



# Is our game management sustainable?



Latvijas Republikas  
Valsts kontrole

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Rīga 2020

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## Audit report

Is our game management sustainable?

Compliance/ performance audit “Is sustainable species management and appropriate monitoring of the game management ensured in Latvia?”

The audit was performed based on audit schedule No 2.4.1-16/2019 of the Fourth Audit Department of the State Audit Office of 14 May 2019.

The cover design includes a photo from the website *Depositphotos*.

## Summary

### Main conclusions

Latvia has set an ambitious goal of becoming a leader of the European Union in conserving, increasing natural capital, and sustainable use of natural capital<sup>i</sup>. Overall, the audit findings make us conclude that there is no responsible and sustainable game management. Although some measures have been taken in recent years to improve the game management, measures for the near future have been identified, but there is no balance among different interests of hunters, foresters, farmers, and environmental protection, ensured.

Hunting is one of the most effective tools for managing the population of game species, but we draw attention to the fact that one must handle that tool reasonably and in good faith, with all stakeholders understanding their rights and meeting their duties. Still, the audit findings do not always indicate such understanding and appropriate good faith of the stakeholders.

The State Audit Office believes that the designated authorities should address several crucial issues related to the game management so that we can say that we ensure the sustainable game management.

### Are the prerequisites created for assessing the management of large carnivores?

The large carnivores such as Eurasian lynx and grey wolf are specially protected species of European significance found in Latvia, whose protection measures the European Union Regulation stipulates, including the obligation of EU Member States to assess the condition of those species (monitoring) regularly and report to the European Commission. The Hunting Law<sup>ii</sup> delegates the State Forest Service to assess the condition of the large carnivore population to be hunted. The data of the State Forest Service confirmed the particularly good condition of those species at the time of Latvia's accession to the European Union, and Latvia provided permission to continue hunting those species unlike many other countries.

In order to judge the condition of the species and the effectiveness of the game management measures taken by the designated authorities at the same time, one requires up-to-date, reliable and, as pointed out by industry experts, scientific monitoring data, which means that they can be verified, repeated and compared under certain conditions. In general, getting a true and fair view of the assessment of the condition of the population performed by the State Forest Service has been hindered during the audit because, contrary to the regulation<sup>iii</sup>, the Service does not draft an annual report on applied monitoring methods and its results (for comparison, one must mention that it is much easier to familiarise with large carnivore monitoring methods and results in other countries).

The audit concluded that the assessment of the condition of the large carnivore population carried out by the State Forest Service is mainly based on a historically developed assessment methodology 20 years ago when the State Forest Service had a significantly different organisational structure and available human resources. According to the Ministry of Agriculture, the methodology originated much earlier and was applied already at a time when one forester had a significantly smaller area to monitor and he could walk through it every day by looking after each animal in the forest.

In random inspections of the forest districts of the State Forest Service, we have concluded that **the reliability and usability of the State Forest Service data on the condition of the large carnivore population is questionable, as the assessment is based on the population assessment data in previous years by making changes that are not traceable and do not provide opportunities for data verification. When assessing the condition of the population in this way for years, there is a high probability that the size of the population determined by the Service differs from the actual situation in nature more and more.** Hence, verifying the data of the State Forest Service upon Latvia's accession to the European Union, nor about a significant increase in the population during those years is impossible.

In addition to the official assessment of the condition of large carnivore population carried out by the State Forest Service, a derived public entity, Latvian State Forestry Science Research Institute Silava (hereinafter referred to as Scientific Research Institute Silava) provides its assessment of the population under the special monitoring financed by the Game Management Development Fund and the leading researcher of the Scientific Research Institute also provides his/ her own expert assessment.

