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Tuesday 9 July, 2013

Regional Operations Co-ordinator
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Dear Sir/Madam,

Proposed amendments to the Kosciuszko National Park plan of management - Submission as an Objection

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

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 proposed horse riding trials in wilderness are unnecessary

The amendment does not specify the nature of the horse riding trial and why it is necessary to conduct it in a 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.

<u>The ‘pilot’ as park management, not as science experiment</u>

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!

No significant demand has been identified for any of the proposed trials in the three options proposed. Even if there were demand, there is already a vast supply of large areas of Kosciuszko National Park allocated for this high impact recreation activity, in several cases to the disadvantage of wilderness conservation.

Horse riders are a small lobby with an excessive range of opportunities in Kosciuszko National Park. Horse riding is available in the park on minor and major road corridors and the back country zone (with some minor exemptions). The area available to horse riding includes the entire NPWS identified Tabletop Wilderness. This is a considerable concession to horse riding interests granted at the cost of protecting a rare sub-alpine wilderness.

These horse riding concessions already offer an unreasonable amount of recreation opportunities in Kosciuszko National Park. In 2001, the declaration of the Tabletop 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 Kosciuszko National Park. Who said that horse riding opportunities are best provided in remote wilderness areas? Who argued that the existing opportunities in remote areas, such as the Bicentennial National Trail, numerous horse camps and the vast back country zones are inadequate for their needs? There is no evidence, and no evidence will ever be provided.

No draft amendment is appropriate or necessary according to the plan of management (page 18, section 3.7 – plan review). The Kosciuszko Plan of Management (2006) specifies that plan review will only take place if new research and information indicates previously unforseen management issues and that the actions and policies in the plan are not achieving stated management objectives. This is clearly not the case in regard to horse riding, as the matter was dealt with in the plan after exhaustive public consultation.

Furthermore, no agreement exists on the three horse riding options proposed between the NPWS and the horse riding lobby are apparently unwilling to accept a more constrained trial and want an opportunity to lobby for the so-called Heritage Trail, a proposal they have recently cooked up.

It is possible that the pilot trial 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.

<u>Environmental impacts</u>

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 on the other hand 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 historical evidence to establish a strong case against horse riding in Kosciuszko National Park.

The proposed management action should have been referred to the Federal Government. The proposed plan amendment should be a **controlled action** under the *Environment Protection and Biodiversity Conservation Act, 1999* owing to the potential environmental impacts to a site listed on the National Heritage register. The NPWS would be aware of the heavy penalties for failing to report this proposed management action that could have an adverse impact on matters of national environmental significance.

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 (Cossyns 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 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 (e.g. 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.

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.

The Precautionary Principle

The OEH has ignored their responsibilities under the precautionary principle. The application of adaptive management techniques outlined in the strategic directions document seeks to reverse the

order of impact assessment that OEH is required by the *National Parks and Wildlife Act, 1974* to undertake in determining a management action. The OEH 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 are to be managed after the damage has occurred through adaptive management.

In 2009, the Chief Judge of the Land and Environment Court, Brain 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 as not only 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 Kosciuszko National Park

The Heritage Track proposal – Abuse Option 1 - Wilderness Circumnavigation

The 500 kilometre 'Heritage Track' is advocated by Mr Peter Cochran of Cochran Horse Treks and others. It is not a practical route for conducting a scientific trial. **It is too long** to adequately survey environmental impacts along even a fraction of its length. Very few riders would complete the 500 km circuit. The proposal does not seem to be entirely suited to horse riding as several sections are along main roads (e.g. the Alpine Way and the Snowy Mountains Highway), it passes through the centre of Jindabyne township and offers potential riders a lengthy swim across Lake Eucumbene.

Mr Cochran's 'Heritage Track' proposal should be read in conjunction with the approved Bi-Centennial National Trail route that passes east through the NPWS identified Tabletop Wilderness via Happy Jacks Plain and then along the Manjar Fire Road to connect with the Cochran proposal at the Upper Murray Powerline Road. The proposed Heritage Track and the BNT when considered together create a figure of eight than encircles Kosciuszko National Park, NSW's largest park.

