
II. Natural Environment

NATURAL ENVIRONMENT
CONSERVATION ACT

NATURAL ENVIRONMENT CONSERVATION ACT

Wholly	Amended by	Act No.	7297, Dec.	31, 2004
	Amended by	Act No.	7678, Aug.	4, 2005
		Act No.	8014, Sep.	27, 2006
		Act No.	8045, Oct.	4, 2006
		Act No.	8355, Apr.	11, 2007
		Act No.	8466, May	17, 2007
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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to seek sustainable utilization of the natural environment and to allow people to lead a leisurely and healthy life in a comfortable natural environment by systematically conserving and managing the natural environment, such as protection of the natural environment from artificial damage, conservation of the ecosystem, natural scenery, etc.

Article 2 (Definitions)

The definition of terms used in this Act shall be as follows: *<Amended by Act No. 8045, Oct. 4, 2006>*

1. The term “natural environment” means the state of nature (including the ecosystem and natural scenery) which includes all living things under the ground, on the surface of the earth (excluding the ocean) and on the ground, and the inanimate things surrounding these;
2. The term “conservation of the natural environment” means systematic conservation, protection or restoration of the natural environment, and development and management of nature for enhancement of biological diversity;
3. The term “sustainable use of nature” means to allow the present and future generation to utilize or benefit from the natural environment with equal opportunities;
4. The term “natural ecology” means the geographic or geologic environment realized in the state of nature and all of phenomena which living things subsist under such conditions;
5. The term “ecosystem” means the material world or functional world in which the community of living things in a particular region is intertwined with the inorganic environment by which the community is maintained;
6. The term “sub-ecosystem” means a habitat for living things which is developed for the enhancement of biological diversity, enhancement of the continuity of an ecosystem, such as the possibility of mobility of wild fauna and flora between their habitats, etc. or the improvement of habitation condition of a particular species;
7. The term “biological diversity (or biodiversity)” means diversity among living things originating from all sources, such as terrestrial and aquatic ecosystems (excluding marine ecosystems), and the ecological complexes of all these, and includes diversity within species, between species and of ecosystems;
8. The term “ecological axis” means an ecological habitation space that links ecologically important areas or areas that need upkeep of ecological functions for the enhancement of biological diversity

and continuity of ecosystem functions;

9. The term “ecological corridor” means ecological space, such as artificial structures, vegetation, etc. established to prevent habitat of wild fauna or flora from being isolated, damaged or destroyed due to any road, dam, reservoir, estuary dam, etc., and to assist in the upkeep of the continuity of ecosystems, such as migration of wild fauna or flora, etc.;
10. The term “natural scenery” means an area, topography and elements of nature affiliated with theses that have visual or aesthetic value in terms of the natural environment, or scenery of nature where things are harmonious in a complex way;
11. The term “alternative nature” means that which is developed to perform functions similar or supplemental to the functions of the existing natural environment;
12. The term “ecological and scenery conservation area” means an area worthy of special conservation as it is ecologically important having abundant biological diversity, or as it has beautiful natural scenery, and which is designated and declared by the Minister of Environment pursuant to the provisions of Articles 12 and 13 (3);
13. The term “natural reservation area” means an area prescribed by the Presidential Decree from among uninhabited island which is not used for any particular purpose other than military, from among the areas whose ecosystems are spared from damage due to their difficulty of access by people, and also means the demilitarized zone for two years from the date when it falls under the jurisdiction of the Republic of Korea;
14. The term “ecological and natural map” means a map made pursuant to the provisions of Article 34 according to ratings based on ecological value, natural characteristics, scenic value, etc. of mountains, rivers, inland wetlands, lakes, farmlands, cities, etc.;
15. The term “natural resources” means all living and inanimate things in their natural condition that have material or immaterial value that can be utilized for people’s livelihood or economic activities;
16. The term “biological resource” means genetic resources, organisms or parts thereof, populations and elements of living things, which are valuable or have actual or potential uses; and
17. The term “ecological village” means a village that has ecological functionality, beautiful natural scenery and the capability for sustainable conservation and utilization thereof, and is designated by the Minister of Environment or the head of a local government, pursuant to the provisions of Article 42.

Article 3 (Basic Principles of Conservation of Natural Environment)

The natural environment shall be conserved in accordance with the following basic principles:

1. The natural environment shall be conserved as a resource for all people in a way suitable for the public good, and shall be used so as to be sustained for the present and future generation;
2. Conservation of the natural environment shall be harmonious and balanced with the use of national land;
3. Natural ecology and natural scenery shall be conserved and managed so as to promote human activity, functionality of nature and ecological circulation;
4. Opportunities for all people to participate in the conservation of the natural environment and the sound use of the natural environment shall be increased;
5. Ecological equilibrium shall neither be destroyed nor depreciated when utilizing or developing the natural environment: *Provided*, That, where natural ecology or natural scenery is destroyed,

damaged or encroached, an effort shall be made to restore and return to former condition to the utmost;

6. Burdens arising from conservation of the natural environment shall be borne fairly, and benefits obtained from the natural environment shall be preferentially enjoyed by residents of the region and by interested persons; and
7. International cooperation for conservation of the natural environment and sustainable use of the natural environment shall be promoted.

Article 4 (Duties of State, Local Government, and Enterprisers)

(1) The State and local government shall bear the responsibility of devising the following measures according to the basic principles of conservation of the natural environment pursuant to the purpose of Article 1 and the provisions of Article 3, and executing them:

1. Formulation and implementation of measures for conservation of the natural environment for prevention of damage to natural environment due to development, utilization, etc. of national land, and for the sustainable use of the natural environment;
2. Formulation and implementation of a plan of utilization and development of land, and development project of land that are harmonious with the natural environment, such as natural ecology, natural scenery, etc.;
3. Formulation and implementation of measures to maintain the continuity of ecosystems, such as construction of ecological corridors;
4. Formulation and implementation of measures to restore and recover areas whose natural environment has been damaged;
5. Formulation and implementation of measures necessary for the restoration of ecosystems, such as the development of ecological restoration technology, promotion of specialized institutions for ecological restoration, etc.;
6. Promotion of measures for private organizations, enterprisers, people, etc. to take an active part in the conservation of the natural environment, and creation of appropriate conditions therefor;
7. Promotion of scientific technology for conservation of the natural environment, such as the investigation, research and development of technology, training of specialized manpower, etc.;
8. Enhancement of people's awareness of the importance of conservation of the natural environment through education and public relations; and
9. International agreements regarding conservation of the natural environment and conservation of the global environment.

(2) In performing business activities, enterprisers shall abide by matters of the following subparagraphs:

1. To consider natural ecology and natural scenery first of all;
2. To take necessary measures such as restoration, recovery, etc. in person against damage to the natural environment arising from business activities; and
3. To participate and cooperate in the measures of conservation of the natural environment, etc. of the State and local government pursuant to the provisions of paragraph (1).

Article 5 (Campaign for Protection of Nature)

The Government shall support local governments, private organizations, etc. so that all people may participate in campaigns for the protection of nature, and enable campaigns for the protection of nature to be operated in consideration of ecological characteristics by region.

Article 6 (Basic Policy for Conservation of Natural Environment)

(1) The Minister of Environment shall draft a basic policy for conservation of the natural environment (hereinafter referred to as the “Basic Policy for Conservation of the Natural Environment”) to implement the purposes of Article 1 and the basic principles of conservation of the natural environment pursuant to the provisions of Article 3 after hearing opinions of the head of the competent central administrative agency, the Special Metropolitan City Mayor, Metropolitan City Mayor or *Do* governor (hereinafter referred to as the “Mayor/*Do* governor”), and after deliberation by the environmental preservation advisory committee (hereinafter referred to as the “Central Environmental Preservation Advisory Committee”) pursuant to the provisions of Article 37 of the Framework Act on Environmental Policy, and the State Council.

(2) The Basic Policy for Conservation of the Natural Environment shall contain the following matters:

<Amended by Act No. 8045, Oct. 4, 2006>

1. Systematic conservation and management of the natural environment, and sustainable use of the natural environment;
2. Selection of ecosystems requiring serious conservation, protection of endangered species or ecologically important species, and protection of biological resources;
3. Restoration and recovery of areas whose natural scenery has been damaged;
4. Management of ecology and scenery conservation areas, and improvement of the quality of life of residents of the relevant area;
5. Improvement of the ecological condition of mountains, rivers, inland wetlands, farmlands, islands, etc., and conservation of biological diversity through the creation, etc. of ecological corridors, sub-eco-systems and alternative nature;
6. Promotion of national education and private initiatives regarding the natural environment;
7. International cooperation regarding conservation of the natural environment; and
8. Other matters regarding conservation of the natural environment as prescribed by the Presidential Decree.

(3) When the Minister of Environment drafts the Basic Policy for Conservation of the Natural Environment, he/she shall inform the head of the competent central administrative agency and the Mayor/*Do* governor concerned of it.

