

# WETLANDS CONSERVATION ACT

Act No. 5866, Feb. 8, 1999

Amended by Act No. 6825, Dec. 26, 2002

Act No. 7167, Feb. 9, 2004

Act No. 7461, Mar. 31, 2005

Act No. 8045, Oct. 4, 2006

Act No. 8291, Jan. 26, 2007

Act No. 8351, Apr. 11, 2007

Act No. 8852, Feb. 29, 2008

Act No. 8958, Mar. 21, 2008

Act No. 10977, Jul. 28, 2011

Act No. 11257, Feb. 1, 2012

Act No. 11690, Mar. 23, 2013

Act No. 11910, Jul. 16, 2013

Act No. 12525, Mar. 24, 2014

## Article 1 (Purpose)

The purpose of this Act is to prescribe matters necessary for the efficient conservation and management of wetlands to contribute to the conservation of wetlands and wetland biodiversity, and for the promotion of international cooperation by reflecting the purpose of international convention on wetlands.

## Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term “wetlands” means inland wetlands or coastal wetlands that are an area permanently or temporarily covered with fresh water, brackish water, or salt water;
2. The term “inland wetlands” means an area of lake, marsh, swamp, estuary, or the like on the land or an island;
3. The term “coastal wetlands” means an area between the highest reach high tide water mark and the highest reach low tide water mark;
4. The term “damage to wetlands” means any use of wetlands for other than conservation purposes, such as changing the original form and quality of wetlands by drainage, reclamation, dredging, etc. or installing facilities or structures on wetlands.

### **Article 3 (Obligation to Conserve Wetlands)**

(1) The State and each Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, and Special Self-Governing Province (hereinafter referred to as “City/ Do”) have an obligation to conserve wetlands.

(2) The Minister of Environment shall exercise general control over the matters concerning the wetland investigations and the formulation of master plans for wetland conservation under Articles 4 and 5.

(3) The Minister of Environment shall formulate and implement a policy for designating and conserving a wetland protection area, wetland management area, or wetland improvement area (hereinafter referred to as “wetland protection area, etc.”) under Article 8 for inland wetlands, and the Minister of Oceans and Fisheries shall formulate and implement a policy for designating and conserving a wetland protection area, etc. for coastal wetlands.

(4) The Special Metropolitan City Mayor, Metropolitan City Mayors, Special Self-Governing City Mayors, Do Governors, or Special Self-Governing Province Governors (hereinafter referred to as “Mayor/Do Governor”) shall cooperate in implementing policies under paragraph (3).

### **Article 4 (Wetland Investigations)**

(1) The Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor shall conduct a basic investigation five-yearly, into the social and economic conditions of wetlands, such as the current status of wetland ecosystems and pollution and the status of land utilization in the environs affecting wetlands.

(2) Where deemed necessary to conserve and improve wetlands or to implement the Convention on Wetlands of International Importance especially as Waterfowl Habitat (hereinafter referred to as the “Convention”), the Minister of Environment, the Minister of Oceans and Fisheries, or the Mayor/Do Governor may separately conduct an in-depth investigation into the relevant wetlands in addition to a basic investigation under paragraph (1).

(3) Where a change in any of the conditions of a wetland is acknowledged as distinct, the Minister of Environment, the Minister of Oceans and Fisheries, or the Mayor/Do Governor may conduct an investigation into the relevant wetlands that complements a basic investigation made under paragraph (1).

### **Article 5 (Formulation of Master Plans for Wetland Conservation)**

(1) The Minister of Environment and the Minister of Oceans and Fisheries, respectively, shall formulate a basic plan for wetland conservation (hereinafter referred to as “basic plan”) every five years on the basis of the findings of investigations into wetlands under Article 4 (hereinafter referred to as “wetland investigations”), and the Minister of Environment shall formulate a master plan for wetland conservation (hereinafter referred to as “master plan”) on the basis of the basic plan after consulting with the Minister of Oceans and Fisheries. In such cases, any wetland conservation plan formulated under any other Act shall be honored to the utmost.

