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## FRIENDS OF STELLENBOSCH MOUNTAIN



Chairperson: J Torrance  
Secretary: HC Eggers

082-445-5549  
021-808-3523

jtorrance@distell.co.za  
egggers@physics.sun.ac.za

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# Memorandum on Mountain Bike Trails and the Management of Nature Areas

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## Quick Summary

1. FSM strongly supports NMT initiatives in built-up areas but points out that nature areas are very different from urban areas: they function according to different parameters and have different needs and governing legislation and policies.
2. Nature areas must be managed scientifically, based on the parameters set out in the Spatial Development Framework, the Environmental Management Framework as well as national and provincial legislation pertaining to biodiversity and nature areas. Science is not driven by democratic processes but by expertise.
3. Mountain bike trails in a nature area should not be planned and implemented separately but as part of an integrated scientific management plan.
4. The status of mountain bike trails cannot be finalised before management plans for nature areas have been approved, but these management plans depend on the finalisation of the nature conservation status of Stellenbosch municipal nature areas. Like the biking community, FSM is frustrated that this has still not been accomplished. **We call on the Municipality to finalise the status of nature areas as a matter of urgency.** That seems to be the bottleneck.
5. A formal body representing mountain bikers riding in nature areas should be established, which takes responsibility for physically managing trails under the auspices of the management plans and enforcing the rules within the biking community.
6. An integrated business model should be developed as part of the management plan of a given nature area. All income streams such as grants, donations, special events, admission fees and revenue generated directly by a nature area such as plantations should be included.
7. Funds from biking sources should be included. Special events such as races should pay significant access fees, thereby contributing to realising the tourism potential of Stellenbosch. Special events should always beforehand sign a contract, and a deposit or retention fee should be charged by the municipality to enforce provisions of the contract.

8. Income within the integrated business plan should be controlled by the Department of Community Services which is responsible for the physical management of the nature areas.
9. All responsibilities for municipal nature areas should be centralised in the Department of Community Services, including the physical management, oversight over law enforcement and management of special events.
10. Funding and staffing of the Department of Community Services is inadequate and should be increased.
11. While we refer below mainly to the nature areas owned by the Municipality of Stellenbosch, the recommendations and requests pertain in spirit also to land owned or managed by CapeNature, Stellenbosch University and relevant private land owners.
12. A detailed list of recommendations and requests appears in Section 4.

## 1 Background and History

### 1.1 Friends of Stellenbosch Mountain

- 1.1.1 The Friends of Stellenbosch Mountain (FSM) have been active in Stellenbosch since 2008 and were formally constituted in 2011. FSM is part of the WESSA affiliate network.
- 1.1.2 FSM is working on a pro bono basis mainly in the Paradyskloof nature area (Farms 366, 368 and 369) owned by the Municipality of Stellenbosch and in close cooperation with the Department of Community Services of the Municipality. We have removed an estimated 80,000-100,000 invasive alien plants in the past five years and significantly contributed to the protection of the fynbos and prevention and mitigation of bush fires, and employed and paid local private contractors for anti-invasive and anti-erosion work.
- 1.1.3 Individual members of FSM have been intimately involved in the management of the area since 1998. FSM therefore has long-time experience not only in its own task of combatting invasive alien plants, but also in the history and problems experienced in the area, amongst others the issue of mountain bike trails and mountain bikers.

### 1.2 Problems experienced with mountain bike trails and rogue mountain bikers

- 1.2.1 The examples and history below pertain to the Paradyskloof nature areas. It seems plausible that similar occurrences and problems have been experienced in the other nature areas too.
- 1.2.2 Since 2000, Paradyskloof has seen a hundredfold increase of bikers entering and enjoying the nature area. Most of the bikers stay on the gravel roads and the bike trails. Even so, the huge increase in usage has resulted in significant erosion and degradation of those trails. Sporadic interventions and maintenance by individual bikers centered mainly on preparing specific routes for competitive races, but otherwise maintenance and rehabilitation has been neglected.
- 1.2.3 While most bikers behave, there are several groups and individuals who have no regard for the law nor interest in the wellbeing of the nature areas. Here are some examples.
- 1.2.4 Individuals and groups, some known to FSM by name, have slashed and hacked new trails into the fynbos in Block 18 under the pine trees. As measured by FSM, this particular illegal trail is more than 2 kilometres long. As the Municipality did not have the capacity to close down these illegal trails, they are now in general use, to the extent that bikers do not even know or care that they were created illegally.
- 1.2.5 There are numerous examples of biker groups or individuals digging up vegetation and ground to create berms and jumping ramps. With the exception of some individuals who

obtained permission to upgrade a route for a race, all these structures were created without consultation of, or permission by, the land owner.

