

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 1 (Nyamira County Bills No. 1)*



REPUBLIC OF KENYA

**KENYA GAZETTE SUPPLEMENT**

**NYAMIRA COUNTY BILLS, 2019**

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**NAIROBI, 13th March, 2019**

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**THE NYAMIRA COUNTY WETLANDS CONSERVATION AND  
PROHIBITION OF DESTRUCTION BILL, 2019**

**A Bill for**

**AN ACT of the County Assembly of Nyamira to provide for the protection, preservation and restoration of wetlands; establishing a program of wetland prioritization and planning; regulating activities altering the character of wetlands; and for connected purposes**

ENACTED by the County Assembly of Nyamira, as follows—

**PART I — PRELIMINARY**

**Short title**

1. This Act may be cited as the Nyamira County Wetlands Conservation and Prohibition of Destruction Act, 2019.

**Interpretation**

2. In this Act, unless the context otherwise requires—

“County” means the County Government of Nyamira

“County Executive Committee Member” means the County Executive Committee member for Lands, Environment and Natural Resources;

“easement” a non-possessory interest in someone’s land and may include four adjacent upland acres of land for each acre of wetland

included;

“eucalyptus” a fast-growing evergreen Australasian tree which includes blue gum

“Government” means the County Government of Nyamira

“regulated activity” includes but is not limited to draining, dredging, excavation or removal of soil, mud, sand, gravel, aggregate of any kind or depositing or dumping therein any rubbish or similar material or discharging therein liquid wastes, either directly or otherwise, and the erection of structures, driving of pilings, or placing of obstructions, whether or not changing the tidal ebb and flow; and

“wetlands” means land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes, provided it is preserved in its natural condition. Wetlands also includes adjacent land which is not suitable for agricultural purposes due



to the presence of the wetlands, but do not include woody swamps containing shrubs or trees, wet meadows, meandered water, streams, rivers and floodplains or river bottoms.

### **Objectives of the Act**

3. The objectives of this Act are to—

- (i) enhance and maintain functions and values derived from wetlands in order to maintain ecosystems' goods and services, protect biological diversity and improve the livelihood of Nyamira County residents;
- (ii) promote innovative planning and integrated ecosystem management approaches towards wetlands conservation and management in the county;
- (iii) strengthen institutional capacity on conservation and management of wetlands;
- (iv) promote communication, education and public awareness among stakeholders;
- (v) improve scientific information and knowledge based on wetland ecosystems;
- (vi) establish an effective and efficient legal and institutional framework for integrated management and wise use of wetlands; and
- (vii) promote partnership and cooperation at county, national, regional and international levels for the management of transboundary wetlands and migratory species.

### **Guiding principles and values**

4. Wetlands in Nyamira County shall be held, used and managed in a manner that is efficient, productive and sustainable, and in accordance with the following principles—

- (a) sustainable and productive management of land resources;
- (b) polluter pays principle;
- (c) equity;
- (d) The principle of public participation in the management of wetlands;
- (e) The principle of international co-operation in the management of environmental resources shared by two or more Counties;



- (f) The pre-cautionary principle; and
- (g) Public and private good;
- (h) transparent and cost-effective administration of wetlands; and
- (i) sound conservation and protection of ecologically sensitive areas.

### **Application**

5. This Act applies to all wetlands in the County Government, whether occurring in public or private land.

## **PART II – PROTECTION AND MANAGEMENT OF WETLAND AND WETLAND RESOURCES**

### **Public value of wetlands**

6. (1) The County Executive Committee member shall adopt rules establishing the criteria to determine the public value of wetlands.

(2) The rules must consider the public benefit and use of the wetlands which shall include –

- (a) the criteria to determine the benefits of wetlands for water quality, including filtering of pollutants to surface and groundwater, utilization of nutrients that would otherwise pollute public waters, trapping of sediments, and utilization of the wetland as a recharge area for groundwater;
- (b) criteria to determine the benefits of wetlands for floodwater retention, including the potential for flooding in the watershed, the value of property subject to flooding, and the reduction in potential flooding by the wetland;
- (c) criteria to determine the benefits of wetlands for public recreation, including wildlife habitat, hunting and fishing areas, wildlife breeding areas, wildlife viewing areas, aesthetically enhanced areas, and nature areas;
- (d) criteria to determine the benefits of wetlands for commercial uses, including wild vegetation growing and harvesting and aquaculture; and
- (e) criteria to determine the benefits of wetlands for other public uses.