(2) A master plan shall contain each of the following:

1. Direction-setting of a policy on wetland conservation;
  2. Matters concerning wetland investigations;
  3. Matters concerning the distribution and size of wetlands and concerning the current status of biodiversity;
  4. Matters concerning coordination with other national master plans relating to wetlands;
  5. Matters concerning international cooperation for wetland conservation;
  6. Other matters necessary for wetland conservation, prescribed by Presidential Decree.
- (3) In formulating a basic plan or master plan, the Minister of Environment and the Minister of Oceans and Fisheries shall consult with the head of a related central administrative agency and, if necessary, may request the head of the related central administrative agency and Mayors/Do Governors to submit related materials. The same shall also apply to an amendment to the basic plan or master plan.
- (4) When the Minister of Environment has formulated a master plan, he/she shall notify the details thereof to the head of a related central administrative agency and Mayors/Do Governors. The same shall also apply when he/she has amended the master plan.
- (5) Where necessary to implement a master plan, the Minister of Environment and the Minister of Oceans and Fisheries may request the head of a related central administrative agency and Mayors/Do Governors to take necessary measures. In such cases, the head of the related central administrative agency and the Mayors/Do Governors shall comply with such request, except in extenuating circumstances.
- (6) Matters necessary for the formulation of basic plans and master plans shall be prescribed by Presidential Decree.
- (7) Each Mayor/Do Governor shall formulate an action plan for wetland conservation to conserve wetlands under his/her jurisdiction. In such cases, paragraphs (1) through (6) shall apply mutatis mutandis, and “head of a related central administrative agency” and “Mayors/Do Governors” in paragraphs (3) through (5) shall be construed as “head of a related administrative agency” and “heads of Sis/Guns/Gus,” respectively.

#### **Article 5-2 (Establishment, etc. of National Wetland Deliberative Committee)**

- (1) A National Wetland Deliberative Committee (hereafter in this Article, referred to as the “Committee”) shall be established under the jurisdiction of the Minister of Environment to deliberate on the following matters concerning wetland conservation:
1. Formulating and amending a master plan;
  2. Implementing the resolutions and recommendations determined by a general conference of the parties to the Convention;
  3. Other important matters concerning the policy on wetland conservation, which the Minister of Environment or the Minister of Oceans and Fisheries tables for deliberation.
- (2) The Committee shall be comprised of not exceeding 30 members, including one chairperson and two vice chairpersons.

(3) The Vice Minister of Environment shall be the chairperson of the Committee, and the public official belonging to the Senior Civil Service in charge of the overall affairs of wetland policies in the Ministry of Environment and the public official belonging to the Senior Civil Service in charge of the overall affairs of coastal wetland policies in the Ministry of Oceans and Fisheries shall be the vice chairpersons thereof.

(4) Members shall be appointed or commissioned by the Minister of Environment, from among the following persons. In such cases, public officials designated by the Minister of National Defense, the Minister of Culture, Sports and Tourism, the Minister of Agriculture, Food and Rural Affairs, the Minister of Environment, the Minister of Oceans and Fisheries, and the Minister of the Korea Forest Service, shall become ex officio members:

1. Public officials belonging to the Senior Civil Service, designated by the heads of related central administrative agencies;
2. Public officials of Grade II or III or other public officials equivalent thereto, designated by the Mayors/Do Governors who have jurisdiction over wetlands;
3. Persons having abundant academic knowledge and experience in wetlands, recommended by the Minister of Environment or the Minister of Oceans and Fisheries.

(5) The organization and operation of the Committee, and other necessary matters, shall be prescribed by Presidential Decree.

#### **Article 6 (Wetland Investigators)**

(1) Where necessary to conduct a wetland investigation, the Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor may commission a wetland investigator (hereinafter referred to as “investigator”) during the investigation period.

