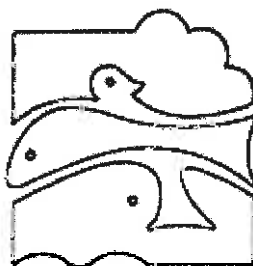


ADVIES VAN HET INSTITUUT VOOR NATUURBEHOUD A/2003.129



Opmerkingen over het concept “Natural Range” in het kader van artikel 12 van de Europese Habitatrichtlijn.

Nummer : IN.A.2003.129
Datum : 24 juni 2003
Datum aanvraag : 24.06 2003
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Opmerkingen op de tekst:

“The Natural range of animal species under the Habitats Directive” elaborated in the frame of Art 12 van de richtlijn. Document voorgelegd aan de Working Group under the habitat Directive.

Paragraaf 4, Punt 2: Definition- a dynamic concept.

De derde paragraaf behandelt de nood voor een "appropriate geographical scale for identifying natural range". De auteur geeft als "reasonable compromise between the two" het invullen van de NUTS2 level -gebieden waar er waarnemingen zijn. Hij geeft het voorbeeld van de verspreiding van de Otter in Oostenrijk. Bij zijn werkwijze is in principe één bolletje in een "Land" (Nuts 2 level) genoeg om het gehele "Land" in te kleuren en dus te beschouwen als 'natural range' (zie de twee kaartjes achteraan). Men kan dit een oplossing vinden, maar opnieuw zit men daar met grote verschillen in schaal binnen Europa: NUTS 2 level gebieden in België bv zijn de provincies: ongeveer 60x50 km. Eén bolletje zou dus genoeg zijn om dit gebied in te kleuren als 'natural range' van een soort. In Spanje zijn dit de autonome regio's: verschillende zowat 1000x800 km, dus veel grotere gebieden. Eén bolletje: meteen wordt het volledig gebied natural range, dus een veel groter gebied dan in België (soms tien keer groter). Dit is toch niet hetzelfde. Indien men dit zou doen met de nuts-levels die overeen komen met ongeveer dezelfde oppervlaktes (bv nuts 2 in kleine landen en nuts 3 in grotere landen) zou dit misschien al wat homogener zijn?

Als het echt met een "reasonable compromise" moet lijkt dit dus voor ons enkel echt "reasonable" als dit laatste gebeurt, maar NIET met dezelfde nuts-levels zoals voorgesteld.

Anny Anselin & Dirk Maes

24.06.2003

Bijlage:

Revised paper on

The natural range of animal species under the Habitats Directive

elaborated in the frame of the Art.12 Working Group under the Habitats Committee

The Working Group was only asked by the Chairman to comment on points 1, 2 and 3 of this paper.

The term "natural range" appears in various places in the text of the Directive and in different contexts. A definition of the term must therefore take account of the directive as a whole and has implications beyond the scope of the Art. 12 and 16.

1. Context:

Many species of Community interest listed in the annexes of the Habitats Directive have historically suffered decreases and fragmentation of their natural range and some continue to do so. Today's natural range of some species of Community interest may be insufficient to guarantee the maintenance of its populations on a long term basis (see example of *Lynx pardinus* below). This was among other reasons one important factor in their identification as species of Community interest. The natural range is therefore one element that needs to be considered when judging the conservation status of a species, when elaborating protection measures, conservation and restoration strategies and objectives - the achievement of favourable conservation status as described in art.1(i) of the directive should be kept in mind.

2. Definition - a dynamic concept:

The natural range describes roughly the spatial limits within which the species occurs. It is not identical to the precise localities or territory where a species or sub-species permanently occurs. Such actual localities or territories might for many species be patchy or disjointed (ie. species might not occur evenly spread) within their natural range.

The natural range includes also areas that are not permanently used: for example for migratory species "range" means all the areas of land or water that a migratory species inhabits, stays in temporarily, crosses or overflies at any time on its normal migration. While there have been some challenges to this definition, it is consistent with the Article 1 of the Bonn Convention to which the Community is a signatory and it has been supported by the Habitats Committee Scientific Working Group.