(3) The County Government shall prepare a management plan for the protection and management of wetlands and wetland resources.



(4) A person may develop a management plan for the protection and management of wetlands and wetland resources and may apply to the County Government for the approval of that management plan.

(5) The application referred to under sub-section (4) shall be in the form set out under the Third Schedule.

#### **Permitted activities on wetlands**

7. The following sustainable uses of wetland resources shall be permissible on wetlands—

- (a) subsistence harvesting of papyrus, medicinal plants, trees and reeds;
- (b) any cultivation where the cultivated area is not likely to adversely affect the wetland;
- (c) fishing, subject to the provisions of the Fisheries Act;
- (d) collection of water for domestic use;
- (e) hunting, subject to the provisions of the Wildlife (Conservation and Management) Act;
- (f) small-scale fish farming; and
- (g) grazing of livestock.

#### **Activity License**

8. (1) The licensing authority may grant a Wetland Activity License to a person to carry out the activities listed under Section 7 if the following is provided—

- (a) a completed application, on the form set out under the First Schedule, accompanied by the prescribed fee;
- (b) notice to each owner of all real property within 200 feet in all directions of the property which is the subject of such application; and
- (c) any further documentation requested by the licensing authority.

(2) Such application shall include—

- (a) a detailed description of the proposed work;
- (b) a map showing the area of wetland directly affected with the location of the proposed work thereon; and



(c) the names of the owners of adjacent land and known claimants of rights in or adjacent to the wetland of whom the applicant has notice.

(3) All applications, with any maps and documents relating thereto shall be open for inspection at the Department.

(4) A license expires on the date of expiry indicated on the license or on revocation by the licensing authority, for good and sufficient reason, after providing the holder of the license with an opportunity to be heard, in writing.

(5) The form of a Wetland Activity License shall be as set out under the Second Schedule.

### **Complaints**

9. (1) Any person having a recorded interest in land affected by an activity license, may, within 90 days after receiving notice under Section 8 (1) (b), file a complaint with the Department to determine whether such license or permit so restricts or otherwise affects the use of his property as to deprive him of the practical use thereof.

(2) If the Department finds that the license or permit to be an unreasonable exercise of its inherent power, the Department shall enter a finding that such order or permit shall not apply to the land of the complainant: Provided, however, that such finding shall not affect any other land than that of the plaintiff.

(3) Nothing in this section shall be construed to limit the court's jurisdiction in determining the rights and privileges of the complainant.

### **Terms and conditions of the license**

10. (1) At least 24 hours prior to commencing an alteration or activity undertaken pursuant to a Wetland Activity License, the licensee shall complete and file with the Licensing Authority a notification form provided in the Third Schedule and this requirement shall be a condition of the license.

(2) The Licensing Authority may include such additional terms and conditions in a license as the County Executive Committee member considers necessary or advisable for the protection or benefit of the wetland.

### **Amendment, variation or revocation of a license**

11. (1) The Licensing Authority may amend a license or vary the terms or conditions thereof, where the Licensing Authority considers it necessary or advisable for the protection or benefit of the wetland; or



revoke a license where the Licensing Authority determines there is good and sufficient reason to do so.

(2) No amendment or revocation shall be made to a license without prior written notice from the County Executive Committee member, is given to the licensee and an opportunity to be heard.

#### **Temporary permit**

**12.** (1) The Department may grant a temporary permit to an applicant for the use of a wetland where—

- (a) there is need to use water for emergency situations pending the availability of alternative sources of supply; or
- (b) if a special research project requires the use of the wetland for a specified period of time.

(2) The temporary permit issued under this Section shall be valid for a maximum period of three months, and may be renewed for a further period of three months upon application by the holder with reasons to the satisfaction of the Department.

#### **Consideration in granting licenses**

**13.** (1) In granting, denying or limiting any permit or license the Licensing Authority shall consider the effect of the proposed work or permits with reference to the public health and welfare, fisheries, wildlife, the protection of life and property from flood, hurricanes, and other natural disasters, and the public policy.

(2) In determining whether a proposed regulated activity in any wetland is in the public interest, the County Executive Committee member shall consider—

- (a) the public interest in preservation of natural resources and the interest of the property owners in reasonable economic development;
- (b) the relative extent of the public and private need for the proposed regulated activity;
- (c) where there are unresolved conflicts as to resource use, the practicability of using reasonable alternative locations and methods, including mitigation, to accomplish the purpose of the proposed regulated activity;
- (d) the extent and permanence of the beneficial or detrimental effects which the proposed regulated activity may have on the public and private uses for which the property is suited;



- (e) the quality of the wetland which may be affected and the amount of freshwater wetlands to be disturbed;
- (f) the economic value, both public and private, of the proposed regulated activity to the general area; and
- (g) the ecological value of the freshwater wetlands and probable impact on public health and fish and wildlife.