- 1.2.6 A particularly bad example concerns a hiker footpath in the north-eastern corner of Farm 366. Leading directly downhill in very sandy soil, this footpath became popular around 2010 with bikers, quickly leading to significant erosion. FSM spent an entire morning filling up the donga to stop further erosion. Within weeks, rogue bikers had dug up fynbos around the FSM rehabilitation, destroying the anti-erosion work and creating a wider bike trail. Due to the sand, this trail has now become a donga so wide that it is visible from the R44.
- 1.2.7 Large-scale hacking and slashing of fynbos has occurred to create a second contour bike trail between Paradyskloof and Coetzenburg, including bridges, berms, moving of rocks etc. To our knowledge, no permission was sought or given.
- 1.2.8 Near the lower end of the Schuilplaats River, large earthmoving was performed to create jumping ramps in the riverine thicket.
- 1.2.9 Similar problems have also been reported from Farm 368, the area east of the Dalsig and Brandwacht suburbs.
- 1.2.10 The damage caused is not limited to erosion. The Paradyskloof nature area hosts at least 12 Red Data species (plant species threatened with extinction), some of which grow on the verges of roads and trails. Most bikers have no idea of this.
- 1.2.11 Numerous walking and hiking parties have complained about being confronted by bikes bearing down on them at high speed.
- 1.2.12 A number of mountain bike races have been held in the area over the years. Some, such as the downhill racers, tried to do the right thing, liaising with the Department of Community Services and even FSM on the route. Undertakings on maintaining the modified routes were, however, not kept. Most other bike races appear to request and obtain permission for races from other persons in the Municipality, if at all, ignoring the authority of the Dept Community Services and others. The muddle in competencies within the municipality is an untenable situation which needs to be rectified.
- 1.2.13 The area has been used at various times by individuals for the purposes of for-profit mountain bike schooling. It is unclear whether permission for such private enterprise on public land was sought and given.
- 1.2.14 To a smaller extent, quad bikes and four-by-four vehicles have also contributed to the damage, but their numbers have fortunately been small in recent years, and so their cumulative damage is much lower than that wreaked by the large number of bikers.

### 1.3 Mitigating arguments

- 1.3.1 A principal problem experienced specifically by the Paradyskloof nature area is the fact that during the years 1998–2010 it had been earmarked for development into a golf estate. This led to benign neglect by the municipality during those years, since it was expecting the land to be transferred to the developer. This has also negatively impacted the management of the biking trails, since bikers were never given formal ownership or responsibility.
- 1.3.2 It must be mentioned that the Municipality itself and its contractors must be held responsible for significant mismanagement also which has led to large-scale erosion and problems with invasive plants and trees. From our experience, this mismanagement must be attributed not to incompetence or laziness of the staff of the Department of Community Services, but rather largely to the fact that the Department is badly understaffed, leading to neglect and lack of oversight of contractors. Fortunately, many things were also done right. There is room for optimism, especially since the problem of erosion is now recognised.

- 1.4 **Town meeting of March 2011:** In March 2011, Portia Bolton of the Department of Community Services together with Carinus Lemmer and Meurant Botha tried to address the problem by calling a town meeting aiming to establish a “Cycling Forum”. Strong emphasis was placed by Botha on the need of the local Stellenbosch mountain bike community to address the question of liability and indemnity. In her presentation, Bolton called for the following:
- 1.4.1 Establish a committee with whom all cyclists using the natural areas must be a member of — provide IDs
  - 1.4.2 The committee must have clear terms of reference.
  - 1.4.3 Make the areas user friendly for all types/grades of users in a controlled manner.
  - 1.4.4 Assist in management of these areas by means of portfolio members with specific tasks or responsibilities, i.e. events, safety and security, rehabilitation
  - 1.4.5 Establish management plans for the natural areas.
  - 1.4.6 Establish a cycling master plan for WC024
- 1.5 **Results of the 2011 Town Meeting:** Members of FSM attended the meeting and can hence confirm first-hand that a “Bikers Forum” management committee was elected. However, nothing more was heard from the newly-established body or its management committee.