(4) The head of the competent central administrative agency and the Mayor/*Do* governor concerned shall draw up a promotion policy or action plan (limited to an action plan in the case of Mayor/*Do* governor) in accordance with the Basic Policy for Conservation of the Natural Environment and inform the Minister of Environment of it.

Article 7 (Consultation, etc. on Important Policy)

(1) When the head of central administrative agency intends to draft and execute an important policy or plan that has a direct relationship with the conservation of the natural environment, he/she shall consult with the Minister of Environment in advance: *Provided*, That where he/she has consulted with the Minister of Environment pursuant to another Act, this shall not apply.

(2) In drafting and executing a development plan and development project (hereinafter referred to as a “development project, etc.”), the Minister of Environment may, after consultation with the head of a central administrative agency, draft a guideline to consider for the conservation of the natural environment and sustainable use of the natural environment, and make the guideline utilized.

(3) The kinds of important policy and plan that are liable for consultation pursuant to the provisions of paragraph (1), and other necessary matters shall be prescribed by the Presidential Decree.

Article 8 (Formulation of Basic Plan for Conservation of Natural Environment)

(1) The Minister of Environment shall draft a basic plan for conservation of the natural environment of the nation (hereinafter referred to as the “Basic Plan for Conservation of the Natural Environment”) every ten years.

(2) The Basic Plan for Conservation of Natural Environment shall be set after deliberation by the Central Environmental Preservation Advisory Committee.

(3) In drafting the Basic Plan for Conservation of the Natural Environment, the Minister of Environment shall consult with the head of the central administrative agency concerned in advance. In this case, the Basic Policy for Conservation of the Natural Environment, and the principles of promotion or action plan informed by the head of the central administrative agency concerned and the Mayor/*Do* governor concerned pursuant to the provisions of Article 6 (4) shall be considered.

(4) The Minister of Environment may request the head of the central administrative agency concerned and the Mayor/*Do* governor concerned to submit proposals on the policy and project of their concern to be reflected in the Basic Plan for Conservation of the Natural Environment.

(5) The provisions of paragraphs (2) through (4) shall apply *mutatis mutandis* where modification of the Basic Plan for Conservation of the Natural Environment is intended: *Provided*, That in the case of modification of minor matters prescribed by the Presidential Decree, the deliberation of the Central Environmental Preservation Advisory Committee may be dispensed with.

Article 9 (Contents of Basic Plan for Conservation of Natural Environment.)

The Basic Plan for Conservation of the Natural Environment shall contain the following matters:

1. Matters regarding the current state of, and outlook for, the natural environment;
2. Matters regarding a basic course of conservation of the natural environment, and setting of conservation targets;
3. Matters regarding the main duties to promote conservation of the natural environment;
4. Matters regarding major policies for conservation of the natural environment to be promoted by each local government;
5. Matters regarding conservation and management of natural scenery;
6. Matters regarding construction and promotion of an ecological axis;
7. Matters regarding major projects for the restoration of ecosystems, such as construction of ecological corridors, restoration of damaged areas, etc.;
8. Matters regarding establishment and operation of comprehensive geographic information systems on the natural environment pursuant to the provisions of Article 11;
9. Matters regarding calculation of expenses necessary for the execution of projects, and plans for raising the funds therefor; and
10. Other matters prescribed by the Presidential Decree regarding conservation of the natural environment.

Article 10 (Execution of Basic Plan for Conservation of Natural Environment)

(1) Where the Minister of Environment has set the Basic Plan for Conservation of the Natural Environment pursuant to the provisions of Article 8 (2), he/she shall inform the head of the central administrative agency concerned and the Mayor/*Do* governor concerned thereof without delay.

(2) The head of the central administrative agency concerned and the Mayor/*Do* governor concerned shall take necessary measures for the execution of the Basic Plan for Conservation of the Natural Environment, such as reflecting the contents of the Basic Plan for Conservation of the Natural Environment in the policy and plan relating to their own duties.

(3) The Minister of Environment shall analyze and evaluate the execution outcome of the Basic Plan for Conservation of the Natural Environment periodically every two years, and reflect the result in the policy for conservation of the natural environment.

Article 11 (Establishment and Operation of Information Network on Natural Environment)

(1) The Minister of Environment may establish and operate a comprehensive geographic information system on the natural environment (hereinafter referred to as the “information network on the natural environment”) computerized with ecological and nature maps, data on biological species, etc. for swift production and distribution of information regarding the natural environment.

(2) The Minister of Environment may request for submission of data necessary for establishment and operation of the information network on the natural environment to the head of relevant administrative agency. In this case, the head of the relevant administrative agency shall respond to this request insofar as there are no particular issues.

(3) Where necessary for effective establishment and operation of the information network on the natural environment, the Minister of Environment may entrust the establishment and operation of the information network on the natural environment to a specialized institution.

(4) Matters necessary for establishment and operation of the information network on the natural environment shall be prescribed by the Presidential Decree.

CHAPTER II MANAGEMENT, ETC. OF ECOLOGICAL AND SCENERY CONSERVATION AREA

Article 12 (Ecological and Scenery Conservation Area)

(1) The Minister of Environment may designate an area which needs particular conservation of natural ecology and natural scenery from among the areas falling under any of the following subparagraphs as an ecological and scenery conservation area:

1. An area where the state of nature maintains primitiveness, or which greatly merits conservation and scientific research because of its abundant biological diversity;
2. An area that needs conservation for peculiar topographic or geological features, or maintenance of its natural scenery;
3. An area that can represent diverse ecosystems or an area that is a specimen of an ecosystem;
or
4. An area prescribed by the Presidential Decree from among the areas that need particular conservation because of its beautiful natural scenery, such as rivers, mountain valleys, etc.

(2) The Minister of Environment may designate and manage ecological and scenery conservation areas by classifying such ecological and scenery conservation areas as follows in consideration of their ecological characteristics, natural scenery, topographical conditions, etc. for the sustainable conservation and management of ecological and scenery conservation areas:

1. Core ecological and scenery conservation area (hereinafter referred to as a “core area”): An area where special protection for the prevention of damage to the structure and function of an ecosystem is necessary, or where special protection is intended because of its beautiful natural scenery;
2. Buffer ecological and scenery conservation area (hereinafter referred to as a “buffer area”): An area bordering a core area, which is necessary for the protection of the core area; and
3. Transition ecological and scenery conservation area (hereinafter referred to as a “transition area”): A community area surrounded by a core area or a buffer area, which is necessary for sustainable conservation and utilization.

(3) The Minister of Environment may revoke or change the designation of an area where it has lost its value as an ecological and scenery conservation area, or has become needless to conserve it as an ecological and scenery conservation area pursuant to the provisions of paragraph (1) due to military purposes, natural disaster or other causes.

Article 13 (Procedure for Designation and Change of Ecological and Scenery Conservation Areas)

(1) When the Minister of Environment intends to designate or change an ecological and scenery conservation area, he shall engage in consultation with the head of the relevant central administrative agency and go through deliberation of the Central Environmental Preservation Advisory Committee after gathering consensus of the residents of the area concerned, interested persons and the head of the local government with a designation plan containing the following contents along with a topographical map prescribed by the Presidential Decree: *Provided*, That for changes of minor matters prescribed by the Presidential Decree, the deliberation of the Central Environmental Preservation Advisory Committee may be dispensed with:

1. The reason and purpose of designation;
2. The area and scope of designation;
3. The present status and characteristics of the natural ecology and natural scenery;
4. The present status of land utilization; and
5. An outline of the classification of core area, buffer area and transition area, and a management plan for each area.

(2) The head of a local government or the head of a central administrative agency shall submit the opinion to the Minister of Environment within 30 days from the date he/she has been requested insofar as there are no particular issues.

(3) When the Minister of Environment has designated or changed an ecological and scenery conservation area pursuant to the provisions of paragraph (1), he/she shall announce the details of the designation or change as prescribed by the Ordinance of the Ministry of Environment in the Official Gazette without delay.

Article 14 (Basic Plan of Management of Ecological and Scenery Conservation Area)

The Minister of Environment shall draft and execute a basic plan for management of the ecology and scenery conservation area containing the following matters after consultation with the head of the relevant central administrative agency and Mayor/Do governor regarding the ecological and scenery conservation area:

1. Conservation and management of the natural ecology, natural scenery and biological diversity;
2. Improvement of the living standards of residents of the ecological and scenery conservation area

and protection of the interests of interested persons;

3. Matters of contribution to the community through management of natural resources and conservation of the ecosystem; and
4. Other matters necessary for drafting and execution of the basic plan of management of the ecological and scenery conservation area, which are prescribed by the Presidential Decree.