In the audit, we concluded that the number of lynxes estimated by the State Forest Service after the hunting season in 2018 was three times higher than the average number estimated by the expert and eight times higher compared to the data of special monitoring performed by the Scientific Research Institute. There is a similar situation observed regarding the assessment of the wolf population. One must evaluate the considerations provided by the State Forest Service during the audit that the data of the Service actually did not differ from the expert assessment critically, as the scientific assessment of the biological growth of the species<sup>iv</sup> did not confirm that. **One should note that the calculations made by scientists do not confirm the significant increase in the population of large carnivores in 15 years estimated by the State Forest Service.**

**Much differing assessments are indicated in Latvia's reports to the European Commission, thus not only questioning the official data, but also making jeopardising a true and fair view of the condition of the populations in Latvia.** In the opinion of the State Audit Office, one may not continue such practice and the inconsistent approach to determining the conservation status of a species based on the data of the State Forest Service, while calculating harvest quotas based on the population data assessed by the expert.

One can agree that the methods currently used differ and are applied for different purposes. However, the findings of the audit show and the expert has pointed out that **none of the methods used to assess the condition of the large carnivore population is complete. Thus, despite several assessments, it is not possible to obtain an assessment that is as close as possible to the actual situation.** Obtaining the most accurate data possible is essential in this case, as it is the basis for justifying and deciding on the harvest of specially protected species of European interest. The measures introduced by the State Forest Service by involving the users of hunting rights in assessing the condition of the large carnivores are appreciated, while the audit clearly confirms the need for the Ministry of Agriculture and the State Forest Service to seek solutions to improve the assessment methods of large carnivore population and efficient use of the financial resources allocated to the State Forest Service and the Scientific Research Institute Silava.

One evaluates, compares, and analyses the management of large carnivore populations and data on their condition at the level of the Baltic population of the Eurasian lynx. Although international experts and the species protection plan provide for **the establishment of an international group to implement common monitoring methods, no one has set up such a group.** An example of international co-operation is the Nordic countries, where the Norwegian and Swedish authorities have developed common guidelines and instructions for wolf and lynx monitoring, which they use since 2013/2014.

**Does the legal framework of Eurasian lynx hunting and the approach established in Latvia in setting harvest quotas in Latvia comply with the common European position?**

Among the 23 EU Member States where lynx occupies the territory, their hunting is allowed in only three countries, that is, Finland, Sweden, and Latvia. The State Forest Service has set the permissible harvest quota in previous years in the amount of the maximum permissible limit specified in the species protection



There were 1578 lynxes in Latvia in 2018 according to SFS data. The number of lynxes in Latvia was between 450 and 650 lynxes according to expert estimates, while the specific monitoring data indicated 190 lynxes.

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plan, that is, 150 lynxes per year, which is 20% of the total population. This harvest quota for lynx exceeds the quotas set in Finland and Sweden in 2018.

There is Eurasian lynx hunting mostly discussed in Latvia in the context of ethical considerations, but the audit conclusions show that this issue should also be considered in the context of the legal framework of the European Union and Latvia. Before Latvia joined the European Union, the lynx had been a non-limited game species. Upon Latvia's accession to the European Union, the Eurasian lynx in Latvia was included in **Annex IV** to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (hereinafter referred to as the Habitats Directive), **which provides for their strict protection and a general ban on harvesting (hunting) it.** The Directive allows the harvesting of individual animals when an assessment is made of three preconditions in the following order of priority: the harvesting target meets one of the five reasons listed in the Habitats Directive, there are no acceptable alternatives to the target and it is not detrimental to the conservation of the species population in the favourable conservation status.

We have concluded during the audit that the Nature Conservation Agency decides on the assessment of the above-mentioned preconditions set out in the Directive and, in exceptional cases, on the harvest of specially protected (non-hunted) species, without actually granting permission for the harvest of such species by lethal methods. In its turn, according to **the Cabinet Regulation<sup>v</sup> determining a lynx species as a specially protected species of limited harvest (hunting), the State Forest Service decides on its harvest without assessing the purposes and alternatives.**

The Ministry of Environmental Protection and Regional Development and the Ministry of Agriculture have explained that the European Commission has generally accepted lynx hunting in Latvia as a management tool for this species, taking into account the good condition of lynx population and species management measures included in the species protection plan and has not objected to Latvia's approach up to now.

