



Tuesday July 9, 2013

The Regional Planner
National Parks and Wildlife Service
PO Box 656
MERIMBULA NSW 2548

Dear Sir/Madam

**Proposed Amendments to the Far South coast Escarpment Parks Plan of Management
Submission as an Objection**

The Colong Foundation objects in the strongest possible terms to the draft amendment of the Far South Coast Escarpment Parks plan of management that seeks to allow horse riding in declared wilderness areas. This draft amendment flies in the face of the existing National Parks and Wildlife Service (NPWS) policy on horse riding and wilderness management, as well as the *Wilderness Act, 1987*.

The Colong Foundation also objects to the addition of a third trial horse riding route, on top of the two that were announced and the Foundation was briefed on. The WD Tarlington Track is an addition track that should be struck out of this trial process. Although draft amendment suggests that two pilots will be undertaken, three tracks are proposed for this trial - the Shoebridge Track, the illegally reconstructed Georges Park Track and the WD Tarlington Track. Two pilots on three tracks indicates an unacceptable level on political interference in the trial process.

There is no reference in the amendment to horse riding and camping with horses and other pack animals being conducted in accordance with the NPWS Horse Riding Policy.

The three proposed horse riding trials in three wilderness areas are unnecessary

The amendment does not specify the nature of the horse riding trial and why it is necessary to conduct it in any wilderness area. Clearly there has been no scientific input into the draft amendment. There is no explanation of how the trial will work, how it will be assessed and what will happen after the two year trial. There are also no specifics regarding how many horses can be taken into a wilderness at any one time.

To determine whether there is a need for scientific research, the first step is to undertake a thorough review of the scientific literature of past research. At this point the large body of evidence regarding horse riding impacts on natural environments should establish that the trial in wilderness is unnecessary and inappropriate. Assuming for the sake of this discussion, that the obvious damage

caused by horse riding to natural environments was not evident, then after completing a background literature review, a researcher would:

- Formulate a question to be answered by potential research;
- Write a null hypothesis;
- Identify the appropriate people/institutions to carry out the research and identify appropriate partners (i.e. involve researchers from Universities and/or government bodies with relevant expertise in the study area);
- Submit an application to a funding body for research that investigates/tests the null hypothesis;
- Prominently identify the funding source;
- Strive to minimize conflicts of interest and highlight any that exist;
- Commit to fully publishing how the research was conducted, the results obtained and the conclusions made in a high quality, peer reviewed scientific journal in the appropriate field.

The proposed horse riding trial falls well short of meeting the above research criteria on all counts. As a scientific project the trial is a waste of scarce conservation funds.

While the data may indeed show that a certain level of horse riding on a section of horse riding trail had caused a level of environmental damage, the interpretation of the data is already pre-determined and biased. The inevitable (allegedly scientific) conclusion will be that the level of ecological harm is less than the social and economic benefit of the horse riding. The trial has no triggers or standards for what is acceptable damage to a wilderness area or what the social or economic benefits would be to justify that damage. If they were, then surely these criteria would be used by off-road vehicle users, loggers, graziers and miners to seek access.

In effect, those who have initiated the trial believe that wilderness is not sacrosanct. We strongly disagree, wilderness and nature reserves are the last refuge for nature, and in these rare places management for nature conservation must take priority. Damage from recreation activity should be kept as low as reasonably achievable, and that requires the elimination of all high impact recreation activities, such as horse riding.

The application of adaptive management to justify impacts on wilderness is inappropriate. Under the Wilderness Act, wilderness areas must be managed so as to restore (if applicable) and to protect the unmodified state of the area and its plant and animal communities; to preserve the capacity of the area to evolve in the absence of significant human interference; and to permit opportunities for solitude and self-reliant recreation (s.9). It would be unlawful for the NPWS to take a management action in wilderness, like permitting horse riding trial, which would cause or permit modification of the natural environment. The proposal to undertake adaptive management confirms that this trial is an inappropriate management action. The adaptive management anticipates that corrective action will be required to attempt to restore a modification to the natural environment that arose from the initial management action.

It should also be noted that the two year trial would provide only a glimpse of the harm that would ensue if horse riding were to be permanently permitted in wilderness areas. Decade by decade, horse riding would cause significant damage to the wilderness environment and remain present for visitors to these areas to experience.

The adage 'Prevention is better than cure' is applied in medicine, engineering, agriculture, economics, sociology and most other fields routinely, including park management. It is poor reserve management to attempt a 'cure' of a known problem, such as vegetation or stream damage from horse riding that should have been prevented (D. Cameron, *pers. comm* 2013).