Article 15 (Restriction of Activities in Ecological and Scenery Conservation Area)

(1) No one shall perform an act of damaging natural ecology or natural scenery, which falls under any of the following subparagraphs within any ecological and scenery conservation area: *Provided*, That a park district designated pursuant to the Natural Parks Act, or cultural property (including a protection district) pursuant to the Cultural Heritage Protection Act is included in the ecological and scenery conservation area, it shall be as prescribed by the Natural Parks Act or the Cultural Heritage Protection Act:

1. Capturing, gathering, transplanting, damaging, or withering to death the wild fauna and flora, or laying any explosives, hook, snare, net, trap, etc., or scattering or pouring any poison, agricultural chemical, etc. to capture or to wither to death the wild fauna and flora within the core area;
2. Constructing and enlarging (limited to the case of enlargement by two times or more of the total construction area at the time of designation of an ecological and scenery conservation area) a building and other structures (hereinafter referred to as a “building, etc.”), and change of form and quality of land;
3. Changing the form of a river, lake, etc. or causing any increase or decrease of water level or water volume;
4. Gathering soil and stone; or
5. Other acts prescribed by the Presidential Decree from among the acts acknowledged as harmful to the conservation of the natural environment.

(2) Where it falls under any of the following subparagraphs, the provisions of paragraph (1) shall not apply: *<Amended by Act No. 7678, Aug. 4, 2005>*

1. Where it is necessary for military purposes;
2. Where emergency measures are required due to a natural disaster or disaster corresponding thereto prescribed by the Presidential Decree;
3. Where an act prescribed by the Presidential Decree is performed, such as an act which is required to keep the mode of living or to improve standard of living of the residents in the ecological and scenery conservation area, or an act which is needed to continue farming that has been performed at the time of designation of an ecological and scenery conservation area;
4. Where the Minister of Environment permits as prescribed by the Ordinance of the Ministry of Environment, in deeming that it does not cause inconvenience to the conservation of the area concerned;
5. Where the matters included in the basic plan for the management of ecological and scenery conservation area pursuant to the provisions of Article 14 from among the agricultural production infrastructure rearrangement projects pursuant to the provisions of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act are executed;
6. Where projects are executed according to the forest management plan pursuant to the Creation and Management of Forest Resources Act, and for the protection of forests and the conservation

of an arboreal genetic resources protection forest, without deforestation or diversion of form and quality of land;

7. Where the head of the relevant administrative agency executes firsthand or the head of the relevant administrative agency authorizes, permits or approves, etc. (hereinafter referred to as “authorization, permission, etc.”) pursuant to other Acts. In this case, the head of the relevant administrative agency shall consult with the Minister of Environment in advance; or

8. Where the Minister of Environment performs an act and installs the necessary facility prescribed by the Presidential Decree to protect and manage the ecological and scenery conservation area.

(3) Notwithstanding the provisions of paragraph (1), the following acts may be performed in the buffer area: *<Amended by Act No. 7678, Aug. 4, 2005>*

1. Erection of a building, etc. prescribed by the Presidential Decree, which is for dwelling, livelihood, etc. on land which has categorized as a building site (limited to land, the category of which was building site before the designation of ecological and scenery conservation area) pursuant to the Cadastral Act;

2. Installation of a facility prescribed by the Presidential Decree for investigation into ecology, ecological studies, etc.;

3. Execution of forestry projects according to the forest management plan pursuant to the Creation and Management of Forest Resources Act and for the protection of forests and the conservation and management of an arboreal genetic resources protection forest, etc.;

4. Installation of a facility for measuring streamflow and groundwater, and drainage, or erection of a building, etc. similar to these and annexed to agriculture, forestry and fishery; and

5. Installation of a private grave pursuant to the provisions of Article 13 (1) 1 of the Funeral Services, etc. Act.

(4) Notwithstanding the provisions of paragraph (1), the following acts may be performed in the transition area:

1. Acts of each subparagraph of paragraph (3);

2. Erection of a building, etc. prescribed by the Presidential Decree for maintenance of mode of life or improvement of the standard of living of persons who are residing in the transition area;

3. Installation of facilities for board, lodging, or store prescribed by the Presidential Decree for persons visiting the ecological and scenery conservation area; and

4. Installation of public facilities and facilities for convenient livelihood prescribed by the Presidential Decree for the residents of the area and for the visitors, such as road, water supply, drainage, etc.

(5) The Minister of Environment may restrict development projects prescribed by the Presidential Decree, or limit farming notwithstanding the provisions of paragraph (2) 3 where it is particularly necessary for the conservation of weak natural ecology and natural scenery.

Article 16 (Prohibited Acts in Ecological and Scenery Conservation Area)

No one shall perform any act falling under any of the following subparagraphs within the ecological and scenery conservation area: *Provided*, That this shall not apply where it is necessary for military purposes, or emergency measures are required due to natural disaster, or other disaster equivalent thereto as prescribed by the Presidential Decree: *<Amended by Act No. 8466, May 17, 2007>*

1. Dumping specified substances hazardous to water quality pursuant to the provisions of Article

2 of the Water Quality and Ecosystem Conservation Act, waste pursuant to the provisions of Article 2 of the Wastes Control Act, or poisonous substances pursuant to the provisions of Article 2 of the Toxic Chemicals Control Act;

2. Possessing inflammables prescribed by the Ordinance of the Ministry of Environment, or cooking or camping in any place other than that designated by the Minister of Environment (limited to the core area and buffer area);
3. Act of staining, damaging or moving signboards or other signposts regarding conservation of the natural environment; or
4. Other acts, such as gathering of grass or trees, lumbering, etc., which are prescribed by the Presidential Decree as acts prohibited for the conservation of an ecological and scenery conservation area.

Article 17 (Order, etc of Suspension)

The Minister of Environment may order the person who has performed an act in violation of the provisions of Article 15 (1) within an ecological and scenery conservation area to suspend that act, or to restore the item to original state within a reasonable period of time that he/she has set: *Provided*, That he/she may order to take equivalent measures such as construction of substitute nature, etc. where restoration to the original state is difficult.

Article 18 (Securing Land, etc. for Conservation of Natural Ecology and Natural Scenery)

(1) Where land, buildings, or items fixed to land (hereinafter referred to as “land, etc.”) owned by the State located in an ecological and scenery conservation area, or an area required to be designated as an ecological and scenery conservation area because it has remarkably high ecological value become unnecessary for military purposes, for the purpose of protection of cultural properties, etc., the Minister of Environment may request the head of a central administrative agency, such as the Minister of National Defence, the Administrator of the Cultural Heritage Administration, etc. having authority to manage such land, etc., for administrative exchange pursuant to the provisions of Article 15 of the State Properties Act: *Provided*, That this shall not apply to land pursuant to the provisions of Articles 20 and 20-2 of the Act on Special Measures for Readjustment of Requisitioned Properties and Articles 2 and 3 of the Act on Special Measures for Readjustment of Expropriated or Used Lands under the Decree on Special Measures for Expropriation or Uses of Lands in Areas to be Mobilized pursuant to the Provisions of Article 5 (4) of the Act on Special Measures for National Integrity.

(2) The Minister of Environment may, as prescribed by the Presidential Decree, perform an inspection after consultation with the head of the competent central administrative agency, such as the Minister of National Defense, the Administrator of the Cultural Heritage Administration, etc. in order to select land, etc. to be subject for administrative exchange pursuant to the provisions of paragraph (1).

Article 19 (Procurement of Land, etc. in Ecological and Scenery Conservation Area, etc.)

(1) Where the Minister of Environment deems necessary for the conservation of the ecosystem in an ecological and scenery conservation area or natural reserve area, he/she may purchase land, etc. in those areas after consultation with the owner.

(2) The purchase price of land, etc. when purchasing land, etc. pursuant to the provisions of paragraph (1) shall be based on the value calculated pursuant to the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor.

Article 20 (Support to Residents in Ecological and Scenery Conservation Area)

(1) Where a resident performs expansion of his house in an area (hereafter referred to as an “adjoining

area” in this Article) which may directly affect water quality, etc. of an ecological and scenery conservation area, the Minister of Environment may support all or part of the expenses for installation of private sewage treatment facility and night soil treatment facility pursuant to the Sewerage Act. <Amended by Act No. 8014, Sep. 27, 2006>

(2) The Minister of Environment shall, first of all, formulate plans to support treatment of sewage and waste water in the ecological and scenery conservation area and its adjoining area. In this case, he/she may request the head of the competent central administrative agency or head of the relevant local government to take measures necessary for the support and measures necessary for the promotion of eco-friendly agriculture, forestry, and fishing industry.

(3) Necessary matters, such as procedures, methods, etc. for support to ecological and scenery conservation areas and their adjoining areas, pursuant to the provisions of paragraph (1) shall be prescribed by the Presidential Decree.

Article 21 (Priority Utilization of Ecological and Scenery Conservation Area)

(1) The Minister of Environment shall afford priority utilization to residents in the ecological and scenery conservation area after consultation with the head of the competent central administrative agency and the head of local government: *Provided*, That, where there is an interested person, such as an owner of land, etc., this shall apply only if an agreement has been made with him/her.

(2) Residents who utilize the ecological and scenery conservation area pursuant to the provisions of paragraph (1) shall make every effort for conservation thereof.