Natural range as defined here is not static but dynamic; it can decrease and expand. When a species spreads naturally to a new area/territory or when a re-introduction consistent with the procedures foreseen under art. 22 of the Habitats Directive has taken place of a species into its former natural range, this territory has to be considered a part of the natural range.

The concept set out in the annexed maps of distribution for the otter illustrates the need for agreement as to the appropriate geographical scale for identifying natural range. It is our view that the overall European distribution (example A) might be too crude a scale and that on the other extreme the map of localities / scientific reference points

(example D) is too detailed and not suitable. The NUTS 2 level identified in example C) suggests itself as a reasonable compromise between the two.

However, individuals or feral populations (of a species) introduced on purpose or accidentally by man to places where they have not occurred naturally in historical times or where they would not have spread to naturally in foreseeable future, should be considered as being outside their natural range and consequently not covered by the directive. Also vagrant or occasional occurrences (in the meaning of accidental, erratic, unpredictable) would not be part of the natural range.

Example *Hucho hucho* (Danube salmon, covered by Annex II and V). This species naturally occurs in the Danube river basin. All occurrences (natural or re-introduced) within the Danube river basin, where it used to occur widely before its decline, are therefore part of the natural range of this species. Occurrences in other European river basins (eg. Rhine), where the species was introduced by man do not form part of the natural range of the species.

3. Changes in natural range:

The Directive makes it clear that the natural range of a species is dynamic: it may increase or decrease over time. Natural range may alter for a number of reasons. Natural reasons include for example changing climatic conditions or the exploitation of new food resources. Some of these reasons may be considered as natural responses to environmental conditions or natural variation in the characteristics of species, over which we no influence.

But other range changes are and have been in the past clearly associated with human interventions (or discontinuance of former interventions) in the natural environment. These are likely to be the consequence of major modifications to the environment resulting from its management by human populations, for example changes in the extent and types of agricultural and forest land, modifications to water courses from barrages, fragmentation of habitats and natural areas by transport systems, or direct extermination, for example by hunting. Such type of range changes, where they have detrimental effects (i.e. lead to regression of range) on species of Community interest are in contradiction to the aims of the directive ie. to maintain or restore species of Community interest at a favourable conservation status.

In order to evaluate range changes & trends (eg. for monitoring purposes or conservation management), reference points in time may be useful. The most logical reference point to evaluate trends under the Habitats Directive (therefore also evaluating the effectiveness of the directive) would be the date of entry into force of the directive in June 1994. This assumes however that member states have comprehensive quality data for this date, which unfortunately will not always be the case. In practical terms we will need to use the best quality data, which are closest to that date. We must remember however that with regard to the overall objective of the directive we cannot assume that this actual natural range of 1994 represents automatically favourable conservation status.

4. Restoration of the natural range of a species:

In cases where human intervention has reduced the natural range of a species and where this has contributed to an unfavourable conservation status¹, it can be argued that restoration and re-introduction (see also Art. 22 of the directive²) of populations within the area of former natural range is a reasonable and sometimes necessary measure to achieve the goal of the Directive (see also Art. 2.2. "maintain or restore, at favourable conservation status, natural habitats and species of Community interest"). Such measures would in special cases where required also form part of the requisite measures taken in the frame of a "strict system of protection" and consequently would make a contribution to achieving favourable conservation status of a species.

Example *Lynx pardinus* (Iberian lynx, covered by Annex II and IV). This species has in recent history (19th century) been restricted to the Iberian peninsula, where it was widespread, and southern France. By the 1960s, its range was essentially limited to the south-western quarter of the peninsula, an area of some 57,000 km², where the population probably had a continuous distribution. After further dramatic decline of the species' range and numbers current data suggest that less than 200 specimens survive in two sites in Spain (no positive data from Portugal recently), covering approximately 350 km². The species, the most endangered cat species in the world, faces global extinction.

In addition to the safeguarding of the remaining population and all the features it needs (habitat, prey, ...), the extension of the species' natural range is the logical objective of conservation efforts. Consequently the habitat of the Iberian lynx needs to be preserved for re-population also in places where it currently does not occur. Further fragmentation and loss of the habitat (beside other negative factors) would make natural recovery/re-colonisation as well as successful re-introduction virtually impossible. Species management plans targeting also at the areas needed for re-colonisation would be appropriate instruments to guide the way for a recovery of the species.