Further, the field of medicine provides another pertinent adage: 'Only experiment on the patient as a last resort.' This entails eliminating all other options to obtain the data required, which in the case of horse impacts could be an experiment in a nearby state forest. To proceed with the proposed trial would be equivalent to operating on the patient in the full knowledge that the procedure will do more harm than good and is therefore unjustifiable (D. Cameron, *pers. comm* 2013). This draft amendment is only being proposed because of a political direction due to the horse lobby.

The 'pilot' as park management, not as science experiment

There is no rationale for this proposal, other than providing more horse riding access surplus to what is required to meet existing use. There is NO RATIONAL ARGUMENT to provide horse riding opportunities that are NOT NEEDED. Since when has any government built roads, railways, dams, power lines or sewage treatment works that are not needed? It never happens, except in the case of horse riding trails in protected wilderness areas and other 'white elephants' such as Sydney's monorail.

No significant demand has been identified for any of the proposed trials on the three routes proposed. Even if there were demand, there is already a vast supply of large areas of Deua, Monga and Gourock National Parks allocated for this high impact recreation activity to the disadvantage of wilderness protection.

Horse riders are a small lobby with an excessive range of opportunities in Deua National Park, including through the core area of the NPWS identified Deua Wilderness, along the Deua River. Horse riding is available in the road corridors as well as a number of bridle trails that are unspecified in the 2011 plan of management. The unspecified nature of the bridle trails is a considerable concession to horse riding interests granted at the cost of protecting what Myles Dunphy considered the second best wilderness in the state after the Kanangra-Boyd Wilderness.

These horse riding concessions already offer excessive recreational opportunities in Deua and Monga National Parks. In 2001, the declaration of the Deua Wilderness was supported by over 18,316 submissions. These submissions were not properly considered by the NPWS. The NSW Ombudsman (2004) found that the analysis and reporting of wilderness assessment for the southern wilderness area, including those above, was unreasonable and inadequately reported on the full range of submissions. The NPWS then failed to proceed expeditiously with the assessment of wilderness nominations as required by the Ombudsman's recommendations.

Now there are proposals for winding back wilderness protection (and ultimate destruction of the wilderness idea) to accommodate additional opportunities for horse riding, including in Deua and Monga National Parks. Horse riding opportunities are not best provided in remote wilderness areas. There is no evidence that the existing opportunities in remote areas are inadequate for horse riding. There is no evidence either of the demand being great or the supply being inadequate.

This proposed plan amendment has come forward with three routes. The horse lobby are unwilling to accept a more constrained trail. A third track, the WD Tarlington Trail was added to the trail since the Colong Foundation was briefed on *The Strategic Directions for Horse Riding in NSW National Parks and Reserve* by NPWS on 13 December 2012 when maps of all the trial routes were provided.

It is possible that the 'trial pilot' may have been invented for a political purpose, as a tactic to delay and defer decision-making until politicians and the community come to their senses regarding this inappropriate proposal. Such speculation about the true purpose of the trial is simply wishful thinking. The nature of this controversial trial should have been spelt out in the draft amendment to the plan of management in more detail.

Environmental impacts

The environmental impact of horse riding on vegetation and soils in wilderness areas is well recognised. Horse riding causes soil compaction, erosion, introduces weeds through manure and causes disturbance to wilderness appreciation (e.g. Invasive Species Council, 2012).

Wilderness use must be self-reliant and compatible with the protection of the natural and cultural values of the area. The 'wait and see what happens' approach to the environmental impacts of horse riding (i.e. adaptive management) is unacceptable. There is sufficient evidence to establish a strong case against horse riding in Monga, Deua, Gourcock and Wadbiliga National Parks and the Badja Swamps Nature Reserve.

Horse-riding in national parks and wilderness areas would increase dispersion of weeds.

Riding horses access a diverse range of feed sources including pastures that often contain weed species that are eaten by horses and also dried stock feeds also often contains weed seeds as well (Landsberg et al. 2001).

Weed seeds (a substantial proportion of some species) can survive passage through a horse (St John-Sweeting and Morris 1991, Taylor 1995, Cosyns and Hoffman 2005) and may be excreted several days after ingestion with a peak at 3 to 5 days (St John-Sweeting and Morris 1991). One study found that horses can excrete more than 1000 viable seeds a day (Taylor 1995) and another found almost 400 seeds per litre of dung (Cosyns and Hoffman 2005). Results from 11 international studies show that seed from at least 216 species is viable after passing through horses, and 45 of these species are serious environmental weeds (Pickering et al. 2010).

