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ACT ON PRESERVATION AND UTILIZATION OF NATURAL HERITAGE

Act No. 19251, Mar. 21, 2023

Amended by Act No. 19690, Aug. 16, 2023

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to systematically preserve and manage natural heritage of historic, scenic, or academic value and to make sustainable use of such natural heritage.

Article 2 (Definitions)

The terms used in this Act are defined as follows:

1. The term "natural heritage" means a natural object or cultural heritage created by interactions with the natural environment, which has a great historic, scenic, or academic value and falls under any of the following:
 - (a) Animals (including their habitats, breeding grounds, and migratory places);
 - (b) Plants (including their communities);
 - (c) Topographical, geological, or biological products, or natural phenomena;
 - (d) Natural reserves;
 - (e) Natural landscape: A space recognized for aesthetic value as nature itself;
 - (f) Historic and cultural landscape: A space or living place that shows a balance between the natural environment and social, economic, and cultural factors;
 - (g) Complex landscape: A space with the humanistic value added to the excellent scenery of nature;
2. The term "natural monument" means natural heritage referred to in subparagraph 1 (a) through (d), which is designated pursuant to Article 11 and publicly notified pursuant to Article 14 by the Administrator of the Cultural Heritage Administration as its historic, scenic, or academic value is recognized;
3. The term "scenic spot" means natural heritage referred to in subparagraph 1 (e) through (g), which is designated pursuant to Article 12 and publicly notified pursuant to Article 14 by the Administrator of the Cultural Heritage Administration as its historic, scenic, and academic value is recognized;
4. The term "City/Do natural heritage" means natural heritage, other than natural monuments and scenic spots, which is designated pursuant to Article 40 and publicly notified pursuant to Article 14 which applies mutatis mutandis pursuant to Article 42 by the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") as its historic, scenic, or academic value is recognized;
5. The term "natural monument, etc." means a natural monument, a scenic spot, or City/Do natural heritage;
6. The term "protective facility" means a building or facility designated pursuant to Article 13 and publicly notified pursuant to Article 14 to protect natural heritage;

7. The term "protection zone" means an area excluding the designated area if a certain area is designated as a natural monument, etc., which is designated pursuant to Article 13 and publicly notified pursuant to Article 14 to protect such natural monument, etc.;
8. The term "historic and cultural environment" means the natural landscape or any place of outstanding historic and cultural value near natural heritage, which is the surrounding environment required to be protected together with the national heritage;
9. The term "traditional landscaping" means creating an outer space by traditional methods, such as planting trees or placing buildings including Korea's own history, culture, ideas, etc.

Article 3 (Basic Principles for Protection of Natural Heritage)

Natural heritage shall be preserved, managed, and utilized according to the following principles:

1. Artificial interference shall be excluded to the maximum extent, but the unique characteristics of natural heritage, such as natural changes shall be reflected;
2. The preservation and management of natural heritage shall be in harmony with the sustainable use thereof;
3. The property rights of citizens shall not be excessively restricted.

Article 4 (Responsibilities of the State and Local Governments)

- (1) The State and local governments shall formulate and implement policy measures for the preservation, management, and utilization of natural heritage.
- (2) The State and local governments shall endeavor not to damage natural heritage, its protective facilities and protection zones, and the historic and cultural environment in planning and implementing various development projects.
- (3) The owner, custodian, or management organization of natural heritage (hereinafter referred to as "owner, etc.") shall fully cooperate with the State and local governments in their policy measures for the preservation, management, and utilization of natural heritage.

Article 5 (Relationship to Other Statutes)

- (1) Except as otherwise provided in other statutes, this Act shall apply to the preservation, management, and utilization of natural heritage.
- (2) The Cultural Heritage Protection Act, the Act on Repair of Cultural Heritage, and the Act on Protection and Inspection of Buried Cultural Heritage shall apply to matters not prescribed in this Act regarding the preservation, management, and utilization of natural heritage.
- (3) This Act shall not apply to animals and plants designated as endangered wildlife pursuant to subparagraph 2 of Article 2 of the Wildlife Protection and Management Act, which are not natural monuments.

CHAPTER II FORMULATION AND IMPLEMENTATION OF PROTECTION POLICIES FOR NATURAL HERITAGE

Article 6 (Formulation of Plans for Protecting Natural Heritage)

- (1) The Administrator of the Cultural Heritage Administration shall formulate a plan for protecting natural heritage (hereinafter referred to as "protection plan") including the following matters every five years, for the systematic preservation, management, and utilization of natural heritage, in consultation with the heads of the relevant central

administrative agencies and the Mayor/Do Governor; in such cases, it shall undergo deliberation by the Cultural Heritage Committee under Article 8 (1) of the Cultural Heritage Protection Act (hereinafter referred to as the "Cultural Heritage Committee"):

1. Basic directions and objectives for the preservation, management, and utilization of natural heritage;
 2. Analysis and evaluation of the previous protection plan;
 3. A research and survey plan for natural heritage by type;
 4. Major tasks to be promoted for the preservation and management of natural heritage by type;
 5. A method for fund raising necessary for the preservation, management, and utilization of natural heritage;
 6. A plan to train human resources for the preservation, management, and utilization of natural heritage;
 7. International exchange, and exchange and cooperation between North and South Korea for the preservation, management, and utilization of natural heritage;
 8. Protection of the historic and cultural environment of natural heritage;
 9. Other matters necessary for the preservation, management, and utilization of natural heritage.
- (2) A protection plan shall comply with the master plan for cultural heritage under Article 6 of the Cultural Heritage Protection Act.
- (3) The Administrator of the Cultural Heritage Administration shall hear opinions of the owners, etc. and relevant experts prescribed by Presidential Decree in formulating a protection plan. The same shall also apply to the modification of an important matter prescribed by Presidential Decree in a formulated protection plan.
- (4) The Administrator of the Cultural Heritage Administration shall notify the Mayor/Do Governor of a protection plan formulated under paragraph (1), and give public notice thereof in the Official Gazette.
- (5) If necessary to formulate or modify a protection plan, the Administrator of the Cultural Heritage Administration may request the Mayor/Do Governor to submit data on natural heritage under his or her jurisdiction.
- (6) Matters necessary for the procedures, methods, etc. for formulating a protection plan shall be prescribed by Presidential Decree.

Article 7 (Formulation of Implementation Plans for Protecting Natural Heritage)

- (1) The Administrator of the Cultural Heritage Administration and the Mayor/Do Governor shall formulate and execute annual implementation plans for the protection plan (hereinafter referred to as "implementation plan").
- (2) The Mayor/Do Governor shall submit an implementation plan for the relevant year and the results of implementation for the previous year to the Administrator of the Cultural Heritage Administration every year, as prescribed by Presidential Decree.
- (3) When the Administrator of the Cultural Heritage Administration and the Mayor/Do Governor formulate an implementation plan, they shall publish it.
- (4) The Administrator of the Cultural Heritage Administration shall finalize a protection plan, an implementation plan for the relevant year, and the results of implementation

for the previous year, and shall submit them to the relevant standing committee of the National Assembly without delay.

- (5) Matters necessary for formulation and execution of implementation plans and methods, etc. for publication under paragraph (3) shall be prescribed by Presidential Decree.

Article 8 (Survey on Natural Heritage)

- (1) The Administrator of the Cultural Heritage Administration and the head of a local government may survey the current state of natural heritage, actual conditions of management and utilization thereof, etc. and prepare the records thereon in order to preserve, manage, and utilize natural heritage. In such cases, the Administrator of the Cultural Heritage Administration and the head of a local government may request the owner, etc. of the natural heritage to submit related data.
- (2) If natural heritage that is not a natural monument, etc. is subject to a survey under paragraph (1), the Administrator of the Cultural Heritage Administration and the head of a local government shall obtain the prior consent of the owner or custodian of the relevant natural heritage.
- (3) Matters necessary for the details of and procedures for surveys under paragraph (1), the utilization of the results of such surveys, etc. shall be prescribed by Presidential Decree.

Article 9 (Protection of Natural Monuments during Construction Works)

When natural monuments, etc. are likely to be damaged, destroyed, or submerged due to construction works defined in Article 2 (8) of the Cultural Heritage Protection Act (hereinafter referred to as "construction work"), or when it is necessary for protecting the historic and cultural environment of natural monuments, etc., the implementer of such construction works shall take necessary measures in compliance with instructions by the Administrator of the Cultural Heritage Administration. In such cases, expenses incurred in taking such measures shall be borne by the implementer of the construction works.