In this connection, we draw attention to the case law of the Court of Justice of the European Union, which does not allow concluding that the favourable status of the species or the measures included in the species plans are a sufficient basis for the harvest of specially protected species. **The harvest of such species requires a clearly defined target, which one cannot achieve unless using lethal methods. In addition, as indicated above, the assessment of the large carnivore population is ambiguous.** The conclusion on the conservation status of large carnivores is also ambiguous taking into account the different data of population assessment indicated in the publicly available Latvia's report to the European Commission. Without questioning the statements of the subject experts that large carnivorous species have the best condition in the last hundred years in Latvia, we still call for the determination and assessment of the current condition of the population based on strictly determined scientific data.



Regularity of lynx hunting is questionable when 20% of lynx population are hunted every year.

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While assessing the decisions made by the State Forest Service on the harvest quotas of lynx for the previous two years, that is, hunting seasons 2018/2019 and 2019/2020 during the audit, we have concluded that the criteria applicable in setting harvest quotas are determined in five different laws and regulations of various legal force by creating a difficult-to-trace legal framework. In addition, the information provided in them is incomplete in several aspects, unclear, or even contradictory. **Without a request for additional information, it is impossible to trace what data and calculations one relied on when defining the final harvest quota of lynx.** The audit has also assumed that the calculation of harvest quotas set out in the species protection plan has different interpretations. Thus, the percentage limit has not been observed in relation to the average number of the population estimated by experts in recent years, as the permissible harvest quota would be 70-140 animals, whereas the harvest quota is set at 150 animals.

The auditors consider that the established procedure for decision-making about harvest quota for large carnivores is imperfect. Although there is a working group convened to set harvest quotas, the audit has concluded and the members of that working group have mentioned **that the working group actually has a formal role in this process, including the Nature Conservation Agency, which is appointed as a designated authority for the conservation of specially protected species.**

In addition, we draw attention to the **concerns expressed by the Estonian and Lithuanian environmental authorities about the large harvest quotas and their compliance with the Habitats Directive.** In Estonia, lynx is included in Annex V of the Directive, which allows more liberal regulation of the harvest of those species, but Estonia has banned lynx hunting in recent years due to declining populations. We outline the fact that the number of lynxes in Latvia does not differ significantly from the one estimated in Estonia when comparing the proportion of animals to forest areas in Latvia and Estonia. The issues of large carnivores are considered only at the local level despite the provision in the species protection plan providing for assessing and taking into account the condition of the species population in neighbouring countries when deciding on harvest quotas for lynx not to worsen the overall Baltic population.

Summarising the above, we call on the Ministry of Agriculture and the Ministry of Environmental Protection and Regional Development to amend the legislation in order to reassure the public that legally correct decisions are made in the interests of the entire public and future generations. They should ensure that one carries out an assessment in accordance with the provisions of the Habitats Directive and the findings of the case law of the Court of Justice of the European Union when deciding on the harvest quotas for lynx, thus also preventing the risk of legal proceedings against the Republic of Latvia.

At the same time, we **call to assess whether the state of the lynx population in Latvia is such (based on scientifically obtained data as well) that we are the only country in Europe to afford 20% of the population of self-regulating specially protected species that do not cause significant damage in Latvia be harvested in Latvia. The harvest aims at scientific research of the species or ensuring the awe of this species towards humans, especially in a situation where the condition of the overall Baltic lynx population is not favourable.** With regard to potential damage and poaching, we flag up the research of international experts illustrating that hunting is not the most effective means of preventing damage caused by large carnivores (mainly wolves and bears) even with existing damage. In its turn, according to the Court of Justice of the European Union, the potential poaching of this species is not a sufficient reason to allow the official harvesting of such species by hunting.

### Has one done enough to balance biodiversity and economic interests when managing the cloven-hoofed animals (elk, red deer, roe deer)?

According to the assessment by the State Forest Service of the condition of the game animal population, the number of cloven-hoofed animals is increasing every year. The State Forest Service also increases the permissible hunting limits for cloven-hoofed animals or harvest quotas annually, which are higher than the economic growth of the species<sup>vi</sup>. Thus, one might think that the number of cloven-hoofed animals should decrease and, given that cloven-hoofed animals are the main cause of damage to forests, the damage caused by cloven-hoofed animals should also be reduced. However, the audit concluded the opposite that the damage caused to forests and agriculture continues to increase every year.