Article 22 (Natural Reserve Area)

(1) The Minister of Environment shall, regarding a natural reserve area, formulate a comprehensive plan or policy for the conservation of the ecosystem and sustainable use of the natural environment after consultation with the head of the competent central administrative agency and the Mayor/Do governor concerned.

(2) The provisions of Articles 15 (1), (2) and (5), 16 and 17 shall apply *mutatis mutandis* to the restriction of acts, orders of suspension in the natural reserve area, etc.: *Provided*, That this shall not apply to projects for peaceful use performed in the Demilitarized Zone (DMZ) in accordance with an agreement between South and North Korea, and projects relating to unification policies implemented by the Minister of Unification after consultation with the Minister of Environment.

Article 23 (Designation and Conservation of City/Do Ecological and Scenery Conservation Areas)

(1) The Mayor/Do governor may designate and manage an area which is deemed necessary to conserve in proportion to the ecological and scenery conservation area as a City/Do ecological and scenery conservation area.

(2) The Minister of Environment may recommend that the Mayor/Do governor designate and manage an area in need of conservation of natural ecology and natural scenery which represents the area concerned as a City/Do ecological and scenery conservation area.

(3) The provisions of Article 12 shall apply *mutatis mutandis* to designation standards, classification of boundaries, revocation of designations, etc. of City/Do ecological and scenery conservation areas.

Article 24 (Procedures, etc. for Designation of City/Do Ecological and Scenery Conservation Areas)

(1) When the Mayor/Do governor intends to designate or change a City/ Do ecological and scenery conservation area, he/she shall, with a designation plan containing the contents of each subparagraph of Article 13 (1) along with topographical map prescribed by the Presidential Decree, go through the

deliberation of the City/*Do* Environmental Preservation Advisory Committee (hereinafter referred to as the “Local Environmental Preservation Advisory Committee”) pursuant to the provisions of Article 37 of the Framework Act on Environmental Policy through consultation with the head of the competent basin environmental management office or head of subregional environmental management office (hereinafter referred to as the “head of local environmental management office”), and head of relevant administrative agency after collecting opinions of residents of the area concerned, interested persons and head of *Si/Gun/Gu* (including head of autonomous *Gu*; hereinafter the same shall apply): *Provided*, That for a change of minor matters that have been laid down by City/*Do* Municipal Ordinance, deliberation by the Local Environmental Preservation Advisory Committee may be dispensed with.

(2) The head of the relevant *Si/Gun/Gu*, head of local environmental management office or head of relevant administrative agency who has been requested to consider an opinion or consultation shall produce his opinion within 30 days from the date he has received such request insofar as there are no particular issues.

(3) When the Mayor/*Do* governor designates or changes a City/*Do* ecological and scenery conservation area pursuant to the provisions of paragraph (1), he/she shall publize the location and size of the area concerned, date of designation, and other matters prescribed by the Municipal Ordinance of the local government concerned.

Article 25 (Management Plan for City/*Do* Ecological and Scenery Conservation Area)

The Mayor/*Do* governor shall draft and implement a basic plan for management of City/*Do* ecological and scenery conservation area pursuant to the Municipal Ordinance laid down by the local government concerned in proportion to the provisions of Article 14.

Article 26 (Restriction, etc. of Acts in City/*Do* Ecological and Scenery Conservation Area)

The Mayor/*Do* governor may take measures necessary for the conservation and management of City/*Do* ecological and scenery conservation area pursuant to the Municipal Ordinance laid down by the local government concerned in proportion to the provisions of Articles 15 through 17.

Article 27 (Conservation of Natural Scenery)

- (1) The head of the competent central administrative agency and the head of local government shall endeavor to prevent major elements of scenery such as coastline, etc. with high scenic value from being damaged, or views thereof from being obstructed.
- (2) The head of the local government shall, when executing various projects as prescribed by the Municipal Ordinance, take necessary measures to conserve natural scenery.
- (3) The Minister of Environment may set up guidelines necessary for conservation of natural scenery and notify the head of the administrative agency concerned and head of the local government.

Article 28 (Consultation, etc. on Impact to Natural Scenery)

- (1) When the head of the relevant administrative agency or the head of the local government intends to authorize, permit, etc. the development project, etc. requiring for advance consultations about examination of environmental impact pursuant to the provisions of Article 25 of the Framework Act on Environmental Policy or development project, etc. subject to environmental impact assessment pursuant to the provisions of Article 4 of the Environmental Impact Assessment Act from among the development projects, etc. falling under any of the following subparagraphs, he shall include details on the impact affecting the natural scenery by the relevant development projects, etc., conservation plan, etc. in the details of advance consultations about examination of environmental impact or environmental impact assessment,

and consult with the Minister of Environment or head of the local environmental management office:

<Amended by Act No. 9037, Mar. 28, 2008>

1. A development project, etc. in an area within the distance prescribed by the Presidential Decree from the area falling under any of the following items:
 - (a) A natural park pursuant to subparagraph 1 of Article 2 of the Natural Parks Act;
 - (b) A wetland protection area designated pursuant to Article 8 of the Conservation of Wetlands Act; and
 - (c) An ecological and scenery conservation area; and
2. A development project, etc. other than under subparagraph 1 prescribed by Presidential Decree as determined to have a substantial impact on the natural environment.

(2) Where the Minister of Environment or head of the local environmental management office receives a request for consultation pursuant to the provisions of paragraph (1), the Minister of Environment shall go through the deliberation of the Central Environmental Preservation Advisory Committee, and the head of local environmental management office shall go through the deliberation of the Natural Scenery Deliberation Committee pursuant to the provisions of Article 29 regarding impact that the development project concerned, etc. has on the natural scenery and conservation plan.

(3) When the head of local government intends to authorize, permit, etc. the development project, etc. which is not subject to advance consultation about examination of environmental impact or environmental impact assessment, or other development project, etc. laid down by the Municipal Ordinance of the local government as determined to have a substantial impact on the natural environment from among the development project, etc. of each subparagraph of paragraph (1), he/she shall abide by the examination standards regarding natural scenery as laid down by the Ordinance of the Ministry of Environment: *Provided*, That for cases where it is prescribed by the Presidential Decree, such as going through the deliberation of the local urban planning committee pursuant to the provisions of Article 59 of the National Land Planning and Utilization Act, etc., this shall not apply.

Article 29 (Organization and Operation of Natural Scenery Deliberation Committee)

- (1) A natural scenery deliberation committee shall be established under the control of the local environmental management office to investigate and deliberate professionally and effectively where he receives a request for consultation pursuant to the provisions of Article 28.
- (2) Necessary matters regarding organization, operation, etc. of the natural scenery deliberation committee pursuant to the provisions of paragraph (1) shall be prescribed by the Presidential Decree.

CHAPTER III CONSERVATION OF BIOLOGICAL DIVERSITY

Article 30 (Investigation of Natural Environment)

- (1) The Minister of Environment shall perform an investigation of the natural environment of the nation every ten years in cooperation with the head of the competent central administrative agency.
- (2) The Minister of Environment may investigate the natural environment every five years in cooperation with the head of the competent central administrative agency regarding areas which are classified as first grade zones on ecological and natural maps, and whose change in natural surroundings is deemed as requiring special observation.

(3) The Mayor/*Do* governor may investigate the natural environment of an area under his jurisdiction as laid down by the Municipal Ordinance of the local government concerned.

(4) The Mayor/*Do* governor shall report investigation plans and findings of investigations to the Minister of Environment when he performs investigation of the natural environment pursuant to paragraph (3).

(5) The details, methods of investigation pursuant to paragraphs (1) and (2), and other necessary matters shall be prescribed by the Presidential Decree.

Article 31 (Close Investigation, Observation, etc. of Changes in Ecosystem)

(1) The Minister of Environment shall formulate and execute a plan for close investigation of the ecosystem concerned, where he/she deems it necessary to manage after a special investigation into the ecosystem which has been newly ascertained by findings on investigation pursuant to the provisions of Article 30.

(2) The Minister of Environment may make a supplementary investigation into an area where change in the ecosystem is conspicuous due to natural or artificial causes, from among the areas that have undergone investigation pursuant to the provisions of Article 30.

(3) The Minister of Environment shall continuously observe the details of change in ecosystem due to natural or artificial causes.

(4) The head of local government may perform investigations and observations pursuant to the provisions of paragraphs (1) through (3) into the area under his jurisdiction as prescribed by the Municipal Ordinance of the local government concerned.

(5) Matters necessary for investigation and observation pursuant to the provisions of paragraphs (1) through (3) shall be prescribed by the Ordinance of the Ministry of Environment.

Article 32 (Natural Environment Investigator)

(1) The Minister of Environment or the head of the local government may, if necessary for performing an investigation into the natural environment pursuant to the provisions of Article 30, a close investigation and supplementary investigation pursuant to the provisions of Article 31 or other investigation into natural environment, employ natural environmental investigators during the investigation period (hereinafter referred to as an “investigator”).

(2) Qualifications for an investigator and procedures of commissioning pursuant to the provisions of paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Environment or Municipal Ordinance of the local government concerned.