#### **Application fees**

**14.** (1) The fees for an application for, or renewal of, a permit or license under Sections 8 and 11 shall be payable to the Receiver authority.

(2) Fees payable under this Section shall be as prescribed by the County Executive Committee member in regulations.

#### **Prohibited activities on wetlands**

**15.** (1) No person shall, without a license or a Wetland Activity Permit, and other than in accordance with the terms and conditions thereof, alter a wetland, or any part thereof, or water flow therein, in any manner, or engage in any of the following activities in or on a watercourse or a wetland—

- (a) The planting of grass, trees or shrubs such as eucalyptus on marshy areas, riparian
- (b) areas, around lakes, ponds, swamps, estuary, sea shores and any other body of standing water
- (c) construct projects for public sanitary sewer systems, public water systems, and new public drainage systems;
- (d) construct new connections between land or buildings
- (e) public projects;
- (f) drain, pump, dredge, excavate, or remove soil, water, mud, sand, gravel, stones, rubbish, rocks, aggregate or material or objects of any kind;
- (g) dump or infill, or deposit soil, water, mud, sand, gravel, stones, rubbish, litter, rocks, aggregate or material or objects of any kind;
- (h) construct or place, repair or replace, demolish or remove, buildings or structures or obstructions of any kind, including but not limited to bridges, culverts, breakwaters, dams,
- (i) wharves, docks, slipways, decks, or flood or erosion protection works;



- (j) operate heavy equipment or a motor vehicle on the sediment bed or bank of a watercourse;
- (k) operate heavy equipment or a motor vehicle on a wetland;
- (l) disturb, remove, alter, disrupt or destroy the ground in any manner;
- (m) spray or apply pesticides of any kind;
- (n) disturb, remove, alter, disrupt or destroy vegetation in any manner, including but not limited to the cutting of live trees or live shrubs; or
- (p) carry out any type of wetland enhancement activity, including but not limited to debris removal, habitat development, or placement of structures.

(2) No person shall, without a license or a Wetland Activity Permit, and other than in accordance with the terms and conditions thereof, cause or permit the engaging in any of the activities listed in subsection (1).

#### **Protected**

**16.** (1) The County Executive Committee member may, by notice in the Gazette, declare an area to be a protected wetland where such area has national and international significance due to its—

- (a) biological diversity;
- (b) ecological importance;
- (c) landscape;
- (d) natural heritage; or
- (e) aesthetic value.

(2) Upon declaration of an area to be a wetland, the following shall be the only activities be permitted to be carried out in the area—

- (a) research;
- (b) eco-tourism;
- (c) restoration or enhancement of the wetland; or
- (d) any other activities identified in a County Wetland Management plan.



### **Application for designation of wetland status**

17. (1) A wetland owner may apply to the county for designation of a protected areas. wetland preservation area in a high priority wetland area identified in a comprehensive local water plan.

(2) The application must be made in forms set out under the Fifth Schedule.

(3) The application must contain at least the following information—

- (a) legal description of the area to be approved, which must include an upland strip at least 16-1/2 feet in width around the perimeter of wetlands within the area and may include total upland area of up to four acres for each acre of wetland;
- (b) parcel identification numbers where designated by the County Land Management Board;
- (c) name and address of the owner;
- (d) a witnessed signature of the owner covenanting that the land will be preserved as a wetland and will only be used in accordance with conditions prescribed by the County Government; and
- (e) a statement that the restrictive covenant will be binding on the owner and the owner's successors or assigns, and will run with the land.

(4) The County Executive Committee member shall upon approval of the application for wetland preservation declare such land protected.

(5) The upland strip required must be planted with permanent vegetation other than a noxious weed.

(6) For registered property, the owner shall submit the owner's duplicate certificate of title with the application.

(7) The County shall maintain wetland preservation area maps illustrating land covenanted as wetland preservation areas.

(8) A wetland preservation area continues in existence until the owner initiates expiration in which case, the date of expiration must be at least eight years from the date of declaration under this section.

