposium was elaborated into a detailed monograph that summarizes all knowledge about *rhenana* hazel grouse, and which also contains the resolutions for subsequent action (Schreiber and Montadert 2019). This monograph, bilingual in both German and French, was also made available for free download in the internet (see footnote 1)<sup>1</sup>.

Following this second symposium, large-scale detailed searches were conducted by experts in Luxembourg, France and in all range Federal States in Germany. Most available alleged sight records of hazel grouse during the last years and decades were followed up, and not a single one could be confirmed. The subspecies is actually no longer confirmed for Luxembourg and Germany although the national/regional Red Lists currently indicate surviving stocks; they will be updated accordingly. Only in the French Vosges a small relict stock was found. However, in the Vosges, a large search mission in spring 2020 only confirmed one single individual, and another search in winter 2020/2021 confirmed five individuals, and so even in its last refuge in the French Vosges extinction is imminent.

#### **First attempt at an ex-situ emergency rescue and conservation breeding programme**

This situation refers to France the worldwide responsibility for this subspecies. While the conservation authorities in Germany and Luxembourg have been alarmed by the findings outlined above, and put *rhenana* hazel grouse in a priority position for action, the same has not happened in France. M. C. Kimmel, former official representative for conservation at DREAL Grand-Est, Strasbourg, had attended the symposium at Bad Dürkheim. Also, the Ligue pour la Protection des Oiseaux (LPO) as the largest French bird NGO had delivered a presentation, as have the best hazel grouse scientists of France. However, a regional NGO confined to the Vosges has not attended, named Groupe Tétrás Vosges (GTV), a small circle working for the protection of mainly capercaillie in the Vosges. Being interested in capercaillies GTV also considers this other tetraonid as their target, although in fact little has ever been done for this species, for which they seem to have only very limited expertise. GTV had been invited to the planning symposium too, but with short notice just before the event cancelled their attendance, explaining that their knowledge on hazel grouse in Vosges would be insufficient to talk about it. Four weeks after the symposium at Bad Dürkheim M. Kimmel invited its key speakers to a meeting at DREAL in Strasbourg, to communicate the conservation problem to additional officers of DREAL and to Groupe Tétrás Vosges. This meeting was not very fruitful due to the language barrier German-French which forced to speak English that seemed to be hardly understood by relevant people. M. Kimmel mentioned his support for the collection of some eggs for captive breeding, but he felt unable to act right now because nobody was aware of which French authority would be entitled to issue such a permit. M. Kimmel thought however that the environmental ministry at Paris would be the relevant authority. Accordingly, an application was formulated by the international task force of hazel grouse experts created at Bad Dürkheim, and was endorsed by the IUCN Galliformes Specialist Group. This draft was then overworked by the environmental ministry of Luxembourg and sent by this ministry to the French authorities. The application explained that captive breeding was the only hope for *rhenana* hazel grouse and asked for permission of collecting eggs for such a project. To the surprise and disappointment of all activists this official application has never even been reacted to or answered by the French authorities. Its fate remains a mystery till date

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<sup>1</sup> <https://www.pollichia.de/index.php/download/category/64-symposium-westliches-haselhuhn-bad-duerkheim-2017-colloque-gelinotte-des-bois-de-l-ouest-2017>



### **Second attempt at an ex situ emergency rescue and conservation breeding programme**

After this sobering experience the affected German bird conservation authorities decided for a second and extremely well-prepared approach. Dagmar Stiefel, head of the State Bird Conservancy for Hesse, Rhineland-Palatinate and Saarland at Frankfurt am Main, and thus responsible authority for the three German federal states with former *rhenana* occurrence, was conducting a second application. Mrs. Stiefel invested much time to find out which authorities in France had the real jurisdiction competence for the matter. By now M. Kimmel had been succeeded in DREAL by a new representative, Mme C. Bouquier, who stated that the real competence would be with the prefects of the affected Départements, in this case the Départements Vosges, Bas-Rhin and Haut-Rhin as being responsible for hunting affairs. These prefects were to decide the application for egg collection after hearing the opinion of DREAL and of a regional advisory council elected to advise for conservation matters of Grand-Est. Also, many details were communicated about the formalities of such an application, which amounted to very considerable work for the applicant. Amongst others, a detailed document had to be compiled showing the expertise of the applicants to keep and breed hazel grouse in captivity; this request was also fulfilled by drafting a technical monograph with very detailed Husbandry Guidelines. The application was prepared by a group of experts under the lead of D. Stiefel, endorsed by the German and Luxembourg authorities, and submitted in time. D. Stiefel was then invited to present her case at the regular meeting of the Scientific Council for Natural Heritage (Conseil Scientifique Régional du Patrimoine Naturel) in the region Grand-Est, which took place at Metz on December 20th, 2019. The prefects of the three relevant Départements declined the application in June 2020 without giving reason.