The proposal also runs parallel to the Bi-Centennial National Trail along the Gavells Hut and Circuits Hut Tracks through a 21,563ha area nominated as a southern extension to the Bimberi Wilderness along the eastern escarpment of the national park. The 'Heritage Track' proposal also traverses the NPWS identified Tabletop Wilderness.

NPWS Option 2 – Pilot Wilderness Abuse

The trial in Pilot Wilderness if adopted would open up the Tin Mines area to horse riding via the Ingeegoodbee Trail. It would connect the heavily weed infested Pinch River horse camp and yards with more intact areas within the Pilot Wilderness. The Pilot Wilderness has a large pest horse population but is generally weed free. Once the weeds are introduced by recreational horse riding, the weeds will spread through areas that have been heavily disturbed by pest horses.

Riding from Pinch River to the Tin Mines area was always intended by the horse riding lobby who have continued to use the area illegally. Such horse riding use was not accepted by the existing plan of management in 2006 and this option should not be considered as it would be in effect a reward for past illegal use.

The wilderness is disturbed by feral pest horses, and the numbers of feral pest horses degrading the Pilot Wilderness will make it be impossible to conduct a scientific trial of horse riding in this area. The horse lobby is succeeding in changing Kosciuszko National Park into a horse ranch. The proposed route passes through the habitat of the Northern Corroboree Frog that should be especially protected.

The Pilot, Jacobs and Ingeegoodbee Rivers of the Pilot Wilderness area of Kosciuszko National Park, NSW are free of any Snowy Mountains Hydroelectric engineering modification (Worboys and Pulsford, 2013). The trial along the Ingeegoodbee, Nine Mile, Cascade and Tin Mine Trails is too long to adequately survey environmental impacts along even a fraction of its length. It is, however, likely

that weed species at the Pinch River horse camp will be spread throughout the last three wild river catchments in Kosciuszko National Park.

NPWS Option 3 –Goobarragandra and Bogong Peaks Wilderness Abuse

This alternative option for a scientific horse riding trial in Kosciuszko National Park passes through the Goobarragandra Wilderness around the northern watershed of the Yarrangobilly River valley.

This proposal is the only trial that may experience a level of horse riding use that may be perhaps statistically significant for scientific monitoring, provided that the commercial operators who have pushed for this option, use it. Like all the other options, it most certainly will not be used much during winter, if at all.

This alternative option is unacceptable because it is located on the crest of the Yarrangobilly Management Unit, a karst area. Weed invasion is a well recognised problem in Karst areas. This Unit is certain to be degraded by weed invasion, which is why, after much public consultation, horse riding was excluded from this Management Unit. Management of this Unit is directed towards protecting and enhancing the condition of the outstanding natural and cultural values within the Unit.

Horse riding through the Cooleman Plain Management Unit may also increase along the Blue Waterhole trail as a result of this proposed option. This area is NPWS identified wilderness and the adverse impact on these wilderness values should be considered in the assessment. This proposed option would increase weed issues in Cooleman Plain Management Unit, as well as inappropriate access to Mount Morgan off the Lone Pine Trail.

This NPWS proposal would duplicate the opportunities for horse riding on the adjoining Long Plain and Murrumbidgee headwater areas. It also duplicates the riding opportunities between the three wilderness areas along the top of Kosciuszko National Park. The proposal is unnecessary and environmentally damaging. The proposed route passes through the habitat of the Northern Corroboree Frog that should be especially protected. It is not supported.

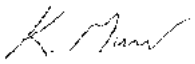
Conclusion

The proposed draft amendment and all three options are strongly opposed by the Colong Foundation because of the damage to the environment in declared wilderness, the precedent caused regarding amendment of the plan regarding unforseen management issues, the disregard of due process, 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,



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