### **Procedure for declaration of a protected wetland**

18. (1) The declaration of a protected wetland under Section 14 may be done by the County Executive Committee member—

- (a) in consultation with the relevant lead agency; or



- (b) on the recommendation of a relevant Authority on its own motion or in consultation with other lead agencies, registered civil society organizations or individuals.

(2) Where the relevant authority of its own motion or in consultation with the relevant lead agencies initiate the process of declaring an area to be a protected wetland under sub-section (1), the Department shall—

- (a) by notice in the Gazette and in at least one newspaper circulating in the County, notify the public of its intention to declare the area to be a protected wetland, which notice shall identify and assign terms of reference to a task force which shall be mandated to prepare the wetland management plan;
- (b) set up a task to prepare a wetland management plan by, incorporating the views of the people inhabiting the areas contiguous to the wetland;
- (c) cause a Strategic Environmental Assessment of the management plan to be undertaken in accordance with the Act; and
- (d) review the report containing the findings under paragraphs (b) and (c) of this sub-section.

(3) Where the Department is satisfied with the findings under subsection (2) (d), it shall submit its recommendations to the County Executive Committee member for the gazettelement of the wetland.

(4) Where a lead agency, a member of the public or a registered civil society organization petitions the Department to initiate the process for declaration of an area as a protected wetland, the Department shall consider the petition and may initiate the process as set out in sub-section (2).

(5) Without prejudice to the foregoing, a petitioner for the declaration of a wetland, may cause a wetland management plan to be developed in consultation with the Department, and the such costs associated with the activities thereto shall be borne by the petitioner.

(6) Where, following a petition under sub-section (4) and (5), the Department declines to initiate the process of declaring an area to be a protected wetland, it shall communicate its decision together with its reasons to the petitioner within 60 days of the decision.

### **Inventory of wetlands**

**19.** (1) The Department shall, in consultation with the relevant lead agency, prepare and maintain an inventory of all wetlands in the county



and shall cause such measures, including the development of wetland management plans, to prevent and control degradation of such wetlands.

(2) The inventory in sub-section (1) shall show for each wetland—

- (a) the location;
- (b) the type of fauna and flora;
- (c) the soil and hydrological characteristic;
- (d) the discharge, volume fluctuations and quality of water where possible; the existing uses;
- (e) use of the wetland;
- (g) the density of the population in the wetland catchment, drawing attention especially to those most dependant on the wetland;
- (h) the conservation status;
- (i) the area of the wetland;
- (j) the land tenure system in the wetland catchment; and
- (k) any other factor relevant to the wetland.

(3) The boundaries of such wetlands shall be shown on all official boundary maps of the County.

(4) The Department shall periodically inspect the wetlands to determine the necessity for revision or correction of the inventory maintained under this Section.

(5) The Department may, in consultation with the relevant lead agency register changes in the boundaries of wetlands on maps in the inventory referred to in sub-section (3) and make any other necessary changes in the inventory to reflect the actual situation on the ground.

(7) The Department shall publish the inventory of wetlands reflecting the current state of wetlands included in the inventory.

#### **Duty of land owners, users and occupiers**

**20.** (1) Every owner, occupier or user of land which is adjacent or contiguous to a wetland shall, with advice from the Department, have a duty to prevent the degradation or destruction of the wetland, and shall maintain the ecological and other functions of the wetland.

(2) An owner of a wetland preservation area shall manage the area and surrounding upland areas with sound soil conservation practices that prevent excessive soil loss.



(3) Any person who fails, neglects or refuses to protect a wetland under sub-section (1) commits an offence.

#### **Permanent wetland preserves**

**21.** The County Government may acquire permanent easements on land containing wetlands which shall—

- (a) include four adjacent upland acres of land for each acre of wetland included;
- (b) require that the landowner control noxious weeds; and
- (c) be conveyed to the County Government in recordable form free of any prior title, lien, or encumbrance and must provide for a right of entry by the County for inspection and correction of violations.

#### **Wetland restoration program**

**22.** (1) A willing landowner may apply, to the County Government for the establishment or restoration of a wetland on property owned by the landowner in an area that is—

- (a) designated by the County Government as a high priority wetland region; and
- (b) identified as a high priority wetland area in the local unit of the County Government's comprehensive local water plan.

(2) Within 30 days after receiving an application, the County government shall hold a public hearing.

(3) Notice of the hearing shall be given to the applicant, of at least ten days before the hearing by the County government and such notice shall be published in an official newspaper of general circulation in the county.

(4) The county government shall describe the application and hear comments from interested persons regarding the application and the planned establishment or restoration project at the hearing.

