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FRIENDS OF STELLENBOSCH MOUNTAIN

Mountain bike trails, maps and MOUs on Farms 369 and 366 (Paradyskloof) and elsewhere: Some history, current status and conclusions 20 September 2021

1 Introduction

- 1.1 Mountain biking is an important component of outdoor recreation in Stellenbosch, and Stellenbosch Municipality (SM) is one of the three major land owners in the municipal area, the others being Cape Nature, administering state land, and Stellenbosch University. In addition, a number of private land owners have opted to include mountain biking in their offerings.
- 1.2 There is a clear need to bring together the fragmented and complicated rules and structures which govern not only mountain biking but nature areas in general, pertaining to both municipal and other nature areas and to recreational use in general.
- 1.3 This memorandum was written in order to provide the necessary background and input from the viewpoint of Friends of Stellenbosch Mountain, an NGO working largely in the Paradyskloof nature area but involved in municipality-wide governance issues. On the one hand, this memorandum is therefore focused on the Paradyskloof Nature Area, also known as Eden within the mountain biking community, and on biking; on the other hand, the issues raised in that specific context apply to all the other areas.
- 1.4 The memorandum can and should be used for both purposes:
 - (a) Those interested in the Paradyskloof- and biking-specific issues should read the entire document, starting with the Environmental Management Plan approved for Paradyskloof by the municipal council. Sections 2 and 3 below provide detailed and necessary input into this specific part.
 - (b) Those interested only in the generalities as they apply to the entire municipal area, all landowners and covering not only mountain biking but also other recreational activities can jump immediately to Section 4 below, mindful of the fact that conclusions drawn there are based on the situation in Paradyskloof.
- 1.5 Other documents do not form part of this memorandum but must be kept in mind as important background:
 - (a) The Paradyskloof-specific Paradyskloof Environmental Management Plan (EMP) of 2019 is taken as read; it is available on the FSM website fsmountain.org. The EMP represents the lowest level of the law as pertains to the area, but its provisions are compulsory. It is, by its own admission, incomplete and especially so when it comes to the

- specifics. While formally approved by Council, it has not been funded and so far exists only on paper. Nevertheless it represents a cornerstone for current and future efforts in Paradyskloof and is a blueprint for EMPs to be compiled for other nature areas.
- (b) The 1988 municipal by-law provided separately is a reminder that this by-law applies also. A new by-law has been in the works for years but as far as we know is still not promulgated. There are of course the national and provincial environmental laws and regulations also.
 - (c) A 2014 memorandum by FSM, also provided separately, is a historic snapshot of many of the issues which we are still discussing. Some aspects have now been addressed in part through the compilation of the , but the EMP has been implemented only minimally so far.
 - (d) Other material such as the 2015-2016 emails set out the initial approaches, the conflicts and the rules already set by Schalk van der Merwe, Portia Bolton et al even back then with regard to trails on Farms 369 and 366 (Paradyskloof nature area). There were quite a few meetings in 2016 and a joint site visit on 13 July 2016 which determined some of the routes to be off-limits for cycling.

2 Specific Paradyskloof map versions and their relevance

In order to compile a truthful and accurate new master map of jeep tracks, trails and footpaths (which we will just call “trails” collectively), we must have an accurate picture of what existed in which status at what time. Comparison of the trails documented in successive years provides a picture of which had pre-existed and which have been added. Since bicycle trails and routes should be considered and determined only within the integrated context, all trails and roads are considered here.

This section is related to the rules for recreational use within the Paradyskloof EMP; the relevant page is reproduced in Appendix A. Most relevant are of course items d) and i) in those rules. Activity No 36 exactly describes the narrow scope of the present exercise. Activities 37 to 41 have not happened at all or in very few instances.

We now discuss the various versions of trail maps in existence and their status. The available maps are listed in chronological order. We start with 2015, the year in which Stellenbosch Trail Fund and Corrie Muller appeared on the scene.

2.1 Successive versions

- 2.1.1 Appendix B shows a photo of a display board as of May 2016, including “house rules”, which was compiled by STF and put up at the time. Appendix C dated July 2016 shows some detail for the “northern lobe” which includes the plantation, also called “Eden forest”.
- 2.1.2 The EMP maps which appear in the EMP were compiled sometime between 2016 and 2017, based on high-resolution air photos of unknown date. The routes shown in Figures 11 and 18, as exemplified by the picture in Appendix D were read off these high-resolution maps by municipal official Schalk van der Merwe. They therefore represent not a ground-truthed set but rather one which contains both established/approved and spurious and unapproved trails. Specific examples include the many “trails” which in reality are just the ad hoc tracks ripped open during logging operations. Neither Figure 11 nor Figure 18 of the EMP can therefore be used as a point of departure for a new master route plan.
- 2.1.3 Appendix E shows the official trail map of STF itself, also dated around August 2016. It is clearly incomplete, compared to the FSM maps of Section 2.2 eg containing trails which were actually closed in 2016. The 2016 STF map focuses on cycling rather than providing a full picture of all trails and footpaths.

- 2.1.4 The colour map in Appendix F dates from 2019 and is somewhat more complete. It includes some colour coding and some routes marked off-limits. It is also the basis of the large maps put up as display boards at the Paradyskloof entrance and elsewhere in town. It, too, needs revision and correction as pointed out already when they were first put up. While these large boards have been consulted and used by thousands of riders and hikers in the past three years, they are not definitive since they were not the result of a proper consultation process but drawn up unilaterally by STF.
- 2.1.5 The trailforks site as appears on <https://stellenboschtrailfund.co.za/trailforks/> makes use of the trailforks software as per www.trailforks.com. The screenshot in Appendix G shows the zoomed detail of the Farm 369 northern lobe. It is clearly a work in progress but offers greater functionality than the previous maps and photographs. It is unclear which creator controls these maps and which criteria led to the specific route designations shown on this and trailforks in general. The veracity of individual routes has as yet not been checked against the other maps and the EMP's rules and specifications.

2.2 The FSM 2017 route maps

- 2.2.1 The three Appendices H, I, and J represent the northern and southern parts of a single map compiled by FSM. The displayed version dates to 24 June 2017.
- 2.2.2 Status of this map: Unlike Figures 11 and 18 of the EMP, the routes on this map were ground-truthed at walking pace with a high-quality Garmin GPS. These trails and map are almost complete in the sense that they include jeep tracks, bicycle trails and footpaths. This map therefore can be said with a high degree of confidence to represent the true state of affairs as of 24 June 2017.
- 2.2.3 Any trail which does NOT appear on this map can correspondingly be seen with high confidence as having been built AFTER that date. The contrary is not true, however: not every route that is marked on this map is an APPROVED route; it merely shows that the route EXISTED back then. Indeed at least four of the routes shown were not legal.
- 2.2.4 Some technical remarks: we had in 2017 made an effort at colour coding: black is "jeep track", red is "mostly cyclists", green is "pedestrians only", yellow is "closed". However, at least one of the red-marked trails should also have been marked as closed also, namely the one in the Schuilplaats valley, as per decision of our 2016 joint site visit and the ensuing emails.
- 2.2.5 All of the tracks shown on these maps are primitive images of GPX tracks imported into qgis. There was no time back then to complete the job, so the alignment and consolidation of the raw data has not happened. As a result, only the PDF image as shown has been generated so far.
- 2.2.6 The disadvantages of this map is therefore obvious. The advantage is that it constitutes a definitive snapshot of the trail system at the time of June 2017.

3 Comments on some specific routes

- 3.1 There is clearly a lot of detail work to do before a definitive trail master plan can be finalised for the Paradyskloof trail network. The remarks below only provide a set of comments by example to show what kind of issues need to be considered for each route which is in question. These issues will re-appear in other areas in a similar form.
- 3.2 **Example 1 Footpath upmountain above Eden plantation:** Like most trails, this footpath was simply hacked in the period 2006 to 2010, without seeking or obtaining permission, into the fynbos or forest undercover by one of the neighbours who wanted to take his four-wheel drive up the mountain for sundowners. Later the trail was extended all the way through

the mountain fynbos to the indigenous forest and kloof by mountain bikers. This in turn led to bark stripping and litter. The footpath continues to deteriorate.

- 3.3 **Example 2: Early bike trails:** A number of trails were hacked from about 2006 and intensifying in 2009 by a group of people on the lawless fringe of the mountain bike community. These same tracks now form part of the “accepted” trail network in Paradyskloof, even though no permission was ever sought or obtained.
- 3.4 In the interim years Between 2009 and 2018, many tracks were created in a similar way to Example 2 despite clear instructions from the municipality (both Portia Bolton and Schalk van der Merwe) that no new trails would be allowed but those instructions were not enforced. Most of these tracks now also form part of the “established and accepted” network.
- 3.5 From 2015, the trend accelerated. It is worth noting that the early STF trail map shown in Appendix B shows the old jeep tracks but only two mountain bike trails in the forest, the black line being the disputed shooting range trail discussed below. Less than two years later, the network had expanded to many more trails; see Appendix E.
- 3.6 **Example 3: The “Shooting range trail”:** In August 2019, this trail was created (or re-opened, according to Corrie Muller) on the land which formerly was part of the shooting range upmountain from the clubhouse.
- 3.7 We first discuss the existence of the trail itself. The image in Appendix K was brought by Dr Corrie Muller to the November 2019 meeting in support of the claim that his trail was “not new”. The red line on that image corresponds to the black line on the image in Appendix C.
- 3.8 Several things need to be noted:
- Neither the black line nor the red nor the green lines correspond to a visible correspondent change in the vegetation seen on the photo itself. The lines were superimposed; they do not appear in the vegetation itself on both images.
 - The track does not appear on the STF map in Appendix E either.
 - The shooting range trail does not appear on the FSM June 2017 ground-truthed map. It did not exist back then. If years earlier there had been some activity on it, the vegetation had in the meantime regrown.
 - A separate googlemaps photo shown in Appendix L likewise shows no trace of an existing bike trail there. This image obtained from GoogleMaps clearly pre-dates the shooting range trail which was constructed around July-August 2019. The occasional logging track is, by contrast, far more visible on this photo and on the EMP’s Figure 18.