Article 10 (Protection of Historic and Cultural Environment Preservation Areas)

- (1) The Mayor/Do Governor shall designate a historic and cultural environment preservation area by municipal ordinances, in consultation with the Administrator of the Cultural Heritage Administration in order to protect the historic and cultural environment of natural monuments, etc. (excluding natural monuments, etc. designated as species; hereafter in this Article, the same shall apply).
- (2) With respect to construction works to be implemented in a historic and cultural environment preservation area designated by the Mayor/Do Governor pursuant to paragraph (1), the head of an administrative agency in charge of the authorization, permission, etc. for the construction works shall examine whether the implementation of the relevant construction works corresponds to any acts that are likely to affect the preservation of natural monuments, etc. before granting authorization, permission, etc. for the construction works. In such cases, the head of the relevant administrative agency shall hear the opinion of the relevant experts, as prescribed by Presidential Decree.
- (3) The extent of a historic and cultural environment preservation area shall be within 500 meters from the outer boundary of natural monuments, etc., in consideration of the

historic, scenic, and academic value of the relevant natural monuments, etc., their surrounding environment, and other necessary matters for the protection of natural monuments, etc.: Provided, That where the construction works implemented in an area 500 meters away from the outer boundary of natural monuments, etc. are clearly deemed to affect the natural monuments, etc. due to their characteristics, locational conditions, etc., the extent thereof may be set in excess of 500 meters.

(4)The Administrator of the Cultural Heritage Administration or the Mayor/Do Governor shall determine and publicly notify the detailed criteria for the following acts that are likely to affect the preservation of natural monuments, etc. in a historic and cultural environment preservation area within six months from the date the designation of natural monuments, etc. is publicly notified; in such cases, the Administrator of the Cultural Heritage Administration may request the Mayor/Do Governor or the head of a Si/Gun/Gu (the head of a Gu refers to the head of an autonomous Gu; hereinafter the same shall apply) to submit necessary data or his or her opinion, and the Mayor/Do Governor may request the head of a Si/Gun/Gu to do the same:

- 1.Acts of establishing or expanding buildings or facilities, which are likely to undermine the landscape of natural monuments, etc.;
- 2.Acts of planting or removing trees, which are likely to undermine the landscape of natural monuments, etc.;
- 3.Acts of causing noise, vibration, malodor, etc. or discharging air pollutants, chemicals, dust, light, heat, etc., which may affect the preservation of natural monuments, etc.;
- 4.Acts of excavating at least 50 meters below the ground, which may affect the preservation of natural monuments, etc.;
- 5.Acts of changing the form and quality of land or forest, which may affect the preservation of natural monuments, etc.;
- 6.Other acts prescribed by Presidential Decree, which may affect the preservation of natural monuments, etc.

(5)Examination under paragraph (2) may be omitted for construction works implemented in an area for which the detailed criteria for acts under paragraph (4) are publicly notified within the extent of such criteria.

(6)Matters necessary for the examination under paragraph (2) and the procedures, etc. for submitting data or opinions under the latter part, with the exception of the subparagraphs, of paragraph (4) shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

CHAPTER III DESIGNATION AND MANAGEMENT OF NATURAL HERITAGE

SECTION 1 Designation of Natural Monuments and Scenic Spots

Article 11 (Designation of Natural Monuments)

(1)The Administrator of the Cultural Heritage Administration may designate as natural monuments, natural heritage that has outstanding historic, scenic, and academic value and needs to be preserved, among natural heritage falling under any of subparagraph 1 (a) through (d) of Article 2, after deliberation by the Cultural Heritage Committee: Provided, That where he or she intends to designate wild animals as natural monuments among wildlife defined in subparagraph 1 of Article 2 of the Wildlife

Protection and Management Act, he or she shall consult with the heads of relevant central administrative agencies.

- (2)Where animals and plants are designated as natural monuments, not only the species of such animals and plants but also the relevant area may be designated as natural monuments, if the area is important as the habitat, breeding ground, and migratory place of the species or there is a risk of damage to animals and plants due to the area's exposure to development, etc.
- (3)Matters necessary for the criteria, procedures, methods, etc. for designating natural monuments etc. under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 12 (Designation of Scenic Spots)

- (1)The Administrator of the Cultural Heritage Administration may designate as a scenic spot, natural heritage that has outstanding historic, scenic, and academic value and needs to be preserved, among natural heritage falling under any of subparagraph 1 (e) through (g) of Article 2, after deliberation by the Cultural Heritage Committee.
- (2)Matters necessary for the criteria, procedures, methods, etc. for designating a scenic spot under paragraph (1) shall be prescribed by Presidential Decree.

Article 13 (Designation of Protective Facilities or Protection Zones)

- (1)When designating natural monuments or scenic spots, the Administrator of the Cultural Heritage Administration may designate buildings, facilities, or zones as protective facilities or protection zones to protect such natural monuments or scenic spots, if particularly necessary to protect them.
- (2)If adjustment is deemed necessary due to a change, etc. in artificial or natural conditions, the Administrator of the Cultural Heritage Administration may adjust protective facilities or protection zones.
- (3)When the Administrator of the Cultural Heritage Administration has designated or adjusted protective facilities or protection zones pursuant to paragraphs (1) and (2), he or she shall examine whether such designation or adjustment is appropriate before every 10th anniversary of such designation or adjustment passes, in consideration of the following matters: Provided, That the period for examination may be extended until the period prescribed by Presidential Decree, if it is impracticable to examine the appropriateness in a timely manner due to any extenuating circumstances:
- 1.The preservation value of the relevant natural monument or scenic spot;
 - 2.The effects of the designation or adjustment of protective facilities or protection zones on the exercise of property rights;
 - 3.The surrounding environment of the protective facilities or protection zones.
- (4)The Administrator of the Cultural Heritage Administration may revoke or adjust the designation of protective facilities or protection zones, if the examination under paragraph (3) finds that the designation of the protective facilities or protection zones is inappropriate or if any other special ground exists.
- (5)Matters necessary for designation, adjustment, examination of appropriateness, etc. under paragraphs (1) through (4) shall be prescribed by Presidential Decree.

Article 14 (Public Notice and Notification of Designation)

- (1) The Administrator of the Cultural Heritage Administration shall designate natural monuments or scenic spots (including protective facilities or protection zones under Article 13; hereafter in this Article and Article 15, the same shall apply) pursuant to Article 11 or 12, he or she shall give public notice of the purport thereof in the Official Gazette respectively and notify the owners, etc. of the relevant natural monuments or scenic spots thereof without delay.
- (2) The designation of a natural monument or scenic spot under Article 11 or 12 shall take effect from the date public notice is given in the Official Gazette.

Article 15 (Revocation of Designation)

- (1) Where a natural monument designated under Article 11 or a scenic spot designated under Article 12 loses its historic, scenic, and academic value or it is required to revoke its designation based on the value evaluation, the Administrator of the Cultural Heritage Administration may revoke the designation, following deliberation by the Cultural Heritage Committee.
- (2) Where the designation of a natural monument or scenic spot is revoked pursuant to paragraph (1), the Administrator of the Cultural Heritage Administration shall without delay revoke the designation of the relevant protective facility or protection zone.
- (3) Article 14 shall apply mutatis mutandis to the public notice and notification of the revocation of designation under paragraphs (1) and (2) and the time such revocation takes effect.
- (4) Matters necessary for the revocation of designation of natural monuments or scenic spots under paragraph (1) and the revocation of designation of protective facilities or protection zones under paragraph (2) shall be prescribed by Presidential Decree.

Article 16 (Provisional Designation)

- (1) Where there is an urgent need to preserve natural heritage worthy of designation as a natural monument or scenic spot pursuant to Article 11 or 12 before the designation thereof, and there is no time to undergo deliberation thereon by the Cultural Heritage Committee, the Administrator of the Cultural Heritage Administration may provisionally designate it as a natural monument or scenic spot.
- (2) The provisional designation under paragraph (1) shall be deemed revoked where the designation under Article 11 or 12 is not granted within six months from the date the provisional designation is granted.
- (3) The provisional designation under paragraph (1) shall take effect on the date it is notified to the owner, etc. of the provisionally designated natural monument or scenic spot. In such cases, Article 14 shall apply mutatis mutandis to notification of provisional designation, but public notice shall not be given in the Official Gazette under paragraph (1) of that Article.