Article 33 (Entry, etc. into Lands Owned by Other Persons)

(1) The Minister of Environment or the head of the local government may permit a public official or investigator under his control to enter another person’s land, or to change or remove trees, soil, stones, or other obstacles, if necessary to carry out an investigation into the natural environment pursuant to Article 30 or a close investigation and supplementary investigation pursuant to the provisions of Article 31.

(2) Anyone who intends to enter another person’s land pursuant to the provisions of paragraph (1) shall notify the owner, occupant or manager of the land not later than three days prior to the date of entry.

(3) Anyone who intends to change or remove obstacles pursuant to the provisions of paragraph (1)

shall obtain the consent of the owner, occupant or manager thereof: *Provided*, That where the owner, occupant or manager is not at the site, or if his address is not known, notification of change or removal shall be made on the bulletin board of the *Eup/ Myon/Dong* that has jurisdiction over the area concerned, or shall be published in the daily newspaper. Consent shall be deemed to have been obtained when fourteen days have passed since the date of such notification or publication.

(4) The owner, occupant or manager of land shall not refuse, obstruct or evade the investigation pursuant to the provisions of paragraph (1) insofar as there are no reasonable grounds.

(5) Anyone wishing to enter another person's land pursuant to the provisions of paragraph (1) shall carry credentials indicating his authority as prescribed by the Ordinance of the Ministry of Environment, and show these to the interested persons,

Article 34 (Drafting and Utilization of Ecological and Natural Maps)

(1) For the purpose of use in the formulation and implementation of various development projects, the Minister of Environment shall draft an ecological and natural map of the natural environment of the nation in accordance with the following classifications on the basis of findings on investigation pursuant to the provisions of Articles 30 and 31:

1. First grade zone: An area falling under the following:

- (a) An area which becomes a major habitat, place of visitation and major ecological axis, or ecological corridor for endangered wild fauna and flora pursuant to the provisions of Article 2 of the Protection of Wild Fauna and Flora Act (hereinafter referred to as the "endangered wild fauna and flora");
- (b) An area where the ecosystem is particularly excellent or scenery is especially spectacular;
- (c) An ecosystem area which is located on the boundary of geographical distribution of living things, or area which represents the types of major vegetation;
- (d) An area where biological diversity is particularly abundant, and where biological resources with high conservation value are distributed; or
- (e) Other areas having ecological value corresponding to items (a) through (d) which meet standards prescribed by the Presidential Decree;

2. Second grade zone: An area corresponding to those falling under the items of subparagraph 1 and worthy of conservation in the future, or an area outside a first grade zone and necessary to protect a first grade zone;

3. Third grade zone: An area other than one classified as a first grade zone, second grade zone, and separately managed zone, which is subject to development or utilization; and

4. Separately managed zone: An area prescribed by the Presidential Decree, and of historical, cultural or scenic value, or managed to conserve a green belt from among areas conserved pursuant to the provisions of another Act.

(2) The Minister of Environment may draft an ecological and natural map by fixing detailed classification of the zones of paragraph (1) 1 through 3 as prescribed by the Ordinance of the Ministry of Environment to effectively utilize it.

(3) Where the Minister of Environment drafts an ecological and natural map, he/she may request the head of the competent central administrative agency or the head of local government concerned for cooperation with the necessary data or specialized manpower. Unless it is inevitable due to military

purposes, the head of the competent central administrative agency or the head of the local government shall cooperate with the request for data as prescribed by the Presidential Decree.

(4) The ecological and natural map shall be drawn in solid lines at a scale of not less than 1 to 25,000. Other matters necessary for drawing ecological and natural maps, such as drawing standards of ecological and natural maps, drawing methods, etc., and objects of utilization and methods of utilization of the ecological and natural map pursuant to the provisions of paragraph (1) shall be prescribed by the Presidential Decree.

(5) When the Minister of Environment drafts an ecological and natural map, he/she shall draw up after being made available for public inspection for 14 days or more, and notify the head of the competent central administrative agency and the head of the local government concerned of the ecological and natural map which has been drawn up, and announce this fact publicly.

(6) The Mayor/*Do* governor may draft a detailed ecological and natural map of the region under the jurisdiction on the basis of the ecological and natural map which has been drawn up by the Minister of Environment for the efficient conservation of the natural environment after consultation with the Minister of Environment. Other matters necessary for drawing ecological and natural maps shall be prescribed by the Municipal Ordinance of the local government concerned.

Article 35 (Formulation of Measures for Conservation of Biological Diversity and Biological Resources, and International Cooperation)

(1) The Government shall formulate and implement measures for conservation of biological diversity and biological resources, which include the following matters as prescribed by the Presidential Decree for conservation and sustainable utilization of biological diversity, proper management of biological resources, and implementation of the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on Wetlands of International Importance, Especially as Waterfowl Habitat, etc. (hereinafter referred to as the “Convention, etc. on Biological Diversity”) to which the State is a signatory:

1. Conservation of elements of biological diversity within and outside of a habitat;
2. Promotion of and support for projects of protection, propagation, etc. of biological resources;
3. Operation of conservation facilities of biological resources, and expansion of specialized manpower and research facilities of biological diversity;
4. Research and technological development for proper management of biological resources;
5. Assessment of impact to ecosystems where genetically engineered biological variation is exposed to the natural environment; or
6. Other matters prescribed by the Presidential Decree, which are deemed necessary for implementation of the Convention, etc. on Biological Diversity.

(2) The Government shall endeavor to exchange technology, information, etc. for conservation of the natural environment in cooperation with international organizations and relevant governments. The Government shall facilitate the acquisition and transfer of technology relating to conservation of biological diversity and sustainable use of elements of biological diversity together with the countries involved in the Convention, etc. on Biological Diversity, and shall cooperate with regard to the management of biotechnology and distribution of the benefits therefrom.

Article 36 (Research, Technological Development, etc. of Biological Diversity)

(1) The Government shall carry out research and technological development with regard to investigation into the natural environment, research into the structure, function and restoration of ecosystems, conservation of elements of biological diversity within and outside of the habitat, management of biological resources, the current state of management of wild fauna or flora disturbing ecosystems pursuant to the provisions of Article 2 of the Protection of Wild Fauna and Flora Act, etc.

(2) The Government shall carry out necessary investigation into the current state of distribution, trends of change, etc. of elements of biological diversity which require additional protective measures for the conservation of biological diversity and the sustainable utilization of elements of biological diversity, or are of social, economic, cultural, or scientific value, and into development projects, etc. which may have unfavourable impact on the conservation of biological diversity and the sustainable utilization of elements of biological diversity: *Provided*, That this shall not apply where investigation pursuant to the provisions of Article 30 or 31 can substitute.

(3) The Government shall systematically manage the information by analyzing, evaluating and recording the findings on investigation into elements of biological diversity, etc. pursuant to the provisions of paragraph (2), and reflect it in the conservation measures for biological diversity and biological resources pursuant to the provisions of Article 35 (1) so that it may be properly used for the conservation of biological resources.

(4) Objects and methods of investigation pursuant to paragraph (2), and other necessary matters shall be prescribed by the Presidential Decree.

Article 37 (Contract of Biological Diversity Management)

(1) The Minister of Environment may conclude contracts containing the details of change of cultivation methods, decrease of chemical consumption, creation of wetlands, methods for management of land, etc. with owners, occupants or managers of land in order to conserve the following areas, or recommend the head of the relevant central administrative agency or head of the local government to conclude contract for biological diversity management: *<Amended by Act No. 8045, Oct. 4, 2006>*

1. An area necessary for protection of endangered wild fauna and flora;
2. An area where promotion of biological diversity is needed; and
3. An area where biological diversity is peculiar or excellent.

(2) Where the Minister of Environment, head of the relevant central administrative agency or head of the local government concludes a contract for biological diversity management, he/she shall compensate the actual cost as prescribed by the Presidential Decree to the person who suffers a reduction in earnings from the land concerned owing to the execution of the contract. *<Amended by Act No. 8045, Oct. 4, 2006>*

(3) Where the party to the contract for biological diversity management fails to perform the terms of the contract, or intends to revoke the contract, he/she shall inform the other party thereof at least 3 months in advance.

(4) Other necessary matters, such as conclusion of contracts for biological diversity management, etc. shall be prescribed by the Presidential Decree.

CHAPTER IV MANAGEMENT OF NATURAL ASSET

Article 38 (Installation and Operation of Facilities for Conservation and Use of Natural Environment)

(1) For the purposes of conservation of the natural environment and sound utilization of the natural environment, the head of the competent central administrative agency and the head of the local government may install the following facilities:

1. Facilities for conservation or prevention of damage to the natural environment;
2. Facilities for restoration or recovery of a damaged natural environment;
3. Facilities for use or observation of the natural environment, facilities for providing information on the conservation of the natural environment, wooden platforms for the observation of ecology, etc.;
4. Facilities for education, public relations, or management for conservation or use of the natural environment, such as nature conservation halls, nature study institutes, etc.; and
5. Other facilities for conservation of natural assets.