So there really was no trail there prior to August 2019, whatever may have been claimed then or now.

- 3.9 Given its nonexistence prior to August 2019, its creation became the subject of many emails and eventually a meeting in November 2019 at which it was decided at a joint meeting that it should be closed and kept closed by Stellenbosch Trail Fund as per meeting minutes; see Appendix M.

The closing of the trail was done several times by STF, but if the STF signs were removed, as were obstacles placed on the trail. As of July 2021 the trail is again open and is being used as shown eg in Appendix N. Neither STF nor the Municipality is enforcing the closing even though the minutes of November are unambiguous that it was to be closed and remain closed.

- 3.10 The decisions taken at the November 2019 meeting on the shooting range trail are reproduced in a Table in Section 6 below, along with an item-by-item commentary on compliance with those decisions.

3.11 See Section 4.4 for further comments on this particular trail.

3.12 **Example 4: The Hottentotsholland Nature Reserve trail**

There are a number of other trails which have appeared which were hacked without consultation or authorisation. Two examples “F369 Trail” and “F365 Trail” appear on the image in Appendix O. We consider first the “F365 Trail” which falls in part on Farm 365, which is part of the Hottentotsholland Nature Reserve. It is shown on image in Appendix O and falls partly on Farm 365 (Hottentotsholland Nature Reserve) and partly into the upper forest part of the privately owned Farm 516/46 en route to Mont Marie. Of course trail building of any kind is prohibited in a nature reserve, whether in forest or fynbos. It was hacked into virgin fynbos in the upper parts and the pine forest underneath in May and June 2018 by Hein Herbst of Montmarie and STF. This led to a complaint lodged at the provincial Department of Environment and Development Planning (DEADP) late in July 2018, and DEADP required that the trail must be closed. The DEADP closing instruction was implemented only briefly, but the trail was reopened. The trail was again in use just weeks after it was “closed” and remains open for use as verified on 25 August 2021. To our knowledge, DEADP has communicated directly with STF on this.

3.13 Appendix P from the trailforks website along with a number of similar websites display this trail as if it formed part of the officially accepted network of trails, so ordinary riders can be forgiven for assuming that it can be used at will.

3.14 It would seem that this trail has been used for commercial races. The photograph of Appendix Q taken on 25 August 2021 show the characteristic plastic blue-arrow on yellow route markers along this trail.

3.15 It is unclear which organisation is responsible and to which race the flag relates. Quite possibly it could be related to Origin of Trails Trailrunner Experience race run for commercial profit by Stillwater Sports (stillwatersports.com) has used it as part of both the “Trail Run Experience” races on 26 and 27 June 2021 as well as some training runs in the months before that. The marker could also be related to the Fedhealth MTB Challenge, also starting from Blaauwklippen winefarm, or some other event. Stillwater Sports has not published any routes online.

3.16 The details of the race organiser are secondary to the fact that, despite the official communications and the official intention to close the trail and keep it closed, it is being used on an expanded basis both by casual riders and for commercial gain.

3.17 **Example 5: The “F369 Trail”** shown on that image is a segment connecting the upper part of the former southern shooting range to the upper parts of the “Montmarie-Trail”; it did not exist in 2017 and does not appear on either the 2017 map of Appendix J or on the STF map F. There is no record of request or authorisation for this segment. It remains open and is used heavily as of August 2021 as part of the route connecting Paradyskloof to Montmarie.

3.18 Destruction of natural vegetation creating new trail segments is continuing at the time of writing of this memorandum.

4 Observations and conclusions

4.1 Widening the scope

4.1.1 Stellenbosch Trail Fund has expressed its intention to sign a Memorandum of Understanding (MOU) with Stellenbosch Municipality. In our understanding, the MOU forms part of a larger strategy in which STF negotiates bilaterally with not only the municipality but also with other land owners so as to create a comprehensive network of bike trails.

- 4.1.2 From here onwards, the scope therefore widens to include not only the Paradyskloof nature areas, but all other municipal nature areas plus state land such as Jonkershoek and private land.
- 4.1.3 The Municipality is subject to stringent legal and financial constraints, which complicates matters, and the inclusion of many land owners complicates things even more. That cannot be avoided; an integrated problem requires an integrated approach and integrated solutions. Most role players recognise this need to integrate efforts across all areas and land owners if possible.
- 4.1.4 The comments are general in their application, but to keep things brief, the focus remains on a possible MOU and its contents. Much that is important will have to await the next round; see Section 5 for a short todo-list.
- 4.1.5 Since STF has played a significant role in starting this process, a draft version of this memorandum was sent to STF. A first response appears in Appendix R. We shall not respond here to the points raised there but await the next round for doing so.

4.2 A culture of lawlessness and the need for law enforcement

- 4.2.1 There is a long history and widespread pattern where **trails which are hacked without authorisation eventually become part of the “accepted” trail network simply through continued use.**
- 4.2.2 Section 3 provides examples: each of the trails mentioned there was created illegally and flagged as such, but despite all the emails conversations, agreements and undertakings there have been no consequences. Even in cases where a particular unauthorised trail was “closed”, that closure did not last long. Again and again, closure signs have been removed, obstacles placed on such trails have been cleared, and use of the trail resumed.
- 4.2.3 While it is important to determine whether a particular person or organisation did or did not participate in these illegal activities, it is even more important that there is no accountability and no law enforcement in place.
- 4.2.4 There is evidence that this pattern is prevalent not only in Paradyskloof but in all other nature areas also. **The culture of lawlessness is therefore systemic and serious.** This is one of the roots of the problem which must be addressed.
- 4.2.5 There has forever been mutual finger-pointing: the Municipality claims that STF should enforce the closure of trails which are illegal, while STF claims that it cannot do so and that it should be the duty of the Municipality to enforce the law. **Both sides are passing the buck.** As shown in the Table on Page 9 below, both the Municipality and STF are not even compliant with the minuted decisions of the August 2019 meeting.
- 4.2.6 The Municipality currently has many EPWP workers employed, as shown in Appendices S and T, and at least 23 of those are designated *forest guards*. The Municipality must explain why these large number of guards plus 13 *mountain trail* workers have been unable to make any contribution towards stopping the unlawful re-opening of closed trails.
- 4.2.7 **Until clear responsibility for trail closure enforcement is assigned and decisions are enforced, legal agreements have no credibility.** On the contrary, they create a false impression of lawfulness when in fact people on the ground continue to act illegally without any consequences. Any and all legal agreements or Memoranda of Understanding must assign clear responsibility for enforcement of provisions both of the MOU and of the law in general.
- 4.2.8 **There must be consequences if undertakings or EMP provisions are broken.**
- 4.2.9 **Any MOU must likewise specify the consequences of not complying with provisions of that MOU.**

4.3 Maintenance

- 4.3.1 **The size of the trail network must be determined not by the needs and desires of recreational users and race organisers, but by the sustainability principle, ie by the available budget and manpower to maintain that network indefinitely.**
- 4.3.2 The basis for this can be found in the section on sustainability in the Paradyskloof EMP. Applied to trails, the goal of sustainability implies chiefly prevention of soil erosion and minimising impacts on vegetation. This can only be achieved by limiting the number of trails and maintaining the approved trails well, not only in terms of human safety but also of erosion prevention and minimising the loss of vegetation. At the moment, the existing trail network in the Paradyskloof plantation is not being maintained well at all even as their number continues to increase.
- 4.3.3 If at any point it becomes clear that the budget and manpower to do such maintenance on the existing network is insufficient, that network is thereby demonstrably unsustainable and must be reduced in size. **In that case, trails need to be closed to reduce the network until it has a size compatible with the available maintenance budget and manpower.**
- 4.3.4 According to the Causal Principles (EMP Section 1.4), **the onus for maintenance rests with the community which caused the impacts.** This includes not only STF but every race organiser and every trail user.
- 4.3.5 **Any MOU must therefore specify that trails which are not properly maintained within specified timeframe and frequencies are to be closed and kept closed.**

4.4 On a Paradyskloof trails master plan

- 4.4.1 It is important and necessary to compile a trails master plan to complete the Paradyskloof EMP. The problems sketched above indicate what kind of issues need to be discussed first.
- 4.4.2 The “shooting range trail” of Example 3 is a case in point. Whatever trail there was before 2016 had been revegetated. Then extensive work was done on it by Corrie Muller, in part using STF equipment and manpower. Following the November 2019 meeting, it was closed and forcibly re-opened several times. If this kind of trail were to be included in a trails master plan, that would legitimise its illegal construction and illegal re-opening, further support the culture of lawlessness, and thereby provide an incentive for continuation of the same modus operandi in future.
- 4.4.3 Hence the rules for inclusion of a trail into the master plan should take into account:
- (a) There must be a fair allocation of trails and areas not only for mountain bike use but for other recreational users also.
 - (b) The impact on the sustainability of the other EMP goals, including vegetation and erosion impacts, must form a primary criterion.
 - (c) Historical use of a particular trail does not in itself constitute sufficient grounds for inclusion into a trail master plan
 - (d) Special care should be taken not to undermine efforts to re-establish a culture of responsibility and lawfulness.