SECTION 2 Permission and Reporting

Article 17 (Permission)

- (1) A person who intends to conduct any of the following acts in connection with natural monuments or scenic spots shall obtain permission from the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree, and the same shall also apply where he or she intends to modify any permitted matters: Provided, That permission (including permission for modification) from a Special Self-Governing

City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall be obtained regarding minor acts prescribed by Presidential Decree, such as placing an information board or a warning sign in an area where the natural monuments or scenic spots are located:

1. The following acts that are likely to affect the preservation of natural monuments or scenic spots (including protective facilities, protection zones, natural monuments which are dead, and objects on which the importation and bringing in are reported pursuant to Article 21 (2); hereafter in this Article, the same shall apply):
 - (a) Repairing, maintaining, restoring, preserving, or demolishing natural monuments or scenic spots;
 - (b) Capture, collection (including collection of blood, organs, skins, etc. and excluding acts for medical treatment), raising, slaughter, artificial reproduction and cloning, installation of a GPS tracker, release into the wild (excluding cases of release after rescue and medical treatment), specimen, taxidermy, burial, and incineration of natural monuments;
 - (c) Acts prescribed by Presidential Decree, such as constructing, rebuilding, extending, relocating, or changing the use of buildings (excluding the cases of changing the land category), planting or removing trees, and reclaiming land or waters within natural monuments or scenic spots;
 - (d) Acts that may affect the water quality, water temperature, water quantity, etc. within a natural monument or scenic spot;
2. Acts of capturing or collecting an animal, plant, or mineral within an area designated or provisionally designated as a natural monument or scenic spot or within its protection zone or of taking out such animal, plant, or mineral from the area or zone;
3. Acts prescribed by Presidential Decree, such as rubbing or photographing, that may affect the preservation of natural monuments or scenic spots;
4. Acts exceeding the scope of the criteria for acts publicly notified under Article 10 (4), which are likely to affect the preservation of natural monuments or scenic spots in the historic and cultural environment preservation area of natural monuments or scenic spots;
5. Other acts conducted outside of the outer boundary of a natural monument or scenic spot, which are publicly notified by the Administrator of the Cultural Heritage Administration, as deemed likely to affect the historic, scenic, and academic value of the natural monument or scenic spot.
- (2) Where the Administrator of the Cultural Heritage Administration grants permission or permission for modification under paragraph (1), he or she may attach conditions necessary to minimize the impact on the historic, scenic, and academic value of the relevant natural monument or scenic spot.
- (3) Where permission is obtained from the Administrator of the Cultural Heritage Administration, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu with regard to acts under paragraph (1) 4 in an area where the natural monuments or scenic spots and the historic and cultural environment preservation areas of City/Do natural heritage are overlapped, it shall be deemed obtained from the Mayor/Do Governor.

- (4)The Administrator of the Cultural Heritage Administration may delegate the Mayor/Do Governor with permission for modification of minor matters prescribed by Presidential Decree, among matters permitted under paragraph (1).
- (5)The Administrator of the Cultural Heritage Administration, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall notify an applicant of whether to grant permission, within 30 days from the date of receipt of the application for permission or permission for modification under paragraph (1).
- (6)Where the Administrator of the Cultural Heritage Administration, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu fails to notify an applicant of whether to grant permission or permission for modification, or an extension of the treatment period under statutes or regulations related to the treatment of civil petitions within the period prescribed in paragraph (5), permission or permission for modification shall be deemed granted on the day following the expiration date of such period (where the treatment period is extended or re-extended pursuant to the statutes or regulations related to the treatment of civil petitions, referring to the relevant treatment period).
- (7)Other matters necessary for the procedures, etc. for granting permission or permission for modification under paragraph (1) shall be prescribed by Presidential Decree.

Article 18 (Criteria for Permission)

- (1)The Administrator of the Cultural Heritage Administration, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu upon receipt of an application for permission under Article 17 (1) shall grant permission only where an act subject to the application for permission meets the following criteria:
- 1.It shall not affect the preservation and management of natural monuments or scenic spots (including protective facilities or protection zones);
 - 2.It shall not damage the historic and cultural environment of a natural monument or scenic spot;
 - 3.A protection plan and implementation plan shall comply with the master plan for cultural heritage under Article 6 of the Cultural Heritage Protection Act.
- (2)Where necessary for granting permission under paragraph (1), the Administrator of the Cultural Heritage Administration, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may require relevant experts to conduct an inspection, as prescribed by Presidential Decree.

Article 19 (Revocation of Permission)

- (1)Where a person who obtains permission under the main clause, with the exception of the subparagraphs, of Article 17 (1) or Article 17 (4), 20 (2) or (4), or 23 (5) falls under any of the following, the Administrator of the Cultural Heritage Administration may revoke such permission: Provided, That permission shall be revoked in cases falling under subparagraph 1:
- 1.Where he or she obtains permission by fraud or other improper means;
 - 2.Where he or she violates the permitted matters or conditions of permission;
 - 3.Where he or she is unable to fulfill permitted matters or deemed likely to substantially undermine public interests.

(2) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may revoke permission where a person who obtains permission pursuant to the proviso, with the exception of the subparagraphs, of Article 17 (1) falls under any subparagraph of paragraph (1): Provided, That permission shall be revoked in cases falling under paragraph (1) 1.

(3) Where a person who obtains permission under Article 17 (1) fails to file a commencement report under Article 21 (1) 6 and the period for permission expires, such permission shall be deemed revoked.

Article 20 (Prohibition of Export of Natural Monuments)

(1) No natural monument shall be exported or taken out of the Republic of Korea.

(2) Notwithstanding paragraph (1), natural monuments may be taken out of the Republic of Korea after obtaining permission from the Administrator of the Cultural Heritage Administration, on the condition that they shall be brought into the Republic of Korea within two years from the date such natural monuments are taken out, in any of the following cases:

1. Where natural monuments are displayed overseas for the purpose of cultural exchange;

2. Where natural monuments are taken out for the purpose of academic research.

(3) Where a person who has obtained permission for taking out natural monuments pursuant to paragraph (2) intends to extend the period of taking out, he or she shall apply for an extension of such period to the Administrator of the Cultural Heritage Administration no later than five months prior to the expiration date of the permission period, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

(4) Upon receipt of an application under paragraph (3), the Administrator of the Cultural Heritage Administration may permit an extension of the period for taking out natural monuments within the scope of two years, if deemed necessary for the attainment of the purpose of taking out the natural monuments, the safety of natural monuments, etc. as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

(5) The Administrator of the Cultural Heritage Administration may request a person who has obtained permission for taking out of the Republic of Korea pursuant to paragraph (2) to submit data on the current status of the relevant natural monuments, the actual conditions of preservation and management thereof, etc. In such cases, a person upon receipt of such request shall comply therewith unless there is a compelling reason not to do so.

(6) Notwithstanding paragraph (1), natural monuments may be exported with permission from the Administrator of the Cultural Heritage Administration, in any of the following cases:

1. Where the relevant natural monument is made into a specimen, stuffed specimen, etc. with permission under Article 17 (1) 1;

2. Where natural monuments are propagated at specific facilities for the purposes of research or exhibitions.

(7) The Administrator of the Cultural Heritage Administration shall notify an applicant of whether to grant permission, within 30 days from the date of receipt of the application for permission under paragraph (6).

- (8)Where the Administrator of the Cultural Heritage Administration fails to notify an applicant of whether to grant permission or permission for modification, or an extension of the treatment period under statutes or regulations related to the treatment of civil petitions within the period prescribed in paragraph (7), permission or permission for modification shall be deemed granted on the day following the expiration date of such period (where the treatment period is extended or re-extended pursuant to the statutes or regulations related to the treatment of civil petitions, referring to the relevant treatment period).
- (9)Other matters necessary for the procedures, methods, etc. for permission for taking out and exporting natural monuments, and permission for an extension thereof shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

Article 21 (Reporting)

- (1)Where any of the following grounds arises in relation to a natural monument or scenic spot, the owner, etc. of the relevant natural monument or scenic spot shall report such fact and details thereof to the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree: Provided, That where the owner, etc. commences or completes such act after obtaining permission under the proviso, with the exception of the subparagraphs, of Article 17 (1), he or she shall report such fact to a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu:
- 1.Where a custodian is appointed or dismissed under Article 25 (2);
 - 2.Where the owner, etc. of a natural monument or scenic spot is changed, or the name or address of the owner, etc. is changed;
 - 3.Where the name, lot number, land category, area, etc. of the location of a natural monument or scenic spot is changed;
 - 4.Where the storage place is changed;
 - 5.Where all or part of a natural monument or scenic spot is destroyed, washed away, stolen, or damaged;
 - 6.Where the owner, etc. commences or completes the acts specified in Article 17 (1) 1 after obtaining permission therefor;
 - 7.Where a natural monument is taken out of the Republic of Korea with permission granted under Article 17 (1) 2 or 20 (2) and then is returned;
 - 8.Where the species of an animal or plant is designated as a natural monument, and if the owner, etc. has owned a specimen of the natural monument or taxidermied one before the date of designation;
 - 9.Where an autopsy of animals which are dead natural monuments is conducted;
 - 10.Where the owner, etc. performs any act prescribed by Presidential Decree, such as taking measures necessary to treat an animal designated as a natural monument, to prevent it from disease or other dangers, and to preserve and make it survive.
- (2)Where a person imports a species (including subspecies; hereafter in this Article, the same shall apply) of animals designated as natural monuments from overseas or brings it into the Republic of Korea, he or she shall report such fact to the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree.

- (3) When a person files a report under paragraph (1), the owner and the custodian shall jointly sign the report in cases falling under paragraph (1) 1, while the former and new owners shall, respectively, sign the report in cases falling under paragraph (1) 2.
- (4) In regard to the matters reported under paragraphs (1) and (2), the Administrator of the Cultural Heritage Administration may request the heads of related institutions, such as relevant central administrative agencies and public institutions, to provide necessary data or information. In such cases, the heads of the institutions upon receipt of the request for provision of data or information shall comply therewith unless there is a compelling reason not to do so.
- (5) Where a person who implements construction works in a historic and cultural environment preservation area commences or completes the permitted matters after obtaining permission (including permission for modification) under the provisions, with the exception of the subparagraphs, of Article 17 (1) in the relevant historic and cultural environment preservation area, he or she shall report such fact and details thereof to the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree: Provided, That where the person commences or completes such act after obtaining permission under the proviso, with the exception of the subparagraphs, of Article 17 (1), he or she shall report the same to a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu.

