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Complaint on stand-by: 2021/5

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

- GOVERNMENT REPORT -

*Document prepared by
Federal Ministry for the Environment, Nature Conservation,
Nuclear Safety and Consumer Protection*



Baden-Württemberg


MINISTRY OF THE ENVIRONMENT, CLIMATE PROTECTION AND THE ENERGY SECTOR

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 Complaint No. 2021/5: Complaint on stand-by: Germany: habitat loss in Baden-Württemberg threatening the conservation of Capercaillie (*Tetrao urogallus*)

Dear Mr Miller,

in a letter dated 20 April 2023, the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection of Germany asked for a progress report concerning the protection of the Capercaillie in the Black Forest, since the Bureau of the Standing Committee of the Bern Convention re-examined the case at its meeting on 29-30 March 2023 and was setting the complaint on stand-by.

The following progresses have been made since the last report. The Ministry for Food, Rural Areas and Consumer Protection (in German Ministerium für Ernährung, Ländlichen Raum und Verbraucherschutz Baden-Württemberg) is primarily responsible for the implementation of measures (Capercaillie action plan, APA), while the Ministry of the Environment, Climate Protection and Energy Sector (in German Ministerium für Umwelt, Klima und Energiewirtschaft Baden-Württemberg) is responsible for the reporting.

Conservation of Capercaillie (*Tetrao urogallus*) in Baden-Württemberg

Based on the Capercaillie action plan (APA), and its evaluation¹ in 2019, a new five-year management scheme has recently been implemented for the time period 2023-2028² (16.10.2023). In order to stop and reverse the population decline of Capercaillie in Baden-Württemberg, this plan simplifies the complexity of the technical concept³ and focuses on the most important urgent measures:

- a) conservation and restoration of the habitat,
- b) reduction of anthropogenic disturbance and
- c) reduction of predator-related mortality through predator management.

This plan is accompanied by an updated and spatially explicit map that prioritizes all areas of the Black Forest. The map has several categories: core areas of species distribution, edge areas of species distribution, corridors connecting the different subpopulations, and stepping-stones on these corridors. For each category, different management actions are planned and prioritized. There are also three reference areas spread across the Black Forest (in the northern, central and southern subpopulations respectively) in mainly state-owned forests, where more intensive management and monitoring will take place.

Combined with a more intensive monitoring and accompanied management implications this approach will increase the efficiency of the implementation. For the implementation of the Action Plan 2023-2028, the state of Baden-Württemberg provides financial support (2023: 3,020,000 EURO and 2024: 3,070,000 Euro). As the management scheme has only recently been implemented, data on the amount of measures implemented in 2023 is not yet available.

In the Black Forest region, approximately 58,000 hectares of functionally linked habitat will be preserved and established. The State Forest owns the majority of this land (51%), while municipal forests and private forests hold 30% and 19%, respectively. To facilitate the execution of the Action Plan 2023-2028 in the State Forest, the public-law institution Forst Baden-Württemberg (ForstBW) has notified the state of Baden-Württemberg about eligible areas for the implementation of measures. In these areas, forest management will be adapted to improve the habitat suitability for Capercaillie. In the Black Forest National Park (approx. 10,000 hectares in size), a complementary emergency plan (Notfallplan Auerhuhn im Nationalpark Schwarzwald) is also being drawn up to preserve the local Capercaillie population. In contrast to the other Capercaillie areas in the Black Forest, where the Ministry for Food, Rural Areas and Consumer Protection is in charge for the implementation of measures, the Ministry for the Environment, Climate Protection and Energy Management is responsible here.

Capercaillie population in the Black Forest

The annual population surveys (lek counts) are carried out in cooperation with the Capercaillie hunting communities, the Black Forest National Park and other stakeholders in Capercaillie conservation. In contrast to previous years, where the population trend was declining, there was a slight increase in number of lekking males in 2023 (2022: 97 recorded male Capercaillie, 2023: 106 recorded male

¹ https://www.fva-bw.de/fileadmin/user_upload/Abteilungen/Wald_und_Gesellschaft/201201_Evaluation_APA_Abschlussbericht.pdf

² <https://www.wildtierportal-bw.de/filefly/api?action=stream&path=%2Fwildtiermanagement%2Fdokumente%2Fmlr-2023massnahmenplan-auerhuhn-2023-2028final.pdf>

³ https://www.fva-bw.de/fileadmin/user_upload/Abteilungen/Wald_und_Gesellschaft/Wildtieroekologie/Waldvoegel/woek_waldvoegel_auerhuhn_aktionsplan_rahmenbedingungen_handlungsfelder.pdf

Capercaillie) with a focus on the positive development in the Black Forest National Park (2022: 17 recorded male Capercaillie, 2023: 23 recorded male Capercaillie).