When evaluating the assessment of the condition of the cloven-hoofed animal and other game animal population and setting harvest quotas by the State Forest Service, we have established that forest districts do not carry out a qualitative assessment based on common principles and understanding and do not make reasonable decisions on harvest quotas. **In the forest districts randomly surveyed during the audit, it was mostly not possible or difficult to trace the changes in the number of animals in specific reported units compared to the previous year and the arguments regarding the harvest quotas set for game animals.** The lack of transparency can be attributed both to the process of co-operation of the State Forest

Service with users of hunting rights, as well as to the assessment of damage caused by animals and other criteria specified in the procedures of the Ministry of Agriculture.

As we concluded in the audit, the responsible employees of the State Forest Service can follow biased considerations when deciding on the necessary harvest quotas based on their experience, understanding, and ability and willingness to argue against objections expressed by the users of hunting rights and forest owners. Consequently, there are different approaches applied in setting harvest quotas in the forest districts and even in a forest district. For example, in some forest districts, they mainly rely on the instructions of the users of hunting rights and forest owners, whereas they perform control census in other forest district in case of disputes about the size of the population and the necessary harvest quotas. We draw attention to the fact that although the State Forest Service estimates the number of cloven-hoofed animals and other game animals in absolute numbers, it is clear that such estimated number will never be accurate and is not significant in the case of cloven-hoofed animals. Therefore, the State Audit Office did not assess the accuracy of the number, but assessed whether the overall trend of changes could be traced and there was a correlation of the number with other criteria (e.g., feedstock availability, damage). Yet, it could not always establish such a correlation.

Often, forest owners and the users of hunting rights are pushing for higher harvest quotas for cloven-hoofed animals primarily by pointing to ever-increasing damage. **At the same time, the auditors presume that there is insufficient attention paid to several significant conditions that are within the mandate of forest owners and the users of hunting rights themselves.**

First of all, although the procedure of the Ministry of Agriculture envisages to assess the fulfilment of **the obligation specified in the Hunting Law<sup>vii</sup> for landowners to take protection measures against potential damage caused by game animals**, the procedure of the Ministry of Agriculture does not provide for and **the State Forest Service has not set common criteria and established a single approach to verify whether such measures have been taken at all and how to assess them when making decisions.**

Secondly, forest owners, hunters, the Ministry of Agriculture, and the State Forest Service are aware of the situation that **the national reporting system does not provide reliable data on the number of hunted animals**, as it allows the users of hunting rights to report any number of hunted animals to the State Forest Service including, for instance, to comply with a part of harvest quota “on paper” during the last two days of the hunting season in order to maintain the harvest quota for the next season and not to be criticised by forest owners and farmers. As a result, forest owners, farmers, and the users of hunting rights are insisting on increasing harvest quotas, even though there was no game animals actually hunted during the previous hunting season.

The State Audit Office understands that the determination of harvest quotas is a mutual co-operation process, and the parties often face difficulties in agreeing and finding a compromise. However, the above indicates that forest owners are clearly not solving the issue efficiently enough in monitoring the compliance of the users of hunting rights with their determined obligations by seeing a consistent increase in the harvest quotas for cloven-hoofed animals as the only solution to the existing situation.

The working group established by JSC *Latvijas valsts meži* (which includes hunting and agricultural non-governmental organisations) has insisted on changes in the current approach of the State Forest Service and has pointed to insufficient involvement of landowners and the users of hunting rights and listening to their views. It should be noted, however, that the audit found the opposite, as in some forest districts the



Insufficient assessment of the fulfilment of the obligations of forest owners and hunters leads to the harvest quotas being requested and increased.

information provided by forest owners and/or users of hunting rights was taken into account without any criticism. Following the suggestions provided by the working group, the State Forest Service developed a procedure at the end of the audit, which envisaged that **the working group of the users of hunting rights and forest owners** would make **the actual decision on harvest quotas henceforth**. The chief forester shall approve the decision made by the working group. Although one can observe the practice in other countries, **in this situation a clearly defined methodology, an assessment of the criteria regarding the significance of the damage, the protection measures put in place, and the density of the animals, is of crucial importance**. At the same time, the State Audit Office considers that increasing the influence of stakeholders could promote over-representation of their interests and would not exclude subjectivity factors that could endanger the sustainability of cloven-hoofed animals in the future.