Article 22 (Administrative Orders)

- (1) If deemed necessary for the preservation, management, and utilization of natural monuments or scenic spots (including protective facilities and protection zones; hereafter in this Article, the same shall apply) and their historic and cultural environment preservation areas, the Administrator of the Cultural Heritage Administration or the head of a local government may issue the following orders, as prescribed by Presidential Decree:
1. Prohibition of or restriction on acts prescribed by Presidential Decree by the owners, etc. of natural monuments or scenic spots, where the management conditions of the natural monuments or scenic spots are not appropriate for their preservation or where deemed specially necessary to preserve them;
 2. Repairs and restoration of natural monuments or scenic spots, or installation of other necessary facilities or removal of obstacles by the owners, etc. of such natural monuments or scenic spots;
 3. Urgent measures necessary for the preservation of natural monuments or scenic spots against the owners, etc. of such natural monuments or scenic spots, which are prescribed by Presidential Decree;
 4. If a natural monument or scenic spot is likely to cause harm to people's lives and bodies, or animals and plants, measures necessary to prevent such harm;
 5. Suspension of an act or measures for reinstatement against a person who conducts any act, etc. which are likely to affect the preservation and management of natural monuments or scenic spots, without obtaining permission under the subparagraphs of Article 17 (1).
- (2) Where the owner, etc. of a natural monument or scenic spot fails to comply with an order issued under paragraph (1) 1 through 4 or it is deemed inappropriate to order

the owner, etc. to take measures under paragraph (1) 1 through 4, the Administrator of the Cultural Heritage Administration or the head of a local government may directly take measures under paragraph (1) 1 through 4 at the expense of the State.

- (3) Where a person upon receipt of an order under paragraph (1) 5 fails to fulfill such order, the Administrator of the Cultural Heritage Administration or the head of a local government may vicariously execute it, as prescribed by the Administrative Vicarious Execution Act, and collect expenses incurred therein from the person who fails to fulfill such order.
- (4) Where the head of a local government issues an order under paragraph (1), he or she shall notify the Administrator of the Cultural Heritage Administration thereof.

Article 23 (Public Disclosure of Natural Monuments or Scenic Spots)

- (1) Natural monuments or scenic spots shall be publicly disclosed.
- (2) Notwithstanding paragraph (1), if the Administrator of the Cultural Heritage Administration deems it necessary for preserving natural monuments or scenic spots and preventing damage thereto, he or she may restrict public disclosure of all or part of the relevant natural monuments or scenic spots. In such cases, the Administrator of the Cultural Heritage Administration shall hear the opinion of the owners, etc. of the relevant natural monuments or scenic spots.
- (3) Where the Administrator of the Cultural Heritage Administration restricts public disclosure of a natural monument or scenic spot pursuant to paragraph (2), he or she shall publicly notify the location of the area where the relevant natural heritage is located, the period during which public disclosure is restricted, the scope of the restriction, etc., as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, and shall inform the owner, etc. of the relevant natural monument or scenic spot, the competent Mayor/Do Governor, and the head of the competent Si/Gun/Gu thereof.
- (4) The Administrator of the Cultural Heritage Administration shall, without delay, lift restrictions on public disclosure under paragraph (2) where the grounds for such restrictions cease to exist. In such cases, the Administrator of the Cultural Heritage Administration shall publicly notify such fact as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, and shall inform the owner, etc. of the relevant natural monument or scenic spot, the competent Mayor/Do Governor, and the head of the competent Si/Gun/Gu thereof.
- (5) A person who intends to have access to natural monuments or scenic spots of which public disclosure is restricted pursuant to paragraph (2) for academic research or surveys of management status shall obtain permission from the Administrator of the Cultural Heritage Administration, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.
- (6) The Administrator of the Cultural Heritage Administration shall notify an applicant whether to grant permission, within 30 days from the date of receiving the application for permission under paragraph (5).
- (7) Where the head of a Si/Gun/Gu fails to notify an applicant of whether to grant permission or permission for modification or an extension of the treatment period under the statutes or regulations related to the treatment of civil petitions within the

period specified in paragraph (6), permission or permission for modification shall be deemed granted on the day following the expiration date of such period (where the treatment period is extended or re-extended pursuant to the statutes or regulations related to the treatment of civil petitions, referring to the relevant treatment period).

Article 24 (Application Mutatis Mutandis of Permitted Matters)

Articles 17 (1), 19, 20, 21 (1) 2, 3, and 5 through 7, 21 (3), 22 (1) 1 and 3, and 61 shall apply mutatis mutandis to the preservation and management of natural monuments or scenic spots provisionally designated under Article 16.

SECTION 3 Management of Natural Monuments and Scenic Spots

Article 25 (Appointment of Custodian)

- (1) The owner of a natural monument or scenic spot shall exercise due care as a good custodian in the preservation and management of the natural monument or scenic spot.
- (2) The owner of a natural monument or scenic spot may, if necessary, appoint a custodian who preserves and manages the relevant natural monument or scenic spot on his or her behalf.

Article 26 (Designation of Management Organization)

- (1) Where the Administrator of the Cultural Heritage Administration deems that the owner of a natural monument or scenic spot is unknown or it is difficult or inappropriate for the owner or custodian to manage it, he or she may designate a local government, or a corporation or organization suitable for managing the relevant natural monument or scenic spot, as a management organization to manage it. In such cases, the Administrator of the Cultural Heritage Administration shall hear the opinion of the owner of the relevant natural monument or scenic spot or a local government, corporation, or organization to be designated as a management organization.
- (2) The competent Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu (a Gu refers to an autonomous Gu; hereinafter the same shall apply) shall be a management organization for a natural monument or scenic spot not directly managed by the State, among natural monuments or scenic spots which are the State property: Provided, That where a natural monument or scenic spot extends over at least two Sis/Guns/Gus, the competent Special Metropolitan City, Metropolitan City, or Do (excluding a Special Self-Governing City and a Special Self-Governing Province) shall be a management organization.
- (3) A local government designated as a management organization may entrust all or part of the business affairs of managing the relevant natural monuments or scenic spots to a corporation or organization suitable for the management of the relevant natural monuments or scenic spots after consultation with the Administrator of the Cultural Heritage Administration.
- (4) Article 14 shall apply mutatis mutandis to the designation, public notice, and notification of a management organization under paragraphs (1) and (2) and the time such designation becomes effective.
- (5) Matters necessary for the designation of management organizations under paragraph (1), detailed criteria for selecting corporations or organizations under paragraph (3),

and procedures, methods, etc. for designation and entrustment shall be prescribed by Presidential Decree.

Article 27 (Management by Management Organization)

- (1) The Administrator of the Cultural Heritage Administration may order a management organization designated under Article 26 to take measures necessary for the preservation, management, and utilization of natural monuments or scenic spots (hereinafter referred to as "management act").
- (2) No one shall interfere with management acts of a management organization designated pursuant to Article 26.
- (3) Expenses incurred in managing natural monuments or scenic spots shall be borne by the relevant management organization: Provided, That the State or a local government may subsidize the management organization to cover such expenses within the budget, if it is incapable of bearing them.
- (4) The specific scope and details of the management acts under paragraph (2) shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

Article 28 (Regular Survey)

- (1) The Administrator of the Cultural Heritage Administration shall survey the current status, etc. of the preservation, management, and utilization of natural monuments or scenic spots every five years.
- (2) Where a regular survey under paragraph (1) finds that any obvious change has occurred in the preservation, management, and utilization of a natural monument or scenic spot, the Administrator of the Cultural Heritage Administration may require public officials under his or her jurisdiction to additionally survey the relevant natural monument or scenic spot.
- (3) Where the Administrator of the Cultural Heritage Administration conducts a survey under paragraphs (1) and (2), he or she shall notify the owner, etc. of the relevant natural monument or scenic spot of the time, period, method, etc. of the survey no later than three days before the survey begins: Provided, That a post-notice may be given in urgent cases.
- (4) No one shall interfere with surveys conducted under paragraphs (1) and (2).
- (5) A public official who conducts a survey under paragraph (1) or (2) may request the owner, etc. to cooperate in publicly disclosing a natural monument or scenic spot, submitting data on its current state, and having access to the place where it is located, to the extent necessary for the survey, and may also take a measurement, excavate the ground, remove obstacles, collect samples, and conduct other necessary acts for the survey to the extent not damaging the relevant natural monument or scenic spot: Provided, That consent from the owner, etc. is required where such acts are conducted before sunrise or after sunset.
- (6) The Administrator of the Cultural Heritage Administration may delegate all or part of a survey under paragraphs (1) and (2) to a local government, or entrust such survey to a specialized institution or organization. In such cases, the Administrator of the Cultural Heritage Administration may fully or partially subsidize it to cover the expenses incurred in conducting a survey.