(2) Matters necessary for the qualifications, commissioning procedures, etc. for investigators shall be prescribed by Joint Ordinance of the Ministry of Environment and the Ministry of Oceans and Fisheries (hereinafter referred to as “Joint Ordinance”).

#### **Article 7 (Access to Third Person’s Land, etc.)**

(1) Where necessary to conduct a wetland investigation, the Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor may require a related public official or investigator (if the wetland investigation is entrusted to a specialized institution under Article 21 (2), including an executive or employee of the specialized institution; hereinafter the same shall apply) to access a third person’s land or to alter or remove standing trees, earth, rocks, and other obstacles on the ground.

(2) A related public official or investigator who intends to access a third person’s land or alter or remove obstacles under paragraph (1) shall give prior notice thereof to the owner, occupier, or caretaker (hereafter in this Article, referred to as “owner, etc.”).

(3) Notwithstanding paragraph (1), no related public official or investigator may access a third person’s land enclosed by walls or fences before sunrise or after sunset without consent from the owner, etc. of relevant land.

(4) No owner, etc. of land may refuse, obstruct, or evade an investigation under paragraph (1) without a justifiable ground.

(5) A related public official or investigator who intends to access a third person's land under paragraph (1) shall produce a certificate evidencing the authority to interested parties, as prescribed by Joint Ordinance.

#### **Article 8 (Designation, etc. of Wetland Areas)**

(1) The Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor may designate any of the following areas worth special conservation status as a wetland protection area, from among wetlands, and designate the environs thereof as a wetland management area:

1. An area that has native continuity or rich biodiversity;
2. An area inhabited or visited by a rare or endangered wild animal or plant;
3. An area that has extraordinary scenic, topographic, or geologic value.

(2) The Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor may designate any of the following areas from among wetlands as a wetland improvement area:

1. An area in which damage to wetlands has worsened or is apprehended to worsen among the wetland protection areas;
2. An area worth improvement through artificial management, etc. among the areas where the conservation of wetland ecosystems is in poor condition.

(3) In designating a wetland protection area, etc. under paragraph (1) or (2), the Minister of Environment or the Minister of Oceans and Fisheries shall consult with the head of a related central administrative agency after gathering consensus from the competent Mayor/Do Governor and local residents.

(4) In designating a wetland protection area, etc. under paragraph (1) or (2), the relevant Mayor/Do Governor shall consult with the head of a related administrative agency after gathering consensus from the competent head of Si/Gun/Gu (referring to autonomous Gu; hereinafter the same shall apply) and local residents.

(5) When the Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor has designated a wetland protection area, etc., he/she shall publicly announce the name, location, size of the relevant area, and other matters prescribed by Joint Ordinance.

(6) Matters necessary for the designation of wetland protection areas, etc. shall be prescribed by Presidential Decree.

#### **Article 9 (Implementation of Convention)**

(1) Where the Government intends to notify the Convention Secretariat of wetlands to be included in the List of Wetlands of International Importance to implement the Convention, the Minister of Environment and the Minister of Oceans and Fisheries shall determine wetlands subject to notification, after consultation with the head of a related central administrative agency, among the wetland protection areas or the wetlands of equivalent value though not designated as wetland protection area.

(2) Where the Government withdraws the inclusion of a wetland notified under paragraph (1) in the List of Wetlands of International Importance or reduces the size thereof, it shall endeavor to prepare wetland

conservation measures corresponding thereto.

(3) The Government shall faithfully implement the matters provided for in the Convention, such as the conservation and management of wetlands included in the List of Wetlands of International Importance and collaborative research and exchange of data with other parties to the Convention.

#### **Article 10 (Cancellation or Modification of Designation of Wetland Protection Areas, etc.)**

(1) The Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor may cancel designation or reduce the size of an area of a wetland protection area, etc., that is essential for the public interest or military purpose prescribed by Presidential Decree or that has lost value or has become unnecessary to conserve as the wetland protection area, etc. because of a natural disaster or other cause.