4.5 Cooperation between all role players will benefit everyone

- 4.5.1 Much can be gained by getting our act together and collaborating towards a common set of goals based on a commonly agreed set of fundamentals. FSM is very much in favour of this. As stated in the past, we think that the time has come for the establishment of an umbrella body covering the entire municipal area and made up of environmental and recreational nongovernmental organisations.

- 4.5.2 Such a group already exists in embryo form. It is not identical with either the “Friends” initiative of the municipality nor with other fledgeling bodies such as the Cape Nature Advisory Committee.

Relevant role players include: the major owners of nature land, scientific advisers, recreational users such as bikers, trail runners, hiking clubs and of course environmental groups like FSM.

- 4.5.3 The chance of accessing external funding rise significantly if a unified and coherent group comes up with unified and coherent strategies and proposals.

4.6 Adequate budgets and financing

- 4.6.1 Nature areas need to be managed actively, and that management needs money and manpower. Explicit and adequate provision must be made in both STF, municipal, and other land owner budgets both for law enforcement and for maintenance of trails.

- 4.6.2 If the claim is made by either the Municipality or STF that there is no money and no manpower to enforce agreements and laws, then efforts must concentrate on utilising available and new money to strengthening the law enforcement capacity rather than on creating new trails.

- 4.6.3 Budgets and financing go far beyond bike trails. The financial aspects of mountain biking cannot be considered and institutionalised in isolation but must form part of a wider financial framework.

4.7 Transparency

- 4.7.1 It is imperative that a comprehensive understanding of all existing financial aspects precedes any binding agreements between any parties and that the ground rules for present and future financing are spelt out and conform to the Paradyskloof EMP and other legislation.

- 4.7.2 There must be comprehensive transparency and discussion of all financial issues before any agreements are signed.

- 4.7.3 This is of course true in general, for all areas and all organisations involved in the nature area management space.

- 4.7.4 For example, with respect to STF, it needs to become clear to everyone exactly what the relationship is between STF on the one hand and sponsors such as Stillwater Sports who, as set out above, run for-profit events on municipal nature area land, and whose environmental record is not good. Stillwater Sports had, in cooperation with Corrie Muller, also included the “shooting range trail” of Example 3 in its 2019 Origin of Trails routes before that trail was flagged as illegal.

- 4.7.5 Stillwater Sports also sponsors STF financially. There is therefore a “flow of money” starting with a commercial company to a nongovernmental organisation which does trail expansion and maintenance work which in turn benefits that commercial company.

- 4.7.6 It is known that Corrie Muller has been doing work for both STF and Stillwater Sports

- 4.7.7 This may all be above board legally, but the question does remain why commercial money is being made on the basis of a nature area, and at ecological cost to that area when at the same time ecological management is chronically underfunded.

4.8 Fundamental purpose

- 4.8.1 It must be emphasised that recreational use is just one of five main purposes of municipal nature areas: see Section 1.1 of the EMP. As a public body, Stellenbosch Municipality is also legally required to ensure that its land uses are sustainable and benefit all segments of society.

4.8.2 This means that a trails master plan must be based first on these criteria, not on the needs and aspirations of commercial companies or recreational users.

4.9 Inclusiveness

4.9.1 A further consequence of the fundamental purpose is that financial affairs cannot revolve only around the needs and aspirations of one segment of the recreational user community.

4.9.2 A joint financial plan is needed which takes into account all financial sources and all financial needs rather than just the limited one of Stillwater Sports, Stellenbosch Trail Fund and similar commercial and nonprofit entities.

5 Other issues which must be discussed and addressed in a MOU

Some of the issues which still need to be fleshed out include

5.1 A process for drawing up a trail master plan for Paradyskloof (Farms 366/369) and beyond,

5.2 Systems and rules which apply across all areas and types of recreational users must be drawn up in consultation with all stakeholders,

5.3 MOUs with STF as well as other organisations such as FSM, Usiko, hikers groups etc,

5.4 Display boards and notice boards, including rules of access,

5.5 Status of motorised vehicles, quad bikes, ebikes etc,

5.6 Races and race routes: routes, process for approval, compliance with conditions, fees etc etc.

6 Compliance Checklist: Minutes of November 2019

November 2019 Minutes	Compliance comments
Stellenbosch Trail Fund (STF) policy states the following: Only to maintain existing trails that has been approved by the Stellenbosch Municipality according to the Paradyskloof Management Plan.	Compliant
Stellenbosch Trail Fund (STF) policy states the following: - Any proposed construction / scrapping of new trails must be discussed with Environmental Management Section of Stellenbosch Municipality in order to ensure compliance.	Unknown. Have such discussions taken place?
Existing Trails are not mapped according to the Paradyskloof Management Plan, this should be rectified in must be aligned with the Paradyskloof Management Plan.	Minutes are unclear: what exactly does “aligning” mean? The EMP does not HAVE any definitive track maps anyway; this task has not been accomplished.
New Trails cannot be identified as a trail route based on cyclists using the “unauthorized trails”.	STF complies with identification, but unauthorised trails are used anyway
Mountain Bike Trails causing erosion must be closed for maintenance according to a rehabilitation programme.	Neither STF nor the Municipality is compliant. No trails were closed and there is no rehabilitation programme in place.

Cyclists should participate actively as a member of Friends Group for the Paradyskloof Nature Reserve platform will ensure communication between Stellenbosch Municipality and community members.	Friends Groups still not established two years later , which makes it all the harder to make progress now. Municipality not compliant.
Ensure that all relevant role players such as STF and mountain bike cyclists are aware of the Paradyskloof Management plan for compliance.	WHO should ensure? HOW would that be ensured? Minutes are unclear
STF must create sustainable awareness for the use of Mountain Bike Trails this can be done formally and informally.	Minutes unclear: what is “sustainable awareness”? How did STF interpret this clause?
It is imperative that the STF liaises with the land owner (Municipality) regarding the utilisation of trails on a regularly basis.	How many verifiable liaison meetings regarding the utilisation of Paradyskloof trails have been held in the last 3 years between STF and Municipality?
Annual inspections of the Mountain Bike Trails according to the Paradyskloof Management Plan will be conducted on a monthly basis.	WHO is supposed to inspect? What record is there of any inspection? Neither STF nor Municipality is compliant
The newly scrapped Mountain Bike Trail must be closed and immediately and signage board according to (4.2.4) in Paradyskloof Management Plan must put up at the top and bottom of the Trail by the STF to notify the cyclists and the public about the illegal trail that is no longer in use.	STF did put up signage and did try to close the trail. The signs were removed and the trail is in use anyway. Neither STF nor Municipality are compliant.
Only use recognised Trails according to the Management Plan.	Minutes are unclear. The EMP does not HAVE a well-established list of recognised trails. Municipality needs to update the EMP to include a Master Plan. Noncompliant so far.
STF must update Mountain Bike Trails maps according to recognised trails as stipulated in Paradyskloof Management Plan. These maps must be sent to Environmental Management section for verification and approval and then distributed to the relevant role players.	Minutes are incorrect and unclear. It is not incumbent on STF to simply draw up and update maps on its own. The route Master Plan must be drawn up in consultation with all users and especially the Municipality itself.
It was decided that by the Municipality that newly scrapped Mountain Bike Trail must be excluded from the Origin of trail event. The event organiser of the Origin of Trails must be informed that only approved routes are permitted.	Compliant in 2019 , but the recent 2021 Origin of Trails runners’ race has seen destruction of fynbos in the south-eastern corner of Farm 369 by 4x4 trucks.
Rangers to patrol and conduct monitoring once a week (Verification of Closure).	There is very little law enforcement and the temporary EPWP workers are not aware of the decisions and issues. Non-compliant.

4.3.3 Recreational Use

A primary function of the Paradyskloof NA is to enhance the well-being of the people of Stellenbosch and those visiting the area. Accordingly, the NA has an important role, namely to provide the foundation for recreational and tourism opportunities which are environmentally compatible. Chapter 3.5 above lists the range of outdoor- or recreational activities Paradyskloof NA is utilised for.

Rules applicable to the recreational use of the area are:

- a) Entry and use is at a person's own risk. Stellenbosch Municipality and/or its employees shall not be liable for any damage, loss, theft, injury, accident or death suffered by any person, howsoever caused.
- b) No lighting of fires (except in the event that approval has been granted by the Department: Community Services as part of an event).
- c) No smoking.
- d) Only approved / designated roads, trails or tracks may be used. The construction or clearing of new roads, trails or tracks are prohibited.
- e) Public vehicle / motorised access to the area is prohibited unless authorised.
- f) Visitors to comply to all signage including access signage and route markers.
- g) Any user of the area utilising the area for cycling, hiking or any other permitted activity must be equipped with the necessary safety gear and equipment.
- h) All users must utilize the area in a manner that considers the enjoyment and safety of other users.
- i) Various routes (roads, tracks or trails) may exclude particular activities such as cycling. In such cases where a route is temporarily closed for rehabilitation or maintenance, or permanently excludes a particular use, appropriate signage will be installed to communicate such information which must be adhered to as in (f) above.