(7)Matters necessary for the specific timing, methods, procedures, etc. for surveys under paragraphs (1) and (2) and the delegation or entrustment of surveys under paragraph (6) shall be prescribed by Presidential Decree.

Article 29 (Ex Officio Survey)

(1)Where any natural monument is discovered or any natural monument or scenic spot is, or is likely to be, destroyed or damaged, the Administrator of the Cultural Heritage Administration may require a public official under his or her jurisdiction to survey the current status, etc. of the preservation and management of natural monuments or scenic spots.

(2)Article 28 (3) through (5) shall apply mutatis mutandis where an ex officio survey is conducted pursuant to paragraph (1).

Article 30 (Utilization of Survey Results)

The Administrator of the Cultural Heritage Administration shall reflect the results of a survey conducted under Article 28 (1) and (2) and an ex officio survey under Article 29 (1) in the management of the following natural monuments or scenic spots:

- 1.Designation, and revocation of designation, of a natural monument or scenic spot (including protective facilities or protection zones);
- 2.Preservation measures for the repair, recovery, restoration, etc. of natural monuments or scenic spots;
- 3.Restriction on and prohibition of acts, or installation, removal, or relocation of facilities, for the preservation of natural monuments or scenic spots;
- 4.Adjustment of protective facilities or protection zones under Article 13 (2);
- 5.Other matters necessary for the management of natural monuments or scenic spots.

Article 31 (Control of Diseases)

(1)The Administrator of the Cultural Heritage Administration shall manage animals that are natural monuments, to prevent them from contracting a disease or from transmitting and spreading diseases.

(2)The owner, etc. of an animal that is a natural monument shall formulate and implement an annual disease control plan for the relevant natural monument, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

(3)The owner, etc. of an animal that is a natural monument shall submit a disease control plan formulated pursuant to paragraph (2) to the Administrator of the Cultural Heritage Administration by January 31 of each year.

(4)The owner, etc. of an animal that is a natural monument and a specialized institution entrusted pursuant to Article 34 (3) shall implement the following matters to prevent diseases, such as infectious diseases:

- 1.Vaccination against infectious diseases;
- 2.Regular diagnosis of diseases;
- 3.Preparation and keeping of a quarantine control register.

(5)Where an animal that is a natural monument falls under any of the following cases, although the owner, etc. of such animal receives an order for slaughter under Article 20 of the Act on the Prevention of Contagious Animal Diseases as it suffers from a contagious animal disease defined in subparagraph 2 of Article 2 of that Act, the Administrator of the Cultural Heritage Administration may request the head of the

relevant Si/Gun/Gu to exclude or postpone slaughter; in such cases, the head of the Si/Gun/Gu upon receipt of such request shall comply therewith, unless there is a compelling reason not to do so:

1. Where it is necessary to conduct an epidemiological investigation;
 2. Where there is no risk of transmission and it is possible to provide medical treatment by taking measures, such as isolation.
- (6) The Administrator of the Cultural Heritage Administration may provide subsidies to cover all or part of expenses incurred in taking measures under paragraphs (2) and (4).
- Article 32 (Medical Treatment of Animals That Are Natural Monuments)
- (1) Where an animal that is a natural monument suffers from any distress or disease, transportation for rescue, medication, surgical operation, raising, training for adaption to the wild, etc. (hereinafter referred to as "medical treatment") may be conducted at an animal clinic for natural monuments designated by the Mayor/Do Governor.
 - (2) Where it is required to provide urgent protection or medical treatment due to a distress, disease, etc. of an animal that is a natural monument, an operator of an animal clinic for natural monuments shall first provide medical treatment and then, without delay, report the results thereof to the Administrator of the Cultural Heritage Administration, the Mayor/Do Governor, or the head of a Si/Gun/Gu.
 - (3) The State or a local government may reimburse the animal clinic which has treated an animal that is a natural monument for expenses incurred in providing medical treatment, within the budget. In such cases, business affairs regarding the payment of the relevant expenses may be entrusted to an organization related to medical treatment and protection of natural monuments prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.
 - (4) Matters necessary for the procedures for reimbursing expenses incurred in medical treatment of animals that are natural monuments, the entrustment thereof, etc. under paragraph (3) shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

Article 33 (Designation of Animal Clinics for Natural Monuments)

- (1) The Mayor/Do Governor may designate any of the following institutions as an animal clinic for natural monuments for the rescue of animals that are natural monuments, the medical treatment of diseases, etc.:
 1. A veterinary hospital established by a veterinarian license holder under the Veterinarians Act;
 2. A livestock industry-related institution of a local government which employs a veterinarian license holder under the Veterinarians Act;
 3. A management organization or an organization for the protection of animals which has a veterinarian license holder under the Veterinarians Act as its members.
- (2) Where an animal clinic for natural monuments designated pursuant to paragraph (1) falls under any of the following cases, the Mayor/Do Governor may revoke such designation: Provided, That he or she shall revoke the designation in cases falling under subparagraph 1 or 3:
 1. Where it obtains designation by fraud or other improper means;
 2. Where it fails to meet the requirements for designation under paragraph (1);

3. Where it kills or maims an animal that is a natural monument under medical treatment, by intention or gross negligence;
 4. Where it violates an order issued by the Administrator of the Cultural Heritage Administration or the head of a local government under Article 22 (1);
 5. Where it fails to file a report on the results of medical treatment under Article 32 (2) or files a false report thereon;
 6. Where it submits a false invoice to claim expenses for medical treatment under Article 32 (3).
- (3) Where the Mayor/Do Governor designates an animal clinic for natural monuments or revokes the designation thereof pursuant to paragraph (1) or (2), he or she shall notify the Administrator of the Cultural Heritage Administration thereof.
- (4) The procedures for designation under paragraph (1) and other necessary matters shall be prescribed by ordinance of the relevant local government.

Article 34 (Management of Animals That Are Natural Monuments)

- (1) No one shall bring the same species (including subspecies; hereafter in this Article, the same shall apply) as the relevant natural monuments into a place or zone designed to breed animals that are natural monuments, which is designated by the Administrator of the Cultural Heritage Administration (hereinafter referred to as "management zone"): Provided, That this shall not apply where permission from the Mayor/Do Governor has been obtained for reasons prescribed by Presidential Decree, such as testing and research.
- (2) Where animals that are natural monuments are intended to be taken out of the management zone, permission from the Mayor/Do Governor shall be obtained, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism: Provided, That this shall not apply where it is intended to disperse and breed such animals at the institutions entrusted under paragraph (3).
- (3) Animals that are natural monuments shall be dispersed and bred for the preservation of species and the prevention of diseases, and part of such dispersal and breeding may be entrusted to a specialized institution.
- (4) Other matters necessary for permission under paragraphs (1) and (2), and dispersal and breeding and entrustment thereof under paragraph (3) shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

Article 35 (Regular Management of Plants That Are Natural Monuments)

- (1) The Administrator of the Cultural Heritage Administration may select persons who conduct continuous monitoring and maintenance of plants that are natural monuments (hereafter in this Article referred to as "regular management").
- (2) Persons who conduct regular management may request the owners, etc. of plants that are natural monuments to provide necessary cooperation for regular management. In such cases, the owners, etc. of plants that are natural monuments shall comply with such request unless there is a compelling reason not to do so.
- (3) Persons who conduct regular management shall submit an annual report on the results of regular management to the Administrator of the Cultural Heritage Administration by January 31 of the following year, and where any extraordinary

matters are found, they shall report them without delay to the Administrator of the Cultural Heritage Administration.

(4) In principle, expenses incurred in conducting regular management shall be borne by the owners, etc. of plants that are natural monuments, and the Administrator of the Cultural Heritage Administration may provide subsidies to cover all or part of the expenses.

(5) Matters necessary for the scope of, and the methods, procedures, etc. for, regular management shall be determined and publicly notified by the Administrator of the Cultural Heritage Administration.

Article 36 (Establishment and Operation of Management Office for Natural Reserves)

(1) The State or a local government may establish and operate a management office for natural reserves for the regular and systematic preservation and management of a natural reserve designated as a natural monument pursuant to Article 11.

(2) Matters necessary for the establishment and operation of a management office for natural reserves shall be prescribed by Presidential Decree.

Article 37 (Formulation of Plans to Maintain Scenic Spots)

(1) The owner, etc. of a scenic spot designated pursuant to Article 12 may formulate a maintenance plan in consultation with the Administrator of the Cultural Heritage Administration to efficiently preserve, manage, and utilize the relevant scenic spot.

(2) A maintenance plan under paragraph (1) shall include the following:

1. Matters relating to the purposes and scope of the maintenance plan;
2. Matters relating to the historic and cultural environment of scenic spots;
3. Matters relating to historic and academic research on scenic spots;
4. Matters relating to the preservation, management, and utilization of scenic spots, including repair and restoration thereof;
5. Matters relating to securing human resources and financial resources necessary for the management and operation of scenic spots;
6. Other matters necessary for the maintenance of scenic spots.