Example *Lutra lutra* (the otter, covered by annex II and IV) in Austria. This species was formerly widespread throughout Europe but has declined in central and northern Europe. A population crash took place in most of Europe in the 1960s and 1970s.

In *Austria* the otter was in historical times not only occurring in the lowlands but also in the alpine region up to 1.600m. Regional extinction occurred in large parts of Austria in the first half of the 20th century and negative trends continued till the mid 80ies. Since early 90ies the remaining relict population in "Waldviertel/Mühlviertel" (NE-Austria) increased and is slowly spreading South. In SE-Austria there is today also a smaller Austro-Hungarian population, but not linked up (yet) with the one in the North. 20% of the Austrian territory are populated today.

¹ For example species with currently strongly isolated, disconnected occurrences due to human activities (habitat destruction, fragmentation), often restricted to very small and mostly endangered habitats would fall under this category.

² Art.22 reads: "In implementing the provisions of this Directive, Member States shall:

(a) study the desirability of re-introducing species in Annex IV that are native to their territory where this might contribute to their conservation, provided that an investigation, also taking into account experience in other Member States or elsewhere, has established that such re-introduction contributes effectively to re-establishing these species at a favourable conservation status and that it takes place only after proper consultation of the public concerned;"

In order to avoid continued isolation of the two populations and to promote the current positive trend of re-colonisation from the North of the country, the linking up of the two populations, ie. achieving a continuous range in East Austria is a conservation target and an important aspect when evaluating favourable conservation status. Further re-colonisation of the alpine region will depend on the positive development of the Central European core population. In order to reach this objective, it is important to take requisite measures, which ease and promote the re-colonisation of the former range.

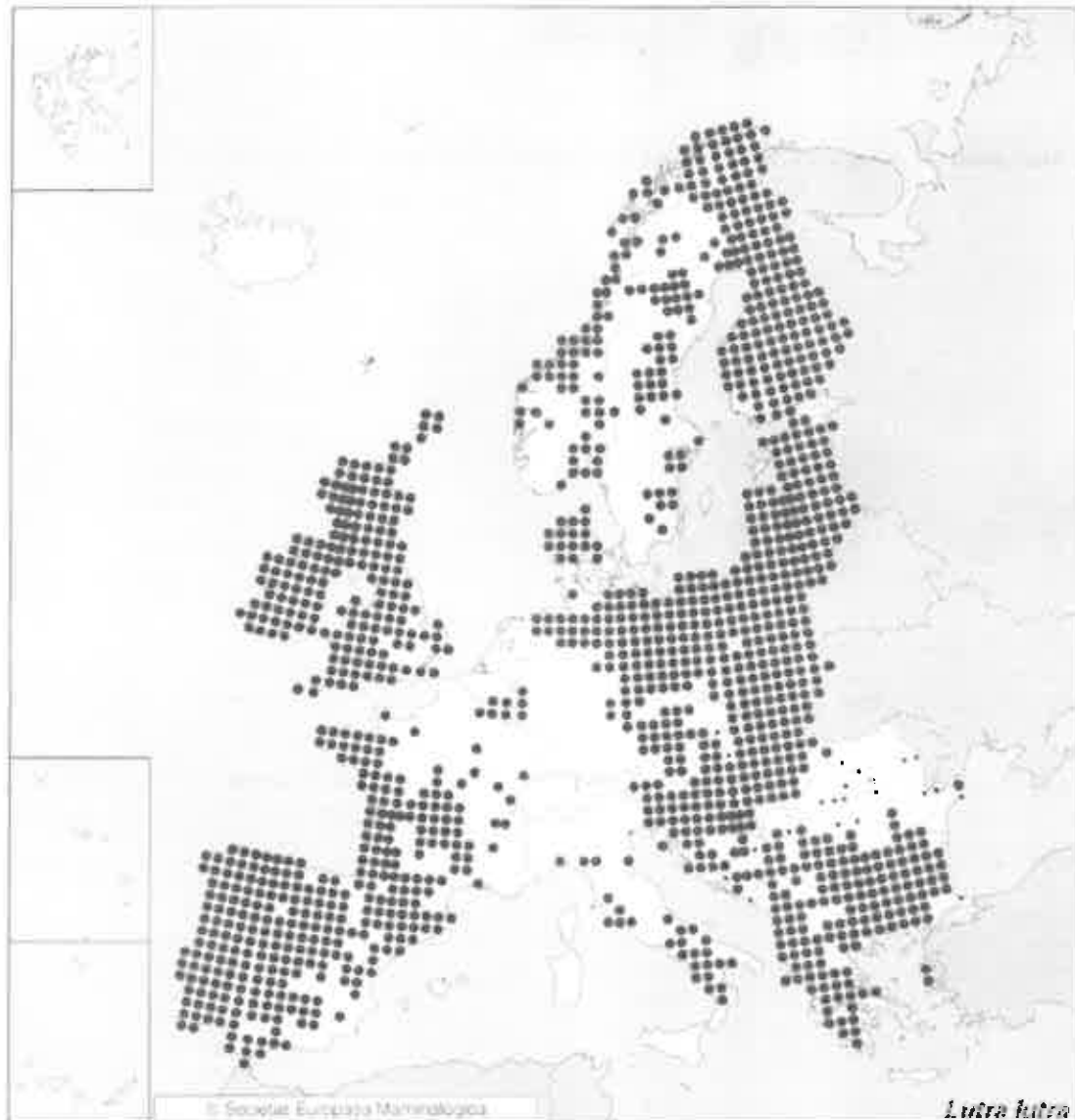
5. Considerations on natural range in relation to art. 12 and 16:

- *Art.12 - "Requisite measures"* in the frame of the strict protection system may include under special circumstances (eg *Lynx pardinus*, see above) the extension of the natural range; the development of the range (ie. trends) in recent history is an important point of information when establishing species conservation plans and measures - it helps defining objectives to be reached in terms of range.
- *Art.16 - Preconditions for derogations* - trends in natural range should be one aspect to be taken into account when evaluating the impact of a derogation on a species'/population's conservation status. (Remember: Natural range has also its place in Article 1 of the Directive when defining the favourable conservation status of a species - among other things - the "*the natural range of the species is neither being reduced nor likely to be reduced for the foreseeable future*" is a criteria.). A derogation should not be detrimental to the process or working towards or achieving favourable conservation status at all levels ie. it should not be contrary to the aims of the directive. The test should be sensitive to local/regional circumstances, but should also take into account the wider picture seen when looking from a larger scale (national/biogeographic).

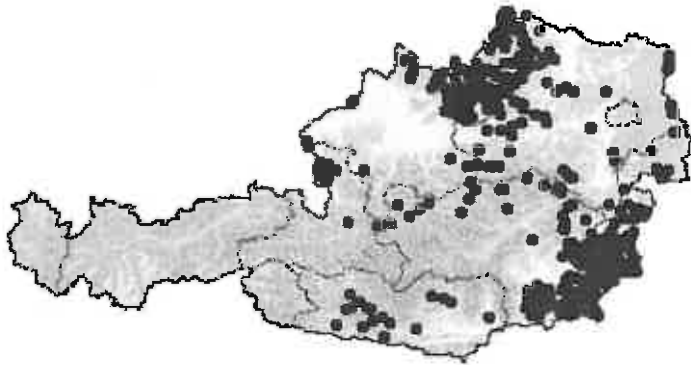
ANNEX

APPROACHING A DEFINITION OF NATURAL RANGE - THE EXAMPLE OF THE OTTER (*LUTRA LUTRA*)

A) *Distribution of the otter at the European scale* (1:25 000 000, 50x50 km grid, data collected since 1970, most recent data were used). Source: The Atlas of European Mammals, AJ Michell-Jones et al, 1999



B) Austrian data on otter distribution (since 1980). Source: Die Säugetierfauna Österreichs, Friderike Spitzenberger, 2001



C) Actual natural range of otter on NUTS 2 level (Austria)



D) Distinct concept: localities, where occurrences of otter were proven - reference points along rivers (example Carinthia/ Austria). Source: Die Säugetierfauna Österreichs, Friderike Spitzenberger, 2001