Table 13: Guidelines for management of recreational use of the Paradyskloof NA

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
36	Audit all roads, trails and tracks and update maps accordingly. Decide on the appropriate use (or decommissioning / rehabilitation) thereof and install appropriate signage.	Immediately after EMP approval
37	Maintain existing roads, trails and tracks to be fit for recreational use.	Ongoing
38	Inspect roads, trails and tracks to be fit for recreational use.	Monthly during summer or after heavy rain events. Weekly during summer.
39	Repair damaged roads, trails and tracks.	Ongoing
40	Close routes that require maintenance or rehabilitation and are not deemed to be safe for recreational use by installing appropriate signage and access barriers.	Ongoing
41	Inspect and maintain signage and route markers throughout the area.	Monthly

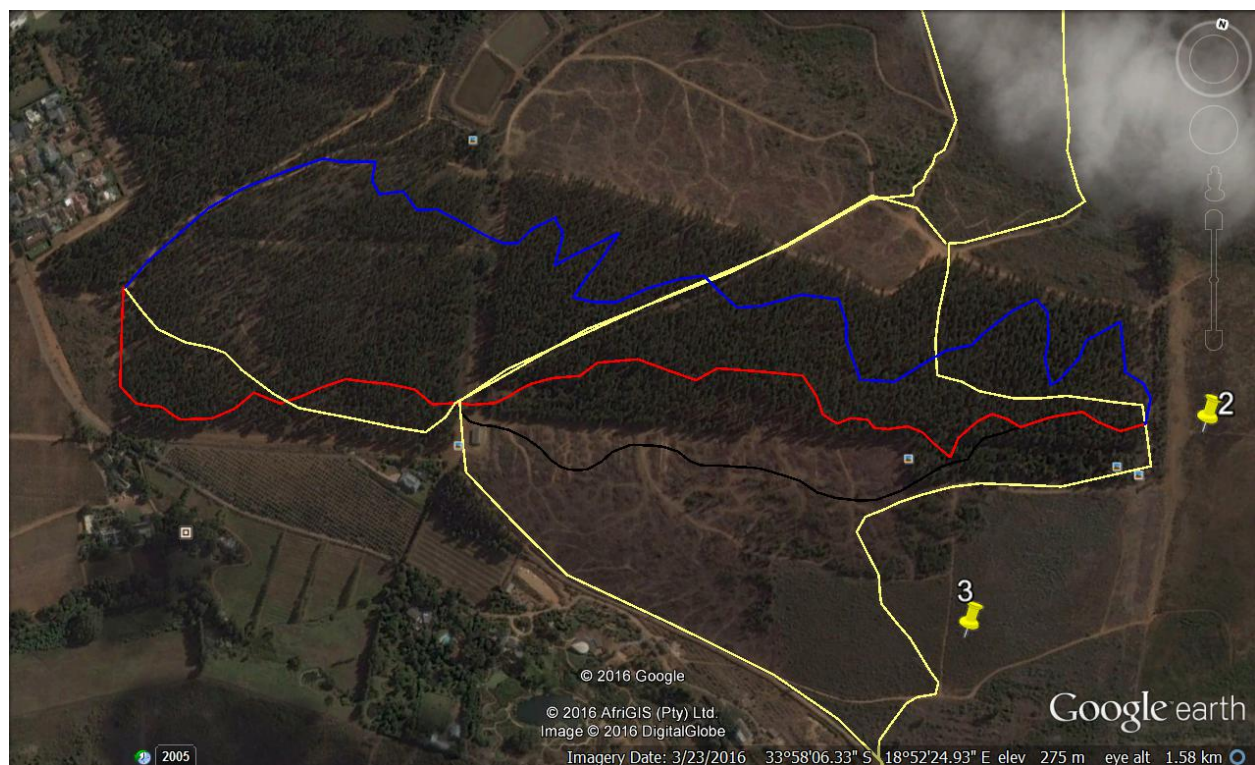
B Original 2016 STF display board with old map



A clean river that is safe and there for us all to enjoy again.



C STF trail map, 22 July 2016



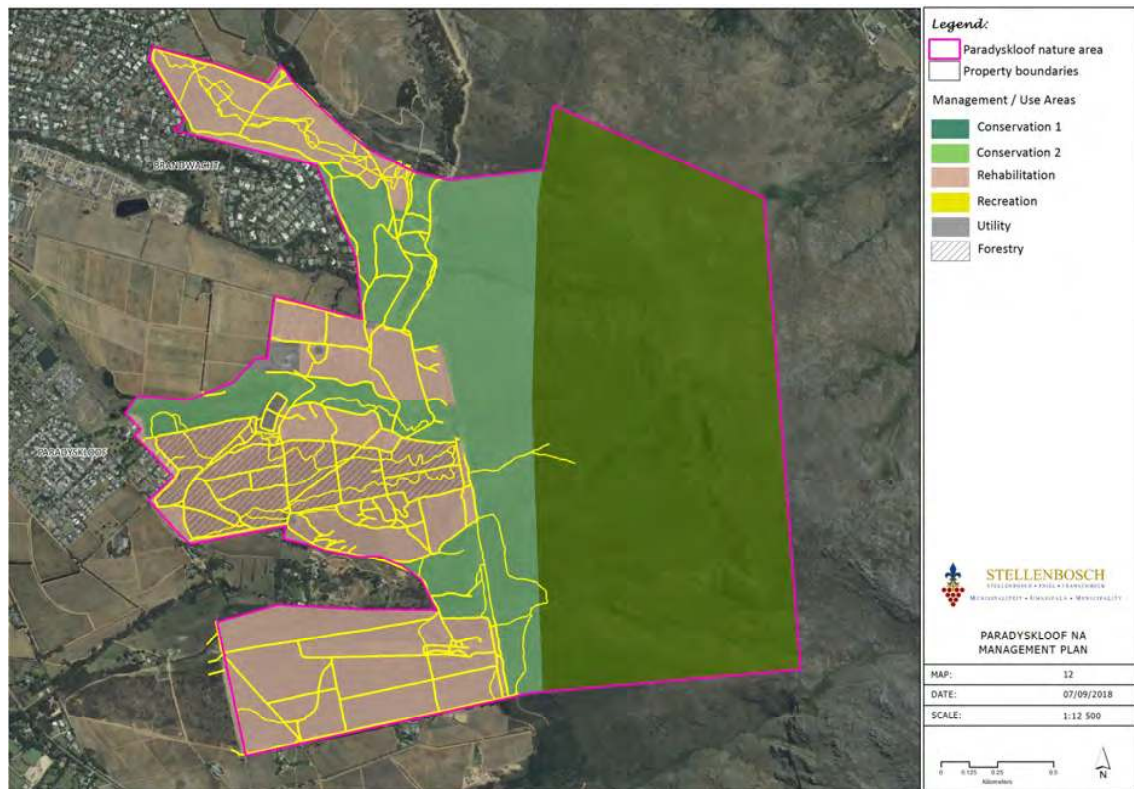


Figure 18: Paradyskloof NA Management / Use Areas

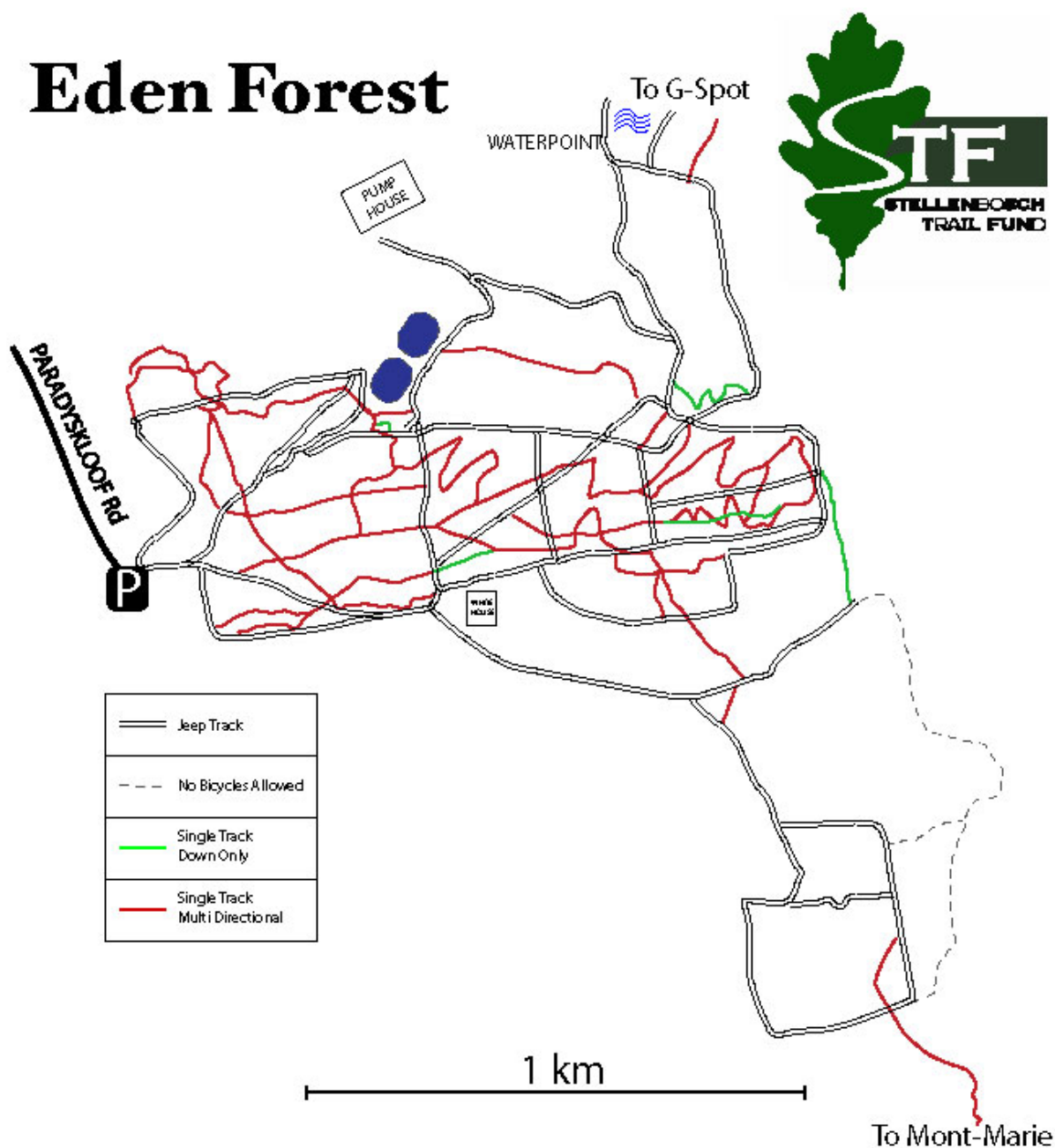
Table 11: Guidelines for management of the Paradyskloof NA Management / Use Areas