(5) The county government must give preliminary approval or disapproval of the application within 30 days of the public hearing.

### **PART III – MISCELLANEOUS PROVISIONS**

#### **Gifts**

**23.** The County Executive Committee member may accept for and on behalf of the county, any gift, bequest, devise, or grants of land; or interest in land or personal property of any kind; for any purpose pertaining to the activities of the Department or any of its divisions.



### **Transition**

24. Any person carrying out any activities on a wetland immediately before the coming into force of this Act, shall within six months from the coming into force thereof, take all necessary measures to ensure full compliance with the Act.

### **Altering the course of a wetland**

25. A person is guilty of an offence if they have undertaken or procured another to undertake an alteration in the course, current, or cross section of public waters or appropriates waters of the County Government—

- (a) without previously obtaining a permit;
- (b) in violation of, or in excess of authority granted under a permit issued by the Licensing Authority; or
- (c) after a permit to undertake the project has been denied.

### **General penalty**

26. (1) Any person who violates any order by the County Executive Committee member, or violates any of the provisions of this Act, shall be liable to the County for the cost of restoration of the affected wetlands to its condition prior to such violation insofar as that is possible, and shall be punished by a fine of not more than Kshs. 1,000,000.

### **Other compensation**

27. (1) Any person who is in violation of any provision of this Act, or any rule or regulation adopted therefrom, or permit or order issued pursuant thereto, the County Executive Committee member may—

- (a) issue an order requiring any such person to comply; or
- (b) bring a civil action; or
- (c) levy a civil administrative penalty;
- (d) bring an action for a civil penalty; or
- (e) petition the Director of Public Prosecutions to bring a criminal action.

(2) The County Executive Committee member is authorized to institute a legal action for appropriate relief for any violation of any provisions of this Act, or any rule or regulation adopted, or permit or order issued pursuant thereto—

- (a) a temporary or permanent injunction;



- (b) (i) recovery of cost of any investigation, inspection, monitoring, or survey which led to the discovery of the violation;
  - (ii) cost of preparing and bringing a civil action commenced under this subsection;
  - (iii) costs incurred by the county in removing, correcting, or terminating the adverse effects upon the wetland resulting from any violation for which a civil action has been commenced and brought under this subsection;
  - (iv) compensatory damages for any loss or destruction of natural resources, including but not limited to, wildlife, fish, aquatic life, habitat, plants, or historic or archaeological resources, and for any other actual damages caused by any violation for which a civil action has been commenced and brought under this subsection.
- (c) An order requiring the violator restore the site of the violation to the maximum extent practicable and feasible, or in the event that restoration of the site of the violation is not practicable or feasible, provide for off-site restoration alternatives as approved by the Department.
- (3) A remedial order referred to under sub-section (2) (c) shall be in the form set out in the Fourth Schedule.

**28.** Neither the County Executive Committee Members nor any other person Maintainable or body of persons shall be personally liable to any action or proceedings against County for or in respect of any act or thing done or omitted to be done in good faith in the performance or exercise or intended performance or exercise of any duty or power imposed or conferred by or under this Act.

#### **Fines**

**29.** Fines payable under this Act shall be remitted to the County Revenue Fund.

#### **Regulations**

**30.** The County Executive Committee member shall make regulations for the better carrying out of the provisions of this Act.



**SCHEDULES – FIRST SCHEDULE**

**(S. 8 (1) (a))**

**APPLICATION FOR WETLAND ACTIVITY LICENSE**

I hereby apply for a license to carry out a wetland activity, of which particulars are given below:

Name and address of applicant:

.....  
The location/physical address of the land/premises where the wetland activity is to be carried out: .....

Type of wetland activity to be carried out:

.....  
Any other information:

.....  
Date: .....

Signature: .....

Designation/title:.....

**FOR OFFICIAL USE ONLY**

Application received by ..... on .....

20..... at a fee of KShs. ....  
(in words).....

.....  
Note; you may be required to attach any relevant document to this application.

(S. 8 (5))

**WETLANDS ACTIVITY LICENSE**

Licence No. CGN/WM/.....

Name.....

Address.....

You are hereby licensed to carry out the following wetland activities

.....  
.....  
On the following wetland(s):



.....  
.....

This licence is valid from ..... 20..... to ..... 20.....

This licence is granted subject to the following conditions:

.....  
.....

Date: .....

Signature: .....