One appreciates the project developed by JSC *Latvijas valsts meži* in cooperation with non-governmental organisations, which envisages the development of a mobile application in two-year' time from the European Union funds, which will record data on hunted animals and damage. One expects that the application will improve the management of common species significantly in the future. Simultaneously, one must note that a clear methodology is crucial in this case as well for how those data will be used and interpreted to ensure the most reliable result.

### Has one improved the supervision exercised by the State Forest Service over the species management and the observance of the laws regulating hunting?

For the assessment of the condition of the population of game species and for the determination of the relevant permissible harvest quotas, the determination of the hunting terms specified in the laws and regulations is irrelevant unless effective control over the fulfilment of those conditions has been established and is performed. Effective control of the conservation of specially protected species is provided for in the Habitats Directive. In addition, full-fledged hunting supervision ensures safe hunting process, which prevents accidents in hunting, which can even be fatal.

While implementing the recommendations provided in the 2013 audit of the State Audit Office, the State Forest Service has developed and approved an internal regulation improving the procedure for performing controls. Data from the State Forest Service show that, in general, discipline among hunters has improved and the number of accidents in hunting has decreased.

At the same time, the State Audit Office is of the opinion that the number of senior hunting inspectors who are directly responsible for hunting supervision is still insufficient. **There are five inspectors per 21 thousand hunters (one in two forest districts)**. As the inspectors have pointed out during the audit, the size of the area makes it difficult to carry out controls. For example, they stated that it might take three hours in one direction to reach the control site alone.

Also, the registration of information on hunting venues is still not ensured, which makes it difficult for the State Forest Service to plan and carry out supervision of hunting effectively and which creates additional expenses for the State Forest Service. In a situation when one found an opportunity to implement a project on creating a mobile application for damage assessment within the European Union funds projects, which is essential information for forest owners and farmers after the activities and reproaches of JSC *Latvijas valsts meži* and non-governmental organisations, but **did not consider ensuring the registration of hunting within the framework of this application or other resources necessary for a long time, the activities of the Ministry of Agriculture shall not be assessed as responsible and aimed at the improvement of hunting supervision**. The potential of the technology should also be applied to the online recording of other data related to the hunting (exceptions to the weapons used, sighting device for night shooting, and



One cannot speak of effective game management failing to introduce hunting registration for a long time.



use of artificial light sources) by replacing paper reports and ensuring the performance of full-fledged hunting controls.

The State Audit Office finds that one has not addressed **the issue of joint control of poaching by the State Forest Service and the State Police sufficiently so far, where the Ministry of Agriculture did not substantiate the need for additional resources of the State Police sufficiently.** According to the State Police, the lack of the State Police personnel and the workload of existing staff hinder co-operation in supervision of hunting.

## Major recommendations

Based on the audit findings, there are recommendations issued to the Ministry of Environmental Protection and Regional Development, the Ministry of Agriculture, and the State Forest Service. The State Audit Office expects that the implementation of the recommendations will improve the external and internal legal framework, improve the methodology for species monitoring, and ensure clear game management in the State Forest Service and improved supervision of hunting.

The State Audit Office expects that the implementation of the provided recommendations shall:

- ❖ Make amendments to the laws regulating the harvest of specially protected species so that all requirements for the application of derogations from the strictly established conservation status of those species specified in the Habitats Directive will be assessed in decision-making on the harvest quotas for lynx;
- ❖ Assess the current approach and methods for assessing the population of specially protected species, including, for example, considering the possibility of conducting a population assessment in collaboration with Scientific Institute Silava or by delegating it in full to the Scientific Institute;
- ❖ Ensure a clear and unified approach to the assessment of the condition of the population and determination of the permissible harvest quotas in the State Forest Service including a unified approach to the control of forest owners and the users of hunting rights in fulfilling the obligations specified in the laws and regulations when deciding on the permissible harvest quotas;
- ❖ Improve the capacity of hunting supervision and provide an opportunity to develop hunting registration, thus improving the efficiency of hunting control and use of financial resources of the State Forest Service.