(3) Matters necessary for the details of a maintenance plan paragraph (1), the procedures for formulation and implementation thereof, etc. shall be prescribed by Presidential Decree.

Article 38 (Prevention of and Recovery from Disasters)

(1) Where various damage from a disaster occurs or is expected to occur, the owners, etc. of natural monuments or scenic spots shall immediately report such to the Administrator of the Cultural Heritage Administration.

(2) The Administrator of the Cultural Heritage Administration may request the owners, etc. of natural monuments or scenic spots to take measures necessary for the prevention of or recovery from a disaster, which are prescribed by Presidential Decree.

(3) The Administrator of the Cultural Heritage Administration may fully or partially provide subsidies to cover the expenses incurred in taking measures under paragraph (2).

Article 39 (Repair of Natural Monuments or Scenic Spots)

(1) Where the owner, etc. of a natural monument or scenic spot intends to perform an act falling under any item of Article 17 (1) 1, he or she shall require a cultural heritage repair business entity to do so or have a cultural heritage repair engineer and a cultural

heritage repair technician work together under Article 5 of the Act on Repair of Cultural Heritage: Provided, That this shall not apply to any of the following cases:

1. Acts prescribed by Presidential Decree, which are minor acts that do not affect the preservation of the relevant natural monument or scenic spot;
2. Acts prescribed by Presidential Decree in the field in which cultural heritage repair business entities, cultural heritage repair engineers, or cultural heritage repair technicians do not exist, due to the nature of natural monuments or scenic spots.
- (2) Other matters necessary for the criteria, methods, procedures, etc. for the repair of natural monuments or scenic spots shall be prescribed by Presidential Decree.

SECTION 4 Designation and Management of City/Do Natural Heritage

Article 40 (Designation of City/Do Natural Heritage)

- (1) The Mayor/Do Governor may designate as City/Do natural heritage, natural heritage not designated as natural monuments under Article 11 or scenic spots under Article 12 but deemed worthy of preservation, among natural heritage within his or her jurisdiction, following deliberation by the City/Do cultural heritage committee under Article 71 (1) of the Cultural Heritage Protection Act (hereinafter referred to as "City/Do cultural heritage committee).
- (2) The Administrator of the Cultural Heritage Administration may recommend the Mayor/Do Governor to designate natural heritage deemed necessary following deliberation by the Cultural Heritage Committee as City/Do natural heritage. In such cases, the Mayor/Do Governor shall implement the procedures for designating City/Do natural heritage and notify the results thereof to the Administrator of the Cultural Heritage Administration unless there is a compelling reason not to do so.
- (3) Where any animal or plant is designated as City/Do natural heritage, not only the species of such animal or plant but also the relevant area may be designated as City/Do natural heritage, if the area is important as the habitat, breeding place, and migratory place of the species or there is a risk of damage to animals and plants due to the area's exposure to development, etc.
- (4) Where City/Do natural heritage is designated pursuant to paragraphs (1) through (3), the name of the relevant Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, or Special Self-Governing Province shall be indicated before the word "natural heritage", to inform that it has been designated by the relevant Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, or Special Self-Governing Province.
- (5) Matters necessary for the criteria, procedures, methods, etc. for designating City/Do natural heritage under paragraphs (1) through (3) shall be prescribed by ordinance of the relevant local government.

Article 41 (Designation of Protective Facilities or Protection Zones for City/Do Natural Heritage)

- (1) Where particularly necessary to protect City/Do natural heritage in granting designation under Article 40, the Mayor/Do Governor may designate protective facilities or protection zones therefor.
- (2) Where adjustment is deemed necessary due to a change, etc. in artificial or natural conditions, the Mayor/Do Governor may adjust protective facilities or protection zones

designated pursuant to paragraph (1).

(3)When the Mayor/Do Governor has designated or adjusted protective facilities or protection zones pursuant to paragraphs (1) and (2), he or she shall examine whether such designation or adjustment is appropriate before every 10th anniversary of designation or adjustment passes, in consideration of the following matters: Provided, That the period for examination may be extended until the period prescribed by Presidential Decree, if it is impracticable to examine the appropriateness in a timely manner due to any extenuating circumstance:

- 1.The preservation value of the relevant natural heritage;
- 2.The effects of the designation of protective facilities or protection zones on the exercise of property rights;
- 3.The surrounding environment of the protective facilities or protection zones.

(4)Matters necessary for designation, adjustment, examination of appropriateness, etc. under paragraphs (1) through (3) shall be prescribed by ordinance of the City/Do.

(5)Where the protection zones designated under paragraph (2) are adjusted, and if the Mayor/Do Governor deems that such adjustment does not affect the preservation of City/Do natural heritage, he or she may maintain the extent of a historic and cultural environment preservation area set pursuant to Article 10 (3) to the existing extent.

Article 42 (Application Mutatis Mutandis of Matters regarding Management of City/Do Natural Heritage)

(1)Articles 14 through 19, 21 through 23, and 25 through 30 shall apply mutatis mutandis to the designation, revocation of designation, management, etc. of City/Do natural heritage. In such cases, "natural monument or scenic spot" shall be construed as "City/Do natural heritage", "Administrator of the Cultural Heritage Administration" as "Mayor/Do Governor", "Presidential Decree" or "Ordinance of the Ministry of Culture, Sports and Tourism" as "ordinance of the City/Do", "State" as "local government", and "Official Gazette" as "official gazette".

(2)Article 20 shall apply mutatis mutandis to export or taking-out of City/Do natural heritage.

Article 43 (Notification)

(1)Where there exists any of the following grounds, the Mayor/Do Governor shall notify such to the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree:

- 1.Where he or she designates City/Do natural heritage or revokes such designation;
- 2.Where the location or storage place of City/Do natural heritage is changed;
- 3.Where all or part of City/Do natural heritage is destroyed, washed away, stolen, or damaged.

(2)Where any act under paragraph (1) 1 or 2 is deemed inappropriate, the Administrator of the Cultural Heritage Administration may issue an order to take correction or necessary measures.

CHAPTER IV PRESERVATION, MANAGEMENT, AND UTILIZATION OF NATURAL HERITAGE

Article 44 (Natural Heritage Management Agreement)

(1)The State or a local government may conclude an agreement stipulating the preservation, management, and utilization of natural monuments, etc., including

education, tourism, and experience activities (hereinafter referred to as "management agreement") with the owners, etc. of natural monuments, etc. (including protective facilities, protection zones, and historic and cultural environment preservation areas; hereafter in this Article, the same shall apply).

(2)The Administrator of the Cultural Heritage Administration may fully or partially provide subsidies to cover expenses incurred in performing a management agreement.

(3)Where a party to a management agreement fails to perform or comply with the agreement, the State or a local government may terminate the management agreement and shall, if intended, notify the other party of such fact three months prior to the termination.

(4)Other matters necessary for the methods, procedures, etc. for concluding a management agreement shall be prescribed by Presidential Decree.

Article 45 (Support for Institutions and Organizations Related to Natural Heritage)

For the preservation, management, and utilization of natural heritage, the Administrator of the Cultural Heritage Administration may foster and support institutions and organizations performing the following business affairs:

- 1.Collection, management, and utilization of information on natural heritage;
- 2.Propagation and restoration of natural monuments, etc.;
- 3.Exchange of information on natural heritage between South and North Korea;
- 4.International exchanges and cooperation on natural heritage.

Article 46 (Development of Professional Human Resources, and Research and Development)

(1)The State and local governments may systematically develop professional human resources necessary for the preservation, management, and utilization of natural heritage.

(2)The State shall promote related research and technology development for the survey, preservation, management, and utilization of natural heritage.

Article 47 (Establishment and Operation of National Natural Heritage Center)

(1)The National Natural Heritage Center that performs projects for research, survey, exhibition, publicity, etc. for the effective preservation and management of natural heritage shall be established under the jurisdiction of the Cultural Heritage Administration.

(2)The National Natural Heritage Center shall be a corporation.

(3)The National Natural Heritage Center shall perform the following projects to achieve its purpose of establishment:

- 1.Discovery, survey, and research of natural heritage resources;
- 2.Monitoring of natural heritage and related habitat environment, etc.;
- 3.Taxidermy and preservation of natural heritage specimens;
- 4.Collection, preservation, and management of natural heritage genetic resources;
- 5.Discovery and research of historic, folk, and cultural data related to natural heritage;
- 6.Exhibitions, education, and publicity of natural heritage;
- 7.International exchanges and cooperation between South and North Korea related to natural heritage;
- 8.Development of and support for related organizations and human resources.

(4)The State may subsidize the National Natural Heritage Center to cover the expenses incurred in operating it and performing its projects, within the budget.

(5)The State or local governments may allow the National Natural Heritage Center to gratuitously use or benefit from State property or public property, if necessary to performing its projects.