## 2 Some conclusions

We now take stock of some issues set out above. Naturally the opinions expressed are our own.

- 2.1 **The focus is too narrow:** Most mountain bikers are reasonable and want to do the right thing. Few, however, will contribute actively to solving problems associated with biking trails, because they are focused on the sport and the enjoyment and do not understand or care about the long and drawn-out planning process, the need for science or problems of maintenance, ecology etc. The focus is on the sport and only the sport. The rapid folding of the Cycling Forum established in 2011 illustrates the point that there has been an unwillingness to go beyond that.
- 2.2 **Responsibility, physical and financial:** Sport and recreation is most desirable and necessary for health. We marvel at the enthusiasm and physical prowess of bikers and wish that more people would get off their couches and go biking. Yet we must point out that the focus of the biking community, or at least its management, needs to be expanded to see the issues and problems beyond the simple enjoyment, and to take co-responsibility for them. This responsibility has two aspects: physical and financial.
- 2.3 **Physical responsibility and the Bikers Forum:** While ultimate responsibility for nature areas must rest with the Department of Community Services, there is need and a role for the local biking community to be part of a management structure taking physical responsibility for nature areas, just as for other NGOs such as FSM. Only the biking community itself can identify and properly discipline rogue elements within its ranks, and the expertise to properly design, maintain and run bike trails resides in the biking community itself. These capacities need to be brought into a formal structure which is both empowered and required to take responsibility for implementing them.
- Bikers may question why they should take responsibility for trails which they do not control. That is a valid question, and FSM along with bikers would like to see better control implemented, via the process spelt out in Section 3. But why wait? FSM has shown that volunteer work without control is feasible and important for overall sustainability.
- 2.4 **Financial responsibility and a broader business model:** The alternative to voluntary work is paid work. If a Bikers Forum does not materialise or does not last, or if the mountain

bike community cannot come forward to take up the physical responsibilities in some other way, then other methods may have to be employed; for example, law enforcement and maintenance by external agencies such as local security companies may have to be considered.

In that case, financial responsibility would be the major avenue for the biking community to contribute. It is well known that there is substantial funding and sponsorship for mountain biking, and that funding then comes into play.

This leads us to consider the bigger picture. Besides mountain bike trails, the management of nature areas includes invasive alien plants, erosion, rehabilitation, general law enforcement, fire prevention measures etc, all of which needs funding. A joint approach may therefore succeed, based on the integration of funding sources:

- 2.4.1 Firstly, the Department of Community Services is underfunded and understaffed. They deserve an increase in the municipal budget and staff allocation, given the primary role they play in securing the biophysical foundations.
  - 2.4.2 Large income streams can be generated from grants and donations, not only of conservation bodies, trusts and individuals, but also from the wider mountain bike community if it is given a perspective and a say. Such funding should not, however, be used exclusively for biking, but for the entire array of management tasks.
  - 2.4.3 Revenue generated from or in connection with a nature area should go to Community Services, and be controlled by them for use in the nature area itself. This would include income from plantations and race events.
  - 2.4.4 Should the above income streams prove insufficient, admission fees to nature areas will have to be implemented, as is already the case in Jonkershoek, at a level which renders the management of the nature areas (including bike trails and all other commitments) financially sustainable. Amounts of R20 for pedestrians and R50 for bikes, with corresponding season ticket prices, may be necessary to achieve self-sufficiency.
- 2.5 **Co-funding is win/win:** The argument that bikers should fund only their own enjoyment in the narrow sense without contributing to the overall management of nature areas is untenable. By its own IDP priorities, the municipality must prioritise spending on basic services, social and economic issues and there will probably not be enough municipal funds to fund the whole gamut of management challenges. Bikers should see co-funding of wider management challenges as a win/win, because a well-managed nature area will raise enjoyment and tourism etc.
- 2.6 **Cooperation between different roleplayers** in a given nature area is obviously imperative. Indeed, joint funding and a good nature management plan will draw together all role players together to play a constructive role in enforcing the overall goal of sustainable ecosystem management in balance with other land uses.