Horses will even accidentally ingest the seeds of unpalatable weeds. In *Noxious Weeds of Australia*, Parsons and Cuthbertson (2001) note of ragwort: 'Animals do not usually eat ragwort heads when in

seed but this can happen accidentally when stock are fed contaminated hay. In such cases, seedlings have been observed growing from horse dung...'

Weed seeds can also be introduced attached to the horse (especially the tail) or horse gear (Liddle and Elgar 1984). Noogoora burr (*Xanthium occidentale*) has been observed to be carried in horse hair 16 days after exposure to a marked paddock.

An adult horse produces is a virtual mobile fertiliser plant, depositing 17-26 kg of dung and 5-7 l of urine a day (Matsui et al. 2003, cited in Pickering et al. 2010). Richard Smallwood of the Australian Horse Alliance claim of 'minimal, minimal' environmental impact (SMH, 18 June 2012) is contradicted by this amount of equine waste, which is large relative to that of other weed vectors.

Horse manure and urine provides nutrients, moisture and protection (eg. from frost) for seed germination and addition of nutrients to soils and waters, particularly in infertile environments, favours weed establishment (Landsberg et al. 2001; Pickering et al. 2010).

Weed seeds dropped from horses may survive several years in the soil until conditions suit their establishment (Campbell and Gibson 2001; Torn et al. 2010) and be dispersed into new areas by water flow, erosion or animals.

Horses damage vegetation, create bare patches and cause soil disturbance, which opens up space for weeds, increases solar radiation and increases the availability of nutrients (Phillips and Newsome 2001, Quinn et al. 2010). Soil disturbance is a major contributor to weed invasion, and horse hoofs are far more damaging than boots.

Studies and observations confirm that horse riding causes significant soil loss and vegetation damage in park areas. In Ku-ring-gai National Park for example, horse riding caused a metre deep erosion channel on the Sandy Kooyong horse trail in only five years of use. Similar excavations are found in Garigal National Park. These impacts arise because the average horse weight is seven times the average walker and being steel shod, hooves cause much greater the damage to tracks than the feet of walkers. Horses spread weeds mainly through their stomachs. Seeds are dispersed for 10 to 14 days after ingestion and pass through in high levels for the first four days.

Unlike vehicles, horses can go just about anywhere, so that the above impacts can cover wide areas. Horse riding impacts are so severe that horse riding should be banned first and foremost, and in accordance with the Wilderness Act, from all wilderness areas, and secondly, national parks and in other areas where nature conservation is a primary objective. It is not just a matter of few enthusiasts. Usage figures indicate a growing number of commercial operations and these activities are not appropriate for protected natural areas.

The Precautionary Principle

The NPWS has ignored their responsibilities under the precautionary principle when considering this proposed draft amendment to the plan of management. The application of adaptive management techniques outlined in the strategic directions document seeks to reverse the order of impact assessment that NPWS is required by the *National Parks and Wildlife Act, 1974* to undertake in

determining a management action. The NPWS seeks to reverse this duty care and has not adequately proven that horse riding is a negligible threat to wilderness areas. The impacts arising from horse riding activities that will occur due to the strategic directions document are to be managed after the damage has occurred through adaptive management.

In 2009, the Chief Judge of the Land and Environment Court, Brian Preston explained that the precautionary principle would be triggered when “there is a threat of serious or irreversible environmental damage and there is the requisite degree of scientific uncertainty.” In this situation “a decision-maker must assume that the threat of serious environmental damage is no longer uncertain but a reality. The burden of showing that this threat does not in fact exist or is negligible, effectively reverts to the proponent of the project.” The NPWS is wrong to reverse this duty of care through adaptive management, given that the NPWS 1999 advice that horse riding is a threat wilderness areas.

Self-reliant recreation

Appropriate self-reliant recreation activities are defined not only as to the equipment used but also to the conduct of those activities. Appropriate self-reliant recreation:

- does not require human modification of the landscape (s.9(a), Wilderness Act);
- does not have an adverse environmental impact (s.9(b), Wilderness Act);
- does not require a motor or mechanical aid (s.9(c), Wilderness Act);
- does not involve large groups of people (s.9(c), Wilderness Act; not solitude); and
- does not include use of an animal (s.9(c), Wilderness Act, not self).