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
24	Investigate formally declaring the Paradyskloof NA as a nature reserve.	Immediately after EMP approval
25	Communicate the applicable use areas and associated appropriate activities through signage at the NA entrances and on-site.	Immediately after EMP approval
26	Conserve and protect Conservation 1 and 2 areas.	Audited
27	Inspect Recreation Areas to assess the impact of use and degradation.	Annually
28	Implement necessary rehabilitation works where required.	Ongoing
29	Investigate the possible utilisation / harvesting of the existing pine plantation or part thereof.	Immediately after EMP approval

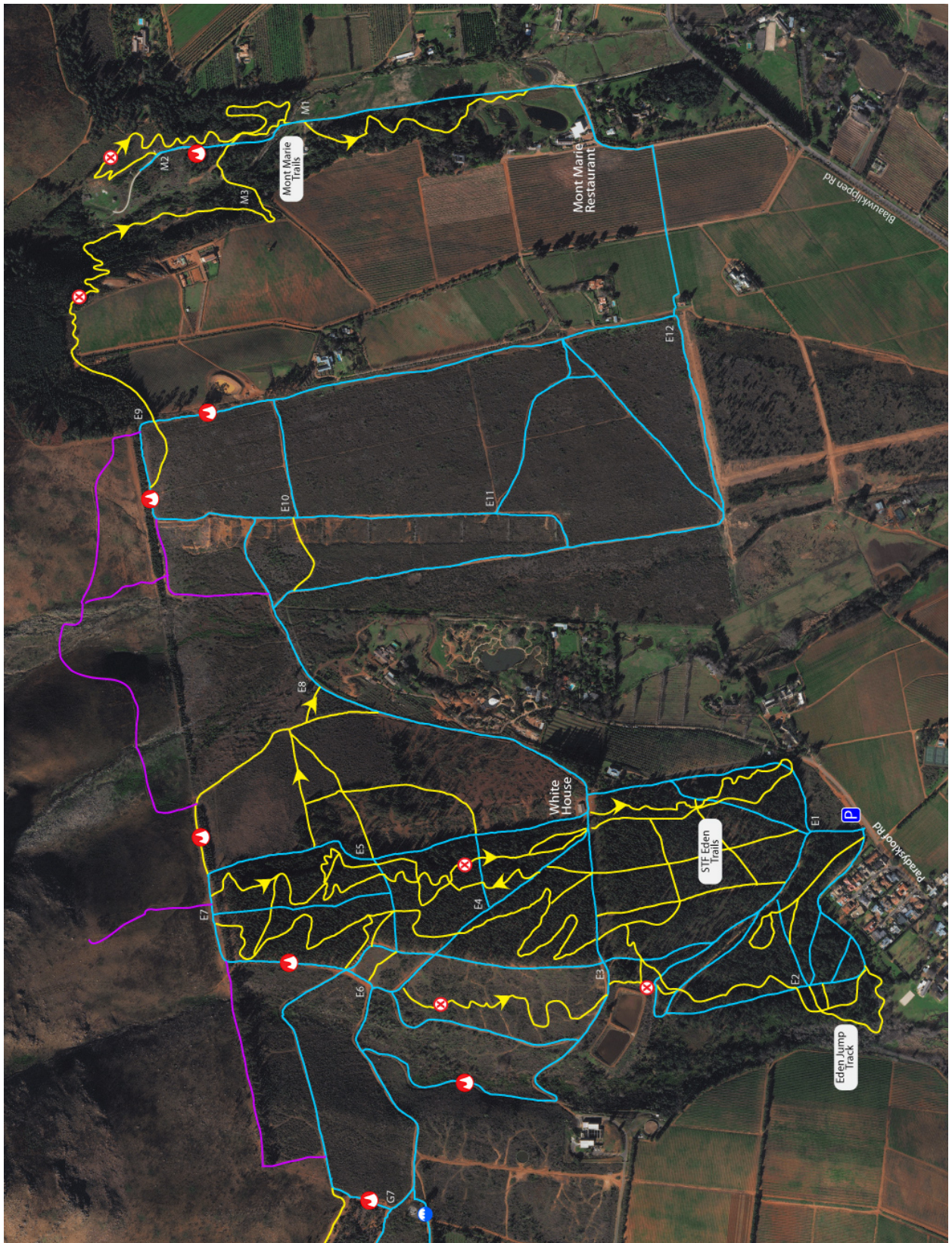
4.3.2 Clubhouse

Stellenbosch Municipality has recently refurbished the clubhouse situated within the Paradyskloof NA (shown on Figure 11 above). The facility is intended to be used for municipal meetings and functions and to serve as an educational centre. The facility may be used for alternative uses following an application process. Managed correctly this facility can add immense value to the Paradyskloof NA by way of drawing visitors to the area and providing income that can contribute to the management of the area.