## 2.7 Money is important, but it is not enough

- 2.7.1 Besides being far more expensive than volunteer work, external contractors and agencies almost never do a good job. FSM has experience with contractors and can attest that, without proper supervision, contract work and contractors make things worse, not better. No amount of money can replace the committed, informed volunteer. Throwing money at mountain bike trails without physical presence and constant supervision by local bikers will not solve the problems.
- 2.7.2 A significant number of people have offered to contribute financially to establish a continuous bike trail around Stellenbosch. This willingness is appreciated and should be taken up. In this case, too, money alone does not solve any problems unless it is controlled by the people actually responsible for the physical management of a nature area, and coupled to

the physical presence of, and supervision by, committed individuals, both volunteers and employed staff.

- 2.7.3 The inefficacy of a money-only approach means that an individual or legal entity which donates money should not have direct representation on the management body of a nature area purely on the basis of such donations. Management is about physical presence and physical doing, not about armchair opinions. As set out above, physical management of nature areas needs to be based on physical presence, science and experience.

### 3 Biking, science and planning

In this section, we point out that the debate on biking in nature areas cannot be conducted without regard for, and full understanding of, the relevant scientific, planning and legal context.

- 3.1 This memorandum is not about biking in town. FSM enthusiastically supports the rollout of the Comprehensive Integrated Transport Plan, including its NMT components, and is in agreement with the biking community on the importance and multiple benefits of bicycles in town and on rural roads.
- 3.2 Biking in nature areas is not biking in town: they occur in fundamentally different environments which are governed by fundamentally different needs and opportunities, strengths and weaknesses, which often relate to different aspects of legislation. They must therefore also be treated separately.
- 3.3 Regarding biking in nature areas, we must point out the obvious, namely that ecosystems are not represented at workshops and in decisionmaking bodies. Ecosystems do not talk; they merely thrive when managed well, and they wilt and die if managed badly. They hence cannot be managed properly on the basis of some kind of democratic process. **Natural ecosystems must be managed on the basis of science and on the principle of sustainability.**
- 3.4 Naturally, the Municipality and private land owners may want to optimise land use by opening nature areas to other uses such as recreation, tourism, plantations etc. These activities are legitimate and can be accommodated in a well-considered management plan. However, **the science of ecosystem management must take precedence at all times**, simply because its directives do not do not have a natural lobby and do not happen spontaneously but must be implemented. **Mountain biking, like all human activity in nature areas, must therefore be integrated into a scientific ecosystem management plan, and not the other way round.**
- 3.5 There is **significant local scientific expertise** in such matters; witness e.g. the recent book *Fynbos: Ecology and Management* by Professor Karen Esler of Stellenbosch University, Shirley Pierce and Charl de Villiers. The Department of Conservation Ecology should be asked to make significant input into the local nature area management plans.
- 3.6 The immediate implication is that **biking and other land uses should be assessed within the framework of, and integrated into, a comprehensive integrated scientific nature area management plan.** No separate plan for biking, tourism or other human activity in the nature areas should precede or pre-empt the integrated management plan.
- 3.7 **Finalise the land use status:** In order for scientific management plans to be drawn up for a given nature area, there must first be clarity on the bioregional category and intended use of the area. The order of things cannot be reversed. **First**, we need urgent completion of the Environmental Management Framework and SDF, including the finalisation of the land use

status of nature areas, **secondly**, we need integrated management plans for each area, and only then **thirdly** can we proceed to implement the latter including the mountain bike trails.

FSM lauds the efforts by the municipal planning department to complete the SDF and EMF. It is now time to bring to completion the long process of identifying the nature areas and giving them statutory protection. We have waited for years: it is now time to act.

## 4 Recommendations and requests

These recommendations and requests pertain to biking and bike trails in nature areas only and not to NMT measures in the built-up areas.