(2) Where the head of the competent central administrative agency or the head of the local government intends to install or operate facilities for conservation and use of the natural environment pursuant to the provisions of paragraph (1), he/she shall formulate installation plans and publicize these as prescribed by the Ordinance of the Ministry of Environment.

(3) The head of the competent central administrative agency and the head of the local government may collect fees from those who use the facilities for conservation and use of the natural environment which have been installed pursuant to the provisions of paragraph (1): *Provided*, That any park area designated by the Natural Parks Act shall be subject to what is prescribed by the Natural Parks Act.

(4) The amount of fees, collection procedures thereof, and exemption therefrom pursuant to the provisions of paragraph (3) shall be prescribed by the Ordinance of the Ministry of Environment.

Article 39 (Designation and Management of Natural Resting Area)

(1) Where prescribed by the Presidential Decree, the head of the local government may designate an appropriate area which is of high ecological, scenic value, etc. and is suitable for investigation into nature, ecological education, etc. from among areas which are not designated by other Acts as parks, tourist facility complexes, natural recreation forests, etc. as natural resting areas. In this case, the opinion of the owner, etc. of private land shall be heard with regard to private land.

(2) For the purpose of efficient management of natural resting areas designated pursuant to the provisions of paragraph (1), the head of the local government may collect fees from those who use natural resting areas as prescribed by the Municipal Ordinance in consideration of the cost of maintenance, management, etc.: *Provided*, That this shall not apply where these have been designated by other Acts as parks, tourist facility complex, natural recreation forests, etc. after they have been designated as natural resting areas.

(3) Management of natural resting areas pursuant to the provisions of paragraph (1) and other necessary matters shall be prescribed by the Municipal Ordinance of the local government concerned.

Article 40 (Prevention of Damage to Nature Used by General Public)

Where it falls under any of the following subparagraphs, the head of the local government may restrict the lumbering of growing trees, change of form and quality of land, or access, cooking and camping in order to prevent damage to areas of ecological or scenic value, etc. as prescribed by the Municipal Ordinances of the local government concerned:

1. Where the value of a place used by the general public decreases substantially or is lost if a forest adjoining the place used by the general public, such as a beach, etc. is damaged;
2. Where the scenic value decreases substantially if forests, large trees, etc. alongside a road or railroad are damaged; or
3. Other cases that correspond to subparagraph 1 or 2 and satisfy the standards prescribed by Presidential Decree.

Article 41 (Promotion of Ecological Tourism)

(1) The Minister of Environment, after consultation with the Minister of Culture, Sports and Tourism, may support local governments, tour operators, and private organizations for the conservation of the natural environment to promote ecologically sound and friendly tourism (hereinafter referred to as “ecological tourism”). *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister of Environment may, in cooperation with the Minister of Culture, Sports and Tourism and the head of local government, formulate and implement plans for the installation or management of facilities for education necessary for ecological tourism, facilities for investigation and discovery of resources of ecological tourism, and facilities for sound use by people, or recommend the head of the local government as such. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 42 (Designation, etc. of Ecological Village)

(1) The Minister of Environment or the head of local government may designate any village falling under any of the following subparagraphs as an ecological village:

1. A village within an ecological and scenery conservation area; or
2. A village that is outside the ecological and scenery conservation area, but has ecological functionality and beautiful natural scenery: *Provided*, That a village in a mountain village promotion area designated pursuant to the provisions of Article 28 of the Framework Act on Forestry is excluded.

(2) The Minister of Environment or the head of the local government shall, first of all, devise and implement installation of facilities for the convenience of residents of the area such as public facilities, etc. and a plan for increasing resident income when he has designated an ecological village pursuant to the provisions of paragraph (1).

(3) Standards and procedure for designation, revocation, etc. of ecological villages pursuant to the provisions of paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 43 (Enhancement, etc. of Ecological Soundness of City)

(1) The State or local government shall endeavor to enhance the ecological soundness of the city so that areas with high conservation value within the city area are not damaged.

(2) For the purposes of conservation of the natural environment, enhancement, etc. of ecological soundness of the city, the Minister of Environment may recommend to the head of the competent administrative agency and head of the local government the guidelines that he has drawn up regarding conservation of natural environment of city, such as establishing an ecological axis, conservation of biological diversity, conservation of natural scenery, securing of wind passage, restoration of ecology, etc. in consultation with the head of competent central administrative agency.

(3) The Minister of Environment may recommend the head of the competent central administrative agency and head of the local government the development of technology that enables less consumption of water and energy or less generation of waste possible, or ecological technology that enhances

biological diversity, and the improvement, etc. of systems for these.

(4) For the purpose of improvement, etc. of biological diversity in the city, the Minister of Environment may request that the head of the competent central administrative agency or the head of local government create green areas, sub-ecosystems, etc.

(5) When the head of the competent central administrative agency or the head of local government has received recommendations or requests from the Minister of Environment pursuant to the provisions of paragraphs (2) through (4), he/she shall endeavor for the matter concerned.

Article 44 (Restoration, etc. of Ecosystem Subject to Priority Protection)

Where it falls under any of the following subparagraphs, the Minister of Environment may prepare and promote measures of protection and restoration of an ecosystem concerned in cooperation with the head of the relevant central administrative agency and Mayor/*Do* governor:

1. Where the continuation of species is threatened because the main habitat or place of visitation of endangered fauna and flora has been destroyed, damaged or disrupted;
2. Where an ecosystem with a particularly high level of, or delicate nature has been destroyed, damaged or disturbed; or
3. Where the natural environment with a particularly high level of biological diversity has been damaged.

Article 45 (Installation, etc. of Ecological Corridor)

(1) In executing a development project or granting authorization, permission, etc., the State or local government shall take measures, such as the installation of an ecological corridor, etc. to avoid severing the mobility of wild fauna and flora, and ecological continuity, or make this possible.

(2) The State or local government may perform investigations and research for the installation of ecological corridors, and model projects for ecological corridors, or projects for installation of ecological corridors.

(3) Areas subject to the installation of ecological corridors and standards of installation pursuant to the provisions of paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

CHAPTER V COOPERATION CHARGE ON CONSERVATION OF ECOSYSTEM

Article 46 (Cooperation Charge on Conservation of Ecosystem)

(1) For the purpose of systematic conservation of the natural environment, and management and utilization of natural resources, the Minister of Environment shall levy and collect the Cooperation Charge on the Conservation of Ecosystem from the operator of development projects which have a substantial impact on the natural environment or ecosystem, or cause a decrease in biological diversity.

(2) Projects subject to levy of the Cooperation Charge on Conservation of the Ecosystem pursuant to the provisions of paragraph (1) shall be as follows: *Provided*, That the projects subject to the imposition of the Cooperation Charge on the Conservation of Marine Ecosystem pursuant to Article 49 (2) of the Conservation and Management of Marine Ecosystems Act shall be excluded: *<Amended by Act No. 8045, Oct. 4, 2006; Act No. 8355, Apr. 11, 2007; Act No. 8468, May 17, 2007; Act No. 9037, Mar. 28, 2008>*

1. Projects subject to environmental impact assessment pursuant to the provisions of Article 4 of the Environmental Impact Assessment Act;
2. Opencut prospecting or mining business the scale of which is larger than that prescribed by the Presidential Decree among the mining industry pursuant to the provisions of subparagraph 2 of Article 3 of the Mining Industry Act;
3. Project subject to the advance environmental examination pursuant to the provisions of Article 25-2 of the Framework Act on Environmental Policy, whose development area is 30,000 square meters or more; and
4. Other projects prescribed by the Presidential Decree among the projects which cause substantial impact on ecosystems, or utilize natural property.

(3) The Cooperation Charge on the Conservation of Ecosystem pursuant to the provisions of paragraph (1) shall be calculated and levied by multiplying the damaged area of ecosystem by the amount levied per unit of area and the regional coefficient within the limit of one billion won: *Provided*, That for projects prescribed by the Presidential Decree that are executed for the purpose of national defense, the Cooperation Charge on the Conservation of Ecosystem may be reduced or exempted.

(4) The Cooperation Charge on the Conservation of Ecosystem pursuant to the provisions of paragraph (1) and the additional dues pursuant to the provisions of Article 48 (1) shall become revenue in Special Accounts for Environmental Improvement pursuant to the Act on Special Accounts of Environmental Improvement.

(5) Where the Minister of Environment delegates his/her authority on the collection of the Cooperation Charge on the Conservation of Ecosystem or additional dues to the Mayor/*Do* governor pursuant to the provisions of Article 61 (1), the Minister of Environment may pay an amount prescribed by the Presidential Decree from among the collected Cooperation Charge on Conservation of the Ecosystem and additional dues to the Mayor/*Do* governor having jurisdiction over the project area. In this case, the Mayor/*Do* governor may use part of the payment for expenses necessary for imposing and collecting the Cooperation Charge on the Conservation of Ecosystem prescribed by the Presidential Decree.