Chief Officer,  
Lands, Environment and Natural Resources  
County Government of nyamira

**THIRD SCHEDULE – FORMS**

**FORM A**

(S. 10 (1))

**NOTIFICATION FORM**

Licensee's Name:

Company:

Phone:

Fax:

e-mail address:

Sub-County:

Ward:

Village:

Postal address:

Other physical address:

Project information:

Type of project:

Property Information:

Property Owner(s)

Address:

Work location on

Property

(describe):

Applicant's Signature: .....



Date: .....

Personally deliver or fax this Notification Form to:

The Chief Officer,

Lands, Environment and Natural Resources,

County Government of Nyamira P. O. Box 430- 40500

NYAMIRA.

(S. 6 (5))

**FORM FOR APPLYING FOR APPROVAL OF A MANAGEMENT  
PLAN**

**TO: THE DEPARTMENT OF LANDS, ENVIRONMENT & NATURAL  
RESOURCES**

1. Name of Applicant: .....

2. Address, telephone numbers and physical address of the Applicant:

.....  
.....

3. Location of the land: .....

(Please attach map showing location)

4. Provincial Parcel number(s): .....

5. Owner of the land (if different from applicant):

.....

6. Reasons for application.....

.....

7. List the Management plan and any other attachments

.....

.....

**FORM C**

**(S. 17 (2))**

**APPLICATION FORMS FOR PROTECTED AREAS**

Name and address of applicant:

.....

.....

The location/physical address of the land/premises to be protected:

.....

.....



NYAMIRA COUNTY WETLAND CONSERVATION Reasons for the application:.....

Any other information:.....

Date: .....

Signature: .....

Designation/title: .....

FOR OFFICIAL USE ONLY

Application received by ..... on .....

20..... at a fee of KShs. .... (in words)

Note; you may be required to attach any relevant document to this application.

FOURTH SCHEDULE

(S. 27 (3))

REMEDIAL ORDER

WHEREAS I BELIEVE, ON REASONABLE GROUNDS, THAT on property located at or near .....nyamira County, an activity is occurring or has

occurred, namely .....

(description of the activity), which activity is a violation of ..... of these regulations; AND WHEREAS I BELIEVE ON REASONABLE GROUNDS, THAT time is of the essence for remedial action to protect the environment; AND WHEREAS, I am an environment officer designated pursuant to the Nandi County Wetlands Conservation Act, 2015;

I THEREFORE ORDER YOU, .....

(name of person/corporation issued to), of ..... (address of person/corporation) as the person committing or apparently committing the violation or the person in charge or apparently in charge of the activity which constitutes the violation or the registered owner of the property on which the activity is occurring or has occurred, TO IMMEDIATELY CEASE The following activity(ies)

.....  
.....



commence the following remedial and measures:

.....  
.....  
..... on or

before the ..... day of ....., 20....., at ..... O'clock  
in the ..... (after or fore) noon.

Dated at, Nyamira County, this ..... day of ....., 20.....

Signature of Officer .....

Printed name of Officer



### **STATEMENT OF OBJECTS AND REASONS**

- (a) Wetlands protect and preserve drinking water supplies by serving to purify surface water and groundwater resources;
- (b) Wetlands provide a natural means of flood and storm damage protection, and thereby prevent the loss of life and property through the absorption and storage of water during high runoff periods and the reduction of flood crests;
- (c) Wetlands serve as a transition zone between dry land and water courses, thereby retarding soil erosion;
- (d) Wetlands provide essential breeding, spawning, nesting, and wintering habitats for a major portion of the county's fish and wildlife, including migrating birds, endangered species, and commercially and recreationally important wildlife; and
- (e) Wetlands maintain a critical base flow to surface waters through the gradual release of stored flood waters and groundwater, particularly during drought periods.

There is required vigorous action to protect the county wetlands; further that in order to advance the public interest in a just manner, the rights of persons who own or possess real property affected by this Act must be fairly recognized and balanced with environmental interests; and that the public benefits arising from the natural functions of wetlands, and the public harm from freshwater wetland losses, are distinct from and may exceed the private value of wetland areas.

The County Executive Committee therefore determines that in this county, where pressures for commercial, agricultural and residential development define the pace and pattern of land use, it is in the public interest to establish a program for the systematic review of activities in and around wetland areas designed to provide predictability in the protection of wetlands; that it shall be the policy of the county to preserve the purity and integrity of wetlands from random, unnecessary or undesirable alteration or disturbance; and that to achieve these goals it is important that the county enacts this law.

**RICHARD NIXON A. ONYINKWA,**  
*Chairperson, Budget and Appropriations Committee.*