Since the year 2014, the Black Forest National Park has been monitoring the Capercaillie reproductive success (measured as the number of observed chicks per observed female Capercaillie) in the Northern Black Forest subpopulation. The results indicate that the reproductive success varies strongly from year to year. In 2023, breeding success was average, in line with the years 2016, 2017 and 2021 compared to the worst years 2014, 2015 and 2019. Breeding success was above average in the years 2018, 2020 and 2022, probably mainly due to better climatic conditions during the breeding and rearing period. Therefore, there is hope that more young birds have survived in recent years, which might become apparent at the capercaillie leks in the coming years.

Habitat conservation and restoration

To promote the implementation of habitat management in order to develop and conserve Capercaillie habitat in private and municipal forests, a funding item has been developed in the Administrative Regulation Sustainable Forest Management (NWW) Part E⁴. Forest owners, interested in funding, can get advice on the funding and the implementation from the association “Capercaillie in Black Forest e.V.” (AiS).

The action plan lists restrictions for forestry and hunting within the breeding and rearing season (1 March to 15 July) and in the reproduction areas. The forest owners located in the priority areas for the Capercaillie are compensated for the restrictions (environmental allowance for Capercaillie).

To facilitate the implementation of habitat management measures, the State Government of Baden-Württemberg initiated the Forest Gap Campaign (Freiflächenkampagne) in the State Forest, in 2017. During this campaign, suitable Capercaillie habitat was created on more than 100 ha. Scientific monitoring conducted during the campaign showed that Capercaillie occurrence rose significantly on the open space plots when compared to control areas where close-to-nature silviculture forestry was practiced. These findings demonstrate that the measures outlined in the Action Plan 2023-2028 effectively sustain the population of Capercaillie in the Black Forest.

Forest structures in Capercaillie-relevant areas were analysed based on an aerial picture analysis from 2021. Although the minimum objectives of the APA have not yet been achieved (30 % cleared forests with 10 % gaps, 20 % open forests), the proportion of open forests in Capercaillie-relevant areas increased from 9.6 % to 12.0 % in 2021. The percent of gaps in Capercaillie-relevant areas, however, remained at 4.3 %.

There is currently no data available on the total quantity of habitat improvements performed in communal and privately owned forest. The only data available is that of the association “Capercaillie in Black Forest e.V.” (AiS) of the habitat improvements in communal forests which they were involved with. These show that in 2021 at least 102,56 ha of habitats were improved and in 2022 76,5 ha. These were mainly funded through a program for biodiversity protection (Sonderprogramm zur Stärkung der Biodiversität). Due to the implementation of the Administrative Regulation Sustainable Forest Management (NWW) late in the year, only 15,1 ha could be improved for Capercaillie (i.e. funds of the program for biodiversity protection were not available for Capercaillie in 2023). In early planning stages the AiS is currently planning at least 244,8 ha of forest habitat to be improved for Capercaillie in the year 2024. In the State Forest intensive efforts were made in the past years, however the documentation of the habitat improvements is unfortunately incomplete. For 2023 the documentation has been improved, but the results are not yet available.

⁴ https://foerderung.landwirtschaft-bw.de/pb/Lde/Startseite/Foerderungswegweiser/Nachhaltige_Waldwirtschaft_NWW_Teil_E

In the Black Forest National Park (approx. 10,000 hectares in size) intensive efforts have been made in recent years in order to improve the Capercaillie habitats. Here, habitat has been restored with a focus on rearing and breeding areas, but also around Capercaillie leks in areas that are generally not subject to forestry intervention due to their strict conservation status. Between 2020 and 2023, approx. 340 ha of Capercaillie habitat were restored in the Black Forest National Park (2020: approx. 40 ha, 2021: approx. 60 ha, 2022: approx. 100 ha, 2023: approx. 140 ha). In addition, more areas suitable for the Capercaillie are also created naturally in the Black Forest National Park as a result of recent bark beetle infestation and storm damages.