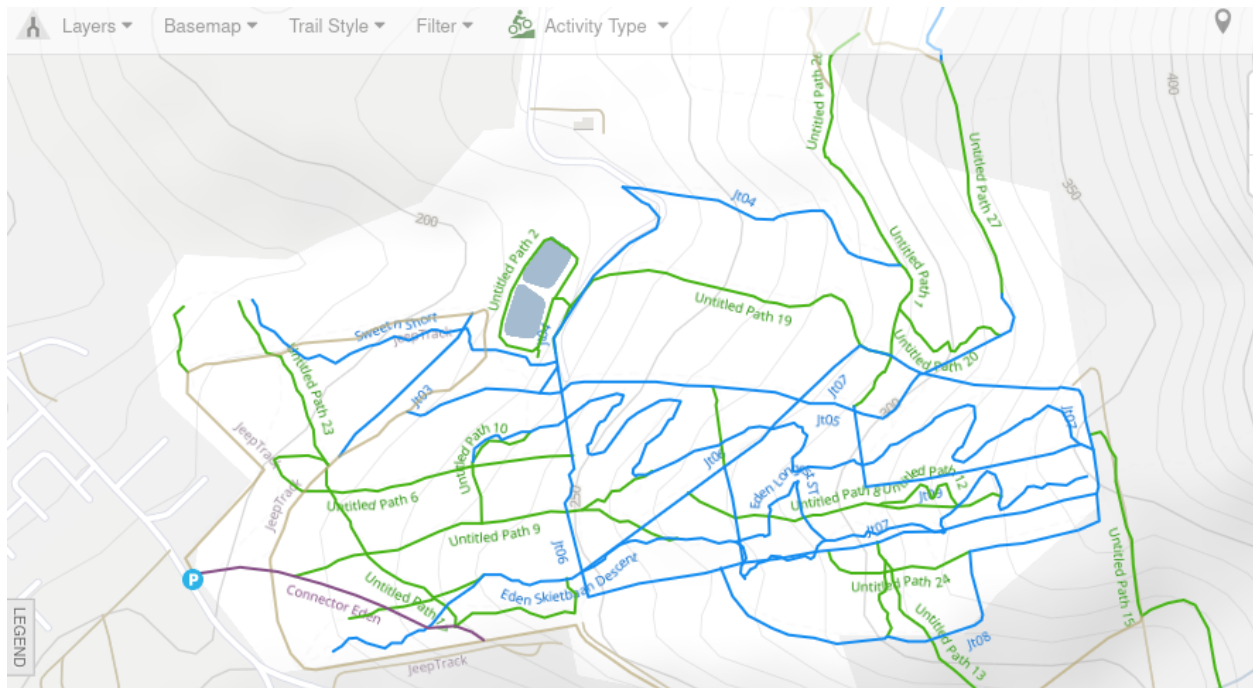
Eden Forest



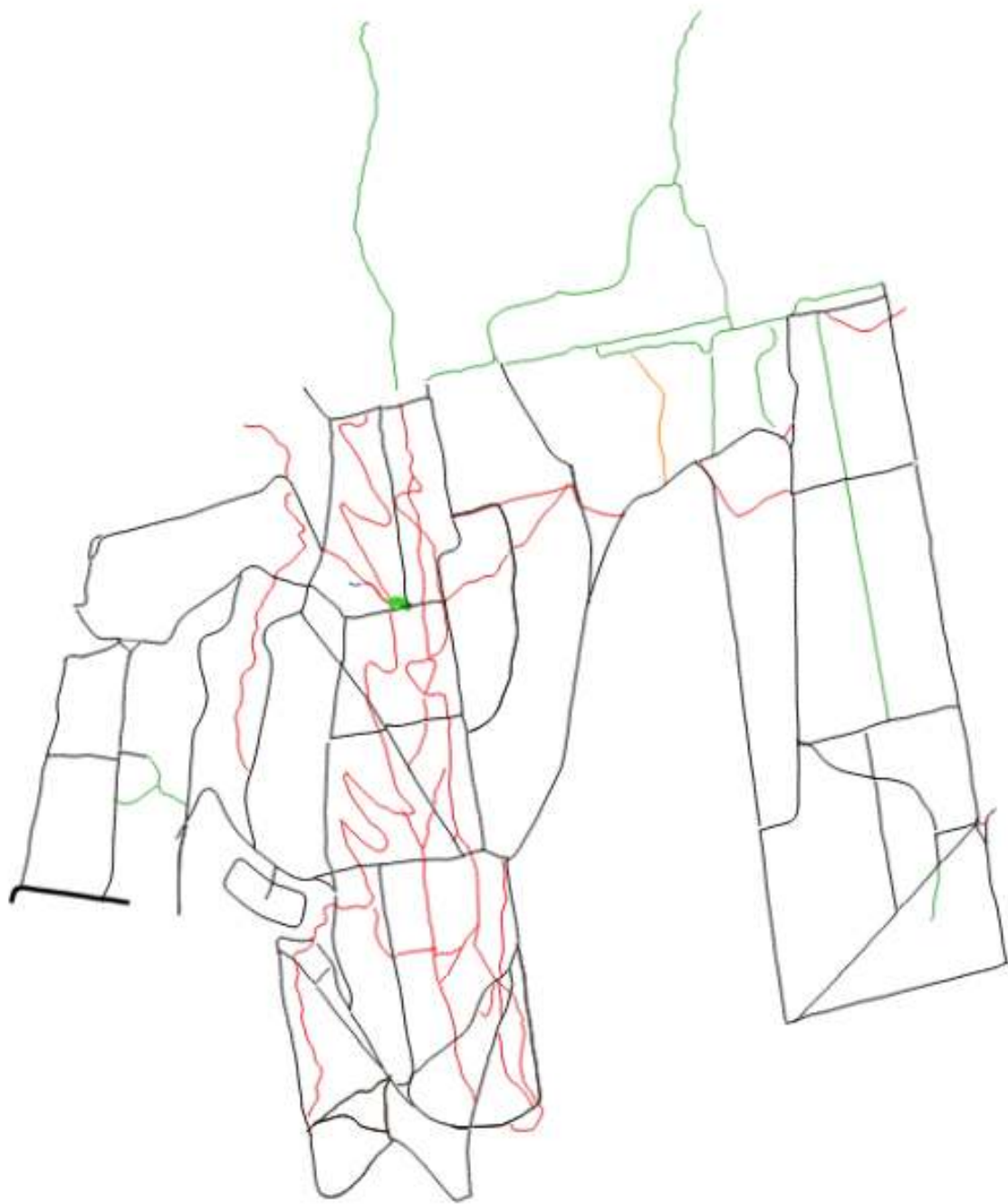
F STF August 2019 map, also used on current display boards



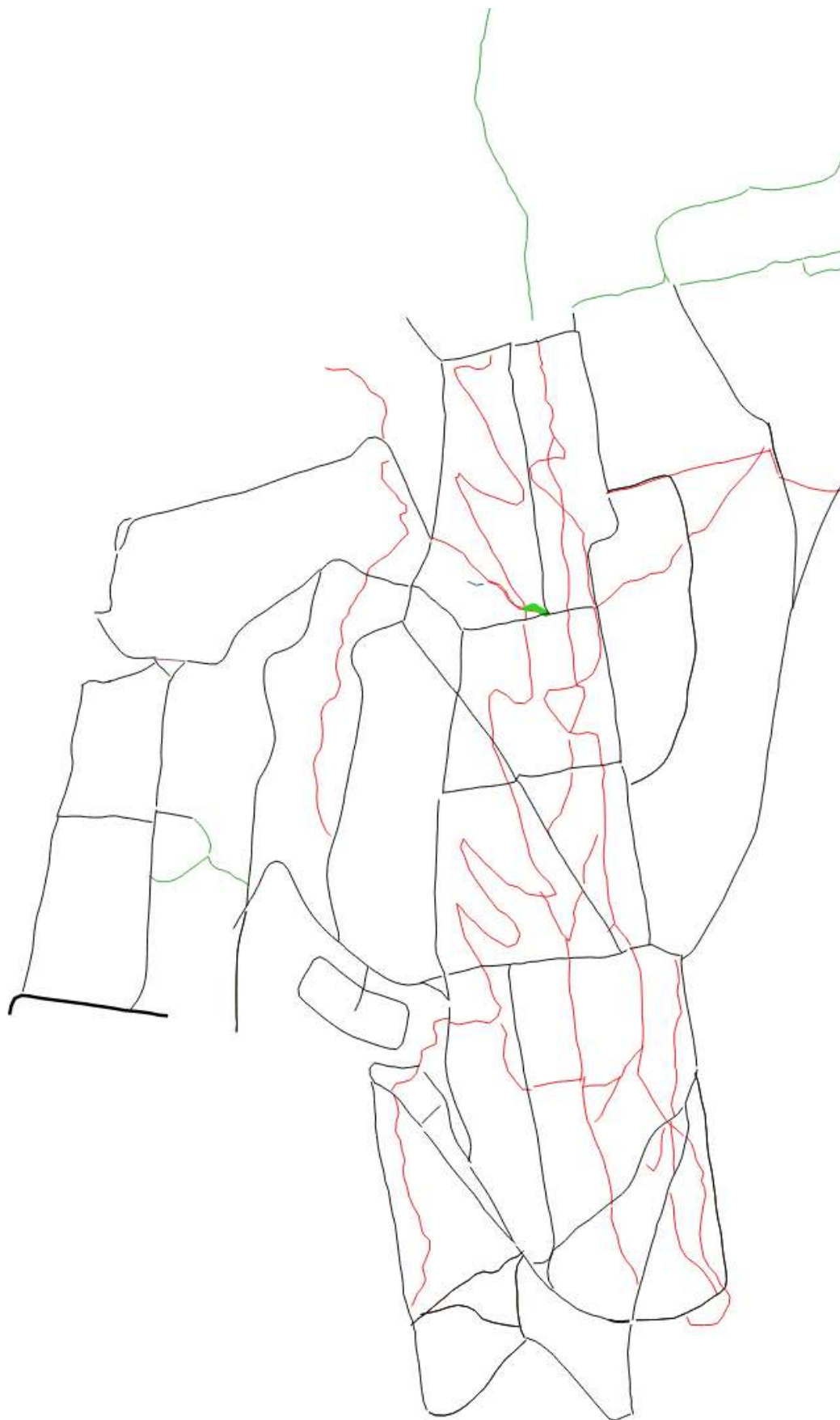
G STF 2021 trailforks snapshot: plantation



H FSM trail map, June 2017: overview



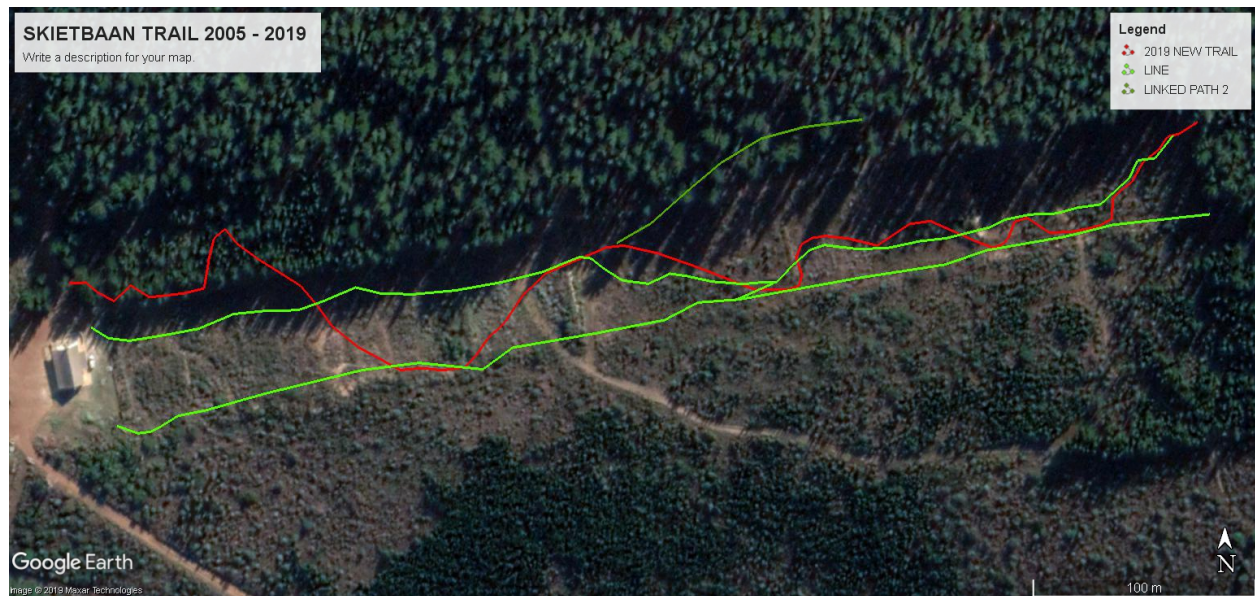
I FSM trail map, June 2017: northern lobe