### **Further activities**

Most of the hazel grouse experts could not understand and accept the French position due to the lack of scientific or technical arguments. D. Stiefel subsequently tried to meet her opponent from GTV who had combatted the application hotly in the council board, but he showed no further interest to communicate with her or even to meet for clarifying possible misunderstandings. Nevertheless, the French hazel grouse experts did not stop their engagement and by personal acquaintance to a regional politician they moved the DREAL to add another step, by inviting for a one-day symposium to clarify why the application had been denied, and to clarify possible misunderstandings. This was accepted by DREAL, but again nothing happened for long. Then, in autumn 2020, an invitation arrived from DREAL to several relevant stakeholders to meet at Strasbourg for exchange. However, this meeting proved impossible to be held in person due to the deteriorated SARS-CoV-2-pandemic and thus was replaced by a digital video-conference. This digital meeting was well-prepared, and the DREAL even engaged professional translators so that language understanding was possible even though every stakeholder could speak in his or her mother tongue. The video-conference took place on Nov. 6th, 2020. Although prepared with effort, this conference, too, was insufficient for the purpose, because the programme was extremely crowded, and the several dozen, heterogeneous participants were far too many to allow to deepen any discussion point, since too many people wanted to speak in the debate, most of whom had no experience with hazel grouse at all. In order to grant every local NGO speaking time, even if it is barely competent on hazel grouse or any aspect to be discussed for planning ex situ measures, some less important talks were included which cost much time. Vast topics such as the necessary biotope improvement in Vosges were allocated only about 30 minutes discussion time for dozens of participants, and other complex issues could not be discussed at all. Besides a few scientists and experts a majority of local activists took part without competence in the matter, and the scientific level was much lower than needed. Moreover, ideological opinions were granted much room, leading to several lengthy statements of local NGO activists talking about who they are and how many members they have, or by emotional interruptions claiming that ex-situ management could not be justified because being morally unsound, because wildlife in cages must be prohibited as unethical. Due to these shortcomings, no clarification of crucial points could be achieved. The French authorities summed up the meeting stating that they now understood the matter well, and that “already in 2021” they would become active with hazel grouse protection in Vosges, focusing on planning for better biotopes. The strong reaction by the experts that it is indeed laudable and overdue to act in favour of biotopes, but that such an approach alone is totally insufficient because it needs many years or even decades to be effective, while the last few individuals remaining are dying out now, was not reacted to or commented on by DREAL. They said that they could not permit the rescue operation applied by the international consortium for political

reasons, even if it was the only hope for this subspecies, unless every critical opponent and animal right activist would be in agreement with such a decision. The most frustrating aspect of this political situation is that the reasons for the negative position of the French authorities are based on politics and reluctance to resist opposition of local influencers rather than being based on scientific evidence and expertise. Nor is it anyhow clear why the negative NGO, GTV, uses its excellent local networks to block politically any rescue mission. This NGO never explained its motivations, and always evaded any attempt of contacts for clarification, but it seems to dominate local advisory boards.

The fact remains that we lose a subspecies to worldwide extinction because local amateur activists or even animal welfare extremists - who largely lack appropriate expert knowledge in the subject at hand - are opposing a rescue mission of the last minute in the region with the only tiny relict stock surviving, and that the French authorities lack the political will and interest to follow the advice of an international expert consortium and the relevant authorities of two neighbouring countries to overrule the local opposition.

In fact, this is one of the very rare situations in which a recognized subspecies of bird will go globally extinct, documented, predictably and very soon, and experts know this well, and still a well-elaborated rescue mission is blocked by the authorities of the very range country with the last relict population.

To avoid misunderstandings, we add that this applied rescue mission would not even require French funding or expense, if unavailable, or major personal input of authorities or local NGOs (although this is appreciated if desired), but only the readiness of the French authorities not to impede their state neighbours to carry out their action plan. Of course, later on France could profit from getting hazel grouse of the relevant subspecies for reintroduction, should this be wished in France.

#### **Tabular summary of case history**

10/2016 Meeting in Burbach/D: Consensus that long-term habitat protection is overdue and essential, but the immediate survival of the last individuals is an immediate priority.

07/2017 Workshop in Vogelschutzwarte/Frankfurt to draft the frame of a captive breeding programme.

12/2017 Symposium in Bad Dürkheim/D with 35 representatives of all four EU-member states: Temporary ex-situ-management is the only option to prevent imminent extinction.

2018 Application to France to permit egg sampling for ex situ by government of Luxembourg; application never replied to.

11/2019 Application to France to permit egg sampling for ex situ by German authorities.

12/2019 Explanation of the latter application in a session of CSRPN in Metz/F (after consulting D.R.E.A.L. Grand Est in Strasbourg/F).

06/2020 Application denied by the affected Départements without detailed reason.

11/2020 Digital webinar by D.R.E.A.L. Grand Est in Strasbourg to discuss the issue; outcome is official French readiness to consider future measures in situ (“already starting in 2021”), but denial of rescuing the imminently disappearing relict stock by captive management even though all attending species experts requested this strongly, since even the best in situ measures will work too slowly to prevent predictable extinction. French authorities admit that this denial has political rather than biological reasons.