

MANAGEMENT OF HILLY AND MOUNTAINOUS AREAS

Management of Hilly and Mountainous Areas

1.0 Objectives

- facilitate the sustainable utilisation and conservation of resources in mountainous and hilly areas by and for the benefit of the people and communities living in the area;
- promote the integration of wise use of resources in mountainous and hilly areas into the local and national management of natural resources for socio-economic development; and
- regulate and promote efficient and sustainable use of resources in mountainous and hilly areas so that the functions and values derived therefrom are maintained for the present and future generations.

2.0 Principles

Every land owner or occupier shall in utilizing land in mountainous and hilly areas:

- (a) respect the carrying capacity of the land;
- (b) carry out such soil conservation measures;
- (c) utilize underground and surface water resources;
- (d) carry out such measures for the protection of water catchment areas;
- (e) use of best available technologies to minimize significant risks to ecological and landscape aspects; and
- (f) maintain such vegetation cover may be determined by an agricultural extension officer or a local environment committee;

A district committee may with respect to hilly and mountainous areas in its jurisdiction:

- (a) regulate land use through zoning;
- (b) restrict and control the activities which are inconsistent with good land husbandry practices; and
- (c) make guidelines for the management of areas prone to landslides, floods, drought, avalanches, falling rocks, fires and damage by wind.

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The District Environment Committee may in its discretion serve, upon the owner or occupier of the land a conservation order which may -

- a) require the person upon whom such conservation order is served to adopt, undertake and complete such measures and works as may be specified therein for the prevention of erosion of the soil;
- b) prohibit the person upon whom such conservation order is served from doing any act or thing specified therein which in the opinion of the District, has caused, is causing or is likely to cause erosion of the soil;

Any person to whom a conservation order has been directed who fails to comply with any of the requirements of such conservation order shall be guilty of an offence under Section 99 of the Statute.

3.0 Identification of Mountainous and Hilly Areas

Each District Council shall make bye-laws identifying mountainous and hilly areas within their jurisdiction which are at risk from environmental degradation,

A mountainous and hilly area is at risk from environmental degradation if -

- (i) it is prone to soil erosion;
- (ii) landslides have occurred in such an area;
- (iii) mud flows have occurred in such an area;
- (iv) vegetation cover has been removed or is likely to be removed from the area at a rate faster than it is being replaced;
- (v) any other land use activity in such an area is likely to lead to

environmental degradation;

4.0 Restrictions on the use of mountainous and hilly areas

A person who desires to:

- (a) graze livestock;
- (b) establish a camping or other recreational facility for tourist purposes;
- (c) plant or cultivate crops; and
- (d) carry out any development activity requiring an environmental impact assessment, in mountainous and hilly areas where the slope (gradient) exceeds 15% is required to make an application.

Any person who carries out any activity regulated shall be guilty of an offence.

5.0 Role of Local Councils

Any local council within whose jurisdiction activities likely to degrade the environment of mountainous and hilly areas are taking place, shall in writing inform the local agricultural extension officer.

A local council shall identify hilly and mountainous areas where the council itself may collectively allow or carry out afforestation or reforestation activities including tree planting.

6.0 Duty of land owners, occupiers and users

Every land owner or occupier whose land is situated in a mountainous and hilly area shall take measures:

- (a) to reduce water run off through the grassing of medium and steep slopes,
- (b) to mulch and bund gardens on medium and steep slopes;
- (c) to practice agroforestry;
- (d) to prevent the burning of grass in areas of intensive agriculture or on steep slopes.

7.0 Prevention of fires in hilly and mountainous area.

No person shall without the authorisation of a forest officer or a local environment committee cause fire to a forest or grassland on a hilly and mountainous area.

8.0 Afforestation and Reforestation

Where a hilly and mountainous area is at risk from environmental degradation, a local environment committee may issue an order in writing to a person or persons holding an interest in land in that area to take measures for planting trees and other vegetation to protect the area.