(2) Article 8 (3) through (6) shall apply mutatis mutandis to the cancellation of designation or the modification of a wetland protection area, etc. under paragraph (1).

#### **Article 11 (Formulation and Implementation of Conservation Plans)**

(1) The Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor shall formulate and implement a plan for the conservation of a wetland protection area, etc. (hereinafter referred to as “conservation plan”) after consulting with the head of a related administrative agency.

(2) A conservation plan shall include the following:

1. Basic matters concerning wetland conservation;
2. Matters concerning the installation of facilities for wetland conservation and utilization under Article 12;
3. Matters concerning the conservation, utilization, and management of wetlands.

(3) Matters necessary for the method, procedures, etc. for formulating conservation plans shall be prescribed by Presidential Decree.

#### **Article 11-2 (Compliance with Wetland Conservation Plans, etc.)**

Where the head of a related administrative agency intends to take action concerning the conservation, utilization, management, etc. of wetlands in a wetland protection area, etc., he/she shall comply with the master plan and the conservation plan.

#### **Article 12 (Facilities for Wetland Conservation and Utilization)**

(1) Notwithstanding Article 13 (1), the Minister of Environment, the Minister of Oceans and Fisheries, the head of a related central administrative agency, or the head of a local government may install and operate the following facilities for wetland conservation and utilization (hereinafter referred to as “facilities for wetland conservation and utilization”):

1. Wetland protection facilities;
2. Wetland research facilities;
3. Facilities that do not hinder wetland conservation; such as wooden bridges, facilities for education and publicity, and facilities for information and management;
4. Other facilities for wetland conservation, which are prescribed by Presidential Decree.

(2) When the head of a local government intends to install and operate facilities for wetland conservation and utilization in a wetland protection area, etc. designated by the Minister of Environment or the Minister of Oceans and Fisheries under Article 8, he/she shall first obtain approval from the Minister of Environment or the Minister of Oceans and Fisheries, as prescribed by Joint Ordinance: Provided, That the same shall not apply where he/she installs any of the facilities listed under paragraph (1) according to a business plan under any other Act and subordinate statute.

(3) Matters necessary for the installation, utilization, operation, management, etc. of the facilities listed under paragraph (1) shall be prescribed by Presidential Decree.

### **Article 13 (Restrictions on Activities)**

(1) No person shall engage in any of the following activities in any wetland protection area under Article 8 (1) (hereinafter referred to as “wetland protection area”): Provided, That when it becomes necessary to maintain and manage agricultural infrastructure defined in subparagraph 6 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act, when an activity falling under any of subparagraphs 1 through 3 is performed to use the relevant infrastructure for agricultural purposes, when an activity falling under subparagraph 2 or 3 is performed to take emergency measures under Article 37 of the Framework Act on the Management of Disasters and Safety, or when it is prescribed by Presidential Decree within the minimum extent necessary for military purposes, such as military mobilization and operations, the same shall not apply:

1. New construction and extension of a building or other artificial structure (limited to where the total floor area of the building or artificial structure becomes at least two times the existing total floor area due to such extension), or a change in the form and quality of land;
2. Bringing about an increase or decrease in the level or volume of water in the wetlands;
3. Gathering earth, sand, pebbles, stones, etc.;
4. Extraction of minerals;
5. Artificial introduction, cultivation, capturing, or gathering (excluding cultivation, capturing, or gathering that has been going on by a local resident longer than a period prescribed by Joint Ordinance with the object of a means of living, leisure activity, etc.) of an animal or plant.

(2) No person shall release, plant, or grow any organism disturbing the ecosystem defined in subparagraph 8 of Article 2 of the Conservation and Use of Biodiversity Act or any organism disturbing the marine ecosystem defined in subparagraph 12 of Article 2 of the Conservation and Management of Marine Ecosystems Act in a wetland management area or wetland improvement area under Article 8.