(6) Procedures of collection, standards of reduction and exemption, amounts levied per unit of area and regional coefficients of the Cooperation Charge on the Conservation of Ecosystem pursuant to the provisions of paragraph (1) and other necessary matters shall be prescribed by the Presidential Decree. In this case, the amount imposed per unit of area shall be based on the value of the damaged ecosystem, and the regional coefficient shall be based on the use of land pursuant to the National Land Planning and Utilization Act. *<Amended by Act No. 8045, Oct. 4, 2006>*

Article 47 (Report of Authorization, Permission, etc. of Project)

(1) The head of an administrative agency who has authorized, permitted, etc. any project subject to levy of the Cooperation Charge on the Conservation of Ecosystem pursuant to the provisions of Article 46 (2) shall inform the Minister of Environment of the business operator, content of business, scale of business and the terms of authorization, permission, and other content of authorization and permission prescribed by the Presidential Decree within 20 days from such date.

(2) The Minister of Environment shall inform the business operator of matters regarding amount of levy, term for payment, etc. of the Cooperation Charge on the Conservation of Ecosystem within one month from the date he received the information pursuant to the provisions of paragraph (1).

(3) Detail, method pursuant to the provisions of paragraphs (1) and (2), and other necessary matters

shall be prescribed by the Ordinance of the Ministry of Environment.

Article 48 (Compulsory Collection of Cooperation Charge on Conservation of Ecosystem)

(1) Where a person liable to pay the Cooperation Charge on the Conservation of Ecosystem pursuant to the provisions of Article 46 does not pay this within the term for payment, the Minister of Environment shall compel him/her to pay by fixing a period of time of 30 days or more. In this case, an additional due regarding the Cooperation Charge on the Conservation of Ecosystem in arrears, which is equivalent to 5/100 shall be imposed.

(2) Where a person who has been urged to pay pursuant to the provisions of paragraph (1) has not paid the Cooperation Charge on the Conservation of Ecosystem and additional dues within the period, such amount may be collected according to the example of disposition on national taxes in arrears.

Article 49 (Use of Cooperation Charge on Conservation of Ecosystem)

The collected Cooperation Charge on Conservation of the Ecosystem and the amount paid pursuant to the provisions of Article 46 (5) shall be used for the following uses: *Provided*, That the Cooperation Charge on the Conservation of Ecosystem created from the projects, which are in the mining industry pursuant to the provisions of subparagraph 2 of Article 3 of the Mining Industry Act, focusing on forests and mountainous areas shall be used for the projects for the ecosystem restoration of damaged forests and mountainous areas: <Amended by Act No. 8045, Oct. 4, 2006; Act No. 8355, Apr. 11, 2007>

1. Project for conservation and restoration of the ecosystem and biological species;
2. Support to conservation organizations outside habitat pursuant to the provisions of Article 7 (2) of the Protection of Wild Fauna and Flora Act;
3. Execution of the basic plan for management of ecological and scenery conservation areas pursuant to the provisions of Article 14;
4. Securing of land, etc. for the conservation of the ecosystem pursuant to the provisions of Article 18;
5. Purchase of land, etc. of ecological and scenery conservation areas pursuant to the provisions of Article 19;
6. Assistance for installation of sewage treatment facilities pursuant to the provisions of Article 20 (1);
7. Conservation of the ecosystems of natural reserve areas pursuant to the provisions of Article 22;
8. Execution of contracts for biological diversity management pursuant to the provisions of Article 37;
9. Installation and operation of facilities for conservation and use of the natural environment pursuant to the provisions of Article 38;
10. Protection and restoration of ecosystems subject to priority protection pursuant to the provisions of Article 44;
11. Projects for installation of ecological corridors pursuant to the provisions of Article 45; and
12. Other projects necessary for the conservation of the natural environment, etc., which are prescribed by the Presidential Decree.

Article 50 (Return and Assistance of Cooperation Charge on Conservation of Ecosystem)

(1) Where a person who has paid the Cooperation Charge on the Conservation of Ecosystem or a person who has obtained consent on the execution of a natural environment conservation project and on the return of the Cooperation Charge on the Conservation of Ecosystem from the person who has paid the Cooperation Charge on the Conservation of Ecosystem (hereinafter referred to as the “proxy

of environment conservation project”) has executed a natural environment conservation project, such as creation of substitute nature, restoration of the ecosystem, etc. prescribed by the Presidential Decree after receiving approval from the Minister of Environment, the Minister of Environment may refund an amount prescribed by Presidential Decree from the Cooperation Charge on the Conservation of Ecosystem that he/she has paid: *Provided*, That for the Cooperation Charge on Conservation of the Ecosystem levied due to the projects executed in forests and mountainous areas pursuant to the provisions of Article 46 (2) 2, assistance to restoration project of damaged areas aimed at forests or mountainous areas executed pursuant to other Acts may be made within the extent of the refunded amount or amount to be refunded. *<Amended by Act No. 8468, May 17, 2007>*

(2) Necessary matters regarding approval of the Minister of Environment, consent of the person who has paid the Cooperation Charge on the Conservation of Ecosystem, qualification and extent of proxy of environment conservation project, and refund and assistance of the Cooperation Charge on the Conservation of Ecosystem pursuant to the provisions of paragraph (1) shall be prescribed by the Presidential Decree.

<Amended by Act No. 8468, May 17, 2007>

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 51 (Cooperation of Competent Administrative Agency)

(1) Where the Minister of Environment acknowledges as necessary for fulfillment of the purposes of this Act, he/she may request the head of the competent central administrative agency or head of the local government to prepare necessary policies or measures on the matters prescribed by the Presidential Decree. In this case, the head of the competent central administrative agency or head of the local government shall comply therewith insofar as there are no particular issues.

(2) The Minister of Environment shall assess the value and function of biological diversity for conservation of the natural environment and sustainable utilization of nature, and cause the result outcome thereof to be utilized by the head of the competent central administrative agency and head of the local government.

Article 52 (Expropriation and Use of Land, etc.)

(1) The State or local government may, when deemed necessary for the installation of facilities for conservation and use of the natural environment pursuant to the provisions of Article 38, expropriate and use land, etc. necessary for the facilities for conservation and use of the natural environment.

(2) As for expropriation and use pursuant to the provisions of paragraph (1), the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply *mutatis mutandis* unless there is a relevant provision in this Act.

(3) Where the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor applies *mutatis mutandis* pursuant to the provisions of paragraph (2), project approval and a public announcement of project approval pursuant to the provisions of Articles 20 and 22 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall be deemed to have been made at the time when determination and public announcement of the plan for installation of facilities for conservation or use of the natural environment pursuant to the provisions of Article 38 are made.

Article 53 (Compensation for Loss)

(1) Anyone who suffers a loss of property because he is not able to continue development project, farming activity, etc. which have been in operation pursuant to the provisions of Article 15 (5), or

who has suffered loss a property pursuant to the provisions of Article 33 (1), may request the Minister of Environment or Mayor/*Do* governor to make compensation for loss as prescribed by the Presidential Decree.

(2) Where the Minister of Environment or Mayor/*Do* governor is requested pursuant to the provisions of paragraph (1), he/she shall make a determination on the amount of compensation, etc. within three months after consultation with the applicant, and notify the applicant of the amount.

(3) If an agreement pursuant to the provisions of paragraph (2) is not reached, the Minister of Environment, head of local government, or applicant may apply for adjudication to the competent land expropriation committee as prescribed by the Presidential Decree.

Article 54 (Support by State Treasury)

The State may provide for all or part of the expenses of the following projects within the extent of its budget to the competent administrative agency, local government or organization relating to the protection of nature which executes project for the protection of nature:

1. Projects for assistance to campaigns for protection of nature pursuant to the provisions of Article 5;
2. Projects for assistance to residents of ecological and scenery conservation areas, adjoining areas and ecological villages pursuant to the provisions of Articles 20 and 42;
3. Projects for installation of facilities for conservation and utilization of natural environment pursuant to the provisions of Article 38;
4. Projects for installation of ecological corridors pursuant to the provisions of Article 45;
5. Projects under subparagraphs of Article 49; and
6. Other projects for conservation of the natural environment, which is prescribed by the Presidential Decree.

Article 55 (Korean Association for Conservation of Natural Environment)

(1) The Korean Association for Conservation of the Natural Environment (hereinafter referred to as the "Association") shall be established in order to carry out the following projects for conservation of the natural environment:

1. Investigation and research into the actual conditions and plans for conservation of the natural environment;
2. Conservation of biological diversity, such as restoration of damaged ecosystems or species, creation of sub-ecosystems, etc.; and
3. Education and public relations on nature, such as production, publication, etc. of videos on the conservation of the natural environment.

(2) The Association shall be incorporated as a juristic person.

(3) Funds needed for projects of the Association shall be sourced from membership fees, earnings from projects, etc., and the State or local government may assist with part of the necessary expenses within the extent of its budget.

(4) To matters that are not prescribed in this Act regarding the Association, the provisions of the Civil Act on incorporated associations shall apply *mutatis mutandis*.

