

Avoiding disturbance of breeding capercaillie - guidance for land managers

Capercaillie are on Schedule 1 Part I of the Wildlife and Countryside Act (1981).

Land managers must avoid disturbing any capercaillie while it is lekking.

Land managers must avoid disturbing capercaillie nests or broods.

Contact the Capercaillie Project Officer for advice on avoiding disturbance.

Capercaillie are now listed on Schedule 1 Part I of the Wildlife and Countryside Act (1981). This Act makes it an offence to:

- a) Intentionally or recklessly, kill, injure or take capercaillie.
- b) Intentionally or recklessly take, damage, destroy, or otherwise interfere with the nest of a capercaillie while it is in use or being built.
- c) Intentionally or recklessly obstruct or prevent a capercaillie from using its nest
- d) Intentionally or recklessly, take or destroy the eggs of a capercaillie.
- e) Intentionally or recklessly, disturb a capercaillie while it is nest building or is at (or near) a nest with eggs or young; or disturb the dependent young of a capercaillie i.e. a capercaillie brood.
- f) Intentionally or recklessly disturb a capercaillie while it is lekking
- g) Knowingly cause or permit any of the offences described above

Land managers must consider formally the potential impact of their forestry activities and operations on breeding capercaillie and may need to alter them accordingly. The Nature Conservation (Scotland) Act 2004 introduced the concept of recklessness in addition to intentional acts of disturbance. Reckless behaviour is not defined in the legislation, but the wording of the Act makes it clear that any unlawful act (see a-g above) that was the incidental result of an otherwise lawful activity or operation (farming & forestry included) is legally defensible, so long as reasonable precautions were taken to avoid committing the disturbance. Additionally, it must also be shown that if disturbance has occurred, that steps were taken to minimise or prevent further disturbance. Guidance on what constitutes reasonable measures to prevent disturbance is set out below.

Avoiding disturbance of capercaillie at lek sites

Important lekking behaviour mainly occurs between 1 March and 15 May. At any time of day during this period, males will display to each other at the lek, or within the lek range (see appendix), to determine their social hierarchy. During mid to late April and early May, hens attend the lek and are mated. This usually happens on the lek between first light and 9am, but can occur at other times during the day and anywhere within the lek range. Therefore, disturbance to a lek and lek range between 1 March and 15 May can disrupt breeding behaviour.

Known leks

1. Forestry operations and known recreational activities etc should be avoided within 1km of known lek sites between **1 March and 15 May**. ^{Note 1.} If necessary, seek expert advice on the extent of a lek. Deer control work is acceptable within 1km of leks during this period. However, stalkers must stay at least 500m from lek sites between 4am and 9am.

New or previously unknown leks

2. If two or more cock capercaillie are observed together between 4am and 9am during April, the area is possibly a lek site – particularly if concentrations of capercaillie droppings are apparent. Operations should be moved at least 500m and the area should be checked for capercaillie early the following morning from a vehicle. ^{Note 2.} If the cocks are observed on the ground the area should be considered a lek site. The Capercaillie Project Officer should be contacted. If the site is confirmed as lek, operations must be moved to at least 1km from the lek site within 1 day of confirmation.
3. The Capercaillie Project Officer can be consulted on minor forestry operations that might be acceptable within 1 km of leks during the period 1 March to 15 May (e.g. small sub-compartment thinning or minor road maintenance).

***Note 1:** The Capercaillie Project Officer can provide information on lek sites, or can assist with locating leks or confirming that lek sites are defunct.*

***Note 2:** Observe the area (for at least an hour between dawn and 7am) from a stationary vehicle and listen with the windows down. You must not leave your vehicle or put your arm out of the window, but it is acceptable to move the vehicle to different observation points. If it is raining or windy the birds may not display, so a second check may be required.*

Avoiding disturbance of nesting capercaillie

1. Most capercaillie hens are on nests between **21 April and 14 June**. Forest managers must take reasonable measures to avoid disturbing nesting capercaillie during this period.
2. When incubating, hen capercaillie leave the nest once or twice per day to defaecate away from the nest – often on tracks and forestry roads where they come for grit, to take dust baths and to drink from puddles. The droppings produced are much larger than normal droppings and are called clocker droppings (see picture). They are often yellowish green in colour, due to the female's diet of Scots pine pollen cones at that time of year, with a white end. Clocker droppings are often found on tracks and roads within and around compartments where capercaillie are nesting.
3. Prior to thinning or felling operations in a Scots pine compartment with heather and blaeberry cover (the preferred nesting habitat) forest managers should walk all tracks and forestry roads within and around the compartment to check for clocker droppings. These are especially likely to be found, together with moulted feathers, in dust baths on sandy cuttings at the sides of roads. If clocker droppings are found, forestry operations should be postponed in that area until **15 June**. Contact the Capercaillie Project Officer for advice and assistance.
4. If a capercaillie nest is found during forestry operations, forest managers must prevent disturbance by marking an exclusion zone of 100m radius around the nest. This should be done using tape.