There are 13  
recommendations issued  
to the designated  
authorities

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## Report structure

The information in the report is presented in the following order:

- ❖ A brief description of the audited area;
- ❖ The audit findings, conclusions, and recommendations in three chapters. The introduction of each chapter presents the opinion of the State Audit Office by drawing the key conclusions, substantiating them with the audit findings further on. Appropriate recommendations are provided at the end of each chapter;
- ❖ The opinion submitted by the audited entity regarding the performed audit;
- ❖ Description of the audit (purpose of the audit, legal basis, responsibility of the State Audit Office and the audited entity, scope and limitations of the audit), criteria, and methods.

The first part of the report assesses the compliance of national legal framework regulating specially protected species of European significance with the requirements of European Union directives, as well as the activities of the State Forest Service by assessing the population of specially protected species, that is, lynx and wolves, and determining the harvest quotas every year. In addition, we also compiled other publicly available data on the large carnivore population by reflecting the approach of the designated authorities in determining and publicly disclosing information on the conservation status of those species.

The second part of the report evaluates the activities of the State Forest Service, including the co-operation among the State Forest Service, forest owners (possessors), and the users of hunting rights when deciding on the status of other game and bird populations and permissible harvest quotas.

The third part of the report assesses the activities of the State Forest Service in supervising the compliance with the laws regulating hunting, including supervision over the use and conservation of game animals. The audit also analysed whether and to what extent the State Forest Service has implemented the recommendations provided in the regularity audit<sup>viii</sup> by the State Audit Office “Validity of structural changes of the State Forest Service and compliance of its performance with laws and regulations, as well as effectiveness thereof” in 2013.

## References

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- <sup>i</sup> Latvia's Sustainable Development Strategy until 2030, approved at the Saeima sitting on 10 June 2010, [https://www.pkc.gov.lv/sites/default/files/inline-files/Latvija\\_2030\\_7.pdf](https://www.pkc.gov.lv/sites/default/files/inline-files/Latvija_2030_7.pdf) (viewed on 21 April 2020).
- <sup>ii</sup> Part 2, Section 20 of the Hunting Law.
- <sup>iii</sup> Paragraph 5 of Cabinet Regulation No 158 "Regulations on the requirements regarding environmental monitoring and its procedure, establishment of a register of pollutants and availability of information to the public" of 17 February 2009.
- <sup>iv</sup> Biological growth is the number of pups of a species born in the current year, <https://www.letonika.lv/groups/default.aspx?title=p%C4%81rnad%C5%BEu%20skaita%20pieaugums/37933> (viewed on 21 April 2020).
- <sup>v</sup> Sub-paragraph 1.2 of Annex 2 to Cabinet Regulation No 396 "List of specially protected species for restricted use" of 14 November 2000.
- <sup>vi</sup> The biological growth of red deer is 33% and economic growth is between 10-30%, the biological growth of deer is about 50% and economic growth is 25-30%. Dr.silv., Mg.envir.sc. Jānis Baumanis (Chair of the Board of the Association "Latvian Hunters' Union"), presentation at the workshop "Principles of selective deer hunting and cloven-hoofed animal population management".
- <sup>vii</sup> Paragraph 1, Part 4, Section 29 of the Hunting Law.
- <sup>viii</sup> Audit Report of the State Audit Office No 5.1-2-15/2013 of 4 December 2013, [http://www.lrvk.gov.lv/uploads/reviziju-zinojumi/2013/5.1-2-15\\_2013/revizijas-zinojums\\_vmd.pdf](http://www.lrvk.gov.lv/uploads/reviziju-zinojumi/2013/5.1-2-15_2013/revizijas-zinojums_vmd.pdf) (source viewed on 21 April 2020).