The order is issued to plant trees it shall specify the species of trees which shall be planted at the time within which the directions contained therein are to be complied with. A tree planted in pursuance of an order shall be the property of the person planting.

Every person who has planted trees pursuant to an order issued shall take all such precautions as may be reasonably necessary to prevent the destruction of or injury to such trees.

Any person who contravenes any provision of the order shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding eighteen months or a fine

not less than one hundred and eighty thousand shillings and not more than eighteen million shillings or both.

9.0 Grazing of Livestock

A District Council shall make bye-laws with respect to identified hilly and mountainous areas to prohibit or restrict grazing in such areas.

The district environment committee may issue an order prescribing the maximum number of livestock that may be grazed or permitted to be grazed on any particular area of land.

No person shall cause or permit any livestock belonging to him or under his control to graze on any land in respect of which there is in force an order made by the local authorities prohibiting grazing.

Any person who causes or permits any livestock belonging to him or under his control to graze on any land in contravention of regulation shall be guilty of the offence.

10.0 Closed and open seasons

A District Council or a local government may declare a mountainous or hilly area-

- (a) closed to all or any activity for a period of time if the area is at risk of being degraded and prohibit the carrying out of any activity in the area; and
- (b) an open season, permitting specified activities in such an area subject to such conditions as it may deem necessary.

11.0 Rules for Soil Conservation

A land owner or occupier on gentle slopes in a hilly or mountainous area shall:

- (a) not cultivate gardens exceeding one hundred metres in width;
- (b) leave uncultivated strips of land of not less than two metres width between all cultivated plots which shall be planted with grass approved by the local environment committee;
- (c) follow contour lines marked by the local agricultural extension officer and the local environment committee in planting crops;
- (d) grass with low growing grasses all house compounds except winnowing areas and areas for drying foodstuffs;
- (e) not demarcate fields or plots by furrows or gullies; and
- (f) lay parallel to, and halfway between the existing bunds trash lines consisting of dead vegetation where the land is planted with permanent crops.

A land owner or occupier on medium slopes in a hilly or mountainous area shall-

- (a) not cultivate gardens exceeding seventy five metres in width;
- (b) leave uncultivated strips of land of not less than three metres width between all cultivated plots which shall be planted with grass approved by the local environment committee;
- (c) follow contour lines marked by the local agricultural extension officer and the local environment committee in planting crops;
- (d) grass with low growing grasses all house compounds except winnowing areas and areas for drying foodstuffs;
- (e) not demarcate fields or plots by furrows or gullies; and
- (f) lay parallel to, and halfway between the existing bunds trash lines consisting of dead vegetation where the land is planted with permanent crops.

A land owner or occupier on steep slopes in a hilly or mountainous area shall-

- (a) not cultivate gardens exceeding twenty five metres in width;
- (b) leave uncultivated strips of land of not less than three metres width between all cultivated plots which shall be planted with grass approved by the local environment committee;
- (c) follow contour lines marked by the local agricultural extension officer and the local environment committee in planting crops;
- (d) grass with low growing grasses all house compounds except winnowing areas and areas for drying foodstuffs;
- (e) not demarcate fields or plots by furrows or gullies; and
- (f) lay parallel to, and halfway between the existing bunds trash lines consisting of dead vegetation where the land is planted with permanent crops.

A land owner or occupier shall protect all paths, cattle tracks, ditches and access roads against erosion by -

- (a) making run-off channels and soak away pits or stakes;
- (b) closing them when they start to erode or cause erosion; and
- (c) creating alternative routes.

Any person who fails to comply with a notice within three months of the date of such a notice shall be guilty of an offence.

12.0 Offences and Penalties

Any person who contravenes any of the provisions of these Regulations

- (a) may have his/her permit issued under these regulations revoked; or
- (b) shall be liable upon conviction to imprisonment for a term of not less than three months or to a fine of not less than thirty thousand shillings and not more than three million shillings or both as provided for under Section 103 of the National Environment Statute.