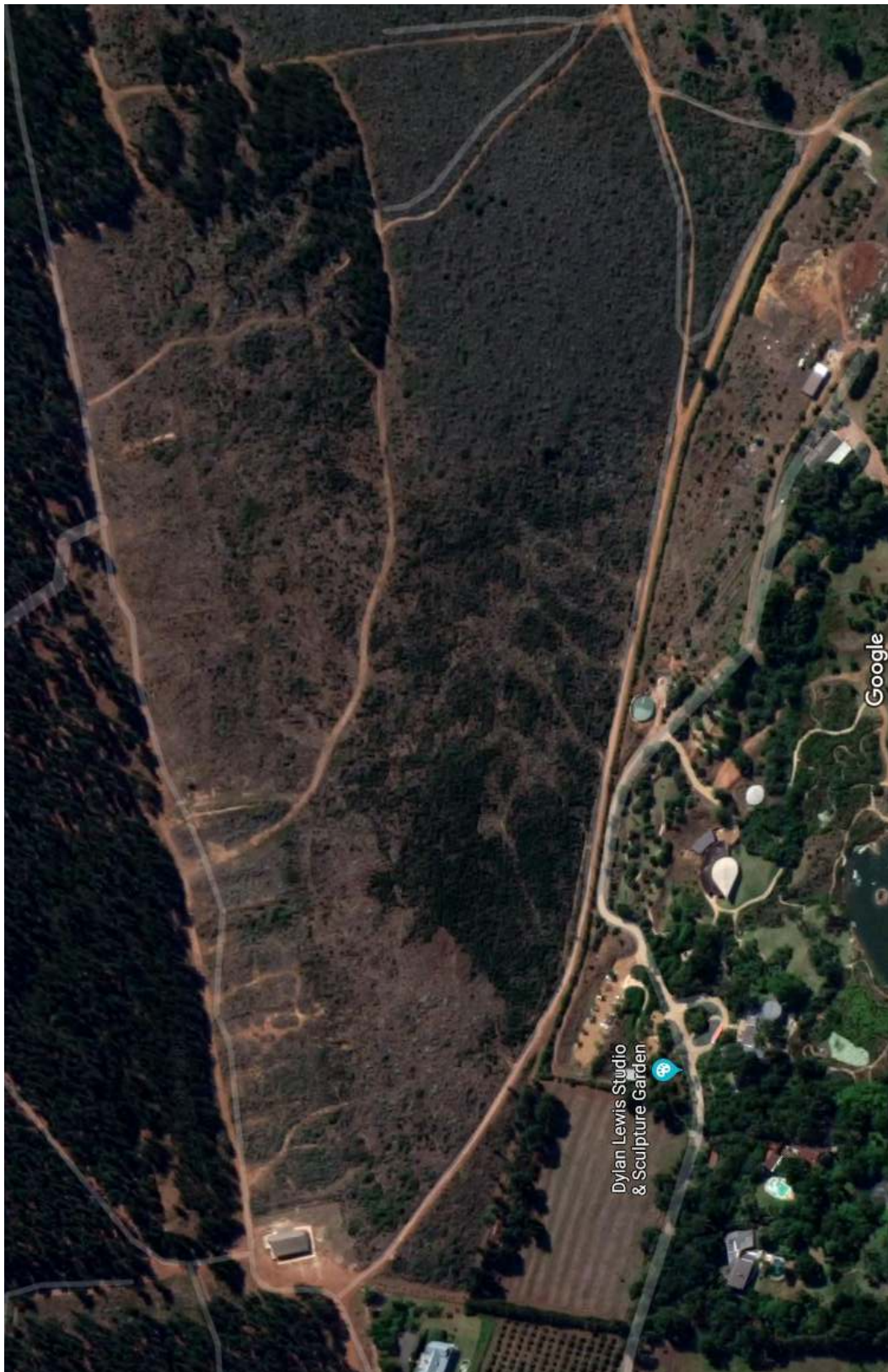
J FSM trail map, June 2017: southern lobe



K Purported existence of shooting range trail, November 2019



L Google air photo of shooting range area, November 2019





STELLENBOSCH
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MINUTES

NEW MOUNTAIN BIKE TRACK AND ORIGIN OF TRAILS MOUNTAIN BIKE EVENT
19 NOVEMBER 2019
10:00 – 11:30
CS BOARDROOM

Attendees: Albert van der Merwe
Tammy Leibrandt
Schalk van der Merwe
Yvonne Mndabani
Danul Roman
Prof H.C Eggers
Corrie Muller
Richard De Villers

Apologies: Councillor Badenhorst, Mr Langenhoven

Opening

- Mr Van der Merwe welcomed and introduced everyone and explained the background.

Mountain Bike Trails

- An illegal bike trail was constructed in Paradyskloof by Mr Corrie Muller. He also indicated on a map that there are two trails running parallel to another which was mapped by Mr Corrie Muller.
- Stellenbosch Trail Fund (STF) policy states the following:
 - Only to maintain existing trails that has been approved by the Stellenbosch Municipality according to the Paradyskloof Management Plan.
 - Any proposed construction / scrapping of new trails must be discussed with Environmental Management Section of Stellenbosch Municipality in order to ensure compliance. This also address the safety and security aspects of the trail routes in terms of the managed as per the Paradyskloof Management Plan.
- Existing Trails are not mapped according to the Paradyskloof Management Plan, this should be rectified in must be aligned with the Paradyskloof Management Plan.
- New Trails cannot be identified as a trail route based on cyclists using the “unauthorized trails”.
- All Mountain Bike Trails must be identified and demarcated by signage with the municipal logo.
- Mountain Bike Trails causing erosion must be closed for maintenance according to a rehabilitation programme.



MINUTES

- Mr Muller has tried to establish a forum to ensure that mountain bike cyclists adhere to the rules of using the trails, but has not been successful. However, Mr van der Merwe stated interested and affected parties such as the cyclists should participate actively as a member of Friends Group for the Paradyskloof Nature Reserve platform will ensure communication between Stellenbosch Municipality and community members.

Way Forward

- Ensure that all relevant role players such as STF and mountain bike cyclists are aware of the Paradyskloof Management plan for compliance.
- STF must create sustainable awareness for the use of Mountain Bike Trails this can be done formally and informally.
- It is imperative that the STF liaises with the land owner (Municipality) regarding the utilization of trails on a regular basis.
- Annual inspections of the Mountain Bike Trails according to the Paradyskloof Management Plan will be conducted on a monthly basis.
- The newly scrapped Mountain Bike Trail must be closed and immediately a signage board according to (4.2.4) in Paradyskloof Management Plan must be put up at the top and bottom of the Trail by the STF to notify the cyclists and the public about the illegal trail that is no longer in use. Please note that the signage must include the Stellenbosch Municipal Logo.
- Only use recognised Trails according to the Management Plan.
- STF must update Mountain Bike Trails maps according to recognised trails as stipulated in Paradyskloof Management Plan. These maps must be sent to Environmental Management section for verification and approval and then distributed to the relevant role players.
- It was decided that by the Municipality that newly scrapped Mountain Bike Trail must be excluded from the Origin of trail event. The event organiser of the Origin of Trails must be informed that only approved routes are permitted.
- Rangers to patrol and conduct monitoring once a week (Verification of Closure).