(3) A person who intends to perform a land reclamation project, public waters reclamation project, or engage in any other activity that may harm wetlands, the scale of which is equal to or greater than the one specified, in a wetland management area under Article 8 (1) shall obtain approval from the Minister of Environment, the Minister of Oceans and Fisheries, or the competent Mayor/Do Governor, and where the head of a related central administrative agency intends to perform that activity, he/she shall consult with the Minister of Environment, the Minister of Oceans and Fisheries, or the competent Mayor/Do Governor.

(4) The scale of activities and projects subject to approval or consultation under paragraph (3), and other necessary matters, shall be prescribed by Presidential Decree.

(5) In any of the following cases, if approval from the Minister of Environment, the Minister of Oceans and Fisheries, or the competent Mayor/Do Governor has been obtained (or, for the head of a related central administrative agency, if consultation with the Minister of Environment, the Minister of Oceans and Fisheries, or the competent Mayor/Do Governor has been made), paragraphs (1) and (2) shall not apply:

1. Where it is necessary for any action, rescue, etc. for the prevention of or restoration from a natural disaster defined in subparagraph 2 of Article 2 of the Countermeasures against Natural Disasters Act;
2. Where it is necessary to conserve a wetland protection area, etc. or to engage in farming, forestry, or fisheries in a wetland protection area, etc.;
3. Where it is inevitable for the public interest as prescribed by Presidential Decree.

(6) Matters necessary for the procedures and requirements for approval or consultation under paragraph (5) shall be prescribed by Presidential Decree.

#### **Article 14 (Order for Suspension, etc.)**

(1) The Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor may order a person who violates Article 13 (1) in a wetland protection area to suspend such violation, to reinstate it within a period of up to six months prescribed by Presidential Decree in consideration of the substance and gravity of such violation, or to take a measure corresponding thereto where it is impractical to reinstate it.

(2) Where a person who has been imposed an order for reinstatement under paragraph (1) is unable to comply with the order due to a natural disaster or other force majeure circumstances, the Minister of Environment, the Minister of Oceans and Fisheries, or the Mayor/Do Governor may extend the period for reinstatement by up to six months upon the person's request.

#### **Article 15 (Access Restrictions)**

(1) Where deemed especially necessary for the protection and management of a wetland protection area or wetland improvement area, the Minister of Environment, the Minister of Oceans and Fisheries, or the competent Mayor/Do Governor may impose a restriction or ban on access to all or part of the relevant area for a specified period: Provided, That in any of the following cases, the same shall not apply:

1. Where a relevant local resident enters the area to make a living, such as engaging in farming, forestry, and fisheries for daily work;
2. Where a person enters the area to perform a wetland conservation project;
3. Where a person enters the area for a military purpose;
4. Where a person enters the area to take a measure necessary for any action, rescue, etc. for prevention and emergency measures against or restoration from a natural disaster defined in subparagraph 2 of Article 2 of the Countermeasures against Natural Disasters Act;

5. Where a person enters the area to engage in an activity that does not hinder the conservation and management of the wetland protection area, which is prescribed by Presidential Decree.

(2) Where the Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor intends to impose a restriction or ban on access under paragraph (1), he/she shall give prior public notice of the location and size of the relevant area, the period of restriction or ban, and other matters prescribed by Joint Ordinance.

(3) Where the Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor deems that the reason for a restriction or ban imposed on access has ceased to exist, he/she shall lift that restriction or ban without delay and give public notice thereof.

#### **Article 16 (Relationship with other Acts)**

(1) Except in cases prescribed by Presidential Decree, substantially necessary for the public interest or military purposes for the wetlands designated as a wetland protection area or wetland improvement area, the formulation of the basic plan for reclamation of public waters under Article 22 of the Public Waters Management and Reclamation Act, an amendment to the basic plan for reclamation of public waters under Article 27 of the same Act, a reclamation license of public waters under Article 28 of the same Act, or permission for aggregate extraction under Article 22 of the Aggregate Extraction Act shall not be made or granted.