Horse riding is not regarded as self-reliant because the means of travel is not powered by a person and is regarded as inappropriate because it is not undertaken within any formal wilderness areas in Australia and its impacts generally degrade wilderness areas. The Australian Alps Horse Riding Code specifies use of metal fencing, electric fencing and power energisers to minimise the impacts of horse riding. Use of such equipment is not self-reliant and will modify the natural environment.

The adaptive management framework

The draft plan of management does not specify the strategic adaptive management framework regarding:

- the monitoring of key indicators against baseline data;
- the identification of acceptable thresholds; and
- the determination of appropriate management responses.

There is no adequate baseline data set for ANY of the trails proposed. Without these data, the NPWS is not in a position to identify key indicators, thresholds and management responses. Strategic adaptive management without baseline data cannot work, and as previously stated, its application is contrary to the provisions of the Wilderness Act.

Wilderness Abuse Options proposed for Deua National Park

Historic trails and the plan of management

A story reported in the Braidwood Times states that 'Access For All has worked closely with the local NPWS assisting in clearing and maintaining the tracks even though they have been closed to horse riders.'

The caption for the following image states 'AFA Chairman, Brian Clarke on horseback following a NPWS employee.'

The Far South Coast Escarpment Plan of Management 2006 refers to the conduct of research for so-called historic trails (section 3.3 and 5.6). Such research needs to be compatible with the Wilderness Act. Modification of the natural state of a wilderness for the purpose of recreation is not an essential management purpose.

The research into history, location and significance of the various tracks is allegedly authorised in the plan of management. The plan stipulates that based on an assessment of significance and ecological impacts, the NPWS may adopt a management approach that may vary from active management to no action, recreational access to no access.

The draft amendment of plan of management is not supported by any assessment of significance and ecological impacts and I understand that no such assessment has been undertaken. All the proposed tracks are in very steep terrain and will be prone to erosion, as experienced by the Corn Trail. Any such assessment would rule out the use of these tracks by application of the provisions in the plan of management when read together with the management principles of the Wilderness Act (section 9).

The Gregory Pack Track proposal – Wilderness Abuse Trial 1

Very few riders would use this proposed Track. The alleged track could only be used by the most extreme endurance riders as the terrain over which the track traverses is a very rugged. This rough negotiable route descends 600 metres in four kilometres to Coondella Creek and then a track is currently being illegally constructed to traverse this rugged valley to Diamond Creek.

The so-called Georges Pack Track also connects with the so-called Deua River Track. The very occasional use that could be expected would not produce statistically significant results for the so-called trial.

Riders in Deua National Park who use the Deua Valley Track enjoy the best of the wilderness experiences available in the Far South Coast Escarpment Parks. That the horse riding lobby is claiming disadvantage and seeking more riding opportunities in these circumstances is disappointing.

The southern commencement point for the alleged Gregory Pack Track is marked with a small cairn of stones on an unnamed fire road just about Diamond Creek. The track is easy to follow for the first 500 metres because it is currently a track used by bush walkers to access the top of the first waterfall on Diamond Creek.

The newly blazed and marked track, starts on the true left of Diamond Creek at GR 597E, 173N. The track then follows the route indicated by a mauve line on the OEH map provided to the Colong Foundation by Mr Tim Shepherd on 14 February 2013 (GeorgesPackTrackFeb13.jpg). The track in the declared Burra Oulla Wilderness has been illegally cleared at various times: recently using a machete; and previously by chainsaw. We allege illegality for if it were excused as management of a heritage site, then others will take management into their hands. On the same general argument could not burning down heritage huts be excused as wilderness restoration under section 9 of the Wilderness Act? Obviously both actions are highly irresponsible.

Where the track sidles above Coondella Creek upstream of the alleged Holding Yards as indicated on the OEH map, granite tors, trees and sawn logs have been marked with bright orange spray paint. This spray paint vandalism was located on Saturday morning the 30th of March, 2013, between 10 and 11 am by Dr Ted Nixon and myself.

Spray paint establishes a permanent mark, and prevents effective wilderness restoration should the horse riding trial be unsuccessful. Spray paint marking rocks and logs is inexcusable as it is a permanent mark upon the wilderness landscape.