Clocker dropping on forest track with old 50p for scale



Avoiding disturbance of capercaillie broods

1. Capercaillie broods (i.e. hens with chicks) are found in forests between mid May and late August. They are particularly vulnerable to disturbance during May and June when the chicks are small and dependent on the hen for warmth. If a brood is split up during this stage, the chicks are likely to die if the weather is cool and wet. Broods are most often found in Scots pine compartments with blaeberry – this is the best habitat for broods – or in boggy areas within or on the edge of woods.
2. If a brood is disturbed during forestry operations, all workers should be withdrawn to a distance of at least 100m from the brood for a couple of hours. This will allow the hen to return to her chicks and to conduct them away from the disturbance. Ensure that the brood has an escape route of tree cover to get away from the operations, so ensuring that the brood is not ‘trapped’ in an island of trees surrounded by clear fells that they will be reluctant to cross.
3. If the compartment has a rich blaeberry ground cover (the preferred brood habitat), and such habitat is limited in the forest as a whole, operations should be postponed in that area until late July if possible. Contact the Capercaillie Project Officer for advice and assistance.

Important note – This guidance note gives an interpretation of current legislation. If you are in any doubt, please seek legal advice.

For further information and specific site assessments and information, please contact:

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Appendix

Lek – A lek is an area in a forest (see Fig 1) where capercaillie cocks gather to display at each other, and to hens, during March, April and May. Depending on the number of cocks, the lek may extend over several hectares. Leks are often traditional sites, but they can move as the forest structure changes. Open pole stage, or mature, conifer forest is favoured because good visibility through the trees is needed.

Lek range – From March to late May, cocks spend their time within the lek range, which surrounds the lek. The lek range encompasses an area up to 1km from the lek centre. Each cock has a near-exclusive daytime territory and these are arranged around the lek like the wedges of a pie (see Fig 1). Territories vary in size and extend up to 1km from the lek centre.

Figure 1 – Capercaillie lek range with six cock territories (A – F). The lek is located in the centre of the lek range.

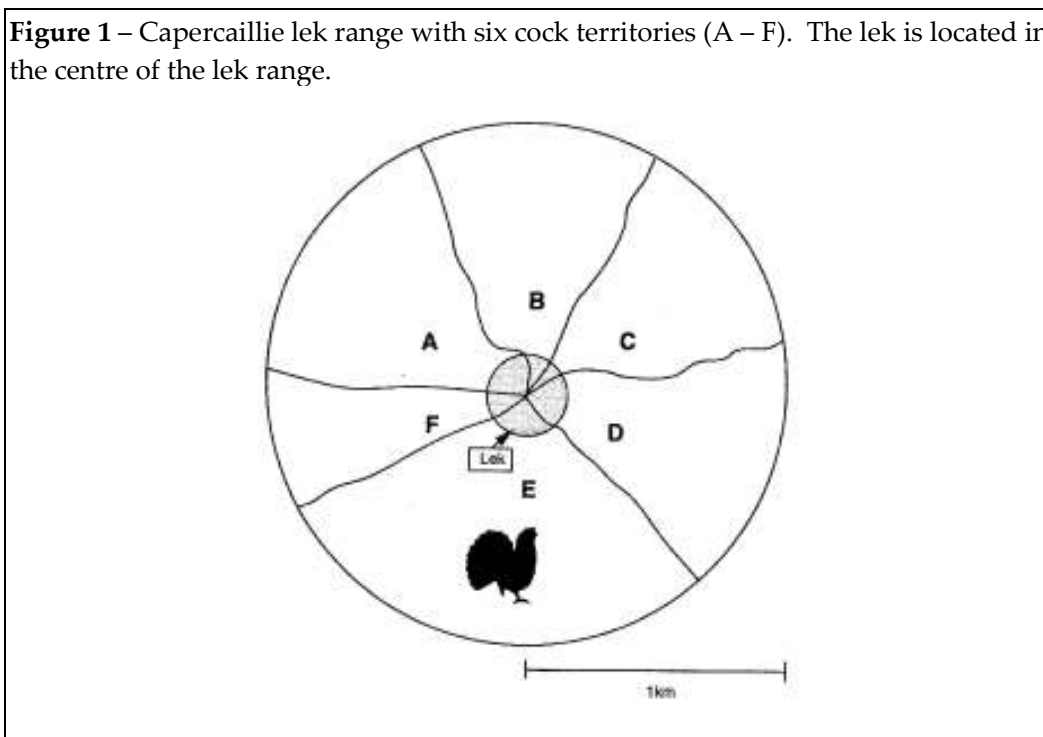


Diagram courtesy of Robert Moss and Nick Picozzi