(2) In designating an area, district, etc. relating to the conservation and utilization of wetlands, the head of the related administrative agency shall consult with the Minister of Environment or the Minister of Oceans and Fisheries: Provided, That where another Act expressly prescribes procedures for consultation, those procedures shall prevail.

#### **Article 17 (Management of Damaged Wetlands)**

(1) Where the State, a local government, or a business operator damages wetlands of a size equivalent to or larger than the ratio prescribed by Presidential Decree in a wetland protection area or wetland improvement area under Article 16, the Government shall ensure that the wetlands of a size equivalent to the ratio prescribed by Joint Ordinance in the wetland protection area or wetland improvement area are preserved.

(2) The Government shall undertake monitoring of ecological changes in the wetlands preserved under paragraph (1) for a period prescribed by Joint Ordinance and then endeavor to optimize the outcomes thereof for the conservation of ecosystems surrounding the damaged area.

#### **Article 18 (Encouragement of Creation and Management of Artificial Wetlands)**

The Minister of Environment and the Minister of Oceans and Fisheries shall encourage the head of a related central administrative agency or the head of a local government to create artificial wetlands and shall have him/her maintain and conserve the wetlands created naturally following tidal movements, sand dunes, etc. surrounding damaged wetlands as far as possible, in order to enhance the conservation of ecosystems and improve the environment of wetlands.

#### **Article 18-2 (Charges)**

(1) The Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu may collect charges from the users of a wetland protection area, etc. (limited to an area designated by the Minister of Oceans and Fisheries or a Mayor/Do Governor under Article 8): Provided, That as for a wetland protection area, etc. in a park area designated under the Natural Parks Act, the collection of charges shall be as prescribed by the Natural Parks Act.

(2) The Minister of Environment, the Minister of Oceans and Fisheries, the head of a related central administrative agency, or the head of a local government may collect charges from the users of facilities for wetland conservation and utilization: Provided, That as for facilities for wetland conservation and utilization in a park area designated under the Natural Parks Act, the collection of charges shall be as prescribed by the Natural Parks Act.

(3) Where the Minister of Environment has delegated the authority to collect charges under paragraph (1) to a Mayor/Do Governor or the head of a Si/Gun/Gu under Article 21 (1), the charges shall become the revenue of the City/Do or Si/Gun/Gu that collects them.

(4) Matters necessary for the amount and collection procedures of, and exemptions from, charges under the main sentences of paragraphs (1) and (2), shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 19 (Rewards)**

The Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu (limited to an area designated by the Minister of Oceans and Fisheries or a Mayor/Do Governor under Article 8) may pay a reward to any person who has reported, or has made a complaint against, a violator of Article 13 (1) or (2) to a related administrative agency or investigative agency, as prescribed by Presidential Decree.

#### **Article 20 (Compensation for Losses)**

(1) The State or a City/Do shall compensate a person for his/her loss incurred due to a wetland investigation, as prescribed by Presidential Decree.

(2) Any person who intends to receive compensation under paragraph (1) shall file a request with the Minister of Environment, the Minister of Oceans and Fisheries, or the competent Mayor/Do Governor.

(3) Upon receipt of a request under paragraph (2), the Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor shall determine the amount, etc. of compensation in consultation with the requester and notify the requester thereof.

(4) When no agreement is reached under paragraph (3), the Minister of Environment, the Minister of Oceans and Fisheries, the competent Mayor/Do Governor, or the requester may file an application with the competent Land Tribunal for adjudication.

#### **Article 20-2 (Purchase of Land, etc.)**

(1) Where the owner of land, a building, or other thing or a mining right, fishing right, or other right (hereafter in this Article, referred to as "land, etc.") in an area, etc. necessary to conserve the ecosystem of a wetland protection area, etc. intends to sell the land, etc., the Minister of Environment or the Minister of

Oceans and Fisheries may purchase such land, etc.