Reduction of predator related mortality

To support the reduction of predator-related mortality, which is specified in the Action Plan 2023-2028, additional personal will be acquired to create detailed hunting concepts and to advise on the local implementation. The goal is to intensify predator management in core Capercaillie areas at the end of winter in order to reduce predator densities during the lekking, breeding and chick rearing periods. In addition to the existing Capercaillie management associations (currently three), new associations will be established (three to four new ones in 2024) and existing ones will be professionalised. These communities, consisting of hunters, are highly motivated to support the Capercaillie monitoring and the predator control.

In the Black Forest National Park, studies are being carried out on the interaction between different predators and their real influence on the Capercaillie population. The main objective is to find out whether the Capercaillie population can benefit from the development of a natural predator structure in the strictly protected area.

Reduction of anthropogenic disturbance

To reduce the disturbance due to hunting and forestry activities, the new management plan 2023-2028 includes new guidelines. Forest owners can get financial support (environmental allowance for Capercaillie) to implement these guidelines as a compensation.

In general, tourism in the Black Forest remains an important economic factor that will continue to cause conflicts in the sustainable development of the area. In the Black Forest National Park, a reduction in the number of accessible paths and the designation of wildlife areas with less hunting led to a significant reduction in disturbances. However, increasing visitor pressure remains a problem.

Wind power development

The Black Forest has some of the windiest areas in the whole of Baden-Württemberg and is therefore one of the most attractive regions for wind energy development. To ensure the survival of the Capercaillie in the face of this development, a concrete planning framework for the expansion of wind power in the Black Forest was published in August 2022 (see also the opinion of 16 January 2023, ref. UM72-8850-30/11/2). In 2023 the concept has been subject to an additional review by the Ministry for Food, Rural Areas and Consumer Protection and the Ministry of the Environment, Climate Protection and Energy Sector in order to adapt the framework to the current legal situation (published in August 2023, see <https://rp.baden-wuerttemberg.de/themen/energie/windenergie/>). The framework is based on an updated spatially explicit map of the capercaillie action plan (APA) and it largely follows the nature conservation principles of the APA. This approach will speed up the approval process while providing legal certainty to the planning process and ensuring that Capercaillie conservation is prioritised in most critical areas.

In view of the urgency of wind energy expansion, the restrictions on wind energy use due to Capercaillie protection were concentrated on those areas where this is necessary for legal reasons (special species protection in accordance with Section 44 (1) of the Federal Nature Conservation Act

and Natura 2000 requirements in accordance with Section 34 ff of the Federal Nature Conservation Act). Prior to 2022, there were also restrictions on the use of wind energy in areas outside those protected areas, which have an increased habitat potential for Capercaillie, but are actually not populated by the species anymore. Areas colonized by Capercaillie outside protected areas can still be used to a limited extent for the expansion of wind energy. In those areas, wind energy use is conditional on the implementation of compensatory measures for the Capercaillie.

Capercaillie-relevant areas within Natura 2000 areas, as well as those around leks and breeding areas benefit from very high legal obstacles for wind power construction. As it has not been possible to completely restrict wind energy planning within Natura 2000 areas, it cannot be excluded, but these areas are labelled as “very high spatial resistance” areas. Additionally, Capercaillie-relevant areas located outside Natura 2000 areas still benefit from high legal obstacles for wind power construction. These areas are labeled “high spatial resistance” areas. To ensure genetic connectivity between subpopulations, the legal obstacles to develop wind energy on stepping-stones are also high. The regional planning offensive is currently being implemented in Baden-Württemberg. By September 2025, wind priority areas are to be designated to 1.8 % of the country’s surface area. The wind energy planning framework serves the planning authorities regarding Capercaillie as an important basis for the selection of suitable and low-conflict locations.

With the improved implementation and funding of the Capercaillie Action Plan (APA), the overall protection of Capercaillie in Baden-Württemberg can now be strengthened while allowing for the expansion of wind energy.

We hope that we have been able to answer all your questions and are happy to answer any further queries you may have.

Yours sincerely,

gez. Karl-Heinz Lieber

Head of the Department Nature Conservation