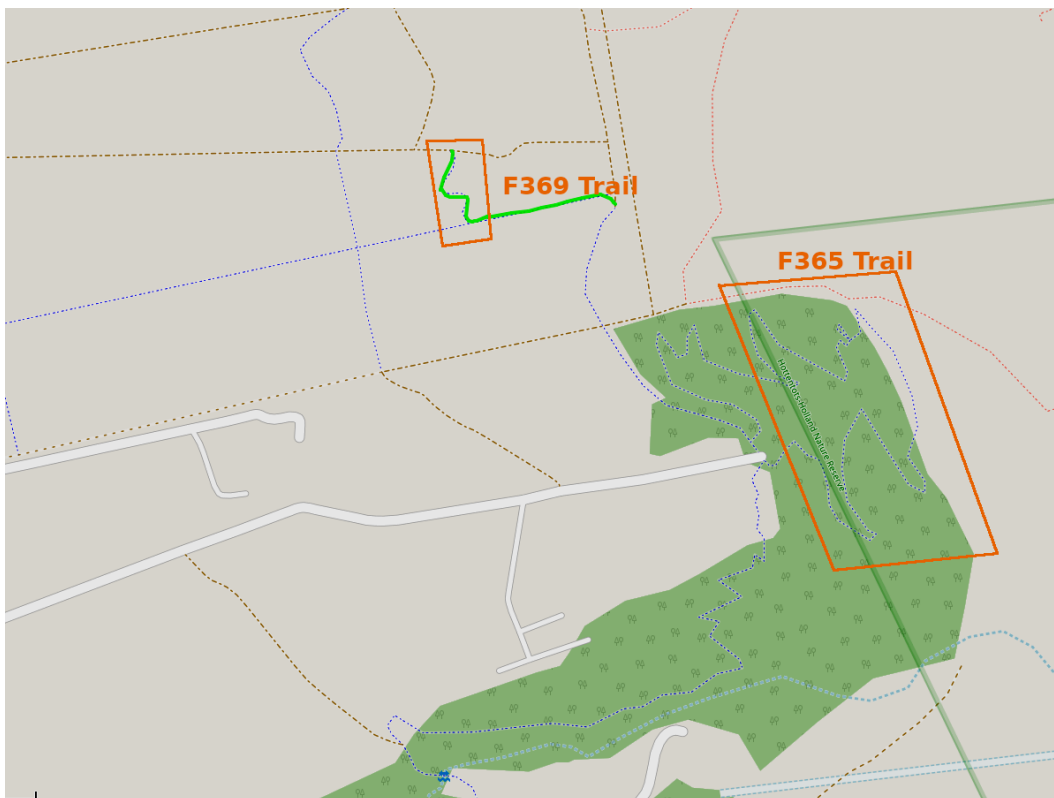

Albert van der Merwe
Senior Manager: Community Services

25/11/19.
Date

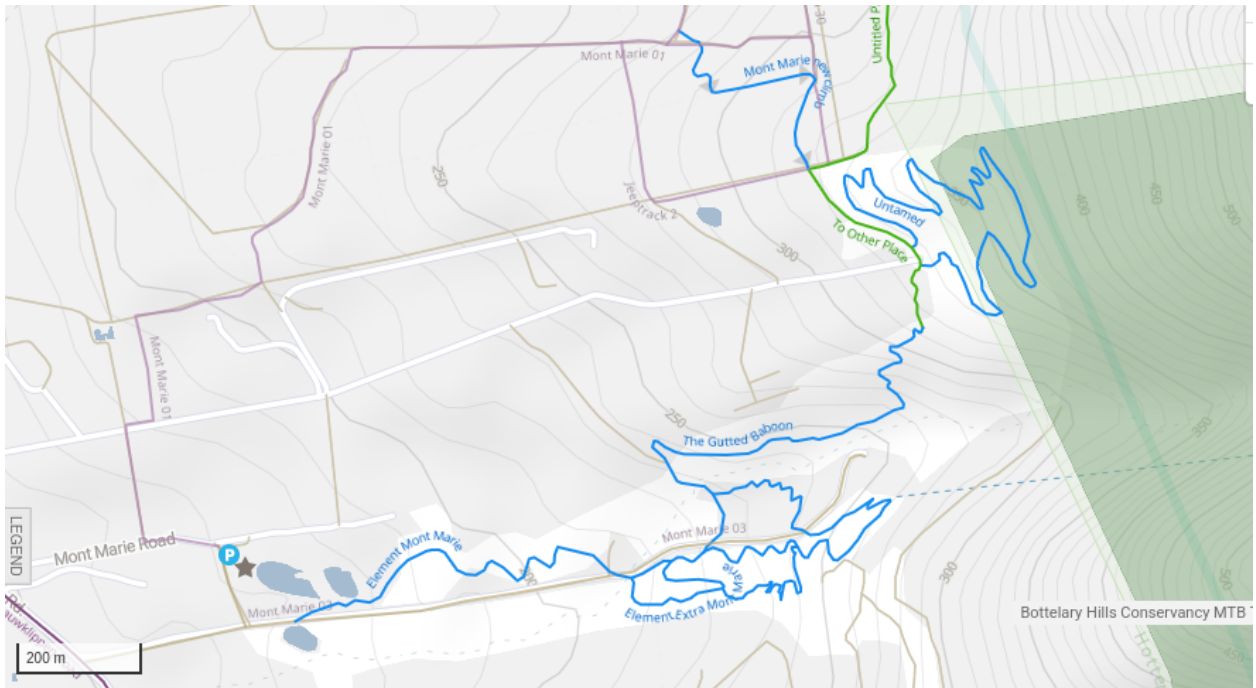
N Trail use heatmap, August 2021



O Locations of the unauthorised Cape Nature and F369 trails



P STF 2021 trailforks snapshot: southern lobe and Montmarie



Q Race flag on the unlawful Cape Nature trail



R Email reply by STF, 28 August 2021

Dear Hans and Ernst

Thank you for your continued input and work.

I have read the emails and documents and make the following comments:

1. STF have agreed to maintain existing trails and that NO new trails are built without consultation with the relevant parties.
2. STF is self-funded and receives NO money or equipment/ manpower from the Municipality for our work. Our funding is totally inadequate from our supporters and we have to cross-subsidise a lot of our work from our financial reserves. This is not sustainable. As much as we would like to do more , we have constraints regarding finances , manpower and equipment.
3. On numerous occasions we closed the trail in Eden with obstacles and signage. The continued reopening and use of the trail (as much as it is enjoyable by the "illegal" trailusers, cannot be allowed nor condoned. It should remain closed and the landowner, the Municipality, should assist in this.
4. Stillwater, and other event companies , who approach STF for use of the "STF routes" are put in contact with the Municipality , who then manage the permission. The STF does receive minimal financial support from the event organisers. Ideally , the remuneration should be improved.
5. We need to make the trail network sustainable with funding from the supporters and sponsors. If they use the trails, they must contribute. The Municipality and Government will never. Our experience with the Eerste River shows that this is possible.
6. We value our commitment to the Municipality , the landowner. We will not engage in any illegal activity and would like to continue in this manner, thus the suggested MOU route.

It is difficult to identify all the role players at present, who have a track record of meaningful input . My knowledge of who is involved largely boils down to these parties 1) Hans Eggers 2) STF 3) Ward committee and Esther Groenewald 4) Stellenbosch Municipality and its various (and difficult to identify which one for a specific task) and Nature Conservation. I suggest we identify the role players, approach them and move forward collectively - if certain parties are unwilling, unable to or show no interest, we may have to move on without them.

We will never reach an agreement if we cannot support each other in this matter and make meaningful decisions and compromises.

Most important of all is that what we agree on is implemented and that the rule of law is abided by and enforced, where there are transgressions. The present anarchy and "passing-the-buck" lack of progress should be addressed and we should get an agreemnt done.

I have more time available these days and happy to assist on the understanding that we all share common goals and that we will have an agreement in place soon.

Regards
Richard

7. HUMAN RESOURCES: COMMUNITY SERVICES

Departmental Human Resources:	2020	2021	2021	2021	2021	2021	2021
STAFF COMPLEMENT (CURRENT PERMANENT)	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Community Service offices	7	7	7	7	7	7	7
Urban Forestry	6	6	6	6	6	6	6
Ornamental Horticulture	20	20	20	20	20	20	20
Environmental Implementation	10	10	10	10	10	10	10
Sport And Facilities	30	30	30	30	30	30	30
Halls	15	15	15	15	15	15	15
Parks and Cemeteries	34	34	34	34	34	34	34
Libraries	35	35	35	35	35	35	35
Workshop	2	2	2	2	2	2	2
TOTAL	159	2021	2021	2021	2021	2021	2021
FUNDED VACANCIES	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Urban Forestry	2	2	2	2	2	2	2
Ornamental Horticulture	1	1	1	1	1	1	1
Environmental Implementation	1	1	1	1	1	1	1
Sport And Facilities	5	5	5	5	5	5	5
Halls	2	2	2	2	2	2	2
Parks	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0
Cemeteries	1	1	1	1	1	1	1
Workshop	1	1	1	1	1	1	1
TOTAL	13	13	13	13	13	13	13
EPWP	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Ornamental Horticulture	23	23	23	23	23	23	23
Urban Forestry	23	23	23	23	23	23	23
Environmental Implementation	64	64	64	64	64	64	64
Sport And Facilities	14	14	14	14	14	14	14
Halls	4	4	4	4	4	4	4
Parks and Cemeteries	22	22	22	22	22	22	22
Workshop	0	0	0	0	0	0	0
TOTAL	150	150	150	150	150	150	150
TEMPORARY + RELIEVE STAFF	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Urban Forestry	0	0	0	0	0	0	0
Ornamental Horticulture	0	0	0	0	0	0	0
Environmental Implementation	0	0	0	0	0	0	0
Sport And Facilities	0	0	0	0	0	0	0

EPWP Statistics – Environmental Management

Type of service	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	June 2021	Total
Forest Guards	20	20	23	23	23	23	23	23	23	23	
Fire Management	11	11	13	13	13	13	13	13	13	13	
Mountain Trails	0	0	13	13	13	13	13	13	13	13	
Jan Marias Nature Reserve	7	7	7	7	7	7	7	7	7	7	
Integrated River Management	0	0	15	15	15	15	15	15	15	15	
Biodiversity Veld Rehabilitation	0	0	5	5	5	5	5	5	5	5	
Environmental Clerk	1	1	1	1	1	1	1	1	1	1	
Urban Forestry Cleaning and Greening Project	11	5	23	23	23	23	22	22	21	21	
Veld Rehabilitation	0	0	0	0	0	0	0	0	0	0	
Mountain Bike Trail	0	0	0	0	0	0	0	0	0	0	
Mont Rochelle Nature Area	0	0	0	0	0	0	0	0	0	0	
Medicinal Plants	0	0	0	0	0	0	0	0	0	0	