(2) Where deemed especially necessary for the purchase of a mining right under paragraph (1), the Minister of Environment or the Minister of Oceans and Fisheries may divide and purchase the mining right after consultation with the Minister of Trade, Industry and Energy, notwithstanding the Mining Industry Act.

(3) The purchase price at which the Minister of Environment or the Minister of Oceans and Fisheries purchases land, etc. under paragraph (1) shall be that calculated as prescribed by the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects.

(4) Matters necessary for the procedures, etc. for purchase of land, etc. under paragraphs (1) through (3) shall be prescribed by Presidential Decree.

#### **Article 21 (Delegation and Entrustment of Authority)**

(1) The Minister of Environment or the Minister of Oceans and Fisheries may partially delegate the authority bestowed under this Act to the head of an agency affiliated with the Ministry of Environment or with the Ministry of Oceans and Fisheries, a Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

(2) The Minister of Environment or the Minister of Oceans and Fisheries may partially entrust the authority or administrative affairs bestowed under this Act to the head of a related central administrative agency or to a related specialized institution, as prescribed by Presidential Decree.

#### **Article 22 (Reporting, Investigations, etc.)**

(1) The Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor may require the operator of the project that conserves or manages wetlands or the person who damages wetlands to make necessary reports or direct him/her to submit materials on occupation, transaction, use, damage, etc. of wetlands, and may assign a public official under his/her control to make an investigation thereinto.

(2) Any public official who engages in the investigation under paragraph (1) shall produce a certificate evidencing the authority to interested parties.

(3) Matters necessary for reporting, investigations, certificates, etc. under paragraphs (1) and (2), shall be prescribed by Joint Ordinance.

#### **Article 22-2 (Subsidies from National Treasury)**

The State may fully or partially subsidize expenses incurred by a local government or any other organization to perform a project for wetland conservation, such as the installation of facilities for wetland conservation and utilization, within budgetary limits.

#### **Article 22-3 (Honorary Wetland Ecosystem Guides)**

(1) Where deemed necessary to engage in wetland protection activities, etc., the Minister of Environment, the Minister of Oceans and Fisheries, or the head of a local government may commission a honorary wetland ecosystem guide.

(2) Any honorary wetland ecosystem guide shall be issued a certificate with which his/her identity can be verified, as prescribed by Joint Ordinance.

(3) Matters necessary for the method of commissioning, scope of activity, etc. of honorary wetland ecosystem guides shall be prescribed by Presidential Decree.

#### **Article 23 (Penal Provisions)**

Any person who reclaims any wetland designated and announced as a wetland protection area without obtaining a license under the Public Waters Management and Reclamation Act shall be punished by imprisonment for not exceeding three years or by a fine not exceeding 20 million won.

#### **Article 24 (Penal Provisions)**

Any of the following persons shall be punished by imprisonment for not exceeding two years or by a fine not exceeding ten million won:

1. A person who violates Article 13 (1) or (2) (excluding any person who falls under Article 23);
2. A person who performs a land reclamation project or public waters reclamation project or inflicts damage on a wetland without obtaining approval under Article 13 (3);
3. A person who violates an order for suspension, reinstatement, or taking measures under Article 14 (1).

**Article 25 Deleted.** <by Act No. 8958, Mar. 21, 2008>

#### **Article 26 (Joint Penal Provisions)**

If the representative of a legal entity, or an agent, employee, or other servant of a legal entity or individual, commits a violation of Article 23 or 24 in relation to the duties of the legal entity or individual, not only shall such violator be punished, but the legal entity or individual also shall be sentenced to a fine prescribed in the relevant Article: Provided, That this shall not apply where the legal entity or individual has not been negligent in giving due attention and supervision concerning the relevant duties, to prevent such violation.

#### **Article 27 (Fines for Negligence)**

(1) Any of the following persons shall be subject to a fine for negligence not exceeding two million won:

1. A person who refuses, obstructs, or evades an investigation without a justifiable ground, in violation of Article 7 (4);
2. A person who enters an area where access is restricted or banned, in violation of Article 15;
3. A person who makes a false report or submits false materials, in violation of Article 22 (1).