(6)Except as provided in this Act, the provisions of the Civil Act governing incorporated foundations shall apply mutatis mutandis to the National Natural Heritage Center.

Article 48 (Preservation of Natural Heritage of South and North Korea)

(1)The State shall endeavor to promote inter-Korean exchange and cooperation for the preservation, management, and utilization of natural heritage of South and North Korea.

(2)The Administrator of the Cultural Heritage Administration may survey and research the current status, etc. of the protection, designation, and management of North Korean natural heritage to preserve the natural heritage in South and North Korea.

(3)The Administrator of the Cultural Heritage Administration shall survey the current status, etc. of natural monuments within a demilitarized zone, and formulate and implement policy measures for the preservation and management thereof.

(4)Where necessary for exchange and cooperation projects, research and survey, etc. under paragraphs (1) through (3), the Administrator of the Cultural Heritage Administration may request related organizations, etc. to provide cooperation and may fully or partially subsidize them to cover the expenses incurred therein.

Article 49 (Utilization as Tourism Resources)

(1)The State and local governments shall prepare policy measures necessary for promoting tourism utilizing natural monuments, etc.

(2)The State, local governments, and public institutions under the Act on the Management of Public Institutions shall endeavor to ensure that natural monuments, etc. can be utilized in various events and festivals.

Article 50 (Resident Support Project)

(1)The head of a local government may implement the following projects in order to utilize natural monuments or scenic spots:

1.A local project related to the preservation, management, and utilization of natural monuments or scenic spots;

2.A project to support the improvement of the living environment of local residents living in natural monuments or scenic spots (including protective facilities and protection zones).

(2)The Administrator of the Cultural Heritage Administration may fully or partially subsidize resident support projects under paragraph (1) within the budget.

(3)Matters necessary for the details of projects under paragraph (1) and implementation thereof shall be prescribed by Presidential Decree.

Article 51 (Propagation and Restoration of Natural Monuments)

(1)The Administrator of the Cultural Heritage Administration shall take preservation measures, such as the propagation or restoration of natural monuments, and necessary measures, such as the restoration of habitats, breeding grounds, and

migratory places of animals that are natural monuments, for the preservation of natural monuments.

(2)The Administrator of the Cultural Heritage Administration or the Mayor/Do Governor may recommend the owners, etc. to conclude a management agreement under Article 44, if necessary to take measures under paragraph (1).

(3)The Administrator of the Cultural Heritage Administration may request cooperation from relevant institutions, where necessary to implement measures under paragraph (1).

Article 52 (Preservation of Genetic Resources of Animals That Are Natural Monuments)

(1)The Administrator of the Cultural Heritage Administration shall implement the following business affairs to preserve genetic resources of animals that are natural monuments:

- 1.Collecting and researching information related to genetic resources of animals that are natural monuments;
- 2.Securing genetic resources of animals that are natural monuments, and establishing a management system therefor;
- 3.Establishing a foundation for the preservation and utilization of genetic resources of animals that are natural monuments.

(2)The Administrator of the Cultural Heritage Administration may request cooperation from relevant institutions, where necessary to perform the business affairs under paragraph (1).

Article 53 (Nurturing and Dissemination of Successors of Plants That Are Natural Monuments)

(1)The Administrator of the Cultural Heritage Administration shall formulate and implement various policy measures to nurture and disseminate the successors of plants that are natural monuments.

(2)The Administrator of the Cultural Heritage Administration shall determine the following matters by Ordinance of the Ministry of Culture, Sports and Tourism to implement the policy measures under paragraph (1):

- 1.Criteria for selection of a successor plant certifying institution;
- 2.Criteria for selection and dissemination of successor plants;
- 3.Inspection on a site for nurturing successor plants, records management, etc.

Article 54 (Creation of Viewing Environment of Open Caves)

(1)The Administrator of the Cultural Heritage Administration may request the owners, etc. to take the following measures in order to create a safe and pleasant viewing environment for caves open to the public (hereinafter referred to as "open caves"), which are natural monuments:

- 1.Measures to secure the safety of visitors to open caves;
- 2.Measures to improve the internal environment of open caves, such as the atmosphere and vegetation.

(2)The owner, etc. of an open cave shall conduct an annual fact-finding survey and report the results thereof to the Administrator of the Cultural Heritage Administration, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

(3)The Administrator of the Cultural Heritage Administration may fully or partially provide subsidies to cover the expenses incurred in taking measures under paragraph (1).

Article 55 (Dissemination and Fostering of Traditional Landscaping)

(1)The Administrator of the Cultural Heritage Administration shall perform the following business affairs to disseminate and foster traditional landscaping:

- 1.Surveys and research on the current status of traditional landscaping;
- 2.Research on the value of a historic and cultural landscape and a complex landscape created through traditional landscaping;
- 3.Development of and support for human resources specialized in traditional landscaping;
- 4.Succession to traditional landscaping techniques, and dissemination of related materials and the species of trees.

(2)The Administrator of the Cultural Heritage Administration may request cooperation from relevant institutions, where necessary for performing the business affairs under paragraph (1).

Article 56 (Dissemination of Standard Design for Traditional Landscaping)

(1)The Administrator of the Cultural Heritage Administration shall prepare and disseminate a standard design for traditional landscaping for the establishment of the identity of traditional landscaping and for the systematic preservation and management thereof.

(2)The Administrator of the Cultural Heritage Administration may determine and publicly notify standard designs for each type of traditional landscaping, such as palaces, gardens, Confucian temples and schools, private houses, Buddhist temples, and hermitage gardens.

(3)The Administrator of the Cultural Heritage Administration may recommend that a standard design for traditional landscaping publicly notified pursuant to paragraph (2) be reflected in repairing cultural heritage under the Cultural Heritage Protection Act or promoting the restoration and maintenance thereof.

Article 57 (Globalization of Traditional Landscaping)

(1)The Administrator of the Cultural Heritage Administration may implement the following projects to spread the value of national brand through globalization of traditional landscaping:

- 1.Establishment and operation of a cooperation network for traditional landscaping at home and abroad;
- 2.Creation, management, and publicity of Korean traditional landscaping spaces overseas;
- 3.Holding international exhibitions related to traditional landscaping.

(2)The Administrator of the Cultural Heritage Administration may request cooperation from relevant institutions, where necessary for performing the projects under paragraph (1).

Article 58 (Subsidy)

(1)The State may fully or partially provide subsidies to cover the following expenses:

- 1.Expenses incurred in the management, protection, repair, utilization, or preparation of records of natural monuments or scenic spots;
- 2.Expenses incurred in taking measures under Article 22 (1) 1 through 4.

- (2)The Administrator of the Cultural Heritage Administration may supervise the repair of natural monuments or scenic spots or any other construction works where he or she grants subsidies under paragraph (1).
- (3)Subsidies to cover the expenses under paragraph (1) shall be granted through the Mayor/Do Governor and be managed and spent in compliance with his or her instructions: Provided, That if deemed necessary by the Administrator of the Cultural Heritage Administration, he or she may directly grant such subsidies to the owners, etc., and may require them to manage and spend such subsidies in compliance with the instructions.

Article 59 (Sharing of Expenses)

A local government may provide subsidies to cover all or part of the expenses incurred in managing, protecting, repairing, or utilizing natural monuments or scenic spots, which are located in its jurisdiction but not owned or managed by the local government.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 60 (Preparation and Retaining of Records)

- (1)The Administrator of the Cultural Heritage Administration and the relevant Special Self-Governing City Mayor, the relevant Special Self-Governing Province Governor, the head of the relevant Si/Gun/Gu, or the head of the relevant management organization shall prepare and retain records on matters, etc. regarding the preservation, management, modification, and utilization of natural monuments or scenic spots.
- (2)The Administrator of the Cultural Heritage Administration may require persons with expertise in natural monuments or scenic spots or research institutes to prepare records under paragraph (1).

Article 61 (Compensation for Losses)

- (1)The State shall compensate any of the following persons for the relevant loss:
- 1.A person who suffers any loss due to surveys under Articles 8 (1), 28, and 29;
 - 2.A person who suffers any loss because he or she fulfills an order issued under Article 22 (1) 1 through 4;
 - 3.A person who suffers any loss due to a measure under Article 22 (2).
- (2)Matters necessary for the specific subject matters of and procedures, etc. for compensation for losses under paragraph (1) shall be prescribed by Presidential Decree.

Article 62 (Delegation and Entrustment of Authority)

Article 63 (Provisions to Be Applied Mutatis Mutandis)

Articles 14-4 (1) and (2), 49, 62 through 66, 81, 83, and 87 of the Cultural Heritage Protection Act shall apply mutatis mutandis to the management of natural heritage. In such cases, "State-designated cultural heritage" or "historic site" shall be construed as "natural monuments or scenic spots", "cultural heritage" as "natural heritage", "designated cultural heritage" as "natural monuments, etc.", "protective facility" or "protective zone" as "protective facility" or "protective zone" under Article 13 of this Act, and "provisionally designated cultural heritage" as "provisionally designated natural monument or provisionally designated scenic spot".