Article 56 (Marks Symbolizing Nature and Symbolic Species of Local Government)

(1) The State may install marks symbolizing nature in an area requiring conservation of the natural environment, such as ecological and scenery conservation areas, etc. according to the type of the area,

and the local government may utilize the marks symbolizing nature after partial modification in consideration of the characteristics of the area under its jurisdiction.

(2) Any local government may designate, conserve and utilize species of wild fauna or flora, or an ecosystem which are of importance and represent the area concerned as its symbol species or symbol ecosystem.

Article 57 (Promotion of Private Associations for Conservation of Natural Environment)

For the purpose of conservation of the natural environment, the Minister of Environment may promote private associations for conservation of the natural environment which carry out activities falling under any of the following subparagraphs:

1. Cooperation and exchange with international associations and organizations for conservation of the natural environment;
2. Protection of endangered wild fauna and flora; or
3. Other conservation of the natural environment and natural resources.

Article 58 (Honorary Instructor of Conservation of Natural Environment)

(1) For the purposes of instruction, education, etc. on the conservation of the natural environment, the Minister of Environment or the head of the local government may entrust members of private associations for conservation of the natural environment, or persons who are carrying out activities of conservation of the natural environment with sincerity or persons recommended by the Association as honorary instructors on conservation of the natural environment.

(2) Certificates confirming identity shall be issued to honorary instructors on conservation of the natural environment as prescribed by the Ordinance of the Ministry of Environment.

(3) Methods of entrustment, the scope of activities of honorary instructor on conservation of the natural environment pursuant to the provisions of paragraph (1), and other necessary matters shall be prescribed by the Presidential Decree.

Article 59 (Guide on Natural Environment)

(1) For the purposes of enhancement, etc. of understanding by persons utilizing ecological and scenery conservation areas, natural resting areas, natural parks pursuant to Natural Parks Act, etc. about the conservation of the natural environment, the Minister of Environment or the head of the local government may employ guides on the natural environment who carry out explanations, public relations, education, guidance of ecological research, etc. professionally.

(2) Qualifications, operation and scope of activities of guides on the natural environment pursuant to the provisions of paragraph (1) and other necessary matters shall be prescribed by the Presidential Decree.

Article 60 (Natural Environment Learning Garden)

(1) For the purposes of revitalization of campaigns for protection of the nature pursuant to the provisions of Article 5 and enhancement, etc. of understanding on the importance of conservation of the natural environment, the Mayor/*Do* governor may establish natural environment learning gardens that fulfill the functions of education, training, public relations, etc. on the natural environment under the control of Mayor/*Do* governor.

(2) Necessary matters regarding installation and operation of natural environment learning gardens shall be laid down by the Municipal Ordinance of the local government concerned.

Article 61 (Delegation and Entrustment of Authority)

(1) The Minister of Environment may delegate part of his/her authority pursuant to this Act to the

Mayor/*Do* governor or head of local environmental management office as prescribed by the Presidential Decree. <Amended by Act No. 8045, Oct. 4, 2006>

(2) The Minister of Environment may entrust part of his/her duties pursuant to this Act to the relevant specialized institution as prescribed by the Presidential Decree.

Article 62 Deleted. <by Act No. 8045, Oct. 4, 2006>

CHAPTER VII PENAL PROVISIONS

Article 63 (Penal Provisions)

Anyone falling under any of the following subparagraphs shall be punished by imprisonment for up to three years, or by a fine of up to twenty million won:

1. Anyone who damages natural ecology and natural scenery in violation of the provisions of Article 15 (1) (including where the provisions of Article 22 (2) apply *mutatis mutandis*) within the core area;
2. Anyone who damages natural ecology and natural scenery in violation of the provisions of Article 15 (1) 2 through 5 within the buffer area; or
3. Anyone who violates an order of suspension, order of restoration to original state or order of measures pursuant to the provisions of Article 17 (including where the provisions of Article 22 (2) apply *mutatis mutandis*).

Article 64 (Penal Provisions)

Anyone who damages natural ecology and natural scenery within the transition area in violation of the provisions of Article 15 (1) shall be punished by imprisonment for up to two years, or by a fine of up to ten million won:

Article 65 (Joint Penal Provisions)

Where a representative of a juristic person, or agent, servant or other employee of a juristic person or individual commits an offence pursuant to the provisions of Article 63 or 64 in the service of the juristic person or individual, the juristic person or individual shall be punished by the respective fines in addition to the punishment of the offender.

Article 66 (Fine for Negligence)

(1) Anyone who violates the measures of the Mayor/*Do* governor pursuant to the provisions of Article 26 shall be punished by a fine for negligence of up to ten million won.

(2) Anyone falling under any of the following subparagraphs shall be punished by a fine for negligence of up to two million won:

1. Anyone who commits a prohibited act in violation of the provisions of Article 16 (including where the provisions of Article 22 (2) apply *mutatis mutandis*);
 2. Anyone who refuses, obstructs or avoids the investigation activity pursuant to the provisions of Article 33 (4) without reasonable grounds; or
 3. Anyone who violates the restriction on lumbering of growing trees, change of form and quality of land, or of access, cooking and camping pursuant to the provisions of Article 40.
- (3) Fines for negligence pursuant to the provisions of paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment or the head of the local government (hereinafter referred to as the “person entitled to impose”) as prescribed by the Presidential Decree.
- (4) Anyone who is dissatisfied with the disposition of a fine for negligence pursuant to the provisions

of paragraph (3) may raise an objection to the person entitled to impose.

(5) Where a person who was imposed a fine for negligence pursuant to the provisions of paragraph (3) has raised an objection pursuant to the provisions of paragraph (4), the person entitled to impose shall inform the competent court of the fact without delay, and the informed court shall put the case of fine for negligence on trial in accordance with the Non-Contentious Case Litigation Procedure Act.

(6) Where an objection is not raised within the period of time pursuant to the provisions of paragraph (4) and the fine for negligence is not paid, it shall be collected pursuant to the example of a disposition of national or local taxes in arrears.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures concerning Ecosystem Conservation Area)

(1) An ecosystem conservation area designated and announced by the Minister of Environment pursuant to the previous provisions at the time when this Act enters into force shall be deemed to have been designated and announced as a core ecological and scenery conservation area pursuant to the provisions of Articles 12 (2) and 13 (3).

(2) A City/*Do* ecosystem conservation area designated and announced by the Mayor/*Do* governor pursuant to the previous provisions at the time when this Act enters into force shall be deemed to have been designated and announced as a City/*Do* ecological and scenery conservation area pursuant to the provisions of Articles 23 (1) and 24 (3).

Article 3 (Transitional Measures concerning Basic Plan of Management of Ecosystem Conservation Area)

Basic plans for management of ecosystem conservation areas formulated by the Minister of Environment pursuant to the previous provisions at the time when this Act enters into force shall be deemed to have been formulated as basic plans of management of ecological and scenery conservation areas pursuant to the provisions of Article 14.

Article 4 (Transitional Measures concerning Period of Adjudication Application)

Periods of adjudication application for projects whose plans of installation of facilities for conservation and use of the natural environment was announced pursuant to the previous provisions at the time when this Act enters into force shall be governed by the previous provisions.

Article 5 (Transitional Measures concerning Korean Association for Conservation of Nature)

The Korean Association for Conservation of Nature pursuant to the previous provisions at the time when this Act enters into force shall be deemed as the Korean Association for Conservation of the Natural Environment pursuant to the provisions of Article 55.

Article 6 (Transitional Measures concerning Administrative Disposition, etc.)

Dispositions, other activities by administrative agencies or activities against administrative agencies pursuant to the previous provisions at the time when this Act enters into force shall be deemed to be activities by administrative agencies or activities against administrative agencies pursuant to the provisions of this Act which correspond thereto.

Article 7 (Transitional Measures concerning Penal Provisions and Fines for Negligence)

The application of penal provisions and fines for negligence against an act committed before this Act enters into force shall be governed by the previous provisions.

Article 8 (Amendment of Other Acts) Omitted.

Article 9 (Relationship with Other Acts and Subordinate Statutes)

Where provisions of this Act have been cited in other Acts and subordinate statutes when this Act

enters into force, and when there are provisions corresponding thereto in this Act, the corresponding provisions of this Act shall be deemed to have been cited in place of the previous provisions.

ADDENDA <Act No. 7678, Aug. 4, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 8014, Sep. 27, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8045, Oct. 4, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8355, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 8466, May 17, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 8468, May 17, 2007>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
(2) (Applicable Example concerning Imposition of Cooperation Charge on Conservation of Ecosystem on Development Project Subject to Advance Environmental Examination) The amended provisions of Article 46 (2) 3 shall apply beginning with the development project that requests consultation of advance environmental examination pursuant to the provisions of Article 25-3 of the Framework Act on Environmental Policy for the first time after this Act enters into force.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9037, Mar. 28, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on Jan. 1, 2009.

Articles 2 through 19 Omitted.