(2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister of Environment, the Minister of Oceans and Fisheries, or a Mayor/Do Governor, as prescribed by Presidential Decree.

### ADDENDA

#### **Article 1 (Enforcement Date)**

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

#### **Article 2 (Transitional Measures concerning Wetlands in Ecosystem Conservation Area)**

(1) The Nakdong River estuary ecosystem conservation area, the Daeam Mountain ecosystem conservation area, the Upo Marsh ecosystem conservation area, and the Mujechi Marsh ecosystem conservation area from among the ecosystem conservation areas designated under the Natural Environment Conservation Act at the time this Act enters into force shall be deemed to have been designated and announced as wetlands protection areas pursuant to this Act.

(2) Permissions, dispositions and acts by administrative agencies, and all kinds of requests, reports and acts in relation to administrative agencies on the conservation of wetlands under the Natural Environment Conservation Act before this Act enters into force over the area deemed to have been designated and announced as wetlands protection areas under paragraph (1) shall be deemed as the acts by administrative agencies or acts in relation to administrative agencies under this Act corresponding thereto.

#### **Article 3 (Transitional Measures concerning Area Licensed, etc. to Reclaim)**

The provisions of Article 8 shall not apply to the area for which a license of reclamation or permission for aggregate extraction has been obtained under the Public Waters Reclamation Act or the Aggregate Extraction Act, or such license or permission is deemed to have been obtained under other Acts at the time this Act enters into force.

#### **Article 4 (Transitional Measures concerning Existing Licensed Fishery, etc.)**

The provisions of Articles 13 and 15 shall not apply to those who have obtained a license, permission, etc., or have reported on business falling under any of the following subparagraphs at the time this Act enters into force:

1. Licensed fishery business, permitted fishery business, fisheries for experiment or training, and reported fishery business under Articles 8, 41, 42 and 44 of the Fisheries Act;
2. Licensed fishery business, permitted fishery business, and reported fishery business under Articles 7 through 9 of the Inland Water Fisheries Development Promotion Act;
3. Salt production business under Article 3 (1) of the Salt Management Act.

#### *ADDENDUM <Act No. 6825, Dec. 26, 2002>*

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 13 (6), 18-2, 20-2 and 22-3 shall enter into force six months after the date of its promulgation.

#### *ADDENDA <Act No. 7167, Feb. 9, 2004>*

#### **Article 1 (Enforcement Date)**

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

#### **Articles 2 through 30 Omitted.**

ADDENDUM <Act No. 7461, Mar. 31, 2005>

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

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 11 Omitted.**

ADDENDUM <Act No. 8291, Jan. 26, 2007>

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

ADDENDA <Act No. 8351, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 15 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 8958, Mar. 21, 2008>

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

ADDENDA <Act No. 10272, Apr. 15, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 14 Omitted.**

ADDENDA <Act No. 10977, Jul. 28, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 11 Omitted.**

ADDENDA <Act No. 11257, Feb. 1, 2012>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 11910, Jul. 16, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 (Transitional Measures concerning Order of Restoration to Original State)**

Any person who has been imposed an order of restoration pursuant to the previous provisions at the time this Act enters into force shall be construed as a person who has been imposed an order of restoration pursuant to the amended provisions of Article 14 (1).

ADDENDA <Act No. 12525, Mar. 24, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 18-2 (1) and 19 shall enter into force six months after the date of its promulgation.

**Article 2 (Transitional Measures following Devolution, etc. of Authority)**

As at the time the amended provisions of Articles 18-2 (1) and 19 enter into force, any act done by or toward a Mayor/Do Governor in relation to any of the following subparagraphs under the former provisions shall be deemed an act done by or toward the head of a Si/Gun/Gu under the said amended provisions:

1. Collection of charges from the users of a wetland protection area, etc. under Article 18-2 (1);
2. Payment of rewards under Article 19.