Article 64 (Hearings)

Where the Administrator of the Cultural Heritage Administration, the Mayor/Do Governor, or the head of a Si/Gun/Gu intends to make any of the following dispositions, he or she shall hold a hearing:

- 1.Revocation of permission for an act regarding a natural monument or scenic spot under Article 19 (1);
- 2.Revocation of permission for exporting or taking out natural monuments under Article 20 (2);
- 3.Revocation of the designation of an animal clinic for natural monuments under Article 33 (2).

Article 65 (Legal Fiction as Public Officials for Purposes of Applying Penalty Provisions)

Any of the following persons shall be deemed a public official for purposes of applying Articles 129 through 132 of the Criminal Act:

- 1.A member of the Cultural Heritage Committee or a City/Do cultural heritage committee;
- 2.A person who submits his or her opinion on the examination of the impact on preservation of natural monuments, etc. under Article 10 (2);
- 3.A person who submits his or her opinion on the inspection of permitted matters under Article 18 (2);
- 4.A person who conducts a regular survey entrusted under Article 28 (6);
- 5.A person who performs the business affairs of the reimbursement of expenses incurred in medical treatment of animals that are natural monuments, which are entrusted under Article 32 (3);
- 4.A person who engages in the business affairs upon entrustment of the authority of the Administrator of the Cultural Heritage Administration under Article 62.

CHAPTER VI PENALTY PROVISIONS

Article 66 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won:

- 1.A person who performs an act that is likely to affect a natural monument or scenic spot without permission, in violation of Article 17 (1) 1, 4, or 5 (including cases applied mutatis mutandis under Article 42 (1));
- 2.A person who captures or collects an animal, plant, or mineral in an area designated or provisionally designated as a natural monument or scenic spot (including protection zones) or takes it from such area without permission, in violation of Article 17 (1) 2 (including cases applied mutatis mutandis under Article 42 (1));
- 3.A person who brings the same species as the relevant natural monument into a management zone without permission under Article 34 (1);
- 4.A person who takes out animals that are natural monuments from a management zone without permission under Article 34 (2).

Article 67 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won; in such cases, the relevant object shall be confiscated in cases falling under subparagraph 2:

- 1.A person who violates an order under Article 22 (1) (including cases applied mutatis mutandis under Article 42 (1)) without good cause;

2.A person who brings any substance harmful to the growth of an animal designated or provisionally designated as a natural monument or City/Do natural heritage into its habitat, breeding ground, migratory place, etc., or sprays such substance thereover.

Article 68 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won:

- 1.A person who fails to comply with an instruction under Article 9 without good cause;
- 2.A person who performs acts prescribed in Article 17 (1) 3 (including cases applied mutatis mutandis under Article 42 (1)) without permission;
- 3.A person who publicly discloses natural monuments or scenic spots in violation of any restriction on public disclosure by the Administrator of the Cultural Heritage Administration under Article 23 (2) or who has access thereto without permission under paragraph (5) of that Article (including cases applied mutatis mutandis under Article 42 (1));
- 4.A person who interferes with the management act of a management organization, in violation of Article 27 (2) (including cases applied mutatis mutandis under Article 42 (1));
- 5.A person who refuses to provide cooperation or interferes with necessary acts under the main clause of Article 28 (5) (including cases applied mutatis mutandis under Articles 29 (2) and 42 (1));
- 6.A person falling under any subparagraph of Article 66, who owns the relevant natural monument or scenic spot;
- 7.A person responsible for managing and protecting a natural monument or scenic spot, or provisionally designated natural monument or scenic spot, who destroys or damages the relevant natural heritage due to gross negligence;
- 8.A person who files a false report;
- 9.A person who intentionally destroys, moves, removes, or otherwise spoils a boundary marker of a zone designated as a natural monument or scenic spot or its protection zone to make it impossible to discern the boundaries of such zone.

Article 69 (Application Mutatis Mutandis of Penalty Provisions)

- (1)Articles 90, 90-2, 91 through 98, 102, and 103 of the Cultural Heritage Protection Act shall apply mutatis mutandis to penalty provisions. In such cases, "State-designated cultural heritage" or "historic site" shall be construed as "natural monument or scenic spot", "designated cultural heritage" or "cultural heritage" as "natural monument, etc.", and "provisionally designated cultural heritage" as "provisionally designated natural monument or provisionally designated scenic spot".
- (2)Articles 31 through 38 of the Act on Protection and Inspection of Buried Cultural Heritage shall apply mutatis mutandis to penalty provisions. In such cases, "buried cultural heritage" or "cultural heritage" shall be construed as "natural monument", "designated cultural heritage" as "natural monument or scenic spot", and "provisionally designated cultural heritage" as "provisionally designated natural monument or provisionally designated scenic spot".

Article 70 (Administrative Fines)

- (1)A person who fails to file a report under Article 21 (1) 5 (including cases applied mutatis mutandis under Article 42 (1)) shall be subject to an administrative fine not exceeding

five million won.

(2)A person who fails to file a report under Article 21 (1) 6, 9, or 10 or paragraph (2) or (5) of that Article (including cases applied mutatis mutandis under Article 42 (1)) shall be subject to an administrative fine not exceeding three million won.

(3)A person who fails to file a report under Article 21 (1) 1 through 4, 7, or 8 (including cases applied mutatis mutandis under Article 42 (1)) shall be subject to an administrative fine not exceeding two million won.

Article 71 (Imposition and Collection of Administrative Fines)

Administrative fines under Article 70 shall be imposed and collected by the Administrator of the Cultural Heritage Administration, the Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

ADDENDA <Act No. 19251, Mar. 21, 2023>

Article 1 (Enforcement Date)

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

Article 2 (General Transitional Measures concerning Dispositions)

Any act conducted by or to an administrative agency under the previous Cultural Heritage Protection Act or relevant statutes or regulations as at the time this Act enters into force shall be deemed any act conducted by or to an administrative agency under the corresponding provisions of this Act, if such corresponding provisions exist in this Act.

Article 3 (Transitional Measures concerning Formulation of Protection Plans for Natural Heritage and Implementation Plans)

(1)A master plan formulated by the Administrator of the Cultural Heritage Administration regarding natural heritage pursuant to the Cultural Heritage Protection Act as at the time this Act enters into force shall be deemed a protection plan formulated by the Administrator of the Cultural Heritage Administration pursuant to this Act.

(2)An annual implementation plan formulated by the Administrator of the Cultural Heritage Administration or the Mayor/Do Governor regarding natural heritage pursuant to the Cultural Heritage Protection Act as at the time this Act enters into force shall be deemed an implementation plan formulated by the Administrator of the Cultural Heritage Administration or the Mayor/Do Governor pursuant to this Act.

Article 4 (Transitional Measures concerning Revocation of Permission)

The previous Cultural Heritage Protection Act shall apply to the application of revocation of permission for any act committed before this Act enters into force.

Article 5 (Transitional Measures concerning Designation of Natural Monuments)

(1)Natural monuments designated under the Cultural Heritage Protection Act as at the time this Act enters into force shall be deemed natural monuments designated under this Act.

(2)Scenic spots designated under the Cultural Heritage Protection Act as at the time this Act enters into force shall be deemed scenic spots designated under this Act.

(3)The protective facilities or protection zones designated to protect natural monuments or scenic spots under the Cultural Heritage Protection Act as at the time this Act enters into force shall be deemed the protective facilities or protection zones designated under this Act.

Article 6 (Transitional Measures concerning Appointment of Custodians and Designation of Management Organizations)

- (1) A custodian appointed to manage and protect natural monuments or scenic spots under the Cultural Heritage Protection Act as at the time this Act enters into force shall be deemed a custodian appointed under this Act.
- (2) A management organization designated to manage natural monuments or scenic spots under the Cultural Heritage Protection Act as at the time this Act enters into force shall be deemed a management organization designated under this Act.

Article 7 (Transitional Measures concerning Penalty Provisions or Administrative Fines)

In applying the penalty provisions or the provisions concerning administrative fines to acts conducted before this Act enters into force, the previous Cultural Heritage Protection Act, the Act on Repair of Cultural Heritage, or the Act on Protection and Inspection of Buried Cultural Heritage shall apply.

Article 8 Omitted.

Article 9 (Relationship to Other Statutes or Regulations)

A citation of a natural monument or scenic spot (including City/Do designated cultural heritage) and its protective facilities or protected zones and historic and cultural environment preservation areas under the previous Cultural Heritage Protection Act in other statutes or regulations as at the time this Act enters into force shall be deemed a citation of this Act or the corresponding provision thereof, in lieu of the previous Cultural Heritage Protection Act or any provision thereof, if such corresponding provision exists herein.

ADDENDA <Act No. 19690, Aug. 16, 2023>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That Article 3 (2) of these Addenda shall enter into force ... <proviso omitted> ... on March 22, 2024.

Articles 2 and 3 Omitted.

PC Version

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