The alleged re-establishment of a bridle trail route on Coondella Creek to the former enclave near the Coondella Creek/ Diamond Creek junction will necessitate further destruction of wilderness values through clearing, track marking and track formation. The alleged holding yards 250 metres upstream of the former enclave (Por. 21A and 22A, Parish of Burra) indicated on the OEH map do not exist. A small fragment of roofing iron used in a fire place, a few beer cans and 3 metres of nylon rope were located at the alleged holding yards. The construction of holding yards would be a further act of wilderness vandalism.

Any track formation or yard construction would be contrary to the provisions of the NSW *Wilderness Act, 1987*.

Only supporters of the Georges Pack Trail would have a motive to undertake the work performed on this track. The clearing and marking activities Dr Nixon and I observed along this alleged track activities could not have had lawful permission from the NPWS. The perpetrators of this damage have demonstrated contempt for due process, wilderness values and protected area legislation.

The Colong Foundation is disappointed that the advocates of horse riding in wilderness should stoop to this sort of abuse. The damage demonstrates a lack of concern for protected areas or respect for public property. Approval of this proposed track would establish that the NSW Government condones this abuse and disregard for the sanctity of wilderness.

The Colong Foundation is disappointed that the Georges Pack Track proposal was not discontinued, and refused permission of wilderness trial under the *Strategic Directions for Horse Riding in NSW National Parks*. We are amazed that instead of discontinuing the trial on this track, another horse track has been added to the trial within the Deua National Park.

The WD Tarlington Track proposal – Wilderness Abuse Trial 2

The track starts near the Snowball property in the headwaters of the upper Shoalhaven and then goes south along Woila Creek to the Tuross River at Belowra. The alleged track passes through the Woila Deua Wilderness Area. The track descends 700 metres from the slopes of Euranbene Mountain to Wiola Creek in just five kilometres. The track also involves a long and difficult traverse across the face of Euranbene Mountain.

Colong Foundation member, Ms Sarah Truscott, observed considerable blazing of trees in the Woila Creek catchment two years ago, as well as on the Brogo River and Yankee Creek in the Brogo Wilderness. There appears to be a concerted effort by the horse lobby to clear and form tracks in declared wilderness over a period of time. Such illegal behaviour suggests that compliance with any minimal impact code is unlikely.

When making an assessment of this trail, monitoring should record and consider the past environmental abuse by horse riders.

Given the rugged access to this track, it is unlikely that this track will be used. The sacrifice of the wilderness for a few riders may vandalise it with chainsaws, axes, paint and yards is foolish. Weeds will follow the few horses that visit the area causing unnecessary damage to an intact wilderness area.

Shoebridge Track – Wilderness Abuse Trial 3

There are ample opportunities for horse riding in this vicinity. The NPWS identified Buckenbowra Wilderness south of Quart Pot Fire Trail was excluded from the declared wilderness to allow horse riding. The Corn Trail was also not included and this trail too is open to horse riding. The Corn Trail where it ascends from the Buckenbowra River to the Kings Highway is a metre deep trench.

The Shoebridge Bridle Trail received a mere 36 submissions for its retention in the 2001 Southern CRA wilderness exhibition, compared to 18,316 pro-wilderness submissions.

Not content with riding on the Deua River Track in the identified Deua Wilderness along the river, and the Corn Track in the identified Buckenbowra Wilderness, horse riders also want the rugged Shoebridge Mountain pass as a horse track through the declared Buckenbowra Wilderness. The track would never see much use as it climbs 550 metres in four kilometres from the Araluen Valley.

The Colong Foundation is very disappointed that the NPWS has worked with the Access for All lobby to clear several large trees in the declared Buckenbowra Wilderness blocking the way on the so-called Shoebridge Track (A.F.A., media release 22 May, 2013). Clearing of big trees for a track in wilderness is contrary to the provisions of the Wilderness Act.

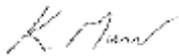
Conclusion

The proposed draft amendment and all three horse riding routes are strongly opposed by the Colong Foundation because of the damage caused to the environment by horse riders in declared wilderness, the disregard to due process as there has been no assessment of trail significance or of potential environmental impact of the proposed horse riding, the small demand for horse riding opportunities being very much less than the supply of horse riding opportunities, and because it is illegal and contrary to the spirit and intent of the *Wilderness Act, 1987*.

The Foundation is very disappointed with the NPWS for not spelling out the foolish nature of the *Strategic Directions for Horse Riding in NSW National Parks and Reserves* to the NSW Government. The NPWS has lost its credibility with the conservation movement in this regard.

Thank you for the opportunity to make a submission.

Yours sincerely,



Keith Muir

Director

The Colong Foundation for Wilderness Ltd