- 4.1 **Council: finalise the status of nature areas and critical biodiversity areas.** Many years of preparation and planning regarding the Stellenbosch nature areas have gone by, yet statutory protection is still limited to Jan Marais Park and Papegaaiberg. The remaining nature areas urgently need formal protection, initially by means of a municipal process of rezoning and management plans. More than any other, low-lying areas of renosterveld should be protected with the utmost urgency. **We request the Department of Planning and Council to finalise this process urgently. All the required plans such as the SDF and SEMF are in place. It is time to act.**
- 4.2 **Management plans for nature areas must be drawn up, with significant input by the scientists, based on the principles of sustainability and conservation ecology.** These management plans will be informed by the overarching SDF and SEMF as well as pertinent parts of LED and tourism plans which include, of course, ecotourism and bike trails. The Municipality should provide adequate time and funds for consultant scientists to give their input into the management plans.
- 4.3 **Bike trails in nature areas and associated measures should be planned and implemented as integral parts of these nature area management plans. They should not be drawn up or approved separately.** In other words, mountain bike trails and other plans for ecotourism and sport should fit into the integrated management plans rather than pre-empting them.
- 4.4 The community of mountain bikers living in Stellenbosch should **establish a formal representative body** with a constitution, annual general meetings and elected representatives; call it the “Stellenbosch Mountain Bikers Forum” (SMBF) for the moment. The SMBF should **take responsibility for maintaining mountain bike trails** in nature areas in cooperation and consultation with the municipal Department of Community Services and other NGOs active in the relevant nature area. The SMBF should also **take responsibility for law enforcement** as far as the bike trails are concerned, in cooperation and consultation with municipal law enforcement. Specifically, this body should identify rogue elements in the mountain bike community and shut down their illegal activities.
- 4.5 If no such body is constituted, or if the body proves ineffective in the above tasks, then the Municipality should consider appointing **external law enforcement companies** to police the nature areas and hiring **qualified and scientifically informed external contractors** for management of mountain bike trails. This will have financial consequences on the principle of **user pays**.
- 4.6 Mountain biking cannot expect to pay only for its own needs and goals. The enjoyment and benefit of biking in a well-managed nature area is the direct result of effort and money put into that management, and it is reasonable to expect that a contribution to the costs and effort comes from the biking community.

- 4.7 Given the constraints in municipal funding, the integrated management plan should include a **joint business plan** which integrates income and funding from grants, donors, day-to-day biking activities, special events such as races as well as admission fees. This is in line with the Local Economic Development Policy.
- 4.8 The **Department of Community Services** is badly underfunded and understaffed. To fulfil its proper role in controlling and managing not only the nature areas themselves but also the various activities there, including the oversight over the mountain bike trails, the budget and manpower of Community Services needs to be increased substantially.
- 4.9 Income generated by nature areas should be controlled by the Department of Community Services or the relevant joint management body, subject to the usual financial controls and auditing. Such income should be applied to the management of the nature area and related law enforcement, maintenance and development.
- 4.10 **Municipal line management:** The Department of Community Services is willing, able and mandated to manage the nature areas. Mountain bike trails as part of these areas therefore are — and must remain — their responsibility. The lack of coordination between different municipal departments has led to numerous problems regarding special events. Bike trails and any other function in the nature areas must not be transferred to a different municipal department or directorate or split up between different departments.
- 4.11 In time, a **joint public-private management body** such as a PBO or Section-21 company should be formed, one for every municipal nature area, consisting of major role players in the given area, including of course the Municipality itself, conservation bodies, the biking body and other roleplayers. Representation on this body should not be based on financial contributions or subscriptions.
- 4.12 Municipal liaison with and control of **special events such as foot and bike races**, ecotourism activities etc should be managed by a single entity, preferably the Department of Community Services or the abovementioned joint body. Good practice would include timeous application by the event organisers, circulation of the proposed event parameters (route, numbers, cleanup duties etc) well before the date of the event for comment by the local NGOs, permission based on a formal agreement, and communication of the final agreement to all roleplayers.
- 4.13 **Formal agreements for special events:** A special event organiser should be required to sign a contract with the municipality specifying, amongst others, the estimated number of participants, the duration, the exact route, areas where support vehicles may and may not park, undertakings of proper cleanup after the race etc. As in all contracts, a deposit or retention fee should form part of the contract, in addition to the abovementioned access fee, in order to ensure that contract provisions are respected.
- 4.14 Law enforcement in nature areas is currently inadequate not only because of insufficient funds and manpower, but also because **the current justice system is inadequate**. Council should revisit the by-laws pertaining to public open spaces and make adequate provision for penalties which match the transgression, starting with prison for arson or lighting a fire, high penalties for removing or disturbing fynbos, down to penalties for bicycles deviating off the designated routes.